

## TABLE OF CONTENTS

1. Public Comment #1  
*Public Comment will be taken during this agenda item regarding any item appearing on the agenda. No action may be taken on a matter discussed under this item until the matter is included on an agenda as an item on which action may be taken. The secretary of the State Public Charter School Authority Board will impose a time limit of three minutes. Public Comment #2 will provide an opportunity for public comment on any matter within the Authority's jurisdiction, control or advisory power.*
2. Approval of the October 21, 2016, November 4, 2016 and December 12, 2016 SPCSA Action Minutes (**Page 1**)
3. Update on Applications received from Winter Application Cycle (Patrick Gavin, Executive Director, SPCSA) (**Page 72**)
4. Consideration of Mater Academy of Northern Nevada's charter application (Patrick Gavin, Executive Director, SPCSA) (**Page 78**)
5. Consideration of Athlos Academy of Reno charter application (Patrick Gavin, Executive Director, SPCSA) (**Page 99**)
6. Consideration of the expedited renewal of Oasis Academy (Patrick Gavin, Executive Director, SPCSA) (**Page 126**)
7. Consideration of expedited renewal application of Imagine Mountain View(Patrick Gavin, Executive Director, SPCSA) (**Page 128**)
8. Nevada Connections Academy: consideration and possible issuance of notice pursuant to NRS 388A.330 (e)(Patrick Gavin, Executive Director, SPCSA) (**Page 130**)
9. Discovery Charter School: consideration and possible issuance of notice pursuant to NRS 388A.330 (f)(Patrick Gavin, Executive Director, SPCSA) (**Page 133**)
10. Beacon Academy: Discussion regarding school's eligibility for notice pursuant to NRS 388A.330 (e) (Patrick Gavin, Executive Director, SPCSA) (**Page 135**)
11. Silver State Charter School: Discussion regarding school's eligibility for issuance of notice pursuant to NRS 388A.330 (f)(Patrick Gavin, Executive Director, SPCSA) (**Page 139**)
12. Update on regulation approval, Governor's recommended budget and Bill drafts for the 2017 Legislative session (Patrick Gavin, Executive Director, SPCSA) (**Page 142**)
13. Consideration and possible action of the Legacy Traditional Academy of North Las Vegas charter amendment request to add facilities. (Patrick Gavin, Executive Director, SPCSA) (**Page 144**)
14. Quest Academy and Silver State Charter School receiver update (Josh Kern, The Ten Square Group) (**Page 147**)
15. Kathleen Conaboy recognition of service to the State Public Charter School Authority board (Adam Johnson, Chair, State Public Charter School Authority)(**Page 150**)
16. Legislative Task Force (Patrick Gavin, Executive Director, State Public Charter School Authority) (**Page 151**)

**STATE PUBLIC CHARTER SCHOOL AUTHORITY**

**SUPPORTING DOCUMENT**

**S U B J E C T: Approval of the October 21,  
2016, November 4, 2016 and December 12, 2016**

**SPCSA Action Minutes**

<u>  /  /  </u>	Public Workshop
<u>  /  /  </u>	Public Hearing
<u>  /  /  </u>	Consent Agenda
<u>  /  /  </u>	Regulation Adoption
<u>  /  /  </u>	Approval
<u>  /  /  </u>	Appointments
<u>  /  x/  </u>	Information
<u>  /  x  /  </u>	Action

MEETING DATE: January 27, 2017

AGENDA ITEM: 2

NUMBER OF ENCLOSURE(S): 1

**PRESENTER(S): Patrick Gavin, Executive Director, SPCSA**

---

**FISCAL IMPACT:**

---

**BUDGET ACCOUNT (FOR PRINTING CHARGES ONLY):**

---

**LENGTH OF TIME EXPECTED FOR PRESENTATION (IN MINUTES): 5 Mins**

**SUBMITTED BY:** \_\_\_\_\_

**NEVADA STATE PUBLIC CHARTER SCHOOL AUTHORITY**

**October 21, 2016**

Legislative Building  
Room 2135  
Carson City, Nevada

And

Grant Sawyer Building  
Room 4400  
Las Vegas, Nevada

**MINUTES OF THE MEETING**

**BOARD MEMBERS PRESENT:**

**In Las Vegas:**

Adam Johnson  
Melissa Mackedon  
Jacob Snow  
Jason Guinasso  
Nora Luna  
Kathleen Conaboy

**In Carson City:**

None

**Teleconference:**

None

**BOARD MEMBERS ABSENT**

None

**AUTHORITY STAFF PRESENT:**

**In Las Vegas:**

Patrick Gavin, Director, State Public Charter School Authority  
Brian Scroggins, Deputy Director, State Public Charter School Authority  
Nya Berry, Education Program Professional, State Public Charter School Authority  
Joan Jurgensen, Education Program Professional, State Public Charter School Authority

**In Carson City:**

Tanya Osborne, Administrative Assistant III  
Katie Baldwin, Management Analyst II

**LEGAL STAFF PRESENT:**

**In Las Vegas:**

Greg Ott, Deputy Attorney General  
Robert Whitney, 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**

**Member Conaboy moved to have a flexible agenda. Member Snow seconded the motion. The motion carried unanimously.**

**Agenda Item 1 – Public Comment**

None

**Agenda Item 2 – Approval of the September 23, 2016 State Public Charter School Authority Board Meeting Action Minutes**

**Member Mackedon made a motion to approve the September 23<sup>rd</sup> board meeting minutes. Member Luna seconded the motion. The motion carried unanimously.**

**Agenda Item 3 – Approval of Consent Approval**

- A. Renewal process, Timelines, and Forms for 2016-17m including but not limited to Expedited Renewal
- B. B. Staff Approval Pursuant to Delegated Authority of Technical Amendment to Legacy Traditional Charter Contract to acquire initial facility.

Director Gavin spoke about Legacy Traditional Charter Contract.

**Member Snow made a motion to approve the consent agenda for 3A. Member Snow seconded the motion. The motion carried unanimously.**

**Member Snow made a motion to approve 3B. Member Corbett seconded the motion. The motion carried unanimously.**

**Agenda Item 9 – Quest Academy and Silver State Charter School receiver update**

Joshua Kern spoke about accountability in the charter school movement generally.

**Agenda Item 4 – Consideration and possible action regarding Beacon Academy’s amended contract reflecting the school’s desire to revise enrollment criteria and become eligible to be evaluated based on the Alternative Framework. Possible actions include acceptance of contract negotiated between Beacon Academy and State Public Charter School Authority staff, rejection of contract, or direction to renegotiate.**

Director Gavin spoke about the negotiation of the amended charter contract by September 19, 2016. Staff and the school did agree to mutually agreeable terms by that deadline.

**Member Guinasso made a motion to approve the amended contract. Member Corbett seconded the motion. The motion passed unanimously.****Agenda Item 5 – Consideration and possible action regarding the Notice of Closure issued to Beacon Academy on September 30, 2016 by State Public Charter School Authority staff at the direction of the State Public Charter School Authority Board. Possible actions include dismissal of the Notice of Closure or no action allowing the Notice of Closure to proceed as issued.**

Director Gavin spoke about the possible Notice of Closure that was talked about in the August 26, 2016 meeting.

**Member Guinasso made a motion to dismiss the Notice of the Intent to terminate the charter contract of Beacon Academy. Member Snow seconded the motion. The motion passed unanimously.****Agenda Item 7 - Consideration and possible action of the Founders Academy charter amendment request to move facilities.**

Director Gavin talked about approval to relocate its existing campus to a new facility which will be built for the school a short distance from the current campus.

**Member Corbett made a motion to accept staff’s recommendations that this relocation amendment be approved. Member Mackedon seconded the motion. The motion passed unanimously.****Agenda Item 8- Executive Director’s Report**

Director Gavin gave information on his report for the month.

**Agenda Item 10 – Consideration of Revised Infinite Campus Database Split Proposal**

Member Mackedon talked about splitting off our individual databases.

**Agenda Item 11- Update, discussion and possible action regarding the State Public Charter School Authority’s Strategic Plan**

Director Gavin talked about objectives, goals and metrics related to the strategic plan.

**Member Mackedon made a motion to approve the revised mission, core beliefs, core function and theory of action and final approval of the full strategic plan. Member Guinasso seconded the motion. The motion passed unanimously.**

**Agenda Item 12 – Public Comment**

John Hawk spoke about new members on the board, renewal and expedited renewal of our application for another six years.

**Chair Johnson adjourned the meeting at: 12:41**

**NEVADA STATE PUBLIC CHARTER SCHOOL AUTHORITY**

**November 4, 2016**

Nevada Department of Education  
Board Room  
Carson City, Nevada

And

Nevada Department of Education  
2<sup>nd</sup> Floor Board Room  
Las Vegas, Nevada

**MINUTES OF THE MEETING**

**BOARD MEMBERS PRESENT:**

**In Las Vegas:**

Adam Johnson  
Jacob Snow  
Nora Luna

**In Carson City:**

Melissa Mackedon  
Jason Guinasso  
Kathleen Conaboy

**Teleconference:**

None

**BOARD MEMBERS ABSENT**

Stavan Corbett

**AUTHORITY STAFF PRESENT:**

**In Las Vegas:**

Patrick Gavin, Director, State Public Charter School Authority  
Brian Scroggins, Deputy Director, State Public Charter School Authority  
Nya Berry, Education Program Professional, State Public Charter School Authority  
Joan Jurgensen, Education Program Professional, State Public Charter School Authority

**In Carson City:**

Patrick Gavin, Director, State Public Charter School Authority  
Tanya Osborne, Administrative Assistant III

Katie Baldwin, Management Analyst II  
Danny Peltier, Management Analyst I

**LEGAL STAFF PRESENT:**

**In Carson City:**

Greg Ott, Deputy Attorney General

**In Las Vegas**

Robert Whitney, Deputy Attorney General

**AUDIENCE IN ATTENDANCE:**

**In Las Vegas:**

Attendance Sheet Attached

**In Carson City:**

Kara Hendricks

Victoria Neer

Jim Endres

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

**Member Conaboy moved to have a flexible agenda. Member Snow seconded the motion. The motion carried unanimously.**

**Agenda Item 1 – Public Comment**

Kara Hendricks, representing Nevada Virtual Academy, spoke about changes the school would like to see for R089-16P. Her comments are attached. Victoria Neer, representing Nevada Connections Academy, spoke about changes the school would like to see in R089-16P. Her comments are attached.

**Agenda Item 2 – Public Hearing and Possible Adoption of Proposed Regulation R087-16. The proposed regulation, R087-16, amends NAC 386 to revise the deadlines for an application for a loan from the Account for Charter Schools, revises the dates on which the Authority must determine the balance of money in the Account, and requires that, to the extent permitted by law, the Authority may expend money obtained by a grant, gift, bequest, or donation which requires terms different than those established by the Authority in accordance with the terms of the grant, gift, bequest, or donation.**

Director Gavin and the Authority Board discussed the proposed regulation. SB509, codified in NRS 388A, requires the State Public Charter School Authority to adopt regulations prescribing the deadline for submission of an application for a loan from the Account for Charter Schools and allows the Authority to adopt such other regulations as it deems necessary to carry out the provisions of law related to the Account. The SPCSA held a regulation workshop on January 8, 2016 to solicit public comment on the proposed regulation. The SPCSA sent the proposed regulation to interested stakeholders and published to the SPCSA website on October 5, 2016 for further comment from the public. The SPCSA

held public comment at the November 4, 2016 Regulation hearing where interested parties were welcome to submit testimony regarding the proposed regulations.

**Member Conaboy moved for approval of R087-16P with proposed SPCSA staff changes and posted on the SPCSA website. Member Snow seconded. There was no further discussion. The motion passed unanimously.**

**Agenda Item 3 – Public Hearing and Possible Adoption of Proposed Regulation R088-16. The proposed regulation, R088-16, adds new language to Chapter 388A of NAC. It requires that a charter school sponsored by the State Public Charter School Authority use a unique identifier to identify itself and use a unique identified for any campus of a charter school. The regulation also provides that each such charter school shall maintain and report certain data to the State Public Charter School Authority both as aggregate data for the charter school as a whole and separately for each campus of the charter school in a format that allows for both the evaluation of each campus of the charter school and the charter school as a whole.**

Director Gavin and the Authority Board discussed the proposed regulation. SB509, codified in NRS 388A, permits the State Public Charter School Authority to adopt regulations establishing requirements concerning the manner in which it reports data including, without limitation, the manner in which data must be aggregated or disaggregated in any report. The SPCSA held a regulation workshop on January 8, 2016 to solicit public comment on the proposed regulation. The SPCSA sent the proposed regulation to interested stakeholders and published to the SPCSA website on October 5, 2016 for further comment from the public. The SPCSA held public comment at the November 4, 2016 Regulation hearing where interested parties were welcome to submit testimony regarding the proposed regulations.

**Member Conaboy moved for approval of R088-16P as posted on the SPCSA agenda dated September 28, 2016. Member Mackedon seconded. There was no further discussion. The motion passed unanimously.**

**Agenda Item 4 – Public Hearing and Possible Adoption of Proposed Regulation R089-16. The proposed regulation, R089-16, creates a new section of NAC 388A. It establishes the contents and process for the submission of an application to form a charter school to the State Public Charter School Authority; establishes the contents and process for the submission of a request to amend a written charter, or charter contract, as applicable, to the State Public Charter School Authority; establishes the contents and process for the submission of a request to renew a charter contract, as applicable, to the State Public Charter School Authority; and establishes provisions relating to the investigation and evaluation of such applications and requests by the State Public Charter School Authority.**

Director Gavin and the Authority Board discussed the proposed regulation. SB509, codified in NRS 388A, requires the State Public Charter School Authority to adopt regulations prescribing the contents and process for submission to the State Public Charter School Authority of applications to form a charter school, to amend a written charter or charter contract, or to renew a charter contract; and the procedure for the investigation of and criteria to evaluate such applications. SB509 also authorizes the State Public Charter School Authority to establish different timelines and review procedures for different types of applicants and to establish an abbreviated application. The SPCSA held a regulation workshop on January 8, 2016 to solicit public

comment on the proposed regulation. The SPCSA sent the proposed regulation to interested stakeholders and published to the SPCSA website on October 5, 2016 for further comment from the public. The SPCSA held public comment at the November 4, 2016 Regulation hearing where interested parties were welcome to submit testimony regarding the proposed regulations.

Member Conaboy stated that she would be abstaining from the vote because one of the public comments submitted earlier at the meeting is a current client in her private work.

Member Mackedon moved for approval of R089-16P dated November 1, 2016 with revisions proposed by SPCSA staff and noted amendments taken at the November 4 meeting. Member Luna seconded. There was no further discussion. The vote passed unanimously. Member Conaboy abstained.

**Agenda Item 5 – Public Comment**

There was no public comment in Carson City and Las Vegas

**Chair Johnson adjourned the meeting at: 4:46 pm**

Kara B. Hendricks  
Tel 702.792.3773  
Fax 702.792.9002  
hendricksk@gtlaw.com

November 3, 2016

**VIA ELECTRONIC MAIL**

Mr. Adam Johnson  
Chair, Nevada State Public Charter School Authority  
1749 North Stewart Street  
Suite 40  
Carson City, NV 89706-2543  
ajohnson@spesa.nv.gov

***Re: Nevada State Public Charter School Authority  
Regulation Hearing  
November 4, 2016***

Dear Chairman Johnson:

Please be advised that Nevada Virtual Academy (“NVVA”) intends to appear at the Regulation Hearing that is scheduled for tomorrow afternoon and will request that the adoption of Proposed Regulation R089-16 be postponed.

NVVA participated in the regulatory workshop that was held on January 8, 2016 and provided comments regarding what was proposed. However, what is now before the Nevada State Public Charter School Authority (“Authority”) for approval is substantially different than what was presented for comment in January. Additionally, despite representations at the January workshop that there would be additional discussions regarding the applicability of NRS 233B to the Authority, we have not had the ability to confer regarding the issue and no additional workshops have been held. Prior to adoption of the proposed regulation, we would request that an additional workshop be facilitated to allow for broader comment and possible revisions.

Not only does Proposed Regulation R089-16 raise new issues relating to NRS 233B that need to be fully vetted and amended prior to adoption, but NVVA has a number of other concerns regarding the scope of the proposed regulations which in some instances appears to extend beyond what was intended by the legislature and/or conflict with existing statutes. In other instances, clarifying language is needed as there is conflicting language in what was proposed. Attached to this correspondence is a red-line of Proposed Regulation R089-16 which we hope will aide further discussion. Because public comment is limited at the hearing tomorrow to 3 minutes, we will ask that this letter and NVVA’s comments regarding the Regulation be made a part of the official record.

LV 420813346v1

Mr. Adam Johnson  
Chair, Nevada State Public Charter School Authority  
November 3, 2016  
Page 2

---

Should you have any questions or concerns regarding the above, please do not hesitate to contact me.

Very truly yours,



Kara B. Hendricks, Esq.

Enclosure as stated

cc: Melissa Mackedon, Vice Chair  
Kathleen Conaboy, Board Member  
Nora Luna, Board Member  
Stavan Corbett, Board Member  
Jacob Snow, Board Member  
Jason Guinasso, Board Member  
Gregory Ott, Deputy District Attorney  
Patrick Gavin, Executive Director  
Anne Mendenhall, Board President, NVVA

November 4, 2016

Patrick Gavin  
Executive Director  
State Public Charter School Authority  
1749 N. Stewart Street  
Carson City, Nevada 89706

Members of the Board of the State Public  
Charter School Authority  
1749 N. Stewart Street  
Carson City, Nevada 89706

**Re: Nevada Connections Academy ("NCA") Comments on Proposed Regulations**

Dear Director Gavin and Members of the Board,

Thank you for the opportunity to comment on the draft regulation R089-16P (the "Draft Amendment Regulation"). We appreciate that certain changes have been made to the Draft Regulation as it was previously proposed in December 2015 and respectfully request you consider further modifications.

The Draft Regulation exceeds the SPSCA's statutory authority and violates the statutory requirements for the mandated regulations. Under NRS 388A.169 the SPSCA is required to adopt regulations that prescribe "the process" for submission of an amendment to a written charter or charter contract "and the contents of such an application." N.R.S. 388A.168 (3). The statute does not authorize the SPSCA to expand the circumstances under which an amendment is required – especially in the manner proposed under the Draft Regulation. As an administrative agency, the SPSCA is limited to those powers specifically set forth in statute, here, NRS Chapter 388A. See *Andrews v. Nevada State Board of Cosmetology*, 467 P.2d 96 (1970). The grant of authority to an agency must be clear in the statute, otherwise, the agency lacks the power. *Id.* Several of the proposed provisions in the Draft Amendment Regulation exceed the agency's statutory authority and, therefore, are ultra vires:

- Section 10, subsection (1)(b) requires the director's approval for a charter school to submit external evaluations of academic data relevant to a renewal application. This is in direct conflict with the provisions of NRS 388A on renewal applications.
- Section 10, subsection (4) prohibits an application for renewal from containing "a material change from the existing charter contract." This too violates NRS 388A on renewal applications and makes no sense given that the renewal process is contemplated (as provided in statute) as involving a collaborative dialogue between the sponsor and the charter school which may identify concerns and need for changes in operations or academics or otherwise that the agency would consider "material." In addition, the SPSCA's recent proposed draft charter contract states the authority shall decide what is "material" for purposes of the charter contract which places absolute power in the agency and potentially the director to attempt to prohibit a school from presenting critical information for its renewal application. This violates express provisions of NRS 388A and also deprives the school of its autonomy and ability to implement or even propose innovation.

- Section 10 also unlawfully interferes with the school's ability to present information the school believes is important and relevant to its renewal application – until the director decides he will recommend denial of the application.
- Section 11 states that renewal of a charter will be in the Authority's "sole discretion" – this is beyond the statutory authority and ultra vires.

In addition, Section 7, subsection (3)(f) and (3)(g) of the Draft Amendment Regulation suggest that a charter amendment is necessary to change the membership of the governing body of the charter school. There is no statutory authority to require an amendment of a charter for such a day-to-day operational situation and, indeed, suggesting such membership must be approved by the Authority or its Director is an improper assertion of control over the charter school. NRS 388A.320 sets forth the clear requirements for membership and qualifications for governing board members and provides for removal of members convicted of certain crimes. Aside from these requirements, no further regulatory approval of governing board members of a charter school is lawful or appropriate. An agency only has the power to promulgate regulations within the express authority granted by the Legislature. Accordingly, this provision is unlawful and exceeds the Authority's jurisdiction. In addition, proposing the regulation violates the Executive Director's duties under NRS 388A.196 to "[e]nsure the autonomy provided to charter schools in this State pursuant to state law and regulation is preserved." N.R.S. 388A.196(4).

Section 7, subsection (e) purports to require a charter amendment for any change to the academic program of the school. This is unreasonably and unnecessarily broad and unlawfully encroaches upon the school's autonomy. No school could possibly operate under such a requirement nor could the Authority keep up with the number of amendments this could generate. This unreasonably interferes with a school's operations and is beyond the SPSCA's statutory authority. NRS 388A.279 provides the charter amendments that require approval by the SPSCA and, while it is not an exhaustive list, it is emblematic of the materiality required before an amendment is necessary: expanding the school to offer instruction to new grade levels; increasing the enrollment in a particular grade level to more than 120%; seeking to acquire an additional facility; or consolidating operations of multiple charter schools. Requiring a charter amendment for the most minor of instructional changes which could be considered within a "change to the academic program of the school" goes beyond the statutory authority and intent. The existing regulations governing amendment track those in the statute and then provide for a determination as to materiality of an amendment and that a nonmaterial amendment does not require the sponsor's approval. NAC 386.3269. This is a lawful and reasonable regulation compliant with the statutory authority.<sup>1</sup> Revising or replacing the existing regulation with one that requires amendments for changes in a governing board and in any academic program is unlawful and interferes with autonomy and innovation. The Nevada Legislature's intention in creating the SPSCA was to increase school choice and encourage innovation – preserve charter school autonomy – and "foster a climate in this State in which all charter schools, regardless of sponsor, can flourish." N.R.S. 388A.150. Not only does the Draft Amendment Regulation exceed the agency's statutory authority, it violates the very purpose of the SPSCA as expressly stated by the Nevada Legislature.

---

<sup>1</sup> These existing regulations also demonstrate compliance with NRS 388A.168 to identify the procedure for investigation to consider an amendment application and the criteria for approval of such an application – the Draft Amendment Regulation omits these statutorily required details.

These overly broad requirements for amendments to a charter are combined with the arbitrary attempt to limit evidence and testimony a charter school may submit in support of such an amendment, according to Section 9 of the Draft Amendment Regulation. There is no statutory basis to limit the evidence an applicant can provide an agency for such a regulatory hearing and review process and, in fact, such an arbitrary and unreasonable attempt to limit such evidence to be offered to the agency is ultra vires and violates fundamental principles of due process and the Nevada Administrative Procedures Act, NRS Chapter 233B. One must also question why an agency would seek to prohibit a charter school from presenting information and evidence it believes is important for the SPSCA to hear relative to an amendment.

The Draft Amendment Regulation also fails to provide statutorily mandated details – “the procedure for the investigation” of an application for an amendment and the “criteria” that the SPSCA “will use to evaluate such applications.” N.R.S. 388A.168(4). The SPSCA is statutorily required to adopt regulations that include these details. The Draft Amendment Regulation is legally defective as it is silent on these critical elements the Legislature deemed necessary. These statutory provisions also limit the authority of the SPSCA to adopt regulations and the Draft Regulation exceeds that lawful authority.

The SPSCA also is required to develop policies and practices that describe how the sponsor will maintain oversight of its charter schools including an assessment of the needs of the charter schools sponsored by the sponsor that is prepared with input of the governing bodies of such charter schools and a description of the process of evaluation for charter schools. NRS 388A.223. We respectfully request that the SPSCA commence proceedings to gather input from the governing bodies to develop these policies.

Again, we appreciate the opportunity to work with you on these important matters and, we request an additional workshop with meaningful opportunity for stakeholder input similar to the workshops previously conducted by former SPSCA Director Canavero. We also incorporate by reference our letter submitted January 22, 2016 as certain of the concerns previously identified have not been addressed.

Sincerely,



Laura K. Granier  
Partner  
for  
DAVIS GRAHAM & STUBBS LLP

LKG:js

November 4, 2016

Patrick Gavin  
Executive Director  
State Public Charter School Authority  
1749 N. Stewart Street  
Carson City, Nevada 89706

Members of the Board of the State Public  
Charter School Authority  
1749 N. Stewart Street  
Carson City, Nevada 89706

**Re: Nevada Connections Academy (“NCA”) Comments on Proposed Regulations**

Dear Director Gavin and Members of the Board,

Thank you for the opportunity to comment on the draft regulation R089-16P (the “Draft Amendment Regulation”). We appreciate that certain changes have been made to the Draft Regulation as it was previously proposed in December 2015 and respectfully request you consider further modifications.

The Draft Regulation exceeds the SPSCA’s statutory authority and violates the statutory requirements for the mandated regulations. Under NRS 388A.169 the SPSCA is required to adopt regulations that prescribe “the process” for submission of an amendment to a written charter or charter contract “and the contents of such an application.” N.R.S. 388A.168 (3). The statute does not authorize the SPSCA to expand the circumstances under which an amendment is required – especially in the manner proposed under the Draft Regulation. As an administrative agency, the SPSCA is limited to those powers specifically set forth in statute, here, NRS Chapter 388A. *See Andrews v. Nevada State Board of Cosmetology*, 467 P.2d 96 (1970). The grant of authority to an agency must be clear in the statute, otherwise, the agency lacks the power. *Id.* Several of the proposed provisions in the Draft Amendment Regulation exceed the agency’s statutory authority and, therefore, are ultra vires:

- Section 10, subsection (1)(b) requires the director’s approval for a charter school to submit external evaluations of academic data relevant to a renewal application. This is in direct conflict with the provisions of NRS 388A on renewal applications.
- Section 10, subsection (4) prohibits an application for renewal from containing “a material change from the existing charter contract.” This too violates NRS 388A on renewal applications and makes no sense given that the renewal process is contemplated (as provided in statute) as involving a collaborative dialogue between the sponsor and the charter school which may identify concerns and need for changes in operations or academics or otherwise that the agency would consider “material.” In addition, the SPSCA’s recent proposed draft charter contract states the authority shall decide what is “material” for purposes of the charter contract which places absolute power in the agency and potentially the director to attempt to prohibit a school from presenting critical information for its renewal application. This violates express provisions of NRS 388A and also deprives the school of its autonomy and ability to implement or even propose innovation.

- Section 10 also unlawfully interferes with the school's ability to present information the school believes is important and relevant to its renewal application – until the director decides he will recommend denial of the application.
- Section 11 states that renewal of a charter will be in the Authority's "sole discretion" – this is beyond the statutory authority and ultra vires.

In addition, Section 7, subsection (3)(f) and (3)(g) of the Draft Amendment Regulation suggest that a charter amendment is necessary to change the membership of the governing body of the charter school. There is no statutory authority to require an amendment of a charter for such a day-to-day operational situation and, indeed, suggesting such membership must be approved by the Authority or its Director is an improper assertion of control over the charter school. NRS 388A.320 sets forth the clear requirements for membership and qualifications for governing board members and provides for removal of members convicted of certain crimes. Aside from these requirements, no further regulatory approval of governing board members of a charter school is lawful or appropriate. An agency only has the power to promulgate regulations within the express authority granted by the Legislature. Accordingly, this provision is unlawful and exceeds the Authority's jurisdiction. In addition, proposing the regulation violates the Executive Director's duties under NRS 388A.196 to "[e]nsure the autonomy provided to charter schools in this State pursuant to state law and regulation is preserved." N.R.S. 388A.196(4).

Section 7, subsection (e) purports to require a charter amendment for any change to the academic program of the school. This is unreasonably and unnecessarily broad and unlawfully encroaches upon the school's autonomy. No school could possibly operate under such a requirement nor could the Authority keep up with the number of amendments this could generate. This unreasonably interferes with a school's operations and is beyond the SPSCA's statutory authority. NRS 388A.279 provides the charter amendments that require approval by the SPSCA and, while it is not an exhaustive list, it is emblematic of the materiality required before an amendment is necessary: expanding the school to offer instruction to new grade levels; increasing the enrollment in a particular grade level to more than 120%; seeking to acquire an additional facility; or consolidating operations of multiple charter schools. Requiring a charter amendment for the most minor of instructional changes which could be considered within a "change to the academic program of the school" goes beyond the statutory authority and intent. The existing regulations governing amendment track those in the statute and then provide for a determination as to materiality of an amendment and that a nonmaterial amendment does not require the sponsor's approval. NAC 386.3269. This is a lawful and reasonable regulation compliant with the statutory authority.<sup>1</sup> Revising or replacing the existing regulation with one that requires amendments for changes in a governing board and in any academic program is unlawful and interferes with autonomy and innovation. The Nevada Legislature's intention in creating the SPSCA was to increase school choice and encourage innovation – preserve charter school autonomy – and "foster a climate in this State in which all charter schools, regardless of sponsor, can flourish." N.R.S. 388A.150. Not only does the Draft Amendment Regulation exceed the agency's statutory authority, it violates the very purpose of the SPSCA as expressly stated by the Nevada Legislature.

---

<sup>1</sup> These existing regulations also demonstrate compliance with NRS 388A.168 to identify the procedure for investigation to consider an amendment application and the criteria for approval of such an application – the Draft Amendment Regulation omits these statutorily required details.

These overly broad requirements for amendments to a charter are combined with the arbitrary attempt to limit evidence and testimony a charter school may submit in support of such an amendment, according to Section 9 of the Draft Amendment Regulation. There is no statutory basis to limit the evidence an applicant can provide an agency for such a regulatory hearing and review process and, in fact, such an arbitrary and unreasonable attempt to limit such evidence to be offered to the agency is ultra vires and violates fundamental principles of due process and the Nevada Administrative Procedures Act, NRS Chapter 233B. One must also question why an agency would seek to prohibit a charter school from presenting information and evidence it believes is important for the SPSCA to hear relative to an amendment.

The Draft Amendment Regulation also fails to provide statutorily mandated details – “the procedure for the investigation” of an application for an amendment and the “criteria” that the SPSCA “will use to evaluate such applications.” N.R.S. 388A.168(4). The SPSCA is statutorily required to adopt regulations that include these details. The Draft Amendment Regulation is legally defective as it is silent on these critical elements the Legislature deemed necessary. These statutory provisions also limit the authority of the SPSCA to adopt regulations and the Draft Regulation exceeds that lawful authority.

The SPSCA also is required to develop policies and practices that describe how the sponsor will maintain oversight of its charter schools including an assessment of the needs of the charter schools sponsored by the sponsor that is prepared with input of the governing bodies of such charter schools and a description of the process of evaluation for charter schools. NRS 388A.223. We respectfully request that the SPSCA commence proceedings to gather input from the governing bodies to develop these policies.

