

NEVADA STATE PUBLIC CHARTER SCHOOL AUTHORITY

October 27, 2014

Nevada Department of Education
Conference Room
9890 South Meadows Parkway
Las Vegas, Nevada

And

Nevada Department of Education
700 East 5th Street
Room 2135
Carson City, Nevada

MINUTES OF THE MEETING

BOARD MEMBERS PRESENT:

In Las Vegas:

Kathleen Conaboy
Michael Van
Melissa Mackedon
Elissa Wahl
Nora Luna
Robert McCord
Marc Abelman

In Carson City:

None

BOARD MEMBERS ABSENT

AUTHORITY STAFF PRESENT:

In Las Vegas:

Patrick Gavin, Director, State Public Charter School Authority
Traci House, Business Process Analyst, State Public Charter School Authority

In Carson City:

Angela Blair, Education Program Professional, State Public Charter School Authority
Kathy Robson, Education Program Professional, State Public Charter School Authority
Katie Higday, Management Analyst, State Public Charter School Authority
Allyson Kellogg, Management Analyst, State Public Charter School Authority
Danny Peltier, Administrative Assistant, State Public Charter School Authority

LEGAL STAFF PRESENT:

In Las Vegas:

Shane Chesney, Senior Deputy Attorney General

AUDIENCE IN ATTENDANCE:

In Las Vegas:

Jared Hunsaker
Harry Williams
Jonay Argier
Ben Gerhardt
Eve Brier
Jennifer Snider
Sarah Ter Avest
Robert Howell
Crystal Thiriot
Clayton Howell
Ryan Reeves
Ben Salkowe
Joshua Ford
Nick Sarrsahrn
Denise Camacho
Viviana Jorgoera
Aracely Lumbreras
Cecilia Nunez
Elisa Tapia
Miriam Lopez
Rebecca Fitzgerald
Jessica LeNeave
Ercan Aydogdu
Tiecha Ashcroft
Erica Mosca
Monica McQuarry
Tami Bass
Gabe Gonzalez
Karen Gray

In Carson City:

Edith Wynn
Maureen Stair
David Papke
John Wynn
Fed McElroy
Jason Guinness

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

President Conaboy called the meeting to order at 9:05am with attendance as reflected above.

Agenda Item 1 - Public Comment.

Harry Williams and Janay Arbiture, spoke on behalf of the Sterling Charter High School. They decided to formally withdraw their charter application for the 2014 application cycle. They said they were disappointed the school had been recommended for denial because the same school had been approved in the past. They said they would have been the only charter school that would have been solely for at-risk youth. He thanked Right of Passage, the EMO, for all of the help that had been given during the application process.

Chair Conaboy said that normally there is no dialogue during the public comment period, but she wanted to clarify that the application reviews was only part of the process. She said the school would be more than welcome to resubmit the application. Mr. Williams said the committee to form's integrity, along with Rite of Passage, had been attacked in the review recommendation from SPCSA staff.

Agenda Item 2 - Approval of September 5, 2014 Meeting Minutes

Chair Conaboy asked for a motion to approve the minutes.

Member McCord moved for the approval of the minutes. Member Abelman seconded. There was no discussion. The motion carried unanimously.

Agenda Item 3 – Authority Update

Chair Conaboy relinquished her report due to time constraints but asked Member Abelman and Member Mackedon to discuss their trip to Miami for the NACSA Leadership Conference. Member Mackedon said the conference was full of great information that the SPCSA could use to help with its authorizing of high quality charter schools. Member Abelman echoed Member Mackedon's sentiment. He said that these types of conferences can lead to a better SPCSA board, which would hopefully lead to better charter schools.

Agenda Item 4 – Director's Report

Director Gavin reiterated the application process and laid out the timeline for the applications moving forward. He said that all applicants would be offered the opportunity to resubmit their applications within the allotted timeframe allowed by Nevada Revised Statute.

Agenda Item 5 - Consideration of Somerset Academy's Bond Issue to purchase Sky Point and North Las Vegas Campuses

Director Gavin deferred to the board of Somerset to explain the reason for the Bond Issue. Crystal Thiriot explained that two of the schools have been given the opportunity to bond. She said the savings for the school were the main reason for the bond. She said it would save Somerset \$200,000 in the first year. Bob Howell, Academics, explained the facility details along with the construction schedule for the new campuses. He said the school would receive a BB plus rating which would be why the savings would be around \$200,000. He said the process has been a little bumpy, but overall it has been well worth the effort. He referenced Coral Academy and the Bond Issue they had received about 2 years ago.

Chair Conaboy asked what issues the school had during the Bond Issue. He said the Executive Director had been out for some time and that was the main reason things weren't quite as smooth as it could have been.

Director Gavin said SPCSA staff was recommending approval and had met with the relevant parties and was confident the school would use the savings to reinvest in the school. Member McCord asked if this was an endorsement for Somerset to take on a large amount of debt. Senior Deputy Attorney General Chesney said this was an approval to allow Somerset to move forward with the Bond Issue, but was not an explicit endorsement of the debt that was being taken on.

Chair Conaboy asked that a timeline or policy be developed in regard to these type of issues in the future that way all parties understand how the process operates.

Member Mackedon moved for approval. Member Luna seconded. No further discussion. The motion carried unanimously.

Agenda Item 6 - Consideration regarding the Application Review Team's recommendation of Acadia's charter school application

The SPCSA staff recommendation can be seen below:

The applicant provides limited information on the proposed curriculum and furnishes only a brief overview of how the program will be implemented. There is no information provided in the narrative to allow the reader to determine what the applicant means by "essential standards." It is not clear if this is a reference to the Nevada Academic Content Standards, some chosen subset thereof, or if it refers to the standards from another state. Based on a review of the course descriptions supplied, it is unclear whether the proposed content is fully aligned to the NACS. Moreover, the applicant did not complete or sign the curriculum alignment attestation required of all applicants. As a result, there is no evidence that the academic program proposed for the school will be sufficient to address Nevada's content requirements.

The applicant's description of the professional development program is similarly unresponsive. There are references to calendars, needs assessments, and school improvement goals, but there is little information provided to assist the reader in understanding the professional development program at the school. There are also references to special education training, data training on testing data, and a refresher course on the Common Core Standards during two weeks of pre-opening training. These measures do not provide a coherent framework for professional development that is likely to support effective implementation of the curriculum. There is no evidence of a professional development plan sufficient to meet the needs of teachers and students in a school which eschews textbooks.

There are significant discrepancies between the policy for pupil promotion, which states that a student who passes three core courses in three quarters is eligible for promotion, while the attachment which outlines courses which must be completed for promotion sets a significantly higher bar: successful annual passage of all core academic subject areas: reading, ELA, social studies, mathematics, and science. It is unclear which standard reflects the aspirations of the Committee to Form. Consequently, the evidence of appropriate standards for academic promotion is limited.

Taken as a whole, there is no evidence that the academic program proposed in the application will result in the achievement of high standards, i.e. 4 or 5 star status, by this school.

The proposed school would not contract with an EMO. The school leadership would include a principal, an assistant principal, and an administrative office manager. The operating plan elements include numerous omissions and partially responsive information.

The bylaws submitted for the school are unresponsive as they do not comply with the application instructions. There is insufficient evidence that they comply with applicable statutes or regulatory requirements. The applicant also omitted the required insurance quote by the application deadline, stating that the insurance broker who was contacted was unable to produce an accurate quote "as there are a number of unknown factors involved."

The proposed special education policies appear to have been copied from an Arizona policy, as the text refers to Arizona law and there are references to the Union High School District. There is no such district in Nevada. Similarly, the applicant borrowed a sample RTI flowchart and forms directly from examples posted

on the SPCSA website despite explicit directions not to copy materials without modifying them to meet the context of the individual school, e.g. modifying the assessments referenced in the referral forms to match the assessment tools and academic standards used by the school. In yet another instance, the applicant copied a full continuum of service diagram without adjusting the continuum to match the models discussed in the application, resulting in a significant discrepancy between the narrative, which described a full inclusion model, versus the diagram which included a broad spectrum of placements, including alternative placements and self-contained classrooms. Such discrepancies place operating schools at significant legal and financial risk.

Projected enrollment for FY '16 is 585 students and FY '17 is 900 students. The applicant did not provide all the budget forms, precluding thorough analysis of the budget.

The applicant's first year revenue estimates appear to be overly aggressive, as they assume a state loan of \$250,000 from the SPCSA and include an opening balance of \$30,000. Applicants are strongly urged to assume no additional loans or philanthropy to subsidize the operating budget, as such anticipated funds do not reflect the conservative approach that all applicants are expected to utilize. Similarly, it does not appear that special education enrollment expectations are sufficiently conservative. It is likely that far more than 6% of students at Acadia will be students with disabilities. Moreover, the projected costs of salaries and benefits to cover an appropriate special education caseload are far too low. In addition, the budget does not reflect SPCSA guidance on conservative expense budgeting for ELL services, GT programming, and special education supplies and transportation.

The applicant did not provide a break-even budget outlining worst case scenario projections. An FY '17 budget and cash flow were also omitted.

The applicant is not planning to contract with an Education Management Organization. While the applicant cover sheet references a replication of the Beyond Textbooks model, information related to the model and its effectiveness is omitted.

No information is provided in the required section to permit the review team to evaluate the effectiveness of the Beyond Textbooks model as a comprehensive school design. While the coversheet to the application references such a replication, there is no information provided to assess the effectiveness of this program. A review of other sections of the application and information from the capacity interview indicates that the Committee to Form is not contemplating a full replication of this school design although it will borrow some elements from it.

If this is not intended to be a replication, the applicant is encouraged to remove references to such a process from the applicant cover sheet. In the event that a more faithful replication or adaptation is desired, the applicant is urged to furnish the requested data and documentation outlined in the EMO/Replication section of the application to permit a thorough review.

