

**NEVADA STATE PUBLIC CHARTER SCHOOL AUTHORITY**

**January 4, 2016**

Nevada Department of Education  
700 East Fifth Street  
Board Room  
Carson City, Nevada

And

Nevada Department of Education  
9890 South Maryland Parkway  
Board Room  
Las Vegas, Nevada

**MINUTES OF THE MEETING**

**BOARD MEMBERS PRESENT:**

**In Las Vegas:**

Kathleen Conaboy  
Robert McCord  
Adam Johnson  
Elissa Wahl  
Marc Abelman  
Nora Luna  
Melissa Mackedon

**In Carson City:**

**BOARD MEMBERS ABSENT**

**AUTHORITY STAFF PRESENT:**

**In Las Vegas:**

Patrick Gavin, Director, State Public Charter School Authority  
Joan Jurgensen, Education Program Professional, State Public Charter School Authority  
Nya Berry, Education Programs Professional, State Public Charter School Authority  
Traci House, Business Process Analyst, State Public Charter School Authority

**In Carson City:**

Angela Blair, Education Program Professional, State Public Charter School Authority  
Kathy Robson, Education Program Professional, State Public Charter School Authority

Katie Higday, Management Analyst, State Public Charter School Authority  
Danny Peltier, Administrative Assistant, State Public Charter School Authority

**LEGAL STAFF PRESENT:**

**In Las Vegas:**

Greg Ott, Deputy Attorney General

**AUDIENCE IN ATTENDANCE:**

**In Las Vegas:**

Attendance Sheet Attached

**In Carson City:**

Attendance Sheet Attached

**CALL TO ORDER; ROLL CALL; PLEDGE OF ALLEGIANCE; APPROVAL OF AGENDA**

Chair Johnson called the meeting to order at 10:00am with attendance as reflected above.

**Member McCord asked for a motion for a flexible agenda. Chair Johnson agreed and called for a motion for a flexible agenda. Member Abelman seconded. There was no further discussion. The motion carried unanimously.**

**Agenda Item 1 – Public Comment**

**None**

**Agenda Item 3 – Director’s Report**

Director Gavin introduced Duffy Chagoya to the SPCSA staff as the accountant. He also informed the board that Katie Higday had been promoted to a Management Analyst II, replacing Allyson Kellogg, and Danny Peltier had been promoted to Management Analyst I. He said there were three positions staff was still in the process filling which were an Accounting Assistant III, Deputy Director and Administrative Assistant III.

**Agenda Item 4 - Public Hearing to make a determination regarding whether to revoke the written charter of Silver State Charter School. Pursuant to the October 26 action from the Board and Staff’s October 26 letter to Silver State Charter School and the hearing December 4 2015, the Board will consider whether the deficiencies included in the Notice of Closure have been corrected to the satisfaction of the Board. If the deficiencies have not been corrected, the Board will also consider revocation of the written charter.**

Chair Johnson asked that members of the public wishing to speak on agenda item 4 present their testimony.

Kendall and Gale Carothers spoke in support of keeping Silver State Charter School (SSCS) open beyond the 2015-2016 school year. They spoke about the success their family had while being involved and enrolled in SSCS.

Richard Stokes, Superintendent of Carson City School District, spoke in neutrality to the revocation of SSCS’s charter. He informed the board that in the event there was a change in the status of SSCS’s charter, there would be other options that Carson City school district would be able to offer those students including online and alternative education.

Deputy Attorney General Greg Ott gave an overview of the proceedings. Mr. Ott said this was a continuation of the December 4, 2015 SPCSA hearing to consider the deficiencies included in the Notice of Closure had been corrected by the school. The Notice of Closure had given the school until November 27, 2015 to respond, and correct, the items addressed in the closure notice. If the deficiencies had not been corrected, the Board would also consider revocation of the written charter in accordance with NRS 386.535. Mr. Ott said at the last meeting on December 4, 2015 the Authority heard testimony from members of the public and SSCS regarding the Notice of Closure. Since the document was voluminous, and SSCS had requested additional time to submit evidence the hearing was postponed to allow for Authority members to have a full review of the submitted documents which were made due on December 10, 2015. Mr. Ott said that since the deadline for documents to be submitted in response to the Notice of Closure had passed and oral testimony had been given at the December 4, 2015 meeting, there may not be the need to provide additional testimony relating to the submitted documents.