Again, we appreciate the opportunity to work with you on these important matters and, we request an additional workshop with meaningful opportunity for stakeholder input similar to the workshops previously conducted by former SPSCA Director Canavero. We also incorporate by reference our letter submitted January 22, 2016 as certain of the concerns previously identified have not been addressed.

Sincerely,



Laura K. Granier  
Partner  
for  
DAVIS GRAHAM & STUBBS LLP

LKG:js

Kara B. Hendricks  
Tel 702.792.3773  
Fax 702.792.9002  
hendricksk@gtlaw.com

November 3, 2016

**VIA ELECTRONIC MAIL**

Mr. Adam Johnson  
Chair, Nevada State Public Charter School Authority  
1749 North Stewart Street  
Suite 40  
Carson City, NV 89706-2543  
ajohnson@spesa.nv.gov

***Re: Nevada State Public Charter School Authority  
Regulation Hearing  
November 4, 2016***

Dear Chairman Johnson:

Please be advised that Nevada Virtual Academy (“NVVA”) intends to appear at the Regulation Hearing that is scheduled for tomorrow afternoon and will request that the adoption of Proposed Regulation R089-16 be postponed.

NVVA participated in the regulatory workshop that was held on January 8, 2016 and provided comments regarding what was proposed. However, what is now before the Nevada State Public Charter School Authority (“Authority”) for approval is substantially different than what was presented for comment in January. Additionally, despite representations at the January workshop that there would be additional discussions regarding the applicability of NRS 233B to the Authority, we have not had the ability to confer regarding the issue and no additional workshops have been held. Prior to adoption of the proposed regulation, we would request that an additional workshop be facilitated to allow for broader comment and possible revisions.

Not only does Proposed Regulation R089-16 raise new issues relating to NRS 233B that need to be fully vetted and amended prior to adoption, but NVVA has a number of other concerns regarding the scope of the proposed regulations which in some instances appears to extend beyond what was intended by the legislature and/or conflict with existing statutes. In other instances, clarifying language is needed as there is conflicting language in what was proposed. Attached to this correspondence is a red-line of Proposed Regulation R089-16 which we hope will aide further discussion. Because public comment is limited at the hearing tomorrow to 3 minutes, we will ask that this letter and NVVA’s comments regarding the Regulation be made a part of the official record.

LV 420813346v1

Mr. Adam Johnson  
Chair, Nevada State Public Charter School Authority  
November 3, 2016  
Page 2

---

Should you have any questions or concerns regarding the above, please do not hesitate to contact me.

Very truly yours,



Kara B. Hendricks, Esq.

Enclosure as stated

cc: Melissa Mackedon, Vice Chair  
Kathleen Conaboy, Board Member  
Nora Luna, Board Member  
Stavan Corbett, Board Member  
Jacob Snow, Board Member  
Jason Guinasso, Board Member  
Gregory Ott, Deputy District Attorney  
Patrick Gavin, Executive Director  
Anne Mendenhall, Board President, NVVA

**PROPOSED REGULATION OF THE  
STATE PUBLIC CHARTER SCHOOL AUTHORITY**

**LCB File No. R089-16**

September 28, 2016

EXPLANATION - Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: §§1, 2 and 4-15, NRS 388A.168; §3, NRS 388A.168 and 388A.258.

A REGULATION relating to charter schools; establishing the contents and process for the submission of an application to form a charter school to the State Public Charter School Authority; establishing the contents and process for the submission of a request to amend a written charter or charter contract, as applicable, to the State Public Charter School Authority; establishing the contents and process for the submission of an application to renew a charter contract to the State Public Charter School Authority; establishing provisions relating to the investigation and evaluation of such applications and requests by the State Public Charter School Authority; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law requires the State Public Charter School Authority to adopt regulations prescribing: (1) the contents and process for submission to the State Public Charter School Authority of applications to form a charter school, to amend a written charter or charter contract and to renew a charter contract; and (2) the procedure for investigation of and the criteria used to evaluate such applications. (NRS 388A.168) Existing law also authorizes the State Public Charter School Authority to establish different timelines and review procedures for different types of applicants and to establish an abbreviated application. (NRS 388A.258)

**Section 3** of this regulation authorizes the Executive Director of the State Public Charter School Authority to develop an abbreviated application and invite a prospective applicant who submits an abbreviated application to submit an application to form a charter school. **Section 4** of this regulation prescribes the periods during which an application to form a charter school may be submitted to the State Public Charter School Authority. **Section 4** establishes the contents of an application to form a charter school and the process for the review of such an application by the State Public Charter School Authority. **Section 4** also establishes the criteria that the State Public Charter School Authority will consider when evaluating an application to form a charter school. **Section 6** of this regulation establishes a process for an applicant to form a charter school to request to be designated as a proven provider. If an applicant is designated as a proven provider, **section 6** provides that the applicant is exempt from the application deadlines

which would otherwise apply and may be given priority by the State Public Charter School Authority.

**Section 7** of this regulation prescribes the periods during which a request to amend a written charter or charter contract, as applicable, may be submitted to the State Public Charter School Authority or the Executive Director. **Section 7** establishes the contents of a request to amend a written charter or charter contract, as applicable, and the process for review of such a request by the State Public Charter School Authority or the Executive Director, as applicable. **Section 7** also establishes the criteria that the State Public Charter School Authority or the Executive Director, as applicable, will consider when evaluating a request to amend a written charter or charter contract. **Section 9** of this regulation authorizes the State Public Charter School Authority to specify additional conditions in certain circumstances and authorizes the Executive Director to prohibit a charter school from beginning or continuing to operate as a charter school if it fails to satisfy such additional conditions. **Section 9** also requires a charter school which receives a charter contract or approval of an amendment to a written charter or charter contract, as applicable, to submit certain documents for review by the State Public Charter School Authority.

**Section 10** of this regulation prescribes the period during which an application for renewal of a charter contract may be submitted to the State Public Charter School Authority. **Section 10** establishes the contents of an application for renewal and the process for the review of an application for renewal by the State Public Charter School Authority. **Section 10** requires the Executive Director to review each application for renewal and submit a recommendation regarding each application to the State Public Charter School Authority. **Section 10** also establishes the criteria that the State Public Charter School Authority will consider when evaluating an application for renewal and provides the various terms under which the State Public Charter School Authority may renew or deny the renewal of a charter contract.

**Sections 5, 8 and 11** of this regulation require a person who submits an application to form a charter school, a request to amend a written charter or charter contract, as applicable, or an application to renew a charter contract to the State Public Charter School Authority to submit an additional version of the application or request to be shared with the public in which certain information is excluded or redacted.

**Section 1.** Chapter 388A of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 11, inclusive, of this regulation.

**Sec. 2.** *As used in sections 2 to 6, inclusive, of this regulation, unless the context otherwise requires, “applicant” means a charter management organization or a committee to form a charter school which submits an application to form a charter school to the State Public Charter School Authority.*

Sec. 3. *The State Public Charter School Authority Executive Director may develop an abbreviated application process for submission by any*

*prospective applicants that meets the criteria established by the State Public Charter School Authority, consistent with Chapter 388A of NRS. The Executive Director may, at his or her discretion, invite a*

*prospective applicant who submits such an abbreviated application to submit an application to form a charter school.*

**Formatted:** Left, Right: 0", Space Before: 13.2 pt, Line spacing: Exactly 13.8 pt

**Comment [NVVA1]:** The SPCSA must set forth the criteria so that all parties are treated equally and have advance notice of the criteria for the expedited application process.

Sec. 4. *1. Except as otherwise provided in this section and section 6 of this regulation, an application to form a charter school must be submitted to the State Public Charter School Authority by an applicant on or after January 1 and on or before January 15 or on or after August 1 and on or before August 15 of each year. A prospective applicant must submit a*

*written notice of intent to submit an application to form a charter school to the Executive*

*Director not less than 30 days before submitting the application. The Executive Director State*

*Public Charter School Authority may,*

*upon request and for good cause shown, accept an application to form a charter school at any*

*time. An application to form a charter school must comply with section 5 of this regulation*

*and be submitted on a form, which must be prescribed and published for prospective applicants*

*at least one year prior to the application due date, by the Executive Director State Public Charter*

*School Authority which must include, without*

*limitation:*

*(a) A detailed timeline for the selection review and consideration of an application to form a charter school;*

*(b) Any prerequisites for conferences with and training of an applicant;*

*(c) The statutory criteria and procedures which will be used to score review applications by staff and review panels and to conduct interviews with applicants;*

*(d) The statutory criteria which will be used to select approve an application to form a charter school;*

*including, without limitation, the minimum score necessary for an application to be eligible for selection; and*

*(e) The earliest date on which an applicant that is selected whose application is approved to*

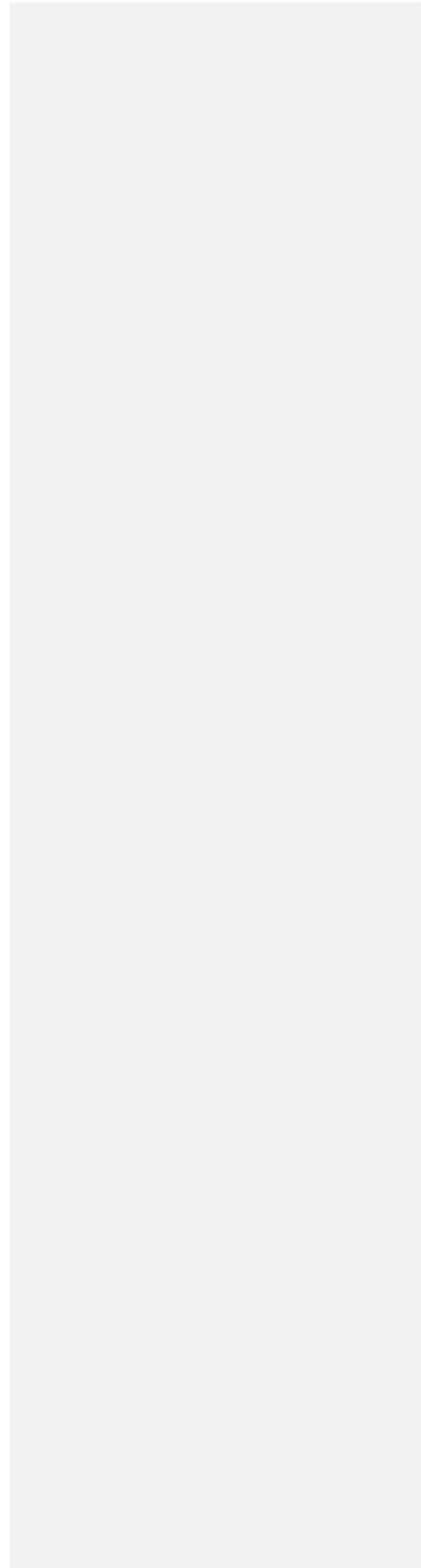
**Comment [NVVA2]:** Statute does not require notice of intent to submit and would create additional burdens not contemplated by law.

**Comment [NVVA3]:** Completing the application process is very time-consuming and applicants begin the process well over a year in advance. The forms and guidance that must be followed should be available to applicants at least one year prior to their application being submitted.

**Comment [NVVA4]:** The proposed rules repeatedly use the term "selection" when that term does not appear in statute. Applications are review and approved or denied. There is no "selection" which creates the impression that there is subjectivity in the process and selectivity when that is not in state law.

**Comment [NVVA5]:** State law does not specifically allow for a scoring rubric and instead requires that an application be reviewed to see if it meets the statutory requirements. There is no weighting of criteria or subjectivity that goes into a scoring process allowed under state law.

*form a charter school may open the charter school.*



2. *The State Public Charter School Authority will ~~examine~~ consider each application submitted*

*pursuant to this section at a meeting which must be held not later than sixty (60) days after receipt of the application. Notice of the meeting must be posted in accordance with Chapter 241 of NRS. The State Public Charter School Authority shall review the application in accordance with the requirements for review set forth in subsections 2 and 3 of NRS 388A.249. The State Public Charter School Authority may approve an application only if it satisfies the requirements of subsection 3 of NRS 388.249. Not later than thirty (30) days after the meeting, the State Public Charter School Authority shall provide written notice of its determination to the applicant. If the State Public Charter School Authority denies or fails to act upon an application, the denial or failure to act must be based upon a finding that the applicant failed to satisfy the requirements of subsection 3 of NRS 388A.249. The State Public Charter School Authority shall include in the written notice the reasons for the denial or the failure to act and the deficiencies in the application. The staff designated by the State Public Charter School Authority shall meet with the applicant to confer on the method to correct the identified deficiencies. The applicant must be granted 30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application. If the State Public Charter School Authority denies an application after it has been resubmitted pursuant to this subsection, the applicant may, not more than thirty (30) days after the receipt of the written notice from the State Public Charter School Authority, appeal the final determination to the district court of the county in which the proposed charter school will be located.* ~~If the State Public Charter School Authority determines that an~~

~~application is incomplete or does not satisfy the requirements of this chapter or chapter 388A of NRS, the State Public Charter School Authority will not process the application. The failure of the State Public Charter School Authority to identify or notify an applicant of a deficiency during its review of an application does not constitute a waiver of the appropriate requirement.~~

3. *An applicant may withdraw an application to form a charter school or waive the application consideration and approval timeline for selection described in the application by providing written notice to the State Public Charter School Authority.*

4. *The State Public Charter School Authority will establish an application review panel composed of employees of the State Public Charter School Authority, parents of students enrolled in a charter school, board members of charter schools in good standing, teachers from charter schools in good standing, business managers from charter schools in good standing and appropriate experts who possess knowledge and expertise with regard to the academic, financial, and organization experience of charter schools - selected by the Executive Director. After the State Public Charter School Authority staff has determined that an application is complete, the State Public Charter School Authority will:*

(a) *Publish the application on its Internet website; and*

**Formatted:** Right: 0", Space Before: 13.2 pt, Line spacing: Exactly 13.8 pt

**Comment [NVVA6]:** This language directly conflicts with state law, which requires the Authority to notify the applicant of any deficiencies, work with the applicant to address the deficiencies, and allow for resubmission.

*(b) Submit the application to the application review panel to review ~~and score the~~ application in accordance with the criteria ~~described in the application~~ for approval of an application, as set forth in subsection 3 of NRS 388A.249.*

*5. The members of the application review panel established pursuant to subsection 4:*

*(a) Shall review applications to determine whether each application meets the statutory requirements for an application;*

*(b) Shall, through a designated person or group of persons, conduct an interview with each applicant pursuant to an interview rubric developed in Section 4.c. to assess the qualifications of the applicant and the capacity of the applicant to open and operate a charter school and report to the State Public Charter School Authority and to provide the applicant with an opportunity to provide clarification and additional information where the review or reviewers have questions;*

*(c) Shall not discuss applications with any person other than the State Public Charter School Authority and its employees and other review panelists;*

*(~~bd~~) Shall not accept meals, entertainment, gifts or gratuities in any form from any person or organization with an interest in the results of the ~~selection-review~~ process; and*

*(~~ee~~) Shall immediately disclose to the State Public Charter School Authority the discovery of any past or present relationship with an applicant, including, without limitation, with any*

current or prospective employee, agent, officer or director of the sponsor of the proposed charter school, any affiliated entity or any other person with an interest in the application.

6. After the application review panel ~~reviews and scores an application~~ completes each application review, the panel shall forward the application and its determination if the application meets the approval criteria of Section 3 of NRS 388A.249 to the State Public Charter School Authority ~~for review to take action on the application within the statutory timeframe for the application process. The applicant shall be provided a copy of all comments and recommendations from review panelists and Authority staff members at least fourteen (14) days prior to the meeting at which the State Public Charter School Authority is scheduled to take action.~~ The State Public Charter School Authority:

(a) Will review the determination of the review panel as to whether the review panel finds that the application meets the statutory requirements for approving an application ~~and evaluate all application materials according to the criteria established in subsection 7;~~

(b) ~~May consider the score given to the application by the application review panel and consider any comments made by the panel;~~

(c) ~~Will designate a person or a group of persons to conduct an interview with each such applicant to assess the qualifications of the applicant and the capacity of the applicant to open and operate a charter school and report to the State Public Charter School Authority; and~~

(d) ~~Will determine whether to select~~ approve the application to form a charter school based solely on documented evidence collected through the process of reviewing the application and shall not base any such decision on outside information, which is not part of the application process.

7. The State Public Charter School Authority will consider, without limitation, whether the applicant has demonstrated the capacity to:

(a) Further the purposes for the establishment of charter schools pursuant to chapter 388A of NRS;

(b) Comply with all laws and regulations affecting charter schools, including, without

*limitation, laws and regulations concerning pupils with disabilities, pupils who are English language learners, pupils who are academically behind their peers and gifted pupils;*

(c) ~~Meet its projections for enrollment through a demonstration of~~ Demonstrate support for the

*proposed charter school in the communities from which pupils would be likely to enroll;*

**Comment [NVVA7]:** State law only requires that a demonstration of public support be evidenced, not a requirement to meet the projection for enrollment.

*(d) Develop and implement a plan for recruitment and retention consistent with the provisions of this chapter and chapter 388A of NRS;*

*(e) Involve parents and guardians as partners in the education of their children;*

*(f) Develop a proposed program which enhances options for pupils in the areas served by the proposed charter school;*

*(g) Develop a management structure and plan which enables the proposed charter school to ~~function at a high level of performance and which will~~ achieve the goals and mission set forth in its application charter, including, without limitation, information about the proposed staff and members of the governing body of the proposed charter school and the roles, responsibilities and manner of selection of the governing body;*

*(h) Develop bylaws which govern the governing body of the proposed charter school in a manner consistent with this chapter and chapter 388A of NRS;*

*(i) Develop a management structure and plan which enables the governing body of the proposed charter school to oversee multiple campuses or a network of charter schools, including the roles and responsibilities of school leaders and administrators, if applicable;*

*(j) Assure that pupils enrolled in the proposed charter school will substantially meet the same performance standards and assessment requirements for pupils in other public schools within similar state-level accountability frameworks;*

*(k) Develop goals for the end of the first year and the fifth year of the charter contract for the proposed charter school to help measure the progress and success of the school in fulfilling the terms of its charter which:*

*(1) Supplement the indicators, metrics and measurements contained in the performance framework established equally by the State Public Charter School Authority and applicant; and*

*(2) Are specific to the mission of the proposed charter school, if applicable;*

**Comment [NVVA8]:** This is not set forth in statute

- (l) Effectively administer its educational programs, school operations and finances;
- (m) Establish a process to provide to pupils, parents, guardians, the State Public Charter School Authority, other interested parties and the public all information required to be provided by state and federal laws and regulations and to provide to the State Public Charter School Authority, the Department of Education, the State Board of Education, the Governor and the Legislative Counsel Bureau such information as those entities may request;
- (n) Develop an enrollment policy consistent with the provisions of this chapter and chapter 388A of NRS;
- (o) Ensure the thoroughness and accuracy of the information contained in its application;
- (p) Provide school facilities which comply with all applicable municipal building codes and other applicable laws and which are adequate to meet the program requirements of the proposed charter school;
- (q) Develop a governing body with the capacity to effectively govern the proposed charter school and, if applicable, to effectively govern more than one campus or school; and
- (r) Build a network of charter schools, if applicable.

8. If an applicant, or any person who is a member of a group comprising an applicant, has a current or previous relationship with a charter school in this State, the State Public Charter School Authority ~~and the Executive Director~~ may consider all information relating to the applicant's specific role and contributions to the performance of such a charter school when ~~evaluating~~ reviewing the application of the applicant.

~~9. The decision of the State Public Charter School Authority on whether to select an applicant to form a charter school is a final decision.~~

10. If the State Public Charter School Authority ~~selects~~ approves an application to form a charter school pursuant to this section, the applicant must submit a draft of each document required

**Comment [NVVA9]:** This directly conflicts with state law, which allows for an appeal to district court. Language has been added up above making clear the appellate rights of applicants.



*pursuant to section 9 of this regulation to the State Public Charter School Authority for review and approval before opening the charter school.*

**Sec. 5.** *1. In addition to the application to form a charter school submitted pursuant to section 4 of this regulation, each applicant shall submit a version of the application which excludes or redacts from the application and any related material to be shared with the public:*

*(a) Proprietary material.*

*(b) Copyrighted material.*

*(c) Any documents which may violate the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, by identifying potential pupils of the proposed charter school, including, without limitation, sign-in lists from public meetings relating to the charter school, photographs of current pupils if the school is currently operating, photographs of potential pupils and letters of support from potential parents or pupils of the proposed charter school.*

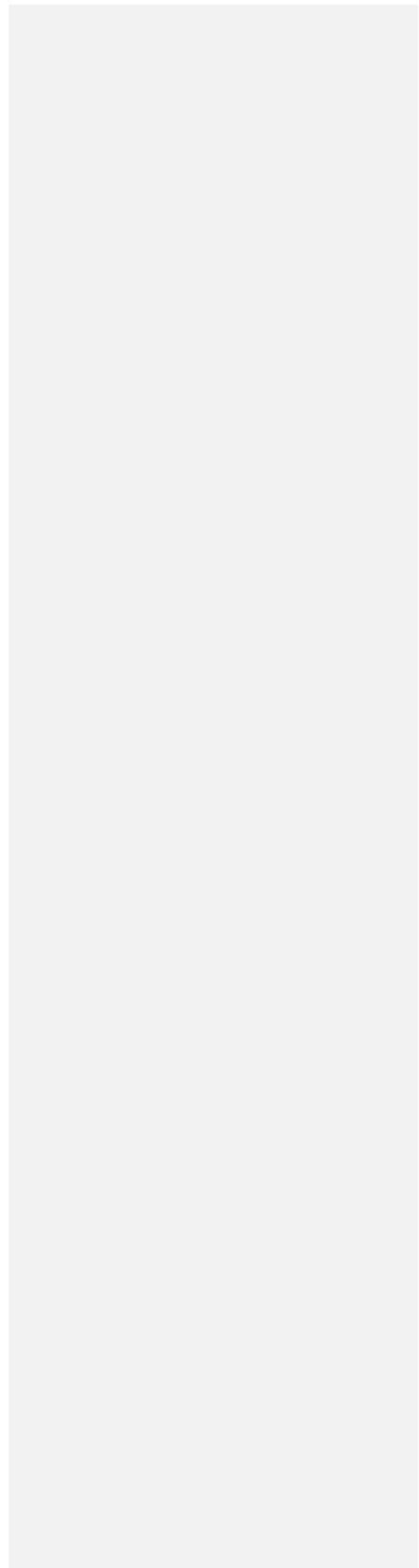
*(d) Any other information or documentation which may not be released to the public in accordance with state or federal law or regulation.*

*2. The Executive Director may reject and require resubmission of an application submitted pursuant to subsection 1 if the Executive Director determines that publishing the application on the Internet website maintained by the State Public Charter School Authority would violate any state or federal law or regulation applicable to the State Public Charter School Authority, including, without limitation, 29 U.S.C. § 794d.*

**Sec. 6.** ~~*1. When submitting an application to form a charter school to the State Public Charter School Authority pursuant to section 4 of this regulation, an applicant may request that the Executive Director designate the applicant as a proven provider. A request for designation as a proven provider must be submitted on a form prescribed by the Executive*~~

**Comment [NVVA10]:** This is not established in state law nor a power given to the ED, separate from the powers entrusted to the SPCSA. If this is meant to be an abbreviated or expedited application process, it should be set forth as such by the SPCSA, and they must make that determination.

**Formatted:** Indent: Left: 0.01", First line: 0.2", Right: 0.14", Space Before: 0.45 pt, Line spacing: Exactly 27.65 pt, Tab stops: 0.87", Left



~~Director which must include, without limitation, a detailed description of the significant management or leadership role or responsibility of the charter management organization or committee to form a charter school at a successful school or similar program and evidence that the charter management organization or committee to form a charter school, as applicable:-~~

~~(a) Achieved academic success at the school or similar program by demonstrating success in the academic performance of pupils and the implementation of successful academic programs, including, without limitation, by submitting information showing:-~~

~~(1) Proficiency levels and growth measures on the statewide system of accountability for public schools or equivalent assessments for all pupils and for one or more targeted subgroups of pupils which are sufficient for the school to perform at the top two tiers on the statewide system of accountability for public schools or at a similar level on any successor system;-~~

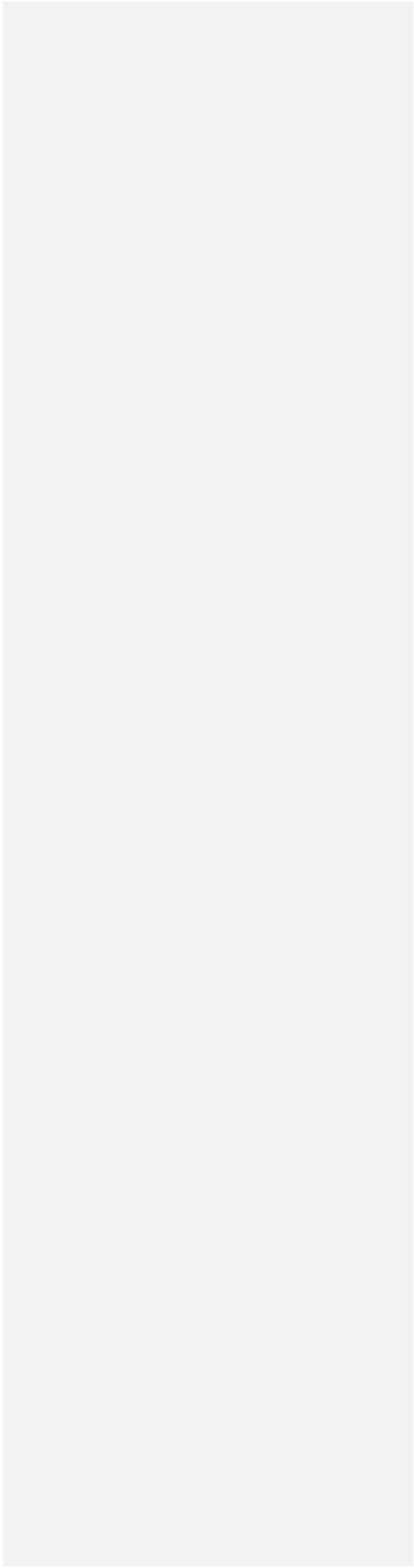
~~(2) Pupil performance on other standardized tests over a period of at least 3 years which demonstrates achievement levels for pupils and, if available, for cohorts of pupils that are similar to statewide averages in English language arts and mathematics for all pupils in this State at comparable grades; and~~

~~(3) Graduation and dropout data, if applicable;-~~

~~(b) Operated a viable organization at the school or similar program by demonstrating:-~~

~~(1) Effective governance, financial management and implementation of plans for recruitment and retention at the school or similar program;~~

~~(2) Compliance with all applicable state and federal laws and regulations by the school or similar program; and~~



~~(3) Any other information relating to the school or similar program determined to be relevant by the State Public Charter School Authority; and~~

~~(c) Has submitted an application to form a charter school which contains evidence that:~~

~~(1) The proposed charter school will serve a population of pupils which is similar to the population served by the school or similar program; and~~

~~(2) The educational programs at the proposed charter school will be similar to or represent a reasonable modification of the educational programs at the school or similar program.~~

~~2. If the Executive Director determines that an applicant has fulfilled the requirements of subsection 1, the Executive Director shall designate the applicant as a proven provider.~~

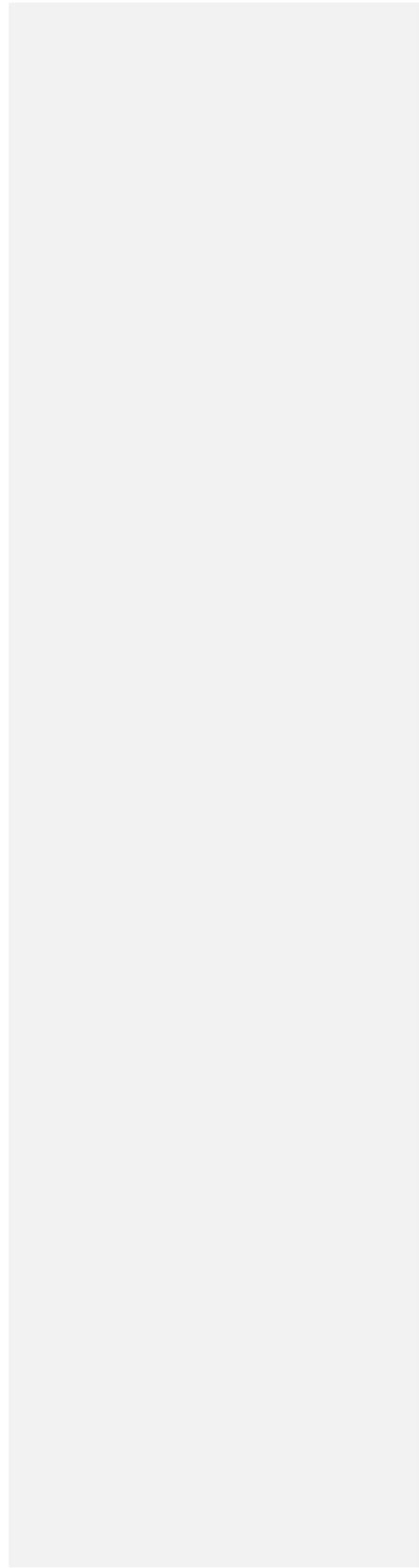
~~3. A proven provider may submit its application to form a charter school at any time. The State Public Charter School Authority may give priority to an application to form a charter school submitted by a proven provider when reviewing applications.~~

~~4. If the Executive Director believes that an applicant or potential applicant may qualify to be designated as a proven provider, the Executive Director may, in his or her discretion, invite the applicant or potential applicant to request designation as a proven provider pursuant to this section.~~

NEW FIRST  
PARALLEL  
SECTION

**Sec. 7. 1. A charter school sponsored by the State Public Charter School Authority that wishes to amend the ~~material~~ terms of its written charter or charter contract, as applicable, pursuant to NRS 388A.276 shall submit a request to amend its written charter or charter contract, as applicable, to the State Public Charter School Authority or the Executive Director, as applicable, for approval pursuant to this section. ~~Except as otherwise provided in this section, such a request must be submitted to the State Public Charter School Authority or the~~**

Formatted: Indent: Left: 0.7", Right: 0.01", Space Before: 2.9 pt, Line spacing: Exactly 27.5 pt



~~Executive Director on or after March 1 and on or before March 15 or on or after  
October 1~~

**Comment [NVVA11]:** State law does not require amendments to occur in a two week window. The charter school is allowed to request an amendment at any time.