Five members of the Committee to Form are identified in the application. There is evidence of conflicts of interest and limited evidence of governance capacity among the proposed board members.

Several of the applicants describe themselves as experienced charter school leaders, operators, and governing board members from Arizona. Three members of the Committee to Form are currently employed at the same school: Hillcrest Academy in Phoenix, AZ. Two of these individuals are also married to each other. M. Hunsaker, a proposed board member, is married to J. Hunsaker, who is a proposed administrator at the school. Only one member of the Committee to Form is currently a Nevada resident; three others intend to relocate to Nevada following charter approval. A fourth member, K. Johnson, who is described as a licensed

teacher, will exit the Committee to Form following charter approval. None of the applicants who are listed as licensed educators provided evidence to verify their status.

The current Committee to Form is replete with real and potential conflicts of interest, including a marriage between two parties and what appear to be close business or supervisory relationships between an individual listed as the Superintendent of an Arizona-based school, the principal of that school, and a teacher at that school. No strong rationale (e.g. rural school status) exists to justify why these spouses serve on the Committee to Form or why the entity charged with overseeing school leadership would include someone married to an administrator. Such conflicts of interest, if they continue to exist, must be managed and clearly discussed in the school's bylaws. Absent a revision which conforms with this expectation and an application narrative which presents a compelling case for such a structure, this conflict strongly argues against approval of the application. Moreover, in the event that one or the other conflicted members elects to withdraw from the Committee to Form, the bylaws and any performance agreement entered into by the Authority must include language which would explicitly forbid the re-emergence of that conflict or a similar arrangement following the approval of the charter.

The composition of the group which participated in the interview also argues strongly against approval. Four members of the Committee attended the meeting: J. Hunsaker and N. Kirkley, current colleagues who will work for the school; K. Johnson, a self-described consultant on the project who will leave the Committee following charter approval; and M.Hunsaker, spouse of J. Hunsaker and proposed board member. As a result, the only potential member of the governing board represented at the capacity interview was the spouse of one of the proposed administrators.

Consequently, while the capacity interview participants provided the review team with some insight into potential members of the operating team, there is insufficient evidence of adequate board governance capacity to support the development, governance, and operation of this school from the Committee to Form.

Jared Hunsaker, Committee to Form (CTF) Liaison for Acadia Charter school spoke on behalf of the applicant. He said their CTF agreed with the findings of the SPCSA staff. He said they would like to withdraw the application from this application cycle and take the next year to better form their application. Member McCord said it was refreshing for applicants to have this level of reflection in the application process.

Agenda Item 7 - Consideration regarding the Application Review Team's recommendation of Athlos Academy of Clark County's charter school application

SPCSA staff's recommendation can be seen below:

The applicant proposes a school with a three part emphasis on academics, physical education, and character education. To support the program, the applicant plans to use a variety of curricular resources, including the Core Knowledge Sequence, Spalding Reading, Junior Great Books, Saxon Math, and the EMO's Athlos Athletic and Character Curriculum. There are significant flaws to the academic plan.

- 1. A narrative explaining the school's policy regarding the transfer of credit to another comparable school (NRS 386.582; NAC 386.150(8));*
- 2. The applicant made several significant omissions, including the following required elements which were not included in this application.*
- 3. A narrative describing the relevant instructional strategies that will be necessary for successful implementation of the curriculum; and*
- 4. A narrative providing a coherent framework for professional development that is likely to support effective implementation of the curriculum*
- 5.*

While references to the first two areas, instructional strategies and professional development, are sprinkled throughout the application, these scattered references are not responsive to these requirements.

There is no one curriculum model. Rather, the curriculum appears to be a combination of textbooks supported by the EMO in multiple states, including some jurisdictions (e.g. Texas) which have not adopted standards which are aligned with the Nevada Academic Content Standards. This raises the risk that the content delivered will be based on the scope and sequence of decade-old textbooks and frameworks which purport alignment to the NACS; this is contrary to the more generally accepted and effective practice of textbook and overall content selection, where attention of NCSC alignment is of prime importance and resources are identified to explicitly and intentionally address standards instead of standards being crosswalked to previously existing texts to meet the commercial needs of publishers.

Using multiple curriculum models and instructional strategies (Core Knowledge, Spalding Reading, Junior Great Books, and Saxon Math) will create an extensive need for professional development and work sessions to ensure NACS alignment and teacher fidelity to multiple instructional models and strategies. There is no evidence of a strong connection between the school's curriculum, pedagogy, and professional development. For example, staff is also expected to use multiple approaches to instruction including differentiated, whole group, small group, and individual instruction. There is no reference to professional development for these instruction strategies, other than some discussion of direct instruction.

There is no evidence of ongoing professional development, professional learning communities, or other forms of accountability and assistance for staff essential to implementing such an ambitious and potentially conflicting set of curriculum tools. For example, the calendar and school schedule do not assign routine collaborative times to review the impact of instructional strategies (using data) and/or time or a method for administration or individual teachers to analyze and modify instruction. Given the myriad of instructional tools identified and the lack of information regarding a coherent framework for support and implementation, these omissions are particularly glaring.

There is also little evidence of any professional development and/or teacher accountability to innovative and effective instructional practices. There seems to be no ongoing professional development (other than summer scheduled workshops) to assist, modify, and ensure staff are using effective instructional strategies, especially those students with diverse linguistic and cultural backgrounds, as well as those students who are below grade level. Throughout the application there is reference to professional development that is offered by the EMO or other contractors but no professional development days are scheduled on the school calendar, other than a note that some professional development will occur before school starts. There is also no attached list or schedule of professional development activities or timelines. There is also some reference to pre-opening professional development, which would be provided by publishers or other third parties instead of being developed and implemented by individuals knowledgeable of the school and its instructional models. This pre-opening professional development consists of exposure to the main sources of content: Core Knowledge, Saxon Math, and Spalding Reading.

The bevy of content options offered highlights the lack of provision for curriculum mapping to align the Core Knowledge Sequence, Spalding Reading, Junior Great Books, Saxon Math, and the Athlos Athletic and Character Curriculum to the Nevada Academic Content Standards. This is particularly glaring in the area of language arts, where content would be pulling from four sets of content standards and resources: Nevada Academic Content Standards, Spalding, Core Knowledge, and Junior Great Books. There is no evidence curriculum mapping has already been accomplished or that there is a strong plan in place which would allow for teachers and administrators to learn how to develop their own curriculum maps to these content resources to ensure they are making the best possible choices (or even marginally effective choices) to meet the needs of their students and address the NACS expectations.

The narrative makes several references to Direct Instruction. It is unclear from the narrative if the applicant is referring to Direct Instruction, aka DISTAR, a high scripted set of elementary reading and mathematics curricula which are rarely used school-wide due to known issues with the alignment of these programs to

either previous state standards or to the Common Core, or to the instructional strategy of direct instruction, which is characterized by “teacher talk” and, when used as the primary method of instruction, often correlates with the mastery of only basic levels of content absent significant investment in teacher training and school-specific content and professional development.

The information provided on the proposed physical education program is insufficient. Based on the level of detail provided, it does not appear that the physical education plan is fully aligned to the appropriate Nevada standards. This is one-third of the foundation of this charter school but the narrative insufficient attention to the implementation of this program. This program and the character education program are at the core of the EMO’s academic value proposition to the school, but there is no clear plan for implementation (e.g. timelines, benchmark reviews, assessment reviews, responsible parties, criteria for success). Such elements should be clearly identified to allow for the administration and the board to hold the EMO accountable for implementation and support.

The academic models are unproven. Consequently, the contemplated enrollment and grade span is excessive for a startup school. The applicant is encouraged to revise the enrollment and grade span request to a number which is more manageable and appropriate to a startup school.

The school would hire an EMO, Athlos, to provide financial management services and to support the board in the implementation of the academic program. The EMO would also be responsible for employing the school leader and for supporting the board with a variety of other operational and academic activities. There are numerous problems with the proposed management and operating plan.

The EMO proposes to charge a management fee of 12 percent of local, state, and federal revenues. Due to state and federal restrictions on the use of Title dollars and the authority’s role as the LEA for schools, the provision for a 12 percent fee on federal revenues is problematic.

The proposed bylaws of the school are prefaced by a letter from an attorney referencing another Nevada charter school.

The discipline policy and code of conduct provide the opportunity for a well-rounded and reasonably safe and orderly learning environment. The school mission is based on the teaching of Performance Character and its integration throughout all content areas.

Staff, students, and parents are all involved in a variety of levels from minor infractions to serious criminal offenses. Legally sound policies for student discipline, suspension, dismissal and expulsion NRS 392.4655 through NRS 392.4675 are established. The Student Launch Report and Athlos Report Card, which requires parents to set goals with and assess their student, can provide the opportunity for intervention at the most basic level.

There is a clear strategy for engaging parents and guardians in the life and culture of the school using a multiple of approaches. Student Launch Reports and Athlos Report Cards require parents to set goals with and assess their student on each of these traits at various times throughout the year. Parent/student/teacher conferences, open houses, email and phone communication, parent and student surveys, parent participation on committees, and parent participation on the Board are additional strategies. Parent and student satisfaction surveys will give parents and students an opportunity to impact their school.

In the narrative A.8.6, the school identified guidelines but failed to provide a clear explanation of the proposed school’s process and/or plans for their Special Education Program. Instead they gave the rationale for including the guidelines. Multiple required elements related to special education and gifted and talented processes and procedures (e.g .flowcharts), were not included.

Contrary to Nevada Administrative Code (which limits the initial term of management contracts to two years) and to best authorizing practice nationally, the management agreement term is longer than the maximum six year charter term. The management agreement provides that the contract term will extend until such time as the charter is revoked, surrendered, or not renewed. "Organization agrees that so long it holds a Charter for a School, Organization shall engage Provider for the Services (defined in Section 5 below), pursuant to the terms and conditions of this Agreement." There is no provision for evaluation of the contract as part of the charter renewal process.