Mr. Ott then invited SSCS representatives to testify and see if they had additional questions. Christina Saenz said she did not have additional testimony but did confirm that the school had submitted all needed documentation in response to the Notice of Closure. Mr. Gavin said the SPCSA staff would not have additional testimony and would only be asking clarifying questions. Mr. Ott said that since additional questions would be asked, which may lead to additional evidence, the representatives of SSCS would need to be sworn in under oath. Chair Johnson then swore in the representatives of SSCS under oath.

Director Gavin asked SSCS about the agreement that had been provided between the school and Bank of America and asked for the date of the meeting in which the resolution was voted on. Ms. Saenz said the school attempted to have the Bank of America Account closed on November 27, 2015, but the bank said that it would require a resolution passed by the school's governing board. Due to Open Meeting Law requirements the school was unable to pass the resolution until December 3, 2015. Mr. Gavin said the school had not provided the resolution or the minutes in which the resolution was passed. Ms. Saenz said she thought they had been submitted into Epicenter. She said she did not know the documents were not in Epicenter and assured the Authority they would be uploaded as soon as possible. Mr. Gavin asked what the amount paid to close out the account was. Ms. Saenz said the amount was \$22,500. Ryan Russell, attorney representing SSCS, added the school had been given guidance by the State Board of Education that they were permitted to enter into the derivatives swap account and objected to the SPCSA's staff accusation that the account was illegally entered. Mr. Gavin asked Ms. Saenz if the school was in possession of documentation that stated the school could enter into said account from the State Board of Education or the Nevada Department of Education staff. Ms. Saenz the school was in possession of some documentation at the school site, but it was not submitted by the school in response to the Notice of Closure because the school felt the Authority would be in possession of the documentation because the school was sponsored by the SPCSA.

Director Gavin asked about the information the school had provided regarding their three new board members. Ms. Saenz said the information was provided to show the Authority that they were compliant as a board. Director Gavin asked Ms. Saenz to identify the three new members and what their roles were in serving on the SSCS governing board. Ms. Saenz identified Sara Choat, teacher at SSCS, Casey Popovich, business member and Barbara Cousins was on the board but resigned due to a conflict of interest with another job she had taken. Director Gavin asked Ms. Saenz if she had read the affidavit of service provided by Ms. Choat. Ms. Saenz said she had not read the document. Director Gavin then read from the affidavit, which asked if the prospective board member had any relationship with other members of the SSCS staff or governing board. Ms. Choat said that her mother was the director of Special Education at SSCS. Director Gavin asked Ms., Saenz if she was aware of the prohibition in statute that prevented governing board members to have familial relationships with staff members of the school unless approved by the Authority. Mr. Russell objected to the line of questioning, which he felt was outside of the agenda items for the hearing. Mr. Gavin disagreed with the objections stating the question pertained to the school's ability to remedy the deficiencies that were listed in the Notice of Closure, specifically, the composition of the board. Mr. Russell said that was not an agenda item and the only item that had direct correlation with the agenda was the fiscal management of the school. Chairman Johnson agreed with Mr., Russell that the two items would be the fiscal management of the school. Director Gavin disagreed with the interpretation by Chair Johnson stating the governing board composition fell within the purview of the statutory requirements the school needed to address and comply with.

Chair Johnson called for a five minute recess at 10:31am. The meeting came to order at 10:38 am.

Chair Johnson said he still agreed with Mr. Russell's interpretation of the board composition and its inadmissibility to the testimony regarding the financial mismanagement of the school. Mr. Ott asked that SSCS clarify that the board member affidavits that were submitted were not part of the response to the Notice of Closure. Ms. Saenz said she could confirm that notion and added Ms. Choat would step down from the governing board if that was deemed necessary.

Member Conaboy asked if the board was not responsible for the fiscal management of the board considering the exclusion of the board resumes as evidence, who then would be considered responsible? Mr. Ott said with regard to the evidence, the school would have needed to identify the board resume submission as a curative measure that was taken in response to the Notice of Closure, which SSCS said they did not do. Mr. Russell added that the board is obviously the responsible party with regard to fiscal management of the school, however, the item at this hearing was whether those board changes were made in response to the Notice of Closure as a curative measure, which the school had not done.