~~and on or before October 15 of each year. A charter school must submit a written notice  
of~~

~~intent to submit a request to amend its written charter or charter contract, as applicable, to the  
State Public Charter School Authority or the Executive Director not less than 30 days before  
submitting the request. The State Public Charter School Authority or the Executive Director may,  
upon request and for good cause shown, accept a request to amend a written charter or charter  
contract at any time.~~

**Formatted:** Right: 0", Space Before: 13.2 pt, Line spacing: Exactly 13.8 pt

2. A request to amend the material terms of a written charter or charter contract relating to:

(a) The districts specified in the written charter or charter contract;

(b) The maximum enrollment of the charter school;

(c) The grades served by the charter school;

(d) ~~A~~ Entering a new contractual relationship with an educational management organization which

~~provides or~~ plans to provide substantially all the educational services offered by the charter school;

(e) The occupancy of a new or additional facility which the State Public Charter School Authority determines has the effect of increasing enrollment at the charter school;

(f) Relocation to a new facility which the State Public Charter School Authority determines does not have the effect of increasing enrollment at the charter school;

(g) The conversion of the charter school from a single-campus school to a multi-campus school or from a multi-campus school to a single-campus school;

(h) A consolidation of the written charter or charter contract, as applicable, for one or more charter schools;

*(i) A change to the mission statement and admissions policy of the charter school which would change the population served by the charter school from all pupils to the pupils specified in paragraph (a) of subsection 3 of NRS 385A.740; or*

*(j) A change to the mission statement and admissions policy of the charter school which would change the population served by the school from the pupils specified in paragraph (a) of subsection 3 of NRS 385A.740 to all pupils,*

*· must be submitted to the State Public Charter School Authority for approval.*

*3. A request to amend the non-material terms of a written charter or charter contract relating to:*

*(a) The name of the charter school;*

*(b) A change to the mission statement of the charter school not described in paragraph (i) or (j) of subsection 2;*

*(c) The governance or leadership structure of the charter school;*

*(d) A change in the educational programs, curriculum models, methods of instructional delivery, including, without limitation, distance education, blended or other programs or designs for the whole charter school which is inconsistent with those specified in the written charter or charter contract, as applicable, including, without limitation:*

*(1) A change from a full-time virtual or cyber school model to a blended model or classroom-based instructional model;*

*(2) A change from a blended model to a full-time virtual or cyber school model or classroom-based instructional model; or*

*(3) A change from a classroom-based instructional model to a full-time virtual or cyber school model or blended model;*

*(e) A change to the academic program of the charter school not described in subsection 2;*

(f) *The bylaws of the charter school or its governing body;*

(g) *The membership of the governing body of the charter school;*

(h) *The schedule of the charter school, including, without limitation, the length of its academic year, school week or school day;*

(i) *The accountability plan for the charter school;*

(j) *The enrollment policy of the charter school and its application for admission; or*

(k) *The expulsion policy of the charter school,*

· *must be submitted to the Executive Director for approval.*

4. *The Executive Director may refer a request submitted to him or her pursuant to this section to the State Public Charter School Authority for approval.*

5. *A charter school may not implement an amendment to its written charter or charter contract, as applicable, unless the amendment has been voted on and approved by the governing body of the charter school and has been submitted to and approved by the State Public Charter School Authority or the Executive Director, as appropriate.*

6. *The State Public Charter School Authority will publish each request to amend a written charter or charter contract received by the State Public Charter School Authority or the Executive Director on its Internet website.*

7. *The State Public Charter School Authority and the Executive Director, as applicable, shall approve proposed amendments to a written charter or charter contract if the proposed amendments comply with the provisions of Chapter 388A. If the State Public Charter School Authority or Executive Director, as applicable, fails to approve or deny a request for an amendment within sixty (60) days after the date upon which the request was submitted, the proposed amendment will be deemed approved.*

~~*may consider a*~~

~~*charter school's compliance with applicable local, state and federal laws and regulations and*~~

~~evidence relating to the academics, finance and organization of the charter school when determining whether to approve a request for an amendment to its written charter or charter contract, as applicable.~~

~~8. The State Public Charter School Authority will not approve a request to amend the terms of a written charter or charter contract pursuant to paragraph (g) of subsection 2 unless:-~~

~~(a) For a charter school requesting conversion from a multi-campus school to a single-campus school which has received funding from the United States Department of Education to plan or implement the charter school in the immediately preceding 5 years, the charter school agrees not to combine its campus with the campus of another charter school that has not received such funding; and~~

~~(b) For a charter school requesting conversion from a single-campus school to a multi-campus school, the charter school agrees to include provisions in its written charter or charter contract, as applicable, which:-~~

~~(1) Require each campus of the charter school to have a distinct academic leader who reports to the administrative head of the charter school and is responsible for the staff of his or her campus;-~~

~~(2) Allow pupils from one campus of the charter school to matriculate to another-campus automatically or, if there are insufficient spaces at a campus for matriculating pupils, in a manner that gives matriculating pupils priority over new pupils which may include, without limitation, by an internal lottery for matriculating pupils held before an external lottery for new pupils;-~~

~~(3) Require new pupils to apply to each campus of the charter school through a separate application and lottery process;-~~

~~(4) Identify the name, group of grade levels to be served and location of each campus;- and~~

Formatted: Left, Indent: Left: 0.21", Right: 0", Space Before: 0.4 pt, Line spacing: Exactly 13.8 pt

Formatted: Space Before: 0.4 pt

Formatted: Indent: Left: 0.21", Right: 0", Space Before: 0.4 pt, Line spacing: Exactly 13.8 pt

Formatted: Space Before: 0.4 pt

Formatted: Left, Indent: Left: 0.21", Right: 0", Space Before: 0.4 pt, Line spacing: Exactly 13.8 pt

Formatted: Indent: Left: 0.21", Space Before: 0.4 pt

Formatted: Indent: Left: 0.21", Right: 0", Space Before: 0.4 pt, Line spacing: Exactly 13.8 pt

~~(5) Authorize the State Public Charter School Authority to reconstitute, restart or close each campus of the charter school separately based on the performance of each campus.~~

**Comment [NVVA12]:** This language conflicts with state law, which states that amendments to charters should be granted so long as they comply with Chapter 388A of NRS. Moreover, state law requires that if the request is denied, it must be placed in writing how the amendment would not comply with state law.

~~9. A charter school which submits a request to amend the terms of its written charter or charter contract, as applicable, which will come into effect within 18 months after the expiration of its existing written charter or charter contract may not submit anecdotal evidence or testimony related to data not reflected in the statewide system of accountability for public schools or the performance framework adopted by the State Public Charter School Authority and incorporated into the written charter or charter contract in support of its request.~~

**Comment [NVVA13]:** This is not in state law and would unduly restrict a school from an amendment that it is entitled to as a matter of right.

10. If the State Public Charter School Authority or Executive Director, as applicable, denies the request for an amendment, the State Public Charter School Authority or Executive Director, as applicable, shall provide written notice to the governing body of the charter school setting forth the specific reasons under Chapter 388A of the NRS for the denial. or, within 60 days after the date upon which the

request was submitted, fails to approve a request for an amendment submitted to him or her pursuant to this section, the governing body of the charter school which submitted the request may submit the request to the State Public Charter School Authority for review.

**Formatted:** Indent: Left: 0.21", Right: 0", Space Before: 11.85 pt, Line spacing: Exactly 13.8 pt

~~11. The decision of the State Public Charter School Authority regarding whether to approve a request to amend a written charter or charter contract is a final decision.~~

**Comment [NVVA14]:** State law provides for a right of appeal related to agency action.

~~12. If the State Public Charter School Authority or the Executive Director, as appropriate, approves a request to amend a written charter or charter contract, the charter school must submit a draft of each document required pursuant to section 9 of this regulation to the State Public Charter School Authority for review and approval before implementing the amendment.~~

**Comment [NVVA15]:** All of the documents in Section 9 are related to a new school opening and what is needed prior to June 30. This does not pertain to an existing school that is seeking an amendment to the charter.

13. As used in this section:

(a) “Multi-campus school” means a charter school that operates two or more campuses, each of which has a distinct academic leader who is responsible for its staff and each of which

*may serve the same group of grade levels or differing groups of grade levels, under one written charter or charter contract, as applicable.*

*(b) “Single-campus school” means a charter school that serves a specified group of grade levels with a single academic leader who is responsible for its staff and for the entire group of grade levels of the campus regardless of whether the educational programs of the charter school are delivered in one or more than one building.*

*(c) “Full-time virtual” means a public charter school that offers educational services predominantly through an on-line program*

NEW FIRST  
PARALLEL  
SECTION

**Sec. 8. 1.** *In addition to the request to amend its written charter or charter contract, as applicable, submitted pursuant to section 7 of this regulation, each charter school shall submit a version of the request to amend its written charter or charter contract which excludes or redacts from the request and any related material to be shared with the public:*

*(a) Proprietary material.*

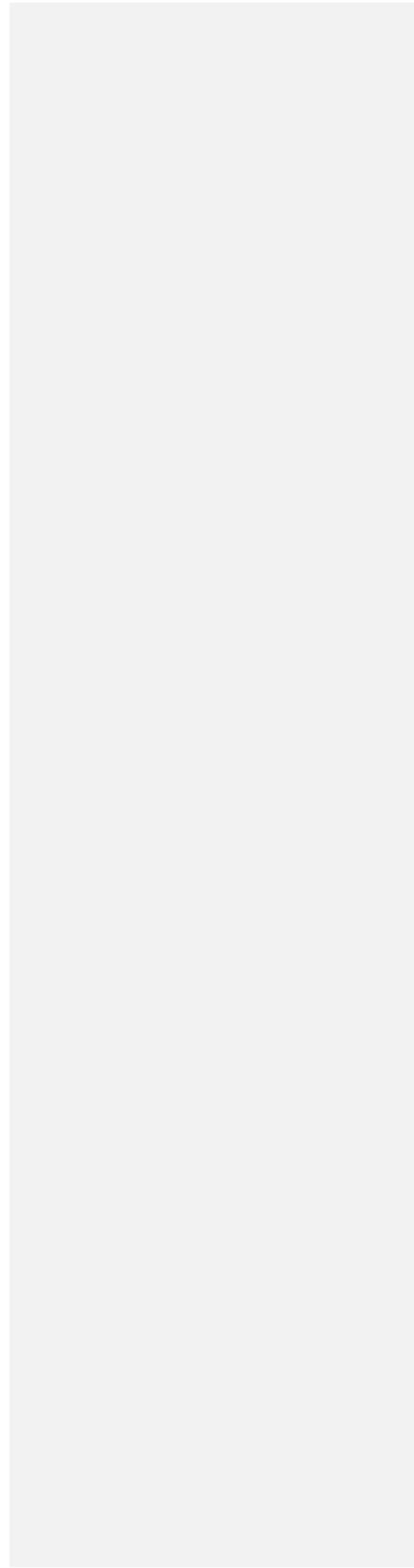
*(b) Copyrighted material.*

*(c) Any documents which may violate the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, by identifying the current or potential pupils of the charter school, including, without limitation, sign-in lists from public meetings relating to the charter school, photographs of current or potential pupils and letters of support from current or potential parents or pupils of the charter school.*

*(d) Any other information or documentation which may not be released to the public in accordance with state or federal law or regulation.*

**2.** *The Executive Director may reject and require resubmission of a request submitted pursuant to subsection 1 if the Executive Director determines that publishing the request on the Internet website maintained by the State Public Charter School Authority would violate*

L  
C  
B  
  
D  
r  
a  
f  
t  
  
o  
f  
  
P  
r  
o  
p  
o  
s  
e  
d  
  
R  
e  
g  
u  
l  
a  
t  
i  
o  
n  
  
R  
0  
8  
9  
-  
1  
6



NEW FIRST  
PARALLEL  
SECTION

*any state or federal law or regulation applicable to the State Public Charter School Authority, including, without limitation, 29 U.S.C. § 794d.*

**Sec. 9.** ~~*1. The State Public Charter School Authority may specify additional conditions when granting an application to form a charter school or approving a request to amend a written charter or charter contract for the purpose of occupying additional facilities. If such an applicant or charter school fails to comply with the additional conditions specified by the State Public Charter School Authority, the Executive Director may prohibit the charter school from beginning or continuing to operate as a charter school.*~~

~~*2. Upon receiving a charter contract or approval of an amendment to a written charter or charter contract, as applicable, the charter school must, on or before June 30 following receipt, submit all documents required for opening to the State Public Charter School Authority, including, without limitation:*~~

~~*(a) If the governing body of the charter school intends to procure substantially all educational services from another person or organization, the terms of the proposed management contract;*~~

~~*(b) The policies and procedures of the charter school, including, without limitation, approved bylaws, an enrollment policy and a plan for recruitment and retention of pupils;*~~

~~*(c) The criteria and procedures for the suspension and expulsion of pupils;*~~

~~*(d) Written documentation demonstrating that criminal background checks have been performed as required by state law;*~~

~~*(e) Written documentation demonstrating that any facility to be used by the charter school is approved for use as a school by the building inspector in the municipality in which the facility is located;*~~

**Formatted:** Indent: First line: 0.2", Right: 0.01", Space Before: 3.15 pt, Line spacing: Exactly 27.6 pt, Tab stops: 0.87", Left

**Comment [NVVA16]:** State law is very specific on what conditions can be placed on the granting of a charter or an amendment to a charter, and this exceeds those enumerate reasons. Moreover, state law does not grant the ED the power to close schools on his own or through this path. Closure reasons are set forth in state law, and this exceeds those enumerate reasons.

*(f) Written documentation demonstrating that any facility occupied by the charter school has received a fire inspection from the appropriate fire authority;*

*(g) If explosives or flammable compounds or liquids will be used in conjunction with courses taught at the charter school, written documentation demonstrating that approval has been secured from the appropriate licensing authority in the municipality in which the facility is located; and*

*(h) Written documentation demonstrating that the charter school is in compliance with all other applicable federal and state health and safety laws and regulations, including, without limitation, evidence of compliance with any required insurance coverage.*

**Sec. 10. 1. On or before June 30 immediately preceding the second to the last school year in which a charter school is authorized to operate pursuant to its charter contract, the State Public Charter School Authority shall submit to the charter school a written report summarizing the performance of the charter school and each facility that constitutes the charter school during the term of the charter contract including, without limitation:**

**(a) A summary of the performance of the charter school based upon the terms of the charter contract and the requirements of Chapter 388A of NRS;**

**(b) An identification of any deficiencies relating to the performance of the charter school which the State Public Charter School Authority has determined may result in a nonrenewal of the charter contract if the deficiencies remain uncorrected;**

**(c) Requirements for the application for renewal of the charter contract submitted to the State Public Charter School Authority;**

**(d) The criteria that the State Public Charter School Authority will apply in making a determination on the application for renewal based upon the performance framework for the charter school and the requirements of Chapter 388A of NRS. Such criteria must include, without limitation, the performance indicators, measures, and metrics included in the performance framework.**

**The charter school may submit a written response to the State Public Charter School Authority concerning the performance report prepared by the State Public Charter School Authority, which may include any revisions or clarifications that the charter school seeks to make to the report.**

**2. The governing body of a charter school sponsored by the State Public**

**Charter School Authority that wishes to renew its charter contract shall submit an application for renewal to the State Public Charter School Authority on a form, prescribed and published by the State Public Charter School Authority at least one year prior to the date on which the request**

**Formatted:** List Paragraph, Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.95" + Indent at: 1.2"

**Formatted:** Font: (Default) Times New Roman Bold Italic, 12 pt, Italic, Font color: Blue, Expanded by 0.05 pt

**Formatted:** Indent: Left: 0"

~~for renewal is required by the~~

~~Executive Director.~~ Except as otherwise provided in this section, an application for renewal must be submitted to the State Public Charter School Authority on or after September 15 and on or before October 15. ~~The governing body must submit a written notice of intent to submit an application for renewal to the Executive Director not less than 30 days before submitting the application for renewal.~~ The ~~Executive Director~~ State Public Charter School Authority may, upon request and for good cause

shown, accept an application for renewal at any time. The application for renewal must include, without limitation:

~~(a) The requirements for the application identified by the sponsor in the performance report prepared by the State Public Charter School Authority;~~

~~(b) A summary of the academic performance of the charter school as measured against goals described in the charter application, as reported by the statewide system of accountability for public schools and any predecessor or successor accountability system and the performance framework adopted by the State Public Charter School Authority and incorporated into the charter contract or a programmatic audit~~

**Comment [NVVA17]:** State law states October 15, not October 1.

**Comment [NVVA18]:** State law spells out what needs to be included in the renewal, which were inadvertently left out of the proposed rules.

**Formatted:** Justified, Indent: Left: 0", First line: 0", Right: 0", Space Before: 10 pt, Line spacing: single

*conducted pursuant to state law which is aligned to the current performance framework adopted by the State Public Charter School Authority;*

*~~(cb)~~ A summary of the organizational performance of the charter school, which includes a description of any notices of concern or notices of breach issued to the charter school for organizational performance pursuant to either the performance framework adopted by the State Public Charter School Authority and incorporated into the charter contract or a programmatic audit conducted pursuant to state law which is aligned to the current performance framework adopted by the State Public Charter School Authority;*

*~~(de)~~ A summary of the financial performance of the charter school, which includes a description of any notices of concern or notices of breach issued to the charter school for financial performance pursuant to either the performance framework adopted by the State Public Charter School Authority and incorporated into the charter contract or a programmatic audit conducted pursuant to state law which is aligned to the current performance framework adopted by the State Public Charter School Authority; and*

*~~(ed)~~ A summary of the anticipated enrollment of the charter school for the term of the renewed charter contract.*

*(f) Any information or data that the governing body of the charter school determines supports the renewal of the charter contract in addition to the information contained in the performance report prepared by the State Public Charter School Authority and any response submitted by the governing body regarding the performance report; and*

*(g) A description of any improvements to the charter school already undertaken or planned.*

*~~23.~~ The governing body of a charter school may request a waiver from the requirements of subsection ~~1-2~~ which may be granted by the State Public Charter School Authority for good cause shown.*

*~~3.- In addition to the material required to be submitted pursuant to subsection 1, the governing body of a charter school:-~~*

~~(a) Shall submit any additional material or information requested by the Executive Director; and~~

~~(b) May, consistent with the approved charter application with the approval of the Executive Director, submit external evaluations of~~

~~academic data. The data included in an external evaluation must be independently audited and verified by the person performing the evaluation. The governing body shall ensure that the external evaluation and the data included in the evaluation are provided directly to the State Public Charter School Authority. If the State Public Charter School Authority cannot validate the data or replicate the calculations used to generate the external evaluation, the State Public Charter School Authority will direct the school to enter into a contract for a separate independent evaluation of the data and calculations by a vendor selected by the State Public Charter School Authority.~~

~~Executive Director.~~

~~4. An application for renewal of a charter contract shall not contain a material change from the existing charter contract. A governing body which wishes to both renew a charter contract and materially change the terms of the charter contract must first apply for renewal pursuant to this section and subsequently request to amend the charter contract pursuant to section 7 of this regulation.~~

5. The Executive Director shall notify the governing body of a charter school upon receipt of an application to renew a charter contract and may, in his or her discretion, arrange for a site visit of the charter school to be conducted, consistent with site visit procedures approved by the State Public Charter School Authority, to obtain information relevant to the application for renewal of the charter contract. If a site visit is conducted pursuant to this subsection, the Executive Director or his or her designee shall prepare a report of the site visit.

6. The Executive Director shall review each application for renewal of a charter contract consistent with Chapter 388A of NRS ~~using the performance framework adopted by the State Public Charter School Authority and incorporated into the charter contract~~ and prepare and submit to the State Public Charter School Authority and the governing body of the charter

**Comment [NVVA19]:** This is not set forth in state law. Statute spells out what is required, and with the performance report and the school's response, all evaluation on the school should be done prior to the application even being submitted.

**Comment [NVVA20]:** State law does not impose this limitation.

**Comment [NVVA21]:** State law sets forth the criteria for reviewing renewal requests and the school's performance under the framework is not the only factor.

school a recommendation regarding the application. When making a

--20--

LCB Draft of Proposed Regulation R089-16

*recommendation pursuant to this subsection, the Executive Director shall consider the evidence and data gathered relating to the past performance of the charter school, including, without limitation:*

*(a) The information contained in the application for renewal;*

*(b) Any information relating to the site visit and site visit report, consistent with site visit procedures approved by the State Public Charter School Authority; and*

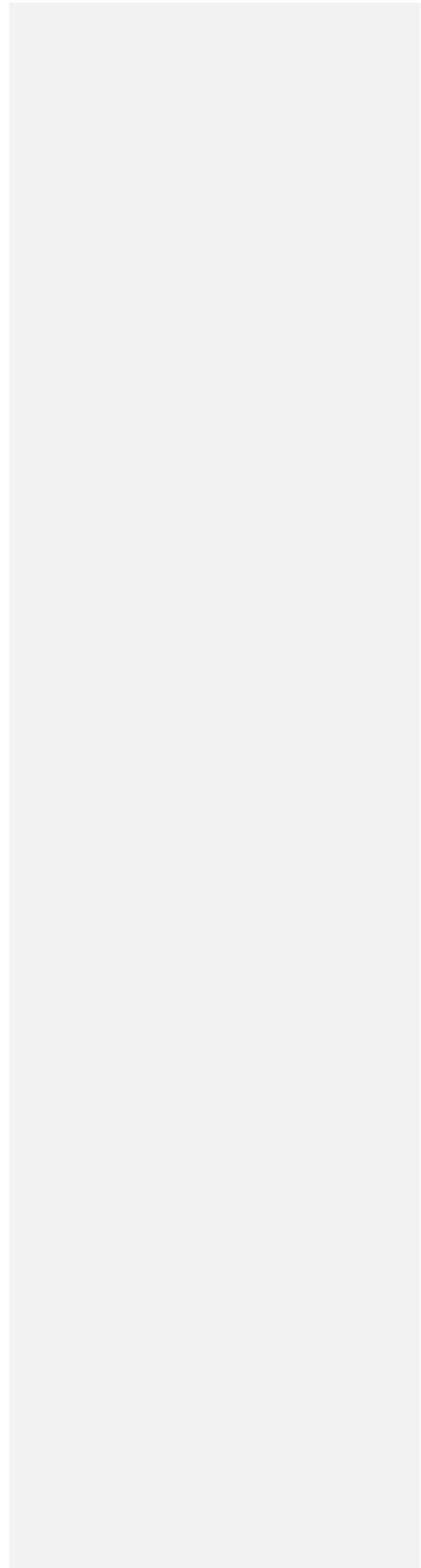
*(c) The annual reporting results of the charter school, including, without limitation, those relating to the academic achievement of pupils and compliance with state, federal and local laws and regulation; and*

~~*(d) Any other information that the Executive Director determines is relevant to whether the charter contract should be renewed, including, without limitation, information relating to whether renewal of the charter contract should be denied to protect the interests of pupils, families and the public because of a criminal violation, fraud, the existence of an unsafe environment, organizational instability or other serious or egregious violations of law or the charter contract of the charter school.*~~

*7. If the Executive Director determines that he or she will recommend that the charter contract of a charter school should not be renewed, he or she shall give written notice of his or her recommendation to the governing body of the charter school and the State Public Charter School Authority. ~~The governing body of the charter school may request that the State Public Charter School Authority postpone consideration of its application for renewal of the charter contract to allow the governing body to prepare a response to the recommendation of the Executive Director. The governing body of the charter school may, within 7 calendar days after receipt of the Executive Director's notice, submit a written response to the State Public Charter School Authority, which may include supporting affidavits, exhibits, any other documentary evidence and a written legal argument.~~*

**Comment [NVVA22]:** State law requires compliance with state, federal, and local laws and regulations so that has been added in place of this language that is broadly worded and not narrow in scope to capture the information intended.

LCB Draft of Proposed Regulation R089-16



8. *The State Public Charter School Authority will publish each application for renewal of a charter contract received by the State Public Charter School Authority pursuant to this section and each written response received pursuant to subsection 7 on its Internet website.*

9. *Between forty-five (45) and sixty (60) days after receipt of the application for renewal from the governing board of the charter school, the State Public Charter School Authority shall hold a public hearing pursuant to chapter 233B of NRS, where such hearing will include, but not be limited to, affording the charter school the opportunity to present evidence in support of renewal, call witnesses, and be represented by counsel.*

10. *When determining whether to grant an application for renewal of a charter contract, the State Public Charter School Authority will consider the totality of the evidence presented to the State Public Charter School Authority, including, without limitation:*

(a) *The information contained in the application for renewal and presented by the charter school at the public hearing;*

(b) *Any information relating to the site visit and site visit report; and*

(c) *The recommendation of the Executive Director;*

(d) *Any information in the written response of the governing body of the charter school to the recommendation of the Executive Director, if any, which the State Public Charter School Authority determines is relevant; and*

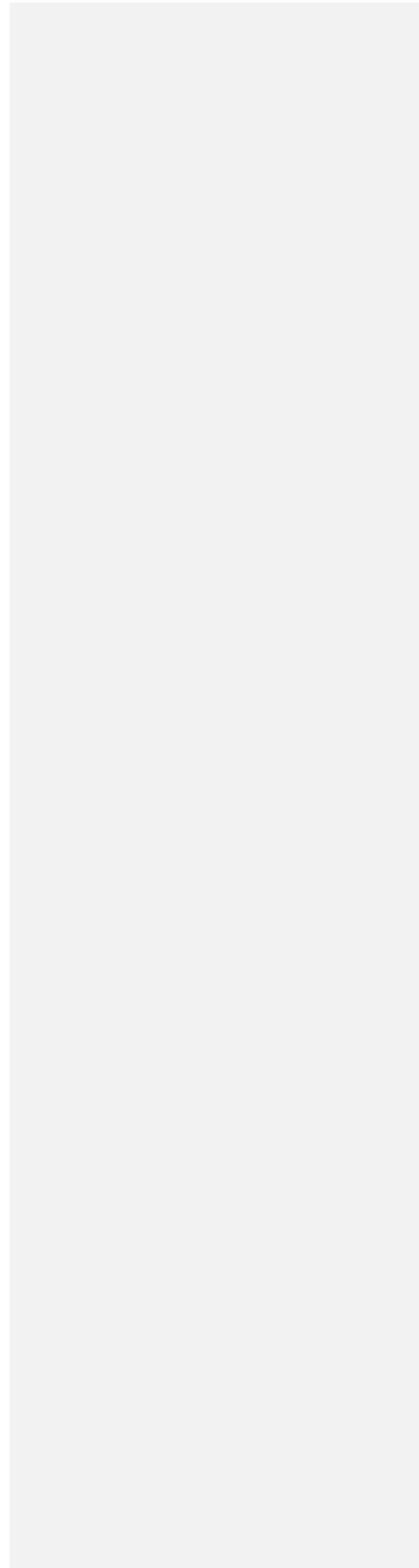
(e) *Any other information that the State Public Charter School Authority determines is relevant to whether the charter contract should be renewed, including, without limitation, information relating to whether renewal of the charter contract should be denied to protect the interests of pupils, families and the public because of a criminal violation, fraud, the existence of an unsafe environment, organizational instability or other serious or egregious violations of law or the charter contract of the charter school.*

10. *The State Public Charter School Authority, when considering an application for renewal of a charter contract pursuant to this section:*

(a) *May accept or reject, in whole or in part, the recommendation of the Executive Director; and*

Formatted: Justified, Indent: Left: 0.01",  
First line: 0.2", Right: 0.11", Space Before:  
2.9 pt, Line spacing: Exactly 27.5 pt

~~(b) Will not give any one factor more weight than the academic performance of pupils; and~~



~~(e) Will, on each subsequent application for renewal, give the academic performance of pupils a greater weight than that assigned to it on the first renewal.~~

*11. The State Public Charter School Authority may, unless required to terminate a charter contract or restart a charter school under a new charter contract pursuant to NRS 388A.300, in its sole discretion:*

*(a) Renew a charter contract for a term of 6 years;*

~~(b) Renew a charter contract for a term of 6 years with a provision for a high stakes review under terms prescribed by the State Public Charter School Authority which may result in the termination of the charter contract before its expiration;~~

~~(c) Renew a charter contract for a term of 6 years with any additional provisions, requirements or restrictions which the State Public Charter School Authority determines are appropriate, including, without limitation, the termination of a management agreement or the renegotiation of a management agreement on terms satisfactory to the State Public Charter School Authority or the Executive Director;~~

~~(d) Deny the renewal of a charter contract for the purpose of reconstituting the governing body of the charter school pursuant to NRS 388A.330 and assigning the charter contract to a charter management organization or a new governing body which may include, without limitation, the governing body of another charter school or a governing body assembled by the Executive Director;~~

~~(e) Deny the renewal of a charter contract for the purpose of restarting the charter school and issuing a new charter contract pursuant to NRS 388A.300 to a charter management organization or a new governing body, including, without limitation, the governing body of~~

Formatted: Indent: Left: 0.01", Space Before: 13.2 pt

~~another charter school, which will inherit any assets of the charter school which remain following dissolution; or~~

~~(f) Deny the renewal of a charter contract for the purpose of closing the charter school.~~

12. Each charter contract renewed pursuant to this section shall contain the performance benchmarks set forth in the performance framework adopted by the State Public Charter School Authority as part of the oversight plan for the charter school.

~~13. The Executive Director may request the State Public Charter School Authority to reclassify a denial pursuant to paragraph (d), (e) or (f) of subsection 11 to a denial pursuant to a different paragraph of that subsection. The State Public Charter School Authority may reclassify such a denial if it determines that a different outcome is more practical or more beneficial to the interests of this State and the public, including, without limitation, pupils enrolled at the charter school. The State Public Charter School Authority shall:~~

~~(a) Make available to the governing board of the charter school the data used in making the renewal decision; and~~

~~(b) Post a report on the Internet website fo the State Public Charter School Authority summarizing the decision of the State Public Charter School Authority on the application for renewal and the basis for its decision.~~

14. -

If a request for renewal is denied by the State Public Charter School Authority, the charter

Formatted: Font: (Default) Times New Roman Bold Italic, 12 pt, Italic, Font color: Blue

Formatted: Indent: Left: 0"

Formatted: Indent: Left: 0", First line: 0"

Formatted: Not Expanded by / Condensed by

Formatted: Indent: Left: 0.21", Right: 0", Space Before: 10.75 pt, Line spacing: Exactly 13.8 pt

Formatted: Expanded by 0.05 pt

Formatted: Indent: Left: 0", First line: 0"

school is entitled to judicial review, pursuant to chapter 233B of NRS, by filing within thirty (30) days after service of the final decision of the State Public Charter School Authority a petition in the district court in and for Carson City, in and for the county in which the charter school is located, or in and for the county where the State Public Charter School Authority took action.