The management agreement limits, to some degree, the board's ability to inspect the books and records of the school. The management company commits to "provide the back-office and accounting services, including payroll, accounts receivable, accounts payable, and other necessary accounting functions; provided, however, Provider shall provide full disclosure and access to such records as Organization may reasonably require." The provider cannot place its judgment [or, indeed, a general legal definition of reasonableness regarding the reasonableness of a request for the school to inspect its own books and records above that of either the school board or the authority. Such a provision is contrary to public policy and state and federal law.

The termination provisions of the agreement unreasonably favor the provider and are not sufficiently mutual. Moreover, the loose definitions of the services provided in the agreement allow significant wiggle room for the EMO. Most services listed "assist" the board with various activities, e.g. staff recruitment, limited technology administration, professional development, expansion planning, etc. The only clear commitments relate to the provision of the company's athletic program and associated materials, clothing, and training. Additionally, the cure provisions listed are overly broad, allowing the contract to continue beyond a 90 day notice and cure period for "such longer period as may be necessary to cure the breach or default, if Provider has commenced and is pursuing a cure." Absent clear evaluative criteria and performance standards, this provision permits the EMO to continue to collect funds based on effort versus on effective delivery of services.

The language of the management agreement provides that it is confidential and proprietary. This is contrary to Nevada's public record requirements.

The agreement provides that the school may not operate a similar program if it terminates the management agreement: this provision, if interpreted broadly or in a risk-averse manner, effectively requires the school to amend its charter to remain in operation and might require a school to cease providing instruction in a core area such as athletics. This is impermissible: while a vendor may require a school to cease implementing a licensed program once the license term has ended, a vendor cannot dictate the terms of a charter agreement between a school and the Authority by preventing the school from purchasing a similar program from a competitor or developing its own program to meet the terms of its mission and vision.

The management agreement provided is a boilerplate agreement; there is no evidence the committee to form has taken the time to negotiate an agreement which is specific to the needs of this school and community nor is there any evidence of non-negotiable terms articulated by the committee to inform negotiations.

The facility will be owned by an EMO affiliate—there is no explicit provision allowing the school to stay in the facility if the management agreement is terminated. The negotiation and execution of the management agreement and the lease are listed as linked, simultaneous activities in the application.

The operating model appears to be configured to generate a particular economic return to investors instead of stellar academic outcomes for students and families. The contemplated enrollment and grade span is excessive for a startup school which is not a replication of a similar program serving a similar population. The applicant is encouraged to revise the enrollment and grade span request to a number which is more manageable and appropriate to a startup school.

Projected enrollment for FY16 is 965 students and FY17 is 1250 students, yielding ending cash flow statement cash balances of \$30,272 (FY16) and \$451,201 (FY17). While there are some omissions which preclude full analysis, there is sufficient data in the budget to raise serious concerns about the financial sustainability of the project.

In some cases budget forms with the logo of the EMO were provided. These forms are not structured in the same way as the mandated templates and appear to have been missing some information. In some cases the form provided is only marginally legible, making review difficult. The budget narrative does not provide sufficient detail to vet expense assumptions.

While the applicant submitted a budget, it included a variety of highly aggressive revenue and financing assumptions. A responsive worst-case scenario budget detailing at what point the school can break even was not provided.

The costs associated with the facility appear excessive and unreasonable as a percentage of revenue (26%). Consequently, the project is only able to meet its rent, management fee, and general expense obligations if it achieves its ambitious enrollment targets and there are no unanticipated expenses.

While the applicant indicated in the interview that there is a possibility of management fees being reduced, deferred, or forgiven in the event of a revenue shortfall or cost overrun, there is insufficient information provided in the budget or in other attachments to permit thorough evaluation of this scenario and determine whether the school would be able to remain a going concern under such circumstances.

Given the EMO's lack of connections to Nevada, its limited operating history in other states, and the small size and composition of the current board, there is also substantial risk of an enrollment miss and concomitant revenue shortfall. If the applicant adjusts the enrollment and grade span, the budget and finance plan will also need to be modified.

The applicant proposes to partner with an education management organization, Athlos Academies, and with several affiliate companies for management, curriculum, and facility construction and finance services. The limited operating history of and lack of transparency from the EMO argue against this partnership as currently envisioned.

The name of the EMO listed on the cover page of the application (Athlos Academies) and the name of the EMO as listed in the management agreement (School Model Support LLC) do not match. The applicant and its EMO declined to provide financial performance data on the entity, the affiliated non-profit and LLCs referenced throughout the document, or any schools for which it provides services. This is an unacceptable omission which does not permit the Authority to evaluate the capacity or effectiveness of the EMO in managing school business operations, a key component of its management services. Moreover, given the central importance that the applicant group placed on the facility construction and financing capacity of the entity's development arm in their selection of the EMO and the network of overlapping entities which would support the school in some capacity or another, the decision to not provide any supporting evidence regarding the operating history or capacity of that affiliated LLC (e.g. track record of successful facilities development) in the application raises troubling concerns about the degree of transparency the board can expect from its EMO and that the Authority can expect from either party.

No evidence is provided to support the contention that this school and its EMO provider will be academically successful implementing this program. The applicant notes that this is the first year the EMO has provided academic services to any schools, so there is no track record of success from which to judge its effectiveness in this area. The applicant notes that many elements of its model have strong track records but provides no

evidence to support the contention that the off-the-shelf core academic curricula mentioned in the application can be supported by the EMO in question. The applicant also fails to disclose that there are multiple examples of EMO-affiliated schools with similar operating structures using similarly celebrated curricula where the academic results have been poor enough to necessitate closure or restructuring of entire networks of schools. The applicant provides no evidence of lessons learned from such implementations and lacks a compelling rationale for why this EMO will have a better track record. This lack of an academic track record raises grave concerns, as the Authority is being asked to approve the replication to Nevada of an unproven school model.

Based on due diligence on the operation of Athlos Academies in other states where the EMO currently operates, it is important to note that the company has primarily partnered with existing high-performing schools; any future analysis of the EMO's track record will necessitate taking into account historic baseline data to determine whether the EMO can be effective in contexts where there is not already a high-performing school in operation. Moreover, it is important to note that other authorizers have elected to deny applications from groups proposing to partner with Athlos based on concerns similar to those raised in this review.

Athlos' CTF was not present at the SPCSA board meeting to discuss their application denial. Therefore, the Authority tabled the vote until the end of the meeting to see if the CTF of Athlos would arrive.

Agenda Item 8 - Consideration regarding the Application Review Team's recommendation of the Equipo Academy East Las Vegas College-Prep's charter school application

SPCSA staff recommendation can be seen below:

The Equipo School Design revolves around five pillars drawn from a growing body of research into the key features of consistently high performing schools serving disadvantaged populations: high expectations for all, transformational teachers and leaders, innovation driven by data, a pathway to and through college, and the joy factor. Building on the work of the leadership team and faculty at El Dorado Prep and the Scholars Working OverTime program in East Las Vegas, the Committee to Form has set an ambitious goal for its students: 100% college acceptance for its first graduating class and the eventual return of an Equipo graduate to lead the campus.

Equipo Academy is a proposed college preparatory school which proposes to use a process called Understanding by Design, where the State Standards serve as the curriculum and teachers utilize backwards mapping to drive the planning and choice of curricular materials for each unit of instruction. The research base for this approach is not provided; a compelling justification is required. The Understanding by Design process can create a serious compliance issue for charter schools due to the provisions of NAC 386.626 and related regulations, which require charter applicants to include a listing of textbooks by content area and grade level, including title, author, publisher, and copyright, to be used at the school. The applicant must include such a list in order to be granted a charter. The applicant may elect to provide an explanatory discussion of how the usage of such textbooks may differ within the context of an Understanding by Design implementation, e.g. as resources or supplements versus as the primary drivers of instruction. It is also unclear what support and guidance teachers will receive in selecting appropriate authentic texts to support Spanish and English courses—e.g. a list of high quality texts from which to draw. While teachers will be expected to plan lessons based on UbD curriculum maps, the proposal did not identify a clear plan and process to support the development of the maps or the school-wide benchmarks.

The instructional strategies section provides only a cursory discussion and does not meet the standards set forth in the evaluative criteria. The section referenced high-impact instructional strategies with high expectations and refers readers to an attachment which includes a description of the SIOP model. It does not appear that the attachment was included in the proposal. Additionally, the full listing of instructional strategies promised in the narrative is missing from Attachment A.3.12.

A typical daily schedule, including breaks and lunch, for each grade level must be provided an attachment. Only one schedule was provided and the grade level wasn't specified. There are discussions of scheduling practices elsewhere in the document, however. It is unclear how 6th grade students will have time for all required courses if they are placed in double blocks of math and language arts. The applicant must clarify whether students will receive double credits for core subjects or if the second block will count as electives.

More robust content explaining the school policy on promoting students to the next grade level and for graduation from the school must be provided in the requisite locations. For example, the required promotion policies in Attachment A.3.7 were omitted. It is unclear what happens to students who do not achieve the 70% grade average or the 90% attendance policy required for promotion to the next grade. The applicant must explain what strategies the school will utilize to prevent the creation of credit deficient students. The applicant must provide a compelling rationale for the requirement that students receive prior written approval for summer school in any school system other than Equipo in order to be promoted to the next grade level. A justification is not provided for the requirement of enrolling in a 100 hour summer school.

The use of student data section references an attachment but the attachment is not included in the proposal. The data management plan outlined an incomplete system for participating in the statewide system of assessment and accountability. Specifically, mandated state assessments were not referenced. The applicant should revise this section to incorporate information that includes proficiency exams in the content areas and how the school will monitor data for credit deficiencies and who will be responsible for monitoring that information.