Member Wahl asked how the Authority was supposed to make a determination of the quality of the school's leadership if it wasn't allowed to consider the prospective board members the school had submitted. Mr. Russell responded by saying the forensic audit discussed at length about a concern of a former board member's relationship with school staff, but since that was not included in the Notice of Closure it should not be materially considered during the current hearing. Member Wahl asked Mr. Russell if he was suggesting the Authority should not use evidence that had been submitted by the school in their uploaded documents. Mr. Russell said that he was not suggesting that to the board, but rather to consider the school's steps to cure the issue of alleged fiscal mismanagement.

Member McCord referred to the school's governing bylaws that stated the school's fiscal management was to be overseen by the governing board and asked the representatives to address what in the curative measures they had submitted would give confidence to the Authority that the board would have the capacity to oversee these matters in the future. Mr. Russell said that in advance of the forensic audit, the school had a clean financial record in the previous years of operation. Since the forensic audit, the school had engaged with a CPA to assist with financial decisions and adopted more stringent financial controls to ensure this would not happen again, including closing the derivatives account listed in the Notice of Closure. Ms. Saenz added that she has directed the board to become more educated in school financing, which she has experience in, and hopes that education would help members make better informed decisions regarding financial matters. Member McCord said that he was still bothered by the history of problems that the forensic audit had identified and was still concerned about the governing board's capacity to handle these situations better in the future.

Member Wahl asked if the minutes that were written during the SSCS board meeting where the derivatives account was closed were finalized yet. Ms. Saenz said they had just been finalized and would be submitted soon.

Director Gavin asked if the school had entered into a contract with the CPA. Ms. Saenz said the school had not contracted with a CPA, but directed the Executive Director of the school to engage in work with a CPA. Director Gavin asked when SSCS had adopted the new financial controls. Ms. Saenz said the school had adopted the draft financial controls on November 16 because certain words needed to be changed in the draft prior to adopting the final draft. Director Gavin asked Ms. Saenz to show him where on the November 16 board agenda the adoption of the draft financial controls was listed. Ms. Saenz said the school went through the draft financial controls and then voted to approve. Director Gavin noted the draft minutes that were submitted to the Authority regarding that meeting did not include any mention of

an adoption of draft financial controls. Ms. Saenz said those minutes were incorrect and had since been updated, but had not submitted to the Authority.

Director Gavin asked about a December 8<sup>th</sup> email that referenced Dr. Kotler's work with Cheryl Miller Mintz. Ms. Saenz said Ms. Miller Mintz was a book keeper who worked for numerous charter schools in Nevada. Director Gavin read from the referenced email which noted Dr. Kotler had agreed to \$50 an hour work for the school. Director Gavin asked Ms. Saenz if the board had directed Dr. Kotler to enter into the agreement prior to December 8<sup>th</sup>. Ms. Saenz said that was correct.

Member Wahl asked if the December 10<sup>th</sup> submission deadline was for new documents or only for documents that were extended from the November 27<sup>th</sup> deadline. Mr. Ott said his recollection was the December 10<sup>th</sup> deadline was an extension for the school to submit documents for curative evidence, but not an extension of the November 27<sup>th</sup> curative deadline. Member Conaboy asked Ms. Saenz about the draft November 16<sup>th</sup> minutes and the lengthy discussion regarding the adoption of the draft financial controls and why there was no mention, not even in passing, regarding that discussion or the adoption. Ms. Saenz said the November 16<sup>th</sup> minutes were riddled with errors because a staff member did the minutes without the recording and had since been corrected. The minutes were not submitted yet because the school entered winter break. Member Conaboy asked about a letter dated November 26<sup>th</sup> which stated the school had entered into a contract with Casey Neilon accounting firm, which Ms. Saenz previously said had not been entered into. Ms. Saenz said Dr. Kotler had decided to enter into an agreement with Casey Neilon and the board decided to contract with Ms. Miller Mintz as well. Member Conaboy said she did not see any reference of these agreements in the draft November 16<sup>th</sup> minutes. Ms. Saenz said those minutes were incorrect and since been changed. Member Conaboy said she wanted to understand the discussion the school had regarding the various accounting firms and how the school's board came to their discussions. Ms. Saenz said the minutes were completely incorrect since they were not done using a recording of the meeting, but had seen been changed to reflect the discussion the SSCS board had regarding that item.