~~If the Executive Director recommends that the State Public Charter School Authority grant an application for renewal of a charter contract but the State Public Charter School Authority decides to deny the application, the State Public Charter School Authority shall provide written notification to the governing body of the charter school of the decision of the State Public Charter School Authority and the reasons therefor and of the right of the governing body to request reconsideration. The governing body of the charter school may request reconsideration by, within 5 days after receipt of the written notification from the State Public Charter School Authority, notifying the Executive Director in writing that it intends to request reconsideration and, within 30 days after receipt of the written notification from the State Public Charter School Authority, submitting a written response and request for reconsideration, which may include supporting affidavits, exhibits, any other documentary~~

Formatted: Indent: Left: 0", Right: 0.01",  
Space Before: 0.45 pt, Line spacing:  
Exactly 27.6 pt

~~evidence and a written legal argument, to the Executive Director for transmission to the State Public Charter School Authority. If no previous request for reconsideration has been made on an application for renewal, upon receipt of a written response and request for reconsideration, the State Public Charter School Authority may reconsider the application for renewal.~~

**Formatted:** Indent: Left: 0", Right: 0.01",  
Space Before: 0.45 pt, Line spacing:  
Exactly 27.6 pt

~~15. The decision of the State Public Charter School Authority on whether to grant an application for renewal, unless reconsidered pursuant to subsection 14, is a final decision. The decision of the State Public Charter School Authority on reconsideration of an application for renewal pursuant to subsection 14 is a final decision.~~

**Sec. 11.** *1. In addition to submitting the application for renewal of a charter contract submitted-*

*pursuant to section 10 of this regulation, the governing body of the charter school shall submit a version of the application for renewal which excludes or redacts from the application for renewal and any related material to be shared with the public:*

**Formatted:** Indent: Left: 0.21", Right: 0",  
Space Before: 10.85 pt, Line spacing:  
Exactly 13.8 pt, Tab stops: 0.95", Left

*(a) Proprietary material.*

*(b) Copyrighted material.*

*(c) Any documents which may violate the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, by identifying pupils enrolled at the charter school, including, without limitation, sign-in lists from public meetings relating to the charter school, photographs of current or potential pupils and letters of support from current or potential parents or pupils of the charter school.*

*(d) Any other information or documentation which may not be released to the public in accordance with state or federal law or regulation.*

*2. The Executive Director may reject and require resubmission of an application for renewal submitted pursuant to subsection 1 if the Executive Director determines that*

*publishing the application on the Internet website maintained by the State Public Charter School Authority would violate any state or federal law or regulation applicable to the State Public Charter School Authority, including, without limitation, 29 U.S.C. § 794d.*

**Sec. 12.** Section 7 of this regulation is hereby amended to read as follows:

**Comment [NVVA23]:** Same recommended edits made above should be incorporate here.

Sec. 7. 1. A charter school sponsored by the State Public Charter School Authority that wishes to amend the material terms of its ~~{written charter or}~~ charter contract ~~{, as applicable,}~~ pursuant to NRS 388A.276 shall submit a request to amend its ~~{written charter or}~~ charter contract ~~{, as applicable,}~~ to the State Public Charter School Authority or the Executive Director, as applicable, for approval pursuant to this section. Except as otherwise provided in this section, such a request must be submitted to the State Public Charter School Authority or the Executive Director on or after March 1 and on or before March 15 or on or after October 1 and on or before October 15 of each year. A charter school must submit a written notice of intent to submit a request to amend its ~~{written charter or}~~ charter contract ~~{, as applicable,}~~ to the State Public Charter School Authority or the Executive Director not less than 30 days before submitting the request. The State Public Charter School Authority or the Executive Director may, upon request and for good cause shown, accept a request to amend a ~~{written charter or}~~ charter contract at any time.

2. A request to amend the terms of a ~~{written charter or}~~ charter contract relating to:

- (a) The districts specified in the ~~{written charter or}~~ charter contract;
- (b) The maximum enrollment of the charter school;
- (c) The grades served by the charter school;

(d) A contractual relationship with an educational management organization which provides or plans to provide substantially all the educational services offered by the charter school;

(e) The occupancy of a new or additional facility which the State Public Charter School Authority determines has the effect of increasing enrollment at the charter school;

(f) Relocation to a new facility which the State Public Charter School Authority determines does not have the effect of increasing enrollment at the charter school;

(g) The conversion of the charter school from a single-campus school to a multicampus school or from a multi-campus school to a single-campus school;

(h) A consolidation of the ~~written charter or~~ charter contract ~~[, as applicable,]~~ for one or more charter schools;

(i) A change to the mission statement and admissions policy of the charter school which would change the population served by the charter school from all pupils to the pupils specified in paragraph (a) of subsection 3 of NRS 385A.740; or

(j) A change to the mission statement and admissions policy of the charter school which would change the population served by the school from the pupils specified in paragraph (a) of subsection 3 of NRS 385A.740 to all pupils,

• must be submitted to the State Public Charter School Authority for approval.

3. A request to amend the terms of a ~~written charter or~~ charter contract relating to:

(a) The name of the charter school;

(b) A change to the mission statement of the charter school not described in paragraph

(i) or (j) of subsection 2;

(c) The governance or leadership structure of the charter school;

(d) A change in the educational programs, curriculum models, methods of instructional delivery, including, without limitation, distance education, blended or other programs or designs for the whole charter school which is inconsistent with those specified in the ~~written charter or~~ charter contract, ~~as applicable,~~ including, without limitation:

(1) A change from a virtual or cyber school model to a blended model or classroombased instructional model;

(2) A change from a blended model to a virtual or cyber school model or classroombased instructional model; or

(3) A change from a classroom-based instructional model to a virtual or cyber school model or blended model;

(e) A change to the academic program of the charter school not described in subsection 2;

(f) The bylaws of the charter school or its governing body;

(g) The membership of the governing body of the charter school;

(h) The schedule of the charter school, including, without limitation, the length of its academic year, school week or school day;

(i) The accountability plan for the charter school;

(j) The enrollment policy of the charter school and its application for admission; or

(k) The expulsion policy of the charter school,

• must be submitted to the Executive Director for approval.

4. The Executive Director may refer a request submitted to him or her pursuant to this section to the State Public Charter School Authority for approval.

5. A charter school may not implement an amendment to its ~~written charter or~~ charter contract ~~[-as applicable,]~~ unless the amendment has been voted on and approved by the governing body of the charter school and has been submitted to and approved by the State Public Charter School Authority or the Executive Director, as appropriate.

6. The State Public Charter School Authority will publish each request to amend a ~~written charter or~~ charter contract received by the State Public Charter School Authority or the Executive Director on its Internet website.

7. The State Public Charter School Authority and the Executive Director may consider a charter school's compliance with applicable local, state and federal laws and regulations and evidence relating to the academics, finance and organization of the charter school when determining whether to approve a request for an amendment to its ~~written charter or~~ charter contract. ~~[-as applicable.]~~

8. The State Public Charter School Authority will not approve a request to amend the terms of a ~~written charter or~~ charter contract pursuant to paragraph (g) of subsection 2 unless:

(a) For a charter school requesting conversion from a multi-campus school to a single-campus school which has received funding from the United States Department of Education to plan or implement the charter school in the immediately preceding 5 years, the charter school agrees not to combine its campus with the campus of another charter school that has not received such funding; and

(b) For a charter school requesting conversion from a single-campus school to a multicampus school, the charter school agrees to include provisions in its ~~written charter or~~ charter contract ~~[-as applicable,]~~ which:

(1) Require each campus of the charter school to have a distinct academic leader who reports to the administrative head of the charter school and is responsible for the staff of his or her campus;

(2) Allow pupils from one campus of the charter school to matriculate to another campus automatically or, if there are insufficient spaces at a campus for matriculating pupils, in a manner that gives matriculating pupils priority over new pupils which may include, without limitation, by an internal lottery for matriculating pupils held before an external lottery for new pupils;

(3) Require new pupils to apply to each campus of the charter school through a separate application and lottery process;

(4) Identify the name, group of grade levels to be served and location of each campus; and

(5) Authorize the State Public Charter School Authority to reconstitute, restart or close each campus of the charter school separately based on the performance of each campus.

9. A charter school which submits a request to amend the terms of its ~~written charter or~~ charter contract ~~[, as applicable,]~~ which will come into effect within 18 months after the expiration of its existing ~~written charter or~~ charter contract may not submit anecdotal evidence or testimony related to data not reflected in the statewide system of accountability for public schools or the performance framework adopted by the State Public Charter School Authority and incorporated into the ~~written charter or~~ charter contract in support of its request.

10. If the Executive Director denies or, within 60 days after the date upon which the request was submitted, fails to approve a request for an amendment submitted to him or her pursuant to this section, the governing body of the charter school which submitted the request may submit the request to the State Public Charter School Authority for review.

11. The decision of the State Public Charter School Authority regarding whether to approve a request to amend a ~~written charter or~~ charter contract is a final decision.

12. If the State Public Charter School Authority or the Executive Director, as appropriate, approves a request to amend a ~~written charter or~~ charter contract, the charter school must submit a draft of each document required pursuant to section 9 of this regulation to the State Public Charter School Authority for review and approval before implementing the amendment.

13. As used in this section:

(a) “Multi-campus school” means a charter school that operates two or more campuses, each of which has a distinct academic leader who is responsible for its staff and each of which may serve the same group of grade levels or differing groups of grade levels, under one ~~written charter or~~ charter contract . ~~as applicable.~~

(b) “Single-campus school” means a charter school that serves a specified group of grade levels with a single academic leader who is responsible for its staff and for the entire group of grade levels of the campus regardless of whether the educational programs of the charter school are delivered in one or more than one building.

**Sec. 13.** Section 8 of this regulation is hereby amended to read as follows:

Sec. 8. 1. In addition to the request to amend its ~~written charter or~~ charter contract ~~as applicable,~~ submitted pursuant to section 7 of this regulation, each charter school

**Comment [NVVA24]:** Same recommended edits made above should be incorporate here.

shall submit a version of the request to amend its ~~written charter or~~ charter contract which excludes or redacts from the request and any related material to be shared with the public:

(a) Proprietary material.

(b) Copyrighted material.

(c) Any documents which may violate the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, by identifying the current or potential pupils of the charter school, including, without limitation, sign-in lists from public meetings relating to the charter school, photographs of current or potential pupils and letters of support from current or potential parents or pupils of the charter school.

(d) Any other information or documentation which may not be released to the public in accordance with state or federal law or regulation.

2. The Executive Director may reject and require resubmission of a request submitted pursuant to subsection 1 if the Executive Director determines that publishing the request on the Internet website maintained by the State Public Charter School Authority would violate any state or federal law or regulation applicable to the State Public Charter School Authority, including, without limitation, 29 U.S.C. § 794d.

**Sec. 14.** Section 9 of this regulation is hereby amended to read as follows:

Sec. 9. 1. The State Public Charter School Authority may specify additional conditions when granting an application to form a charter school or approving a request to amend a ~~written charter or~~ charter contract for the purpose of occupying additional facilities. If such an applicant or charter school fails to comply with the additional conditions specified by the State Public Charter School Authority, the Executive Director

**Comment [NVVA25]:** Same recommended edits made above should be incorporate here.

NEW  
SECOND  
PARALLEL  
SECTION

may prohibit the charter school from beginning or continuing to operate as a charter school.

2. Upon receiving a charter contract or approval of an amendment to a ~~{written charter or}~~ charter contract, ~~{as applicable,}~~ the charter school must, on or before June 30 following receipt, submit all documents required for opening to the State Public Charter School Authority, including, without limitation:

(a) If the governing body of the charter school intends to procure substantially all educational services from another person or organization, the terms of the proposed management contract;

(b) The policies and procedures of the charter school, including, without limitation, approved bylaws, an enrollment policy and a plan for recruitment and retention of pupils;

(c) The criteria and procedures for the suspension and expulsion of pupils;

(d) Written documentation demonstrating that criminal background checks have been performed as required by state law;

(e) Written documentation demonstrating that any facility to be used by the charter school is approved for use as a school by the building inspector in the municipality in which the facility is located;

(f) Written documentation demonstrating that any facility occupied by the charter school has received a fire inspection from the appropriate fire authority;

(g) If explosives or flammable compounds or liquids will be used in conjunction with courses taught at the charter school, written documentation demonstrating that approval has been secured from the appropriate licensing authority in the municipality in which the facility is located; and

(h) Written documentation demonstrating that the charter school is in compliance with all other applicable federal and state health and safety laws and regulations, including, without limitation, evidence of compliance with any required insurance coverage.

**Sec. 15.** 1. This section and sections 1 to 11, inclusive, of this regulation become effective upon filing with the Secretary of State.

2. Sections 12, 13 and 14 of this regulation become effective on January 1, 2020.

**NEVADA STATE PUBLIC CHARTER SCHOOL AUTHORITY**

**December 16, 2016**

Truckee Meadows Community College  
7000 Dandini Blvd  
Sierra Room Bldg. Room 108  
Reno, Nevada

And

Nevada System of Higher Education  
4300 South Maryland Parkway  
Room 102  
Las Vegas Nevada

**MINUTES OF THE MEETING**

**BOARD MEMBERS PRESENT:**

**In Las Vegas:**

Adam Johnson  
Melissa Mackedon  
Jacob Snow  
Jason Guinasso  
Nora Luna  
Stavan Corbett

**In Carson City:**

Kathleen Conaboy

**Teleconference:**

None

**BOARD MEMBERS ABSENT**

None

**AUTHORITY STAFF PRESENT:**

**In Las Vegas:**

Patrick Gavin, Director, State Public Charter School Authority  
Brian Scroggins, Deputy Director, State Public Charter School Authority  
Nya Berry, Education Programs Professional, State Public Charter School Authority  
Joan Jurgensen, Education Program Professional, State Public Charter School Authority

**In Carson City:**

Danny Peltier, Management Analyst I  
Tanya Osborne, Administrative Assistant III  
Angela Blair, Education Program Professional, State Public Charter School Authority

**LEGAL STAFF PRESENT:**

**In Las Vegas:**

Greg Ott, Deputy Attorney General  
Robert Whitney, 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**

**Agenda Item 1 – Public Comment**

Chris Orme spoke about being counsel for Tower Distribution, which is the landlord of Quest Torrey Pines' campus.

**Member Guinasso moved to suspend public comment. Member Luna seconded the motion. The motion carried unanimously.**

**Member Guinasso moved to continue the public hearing. Member Mackedon seconded the motion. The motion carried unanimously.**

**The members all decided on continuing the hearing until January 27<sup>th</sup> for Nevada Connections Academy. The motion carried unanimously.**

**Agenda Item 1 – Public Comment**

Danielle Belinski spoke in favor of Nevada Connections Academy. Greg Anderson spoke in regards to her children attending Nevada Connections Academy. Cateland White spoke about keeping Nevada Connections Academy open. Oriana Chun is representing her children for Nevada Connections. Stephanie Fournier spoke on behalf of her family for Nevada Connections Academy. Dana Manno spoke in support of Nevada Connections Academy. Anna Johnston spoke in support of Nevada Connections Academy. Reverend Augustin Jorquez talked in support of Nevada Connections Academy. Gina Hames who works at Nevada Connections Academy spoke about how much the school helps kids. Beverly Cather spoke about how much

Nevada Connections Academy has helped her child. Deborah Schultz spoke about Nevada Connections Academy and is a teacher there and states it's a perfect alternative to being in a physical classroom. Wendy Addington spoke in behalf of Nevada Connections. Stuart Kimball spoke about how well their child is doing at Nevada Connections Academy. Victoria Neer read a letter in behalf of Mariah Grabich.

**Agenda Item 2 – Approval of the October 21, 2016 SPCSA Board Meeting Action Minutes**

This item was moved to the next meeting on January 27, 2017.

**Agenda Item 3 – Consideration and possible action regarding Beacon Academy's amended contract reflecting the school's desire to revise enrollment criteria and become eligible to be evaluated based on the Alternative Framework. Possible actions include acceptance of contract negotiated between Beacon Academy and SPCSA staff, rejection of contract, or direction to renegotiate.**

Director Gavin stated that Beacon Academy submitted an amendment request which will limit their enrollment to strictly those categories of students who are eligible under Senate Bill 460, the bill that created the alternative performance framework, and also more exclusively to the specific categories and definitions outlined in the regulations approved by the State Board of Education earlier this year. This is permissible under statute.

**Member Guinasso made a motion to accept staff's recommendation to approve this amendment. Member Mackedon seconded the motion. The motion carried unanimously.**

**Agenda Item 5 – Public Comment**

None

**Chair Johnson adjourned the meeting at: 1:08**

**STATE PUBLIC CHARTER SCHOOL AUTHORITY**

**SUPPORTING DOCUMENT**

**S U B J E C T: Update on Applications received  
from Winter Application Cycle**

<u>  /  /  </u>	Public Workshop
<u>  /  /  </u>	Public Hearing
<u>  /  /  </u>	Consent Agenda
<u>  /  /  </u>	Regulation Adoption
<u>  /  /  </u>	Approval
<u>  /  /  </u>	Appointments
<u>  /  x/  </u>	Information
<u>  /  /  </u>	Action

MEETING DATE: January 27, 2017

AGENDA ITEM: 3

NUMBER OF ENCLOSURE(S): 1

**PRESENTER(S): Patrick Gavin, Executive Director, SPCSA**

---

**FISCAL IMPACT:**

---

---

**BUDGET ACCOUNT (FOR PRINTING CHARGES ONLY):**

---

---

**LENGTH OF TIME EXPECTED FOR PRESENTATION (IN MINUTES): 15 Mins**

---

**SUBMITTED BY:** \_\_\_\_\_

**BRIAN SANDOVAL**  
*Governor*

**STATE OF NEVADA**

**PATRICK GAVIN**  
*Executive Director*



**STATE PUBLIC CHARTER SCHOOL AUTHORITY**

**1749 North Stewart Street Suite 40  
Carson City, Nevada 89706-2543  
(775) 687 - 9174 · Fax: (775) 687 - 9113**

---

---

**BRIEFING MEMORANDUM**

---

---

**TO:** SPCSA Board  
**FROM:** Patrick Gavin  
**SUBJECT:** Agenda Item 3 - Winter Application Cycle Update  
**DATE:** January 27, 2017

---

Background:

The Authority received four applications for the Winter 2017 Application Cycle

Supporting Detail:

Listed are the names of the proposed schools along with information from the executive summaries of their mission and vision statements provided during the application process.

**New America School Las Vegas**

The mission of The New America School-Las Vegas (NAS-Las Vegas) is to empower new immigrants, English Language Learners and academically underserved students with the educational tools and support they need to maximize their potential, succeed, and live the American dream. The school will serve students from grades 9-12. NAS-Las Vegas will embrace student diversity; develop the skills students need to make responsible choices; teach the 21st century skills students need to succeed academically, personally, and professionally; empower students with the knowledge and confidence necessary to transfer academic knowledge to the real world; and provide English language competency to assure student success.

Star Year: 2018

County of Location: Clark

Grade Ranges: 9-12



**STATE PUBLIC CHARTER SCHOOL AUTHORITY**

**1749 North Stewart Street Suite 40  
Carson City, Nevada 89706-2543  
(775) 687 - 9174 · Fax: (775) 687 - 9113**

**New America School Las Vegas – Planned Enrollment**

<b>Grade</b>	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24
<b>9<sup>th</sup></b>	40	50	60	75	85	100
<b>10<sup>th</sup></b>	40	55	65	80	95	105
<b>11<sup>th</sup></b>	50	60	70	80	90	100
<b>12<sup>th</sup></b>	55	60	80	90	105	110
<b>Total</b>	185	225	275	325	375	1425

**The Keahi School – Henderson**

The Keahi School is an academically rigorous college preparatory school serving K-12 students. The school approaches education as a holistic experience, where the student is prepared for advanced study at the collegiate level, productive citizenry, and to be champions of social justice. The school does this through engaging teaching methods, and by encouraging the diverse expression of ideas.

Start Year: 2018      County of Location: Clark      Grade Ranges: K-12<sup>1</sup>

**The Keahi School Planned Enrollment**

<b>Grade</b>	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24
<b>K</b>	60	60	60	60	60	60
<b>1<sup>st</sup></b>	60	60	60	60	60	60
<b>2<sup>nd</sup></b>	60	60	60	60	60	60
<b>3<sup>rd</sup></b>	60	60	60	60	60	60
<b>4<sup>th</sup></b>	60	60	60	60	60	60

<sup>1</sup> The applicant listed K-12 but only provided enrollment projections for K-8

STATE OF NEVADA

BRIAN SANDOVAL  
Governor

PATRICK GAVIN  
Executive Director



STATE PUBLIC CHARTER SCHOOL AUTHORITY

1749 North Stewart Street Suite 40  
Carson City, Nevada 89706-2543  
(775) 687 - 9174 · Fax: (775) 687 - 9113

5 <sup>th</sup>	60	60	60	60	60	60
6 <sup>th</sup>	60	60	60	60	60	60
7 <sup>th</sup>	60	60	60	60	60	60
8 <sup>th</sup>	60	60	60	60	60	60
9 <sup>th</sup>	-	-	-	-	-	-
10 <sup>th</sup>	-	-	-	-	-	-
11 <sup>th</sup>	-	-	-	-	-	-
12 <sup>th</sup>	-	-	-	-	-	-
<b>Total</b>	480	480	480	480	480	480

**American Leadership Academy Centennial Hills**

American Leadership Academy Centennial Hills (ALA) is a leadership school that utilizes a fusion of classical education and STEM instruction to improve student performance. ALA’s mission is to provide the best educational experience to as many students possible in a moral and wholesome environment. Additionally, ALA seeks to mitigate learning gaps between populations through the use of the Core Knowledge Sequence, integrated daily remediation and extension, student assessment, and excellent instruction.

Start Year: 2018      County of Location: Clark      Grade Ranges: K-8

America Leadership Academy Centennial Hills Planned Enrollment

Grade	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24
<b>K</b>	120	120	120	120	120	120
<b>1<sup>st</sup></b>	120	120	120	120	120	120
<b>2<sup>nd</sup></b>	120	120	120	120	120	120

STATE OF NEVADA

BRIAN SANDOVAL  
Governor

PATRICK GAVIN  
Executive Director



STATE PUBLIC CHARTER SCHOOL AUTHORITY

1749 North Stewart Street Suite 40  
Carson City, Nevada 89706-2543  
(775) 687 - 9174 · Fax: (775) 687 - 9113

3 <sup>rd</sup>	120	120	120	120	120	120
4 <sup>th</sup>	120	120	120	120	120	120
5 <sup>th</sup>	120	120	120	120	120	120
6 <sup>th</sup>	120	120	120	120	120	120
7 <sup>th</sup>	90	120	120	120	120	120
8 <sup>th</sup>	60	90	120	120	120	120
<b>Total</b>	990	1050	1080	1080	1080	1080

**America Leadership Academy Summerlin**

American Leadership Academy Summerlin is a K-8 charter school emphasizing academic excellence, leadership development, patriotism, and a moral and wholesome environment. ALA Summerlin utilizes a traditional school pedagogy based on the Core Knowledge Sequence and a strong liberal arts core. ALA Summerlin is a replication of a high performing charter school model established in Arizona. The mission of ALA Summerlin is to provide the best educational experience to as many students as possible in a moral and wholesome environment. The vision of ALA Summerlin is to “Learn. Lead. Change the World!” At ALA Summerlin, students learn the leadership habits and skills necessary to assume roles and responsibility in school, careers, community and family. Students learn that Servant Leadership (as explained in Steven Covey’s *7 Habits of Highly Effective People*) is the highest form of leadership and students are encouraged to provide meaningful service to their families and communities.

Start Year: 2018      County of Location: Clark      Grade Ranges: K-8

American Leadership Academy Summerlin – Planned Enrollment

<b>Grade</b>	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24
<b>K</b>	120	120	120	120	120	120

STATE OF NEVADA

BRIAN SANDOVAL  
*Governor*

PATRICK GAVIN  
*Executive Director*



STATE PUBLIC CHARTER SCHOOL AUTHORITY

1749 North Stewart Street Suite 40  
Carson City, Nevada 89706-2543  
(775) 687 - 9174 · Fax: (775) 687 - 9113

<b>1<sup>st</sup></b>	120	120	120	120	120	120
<b>2<sup>nd</sup></b>	120	120	120	120	120	120
<b>3<sup>rd</sup></b>	120	120	120	120	120	120
<b>4<sup>th</sup></b>	120	120	120	120	120	120
<b>5<sup>th</sup></b>	120	120	120	120	120	120
<b>6<sup>th</sup></b>	120	120	120	120	120	120
<b>7<sup>th</sup></b>	90	120	120	120	120	120
<b>8<sup>th</sup></b>	60	90	120	120	120	120
<b>Total</b>	990	1050	1080	1080	1080	1080

**STATE PUBLIC CHARTER SCHOOL AUTHORITY**

**SUPPORTING DOCUMENT**

**S U B J E C T: Consideration of Mater  
Academy of Northern Nevada's charter  
application**

  /  /   Public Workshop  
  /  /   Public Hearing  
  /  /   Consent Agenda  
  /  /   Regulation Adoption  
  /  /   Approval  
  /  /   Appointments  
  /  x/   Information  
  /  x  /   Action

MEETING DATE: January 27, 2017

AGENDA ITEM: 4

NUMBER OF ENCLOSURE(S): 1

**PRESENTER(S): Patrick Gavin, Executive Director, SPCSA**

---

**FISCAL IMPACT:**

---

**BUDGET ACCOUNT (FOR PRINTING CHARGES ONLY):**

---

**LENGTH OF TIME EXPECTED FOR PRESENTATION (IN MINUTES): 25 Mins**

---

**SUBMITTED BY:** \_\_\_\_\_

# ***Mater Academy of Northern Nevada***

## ***Charter School Application Recommendation Report***

---

# Summary

## *School Name*

Mater Academy of Northern Nevada

## *Mission*

The mission of Mater Academy of Northern Nevada is to provide an innovative, challenging, multicultural education, preparing students to be global citizens and have a competitive edge in the 21st century workforce. Mater Academy of Northern Nevada aspires to have students obtain a thirst for knowledge and a belief in the students' self-efficacy. We strive to have the Mater Academy of Northern Nevada community actively involved in the learning of its students.

## *Proposed Location*

Washoe County

## *Enrollment Projections*

	<b>2017-18</b>	<b>2018-19</b>	<b>2019-20</b>	<b>2020-21</b>	<b>2021-22</b>	<b>2022-23</b>
K	50	50	50	50	50	50
1	50	50	50	50	50	50
2	50	50	50	50	50	50
3	50	50	50	50	50	50
4	75	50	50	50	50	50
5	75	75	75	75	75	75
6	0	75	90	150	150	150
7	0	0	90	90	150	150
8	0	0	0	90	90	150
<b>Total</b>	<b>350</b>	<b>400</b>	<b>505</b>	<b>655</b>	<b>715</b>	<b>775</b>

# Overview

The Recommendation Report for Mater Academy of Northern Nevada is a summary of the evidence collected by the State Public Charter School Authority (SPCSA) through its interviews and dialogue with the applicant group, review of the school's Charter Application Proposal along with an analysis of performance data for other charter schools implementing the same academic model.

A recommendation to approve a charter for a six-year period is based on a comprehensive review of the proposal, performance data for replicated schools, the applicant capacity interview, follow-up discussion with applicants, and—where possible—site visits, guided by three essential questions:

1. Will the academic program be a success?
2. Will the school be an effective and accountable organization?
3. Will the school be fiscally sound?

**This report is structured around three sections: Academic, Fiscal, and Organizational. Each section contains an overview of key findings based on a the totality of the evidence and concludes with the Authority’s determination on each of the three guiding questions.**

## **Recommendation**

*Overall Recommendation*

***Approve with Significant Conditions to be Addressed Prior to Execution of Charter Contract***

### **Summary of Application Section Ratings**

*Rating options for each section are Meets the Standard; Approaches the Standard; Does Not Meet the Standard*

#### **Section 1. Executive Summary**

- **Approaches the Standard**

#### **Section 2: Meeting the Need**

- **Approaches the Standard**

#### **Section 3: Parent and Community Involvement**

- **Approaches the Standard**

#### **Section 4: Academic Plan – Mission & Vision**

- **Meets the Standard**

#### **Section 5: Transformational Change**

- **Approaches the Standard**

#### **Section 6: Curriculum & Instructional Design**

- **Approaches the Standard**

#### **Section 7: Distance Education**

- **Not Applicable**

#### **Section 8: Pre-K**

- **Not Applicable**

#### **Section 9: High School Graduation Requirements**

- **Not Applicable**

**Section 10: Driving for Results**

- **Meets the Standard**

**Section 11: At-Risk Students and Special Populations**

- **Meets the Standard**

**Section 12: School Structure: Culture**

- **Approaches the Standard**

**Section 13: School Structure: Student Discipline**

- **Approaches the Standard**

**Section 14: School Structure: School Calendar/Schedule**

- **Meets the Standard**

**Section 15: Day in the Life & Scenarios**

- **Approaches the Standard**

**Section 16: Operations Plan– Leadership Team**

- **Approaches the Standard**

**Section 17: Operations Plan– Leadership for Expansion**

- **Not Applicable**

**Section 18: Operations Plan – Staffing**

- **Meets the Standard**

**Section 19: Operations Plan – Human Resources**

- **Meets the Standard**

**Section 20: Operations Plan – Scale Strategy**

- **Not Applicable**

**Section 21: Operations Plan – Student Recruitment and Enrollment**

- **Approaches the Standard**

**Section 22: Operations Plan – Board Governance**

- **Approaches the Standard**

**Section 23: Operations Plan – Incubation Year Development**

- Meets the Standard

**Section 24: Operations Plan – School Management Contracts and Services**

- Meets the Standard

**Section 25: Operations Plan –Services**

- Meets the Standard

**Section 26: Operations Plan – Facilities**

- Meets the Standard

**Section 27: Operations Plan – Ongoing Operations**

- Meets the Standard

**Section 28: Financial Plan**

- Meets the Standard

*Should the Authority Board approve the application on the condition that the areas of improvement identified by addressed to the satisfaction of staff prior to the execution of the charter contract, those non-material revisions will move each element of the application to Meets the Standard.*

# Academic

## *Performance Data:*

For applicants seeking to replicate an existing model—whether as a direct charter management organization applicant, a committee to form partnering with a non-profit or for-profit education management organization, or a committee to form which seeks to independently replicate, primary consideration must be given to the academic track record of the model.