The applicant does not specify who will provide the necessary professional development. It is also unclear will observe and evaluate teachers. Specific materials are mentioned such as case studies of excellent teaching, but it is unclear where these materials will come from and how teachers will access them. In the special populations section it states that all staff will be expected to participate in sheltered English instructional training using the SIOP protocol. This requirement is not mentioned in the general section regarding professional development. It is unclear what type of professional development and coaching will be available to teachers who are unfamiliar with the exit ticket/analysis of data process. The application specifies that staff will be required to attend pre-opening professional development but it is unclear how they will be paid for working two weeks before the start of school. There are also references to visits to high performing charter schools outside of southern Nevada but there is insufficient information to explain how those costs will be covered.

The school assessment plan must be included as an attachment, including a list of the instruments (tests, diagnostics, survey, or other) to be used. A comprehensive assessment plan clearly identifies the assessment(s) by grade level and a timetable as to when the assessment(s) is administered. Moreover, the applicant must fully demonstrate understanding of and commitment to compliance with assessment requirements applicable to all Nevada public schools consistent with state law and relevant policies of the State Public Charter School Authority. (NAC 386.150(7), NRS 386.550(1)(g) and (h), NAC 389.048-.083; NAC 386.150(7), NRS 386.550(1)(g) and (h), and NAC 389.048 - .083).

The Committee to Form intends to found a new school housing the leadership, faculty, and many of the students of El Dorado Prep, the only five star middle school in East Las Vegas. While the applicant currently runs an excellent program, there are additional growth areas which must be addressed if the applicant is to operate a successful charter school.

The applicant has set ambitious enrollment targets and communicated a strong academic justification for such a large first year enrollment during the capacity interview. A compelling academic rationale for such a large first year enrollment and an operational plan to support it must be formally articulated in order for this request to be considered by the Board, particularly in light of evidence that argues persuasively for smaller schools serving narrow grade bands.

While the enrollment guidelines and procedures were clearly articulated, an attachment that included an explanation and evidence to support the enrollment projections was not included. The description of the lottery system was not provided as an attachment. The applicant must also provide narrative that describes the targeted population and the reasons why the school believes this population is under-served in the community could include statistics that supports their beliefs in an objective manner. The applicant must fully explain how the school will be publicized and marketed throughout the community to a broad cross-section of families and prospective students. Include strategies the school will use to reach families that are traditionally less informed about educational options. It is also unclear why the enrollment window is so short.

The applicant failed to provide enrollment data from schools currently operating in the community and the 200 families' letters of interest were not included as evidence to support the school's enrollment targets. The applicant must clearly state whether the school will limit the enrollment of pupils to a specified number or ratio of teachers to pupils pursuant to NAC 386.353 and NAC 386.180(7). If so, the applicant must identify if that number is per grade, for the entire school; or a particular ratio. It is unclear if the school will have a teacher to student ratio limit.

The applicant failed to describe how the charter school will carry out the provisions of NRS 386.490 to 386.649, inclusive. What is listed in the narrative is simply a regurgitation of the law instead of a specific plan of action for what compliance will look like for Equipo, its board and its leadership. It is essential that the applicant explain how the school will fully comply with key provisions of the law.

The applicant provided an incomplete description of the organizational structure of the school and its day to day operation. Explain the management roles and responsibilities of key administrators with respect to instructional leadership, curriculum development and implementation, and personnel.

The applicant proposes an ambitious calendar but fails to provide a compelling rationale for the calendar that shows alignment with the proposed school's mission, vision, and goals. As an attachment, please provide the policy of the charter school regarding the retention of the records of pupils. See NAC 386.360 and NAC 392.301 – 392.360. The insurance quote from the agent/broker is incomplete; it must explicitly address NAC 386.215.

While the school's philosophy regarding student behavior; discipline and code of conduct policy; truancy policy and absence policy were clearly articulated and student focused, the discipline and truancy policies are incomplete and must be revised to fully address the criteria. According to the discipline policy, students who arrive without their homework will be expected to call home at check-in and inform their family that they must stay for scholar hour at the end of the day. It is unclear how this will be enforced if the child is not able to stay at school or in cases where there are extenuating circumstances. It is also unclear who will be supervising scholar hour. The policy provides that any unprepared student will be expected to write a letter to their advisory explaining the mistake, its impact on the team, and their solution. It is unclear if this information be shared with other students and how the school will address cases where a student is uncomfortable or struggles with writing.

The area that the applicant is targeting has a high percentage of ELLs that will likely need additional support. It is unclear from this portion of the narrative if the school will have an ELL teacher who can support teachers and students. A signed and dated Title III Assurance Document with all boxes checked was omitted from the application. The attachment describing the applicant's plan to evaluate the school's ELL program is incomplete, as was the attachment which provides a clear, detailed explanation of the proposed school's ELL program. Similarly, the applicant must also revise the attachment describing the plan for monitoring exited ELL students for two years and providing supports as needed to ensure it is complete and meets all the criteria specified in the application. The applicant must develop a plan to identify students who may be coming from

other schools that have tested them previously. It is important that students are not screened unnecessarily. The applicant should also specify that Federal law requires that testing occur within the first 30 days of the school year. Federal law also requires that parent notifications must be sent in a language the parents can understand. This provision is not included in the plan. Specific assessment tools for evaluating the progress of ELL students towards English proficiency were not identified. There is no mention of the WiDA Access assessment for ELL students.

A signed and dated Special Education Policy Assurance Document with all boxes checked was not included as an attachment. The applicant must also furnish an attachment that provides a clear explanation of the proposed school's RtI referral packet and flowcharts. It is not sufficient to provide a boilerplate packet and flowcharts. Rather, these documents must be customized to reflect your school and its structure. Similarly, please provide an attachment with a clear graphical explanation of your proposed school's Special Education continuum of service delivery model (i.e., a flowchart of least restrictive to most restrictive environment that will be implemented in your proposed school). The applicant must provide a similar custom flowchart of the school's continuum of services for Gifted and Talented students.

Essential elements of the required emergency drill and crisis response plans were not provided, as the applicant provided an unresponsive narrative. For example, the provision for emergency drills should be drafted with sample maps which can later be replaced by official maps of the facility. Similarly, the crisis response plan must be provided, less the campus specific materials (e.g. sample maps will suffice). Provisions for the transportation of special education students in emergency situations were unaddressed, nor were safety drills. The required Emergency Management Plan must be provided as an attachment. The current narrative references CCSD nurses; CCSD nurses are not employees of charter schools.

The applicant utilized budget templates from another source. While the inclusion of a five year operating budget provided additional context on the overall revenue and expense picture during a greater portion of the charter term, the decision to utilize a different format precluded thorough analysis of key areas of the budget. Equipo Academy plans on raising \$300,000 in its first year of operation. Since the monies are not confirmed, it is not clear how the school will adjust its budget to meet the needs that would have been financed through the fund raiser if those donations do not come through. Due to the risks associated with assuming philanthropic donations, applicants are urged to be conservative and assume no charitable contributions will be received. Similarly, the Authority's standard guidance directs applicants not to assume Title I funding will be available as such monies are only disbursed following an audit by Authority staff. Moreover, both local and national data indicates that it is far more difficult to secure lunch eligibility information from middle school and high school families.

The school's budget plan for students with IEP's, ELL, and Gifted and Talented was not discussed in detail. More information is needed regarding these critical areas.

*There is no evidence of any EMO connection or replication intention in the application.
Not applicable.*

The Committee to Form the School consists of seven members with notable qualifications. During the capacity interview, the Committee to Form shared that according to the most recent NSPF data, El Dorado Prep, the current home of the proposed leadership, faculty, and many of the students who want to attend Equipo, was recognized as the only five star middle school serving East Las Vegas.

One committee member was a school leader at a KIPP school in Philadelphia, PA and now serves as a leadership coach for a prominent charter school support organization. The application identified committee members with accompanying resumes that described their educational experiences and described how they had been actively involved in planning the school. Key members include a fundraising professional with prior

experience in human resources and a nonprofit executive. The resume of one proposed member, J. Ford, who is described as a finance professional, appears to have been omitted; similarly, the resume of the proposed parent member is not in evidence.

The Committee to Form also includes two teachers who are identified in the application as being licensed in Nevada. However, a review of licensure records indicates that all of the committee members are licensed in the elementary grades. None hold licenses for the grades served in the charter. The committee must be expanded to include at least one teacher who is licensed to teach the grades proposed to be served by the school. In accordance with the guidelines set forth in the application, the licensure number must be provided. The signed assurances and requests for information were not attached for all members of the Committee to Form. This is a serious omission which must be remedied.

Based on the capacity view, it is evident that the Committee to Form is composed of experienced educators and community leaders who are deeply committed to the mission and vision of the school. A thorough review of the strengths and weaknesses of the application argues for the expansion of the team to include not only a licensed secondary educator to ensure compliance with statute and regulation but also additional individuals with business and legal backgrounds to provide additional perspective and guidance during the planning phase and beyond.

Ben Salkowe, CTF Liaison Equipo Academy, spoke on behalf of Equipo Academy. Mr. Salkowe explained that he is currently working in a program called "Scholars Working Overtime" in the Clark County School District and he felt it would be a great program to transfer to a charter school so it could be implemented statewide. Chair Conaboy said she found the language in the application to be fresh and inspirational. Mr. Salkowe began this work 7 years ago while they were part of "Teach for America." He said their willingness to work outside the box had allowed them to develop this program and use it within Clark County School District. He said that Equipo Academy is a proposed 6-12 college-prep charter school for students in East Las Vegas. The mission of the school is to empower students to meet high expectations, excel to and through college, and become transformational leaders within their community. To achieve these goals, the Equipo Academy founders intend to build a team of loving families, inspirational educators, and hard-working students who share a deep commitment to the Equipo mission. Josh Ford, CTF Equipo, said that this group is willing to do anything to ensure this school is successful and delivers on its goals and mission. Erica Mosca also added her excitement for the proposed school and said she appreciated SPCSA staff comments and has been working to implement the suggested changes. Denise Camacho was the older sister of a form student that had gone through the program. She said it changed his life and helped form him into the person he is today.