Chair Johnson asked for additional questions from either the Authority board of representatives of SSCS, which there none. Chair Johnson moved to closing arguments and allowed SSCS to go first.

Ms. Saenz said SSCS had submitted sufficient evidence showing they had taken necessary curative steps in response to the Notice of Closure. Specifically, the resignation of the former board president and executive director of business services, SSCS had implanted more stringent financial controls based on the findings of the forensic audit, engaged with CPA firms with charter school knowledge, formed a budget subcommittee, closed the derivatives account, and asked that the school be considered under the alternative framework due to the high at-risk population it currently serves. She said she believed the school had taken all necessary steps in response to the Notice of Closure, which meant the school should be given the opportunity to continue operations.

Chair Johnson then asked for Director Gavin to give the SPCSA staff's closing argument. Director Gavin said the facts presented were not in dispute. He said the school did not meet the deadlines to cure the items listed in the Notice of Closure and the evidence the school supplied confirmed that fact. He said the school had argued that it had submitted incorrect information and wanted the Authority to consider oral arguments stating the incorrect submissions had been corrected including the draft November 16<sup>th</sup> meeting minutes. Director Gavin said there were many inconsistencies in the response to the Notice of Closure most tellingly the incorrect draft minutes. He said it defies understanding that a school who was up for a revocation hearing would submit such inconsistent documentation and had not carefully considered all the documents it was asked to submit. He said it led to questions of the school's leadership

and the capacity of that leadership to ensure the successful management of the school. He said the school did not close the derivatives account until after the deadline. He said the Authority asked the school to make significant changes to cure the deficiencies listed in the Notice of Closure, which the school missed the deadline for. With regard to the accounting firm, Director Gavin said the evidence that was submitted by SSCS does not support the argument of SSCS. He said one of the cures, the CPA, was engaged well after the deadline. The school did not submit any evidence the school had actually entered into a contract with Casey Neilons. Director Gavin said the internal controls adoption absent of the CPA adoption, after the deadline, absent of the derivatives account closure after the deadline showed the school did not cure the deficiencies listed in the Notice of Closure. Director Gavin said due to these facts he was recommending closure of SSCS.

Member Luna asked what led to the school's decision to reduce the workforce including two teachers. Mr. Russell said the Reduction in Force was reversed and there were currently no teachers who had been reduced in force.

Member Conaboy asked about Appendix K in response to forensic analysis, specifically the letter from Dr. Kotler that stated the role of the SSCS board was to set policy for the school not to run the day-to-day operations, or determine its direction. Dr. Kotler said there are numerous research documents online that state the board should set the policy, but the procedures be set by the school staff. Member Conaboy said that sort of sentiment was confirmed in Appendix L where Dr. Kotler used the first person "I" in response to decisions made by SSCS. She said that use of the first person was alarming in that no one person could be responsible in turning the school around. Dr. Kotler said as Executive Director of the school much of the responsibility falls to her and that was her reason for using the first person. She said she had to draft the internal controls document due to lack of documentation she had asked to be submitted. She said the school was in a hurry to get things right and so she felt decisions needed to be made to ensure the school met the curative measures requested in the Notice of Closure.

Chair Johnson then detailed the motions he would be asking for in regard to the closure of the school. He said it would be in two parts. Motion 1 would be in regard to whether Silver State had cured the financial deficiencies identified in the Notice of Closure, then a second motion would be made after that.

**Member Wahl motioned that the SPCSA does not find that the deficiencies were cured in time. Member Abelman seconded. Mr. Ott asked if the motion was regarding the first item in the list of deficiencies, which Chair Johnson confirmed.**

**Member Wahl amended her motion that the SPCSA does not find the sufficient evidence in a timely manner that deficiency 1 was not cured. Member Abelman seconded. There was no further discussion. The motion passed unanimously 7-0.**

Chair Johnson then asked for the second motion. Member Conaboy asked for clarification on deficiency 1 and two. Chair Johnson said deficiency 1 was the schools responsibly for curing the fiscal mismanagement and the school had failed to abide by Generally Accepted accounting practices. Deficiency 2 was the audit had invested public funds in a high-risk derivative account which was a violation of NAC 387.765 and NRS 386.490-694 and NRS 386.5351A3.