Staff reviewed Mater academic performance data provided by the applicant and verified it via spot checks of publicly available information. No inconsistencies were found. Staff also supplemented the supplied data with a review of other publicly available data. The findings are below:

- Under Florida’s school grading system, 13 of the 20 Mater Academy model schools in Florida were rated at the A level in 2014-15. Seven other schools were rated at the B level; two were rated at the C level. Over 90 percent of Mater model schools in Florida received one of the two highest grades in that year and no school was rated below a C.
- Mater Academy of Las Vegas has not received an accountability rating as it opened in 2015. Due to the 2015 Nevada statewide testing irregularity, there will be no growth data with which to calculate either an NSPF Star rating or an SPCSA Academic Performance Framework rating based on statewide testing data until no earlier than the fall of 2018. Baseline data for Mater on last year’s SBAC was lower than the state average but did not merit any performance intervention by the state.

Conclusion: The proposed academic model has a strong track record of academic performance in Florida. The data on the Nevada implementation is inconclusive due to only one year of data and the emphasis on growth in the Nevada School Performance Framework.

## *Areas of Strength:*

As noted above, the applicant has selected a model with a strong track record of academic success in Florida across 20 campuses. The applicant has a strong understanding of what it takes to oversee a successful academic program and has articulated systems to oversee the implementation of the model. In response to their own observations regarding the initial Nevada implementation, the applicant group identified the significant expansion of Mater Las Vegas, which doubled in size in 2015 as a lesson learned, observing that the baseline proficiency data for the school suffered due to an immoderate level of growth in a high need community between the first and second year of operation. The growth plan for Mater Academy of Northern Nevada reflects a much more moderate and disciplined approach which is intended to ensure a more cohesive school culture, limit the need to recruit large numbers of new staff each year, and support a more stable cohort of students.

Key strengths include:

- The response provided articulates a meaningful vision and mission for the school and incorporates the goal of helping students develop a sense of self-efficacy and active community involvement with the school. The Summary identifies that the school seeks to replicate a model it reports as being successful in Florida with diverse, at-risk student populations (p1). This location the vision and mission well with the core goals of the Nevada Public Charter School Authority to increase the number of schools serving these populations.
- The summary provided also articulates a clear academic need within the target area served by the Washoe County School District with detailed data related to low rates of academic achievement in the target area schools, as well as a partnership with an established community organization, the Boys & Girls Club of the Truckee Meadows (p3), that will likely benefit the school well, including through provision of a facility in which to house the school.
- The summary provided also articulates clear academic, organizational, and financial goals, key components of their model, and also demonstrates how the school can benefit the Boys & Girls Club and the community, such as by offering before and after school programs for area students.
- The applicant's evaluation of the needs of the community clearly indicates a clear and compelling mission of significant academic achievement gaps that exist on the targeted area of Reno-Sparks, including among students that are 'economically-disadvantaged' and/or ELL, as well as to alleviate the severe overcrowding in schools in that area.
- The applicants have illustrated that there is a need, particularly for students requiring ELL services. They intend to replicate the model from Mater Florida in order to show gains for these children.
- The applicant also describes how the proposed model has demonstrated success in reducing achievement gaps in multiple Mater campuses and how this model directly connects with and supports the established goals of the SPCSA.
- The school's stated goals and mission seem to align well with those of the SPCSA to expand 'high quality' options to "high need populations," as well as to the statutory goal of increasing student achievement.
- The MANN proposal highlights a broad network of community members involved in the Committee to Form, as well as a vital relationship the school has and will strengthen with the Boys & Girls Club of Truckee Meadows, including space in which the school will operate. Response indicates MANN will also partner with other community resources to support their arts-focused mission, including the Sierra Arts Foundation.
- The applicant identifies the challenges in communicating with the families they hope to serve and details a broad communications/outreach plan for doing so, including hosting events in partnership with community-based organizations.
- The applicant articulates a clear vision and mission for the proposed school, and defines a core purpose as improving the academic achievement of students, with a specific focus on those who are at-risk.
- The inclusion of the "super skills" (page 10) as guiding principles is strong, as they will be really important to the students moving forward.

- The school’s discussion of transformational change begins to operationalize the proposed instructional program, including connections to core standards and details about the proposed curriculum plan (i.e., scope and sequence documents that will be developed and instructional strategies that will be used).
- The narrative connects the proposed instructional model to that developed and implemented in other Mater schools and details many ways in which the Mater model has been recognized (13), as well as support that the larger network will provide the school at startup.
- The applicant also details how additional programs, such as Positive Behavior Supports (PBS) and RTI, will be utilized to support the school’s instructional goals. Similarly, the application also indicates how additional blocks of time will be allocated for middle school students, when those grades are added, to support both students in need of remediation as well as acceleration and increased instructional rigor (p19).
- The narrative includes a detailed set of measurable annual performance goals, including a focus of increasing student’s Grade Level Equivalence (GLE) in Reading and Math, and baseline measures and targets that can be refined as the school begins to generate assessment data (i.e. SBAC) (pp27-28). The plan also indicates a set of supplemental assessment tools that will be used that school reports have been successful in other Mater schools, such as STAR, DIBELS and TenMarks for Math.
- The applicant also details a plan for how the school will respond to potential academic gaps among subgroups, including through the use and monitoring of ELL-specific assessments from the WIDA consortium.
- The applicant clearly connects the school’s plans to the goals of Nevada statutes (e.g., NRS 388A.045) and references a “highly involved” system of assessment, progress monitoring and intervention to support all students identified as being “at-risk.” The application also acknowledges that an identifiable learning disability is not a factor to be considered as placing a child “at-risk.” (p 31).
- The narrative also demonstrates a detailed understanding of the requirements placed upon it by Nevada statutes, such as for identifying and supporting students who may be or become homeless, and of the challenges that may exist in identifying such students, especially those whose circumstances have changed following initial enrollment (p 41).
- The applicant indicates the school will be using data to monitor at risk and special population student progress, as well as for universal screening (p 19).
- The applicant articulates a positive, student-centered school culture and details many actions the school will utilize to foster the culture described, going so far as to describe how students entering mid-year will be supported (i.e., peer partnerships with experienced Mater students) (p43).
- The narrative details how research-based plans, included RTI, PBS and mentoring approaches incorporating a ‘check-in, check-out’ system, will provide additional supports for a positive school culture.
- The narrative articulates a comprehensive approach to student discipline that is based on a schoolwide PBS program, including clear designation of the staff that will implement the policies described herein as well as identification of the school staff who will be responsible (Principal or designee) for providing necessary training to staff (p46). The response also outlines workable procedures for ensuring due process in cases of student discipline and a commitment to track and

analyze data on student discipline to ensure that disciplinary consequences are not disproportionately administered to minority subgroups. (p 48).

- Elements such as the school uniform policy are outlined in significant detail.
- The discussion of school calendars indicates a commitment to requirements specified in Nevada statutes (NAC 387.120) and a plan to adhere to the calendar of the surrounding Washoe County School District (p50).
- The applicant details how the school will plan their schedule to support important school goals, such as the provision of professional development throughout the year.
- The daily student schedules provided are detailed. The applicant provided sample schedules for all proposed grades.
- The Day in the Life responses are detailed and provide a strong understanding of the proposed school experience for Mater students, including details such as how students will write thank you notes and the fact that middle school students running a little late have the option to take their breakfast to homeroom to finish it there (p55).
- Additional details are provided as to how the school would approach serving students who present with special needs, such as students with disabilities and English Language Learners.
- In addition, the response provides is very detailed and actionable in regards to the analysis of performance data through the lens of students with disabilities on pages 59-61, and demonstrates deep insight into the school's potential ability to engage in data analysis and action.

#### *Areas for Improvement:*

- The applicants state that “the Mater Academy model is tailored to help bridge the achievement gap for at-risk students” (page 4), but does not specifically enumerate how it will meet the community need. There is a link between the current proficiency rates at neighboring schools and the past successes of the model used by Mater in Florida in reducing the achievement gap, but the analysis and argument could be strengthened.
- Several responses use several terms popular in education today (e.g., global citizens, complete edge in 21<sup>st</sup> century workforce, etc.); providing examples of how the proposed model would help students achieve these broad goals would have been more responsive.
- The applicant group did not explain whether the determination of the need for this school is based solely based on the Washoe County comparable data, or whether there were any discussion with local parents/families about their needs and desires.
- While the response details an extensive outreach plan, no explicit mention is made of translating materials, interpretive services, or native language outreach to families whose home language is other than English, even though these students are a significant part of the target populations for the school.
- There is an overreliance on technology to facilitate outreach (i.e. emails, school website, etc.), especially to potential communities that may have limited access, and without attention to providing access for non-English speakers (p5) and adults with disabilities.
- There was a lack of clarity related to the specific contributions of the community organizations (p7) that have submitted letters of support.

- While the applicant clearly articulates a purpose around increasing academic achievement for students, with a focus on those who may be at-risk, the narrative does not provide a clear definition of what students they consider to be ‘at-risk.’
- The mission and vision statements offer several uses of broad terminology, such as “to have students obtain a thirst for knowledge” (p9), that are positive yet hard to measure. It is advisable to supplement cultural/behavioral goals with more measurable aspirations.
- Given the broad and ambitious goals put forth for the proposed school (e.g., pg. 10), clearer connections to more of the statutory goals of NRS 386.520 seem to be relevant. For example, the programs of the proposed school and the connection to a national network of established Mater schools seem like they could benefit from an emphasis on providing MANN teachers with new professional opportunities (statuary purpose f).
- The response that “the faculty of the school will develop a scope and sequence or pacing guide for each course” (page 11) appears contradictory to the outlined supportive model from Mater in Florida. The Affiliation Agreement is listed as providing “support for best practices while implementing this cross cultural curriculum model” (page 14), which seems to indicate that Mater Florida has the information and will be disseminating and providing back-end coaching. On page 15, it flips back to “MANN will also have the freedom to plan its own course scope and sequence”. During the course of the capacity interview, the team could not articulate what academic plan is already truly in place.
- It’s unclear at this point whether there is a plan for the school to expand to 9-12 at some point – the line “the current application is for a K-8 school” on page 10, coupled with an additional reference to high school on page 10, gives the impression that there is an unspoken plan to expand. As such an expansion would necessitate a formal amendment process and Authority board approval; such forward looking statements should be removed from the application to avoid any ambiguity regarding the approved grade levels.
- The applicant does not describe in detail how the proposed model will meet the Authority’s stated commitment to transformational change for the target community or the goal of double-digit gains for all demographic subgroups.
- There is insufficient detail on how some of the actions described will facilitate accelerated academic growth (e.g., the details about the Common Board Configuration on pages 11-12—a helpful, but ultimately superficial strategy in isolation). Details provided lacked a foundation in research that would define how they would contribute to high levels of academic achievement for the targeted populations of students (e.g. a reference to Reuters article on p11 and Sizer on p12 to describe the Sizer model).
- An assessment plan is not fully outlined for remediation (page 19 – “using real-time data from frequent assessment results”, without indicating which ones).
- There is mention of a nationally standardized achievement test but it is not identified by the applicant (page 22), and the CTF consistently does not illustrate what measurement tools they will be using (page 35 references “progress monitoring assessment monthly”, but does not mention what assessment). Elsewhere, the applicant mentions a menu of assessments, including STAR, DIBELS and TenMarks for Math. One key purpose of progress monitoring in a charter school is to inform the governing body of whether the school is on track to meet its academic targets. Consequently, the board should drive the selection of the assessments based on its performance management plan and priorities, the predictive value of the assessment, and the overarching goal of limiting testing, the number of tests, and their frequency to what is needed to inform those

decisions. Given the various assessments already required by NDE and SPCSA for various purposes, it is particularly important to be selective and strategic about these decisions. Given the importance of this information and the impact on the program, this is not an appropriate activity to delegate to staff or postpone to a future date.

- It is unclear why Beginning Spanish will be offered as an elective, if the plan is for the student body to have an already high Spanish-speaking population (page 18). Due on the baseline level of language proficiency assumed, the applicant should consider Spanish for Business or Academics or other content designed to increase the CALP level of native Spanish speakers so that they will be proficient in written and spoken academic and professional Spanish as well as in the more informal registers appropriate for social and family settings.
- The statement that the “board with input from the Pupil Promotion/Retention Team will adopt benchmarks and procedures for promotion at each grade level” (page 24) is confusing. The team does not articulate whether this is an individual child benchmark, made specifically when discussing promotion/retention, or a plan for pre-opening, to set the standards. Without a clear plan in place pre-opening, too many decisions could be made at the instance, hindering the team’s ability to do the job appropriately.
- Certain elements of the school’s proposed curriculum model have yet to be finalized, such as the specific texts that will be used (p14). It is clear that the applicant group proposes to continue the Mater model’s history on strong, autonomous school leaders who have significant discretion over academic programming and curriculum selection. The applicant indicated that principal will have significant input into curriculum selection and will have discretion to supplement or modify the board-selected curricula to ensure that he or she is fully invested in the academic program and that the program fully meets the new standards. This embrace of flexibility and autonomy is a hallmark of the Mater model, but it also raises replication risks which are mitigated by a standards-based approach to designing a school-wide curriculum which more agnostic to commercially available instructional materials. Given the recent selection of a school leader, the selected instructional materials should be proposed by the leader, approved by the governing body, submitted to the Authority, and codified into the academic plan prior to execution of the charter contract.
- Given that state-level data does not exist (as mentioned on pages 27-28), the proposed governing body did not articulate that there was a plan in place for establishing interim benchmarks in 2017-18. Now that baseline state data exists and the applicant will be selecting its assessments prior to execution of the contract, the applicant should also develop benchmarks which are predictive of strong year over year proficiency gains across all grades and subgroups.
- The applicant did not detail from whom they will receive trainings on leadership development and school improvement (page 29). To the degree that such training is being provided primarily by the EMO, the board development plan in the application should be supplemented with ongoing training by experienced third parties to avoid perceived or real conflicts of interest.
- The proposed instructional model assumes a high degree of teacher ability to understand and implement the model, but it is not clear that the supports are in place to bring their staff up to speed through direct training. (i.e. the ‘gradual release’ described in the math program on page 14).
- The discussion of the limits within Nevada state law as to the school’s ability to “enforce” parental involvement was both (a) confusingly worded and (b) sharply at odds with the rest of the positive vision this application puts forth (p.19). Requiring parents to provide a specific number of service hours or other support is antithetical to public education, as it effectively “costs” parents time and hence is a form of tuition. In contrast, strategies to encourage and support parental involvement, coupled with performance targets for staff accountable for building authentic relationships with

families, are both appropriate and encouraged. The current language should be removed, at minimum.

- While the school’s academic plan is specific regarding interim benchmarks for assessments to be used, focusing on increasing student’s GLE using STAR Math and STAR Literacy, among others, the school will need to develop a much deeper understanding of how these systems report data to establish clear benchmarks applicable to all students and that indicate expected progress at each grade level.
- The applicant indicates (p30) that a detailed plan for collecting and storing student-identifiable data will be provided in the Operation Plan’s Ongoing Operations Section, but the indicated response could not be located in this section. While the school’s proposed plans are provided in great detail in other sections and seem to address all statutory requirements, this errant cross reference should be edited for greater clarity and transparency. (see “Data Security” on pages 94-95).
- Given the high percentage of ELL students projected, one half-time staffer does not appear sufficient to service all children (page 39).
- The application describes a continuum of services plan that includes references to inclusion of students with severe intellectual disabilities in the general education setting and details peer assistance and online programs as supports for these students (p35). Such programs are costly and will not meet the needs of all such students. It is unclear that the budget reflects the additional staffing that will be needed to support this kind of inclusion (i.e. one-to-one aides, etc.) and how this could impact budget considerations, as a school cannot rely on peer assistance as anything other than a supplement to the support of a trained adult accountable for providing such services.
- The school’s plans could benefit from additional considerations and detail regarding (a) the implementation of the schoolwide PBS program (e.g., will the school use a token economy) and (b) age-appropriate approaches to developing school culture that reflect an understating of the differences between students in primary grades (k-3) and older students.
- The discussion of school culture model development does not explicitly connect to the school’s larger social justice goals and other elements of their proposed vision and mission statements. This presents a missed opportunity to develop a more distinctive and well-run school.
- Staffing levels may not be sufficient to support the school’s culture plans, especially in year 1. For example, the application describes the counselor as vital to the school design (listed in note 9 on page 44), but does not make it a position in years 1 and 2. That seems like a miscue, particularly when setting student culture for the first time in a startup environment.
- The applicant describes providing Mater of Northern Nevada staff with the “opportunity” to visit experienced Mater staff in other schools through a affiliation agreement through the EMO (44), but it is unclear from the narrative and budget if sufficient consideration has been given to how to operationalize this, including through budget considerations for substitutes, travel costs, etc.
- There is a minimal student discipline policy outlined, mainly just stating that the school will maintain a Positive Behavioral Support plan (page 45).
- While the description of the purpose and rationale for the proposed schoolwide PBS system is detailed, additional consideration should be given to how the program will be operationalized on a day-to-day basis (i.e., a process for identifying school ‘hot spots’ or establishment of consistent PBS values in student-friendly language).
- The discipline plan articulates a level of staffing that may not be sufficient in the initial years.

- The discipline model does not adequately connect to the school’s stated vision of social justice vis a vis underserved student populations, presenting a missed opportunity to align the day-to-day operations with the larger vision and mission.
- The CTF does not explain the rationale for providing less time for literacy in grades 4-5 (55 minutes for Reading, 1 hour for Writing/Language Arts), than in grades K-3 (2 hours for Reading/Language Arts, 25 minutes for Writing) (pages 51-52). This is especially important during the first few years, when many older students will enroll who require remediation.
- Important details regarding the school calendar and have yet to be finalized, such as whether school vacations will be shortened to facilitate the school’s commitment to professional development days throughout the year (p50). Clarity for these details will be essential for Mater families and for prospective leadership and staff. The state’s expectations for district and charter school administrators and support-staff to provide timely and accurate information do not take into account school vacations, as such staff in districts are 220 day employees.
- Sample teacher schedules were omitted.
- The school discusses providing a one-to-one aide for students with severe needs, such as they hypothetical example with Ruby detailed on pages 56-57, but indicates that a peer partner is an acceptable alternative, without specifying other options considered or the supports such a peer would need in order to successfully assist a peer with severe needs. Peer mentoring for high needs students is not a sufficient alternative to required supports.
- In some instances, some of the provided schedules under the previous section do not match the ‘day of’ narratives provided. The narratives and schedules should align.
- Parenting classes are only referenced as a service for families of ELL students (p58). It is unclear why other families are not eligible to receive this service.

*Essential Question: Will the academic program be a success?*

**Yes.** The academic program outlined in the application is consistent with the core elements of the successful Florida implementation. The application, capacity, interview, and follow-up discussion with members of the applicant team effectively articulate an academic program which can be successful with northern Nevada students. The applicant and the model have demonstrated capacity for continued academic growth and a clear focus on continuous improvement. To that end, staff has identified areas of improvement which should be addressed by the applicant to the satisfaction of staff following board approval and prior to the issuance of the charter contract.

Should the board approve the application based on the totality of evidence related to all three domains, staff proposes to work with the applicant to address the areas for improvement prior to the formal issuance of a charter contract by the Director based on this approval.

# Organization

## *Performance Data*

For applicants seeking to replicate an existing model—whether as a direct charter management organization applicant, a committee to form partnering with a non-profit or for-profit education management organization, or a committee to form which seeks to independently replicate, consideration must be given to the organizational track record of the model. For models with a current Nevada presence, the primary criteria will be performance within the Nevada legal and regulatory context. For models which are not currently implemented in Nevada, the criteria will be performance within the context of the home state’s legal and regulatory context.

Mater Academy of Nevada, the southern Nevada charter holder implementing the model, has had no Notices of Concern or Notices of Breach for organizational performance. The current charter holder is viewed as collaborative and responsive to feedback and inquiries.

Conclusion: The proposed organizational model has a strong track record of organizational performance in Nevada and has been effectively adapted to meet the needs of the Nevada context while continuing to deliver strong academic results.

## *Areas of Strength:*

As noted above, the applicant has selected a model with a strong track record of organizational success. The applicant has a strong understanding of what it takes to oversee an effective and accountable organization and has articulated systems to oversee the implementation of the model. In response to feedback and areas of concern, the applicant has amply demonstrated a growth mindset and a capacity and desire for continuous improvement.

Specific Strengths include:

- In most cases,, the staffing tables on pages 64-65 seem to indicate a realistic understanding of leadership roles and how they will grow as the school expands.
- The staff recruitment plan specifies steps that will be taken to advertise open positions on a local as well as national level, as well as specific roles and responsibilities for hiring and training that will be shared between the EMO and the school.
- No current plans are in place for expansion, thereby obviating the need for hiring into network positions (p 63).
- The staffing plan presented is aligned to the proposed vision and mission for the school and it indicate appropriate staffing for the student population to be served when the school expands in later years.

- The proposed Human Resources plans are detailed and indicate a high level of awareness of statutory requirements, such as for hiring and dismissal of personnel (p69). In addition, the school will likely benefit from their relationship with the EMO, which has demonstrated ability to support multiple schools under the Nevada’s legal and regulatory framework.
- The proposed support plan is detailed and highlights several areas in which support will be provided, such as for curriculum implementation and supporting students with special needs (p.71).
- The enrollment discussion demonstrates a generally broad understanding of Nevada statutory requirements and details a communications strategy that will operate across multiple marketing strategies to help with recruitment, as well as a commitment to ensuring that all potential students and families receive equal opportunities to learn about the proposed school.
- The proposed recruitment plan also builds on a close connection to the Boys & Girls Club and other community resources that will no doubt aid in their efforts (p81).
- The proposed Board Governance plans demonstrate understanding of charter governance and a commitment to local representation from a broad section of the community they serve (pp84-85). There are no potential for conflicts of interest between the current Committee to Form (CTF) members who will likely transition to Board membership. There is a clear delineation of responsibilities between the Board and school leadership.
- The governance plan proposes a clear process for resolving potential objections from Mater students or families, with the Board not becoming involved directly until the last stage of the delineated process.
- The proposed incubation year plan provides a detailed snapshot of planned activities in the 2016-2017 school year to support a school launch for the 2017-2018 school year.
- The application includes a discussion of training for the school leader by the EMO and to begin immediately upon hire. The budget includes a stipend to cover work done by a Principal hired during the incubation year, with no incurred costs for work done by EMO personnel. (p89)
- The narrative indicates that the CTF identified Mater Academy, Inc., based on their demonstrated track record of working with similar students to the proposed target population (p89) and partnered with Academic Nevada as an EMO based on the range of services they would provide and for their perceived value as compared to other EMO services providers. No indication is given that Academic Nevada, which partners with a national EMO services network, will contract with additional providers for the services outlined herein, aside from basic services like electricity, internet, software tools, such as Infinite Campus, etc.
- The proposed management contract details a variety of services to be provided to the school, as well as some timelines for said services (p255). The proposed contract also does not seem to contain leverage upon the school by the EMO to facilitate renewal by school at the end of the contract term, and includes language to give school the opportunity to immediately terminate contract without undue costs beyond those related to services already provided. (p256-257) The

contract also indicates that school funds will not be used by the EMO to support school programs outside of the state of Nevada.

- The proposed services plan covers all of the required areas (i.e., transportation, food services, etc.), and even includes a detailed plan for how the Board will handle the school's food programs given its unique relationship to the SPCSA in terms of needing to become their own School Food Authority in order to participate in the National School Lunch Program (NSLP) (p269).
- The proposal details plans for school health and nursing services, general purchasing procedures as well as facilities expenses. Additionally, the proposed plan specifies steps required by school staff to trigger payment of justified expenses by the EMO, with associated oversight by the Board (pp270-271).
- The application outlines a plan to occupy space within the Boys & Girls Club of Truckee Meadows, at least during the school's startup years. Such a relationship could potentially benefit the school by helping it establish connects to families of potential enrollees and other community resources. The narrative also outlines a plan for financing projected tenant improvements.
- The applicant addresses the requirements for ongoing operations, some of which are dependent on indentation of a site for occupancy, such as the Boys & Girls Club facility. The narrative also provides detailed plans to purchase required insurance premiums at or above those required by Nevada code.

#### *Areas for Improvement:*

- Because a leader was not identified at the time of the written application (but was between the application and capacity interview), it remained unclear what specific competencies the team was looking for in a principal (attachment 4, page 119). The CTF could not articulate which strategic vision pieces are important to the leader, other than leaning on past successes (albeit in slightly different contexts).
- Given that the CTF is moving forward with replicating the Mater Florida model, it would have been beneficial to understand which metrics are used in Florida to determine school grades (attachment 3, page 117).
- Based on the narrative, at least two of the members of the Committee to Form currently serve in some capacity on a committee for the Boys & Girls Club of Truckee Meadows, the likely provider of a facility for the proposed school, and this may create the appearance of a conflict of interest, especially if Mater CTF members have some degree of financial interest in B&G through their committee roles. While this concern was addressed in the capacity interview and seems to be less of a problem area based on the detail provided, it is important that that information be included in the revised narrative.
- The discussion of the role of the EMO in supporting the school is underdeveloped and lacks sufficient details.
- The competencies in the provided job descriptions do not sufficiently articulate difference between essential skills and behaviors for a startup non-profit school model verse those required for running a developed school. Similarly, some elements of the competencies appear more suitable for a principal in a larger district context versus what is necessary to drive performance and achieve excellence in a stand-alone school.

- The proposed staffing tables and associated narrative do not explicitly state an intent to comply with statutory requirements of see NAC 388.150, and indicates on page 68 a proposed staffing level of 1:25 for grades K through 5, which contradicts the expected staffing level of 21:1 in Kindergarten without any mention of the waiver provision in the CSR statute.
- The information provided indicates several key 0.5 positions, which can be difficult to realize in the real world of schools.
- There is not a real explanation or breakdown of the people from the EMO who will be directly supporting the school, versus those whose salaries are supported by the management fee. It is unclear, for example, whether there is really a necessity for 3 bookkeepers and a procurement director for 1 school (page 64).
- The supports outlined for students who require specialized services (ELL and special education) appears small, as well as potentially difficult to staff, since the school intends to hire half-time people (page 64).
- There is insufficient detail about the instructional professional development (page 71) and the evaluation tool (attachment 6, page 126) being provided by Mater Academy.
- The proposed professional support plan could benefit from consideration of additional resources available to support professional growth of staff, including the broad body of research and tools related to fostering purposeful Professional Learning Communities (PLCs).
- Little indication was given as to how recruitment strategies will be adapted to address the needs of families whose home language is other than English, such as through translation of important documents and developing relationships with community based organizations that may be able to help.
- The applicant indicated that open enrollment will run from 1/9/17 to 2/28/17 – this window of two months comes during the application evaluation period, and does not seem sufficient for public notice to get to the planned enrollment figures.
- There’s no articulated plan for staff surplussing if the school is unable to hit the minimum enrollment numbers page 82), and what plan – if any –there is to add staff if the team hits maximum capacity (page 84).
- The enrollment targets may be difficult to attain given the timeline prior to launch absent a strong advertising program.
- Additional supports for Board development beyond those provided by the EMO do not seem to have been considered.
- The answers on a few of the board members’ essays do not seem to be very robust or evocative of wanting to change the landscape (attachment 10 – page 164). This is a missed opportunity to demonstrate commitment to this project.
- The team has not yet outlined what data the board will use to “determine the principal’s success” (page 85).
- Consistent with best practice, trainings on “fiscal management for non profit organizations” (page 86) should occur before the school opens. It is unclear what plans the board has to obtain objective, third party professional development between approval and school opening.
- One member of the committee to form marked “not applicable” on question 5 of the board questionnaire. Given that the question pertains to the school’s relationship with the educational management organization, this oversight should be remedied.
- Another member of the committee to form mentions adequate performance. Given the performance expectations for charter schools, merely adequate performance is insufficient to achieve the desired targets, as that would effectively mean the school is doing no better than its surrounding schools.

- The incubation year budget indicates a \$12,000 stipend has been made available, while the budget spreadsheet indicates \$6,500 has been budgeted ('School Inputs' tab, line 1417). No other startup expenses are indicated in the budget workbook, and the 'Budget Summary' tab indicates \$20,500 for 'General Operating Expenses' on line 30 but \$0 under 'Personnel' on 29.
- The description of the relationship with Mater Academy, Inc. seems to change frequently. There is discussion of them being involved in professional development only in some places, but it is also noted that they provide on curriculum design. Consequently, it is unclear if the parties are combining curriculum into PD plans? The CTF could not articulate why they wouldn't want to take the proven curriculum wholesale (page 89) instead of going through the expense and trial and error of developing or purchasing additional resources.
- The contract language indicates that the EMO will provide the Board with "due written notice" of expenses occurred, but does not indicate the specific times for reporting for certain important items (see section on fees/costs that may be deferred by the EMO until the following year, as detailed in item #25 of the proposed contract. The contract specifies these expenses will be duly noted in the school's financial records with no clear indication given as to how and when they will be noted and how these developments will be reported to the school Board (p258).
- The reimbursement schedule from school to EMO for services, outlined in item #22, Base Compensation, details a payment of \$450 per each unit of student Full Time Enrollment"; no information was provided to assess the reasonableness and competitiveness of this rate for Nevada charter schools.
- The proposal does not appear to indicate what steps were taken to ensure that budgeted costs for essential services, such as for IT, were determined so as to ensure good value for the school. The school should create a policy and procedure whereby it seeks such information from EMO as needed when approving key expenses and contracts.
- The application indicates that the CTF is currently working with the B&G Club to determine specific costs for maintenance of the proposed facility as a school and to determine primary responsibility for these costs; additional information regarding specific renovations that would be necessary would help illustrate the scope of cost for the needed renovations in any revisions.
- The narrative does not specifically reference requirements that will need to be addressed prior to occupancy, such as the Americans with Disabilities Act (ADA) (pp 95-96).

*Essential Question: Will the school be an effective and accountable organization?*

**Yes.** The organizational program outlined in the application is consistent with the core elements of the other successful implementations. The application, capacity, interview, and follow-up discussion with members of the applicant team effectively articulate an organizational plan which can be successful with northern Nevada students. The applicant group has embraced feedback and committed to additional charter school board development training following charter approval to supplement their existing expertise.

## Fiscal

The applicant budget is designed primarily as a performance task to evaluate the applicant's ability to design a budget which accurately reflects the Nevada context, contains reasonable expense assumptions which are correctly calculated, and incorporates the personnel and operating costs specific to the academic model. While many of these assumptions and priorities will serve as the basis for the operating budget adopted by the governing body, is not intended to contractually bind the applicant to a specific set of revenues or expenditures.

### *Performance Data*

For applicants seeking to replicate an existing model—whether as a direct charter management organization applicant, a committee to form partnering with a non-profit or for-profit education management organization, or a committee to form which seeks to independently replicate, consideration must be given to the financial track record of the model. For models with a current Nevada presence, the primary criteria will be performance within the Nevada legal and regulatory context. For models which are not currently implemented in Nevada, the criteria will be performance within the context of the home state's legal and regulatory context.