Member McCord said he appreciated the CTF's commitment to the community and that a program like this is long overdue. He said this community has long been underserved and it deserves a quality charter school. Member Luna said she was very excited about this application and asked about the capacity of the CTF to run a full school instead of just a program within a school. Mr. Salkowe said the majority of the students who will be attending the first year of the school currently attend the "Scholars Working Overtime" now. He said they would work to find experienced staff to help the school get off the ground and create sustainable processes and procedures to ensure the school thrives for many years to come. Member Wahl was concerned about the experience of the proposed school administration. She said the CTF would do well in recruiting an experienced administrator to help with the day-to-day operations of the school. She also said she would like to see the CTF spend ample time locating a good facility for the school since that is one of the issues that causes new charter schools the biggest problems. Mr. Ford said the CTF had already met with quite a few groups regarding the facility and he was happy to say they have quite a few great options around the community.

Chair Conaboy asked about the philanthropic opportunities that were listed in the application. Mr. Ford said they had updated the budget to ensure it would still work even if all of the donations did not come through, but

he also added they had received letters confirming the donations will be given upon receipt of a charter from the SPCSA.

Chair Conaboy clarified for the record this was not a conversion of an existing school within the CCSD, and Senior Deputy Attorney General Chesney agreed this was not a conversion.

Member Wahl moved for denial of Equipo Academy charter application. Member Mackedon seconded. There was no discussion. The motion carried unanimously

Agenda Item 9 - Consideration regarding the Application Review Team's recommendation of NE PLUS ULTRA Preparatory Academy's charter school application

SPCSA staff recommendation can be seen below:

NE PLUS ULTRA Preparatory Academy will provide a personalized, performance-based, arts and technology infused, rigorous program of instruction leading to strong educational outcomes. They will promote academic excellence by identifying and developing each student's interests and creative talents. Students will build and utilize Personal Learning Networks and use active engagement and product-based learning to enhance problem-solving capacity, effective communication, and intellectual virtuosity. NE PLUS ULTRA Preparatory Academy will provide an individualized and supportive learning environment where students flourish emotionally and become college, career, and life ready.

The Committee to Form intends to operate a middle/high school using three separate instructional approaches: distance learning, blended learning, and dual enrollment. The school is also envisioned as having a significant arts integration component. The complexity of this plan makes the school unlikely to be academically successful.

The school intends to utilize three separate instructional approaches: distance learning, blended learning, and dual enrollment. While the applicant aspires to create a seamless experience for students using these three distinct methods, it is unclear how this will be accomplished. Absent planning, coordination, and a relentless attention to detail that is not evident in the application, the academic program is just as likely to result in a chaotic, unproductive academic experience where pupils are perversely incentivized to opt into the least rigorous or accountable option to meet a particular academic requirement. For example, there is ample evidence in Nevada and nationally of both virtual and hybrid/blended programs which have struggled with limited success to address this and similar challenges. The applicant provides no evidence, beyond sincere desire, to demonstrate that this mélange of instructional models will prove any different.

Insufficient information was provided regarding course content. The applicant has identified a large menu of potential content, including multiple examples of duplicative coursework from several vendors. There is no clear mechanism in place to determine which content is most appropriate to meet a student's academic needs; in many cases it appears as though students will have the option to pick the least rigorous or challenging course or module regardless of whether that is the most appropriate choice. There does not appear to be a well-structured process to monitor student course choices and invest them in taking the content which is most likely to set them up for success in college and career.

The applicant intends to use the Measures of Academic Progress assessment as one tool to track student achievement. It is unclear if the applicant intends to utilize the legacy version of this assessment or the more recently developed Common Core MAP, which is explicitly aligned to the Nevada State Standards. The assessment plan does not reflect current and projected 2015-16 state and SPCSA-mandated assessments: it must be updated to reflect these requirements and included a discussion of how these assessments will be utilized to improve instruction and drive improvement towards 4 and 5 star status.

The formative assessments identified appear more suited to a brick and mortar environment with a larger teaching staff. For example, it is unclear how teachers will systemically and effectively track annotations or employ graphic organizers to assess student progress across multiple grade levels while using a myriad of online programs from different publishers. Similarly, while pre-writing activities, written summaries and reflections based on reading, and evaluations of rough drafts are all excellent potential assessment tools, it is unclear that the school is structured, staffed, or scheduled to permit teachers to design assessments appropriate to the broad range of age groups represented or provide high quality feedback which meets the needs of individual learners. Insufficient detail is provided to explain how this key element of the program can be implemented with quality and fidelity in three environments: blended, virtual, and dual enrollment, across seven grade levels.

The applicant proposes to deploy most content virtually and to operate one or more small blended campuses to allow students to access teachers and the school leader face-to-face. The operating plan contains significant flaws and discrepancies which endanger successful implementation.

The application indicates that the school will operate blended campuses in both Washoe and Carson City, contrary to state law and regulation, as well as distance education and dual enrollment programs.

There is no evidence of any draft or finalized dual enrollment partnership or articulation agreements between the applicant and any local community college or university. Given the increased emphasis that some local colleges have made on growing their own dual enrollment offerings in partnership with local districts, it is unclear whether there is sufficient interest in partnering with another school.

The schedule and staffing plan does not appear sufficient to allow for the high level of student-teacher interaction envisioned in the application to be implemented with fidelity or quality. It is unclear, for example, how the school will ensure that students who travel to the school for additional support in a key content area will be able to consistently get the help they need from a teacher who is licensed in the content area given the workload that teachers will face in managing instruction, teaching classes remotely, and designing and grading high quality assessments for students across a span of seven grades. Absent a clear set of plans and processes, it is likely that students will have a suboptimal experience that will result in further academic struggle and potential disengagement.

The school plans to enact a bring-your-own-device policy, which would allow students to access content from the smartphone, tablet, or computing device of their choosing. There is no information provided regarding the kinds of security and use policies necessary to support a safe, orderly implementation of such a policy in a manner which safeguards student rights. Conversely, the discipline policy appears more appropriate to a brick and mortar school than a virtual or blended institution. For example, the computer/internet policy provides that students may lose access to technology due to certain kinds of misbehavior. In a virtual environment, this is tantamount to a suspension, but there is no provision for safeguarding the rights of students with disabilities under such circumstances. There is insufficient delineation of the kinds of misbehavior which might occur online or outside of school on a college campus versus the kinds of misbehavior that are likely to occur on school grounds and the accompanying jurisdictional issues which might arise from such a complex interweaving of instructional settings.

Projected enrollment for both FY16 and FY '17 is 180 students, yielding ending cash flow statement cash balances of \$70,123 (FY16) and \$33,966 (FY17). There are a number of key revenue and budget assumptions which much be revisited.

The applicant assumed that the school would be able to operate blended campuses in two counties, Washoe and Carson City, contrary to state law and regulation. As a result, the Committee to Form calculated total per-pupil revenue based on the higher multi-district per-pupil rate of \$5,790 instead of the Washoe County

rate of \$5,137, although the liaison has indicated that the Committee assumed most students would be from Washoe. The school's expenses are somewhat inflated due to the costs associated with having campuses in both counties.

There is insufficient information on the tuition assumptions that attend the dual enrollment program. The applicant also assumes that students will use their own devices to access content; the budget does not make any provision for how students of modest means will be able to access the academic program and participate fully in their own education if they are unable to afford an appropriate device or lose the device they typically use to access content.

As a result, it will be necessary to revisit some key budget assumptions. The applicant is also encouraged to review the budgets and cash flow statements to determine what impacts any other programmatic or structural adjustments may have on the financial plan.

The Committee to Form does not intend to qualify with an education management organization or replicate an existing school model.

The Committee to Form the School consists of six members. Five members have been identified as board members while the sixth, the application liaison, has been proposed as the executive director for the school. There is little evidence that the management or governance structure will lead to exemplary student achievement.

The Committee to Form the school have backgrounds in areas such as education (3 certified teachers), financial management, and facilities management. No member of the Committee to Form has experience in legal matters. Despite the applicant's aspiration to include a dual enrollment offering as a key component of the academic program, none of the local colleges or universities is represented in either an advisory or governance capacity, raising significant concerns about the degree of social capital that the applicant will be able to leverage to develop strong relationships with local higher education institutions.

Shortly before the scheduled Capacity Interview, the liaison contacted SPCSA to state that none of the members of the Committee to Form would be able to attend the interview. SPCSA staff clarified that there was no opportunity to reschedule the interview, as the Authority views the Capacity Interview as a critical component of the application process which is equivalent to a job interview. In the end, three members of the Committee to Form, including the liaison, arrived. No member of the committee was able to participate by phone. Because one member of the Committee to Form is proposed as the executive director and stated that he was the primary author of the application, the two proposed board members were asked to answer some questions individually. While they were able to speak generally to the mission for the school, these board members, who are both experienced educators, were unable to clearly explain the vision or provide an overview of the academic program. One member was able to provide an anecdote involving a former student who engaged in an arts integration project that was well received by his peers and the community but there was no evidence of any level of planning or strategy on how to accomplish the challenge of a quality arts integration program within the context of virtual, blended, and dual enrollment instruction. The proposed board members were also unable to provide insight into the budget and finances of the proposed school and deferred those questions to the proposed executive director.

As a result, there is limited evidence that the proposed board members from the Committee to Form have the experience or capacity to adequately oversee such a complex academic program. There is also no evidence from the interview that the proposed board members have the capacity to oversee the financial operations of the school or make determinations regarding the organizational risks and benefits of a particular set of board or leadership decisions.

Given the limited knowledge and engagement of the prospective board members who participated in the capacity interview and the evident lack of investment and commitment evidenced by the 50 percent of the Committee to Form which did not participate in the interview, the review team cannot find sufficient evidence to endorse the capacity of this group of individuals to oversee public funds or safeguard the academic welfare of Nevada students.