**Member McCord moved that the SPCSA does not find school complied with state law regarding derivative accounts. Member Abelman seconded. There was no further discussion.**

Member McCord then withdrew the motion and asked to restate for clarification purposes. Chair John approved of the request.

Member McCord motioned that the SPCSA rejects the response of SSCS with respect to derivative contracts, which he also withdrew. Chair Johnson then asked for a motion to determine if the Authority board felt SSCS had taken curative actions with regard to deficiency 2.

**Member Wahl motioned that the SPCSA finds that SSCS had not effectively cured deficiency 2 by the SPCSA mandated deadline. Member Abelman seconded. There was no further discussion. The motion passed 6-1 with Member Luna as a nay.**

Chair Johnson said that since one or more of the deficiencies had not been cured by the mandated SPCSA deadline, the Authority would now hear the revocation of SSCS's charter. He called for a 10 minute recess.

The meeting recessed at 10:38 am and reconvened at 10:48am.

Chair Johnson asked Mr. Ott to give an overview public hearing regarding the closure of SSCS. Mr. Ott said this would be a hearing regarding the closure of the school and that a closure would not be in effect until the completion of the 2015-2016 school year. He said the hearing would mirror the previous hearing and both parties would be allowed to present evidence including that which was not included in the deficiencies.

Chair Johnson then called for public comment.

Lynn Stephenson spoke in support of SSCS and opposition to the closure of the charter school. She was a former teacher and parent of the school and understood the board did not meet the requirements requested by the SPCSA, but there would be serious consequences to closing the school She said she felt it would affect students in a negative way and hoped the Authority would consider those consequences.

There was no additional public comment in Carson City or Las Vegas.

Chair Johnson then asked for testimony from SSCS. Ms. Saenz said she understood the problems SSCS had, but felt the school was taking the steps necessary to remedy those issues. She said the school had tried to make each deadline, but was unable to due to Thanksgiving and Open Meeting Law requirements that did not allow the board to meet prior to the deadline. She said the school did everything it could to close the derivative account on time. She said the school had terminated the people who had financially mismanaged and was continuing to implement best practices to prevent mismanagement in the future.

Dr. Kotler said the deficiencies in the Notice of Closure were met and the timeline was not the issue. She said the school had 12 years of clean financial audits. She said the crux of the matter was the school served at-risk students and was not an issue of financial management. She said the school was convinced to change their at-risk designation during the 2014-2015 school year which negatively affected the school's performance rating. She said the school has been restructured and student results were improving. Students who attend the school enter well below grade level which the performance framework did not consider. She said the school was taking a hands on approach with each student to ensure they are given the necessary classes to bring them up to grade level and beyond. She said the school also partnered with WNC to help students be able to attend college. She said if the school was

closed, 350 students out to pasture and they would not be remediated and they wouldn't ever graduate high school.

Director Gavin then asked follow up questions. He asked Ms. Saenz regarding the data included in the Academic Performance framework, why the graduation rate was 0% validated by the Nevada Department of Education for 2014-15 school year. Dr. Kotler said the school should be considered under the alternative framework. Director Gavin asked Ms. Saenz when the school asked to relinquish its at-risk designation. Ms. Saenz said she did not recall when it happened and it was prior to her term. Director Gavin asked if Dr. Kotler had evidence of when that occurred. Dr. Kotler said during the 2015 summer, the school submitted the request. She said a former SSCS board member told her that a SPCSA board member told them the school did not need that designation and in order to appease the SPCSA board member the former board asked for that to be considered at hearing over that summer. Member Wahl asked what Dr. Kotler's understanding was of the benefit in being designated as an at-risk school. Dr. Kotler said her understanding was there were quantitative and qualitative benefits to the designation analysis of the school's challenges and opportunities. She said since the school had tested its students and proved the at-risk population; they should receive the benefits of that designation. Member Wahl said the state does not have an alternative performance framework and school must abide by the SPCSA's performance framework. Member Wahl said many schools had testified to the SPCSA that they served at-risk students and how they were different than SSCS. Dr. Kotler said that most students in Nevada were at-risk and the state was not dealing with it properly. She said that is why Nevada is ranked 50<sup>th</sup> nationwide with regard to the education of its students. She said the state needs to get real with the expectations and analysis of results for their schools and consider that it would be extremely difficult to recruit high-quality charter school operators.