The applicant provided financial data, including audited financial statements, for other schools implementing the academic program and for other schools which receive financial management services from Academica Nevada, the applicant's chosen education management organization. Staff also supplemented the supplied data with a review of previously produced financial frameworks for the southern Nevada Mater implementation and other Nevada charter schools which partner with Academica Nevada.

The most recent independent audit report for Mater Academy of Nevada (the Las Vegas charter holder) shows that their financial statements present fairly, in all material respects, the respective financial position of the governmental activities, the aggregate remaining fund information, and the respective changes in financial position in conformity with accounting principles generally accepted in the United States of America. The auditor's consideration of internal control over financial reporting did not identify any deficiencies in internal control considered to be material weaknesses. Multiple years of similarly strong audit results were furnished for Pinecrest Academy of Nevada and Somerset Academy of Nevada, two other Nevada charter holders which contract with Academica Nevada for financial management services. As the Florida-based Mater Academy model receives services from a separate, Academica-affiliated financial management company which is legally and operationally separate from the Nevada finance office, the review of audit results from those schools was not conducted.

Conclusion: The proposed financial model has a strong track record of academic performance in both Florida and Nevada and has been effectively adapted to meet the needs of the Nevada context while continuing to deliver strong academic results.

### *Areas of Strength:*

- The financial plan is detailed and addresses statutory requirements with the exception of a detail noted below under 'Weaknesses.'
- There is appropriate separation of financial responsibilities.

### *Areas of Weakness:*

- The budget spreadsheet indicates an operating deficit for the proposed planning year (2016-2017) of up to \$20,500 (see 'Budget Summary' tab, line 37), and the attached budget narrative indicates that Academica will not charge the school for personnel costs associated with the start-up phase (p 89). While further reading specifies that the school has agreed to cover these startup costs through a loan from Academica to be repayed at a 5% annual interest rate over two years with no prepayment penalties, (p.292) it would appear that this contradicts the earlier attestation on page 89 that "Academica will not charge the school for any personnel costs incurred during the start-up phase." The narrative should be modified to either clarify the arrangement or provide a appropriate explanation for the discrepancy.

### *Essential Question: Will the school be fiscally viable.*

**Yes.** The budget and operating plan outlined in the application is consistent with the core elements of the successful Mater Las Vegas implementation and other Academica Nevada clients. The application and capacity interview effectively demonstrated a strong business plan which will result in a financially viable school.

**STATE PUBLIC CHARTER SCHOOL AUTHORITY**

**SUPPORTING DOCUMENT**

**S U B J E C T: Consideration of Athlos  
Academy of Reno charter application**

  /  /   Public Workshop  
  /  /   Public Hearing  
  /  /   Consent Agenda  
  /  /   Regulation Adoption  
  /  /   Approval  
  /  /   Appointments  
  /  x/   Information  
  /  x/   Action

MEETING DATE: January 27, 2017

AGENDA ITEM: 5

NUMBER OF ENCLOSURE(S): 1

**PRESENTER(S): Patrick Gavin, Executive Director, SPCSA**

---

**FISCAL IMPACT:**

---

**BUDGET ACCOUNT (FOR PRINTING CHARGES ONLY):**

---

**LENGTH OF TIME EXPECTED FOR PRESENTATION (IN MINUTES): 25 Mins**

---

**SUBMITTED BY:** \_\_\_\_\_

# *Athlos Academy of Reno*

## *Charter School Application Recommendation Report*

---

# Summary

## *School Name*

Athlos Academy of Reno

## *Mission*

Athlos Academy of Reno’s mission is to provide high quality educational opportunities for the whole child based on three foundational pillars of Prepared Mind, Healthy Body, and Performance Character. The Athlos model is rooted in the belief that each pillar is innately dependent on the strength of the other pillars and that children have the best opportunity for success in college, career and life when they are supported by high quality programs in the three interconnected pillar areas.

## *Proposed Location*

Washoe County

## *Enrollment Projections*

	<b>2017-18</b>	<b>2018-19</b>	<b>2019-20</b>	<b>2020-21</b>	<b>2021-22</b>	<b>2022-23</b>
K	100	100	100	100	100	100
1	140	140	140	140	140	140
2	140	140	140	140	140	140
3	140	140	140	140	140	140
4	140	140	140	140	140	140
5	140	140	140	140	140	140
6	140	140	140	140	140	140
7	140	140	140	140	140	140
8	140	140	140	140	140	140
<b>Total</b>	<b>1,220</b>	<b>1,220</b>	<b>1,220</b>	<b>1,220</b>	<b>1,220</b>	<b>1,220</b>

# Overview

The Recommendation Report for Athlos Academy of Reno is a summary of the evidence collected by the State Public Charter School Authority (SPCSA) through its interviews and dialogue with the applicant group, review of the school’s Charter Application Proposal along with an analysis of performance data for other charter schools implementing the same academic model.

A recommendation to approve a charter for a six-year period is based on a comprehensive review of the proposal, performance data for replicated schools, the applicant capacity interview, follow-up discussion with applicants, and—where possible—site visits, guided by three essential questions:

1. Will the academic program be a success?

2. Will the school be an effective and accountable organization?

3. Will the school be fiscally sound?

**This report is structured around three sections: Academic, Fiscal, and Organizational. Each section contains an overview of key findings based on a the totality of the evidence and concludes with Authority staff’s determination on each of the three guiding questions.**

## **Recommendation**

*Overall Recommendation*

***Deny with an Invitation to Revise and Resubmit the Application within the 30 Days of Receipt of Written Notice of Denial Pursuant to NRS 388A.255***

### **Summary of Application Section Ratings**

*Rating options for each section are Meets the Standard; Approaches the Standard; Does not Meet the Standard*

#### **Section 1. Executive Summary**

- **Approaches the Standard**

#### **Section 2: Meeting the Need: Targeted Plan**

- **Approaches the Standard**

#### **Section 3: Parent and Community Involvement**

- **Does Not Meet the Standard**

#### **Section 4: Academic Plan – Mission & Vision**

- **Approaches the Standard**

#### **Section 5: Transformational Change**

- **Approaches the Standard**

#### **Section 6: Curriculum & Instructional Design**

- **Approaches the Standard**

#### **Section 7: Distance Education**

- **Not Applicable**

#### **Section 8: Pre-K**

- **Not Applicable**

#### **Section 9: High School Graduation Requirements**

- **Not Applicable**

**Section 10: Driving for Results**

- **Approaches the Standard**

**Section 11: At-Risk Students and Special Populations**

- **Approaches the Standard**

**Section 12: School Structure: Culture**

- **Approaches the Standard**

**Section 13: School Structure: Student Discipline**

- **Approaches the Standard**

**Section 14: School Structure: School Calendar/Schedule**

- **Does Not Meet the Standard**

**Section 15: Day in the Life & Scenarios**

- **Does Not Meet the Standard**

**Section 16: Operations Plan– Leadership Team**

- **Does Not Meet the Standard**

**Section 17: Operations Plan– Leadership for Expansion**

- **Approaches the Standard**

**Section 18: Operations Plan – Staffing**

- **Approaches the Standard**

**Section 19: Operations Plan – Staffing**

- **Approaches the Standard**

**Section 20: Operations Plan – Scale Strategy**

- **Approaches the Standard**

**Section 21: Operations Plan – Student Recruitment and Enrollment**

- **Does Not Meet the Standard**

**Section 22: Operations Plan – Board Governance**

- **Meets the Standard**

**Section 23: Operations Plan – Incubation Year Development**

- **Approaches the Standard**

**Section 24: Operations Plan – School Management Contracts and Services**

- **Does Not Meet the Standard**

**Section 25: Operations Plan –Services**

- **Approaches the Standard**

**Section 26: Operations Plan – Facilities**

- **Approaches the Standard**

**Section 27: Operations Plan – Ongoing Operations**

- **Meets the Standard**

**Section 28: Financial Plan**

- **Approaches the Standard**

# Academic

## *Performance Data:*

For applicants seeking to replicate an existing model—whether as a direct charter management organization applicant, a committee to form partnering with a non-profit or for-profit education management organization, or a committee to form which seeks to independently replicate, primary consideration must be given to the academic track record of the model.

Staff reviewed the Athlos academic performance data provided by the applicant as part of the application submission, but was unable to verify it against publicly available data due to the limited information provided.

Conclusion: Based on the information submitted, there was insufficient information to determine if the Athlos schools in Texas and Minnesota are performing at a high enough level to merit additional replication. The applicant noted that it expected to receive additional performance information from the states of Texas and Minnesota within two months of application submission. As the information was not included in the initial submission and the applicant asserted it would not be available until 60 days following the submission, there was no opportunity to update this information during the administrative completeness review period following application submission and prior to review. The applicant is encouraged to resubmit the application with updated information in the format requested to allow for a thorough review. Consistent with past practice, student achievement data submitted by the applicant will be spot-checked against publicly available sources to verify the accuracy of the data (e.g. student population, test scores) and other essential achievement information (e.g. individual state ratings, including but not limited to A-F grades, AYP status, Met Standard, etc). Such information is also critical to determining whether the model is eligible for replication in other states, a key indicator of authorizer quality assessment.

## *Areas of Strength:*

As noted above, insufficient evidence was provided to evaluate the track record of the academic model. Based on an initial review of the application, there are areas of strength which merit consideration in the event the applicant demonstrates a track record of academic success of its chosen educational management organization in the early implementation of this model. Staff is encouraged by the reflectiveness of members of the committee to form and would note that they have already begun acting on feedback provided during the capacity interview and follow-up discussion regarding questions asked about key areas of the academic plan.

Key strengths include:

- Athlos articulates their mission as being “to provide high quality educational opportunities for the whole child” (p 10).

- The applicant articulates an ambitious and positive vision for the school. The capacity interview with the proposed founding governing body indicates a strong commitment to the goals and vision outlined in the application. The application and interview clearly demonstrates the applicant's belief in its three 'foundational' pillars, notably in regards to physical education (e.g., p. 12).
- The mission is clearly aligned with multiple statutory purposes, as the response indicates it will address three (3) of the stated statutory purposes: (a) a 'vision' of improving academic achievement for students, (b) innovative methods of teaching, and (f) creating new professional opportunities for teachers (p 11).
- The application speaks (anecdotally) to overcrowding issues at local schools (page 5), identifying at least one specific, albeit unquantified, community need.
- The applicant demonstrates clear ties to the local community, describing how board members, and their affiliated businesses, are members of the community to be served, and how some have even been students in the area schools themselves and currently have students enrolled there. (p. 7-8)
- The application provides an example of how the partnership with the Athlos Academies EMO has potential to benefit the school, in that the EMO will provide training for staff, board members, and non-specified "community members" to conduct home visits and recruitment within the community, such as by going door-to-door.
- The application speaks to a range of curriculum materials that will be used by the school across multiple subject areas, as well to curriculum resources developed by the school's EMO, Athlos Academies (notably for athletics, pages 21-23, and science, page 20).
- The applicant details specific criteria that will be used to assess potential community partnerships. (p 8-9)
- The applicant speaks to how assessments reflect the school's "commitment ... to continuous growth and personal accountability" (p 12) and will include formative and summative assessments (p 13).
- The applicant discusses state accountability system and the use of state assessments, including comparing the school's performance against that of the surrounding district (p 30).
- The application describes how the Athletic Curriculum will be administered and assessed, as well as to how students will self-assess their development of Performance Character and document their growth in a portfolio (p 31).
- The applicant's definition of students "at-risk" aligns with with Nevada law (NRS 388A.045) and speaks to a use of multiple measures to identify students possibly at-risk of dropping out, including analysis of discipline referrals and attendance records "at least" monthly (p 35).
- The applicant speaks to a fairly detailed process for identifying and monitoring students in need of additional supports (p37), as well as for using systems like Child Find and the RTI process to identify students in possible need of Special Education services (38) and the possibility of using 504 plans for supports de-certified for Special Education services.
- The response also speaks to at least one local board member with significant professional experience as an educator, as well as at least one staff member at the EMO with previous school-level professional experience.

- The applicant articulates a school culture driven by their Performance Character program and 12 traits that students will be expected to demonstrate, as well as examples of how students can demonstrate each trait (e.g., “grit by persevering following a failure”) (p 46).
- The applicant espouses an adherence to the principals of “restorative discipline” and seeks to reduce the need for disciplinary action by fostering a school culture that emphasizes respect, responsibility, and cooperation. The application makes reference to an established plan. Goals and specified personnel for key steps are detailed (such as on pages 50-51). In addition, reference is made to specific tools and strategies that may be used, such as personalized Behavior Intervention Plans (BIPs).
- There is a significant amount of work already done on the student uniform policy (pages 48-49).
- The school will adhere to the establish calendar of the surrounding Washoe County School District, which the school reports will be helpful to potential families and students. (p59). Detailed daily calendars are also provided for elementary and middle school grades (pp60-61), as well as descriptions of daily events (e.g., athletic activities) (60) and specific Nevada code governing academic year requirements (p60). Attendance plans are detailed, as well.

#### *Areas for Improvement:*

- While it is understandable and appropriate that the applicant intends to consider advice from its EMO vendor, references to the EMO providing training to the governing body can raise concerns about the level of independence of the school. Given the EMO’s role as the primary service provider, it is important to explain how the governing body will ensure that it also receives unbiased governance training from reputable third parties with specific experience in charter school governance, as well as from organizations or individuals with Nevada-specific expertise.
- The applicant’s theory of change is based on the three foundational pillars (p10) but does not clearly articulate a demonstrable plan to place school within top tier of Nevada schools, including basic elements such as a protocol for rigorously analyzing student performance on state assessments and remediating areas of concern based on this analysis.
- The vision response provided states that its main goal will be to develop “performance character” and describes how research identifies this as being more important than “intellectual talent or educational attainment.” (p11) How this will be measured is not described.
- The applicant indicates a desire to address serious overcrowding in area schools but does not articulate a compelling academic need to be addressed other than this.
- The academic goals articulated in the application are qualitative instead of quantitative. For example, the applicant group did not identify ways in which they expect students to obtain critical-thinking skills referenced on page 1 or how mastery of such skills will be measured objectively. Even given the limited and incomplete baseline data available at the time of application, the applicant’s quantitative assumptions appear unrealistic.
- While the applicant notes some of the impact of overcrowding in the target community, there is no data shared that would illuminate to what degree this particular school will help to alleviate the overcrowding.

- The applicant discusses truancy issues and notes a general lack of engagement (page 5), but does not address how their model will specifically meet the needs of the target community.
- The applicant does not address significant existing issues related to low academic performance of many of the existing schools in the local school district.
- The applicant asserts that the proposed model will reduce the number of high school dropouts in Washoe County, but it does not provide any data to articulate how low dropout rates are a pressing issue in South Reno.
- The applicant did not provide an answer to prompt # 4 under Family and Community Engagement (page 7). While the applicant emphasizes the importance of community partnerships and articulates a thoughtful process for partnership selection, no partnerships are identified beyond the EMO vendor. Additional clarification as to the progress of ongoing efforts to develop community partners, as referenced on page 8, would be helpful to clarify what supports will be available to Athlos students and their families.
- While the application describes parents “being invited” to be a part of the Athlos community (page 7), the applicant did not identify the difference between being invited and being actively engaged. It is unclear how the applicant will move the needle from basic outreach for the sake of compliance to the development of authentic relationship with parents and the community.
- The applicant’s discussion of the mission and vision does not contain any specific or direct links to the academic plan. It is unclear how this mission and vision will be implemented on a day to day basis. To the degree that the assessment tool for these traits is proprietary to the EMO, it is unclear how the school will be able to monitor and report them in the event that the school and the vendor part ways.
- It is unclear what performance character traits students will be learning until far later in the narrative – while these traits have been mentioned numerous times by page 10, they have not been precisely identified. Given the centrality of this element of the school design, it is critical that the reader and the general public understand what exactly these traits are, how they will be taught, and how they will be measured.
- It is unclear exactly how the school’s academic program designed to address “the achievement gap” (page 13). This is the only explicit reference to an achievement gap in the entire application packet, and no additional details are provided to clarify. It is unclear from the narrative whether the applicant has identified a particular achievement gap as there is no mention of gaps in school performance in this target community and the target population is not identified specifically enough to determine which gap or gaps may be referenced. Given the lack of specificity and data related to target population, need, demand, and intended outcomes, it is unclear what the basis exists within the data to justify the assertion that there is a significant gap, and what demographic subgroups are most negatively impacted.
- The applicant asserts that the school’s use of varied summative assessments will “engage all students” (p. 13). It is unclear how assessment is an appropriate engagement strategy. Moreover, given the explicit expectation in the rubric that applicants develop a plan to invest students and families in school and state required assessments to ensure high levels of active participation, it is incongruous to assert that assessments are themselves an effective engagement strategy.

- The applicant frequently articulates positive and laudable aspirational goals, such as using differentiated instruction to foster growth for all students (p14) and alleviating high youth obesity rates in target area (p12), but provides only cursory details as to how those goals will be realized. For example, response to prompt #4 under “Transformational Change” identifies differentiated instruction as a foundational practice (p14) and references a more detailed description of it on page 24 (note—this reference is incorrect, as the actual description is on page 26), but this description lacks specific detail. Differentiating instruction, especially to meet the needs of students performing below grade-level expectations, is a complicated process involving assessment, data analysis and careful instructional planning, among other items. The description consists of a brief paragraph that describes what teachers at Athlos will be expected to do but does not reference specifics of elements of differentiated instruction planning and delivery nor does it reference any specific literature on this instructional methodology (e.g. a discussion of Tomlinson’s approach versus other implementations to clarify how differentiated instruction will be implemented at Athlos). Consequently, it is unclear whether differentiated instruction will be enough to increase student achievement to meet state targets. The applicant did not articulate the specific tactics, strategies, and methods that they will be using with students to ensure that they are making the gains necessary to move student achievement to the level necessary to meet SPCSA goals.
- At times, the application reads more like a marketing document than a thoughtful, well-crafted plan for a school. The narrative frequently references education catchphrases, such as “engaging curriculum,” “critical inquiry,” and “project-based instructional strategies,” without clearly articulating how these relate to the school’s intended model. For example, critical inquiry and project-based approaches can be effective instructional methods, but they do not necessarily in and of themselves “ensure [that] students [will] achieve their fullest academic potential,” as stated on page 12. It is critical that the applicant articulate how these approaches will be used.
- The applicant states that the Athlos curriculum will be aligned to Nevada standards for ELA and Math as well as to Common Core standards, and further states that this alignment will “ensure that students are successful on state and standardized tests.” Many underperforming Nevada schools utilize similar curricular resources. The alignment of a curriculum to established standards is not enough to “ensure” high academic performance, especially on standardized assessments like the SBAC assessments used in Nevada.
- The applicant plans to use proprietary social studies and science content developed by the EMO vendor. The limited description of this content notes that it was developed using Wiggins and McTigh’s Understanding by Design (UBD) ‘backwards’ planning model. This is the framework upon which units in these subjects will be designed (p20). UBD has been used to develop highly effective assessments and curricula that have dramatically increased student achievement. Conversely, other curricula developed with the UBD approach have been far less successful. It is unclear whether there is evidence to support a conclusion that this particular curriculum will result in high student achievement for the target population. Additionally, as UBD is a standards-based approach whereby the curriculum developer first creates the assessment based on a careful analysis of both student needs and a particular academic standard, the lack of specific reference to standards, such as the Next Generation Science Standards adopted by the State Board as the Nevada Academic Content Standards for science is an additional deficiency which must be remedied.

- It is unclear whether the applicant has a plan to replace proprietary Athlos content (e.g. science and social studies curricula) with other resources in the event that the management agreement is cancelled, whether there is a contingency budget for such an eventuality, and how such a transition will be managed to minimize disruption to students and families.
- Few examples are provided as to how curriculum materials will be adapted or modified to support students in need of additional support, e.g. students with disabilities and English language learners, in order to meet or exceed state expectations. For example, while differentiation is listed twice as a core criteria for curriculum (pages 15 and 16), differentiation is only specifically referred to in regards to supplemental materials that may be used (e.g., Reading A-Z and RAZ Kids) and no specific examples are provided as to how they will be used.
- It is unclear, based on the narrative, exactly how the proposed curriculum is “innovative,” as stated on page 5, compared to what is offered by the area schools, especially given that at least some of the curriculum resources Athlos will build on is freely available to the public (e.g., the ‘Lucy Calkins’ Units of Study and EngageNY Curriculum Modules referenced on pages 15-17 of the Academic Plan).
- As with most curriculum implementations, schools using resources such as Calkins workshop programs and EngageNY have a mixed track record nationally, with some schools and charter school networks posting extraordinary results while others have performed poorly. Given the lack of academic data for Athlos implementations around the country at the time of the application, it is unclear whether the Athlos-specific implementation of these programs is yielding the desired results. It is not clear from the narrative that the applicant has identified the specific details of successful implementations and has articulated a model which is aligned with those specific practices and strategies. In addition, the explanation of the Calkin’s units of study supporting differentiation through an “If ... Then ...” is perplexing and seems to misunderstand the purpose and design of these units, as they are not designed, out of the box, to support differentiation per se, especially at the student-level.
- The application does not sufficiently differentiate between a formal curriculum and the tools which are listed as “resources” (page 15-20). It is unclear what the teachers will be required to use day-to-day and how those resources will be deployed. For example, one criticism of Lucy Calkins’ Readers Workshop approach is that it does not provide sufficient content and support for vocabulary development, a particular challenge for students in poverty. Based on context, it appears that the Words Their Way program cited on page 17 may be a resource that has been identified to address this criticism, but that is not clear from the text. Moreover, given that students in a Readers Workshop setting are typically expected to select their own books from a classroom library instead of using a common reading text, the need to have a clear plan for implementing these programs in parallel is critical. Based on the narrative, it is unclear, for example, if the instructional approach will involve the explicit instruction of vocabulary separate from the Readers Workshop implementation (e.g. as a separate “spelling” module) or if the approach will somehow differentiate that instruction so that students master vocabulary through scaffolded exposure to a self-selected text.
- It is unclear how the applicant will transition students from K-5 ELA programs such as Lucy Calkins workshop modules to Engage New York as a 6th-8th curriculum (page 17). Consequently, the

reader is unclear if this represents an abrupt shift or if there are plans to map the Lucy Calkins approach onto the Engage New York content in future years.

- A great deal of detail is provided related to the curriculum to be used, but much of it is “edu-speak” and jargon. The narrative lacks the substantial operational details necessary for the reviewer, the general public, future board members, or prospective staff to understand how all of these resources will be deployed. As this is a model for which there is currently limited academic data and few existing implementations, the laundry list approach to the curriculum and instruction narrative raises concerns regarding the coherence of the actual academic plan and to what degree this is a replication of a well-developed school design versus a school that will use the same tools as other schools served by the same EMO.
- The application asserts a correlation between athletics and academics performance correlation (page 21). The data behind this is never made clear although the assumption underpins the entire model. Absent either peer reviewed studies or academic growth data from other states and state performance rankings (A-F/Star system-type school grading, AYP determinations, Meets Expectations determinations, etc.), it is unclear whether this is a valid assumption.
- The metrics for setting grade-level expectations (page 28) in achievement tests and teacher evaluations were not specified. Such metrics and targets are critical to pre-opening planning and are essential to the governing body’s ability to determine whether the school is or is not on track to meet State Authority expectations and earn ongoing operation and renewal.
- The application’s state assessment goals seem arbitrary and demonstrate a possible limited understanding of goal setting and the purposes and types of assessments and their specific educational purposes. For example, the applicant’s response to prompt 2(b) on page 31 indicates state assessment data for the Washoe County school district is not available at the time of submission, yet the applicant sets a target for the subsequent 2017-2018 school year of 85%. While the statewide testing data for 2015 was invalidated for the purpose of school accountability, an examination of reliable 2015 SBAC data from multiple states, multiple years of NAEP data in this and other state and the historic performance of Nevada schools on the old CRT examination would clearly indicate that an 85 percent proficient rate based on tests taken in the first year of operation is not supported by the data, given that that not a single grade level in the State of Connecticut, the highest performing SBAC state on NAEP, had more than 58 percent of students proficient in ELA or more than 48 percent proficient in Mathematics in 2015.
- Based on the current level of performance for schools in Nevada, it is unclear that “performing at or above Washoe County School District” will result in performance in the top quartile statewide.
- It is unclear whether the applicant group has a strong understanding of the state-level implementation of Infinite Campus. There is reference to group does not clearly articulate how they will be using the data in the Infinite Campus – there’s no plan for what they are going to do with the student data to drive achievement (page 34).
- The applicant did not articulate what the metrics will be for progress for performance character (page 32), so it is unclear how the governing body and the public will be able to monitor performance year-over-year and on an ongoing basis. Given this is an essential element of the program, the omission is particularly glaring.

- Similarly, growth increments for subsequent years seem arbitrary and are set at 5% growth rate per year (p32), but do not specify the population being measured. For example, if that is for the whole school year-over-year, for all students enrolled for both the current year and the prior year, or for a consistent cohort year-after-year. The lack of specificity in this area is troubling, as it may result in a lack of alignment between how the school believes it is being measured by the state and how the state will actually measure the school.
- The narrative references the MAP assessment by NWEA under the response for prompt 3(a), which describes how training will be provided to help “teachers to embed the assessments into their instruction” (p32). MAP, however, is an interim/benchmark assessment administered at specific times throughout the year, usually to large groups such as whole school or whole grade. MAP data can inform instruction but the assessment itself is not the formative tool the question seems to be focused on. While there may be some predictive value for MAP in relation to state assessments—although this is debatable given MAP’s confidence intervals—it is not an appropriate tool for determining whether a particular lesson or even a unit was effective as the individual test questions (items) are selected by the computer software based on prior student response instead of being selected by teachers based on what they’ve already taught students. MAP does not sell a product which allows teachers to select from a bank of assessment items based on what they’ve taught, so its value as an imbedded tool to provide feedback on the effectiveness of a lesson or a unit is questionable when compared to assessment products which do offer such item banks for school and teacher use in exit tickets, quizzes, unit tests, or summative examinations (e.g. backwards mapped school-developed interims, final exams, etc.).
- It is unclear what specific tools the school will use to assess student progress in between interim assessments and how the school will use data to identify areas of need: at the classroom level, at the grade level, and across the whole school. The narrative does not sufficiently address how the school will facilitate changes in instruction and student-level supports for areas of concern. Given the limited track record of school performance and the lack of available data to determine whether the program is currently successful as implemented elsewhere, a robust feedback loop and intervention plan is essential.
- The RTI plan described seems functional, but an only cursory response was provided to the specific question in prompt 3 on page 37, which speaks to emerging behavioral issues. There is a great body of research that demonstrates the link between behavioral issues at school and potentially serious underlying issues, such as trauma, domestic abuse, sexual abuse, family instability (i.e., transitional housing), learning disorders and/or mental health issues. Additional detail as to how the school’s plan would seek to identify the presence of one or more of these issues is important to understanding the proposed RTI process.
- At times, e.g. the response to identifying students who may have been over-identified for special education services (p40-41), the narrative regarding at risk students and special populations seem excessively wordy. This hinders a concise understanding of the school’s plan.
- Without having a clear plan for parent engagement, there will be compliance and engagement hurdles for at-risk students (page 38). The applicant did not address what the school’s plans will be to actively seek out children who may have special needs, nor what it would do to engage their parents in an active learning environment.

- The school’s Code of Conduct appears to be a foundational document that will be important in the life of the school, but the responsibility for developing it is left up to the school leader. This position has yet to be filled, deferring development of a critical element of the schools systems until an unknown date. It is unclear how the EMO will support the development of a school Code of Conduct that adheres to both the Athlos Performance Character pillar as well as to established principles of restorative discipline.
- Consequently, important details lack sufficient detail, such as how the school will operationalize its practice of restorative justice, such as for students being readmitted after a suspension or expulsion.
- Given that reducing severe overcrowding is the primary, data-driven rationale for locating the school in South Reno, it is unclear why the applicant has not considered implementing the provisions of NRS 388A.456(1)(a), which provides for giving enrollment preference for students who currently attend overcrowded schools.
- The pagination of some sections is inconsistent, limiting the ability of reviewers to reference specific pages of the document. This, associated with other formatting and spelling issues throughout the document, including the use of AAU as an acronym for ‘Athlos Academy of Reno’ (which seems to be copied from the application submitted for Athlos Academy of Utah), speaks to the need for careful proofreading of any resubmitted application. This is particularly important as the approved application is a public document and will be reviewed up by parents, families, and the general public. Examples: typographical error on page 41 (‘budged’ for ‘budget’).
- The applicant’s response to the third prompt under school culture is unresponsive; as it merely notes that the school will display the performance character traits throughout the school and promote them as a common language. This information does not answer the question asked. “Explain how you will create and implement this culture for students, teachers, administrators, and parents starting from the first day of school. Describe the plan for enculturating students who enter the school mid-year.” For example, no plan is described for onboarding students to the school’s culture when they arrive mid-year due to state-mandated backfilling. Based on past precedent, this can be a significant challenge for schools striving to nurture a very defined school culture.
- There is no student discipline policy outlined yet, other than maintaining a Positive Behavioral Support plan (page 45).
- As a disciplinary strategy, “Sending the student to the office or other assigned area” (page 51) does not work as a behavioral management tactic unless there is a plan for the child and a clear plan for how specific staff will address the misbehavior.
- The school schedules provided lack important details, such as specific time allocations for essential subjects/content areas, instead merely detailing blocks of time as “instructional 1” or “Instructional 2,” etc. (pp. 60-61). This format makes it difficult to confirm the total amount of instructional time.
- The schedule for middle school grades stops at 1:55, with no explanation as to the underlying rationale for a shorter day for middle school students and why it is appropriate for the schedule for middle schoolers to have an hour less of instruction each day (page 61).
- School-specific language is referred to in the daily schedules (i.e., Number Corner math instruction on page 60) that will have to be coached into for new staff members, adding additional time and topics to the extensive staff training agenda established elsewhere in the petition document.

- It is unclear why official school trips and/or other school-sponsored schools-sponsored events are listed as “excused absences.”
- The scenarios narrative (page 63 versus page 61 and 61) does not match up to the schedule included – the Huddle time does not match up, the Athletics is only listed for 30 minutes for Kindergarten (but the narrative is listed as 50 minutes) and the instructional time is not specified in the calendar as it is in the Day in the Life scenarios.
- The applicant does not clearly outline plans to serve the child with Downs Syndrome (Ruby, page 65). The answers are so vague and unresponsive that it is unclear whether the program will meet this student’s academic needs. Stating that not having Ruby’s IEP makes answering the question difficult seems to avoid responding to the prompt, as well as to indicate an inability to describe how the school might respond to several likely scenarios that a student with a severe medical condition and/or impairment might present.
- The data analysis required by scenarios prompt 5(a) is underdeveloped and does not address all of the questions specified in the prompt (pp 66-67). The discussion of additional Information needed and a plan for obtaining this information is minimal, as are plans for next steps. The prompt specifies a range of disabilities present in the SWD population for a reason, and this prompt does not address these subgroups or even suggest others that could be studied (such as the performance of students who received Free and Reduced Lunch), whose performance may affect the scores represented here. In addition, while it is good that the application acknowledges the significant drop in SWDs tested, from 23 in 2012 to 14 in 2014, the response does not (a) acknowledge that some students tested may have had their scores invalidated for a variety of reasons or that (b) identify how the school will study the 2012 cohort to determine which students from that cohort were not tested in subsequent years and why. Shifts in tone, e.g. the use of the words “even worse” seems strikingly out of place in a professional analysis of a school’s academic performance (p 66)—especially in a public document.