David Papke, CTF Liaison NE PLUS ULTRA, read a statement which can be seen in its entirety below:
It was almost exactly two years ago that I sat in this same seat for this same purpose. Then I was part of a group seeking approval for the Nevada Performance Academy and now it's for Ne Plus Ultra.

After Dr. Gene Paslov was unable to get his Performing Arts Charter High School approved, he asked me to help him with a re-visioning of the concept and a rewrite of the application. We spent a lot of days together working on that application and, although we knew it wasn't perfect, we stumbled towards the deadline and presented our application to the Authority. We knew there were some mistakes and omissions, although I never expected Tom McCormick to call me the day after and list about a dozen he found just by skimming. Thankfully, I was able to get those updates and revisions to him the next day.

Back in 2012, we only had four members of our Committee show up for the capacity interview (same thing for this year), and I did a majority of the talking back then, since I was the one most familiar with the application (also pretty much the same as this year).

The staff recommendation in 2012 cited numerous deficiencies, including:

- *No ELL Plan*
- *No SpEd Budget*
- *An insufficient letter from an attorney regarding bylaws*
- *Numerous errors in the bylaws*
- *Uncertainty regarding who will teach the online classes*
- *Unreadable cash flow statements*
- *No budget shortfall contingency plan*
- *Inconsistent budget items*
- *An inadequate Emergency and Crises Response Plan*
- *No Distance Education application*
- *Missing CFS information*
- *No expertise in the areas of human resources, law, or financial services*
- *As well as lots of other pieces that needed to be changed or cleaned-up in some manner*

Yet, despite all of the inadequacies in the application and shortfalls during the capacity interview, the staff recommended approval. They said "Although there may be technical edits to correct certain items in the application the overall plan was sound..." Additionally, they indicated their confidence in me when they wrote: "...especially the technical knowledge of Committee Liaison Mr. David Papke, to oversee the development and implementation of a new curriculum." In fact the report even added to that endorsement when they wrote: "Of particular note, David Papke has extensive knowledge and practice in the delivery and development of online curriculum and brings technical expertise in the emerging field of online learning and blended learning. The Review Team considers his ongoing participation in the school to be a key driver to its success."

Flash-forward to now and I can't help but wonder how the same basic concept, refined and updated through experience and research, and my continued involvement with its development and implementation, has earned such a poor review.

Additionally, I wonder if the report has a bias whereby it serves its own end rather than adequately informing the Board. Here's one example: After we at NPA tried our best to start our school last year, we all agreed we needed something new the next time around if we were hoping for a different result. I hit upon the idea of sister locations in south Reno and north Carson City in order to boost enrollment. I was fully aware that current code kept us from having facilities in more than one county, but I also knew of a possible exception and so approached Dr. Canavero about it. During that meeting it was Dr. Canavero's assertion that this exception might indeed open the door for us, and I recall leaving that meeting with high hopes. Soon after, Steve went to the DoE, and Tom McCormick felt he needed to be more cautious and so kept us from moving in that direction. However, Tom also indicated that there was a great deal of work being done to update charter regulations, and that the Authority was specifically recommending that this particular regulation be updated to allow online schools to operate in as many places as they chose. The basic assumption was that students are better served in such instances.

So, I wrote the Ne Plus Ultra application with this operating structure in mind, hoping that the regulations would have changed by the time we were looking to set up the school. Of course, I was fully aware that the regulations might not be changed and that we would have to restrict our brick-and-mortar operations to a single county, but I loved the model we were proposing that let us serve students in smaller, more rural settings by setting up educational outposts to support increased face-to-face options for online learners. Anyway, this specific topic came up during the capacity interview and I told the same backstory I just described, with all the same details and references. But, none of that is reflected in the report. The implication in the report is that we are ignorantly proposing to operate in two counties in violation of current regulations. That's technically true, but it leaves out the obvious nuance and history and therefor paints us in an unfair and unflattering light.

Here's the thing: I'm just a public school teacher. I don't start charter schools for a living; at best it's been a sometimes all-consuming hobby over the last two-and-a-half years. In fact, I'm not completely sure I believe in the concept of charter schools, particularly in light of the examples I've seen. But, I love the mission of charter schools to be laboratories for innovation that can spur and inform traditional public schooling. I know I'm not perfect and I know our application isn't perfect. But, I do think it's an effective blueprint for a new school and I think it points in the direction education will be going over the next 20 years. I know it's unwieldy and seems to lack a clear formula. That's the point. Individualized and personalized education is the antithesis of formulaic schooling. It may not look perfect on paper, but I think it's got legs.

No one likes getting turned down. But I think there's something more important here that's being overlooked. I'm pretty sure I noticed the terms "doubtful" and "insufficient evidence" used more than once as I skimmed the new reports. As in "it's doubtful the program or plan will be successful." Well, it's easy to bet against charter school success. Most of them are not the stellar institutions we want them to be, so it's a smart bet to say they won't succeed. But, I hope this body sees beyond the sure bet and continues to foster the development of new schools, particularly ones that bubble-up from the community rather than simply replant something that worked somewhere else.

Take, for example, the Y.E.S. Academy. I don't know anything about them except what I found out by briefly reviewing their application. I'm sure there are problems with the application, and I remember being amazed that they seemed to have left out the entire financial section. But, does that mean they shouldn't be given a chance to start their school? Most likely they just didn't have anyone who was experienced with Excel spreadsheets, or maybe they ran out of time. Regardless, while this might seem a major deficiency in the application, it's an easily rectified element in the real world. The budget is just a projection anyway, not a concrete ledger. Real-world school finance is a crazy jumble of expected and unexpected expenses and there's no way you can plan for everything. The key is to adapt to circumstances, get help when you need it, and stay student-centered no matter what. My guess is that the folks at Y.E.S. are committed individuals who plan to

put student needs and growth at the top of their priority list. When you see them later today, I urge you to buck the odds and place a bet on them. That's the kind of bet Nevada needs.

Member Wahl asked if there were any other members of the board that were present. Mr. Papke said no, there was no one else present. Chair Conaboy asked about the apparent lack of committed relationship with the colleges within Washoe County or Carson City. Mr. Papke said he had a number of conversations, but they were related to the work that had been done under the Nevada Performance Academy application. He said those relationships would have continued if NE PLUS ULTRA would have been given the opportunity to open. Member McCord questioned the first year enrollment numbers, and said he felt the proposed school was on the cusp of financial instability. Mr. Papke said he felt the proposed enrollment would suffice. He said the school would be able to manage the budget in the first years with lower enrollment, and enrollment would hopefully increase as word got out about the school. Chair Conaboy asked if enrollment was the main issue why Nevada Performance Academy was unable to open. Mr. Papke said it was and that was one of the reasons he was hoping to be able to open in Washoe County and Carson City in order to attract more students.

Member Luna motioned for denial of NE PLUS ULTRA charter application. Member McCord seconded. There was no further discussion. The motion passed unanimously.

Agenda Item 10 - Consideration regarding the Application Review Team's recommendation of River Mountain Academy's charter school application

The SPCSA staff report can be seen below:

River Mountain Academy instills high standards for academic excellence, healthy living choices, responsible citizenship, and environmental concern through place-based education.

The application proposes an academic program which focuses on environmental education and the preservation of the desert ecology as a lens for educating the whole child and instilling high standards of academic excellence and responsible citizenship.

The applicant provides an extensive list of contemplated instructional strategies, including gradual release, independent learning, guided practice, peer teaching, cross curricular connections, and brain-based learning, but there is no evidence that these strategies are incorporated into a larger framework and theory of action which determines when a given strategy is most appropriate. Absent that higher level, research-based structure, the referenced instructional strategies appear to be incoherent and disjointed. Consequently, the applicant does not present a strong rationale or compelling, research-based evidence for selecting the proposed instructional strategies. The curriculum section is incomplete and there is insufficient evidence that the content selection was based on compelling, research-based evidence. The courses listed are not fully aligned with the Nevada Academic Content Standards.

The professional development narrative presents a cursory view of the kinds of training that the Committee to Form aspires to offer. The descriptions of contemplated professional development offerings are vague and insubstantial. There is no explicit provision for teachers to receive training in ELL and Special Education programs and protocols, for example. More broadly, professional development connected with the mission and vision of environmental education is not envisioned. There is no plan to develop teacher capacity to effectively manage elementary children and provide high quality instruction in experiential learning settings such as the garden and the turtle sanctuary envisioned elsewhere in the application.

In short, there is insufficient evidence that there is alignment and coherence to the school's curriculum, pedagogy, and professional development plans. The education program would benefit from greater focus and specificity. For example, the application's discussion of student data provides a general list of assessments and a series of factually correct but ultimately uninformative statements around the applications of assessment data. A more responsive answer would explicitly identify key assessments, describe their utility and frequency,

and explain the data points which can be gathered from them. A thoughtful, research-based approach would also identify potential weaknesses and deficiencies to particular assessments and would articulate strategies for addressing these limitations to the instruments. There is no discussion of data analysis protocols and processes and no evidence that the general practices identified within the narrative are adequate to develop a data-driven culture that is focused on student achievement.

The proposed school would not contract with an EMO. The school leadership would include a principal, a business leader, and an operations leader. There are significant discrepancies in the operating plan.

While the narrative implies that the principal will oversee all staff, the organizational chart provided indicates that that the principal, business leader and operations leader will all report to the board. This discrepancy must be addressed. Moreover, the provision of both a business leader and an operations leader in such a small school may or may not be advisable. The application would be improved by clearer delineation between the roles both to assist the reviewer and to ensure that there is clarity during the implementation phase.