Director Gavin then asked Dr. Kotler to clarify her statement regarding his decision to not consider the school's mission statement during a prior SPCSA board meeting. Dr. Kotler said she had a copy of the audio tape that said the SPCSA included the amendments regarding the amount of students who would attend on site at the school, but also stated that he did not feel the at-risk designation should be included on the agenda because it was not important. Director Gavin said the school's counsel recommended the school not submit the item regarding the mission statement on the agenda hence the reasoning for the exclusion of the agenda item.

Member Wahl asked about the additional documents uploaded in response to the Notice of Closure specifically the resignation letter from Edith Grub and why there was not signature or board meeting minutes referring to that resignation and if the school could confirm she would not serve on the board again. Ms. Saenz said Ms. Grub emailed the letter that was uploaded and it was noted in minutes from a prior SSCS meeting that her resignation would be affective on November 27<sup>th</sup> and that Ms. Grub had finished her relationship with SSCS.

Member Luna asked why the results were so poor with regard to the academic success of the school. Dr. Kotler said she disagreed with the 0% graduation report and the at-risk designation did not include students with special needs. She said the school had not had enough time to remediate the students and if given that time the results would show.

Director Gavin asked about the third party assessment the school was using and if that was the mechanism the school was using to determine if a student was academically behind. Dr. Kotler confirmed the use of the assessment along with the student's prior report cards. Director Gavin asked if Dr. Kotler was aware of how Nevada had defined at-risk students and if she understood the provision regarding if a student was more than two years of their cohort and how many students SSCS enrolled. Dr. Kotler said

the school had 98% of their students who were two years behind their cohort using their third party assessment. Director Gavin said that assessment was not valid in the state. Dr. Kotler said she was assured if the students were tested using the state's methods it would confirm SSCS's results.

Director Gavin noted SSCS had been open for 12 years and the results over the last 6 years showed the school was academically underperforming. Ms. Saenz noted the school was considered high-achieving prior to the change of the academic framework it was measured by. Director Gavin said he had no further questions.

Director Gavin said the organizational and academic underperformance was evident the school should cease operation upon the completion of the 2015-2016 academic year.

Chair Johnson asked if SSCS had any additional closing statements. Ms. Saenz said she had no further closing statements. Dr. Kotler said she was sad for the future of the students who attend SSCS who may be left with no degree. Mr. Russell said SSCS appreciated the time given by the SPCSA during the hearing. Director Gavin said the SPCSA had no further arguments.

Chair Johnson then called for Authority deliberation regarding the testimony of both the SPCSA staff and representatives of SSCS.

Member Wahl referenced the CREDO study that stated that a school's first year results were indicative of how they would do over the course of their charter. She then stated the school was in its 12<sup>th</sup> year and the results still were not acceptable.

There was no further deliberation and Chair Johnson called for motion to consider the revocation of SSCS's written charter agreement.

**Member Wahl motioned for the Nevada State Public Charter School Authority to revoke the written charter agreement between it and Silver State Charter School upon the completion of the 2015-2016 academic year. Member Luna seconded. There was no further discussion. The motion passed unanimously 7-0.**

#### **Agenda Item 6 - NACSA SPCSA Evaluation presentation**

Elisa Westapher and Carly Bolger spoke to the Authority regarding the NACSA Authorizer Evaluation they completed on behalf of the SPCSA. Ms. Westapher and Ms. Bolger detailed the process and findings of their report. The findings contained in the report were: The Authority has developed an application template that is focused on identifying new schools that are likely to drive improved outcomes for students. The Authority's charter school contract is comprehensive and clearly outlines the responsibilities of each party. The Authority has established strong academic, financial, and organizational performance frameworks. The Authority's board is knowledgeable and committed to implementing high- quality authorizing practices.

The new school application has been recently revised to better align with the Authority's needs but the evaluation process needs to be further developed and more consistently implemented. Key Recommendations included: Articulate process for reviewing applications including who reviews the application, the criteria for review, a capacity interview, and a consensus discussion among all evaluators. Develop, train, and, orient staff on the application review process to ensure that all reviewers are prepared to conduct a thorough review of all sections of the application. The interview panel should, when possible, include all members of the evaluation team for a particular application. Continue to engage

external reviewers to ensure that all evaluation teams have the appropriate expertise to thoroughly evaluate all sections of the application.