*Essential Question: Will the academic program be a success?*

**No.** Based on the current content of the academic narrative and the lack of academic data to support the argument that the academic plan articulated in the application has been successful in other jurisdictions, there is insufficient evidence to conclude that the academic program is either a proven success or that the plan as articulated in the application will result in future success. Staff believes that these deficiencies can be remedied during a resubmission without material changes to the proposed academic program or basic organizational design of the proposed school.

Basis for consideration following resubmission: Should the applicant choose to resubmit with complete academic data and a revised narrative which refines and aligns the academic program without materially changing it (e.g. by wholesale replacement of curricula, elimination of core elements such as the pillars, etc.), primary consideration will be given to whether the model shows consistently high academic achievement across all geographies, whether the revised academic program is coherent and meets the standards set forth in the rubric, and whether the applicant addresses the other deficiencies identified in the Agency’s formal notice of denial.

# Organization

## *Performance Data*

For applicants seeking to replicate an existing model—whether as a direct charter management organization applicant, a committee to form partnering with a non-profit or for-profit education management organization, or a committee to form which seeks to independently replicate, consideration must be given to the organizational track record of the model. For models with a current Nevada presence, the primary criteria will be performance within the Nevada legal and regulatory context. For models which are not currently implemented in Nevada, one significant criteria will be performance within the context of the home state’s legal and regulatory context. Based on a review of the 2015 audited financial statements of Athlos Leadership Academy in Brooklyn Park, MN, the auditor identified one compliance deficiency related to the school’s food service program. A similar deficiency was noted by the auditor of the charter holder for the Athlos International Leadership School of Texas in 2014, along with a deficiency related to the IDEA Part B program. Based on a review of the 2015 Texas audit, both deficiencies were successfully addressed and no other deficiencies were noted. It is important to note that the audit for the Texas client includes both campuses managed by Athlos and campuses which implement other models, so there is no way to determine from the evidence provided whether this prior deficiency was the responsibility of Athlos, the charter holder, or another vendor serving the charter holder. A review of the audits of the company’s second Texas client, the Jubilee Academic Center, revealed no compliance findings. The Agency is unaware of any other organizational deficiencies related to the performance of other Athlos schools.

Performance Conclusion: Based on the information provided, the proposed organizational model has an acceptable track record of organizational performance.

Additional Considerations: The proposed operating plan for the school has a number of identified strengths and weaknesses.

## *Areas of Strength:*

Specific Strengths include:

- The applicant has provided a detailed overview of how they and their associated EMO will approach Human Resources issues, including criteria for an “ideal” Athlos teacher.
- The proposed enrollment plan reflects a strong belief that the proposed Three Pillar model will be attractive to prospective students and their families and demonstrates an awareness of requirements in state law (e.g., SB208). The response also references intent to help families without access to “proper” technology to access the online application.
- The founding governing body is fully formed. It is made up of a diverse and accomplished group of community members with a unified vision and understanding of their mission. Based on the capacity interview, there is a high level of investment and a strong understanding of many key elements of the work ahead.

- The governance section provides a detailed description of the applicant’s approach to board governance and articulates a goal of including a wide variety of members of the local community.
- The applicant specifically references Nevada statutes to which the board will adhere, such as NRS 281A.400.
- During the capacity interview, the applicant group volunteered that they intend to take a planning year to ensure effective operational execution. Given both application review timeline challenges and the realities of facility acquisition, approval, and development in Reno, the 2017 start date initially contemplated in the application presented significant execution challenges.
- The applicant provides a great deal of detail regarding contracted services necessary for school operations, heavily focused on technology acquisition and installation. The narrative also details many of the services to be provided by Athlos Academies, the EMO, related to finding, securing and, if necessary, building/renovating an appropriate facility.
- A facility has not yet been identified, as per the application, but the EMO has listed significant experience in opening and financing schools previously.
- Plans for ongoing operations provide a reasonable degree of detail, especially given that no facility has been obtained as of yet.
- As no property or facility has been obtained, plans provided are minimal, but the applicant has indicated a commitment to work with local agencies as required by NRS 392.620.
- Stated insurance coverages in Attachment 17 seem reasonable and are indicated to meet or exceed Nevada state requirements.

*Areas for Improvement:*

- There is no leadership team identified. The CTF has identified the component parts, but is not clear on which staff members will be on the Leadership Team once the principal will be hired. Responses are unnecessarily vague and fail to identify how prospective leadership roles will be conducted, even if a specific person has not yet been hired for that position, as was indicated for responses to prompts (4), (5), and (6) on page 2 of Appendix 18-6. A well-developed response would have articulated, at a minimum, provisional steps a person in that role would be expected to follow to clarify that the school’s plan have a high likelihood of success with any new hires. (Attachment 18-6).
- The applicant provided what appears to be a boilerplate job description for a school leader or a small district superintendent. It did not identify specific competencies that they are looking for in a principal (attachment 2-3). Due to this cursory information and the omission of Attachment 4, it is unclear that they have determined what behavioral traits, beliefs, and skills are important to the leader. Based on the information provided, it would be difficult to differentiate between a candidate who will lead a school to excellence and one who will lead a school to mediocrity or persistent underperformance. In contrast to leadership models for the most highly effective schools, far more time appears to be spent on non-instructional tasks than is typically seen in schools which reliably perform at high levels.
- The applicant’s response to Leadership prompts 2, 4, 5, and 6 provide no indication of what will be expected a leadership when a candidate is in fact hired, which will be critical to a school expecting to serve over 1,000 students in Year 1. Responses are unnecessarily vague and fail to identify how

prospective leadership roles will be conducted, even if a specific person has not yet been hired for that position, as was indicated for responses to prompts (4), (5), and (6) on page 2 of Appendix 18-6. A well-developed response would have articulated, at a minimum, provisional steps a person in that role would be expected to follow to clarify that the school's plan have a high likelihood of success with any new hires. (Attachment 18-6)

- In addition, the proposed school leadership plan does not adequately address the significant amount of training a leadership team for a startup school with a projected enrollment in Year 1 of over 1,200 students. Any such leadership will likely need a great deal of direct, on-site support.
- Given that Athlos Academies is an experienced operator of schools that operates a network of schools across the country and given that the support of the EMO and the network will be invaluable to the success of the proposed school, more detail regarding how the specific positions within the EMO that will support the school is critical. The information provided in the staffing section is unresponsive to the question asked. Based on the specific support outlined elsewhere and the fact that the job descriptions for some leadership positions indicate the applicant intends for some school staff to have a direct or dotted line reporting relationship to EMO staff (instead of a relationship where the EMO is effectively a vendor to school staff), information related to the appropriate positions at Athlos Academies is essential.
- Staffing ratios for students with disabilities are listed as “a 1:25 ratio (teachers to qualified students) and paraprofessionals are hired at a 2:1 ratio (paraprofessionals to teachers),” as on page 41 of the Academic Plan, which is out of compliance with the requirements of NAC 388.150.
- It is unclear why there is an increase in staff (sports performance teachers, guidance counselors, special education teachers) in out years if the student counts are not increasing (attachment 18-6).
- It is unclear whether the applicant will be able to recruit and retain the fractional hourly staff identified in the application. For example, the application assumes 3.6 teachers' aides and 9.2-10.2 operations staffers (attachment 18-6). It would be helpful to understand how many individual employees these fractional numbers represent.
- Several of the responses in the staffing section are vague or unresponsive. For example, vendor ADP provides several tools that can serve an HRIS function for schools, but the response does not specify which one. Similarly, staffing prompt 2 specifically requests proposed salary ranges, yet the response does not provide this information. Comments such as “several full days” will be set aside for teacher planning and PD lack the necessary specificity as to when these will occur and how this time will be utilized to efficiently support core school goals (Attachment 18-6).
- The applicant does not identify if it will or will not offer performance pay or similar incentives (page 18-6).
- Although the charter application details at several points how the proposed Three Pillar model can be beneficial to students who struggle, are at-risk of dropping out or who have special needs, no mention of how the school will specifically reach out to these populations, in spite of the specific reference in enrollment prompt (1). Additionally, it is unclear how parents who speak languages other than English will be able to access information related to the school, as there is no indication that the website, marketing materials, forms, or other school publications will be published in Spanish or other languages other than English spoken in Reno and Washoe County. There is no mention of qualified bilingual support staff to interpret or directly answer questions and provide

guidance to PHLOTE families. Similarly, it is unclear how adults with disabilities will be able to access such information in compliance with Section 508 of the Rehabilitation Act.

- The response indicates no variation between Planned Enrollment and Maximum Enrollment; while permissible, this is very ambitious.
- The attached budget calculation spreadsheet projects for enrollment of 1,220 students, with no indication of how the 976 minimum enrollment numbers will allow the school to meet budget requirement (i.e., payroll, debt management, operations, etc.) and remain solvent.
- The projected enrollment of 1,220 is well in excess of the 400 students specified in prompt #4 (Attachment 10-1), which seems to imply a need for greater detail than for a school slated to serve ~400 students, and the response states the school will serve 8 grade levels. (Enrollment is actually projected to be 1,220 students in Year 1.) Given the ambitious timeline, it is perplexing that the applicant team did not provide evidence to indicate that any level of community engagement or evaluation of interest has started, as this school would be the largest single charter school opening in the history of Nevada and it is in a community where charter schools are far less prevalent than in the Las Vegas valley.
- The school actually plans to serve nine (9) grade levels, 1st through 8<sup>th</sup> as well as Kindergarten, each with its own unique needs, staffing requirements, and resources needed, whereas the response indicate it will serve only 8 grades. (Attachment 10-1). It appears that this is an artifact from an application in another state or a typographical error.
- While the founding governing body is a diverse and accomplished group of community members with a unified vision and understanding of their mission and a clear commitment to the work ahead, the inconsistent quality and coherence of the initial charter application document does not back up those strengths as well as it should. For example, the drafter misidentified the reference to the attached PDF of governance bylaws under prompt 2 of the governance section.
- The operational execution plan does not contemplate any concrete plan for the leadership development of the principal during the incubation year. Given the applicant group's particularly strong endorsement of the Athlos school culture observed in other jurisdictions during the capacity interview and the level of interest in relocation to Reno from existing Athlos schools that was discussed during that meeting, it is unclear why the applicant is not actively recruiting from the existing pool of emerging Athlos leaders who have deep familiarity with the program and the culture versus taking the risk of recruiting a local leader or someone identified from a national search whose level of subscription and expertise in the model is unproven.
- The proposed management contract is not a final negotiated version which complies with Nevada law. The document appears to be a boilerplate agreement, as there is limited evidence that the EMO has taken into account the issues raised during a previous application denial. For example, the contract fails to comply with multiple provisions of NAC 386.405, which requires that the initial term of a management agreement can be no more than two years.
- The contract fails to identify the appropriate sponsor, referencing a nonexistent entity, the Nevada Board of Elementary and Secondary Education. The equivalent entity in Nevada does not have statutory authority to sponsor charter schools.
- The confidentiality provision appears inconsistent with the Open Meeting Law and laws related to public records. As there is no authority under statute for the governing body of a charter school to

enter into a confidential contract or to discuss or vote on a contract behind closed doors, it appears that this provision is in conflict with Nevada law. While the contract provision states that the school “shall not disclose the terms contained herein except as required law” (sic), the inclusion of a requirement which appears unenforceable on its face in a negotiated agreement is highly questionable, as it would place a public entity in the position of incurring legal costs to defend itself against a civil action based on performing its legal obligations under Nevada law. Similarly, it is unclear, under the proposed terms, if the school would be liable for the individual statements or actions of a member of the governing body—a public officer—during or outside of a public meeting.

- The application states that “[e]ach local Governing Board that partners with Athlos Academies evaluates the EMO at least bi-annually (Operations Plan, page 11). This is inconsistent with NAC 386.405(5), which requires annual evaluation of an EMO by a governing body. It appears that this application language is drawn from applications filed for other Athlos client schools and was not developed to meet the expectations of Nevada law.
- Little clarification is given as to what steps may take place as the result of a negative evaluation of the EMO by the Board, especially given the fact that the school will be in debt to the EMO as the result of startup funds provided in the founding year, which has the potential of complicating honest feedback and assessment by the Board.
- The fee structure is not consistent with other information in the contract as those sections are blank.
- The proposed contract specifies several instances in which the contract may be terminated by the EMO, such as from the school’s inability to pay contracted fees on time, which could happen if enrollment falls below projections, at which point the school would have 90 days to remove all proprietary items (i.e., branding, curriculum resources, etc.). This would appear to be a violation of NRS 388A.393(1)(f), which prohibits a vendor from requiring the charter school or proposed charter school to enroll a minimum number of pupils for the continuation of the contract between the charter school or proposed charter school and the contractor or educational management organization.
- Materials submitted do not specify the proposed Service Fee paid by school to the EMO, as a percentage of the school’s local, state and federal gross revenue.
- The language related to the undisclosed Service Fee states that it will be based on a percentage “of local, state and federal gross revenues.” Nevada charter schools are not their own local education agencies and they are not eligible to receive funding for administrative costs or to receive an indirect rate. Indeed, the Authority itself does not have an approved indirect rate and its legislatively approved budget—including its federal funds budget—contains no provision for any administrative costs. Charter schools are sub-grantees of their respective sponsors and receive their funding on a reimbursement basis based on the submission of original source documentation of approved direct service expenses. Neither the Authority nor the Department of Education will approve any federal grant application which budgets for payment of a management fee to an educational management organization.
- State categorical grant programs (e.g. Read by Three, SB 405 ELL funding, etc.) prohibit schools and districts from covering any administrative costs with grant funding. Consequently, federal funding

and state categorical grant funds should be excluded from the fee calculation as any fees assessed for those revenues would effectively supplant base per-pupil funding for funds intended to supplement the core program.

- The school's ability to repay the EMO and cover Year 1 expenses is heavily dependent upon school meeting enrollment targets, with debt to EMO seeming to hold a senior position over debt to other services providers. NRS 388A.393(1)(d) prohibits any provision of a management agreement which requires the charter school or proposed charter school to pay the contractor or educational management organization before the payment of other obligations of the charter school or proposed charter school during a period of financial distress.
- In addition, terms of the proposed contract, especially as for maintenance of records in Section 8, seems to lack clarity as to who is responsible for which actions. With the school liable for any material breach of the contract, this seems to put the school at a disadvantage.
- Contract seems to be boilerplate as has been used with other Athlos Academies contracted schools with minor to no modifications, which seems to match the IRS definition of not having been negotiated between independent parties.
- School and founding board needs a strong plan for what would be the response should the EMO relationship be terminated by either party, especially during a school year, given that so much of the materials to be used or owned and would be returned to the EMO at such a point.
- The business relationship with the EMO seems somewhat skewed in the vendor's favor. For example, the termination clause does not provide much time listed for the governing body to refinance any EMO debt if the relationship turns sour. Similarly, there is limited time allotted for the charter school to seek any necessary amendments to the charter contract prompted by the termination of the management agreement.
- Start-up expenses incurred by the proposed school and to be paid for through funds lent by the EMO are not clearly represented in the narrative and budget calculations (see lines 19 & 20 of the budget spreadsheet, tab 4 for 'Budget Summary'). It is unclear how the presence of founding year funding through a Promissory Note with the EMO will affect the school's finances going forward. The application does not make clear how much additional interest will be paid by the school to the EMO for this startup funding and at what rate.
- The contract contains a post-termination provision which prohibits the school from offering a program which incorporates or attempts to incorporate any program "which is similar or deceptively similar to Athlos Academies, and its educational programs centered around performance character, fitness and wellness, including programs provided by Outside Vendors," any termination of the contract could result in the need for the school to seek a material amendment to its charter contract to completely eliminate critical elements of its academic program with no opportunity to make a non-material change to its academic program through the substitution an equivalent program for the intellectual property of the vendor. While it is understandable and appropriate that the vendor has the rights to enforce its authority over its own intellectual property, this provision appears overly broad. Given the provisions of NRS 388A.393(1)(q), this provision of the contract would appear to provide that these provisions of the management contract supersede those of the governing charter contract. As currently constructed, this is impermissible under Nevada law.

- The school leader is scheduled to be hired following award of the charter on a “nearly full-time” basis, with conditions given, but no indication is given of whether funding is available to hire this person full-time immediately provided they are available.
- A blanket statement is given that no conflicts of interest exist between the school, Board and EMO, and goes further to state “or any other entity,” which precludes the possibility that the school may seek to contract with service providers other than Athlos Academies.
- The contract contains a provision which requires the school to pay for a duplicative student information system (PowerSchool). Given the requirement that all Nevada public schools utilize Infinite Campus as the student information system of record, it is unclear what benefit there is to the school to reimburse the EMO for an additional system, especially given the potential complications associated with maintaining multiple pupil accounting systems and ensuring that the accountability reporting data is matched up between two systems for which there is limited ability to synchronize information due to database configuration, security, and privacy considerations. To the degree that this system is maintained for the convenience of the vendor to facilitate its services the school, it would arguably be classified as an indirect cost of the vendor which cannot be paid for with Nevada funds.
- Minimal description is provided as to how fair costs were determined for each of the many services detailed, such as through a transparent analysis of multiple bids. It is not clear that equivalent rates are available in Nevada. Several items were described as having been identified when a vendor submitted information to the EMO, such as for a firewall device (p. 14).
- Full responsibility for building management and maintenance devolves to the school leader upon completion of the facility, which adds a great deal of non-instructional responsibility to someone who may be a new school leader.
- Significant technology-related expenses will not result in any “end user student devices” for classroom use (i.e. tablets, Chromebooks, etc), other than two fully function computer labs and two mobile computing carts of Chromebooks to be used for testing. (Operations Plan page 15). Based on the experience of other Nevada charter schools, this ratio of devices may not be sufficient to meet testing and other state-mandated tech-based requirements without significant disruption to instruction and school operations.
- Minimal details regarding a facilities plan were provided. While the applicant has indicated it intends to postpone opening from 2017-18 to the 2018-19 school year, past and even recent precedent regarding the pace of municipal review and the possibility that variances and other approvals may be denied may argue for the applicant to request that any approved contract include a provision allowing for an extension to 2019-20 in the event there are unforeseen delays.
- Minimal information is provided as to relative costs that can be anticipated, such as purchase of land or construction, such as comparables for land of a similar square footage in the target area or comparable costs for similar charter and school district construction projects.
- It is unclear that the CTF has done any due diligence with schools identified by the EMO as successful development partnerships, whether any feedback received has been consistently positive, or if any concerns been raised that may impact the proposed school. Given the boilerplate nature of the proposed management contract, it is likely confidentiality provisions similar to those in that agreement may exist in the contracts or other possible legal documents (e.g. settlement

agreements) of current or former clients of the EMO or its affiliates. To ensure that the applicant is receiving complete and accurate information from current and former clients, it would be advisable for the applicant to confirm the existence of any such provisions with the EMO and request a limited waiver of them to ensure that the applicant can receive candid and accurate information from current and past clients regarding any previous issues.

- No facility has been identified or obtained, so necessary planning is minimal. A well developed response to the Ongoing Operations response would have described essential elements and procedures that have proven successful in other Athlos schools.

*Essential Question: Will the school be an effective and accountable organization?*

**No.** While the organizational plan as presented in the application has a number of important strengths, there are also a number of significant deficiencies which preclude an approval recommendation for full or conditional approval at this time. Staff believes that these deficiencies can be remedied during a resubmission without material changes to the proposed academic program or basic organizational design of the proposed school.

Basis for consideration following resubmission: Should the applicant choose to resubmit with complete academic data and a revised narrative which refines and aligns the academic program and organizational plan without materially changing it (e.g. by wholesale replacement of curricula, elimination of core elements such as the pillars, etc.), primary consideration will be given to whether the model shows consistently high academic achievement across all geographies, whether the revised academic program and organizational plan are coherent and meets the standards set forth in the rubric, and whether the applicant addresses the other deficiencies identified in the Agency's formal notice of denial.

## Fiscal

The applicant budget is designed primarily as a performance task to evaluate the applicant's ability to design a budget which accurately reflects the Nevada context, contains reasonable expense assumptions which are correctly calculated, and incorporates the personnel and operating costs specific to the academic model. While many of these assumptions and priorities will serve as the basis for the operating budget adopted by the governing body, is not intended to contractually bind the applicant to a specific set of revenues or expenditures.

### *Performance Data*

For applicants seeking to replicate an existing model—whether as a direct charter management organization applicant, a committee to form partnering with a non-profit or for-profit education management organization, or a committee to form which seeks to independently replicate, consideration must be given to the financial track record of the model. For models with a current Nevada presence, the primary criteria will be performance within the Nevada legal and regulatory context. For models which are not currently implemented in Nevada, the criteria will be performance within the context of the home state's legal and regulatory context.

The applicant provided financial data, including audited financial statements, for other schools implementing the academic program and for other schools which receive financial management services from the applicant's chosen education management organization.

Three years of audit results were furnished for each of the clients implementing the Athlos model, with the most recent audits being those completed in the fall of 2015. Other than the organizational items noted in the previous section, no material issues were noted.

As noted by the applicant, each of the schools audit treatments changed due to the issuance of GASB 68, which requires a new method of reflecting the pension obligations of public entities. As is the case with many Nevada charter schools, this new treatment had a negative impact on the fund balances of these schools due to the requirement that pension obligations, including those obligations which are actually the responsibility of a third party such as PERS, must be reflected in the financial statements.

Conclusion: The proposed financial model has been implemented successfully in the two states where it operated in 2014-15 and prior years.

### *Areas of Strength:*

- The proposed financial plan considers a wide range of anticipated costs and states that budget assumptions are based on conservative estimates where possible, such as for the expected per-pupil revenue of \$6,855 (see Attachment 18 page 1).

- The charter application details changes that can be made to budget assumptions in the event that actual revenues are less than projected (see Attachment 18).

*Areas of Weakness:*

- While the applicant identifies a perceived flaw in the budget template, earlier development of the application budget and budget narrative would have allowed the applicant to contact the Authority for clarification or insight into how to address the perceived flaw. More proactive budget development might also have allowed the applicant to find a creative way to address the challenge identified in the narrative.
- Recruiting and retaining qualified staff is a significant challenge for most schools, and especially for startups, even before considerations of projected school size of 1,220 in initial startup year. It is unclear from the narrative how the salary assumptions compare with those of the local school district and whether those assumptions are realistic. For example, even a 5% increase in average salaries would be significant, leading to an average teacher's salary of \$44,100, leading to an increase in salary/benefits costs of approximately \$152,000, which would leave the school with a projected negative fund balance at end of Year 1 of approximately \$95,000.
- An analysis of 'School Inputs' indicates an average starting salary of \$42,000 for all teaching categories with the exception of the 6 teachers specified for Grades 1 & 2, which indicate an average salary of \$49,000 for these two grades. (lines 151 and 152). The rationale for this inconsistency is unclear.
- A review of FTE calculations in the budget spreadsheet suggests an FTE tally in Year 1 of 78, whereas the budget narrative in Attachment 18 lists an FTE in Year 1 of 73.8.
- The proposed budget calculations do not indicate when and at what rate the school will be obligated to repay salaries for staff in founding year that were lent to school by the EMO, as in the Operations Plan (pp 9-10). This is noted in the proposal in Attachment 18, but could impact school's overall financial stability in ways difficult to identify based on the presented budget calculations.
- It is unclear why staffing levels indicated in Attachment 18 and on the budget spreadsheet increase in later years while enrollment levels are projected at a constant 1,220. For example, the school indicates a need for four Sports Performance Coaches (SPCs) in Year 1, with an additional 2 hired in the following year and a 7th SPC to be hired in Year 3 (2019-2020): An additional SPC position is scheduled to be filled in Year 5 (2020-2021), for a total of 8 by Year 5.
- It is unclear if the school has a plan to modify projected staffing levels, such as for a total of 8 SPCs by Year 5, in response to needs in other areas, such as for reading specialists to support struggling readers in primary years.
- It is unclear what the plan is for repayment of the founding year Line of Credit from the EMO, and what the projected total cost, including interest, will be for access to these funds.

*Essential Question: Will the school be fiscally viable.*

**Yes.** The track record of previous implementations appears to meet expectations and the budget and financial plan approaches expectations. Absent the deficiencies noted in the previous sections, staff would

have been comfortable recommending this application for conditional approval, predicated on the requirement that the applicant address the weaknesses identified above.

Basis for consideration following resubmission: Should the applicant choose to resubmit with complete academic data and a revised narrative which refines and aligns the academic program and organizational plan without materially changing it (e.g. by wholesale replacement of curricula, elimination of core elements such as the pillars, etc.), primary consideration will be given to whether the model shows consistently high academic achievement across all geographies and whether the revised academic program and organizational plan are coherent and meets the standards set forth in the rubric. Reconsideration of the financial plan will also entail a review of the fiscal impact of any academic or organizational changes, whether those financial plan revisions are coherent and meet the standards set forth in the rubric, , and whether the applicant addresses the other deficiencies identified in the Agency's formal notice of denial.

**STATE PUBLIC CHARTER SCHOOL AUTHORITY**

**SUPPORTING DOCUMENT**

**S U B J E C T: Consideration of the expedited  
renewal of Oasis Academy**

<u>  /  /  </u>	Public Workshop
<u>  /  /  </u>	Public Hearing
<u>  /  /  </u>	Consent Agenda
<u>  /  /  </u>	Regulation Adoption
<u>  /  /  </u>	Approval
<u>  /  /  </u>	Appointments
<u>  /  x/  </u>	Information
<u>  /x  /  </u>	Action

MEETING DATE: January 27, 2017

AGENDA ITEM: 6

NUMBER OF ENCLOSURE(S): 1

**PRESENTER(S): Patrick Gavin, Executive Director, SPCSA**

---

**FISCAL IMPACT:**

---

**BUDGET ACCOUNT (FOR PRINTING CHARGES ONLY):**

---

**LENGTH OF TIME EXPECTED FOR PRESENTATION (IN MINUTES): 25 Mins**

---

**SUBMITTED BY:** \_\_\_\_\_

STATE OF NEVADA

BRIAN SANDOVAL  
*Governor*

PATRICK GAVIN  
*Executive Director*



STATE PUBLIC CHARTER SCHOOL AUTHORITY

1749 North Stewart Street Suite 40  
Carson City, Nevada 89706-2543  
(775) 687 - 9174 • Fax: (775) 687 - 9113

---

---

BRIEFING MEMORANDUM

---

---

**TO:** SPCSA Board  
**FROM:** Patrick Gavin  
**SUBJECT:** Agenda Item 6 - Oasis Academy Expedited Renewal Request  
**DATE:** January 27, 2017

---

Background:

Oasis Academy has submitted a request for expedited renewal.

Analysis:

**Academics:** The SPCSA issues an Academic Performance Framework based on available data. Oasis has consistently been identified as exceeds standard since 2011-2012 per the SPCSA Academic Framework. The “exceeds standard status” was maintained due to the pause in the state’s NSPF for the 2014-2015 school year.

**Organizational:** In its current iteration, the SPCSA Organizational Framework is a rolling evaluation of school organizational performance. Based on verified complaints and spot checks of school organizational performance, the Authority issues Notices of Concern or Notices of Breach for Organizational Performance. Schools which have not received such notices are presumed to be in Good Standing. Oasis Academy has received no Notices of Breach or Notices of Concern since the inception of the Framework and is currently presumed to be in Good Standing.

**Financial:** Oasis Academy has a strong history of clean audit findings. The SPCSA Financial Framework monitors a variety of indicators of financial health. Oasis Academy has not received any Notices of Concern or Notices of Breach in relation to the financial framework.

Recommendation: Approve Renewal

Oasis Academy is one of the strongest academic and organizational performers in the SPCSA portfolio. The Authority is urged to approve renewal of this charter school.

**STATE PUBLIC CHARTER SCHOOL AUTHORITY**

**SUPPORTING DOCUMENT**

**S U B J E C T: Consideration of expedited  
renewal application of Imagine Mountain View**

<u>  /  /  </u>	Public Workshop
<u>  /  /  </u>	Public Hearing
<u>  /  /  </u>	Consent Agenda
<u>  /  /  </u>	Regulation Adoption
<u>  /  /  </u>	Approval
<u>  /  /  </u>	Appointments
<u>  /  x/  </u>	Information
<u>  /  x  /  </u>	Action

MEETING DATE: January 27, 2017

AGENDA ITEM: 7

NUMBER OF ENCLOSURE(S): 1

**PRESENTER(S): Patrick Gavin, Executive Director, SPCSA**

---

**FISCAL IMPACT:**

---

**BUDGET ACCOUNT (FOR PRINTING CHARGES ONLY):**

---

**LENGTH OF TIME EXPECTED FOR PRESENTATION (IN MINUTES): 25 Mins**

---

**SUBMITTED BY:** \_\_\_\_\_

**BRIAN SANDOVAL**  
*Governor*

**STATE OF NEVADA**

**PATRICK GAVIN**  
*Executive Director*



**STATE PUBLIC CHARTER SCHOOL AUTHORITY**

**1749 North Stewart Street Suite 40  
Carson City, Nevada 89706-2543  
(775) 687 - 9174 • Fax: (775) 687 - 9113**

---

---

**BRIEFING MEMORANDUM**

---

---

**TO:** SPCSA Board  
**FROM:** Patrick Gavin  
**SUBJECT:** Agenda Item 7 - Imagine Mountain View Expedited Renewal Request  
**DATE:** January 27, 2017

---

Background:

Imagine Mountain View has submitted a request for expedited renewal.

Analysis:

**Academics:** The SPCSA issues an Academic Performance Framework based on available data. Imagine Mountain View was identified as adequate during 2012-2013 and 2013-2014 per the SPCSA Academic Framework. The adequate status was maintained due to the pause in the state's NSPF for the 2014-2015 school year.

**Organizational:** In its current iteration, the SPCSA Organizational Framework is a rolling evaluation of school organizational performance based on verified complaints and spot checks of school organizational performance. The Authority issues Notices of Concern or Notices of Breach for Organizational Performance. Imagine Mountain View received a Notice of Concern in 2015. The deficiency was subsequently remedied to the satisfaction of the Department and the Agency and Imagine Mountain View returned to Good Standing.