Absent a complete budget, it is difficult to fact-check key elements of the operating plan, such as staffing. Multiple elements that inform the operating plan are incomplete or only partially responsive. For example, the enrollment projects requested at various points in the application are reported inconsistently. The requested information on the size of the school at full capacity is not provided. The school calendar is not clear and does not address multiple statutory and regulatory criteria.

The discipline policy will need to be revised to provide more appropriate investment strategies and consequences for truancy and other discipline issues as they do not reflect the charter school context. For example, the truancy policy includes the possibility of referral to school district police. This appears to be one of several references to Clark County policies and practices which do not reflect the realities of charter school operations, such as recruiting staff via postings on the Clark County School District website. A comprehensive review of the application for similar language would improve the application.

There are several areas of concern with the proposed program for English Language Learners. For example, there were references to placing small groups of minority language speakers in classrooms with little or no structure or support during the capacity interview. This is inconsistent with the more thoughtful approach outlined in the application, raising concerns about whether the interview commentary or the application's text more accurately reflects the philosophy of the Committee to Form regarding services for English Language Learners. In light of that discrepancy, clarification is in order. Moreover, there are some areas of weakness and omissions in the proposed program. The applicant should be aware that any student whose home language survey is completed in a language other than English must be screened unless there is clear evidence they have been screened or tested previously at another school site. Additionally, Federal law requires that students be screened within 30 days of the start of school. The applicant should also review the criteria for being designated ELL and should differentiate between instruments used for one-time and annual screenings. A full review of state and federal requirements would provide insights which would further strengthen this section of the applicant.

Projected enrollment for FY '16 is 360 students and FY '17 is 480 students. The applicant utilized budget templates from another state, precluding thorough analysis of the budget. The applicant must submit a revised budget using the required budget template and providing a responsive narrative.

Based on a cursory review of the budget that was submitted, the school's finances appear to be quite constrained, e.g. the end of year cash position in FY '16 is projected to be a \$1,818,844 deficit. The applicant should carefully review all underlying assumptions to address this weakness.

Five members of the Committee to Form are identified in the application, including two licensed Nevada teachers, an accountant, an attorney, and a parent of a prospective student. Due to the close ties between many members of the founding team, significant diversification of the proposed Board is advisable.

There are no clear conflicts of interest apparent in the composition of the Committee to Form, although it is evident that the project's founding team has significant personal connections. Two members of the Committee to Form report they are friends who previously worked together at Pinecrest Academy. There is no indication of a supervisory relationship. They co-wrote the application and recruited other friends to join the founding board. The questionnaire of one Committee to Form member, the attorney, was omitted from the application. A review of the resumes supplied with the application reveals that she is employed by the same law firm as the parent of a prospective student. In the capacity interview this individual indicated she was providing pro bono legal services to the Committee to Form and she or a member of her firm would become the attorney of record for the school upon charter approval. After further discussion, she later indicated that that arrangement could change if it was viewed as a conflict of interest.

As noted earlier, one member of the Committee to Form is a CPA. Despite multiple questions related to the proposed budget and expense assumptions, he did not actively participate in the discussion except when asked direct questions. There is little evidence that he has been actively engaged in planning efforts for the school. A review of the resume and questionnaire reveals that there has been some discussion regarding hiring his former employer to conduct the independent audit of the school. As there is no longer an employment relationship, this does not appear to constitute a conflict.

Based on a review of the questionnaires and resumes, only one member of the Committee to Form has any experience serving on a board.

Based on the capacity interview and a review of the questionnaires filed by committee members, there is some evidence of capacity and commitment to support the development, governance, and operations of this school. The Committee to Form would benefit from expanding its membership to include a majority of members who are not close personal or professional associates both to inform the development and refinement of the application and to ensure that governance decisions are evaluated from a broader diversity of perspectives.

Jennifer Snyder and Sarah Ter Avest, River Mountain CTF, spoke on behalf of the board. They started by thanking SPCSA staff for the feedback and suggestions that were in the recommendation report. She said it was the goal of the CTF to take the suggestions made by SPCSA staff and include that in their resubmission to the SPCSA. Ms. Ter Avest said they wanted to have the strongest application possible and they realize the business aspect of the charter school was something they really needed to work on. She said they have been in talks with various organizations to have the support and training for personnel at the proposed school. Chair Conaboy asked for more detail regarding the proposed charter school. Ms. Ter Avest said the goal of the school would be to educate students through environmental appreciation. Ms. Snyder said they had spoken with "Fourth Sector Solutions" to discuss the curriculum and had spoken with "American Charter Development" about facility concerns. Member McCord said some of the language used in the application was unclear about the true goals of the school, but he said he could understand what the CTF was trying to say. He said it would be wise to reword some of the narrative during the resubmission timeframe.

Member Mackedon moved to deny the River Mountain Charter Application. Member McCord seconded. There was no further discussion. The vote was unanimous.

Agenda Item 11 - Consideration regarding the Application Review Team's recommendation of Sports Leadership and Management Academy's charter school application

The SPCSA staff recommendation can be seen below:

The mission of Sports Leadership and Management Academy of Nevada (SLAM NV) is to prepare students for postsecondary studies and careers through an engaging educational program emphasizing sports leadership and management career preparation. The proposed middle high school program will offer students in grades 6-12 opportunities in career exploration and internships through the following academies in the sports leadership and management arena: 1) Sports Medicine; 2) Sports Marketing and Entertainment Media; and 3) Sports Business and Management.

The Committee to Form has articulated a vision where all students will be college and career ready and intends to leverage three high-interest themes: sports medicine, sports marketing and media, and sports management, to invest students, including those who may previously have been disengaged from academic content. The intent is to teach students core content by integrating sports themes into mathematics, literature, social studies, science, and other content areas, offering a sports based curriculum without requiring that students actually participate in sports.

While the school plans to support the professional development needs of all professional staff by subsidizing college classes, facilitating the attainment of continuing education credits, and offering trainings, there is no plan for pre-opening professional development identified in the narrative. During the applicant interview it was noted that the school will leverage collaborative trainings with other campuses in Nevada as well as in Florida. While the school intends to employ a sheltered content model for ELL students, there are no references to training in this set of strategies and practices in the discussion of professional development. There is also insufficient information on how teachers will build the capacity to effectively use the technology tools referenced in the application and in the capacity interview, including Springboard and Achieve 3000.

The application and the capacity interview also include references to multiple technology interventions and supports for students, but it is unclear how students will be selected for particular interventions and how the school will determine which interventions are most effective and with which students. Due to the high number of students who are likely to enter the school requiring remediation, it is critical that a coherent, data-driven framework for academic intervention and remediation be developed and implemented at this school to ensure academic success in core subject areas and support students in their progress towards college and career readiness.

Given the academic needs of the target population, it is advisable that the program start with a smaller enrollment and with a narrower grade span to ensure that there is sufficient time to build a strong college and career oriented culture, invest students in their own learning, and build the capacity of the faculty and leadership to implement the model. There is abundant evidence in the charter school literature that startup charter schools serving high need populations, including disconnected or at-risk teens, achieve at higher levels when they open with smaller enrollments and narrower grade spans than schools which open with larger enrollments and broader spans of grades.

The application does not present a coherent vision of what the school will look like in 5-10 years if it is achieving its mission.

The school would contract with an EMO, Academica Nevada LLC, for the provision of business management services and for a menu of other support and advisory functions. The school would also contract with another entity, SLAM, Inc. to license that entity's intellectual property in order to replicate the SLAM campus of Mater Academy in Miami, Florida. The Principal would be an employee of the school's board, not an EMO. The applicant presents a strong operating program which builds on the track record of other Nevada schools which contract with Academica Nevada, LLC. The applicant has a strong grasp of Nevada law and regulation and has articulated processes and procedures which are broadly compliant with the Authority's expectations. The applicant is encouraged to consider how addressing the feedback provided in other sections of the application will impact the operating plan for the school, including staffing, which may have a ripple effect on

other elements of the overall systems of the school. For example, if a position is eliminated due to budget reasons as a result of a smaller enrollment, the applicant may need to assign duties laid out in the operating plans to other personnel.

The school should also give particular thought to the likelihood that middle and high school students who have previously been underserved are more likely to have other needs than the basic gamut of programs typically found in other charter schools which have affiliated with Academica Nevada LLC. It would be advisable to demonstrate capacity to anticipate more acute versions of typical adolescent challenges and display a more diverse set of behaviors. For example, support structures for students who are pregnant and parenting, students with identity issues, and students who have experienced substance abuse issues may be necessary to ensure that these students make better choices and are able to participate fully in the academic and social life of the school.

The school's mission references the provision of internships for students as a key part of the program in later years. It would be advisable to develop a more formal, structured approach to such programs and any currently contemplated or future partnerships with businesses or other entities, including potential commitments on number of internships provided, scheduling, supervision of students, background checks for staff, and appropriate means of evaluating both student performance in the program and the performance of the entity providing the internship. The Committee to Form should also research how high performing charter high schools and other organizations with robust, effective internship components provide resources to this work and what lessons can be learned from their experience.

The FY '16 enrollment of 480 and the FY '17 enrollment of 600 correspond to end of year cash balances of \$78,801 and \$54,210 respectively. The FY '17 cash flow balance conflicts with an FY '17 ending budget balance of \$133,011.

The discrepancy between the ending budget balance and the cash flow end balance for FY '17 must be addressed.

As the Committee to Form considers the programmatic and structural recommendations noted elsewhere in this report, it will be necessary to revisit some key budget assumptions. The applicant is encouraged to review its budgets and cash flow statements to determine what impacts any programmatic or structural adjustments may have on the financial plan. Failure to make appropriate changes to this section to align it with changes made in other areas of the application could result in a lower rating in the event the applicant elects to resubmit following recommended board action to deny the initial application.