While the Authority has established systems for monitoring school performance, it has not implemented such systems with fidelity. Key Recommendations included: monitor schools' academic, financial, and organizational performance consistently and effectively. Implement mid-term site visits, and develop a site visit protocol and formal process for providing feedback to schools after the visit. Develop a plan for accelerating the transfer of remaining schools to the new contract and allocate additional capacity to address the backlog. Issue a guidance document, similar to the performance framework guidance document, which explains the new renewal process.

The Authority has established strong academic, financial, and organizational performance frameworks, but it is not effectively communicating with schools about their performance on these frameworks. Key Recommendations included: provide schools with an annual assessment of their academic, financial, and organizational performance; ensure schools up for renewal receive performance information in a timely manner. Develop a plan for addressing schools' concerns and confusion regarding the implementation of the academic performance framework; particularly, the opportunity for schools to meet with staff to discuss the underlying data and how this data is used to calculate their ratings. Revise the organizational performance framework so that it describes what information the Authority will review and how the Authority will verify schools' compliance with the requirements.

The Authority's reporting requirements for schools, mandated by the state and based on their status as the LEA, have the potential to erode the autonomy granted to charter schools. Key Recommendations included: Clarify and codify the Authority's LEA responsibilities and communicate this information to schools. Maintain focus on preserving school autonomies when considering new regulations or requirements. Identify ways to reduce duplicative reporting requirements from state agencies. Develop a plan for differentiated oversight as permissible by law.

The Authority needs to significantly expand its capacity in order to meet its obligations as an LEA and to ensure high quality authorizing. Key Recommendations included: Engage in a new strategic planning process as soon as possible, and ensure that the process includes diverse stakeholders such as board members, staff, and school leaders. Given the limitation on hiring new staff, clearly define and communicate roles and responsibilities to all current and future staff members. Provide management support and/or coaching to the director to enable him to fully leverage his existing staff. Implement an evaluation system for the director.

Ms. Westapher and Ms. Bolger then detailed the next steps both short and long term for the Authority and staff. Short-term steps included: Fully operationalize the application decision-making process, develop plan for expanding Authority capacity to continue to implement high-quality authorizing practices and monitor schools' academic, financial, and organizational performance consistently and effectively. Long-term steps included: engage in strategic planning process, develop annual reporting for schools' academic, financial, and operational standing, mid-term visits for charter schools and differentiated autonomy/compliance for schools based on performance.

Discussion continued between the Authority and NACSA regarding the final authorizer evaluation report, which included next steps, monetary/budgeting concerns, further evaluations in the future and how to best implement some of the recommendations contained within the report. NACSA identified the "internal battle of authorizing versus LEA functions" that continues to be a point of confusion for staff and the Authority as being one of the most pressing issues facing the SPCSA and its board. Ms. Bolger said that

as the LEA/Authorizing roles become more defined for staff it will help clarify the overall mission for SPCSA staff and members of the Authority. They said many other Authorizers do not have the same LEA responsibilities as the SPCSA has and that is something that makes authorizing schools in Nevada unique compared to many other states.

### **Agenda Item 7 - Presentation by Founder's Academy Charter School**

Timm Petersen, principal of Founders Academy, presented to the Authority. He spoke about the mission of the school and the model it has implemented since opening in 2014. He said that a Classical education is a liberal arts education. "Liberal", in this case, means "free". Classical education prepares young men and women to live in freedom and independence, and not in a servile existence. The primary art for which we are preparing is the art of living well. Job skills are a by-product and not the end of classical education. The end is a virtuous young adult who lives not with historical or cultural amnesia, but rather with a sense of who she is in the context of human history. Classically trained students will be well qualified for future studies in law, medicine, business, engineering, technology, theology or any other professional or vocational pursuit. We aim for our students to know the story of our country, and to read and write with facility. We are clear that a young graduate who is able to use her knowledge of the past to make good decisions in the present, and to plan wisely for the future will be in high demand and prepared to flourish.

Classical education requires teachers who are trained in academic disciplines (literature, history, sciences, mathematics, etc.), and not just in "education". Naturally, classical school teachers love to spend time with children, they are kindhearted, and they know how to manage a classroom. But subject matter expertise is required. Our vision is to create a faculty that is academically gifted and in full pursuit of intellectual interests, because these habits tend to positively influence students who are by nature looking for leaders to follow.