**Financial:** Imagine Mountain View has a strong history of clean audit findings. The SPCSA Financial Framework monitors a variety of indicators of financial health. Imagine Mountain View has not received any Notices of Concern or Notices of Breach in relation to the financial framework.

Recommendation: Approve Renewal

Imagine Mountain View is one of the strongest performers in the SPCSA portfolio. The Authority is urged to approve renewal of this charter school.

**STATE PUBLIC CHARTER SCHOOL AUTHORITY**

**SUPPORTING DOCUMENT**

**S U B J E C T: Nevada Connections Academy:  
consideration and possible issuance of notice  
pursuant to NRS 388A.330 (e)**

<u>  /  /  </u>	Public Workshop
<u>  /  /  </u>	Public Hearing
<u>  /  /  </u>	Consent Agenda
<u>  /  /  </u>	Regulation Adoption
<u>  /  /  </u>	Approval
<u>  /  /  </u>	Appointments
<u>  /  x/  </u>	Information
<u>  /  x  /  </u>	Action

MEETING DATE: January 27, 2017  
AGENDA ITEM: 8  
NUMBER OF ENCLOSURE(S): 1

**PRESENTER(S): Patrick Gavin, Executive Director, SPCSA**

---

**FISCAL IMPACT:**

---

**BUDGET ACCOUNT (FOR PRINTING CHARGES ONLY):**

---

**LENGTH OF TIME EXPECTED FOR PRESENTATION (IN MINUTES): 45 Mins**

---

**SUBMITTED BY: \_\_\_\_\_**

STATE OF NEVADA

BRIAN SANDOVAL  
Governor

PATRICK GAVIN  
Executive Director



STATE PUBLIC CHARTER SCHOOL AUTHORITY

1749 North Stewart Street Suite 40  
Carson City, Nevada 89706-2543  
(775) 687 - 9174 • Fax: (775) 687 - 9113

---

---

BRIEFING MEMORANDUM

---

---

**TO:** SPCSA Board  
**FROM:** Patrick Gavin  
**SUBJECT:** Agenda Item 8 —Consideration and possible issuance of notice pursuant to NAC 388.330(e)  
**DATE:** January 27, 2017

---

**Background:**

Nevada Connections Academy (NCA) was approved by the State Board of Education in 2007 and was renewed by the Authority in 2013. It currently operates pursuant to a written charter. The written charter expires in 2019.

For each of the preceding five years, NCA’s graduation rate has been below 60 percent.

	2011	2012	2013	2014	2015	2016
<b>Graduation Rate</b>	26.5%	36.08%	33.91%	37.19%	35.63%	40.09
<b>Rank in State</b>	99/106	98/110	100/111	110/117	110/117	110/120
<b>Position from Bottom</b>	8 <sup>th</sup> lowest in state	13 <sup>th</sup> lowest in the state	11 <sup>th</sup> lowest in the state	8 <sup>th</sup> lowest in the state	8 <sup>th</sup> lowest in the state	10 <sup>th</sup> lowest in the state
<b>Percentile Rank</b>	7 <sup>th</sup>	12 <sup>th</sup>	10 <sup>th</sup>	7 <sup>th</sup>	7 <sup>th</sup>	8 <sup>th</sup>

While the school saw a graduation rate increase between 2011 and 2012 in its performance relative to the rest of the state, moving from the 7<sup>th</sup> percentile to the 12<sup>th</sup>, the school declined back to the 7<sup>th</sup> percentile in both 2014 and 2015.

On [September 23, 2016](#), the State Public Charter School Authority [voted](#) to direct staff to issue a Notice of Intent to Revoke the Written Charter of Nevada Connections Academy pursuant to [NRS](#)

[388A.330](#) and [NAC 386.330](#) based on having a graduation rate for the preceding school year that is less than 60 percent. This was based on the 2014-15 academic year. The Authority has not yet held a public hearing regarding the September 23, 2016 notice. NCA has contested the validity of this proceeding through two lawsuits in Carson City. This is an ongoing legal matter and the Authority has been advised to limit its commentary regarding this matter.

On December 15, 2016, the Department released official graduation rates for all public schools for the 2015-16 academic year. NCA's graduation rate was 40.09%. This performance level is below the 60 percent level specified in statute. Consequently, the school is eligible to receive a Notice pursuant to NRS 388A.330(e).

**Recommendation:**

Staff recommends:

- 1) Authority should direct staff to Issue a Notice of Intent pursuant to [NRS 388A.330\(e\)](#) and [NAC 386.330](#) based on having a graduation rate for the preceding school year that is less than 60 percent.

**STATE PUBLIC CHARTER SCHOOL AUTHORITY**

**SUPPORTING DOCUMENT**

**S U B J E C T: Discovery Charter School:  
consideration and possible issuance of notice  
pursuant to NRS 388A.330 (f)**

<u>  /  /  </u>	Public Workshop
<u>  /  /  </u>	Public Hearing
<u>  /  /  </u>	Consent Agenda
<u>  /  /  </u>	Regulation Adoption
<u>  /  /  </u>	Approval
<u>  /  /  </u>	Appointments
<u>  /  x/  </u>	Information
<u>  /  x  /  </u>	Action

MEETING DATE: January 27, 2017  
AGENDA ITEM: 9  
NUMBER OF ENCLOSURE(S): 1

**PRESENTER(S): Patrick Gavin, Executive Director, SPCSA**

---

**FISCAL IMPACT:**

---

**BUDGET ACCOUNT (FOR PRINTING CHARGES ONLY):**

---

**LENGTH OF TIME EXPECTED FOR PRESENTATION (IN MINUTES): 45 Mins**

---

**SUBMITTED BY:** \_\_\_\_\_

STATE OF NEVADA

BRIAN SANDOVAL  
*Governor*

PATRICK GAVIN  
*Executive Director*



STATE PUBLIC CHARTER SCHOOL AUTHORITY

1749 North Stewart Street Suite 40  
Carson City, Nevada 89706-2543  
(775) 687 - 9174 • Fax: (775) 687 - 9113

---

---

BRIEFING MEMORANDUM

---

---

**TO:** SPCSA Board  
**FROM:** Patrick Gavin  
**SUBJECT:** Agenda Item 9 —Discovery Charter School consideration and possible issuance of notice pursuant to NRS 388A.330(f)  
**DATE:** January 27, 2017

---

**Background:**

Pursuant to NRS 388A.330(f), a charter school sponsor has the authority to revoke a written charter or terminate the charter contract of a charter school which performs in the bottom five percent of all elementary and middle schools. Such performance may also result in the reconstitution of the governing body of a charter school.

Discovery Charter School was approved by the State Board of Education in 2011. It currently operates pursuant to a written charter. The written charter expires in 2017 and the school has been [directed](#) to submit an application for a new charter contract on February 1.

Discovery Charter School [has been identified by the Department](#) as an elementary or middle school which performs in the bottom five percent and is thereby eligible for revocation of its written charter. This is the first year that Discovery has been ranked in the bottom five percent of elementary or middle schools.

**Recommendation:**

- 1) Pursuant to [NRS 388A.330\(f\)](#) and [NAC 386.330](#), the Authority direct staff to Issue a Notice of Intent to Revoke the Written Charter of Discovery Charter School based on the identification by the Department of being in the bottom five percent of all elementary and middle schools during the 2015-2016 accountability year.

**STATE PUBLIC CHARTER SCHOOL AUTHORITY**

**SUPPORTING DOCUMENT**

**S U B J E C T: Beacon Academy: Discussion  
regarding school's eligibility for notice pursuant  
to NRS 388A.330 (e)**

  /  /   Public Workshop  
  /  /   Public Hearing  
  /  /   Consent Agenda  
  /  /   Regulation Adoption  
  /  /   Approval  
  /  /   Appointments  
  /  x/   Information  
  /  /   Action

MEETING DATE: January 27, 2017  
AGENDA ITEM: 10  
NUMBER OF ENCLOSURE(S): 1

**PRESENTER(S): Patrick Gavin, Executive Director, SPCSA**

---

**FISCAL IMPACT:**

---

**BUDGET ACCOUNT (FOR PRINTING CHARGES ONLY):**

---

**LENGTH OF TIME EXPECTED FOR PRESENTATION (IN MINUTES): 45 Mins**

---

**SUBMITTED BY: \_\_\_\_\_**

STATE OF NEVADA

BRIAN SANDOVAL  
Governor

PATRICK GAVIN  
Executive Director



STATE PUBLIC CHARTER SCHOOL AUTHORITY

1749 North Stewart Street Suite 40  
Carson City, Nevada 89706-2543  
(775) 687 - 9174 • Fax: (775) 687 - 9113

---

---

BRIEFING MEMORANDUM

---

---

**TO:** SPCSA Board  
**FROM:** Patrick Gavin  
**SUBJECT:** Agenda Item 10—Beacon Academy Update  
**DATE:** January 27, 2017

---

**Background:**

Beacon Academy of Nevada was approved by the State Board of Education in 2008 and was renewed by the Authority in 2014. It currently operates pursuant to a charter contract. The charter contract expires in 2020.

For each of the preceding five years, Beacon’s graduation rate has been below 60 percent.

	2011	2012	2013	2014	2015	2016
<b>Graduation Rate</b>	16.38%	14.30%	37.61%	56.52%	52.63%	52.48
<b>Rank in State</b>	104/106	108/110	100/111	104/117	104/117	107/120
<b>Position from Bottom</b>	3 <sup>rd</sup> lowest in state	3 <sup>rd</sup> lowest in the state	12 <sup>th</sup> lowest in the state	14 <sup>th</sup> lowest in the state	14 <sup>th</sup> lowest in the state	13 <sup>th</sup> lowest in the state
<b>Percentile Rank</b>	3 <sup>rd</sup>	3 <sup>rd</sup>	11 <sup>th</sup>	12 <sup>th</sup>	12 <sup>th</sup>	11 <sup>th</sup>

While Beacon saw a significant increase between 2012 and 2013 in its performance relative to the rest of the state, the school remained at the 11<sup>th</sup> or 12<sup>th</sup> percentile through the 2014-15 academic year.

Based on the school’s graduation rate reported in 2015-16, the Agency recommended the Authority approve the issuance of a Notice of Intent to Terminate the Charter Contract of Beacon Academy in

both [February](#) and [March](#) of 2016. The Authority did not take any action on the recommendation, ultimately [voting](#) to remove it from the agenda. Individual members of the Authority requested Agency staff to engage in discussions with the school regarding its plan for improvement and asked that the Agency report back on the progress of those discussions. The school made multiple presentations to the Authority since February 2016, including an extensive dialogue with members in [May](#) and [June](#). The most recent plan, submitted to the Agency on July 24, 2016, incorporated the school's most recent written proposal. Based on [discussion](#) at the table during the [July 29, 2016](#) Authority meeting, school leader Tambre Tondryk proposed the following measurable graduation rate targets:

Year	2016	2016	2017
4 Year Adjusted Cohort Graduation	52%	55%	60%

Based on that proposal, staff recommended that the Authority accept those targets and require that they be memorialized in an amended charter contract. In recognition of the school's willingness to set annual adjusted cohort graduation targets for the next three years, staff recommended that the contract provide that the Authority would not terminate the charter contract based on any failure to meet those targets, and that only reconstitution and receivership could be imposed if the targets were not met in addition to other changes. The Authority [approved](#) the goals proposed by the school and the staff recommendation, requiring that the school and the Agency negotiate a contract acceptable to both parties. At the August 26, 2016 Authority meeting, the Authority [voted](#) to direct staff and Beacon Academy to negotiate an amended charter contract by September 19, 2016. Staff and the school did not agree to mutually agreeable terms by the deadline.

Pursuant to [NRS 388A.330](#) and [NAC 386.330](#), the Authority later directed staff to Issue a Notice of Intent to Terminate the Charter Contract of Beacon Academy based on having a graduation rate for the preceding school year that is less than 60 percent. After [discussion](#), the Authority [approved](#) the issuance of this Notice on [September 23, 2016](#) and the [Notice](#) was officially issued on September 30, 2016.

Subsequently, Agency and Beacon representatives negotiated a contract acceptable to the Authority. The contract language provides a mechanism for Beacon to transition to serve a more high need student population via an amendment to its admissions policy to exclusively serve at risk youth. This will be accompanied by revisions to the graduation rate benchmarks to provide appropriate and rigorous achievement goals for that new population. This amendment will also permit the school to eventually qualify for the alternative performance framework. This amended contract was approved by the Authority on [October 21, 2016](#). Due to the execution of this agreement and in accordance with guidance from counsel and staff recommendation, the Authority also [voted](#) to dismiss the Notice of Intent to Terminate the Charter Contract of Beacon Academy.

The Authority received the admissions policy [amendment](#) request in December 2016 and [approved](#) that amendment on December 16, 2016. Following Agency guidance, the school has also engaged with Momentum Strategy and Research to develop and propose revised academic goals which are applicable to all students enrolled under the new policy. Those goals will form the basis for a revised transitional framework which will be considered by the Authority in the first quarter of 2017.

While the school did not meet the statutory graduation rate requirement of 60 percent in 2015-16, the school's 2015-16 graduation rate was consistent with the negotiated improvement plan and the current charter contract. Pursuant to these conclusions, staff would recommend that the Authority not issue a Notice of Intent notwithstanding the performance of the high school program in 2015-16 because the charter school is meeting its obligations pursuant to the revised contract and has agreed

to acceptable contractual terms with the Authority. Consequently, there is no cause to issue a Notice of Intent pursuant to NRS 388A.330(e). The Authority should continue to monitor both programmatic and operational improvements and school progress towards meeting its academic targets as set forth in the contract and use its contractual authority to intervene in the event that the school fails to meet its contractual targets.

**STATE PUBLIC CHARTER SCHOOL AUTHORITY**

**SUPPORTING DOCUMENT**

**S U B J E C T: Silver State Charter School:  
Discussion regarding school's eligibility for  
issuance of notice pursuant to NRS 388A.330 (f)**

  /  /   Public Workshop  
  /  /   Public Hearing  
  /  /   Consent Agenda  
  /  /   Regulation Adoption  
  /  /   Approval  
  /  /   Appointments  
  /  x/   Information  
  /  /   Action

MEETING DATE: January 27, 2017  
AGENDA ITEM: 11  
NUMBER OF ENCLOSURE(S): 1

**PRESENTER(S): Patrick Gavin, Executive Director, SPCSA**

---

**FISCAL IMPACT:**

---

**BUDGET ACCOUNT (FOR PRINTING CHARGES ONLY):**

---

**LENGTH OF TIME EXPECTED FOR PRESENTATION (IN MINUTES): 45 Mins**

---

**SUBMITTED BY:** \_\_\_\_\_

STATE OF NEVADA

BRIAN SANDOVAL  
Governor

PATRICK GAVIN  
Executive Director



STATE PUBLIC CHARTER SCHOOL AUTHORITY

1749 North Stewart Street Suite 40  
Carson City, Nevada 89706-2543  
(775) 687 - 9174 • Fax: (775) 687 - 9113

---

---

BRIEFING MEMORANDUM

---

---

**TO:** SPCSA Board  
**FROM:** Patrick Gavin  
**SUBJECT:** Agenda Item 11 —Silver State Charter School Update  
**DATE:** January 27, 2017

---

**Background:**

Due to systemic financial mismanagement at Silver State, the Authority initiated revocation proceedings in November 2015. Additionally, due to the school's history of poor graduation rates, including a zero percent graduation rate in 2015, the Agency recommended the Authority approve the issuance of a Notice of Intent to Revoke the Charter Contract of Silver State in both [February](#) and [March](#) of 2016. The Authority did not take any action on the recommendation, ultimately [voting](#) to remove it from the [agenda](#) at the March 25 meeting. Due to perceived litigation risk based on statements made by new school counsel and concern regarding potential ongoing financial issues, the Authority had previously directed staff to enter into settlement negotiations related to the financial mismanagement revocation on [March 9, 2016](#). After several months of negotiations, the Authority and Silver State agreed to a settlement that permitted ongoing operation and a renewal under the governance and oversight of a court-appointed receiver and the monitoring of a court-approved trustee to enforce the terms of the receivership appointment. The settlement agreement included clear graduation rate improvement benchmarks of 45 percent by 2017-18 and 60 percent by 2018-19. On June 28, 2016, the settlement agreement and a [joint petition](#) for appointment of a receiver was filed in Carson City District Court. The District Court [appointed](#) Joshua Kern as receiver on July 1, 2016. The initial Trustee resigned shortly thereafter and the court replaced her with Robert Cane. The court subsequently issued an order clarifying the role of the Receiver and the Trustee.

Pursuant to the charter amendment approved by the Authority in the summer of 2015, the Silver State middle school program was phased out at the end of the 2015-16 academic year. As the school voluntarily agreed to cease operation of that program via a charter amendment, the breach has already been addressed and there is no cause for issuance of a Notice of Intent pursuant to NRS 388A.330(f).

Silver State achieved the 2017-18 target early, having posted a 2015-16 graduation rate in excess of 45 percent. As the charter school is meeting its obligations pursuant to the settlement agreement, there is no cause to issue a Notice of Intent pursuant to NRS 388A.330(e).

Pursuant to these conclusions, staff would recommend that the Authority not issue a Notice of Intent notwithstanding the performance of the middle and high school programs in 2015-16 because the school has entered into a settlement agreement, is in a negotiated, court-appointed receivership, and currently meets the conditions of both the summer 2015 charter amendment phasing out the middle school and the settlement agreement through the improvement of its graduation rate. The Authority should continue to monitor both programmatic and operational improvements and school progress towards meeting its academic targets as set forth in the settlement agreement.

**STATE PUBLIC CHARTER SCHOOL AUTHORITY**

**SUPPORTING DOCUMENT**

**S U B J E C T: Update on regulation approval,  
Governor's recommended budget and Bill drafts  
for the 2017 Legislative session**

  /  /   Public Workshop  
  /  /   Public Hearing  
  /  /   Consent Agenda  
  /  /   Regulation Adoption  
  /  /   Approval  
  /  /   Appointments  
  /  x/   Information  
  /  /   Action

MEETING DATE: January 27, 2017

AGENDA ITEM: 12

NUMBER OF ENCLOSURE(S): 1

**PRESENTER(S): Patrick Gavin, Executive Director, SPCSA**

---

**FISCAL IMPACT:**

---

**BUDGET ACCOUNT (FOR PRINTING CHARGES ONLY):**

---

**LENGTH OF TIME EXPECTED FOR PRESENTATION (IN MINUTES): 15 Mins**

**SUBMITTED BY:** \_\_\_\_\_

STATE OF NEVADA

BRIAN SANDOVAL  
*Governor*

PATRICK GAVIN  
*Executive Director*



STATE PUBLIC CHARTER SCHOOL AUTHORITY

1749 North Stewart Street Suite 40  
Carson City, Nevada 89706-2543  
(775) 687 - 9174 • Fax: (775) 687 - 9113

---

---

BRIEFING MEMORANDUM

---

---

**TO:** SPCSA Board  
**FROM:** Patrick Gavin  
**SUBJECT:** Agenda Item 12 - Update on regulation approval, Governor's recommended budget and Bill drafts for the 2017 Legislative session  
**DATE:** January 27, 2017

---

The 2017 Legislative Session begins on February 6, 2017. Below are links to the SPCSA's recently approved regulations, Governor's recommended budget, charter school Bills and the Nevada Department of Education's Legislative page.

**A. SPCSA Approved Regulations**

I. [R087-16A](#)

II. [R088-16A](#)

III. [R089-16A](#)

**B. [Governor Recommended Budget](#)**

**C. Charter School Bills To-Date**

I. [SPCSA AB 49](#)

II. [CCSD AB 78](#)

**D. [Nevada Department of Education 2017 Legislative Update Page](#)**

STATE PUBLIC CHARTER SCHOOL AUTHORITY

SUPPORTING DOCUMENT

**S U B J E C T: Consideration and possible action of the Legacy Traditional Academy of North Las Vegas charter amendment request to add facilities**

  /  /   Public Workshop  
  /  /   Public Hearing  
  /  /   Consent Agenda  
  /  /   Regulation Adoption  
  /  /   Approval  
  /  /   Appointments  
  /  x/   Information  
  /  x/   Action

MEETING DATE: January 27, 2017  
AGENDA ITEM: 13  
NUMBER OF ENCLOSURE(S): 1

**PRESENTER(S): Patrick Gavin, Executive Director, SPCSA**

---

**FISCAL IMPACT:**

---

**BUDGET ACCOUNT (FOR PRINTING CHARGES ONLY):**

---

**LENGTH OF TIME EXPECTED FOR PRESENTATION (IN MINUTES): 25 Mins**

---

**SUBMITTED BY:** \_\_\_\_\_

**BRIAN SANDOVAL**  
*Governor*

**STATE OF NEVADA**

**PATRICK GAVIN**  
*Executive Director*



**STATE PUBLIC CHARTER SCHOOL AUTHORITY**

1749 North Stewart Street Suite 40  
Carson City, Nevada 89706-2543  
(775) 687 - 9174 • Fax: (775) 687 - 9113

---

---

**BRIEFING MEMORANDUM**

---

---

**TO:** SPCSA Board  
**FROM:** Patrick Gavin  
**SUBJECT:** Agenda Item 13 - Legacy Traditional Expansion Amendment Request  
**DATE:** January 27, 2017

---

**Legal Context:**

[NRS 388A.279](#) provides that the Authority may hold a public hearing concerning any request from a charter school to amend a written charter or a charter contract, including:

- Increasing the total enrollment of a charter school or the enrollment of pupils in a particular grade level in the charter school for a school year to more than 120 percent of the enrollment prescribed in the written charter or charter contract for that school year.
- Seeking to acquire an additional facility in any county of this State to expand the enrollment of the charter school.

As this amendment request was received and reviewed prior to the adoption of [R089-16A](#) in December 2016, the requirements previously adopted for amending a written charter or a charter contract to acquire and occupy a new or additional facility exclusively govern this submission. The relevant provisions can be found in [NAC 386.3265](#) et seq.

**Summary of Request:**

Legacy Traditional is seeking to expand its school network with an additional site in the Cadence community in the southeast are of the Las Vegas Valley. As the Authority will recall, the school initially proposed to open in Henderson. Due to the inability to find an appropriate parcel of land, the school request and received authorization to relocate its initial site to North Las Vegas. That facility is on track to open in the fall of 2017. After entering into negotiations to secure the North Las Vegas site, the school was approached by a developer interested in supporting the opening of a second facility in Cadence in the fall of 2018. The school As there was significant parent interest in the initial southern location and many of those families were disappointed by the decision to relocate Legacy Traditional I to North Las Vegas, there is already significant support to enroll Legacy Traditional II in Cadence.

Legacy Traditional was approved by the Authority in 2016 and will open in the fall of 2017. It currently operates under a charter contract and will be up for renewal in 2022. As Legacy Traditional is a school within a high achieving school network, one which is ranked among the top performing school systems in Arizona, the school is eligible to request additional sites.

**Recommendation: Approve with Conditions**

The school meets the current criteria for approval for a new campus pursuant to the most recent revisions to NAC and has participated thoughtfully in the new amendment request process in a manner which demonstrates the capacity to effectively govern and operate multiple new campuses. The school's enrollment diversification strategies align to the criteria and activities articulated by the SPCSA.

Consequently, staff recommends that the Authority approve this amendment request. Consistent with the Authority's actions related to other schools in the portfolio, staff requests that the board set an enrollment cap based on the school's enrollment as laid out in the amendment request and incorporating all other standard language from the charter contract most recently developed by counsel based on guidance from the Authority.

Staff further requests delegated authority to grant additional technical amendments and approvals upon receipt of documentation and other items required under NAC to occupy the buildings over the course of the next several years. This approval is consistent with the mechanism the Authority uses to permit the incorporation of pre-opening requirements for new schools into the charter contract without the delay and complexity attendant to additional review of such documentation in a public forum.

**STATE PUBLIC CHARTER SCHOOL AUTHORITY**

**SUPPORTING DOCUMENT**

**S U B J E C T: Quest Academy and Silver State  
Charter School receiver update**

<u>  /  /  </u>	Public Workshop
<u>  /  /  </u>	Public Hearing
<u>  /  /  </u>	Consent Agenda
<u>  /  /  </u>	Regulation Adoption
<u>  /  /  </u>	Approval
<u>  /  /  </u>	Appointments
<u>  /  x/  </u>	Information
<u>  /  /  </u>	Action

MEETING DATE: January 27, 2017

AGENDA ITEM: 14

NUMBER OF ENCLOSURE(S): 1

**PRESENTER(S): Josh Kern, Executive Director, Ten Square Group**

---

**FISCAL IMPACT:**

---

**BUDGET ACCOUNT (FOR PRINTING CHARGES ONLY):**

---

**LENGTH OF TIME EXPECTED FOR PRESENTATION (IN MINUTES): 25 Mins**

---

**SUBMITTED BY:** \_\_\_\_\_

**BRIAN SANDOVAL**  
*Governor*

**STATE OF NEVADA**

**PATRICK GAVIN**  
*Executive Director*



**STATE PUBLIC CHARTER SCHOOL AUTHORITY**

**1749 North Stewart Street Suite 40  
Carson City, Nevada 89706-2543  
(775) 687 - 9174 • Fax: (775) 687 - 9113**

---

---

**BRIEFING MEMORANDUM**

---

---

**TO:** SPCSA Board  
**FROM:** Patrick Gavin  
**SUBJECT:** Agenda Item 14—Quest and Silver State Receiver Update  
**DATE:** January 27, 2017

---

**Background:**

In the fall of 2014, the Authority received multiple reports of financial mismanagement from governing body members at two charter schools, Quest Academy and Silver State Charter School. Based on those reports and issues with the timeliness and completeness of the 2014 independent audits of both schools, the Agency served both schools with Notices of Breach in December 2014.

During late 2014 and early 2015, the Agency contacted each of the big four accounting firms (PricewaterhouseCoopers, Ernst & Young, Deloitte, and KPMG). Based on restrictions on the Agency's ability to conduct the investigation under the auspices of counsel and limitations on the Agency's ability to indemnify a firm in any suit brought by a school as a result of an audit or investigation, the Agency was only able to agree to acceptable terms with Deloitte.

In early 2015, the Interim Finance Committee approved a Work Program transferring funds from the Agency's reserve category to Professional Services to fund the proposed contract with Deloitte.

On June 9, 2015, the Board of Examiners approved the Agency's contract with Deloitte to perform audits of Quest and Silver State.

Deloitte began their review of both schools in July 2015.

Deloitte prepared and submitted reports on their findings and supporting documentation related to Quest in September 2015. Those materials may be found at <http://goo.gl/6WBnyk>.

Deloitte prepared and submitted reports on their findings and supporting documentation related to Silver State in October 2015. Those materials may be found at <https://goo.gl/A841fA>.

Based on the risk of imminent insolvency to Quest and ongoing governance deficiencies that led to the effective dissolution of the Quest governing body, the Authority intervened in October 2015 and voted to place the school in receivership. Joshua Kern was installed as receiver in November 2015. He has made multiple reports to the Authority regarding progress at Quest since his appointment.

Due to the systemic financial mismanagement at Silver State, the Authority initiated revocation proceedings in November 2015. The Authority initially voted to revoke Quest's written charter in January 2016. Due to litigation risk and concern regarding potential ongoing financial and academic issues, the Authority directed staff to enter into settlement negotiations in March 2016. After several months of negotiations, the Authority and Silver State agreed to a settlement that permitted ongoing operation and a renewal under the governance and oversight of a court-appointed receiver and the monitoring of a court-approved trustee to enforce the terms of the receivership appointment. The court appointed Joshua Kern the receiver of Quest effective July 1, 2016. The initial Trustee resigned shortly thereafter and the court replaced her with Robert Cane. The court has also issued an order clarifying the role of the Receiver and the Trustee. This will be Mr. Kern's forth report to the Authority related to Silver State and fifth report regarding Quest Academy.

**STATE PUBLIC CHARTER SCHOOL AUTHORITY**

**SUPPORTING DOCUMENT**

**S U B J E C T: Kathleen Conaboy recognition  
of service to the State Public Charter School**

**Authority board**

<u>  /  /  </u>	Public Workshop
<u>  /  /  </u>	Public Hearing
<u>  /  /  </u>	Consent Agenda
<u>  /  /  </u>	Regulation Adoption
<u>  /  /  </u>	Approval
<u>  /  /  </u>	Appointments
<u>  /  x/  </u>	Information
<u>  /  /  </u>	Action

MEETING DATE: January 27, 2017

AGENDA ITEM: 15

NUMBER OF ENCLOSURE(S): 1

**PRESENTER(S): Adam Johnson, Chair, SPCSA**

---

**FISCAL IMPACT:**

---

**BUDGET ACCOUNT (FOR PRINTING CHARGES ONLY):**

---

**LENGTH OF TIME EXPECTED FOR PRESENTATION (IN MINUTES): 25 Mins**

---

**SUBMITTED BY:** \_\_\_\_\_

**STATE PUBLIC CHARTER SCHOOL AUTHORITY**

**SUPPORTING DOCUMENT**

**S U B J E C T: Legislative Task Force**

  /  /   Public Workshop  
  /  /   Public Hearing  
  /  /   Consent Agenda  
  /  /   Regulation Adoption  
  /  /   Approval  
  /  /   Appointments  
  /  x/   Information  
  /  x/   Action

MEETING DATE: January 27, 2017

AGENDA ITEM: 16

NUMBER OF ENCLOSURE(S): 1

**PRESENTER(S): Adam Johnson, Chair, SPCSA**

---

**FISCAL IMPACT:**

---

**BUDGET ACCOUNT (FOR PRINTING CHARGES ONLY):**

---

**LENGTH OF TIME EXPECTED FOR PRESENTATION (IN MINUTES): 25 Mins**

---

**SUBMITTED BY:** \_\_\_\_\_

**BRIAN SANDOVAL**  
*Governor*

**STATE OF NEVADA**

**PATRICK GAVIN**  
*Executive Director*



**STATE PUBLIC CHARTER SCHOOL AUTHORITY**

**1749 North Stewart Street Suite 40  
Carson City, Nevada 89706-2543  
(775) 687 - 9174 • Fax: (775) 687 - 9113**

---

---

**BRIEFING MEMORANDUM**

---

---

**TO:** SPCSA Board  
**FROM:** Patrick Gavin  
**SUBJECT:** Agenda Item 16 – Legislative Task Force  
**DATE:** January 27, 2017

---

**Background**

The 2017 Legislative Session begins on February 6, 2017. In order to better facilitate communication between the Authority and members of the 2017 Legislative Session, SPCSA staff recommends appointing members of the Authority to the Legislative Task Force.

**Recommendation**

Authority should approve Chairman Johnson, Vice Chair Mackedon and Member Guinasso to the 2017 Legislative Task Force to represent the Authority regarding legislative matters throughout the duration of the 2017 Legislative Session.