Upon completing the presentation, Mr. Petersen asked teachers currently employed at Founders to speak about the day-to-day life at Founders Academy. The Authority continued with discussion regarding Founders Academy and how it was educating the pupils enrolled there.

### **Agenda Item 4 - Consideration, discussion and possible action on the 2015-2016 SPCSA charter renewal application**

Director Gavin presented the proposed renewal application for operating charter schools.

#### Background:

Current statute does not prescribe a process, timeline, format, or contents for the renewal of written charters, thereby providing sponsors with broad discretion with regard to how they address the renewal of charter schools which were sponsored prior to the passage of AB205 during the 2013 Legislative session.

#### Recommendation:

Based on best practice from other charter authorizers nationwide, staff recommends a data-driven approach to renewal decisions which considers academic, financial, and organizational performance. Based on the limited field resources appropriated to perform authorizing work, the Authority adopted the monitoring tools, criteria, and intervention processes in the Performance Framework as its structure for implementing the annual programmatic audit required for all schools operating under written charters. Consequently, the Authority has a growing body of performance data for all SPCSA-sponsored schools based on the key performance indicators identified in the Academic Framework, the Financial Framework, and the Organizational Framework which provide a data-driven mechanism for making renewal decisions.

The attached renewal application template requires schools to focus on performance and outcomes over anecdote and sentiment. It is predicated on the values and beliefs which are foundational to charter schooling: autonomy in exchange for results. It prescribes common data elements that schools are required to report and staff is required to verify prior to making a renewal recommendation. The application also delineates the data and evidence which will be considered by the Board in making renewal decisions, separating the decision to grant a renewal from the decision to make changes to the new agreement, the charter contract, based on lessons learned during the previous term.

Chair Johnson asked Director Gavin about the process regarding amendments as opposed to renewal and if those requests would be considered at separate meetings. Director Gavin said the Authority would need to approve amendments for select items including enrollment changes, additional campuses and other items deemed material. In the case of non-material amendments, staff has the ability to approve such items without having a meeting of the Authority. He said there is proposed language that would allow the Authority to let staff approve material amendments if it so chooses, but current regulations have not been changed to allow for that provision yet. Member Conaboy asked where schools would be able to explain, and give evidence to show they had remedied academic, financial and organizational issues that may have been identified during the term of their charter. Director Gavin said they would be able to reference the corrective actions that would have been submitted in response to a Notice of Concern or Breach which would provide reviewers the evidence the school had fixed any problems. As long as the school is in good standing with the Authority entering into a renewal period that would be what was considered by SPCSA staff for the renewal recommendation.

Member McCord asked if midterm reviews would be implemented in the renewal document. Director Gavin said midterm charter reviews was not included in the renewal document due to budget constraints, but staff was working on a robust site visit protocol document where midterm reviews would be considered. Director Gavin said he recognized the lack of capacity in certain areas of the Authority and said he would continue to work with the budget office to allow for more staff and other operational structure.

**Member McCord moved for approval of the 2015-2016 Renewal Application. Member Abelman seconded. There was no further discussion. The motion passed unanimously.**

### **Agenda Item 8 – Next Authority Board Meeting**

The next Authority Board meeting was scheduled for February 26, 2016.

**Member Abelman moved for approval. Member Conaboy seconded. There was no further discussion. The motion passed unanimously.**

### **Agenda Item 9 – Public Comment**

Dr. John Hawk, NSHS, thanked the Authority for the vote of confidence during their renewal at the previous Authority meeting. He also said he was looking forward to sharing information with the Authority regarding his meetings in Tennessee and asked if it would be possible to be placed on the agenda of a future SPCSA board meeting. Dr. Hawk asked about the Charter School Programs grant and where it was in the implementation process. Dr. Hawk also praised the Authority for its choice of Director Gavin and looked forward to continuing his relationship with SPCSA staff.

Member Mackedon said she hoped the Charter Harbor Master could be placed on a future SPCSA agenda.

**Member Conaboy moved for adjournment. Member Mackedon seconded. There was no further discussion. The motion passed unanimously.**

The meeting adjourned at 4:23pm.