The Committee to Form Sports Leadership And Management Academy of Nevada (SLAM NV) proposes to enter into two contracts: Academica Nevada, LLC and SLAM, Inc. SLAM NV proposes to engage Academica Nevada to provide administrative services and support to the school for an initial term of two years. SLAM NV will pay Academica Nevada \$450 per FTE student. SLAM NV of Nevada proposes to enter into a trademark license and affiliation agreement with SLAM, Inc. for a fee of 1% of the basic per pupil funding that the school receives. In addition to the use of the trademark, SLAM NV is entitled to receive affiliation services such as training and materials for use.

The proposed contracts submitted with the application appeared free from any of the prohibited provisions specified by NRS 386.562.

Academica Nevada, LLC currently has active contracts with four existing Nevada charter schools: Pinecrest Academy, Somerset Academy, Doral Academy and Mater Academy. Somerset Academy became operational in fall 2011 while Pinecrest opened in fall 2012, Doral Academy became operational in 2013 and Mater Academy opened in 2014. In terms of operational performance the Authority's experience with the four

schools has been positive. Under the new performance framework Somerset and Pinecrest are high-performing schools. In addition, a review of the audited financials furnished for both schools with more than a year of operating history reveal no compliance or financial management issues. There is strong evidence of the EMO's management success.

According to the application, SLAM currently works with one charter school in Florida. Authority staff conducted due diligence on SLAM's school performance in Florida. The SLAM campus is similar in make-up as SLAM NV in serving middle/high school student populations. That school serves a demographic similar to that envisioned for SLAM NV and received a C grade in Florida's accountability system. Overall, the academic performance of the SLAM model in its home state is not overly compelling, though it is important to note that the SLAM campus in Florida is actually affiliated with the higher achieving Mater Academy schools, which include top tier high schools serving similar populations. Members of the Authority board had the opportunity to visit SLAM's Miami campus and a Mater campus in South Florida to evaluate the strength of the model being replicated. Based on that review, it is evident that while SLAM Miami has a clearly defined, well-structured school culture and high level of investment based on the charisma of the principal, there is a significant differential between the level of focused, intentional instructional leadership modeled at SLAM Miami and at higher achieving schools served by the management company both in Nevada and at schools using related models (i.e. the Mater Academy East High School) under the same board as the SLAM Miami campus. Given the critical role of exemplary instructional leadership in high quality implementations of these academic models, this is an area of concern which the Committee to Form will want to address in any resubmission. The Committee to Form is strongly encouraged to consider the recommendations in the Education Program and Evidence of Capacity sections as it makes revisions in response to this concern regarding the track record of the school which will be replicated.

The Committee to Form the School consists of six members with notable qualifications.

The Committee to Form the school are accomplished professionals with backgrounds in key areas such as business, law, and education, and mission-relevant areas such as high school athletics. A review of the Committee to Form's questionnaires reveals some community associations, but no business or familial ties are evident. One member of the Committee to Form, N. Thompson, noted that she is a current employee of an individual who is a candidate for the Principal position, although this person is not listed as a formal member of the committee. Should this individual join the committee, it would be a potential conflict. Moreover, should that individual be interviewed as the principal, N. Thompson should consult the state's ethics committee to get an opinion as to whether that current supervisory relationship necessitates recusal or other steps. No other conflicts of interest have been identified at this time, though it is important to note that one member, R. Fairless, is the spouse of the principal of another Academica client school campus. As this committee member's spouse is an employee of the client school and not the management company and is hired and evaluated by the school's board and not the management company, there does not appear to be a conflict. In the interest of transparency, the board should consider putting in place standard disclosures on any matter involving the management company to avoid the appearance of a conflict which could undermine the public trust.

There is evidence of due diligence conducted by members of the Committee to Form on the quality of Academica Nevada, LLC's services to its client schools, including conversations with school leaders at other campuses who do not have ties to the Committee and conversations with board members of client schools. Members of the Committee were also able to speak knowledgeably about the terms of the management agreement and discuss its provisions without prompting. While they noted that Academica Nevada, LLC has not been terminated by any client to date, they were able to address the termination provisions in detail while expressing conviction that there was no reason to believe that the school would need to invoke those terms based on the evidence they had reviewed thus far from other client schools.

During the capacity interview, the Committee to Form spoke passionately about the need for an option like SLAM and several described visits to observe an the program's flagship campus in Miami. Given the disconnect between their enthusiasm for the model and the previously stated mixed performance of that school, it is unclear how carefully members of the committee evaluated the strengths and weaknesses of the model in their adaptation of the design to the Nevada context. As discussed previously, one key difference observed during recent site visits to SLAM and other campuses governed by the same board in Florida involves the need for extremely high quality instructional leadership. As the Committee to Form continues to evaluate the contemplated school leader candidate, it will be critical to identify both strengths and opportunities for growth related to this individual's capacity for instructional leadership and determine what additional supports this candidate will need and what adjustments to the model are required to ensure that the school achieves 4 or 5 star status consistently. As discussed previously, opening the school with a smaller enrollment and with a narrower grade span is more likely to result in high academic achievement. Moreover, it will also provide greater opportunity for a school leader who is developing his or her instructional leadership capacity to focus more attention on teaching and learning and less time on the building management and academic operations tasks which typically consume administrators in Nevada's comprehensive high schools.

Matthew Durham, Dan Triano, Alex Tamargo, Nicole Thompson, and Ernie Howdagee spoke on behalf of the board. Mr. Durham said the proposed enrollment for SLAM would be 360 students as opposed to 480 students that were listed in the recommendation reports. He also said the school that was operating in Miami that was referenced in the recommendation report is not a direct comparison of what the school will be in Las Vegas. He said the socioeconomic makeup of the school in Miami was very different than the socioeconomic makeup of the proposed school in Las Vegas. He said it would be SLAM's goal to integrate sports into day-to-day education of the students. He said this would be done in order to create and hold the interest of students in the course materials. Mr. Tamargo said the grade that Miami SLAM had received was due to the school being new and not having a graduation class. He said the school has grown over the past year and now will have a graduation cohort that will be measured in the rating. Member McCord acknowledged the problems that FCAT had produced in Florida. He asked about the relationship between the CTF and the Educational Management Organization. He asked if Academics would be responsible for the financial debt of the school. The CTF said that was not the case and would be clarified in the resubmission. Mr. Durham said Academics would be able to provide materials that had been used in the startup of the Miami SLAM campus and implement them in the Las Vegas campus. Chair Conaboy asked the CTF if they understood that the Governing Board of the charter school runs the school and assumes all of the liability. Mr. Durham said he understood that the board holds the charter and is responsible to ensure the EMO is acting appropriately. The Authority discussed the various relationships that SLAM was setting up with community partners throughout Las Vegas. Discussion also continued between the Authority and the principal of SLAM Miami in order to better understand the operations of the existing SLAM school in Florida. Member Mackedon expressed her appreciation to the Florida charter schools who have come to Nevada to support charter school growth based on the models that are being implemented in state.

Member Mackedon motioned for the denial of the SLAM charter application. Member Luna seconded. There was no further discussion. The motion was approved unanimously.

Agenda Item 12 - Consideration regarding the Application Review Team's recommendation of Sterling Charter High School's charter school application

No discussion or report was given because Sterling Charter School formally withdrew their application at the beginning of the meeting.

Agenda Item – 13 Consideration regarding the Application Review Team's recommendation of Y.E.S. Academy of Performing and Fine Arts' charter school application

The SPCSA staff report can be seen below:

Y.E.S.'s mission is to prepare 7th through 12th grade students with strong personal interests in the arts to successfully pursue entry into an institute of higher learning and/or a career in performing arts by channeling their unique skills and talents through an intense, integrated academic and arts program which focuses on a whole person developmental approach to learning in unity with high academic and artistic standards. YES proposes to improve academic achievement for students in grades 7-12 with a program that focuses on the fine and performing arts as a core element of the instructional day. The school also plans to focus on college and career readiness.

The Education Program did not meet criteria for approval due to a number of reasons, the most prominent of which are discussed below. The application does not meet standard due to a number of unmet evaluation criteria.

The applicant presents compelling vision, mission, and purpose statements which are grounded in the shared beliefs and philosophy of the Committee to Form. It is clearly evident that the founding group is deeply committed to improving pupil outcomes for underserved populations in Washoe County. Based on a thorough review of the application, it is not clear that the Education Program outlined in the application will be sufficient to meet the needs of such students.

In some areas of the application, there are references to staff with experience in the Expeditionary Learning academic model, but these appear to be isolated artifacts instead of evidence that Expeditionary Learning will drive the academic program. The discussion of the school's proposed curriculum cites NRS guidelines and provides only a cursory discussion of this key component of the program. Specifically, the application lacks specificity and sufficient detail for reviewers to evaluate the proposed program or its strength in targeting special student populations. The application submitted contained significant omissions, including an incomplete course schedule which does not include specific classes that satisfied the requirements for any of the core subjects. The application also did not include the standard requirements of physical education. Taken together, these omissions and oversights raise significant concerns about the suitability of this academic program, at this phase of its development, to improve pupil learning and raise student achievement to levels reflecting 4 or 5 star status.

The assessment plan is similarly vague, lacking a rigorous approach to assessment. For example, the applicant's statement that "during the first few weeks of school, certain data is collected on students" could be better supported by identifying exactly what instruments will be utilized, when the data will be collected, and how the data will be utilized. In total, the narrative does not reflect a formalized assessment plan which would permit the school or its board to determine individual student and school-wide needs or evaluate the effectiveness of interventions.

The school's professional development plan and strategies presented a menu of options without sufficient evidence of alignment to the academic and school culture elements of the plan. The professional development opportunities outlined in the narrative are broad enough to reflect the professional development plan of virtually any school; there is no evidence strategic, targeted professional development which is relevant to the projected needs of this school or its faculty, staff, and students. Of particular concern was the reliance on Washoe County as a primary source of professional development for school leaders. No evidence was provided to confirm such plans (e.g. a letter of commitment from the Washoe County School Board) nor is there a strong history of the provision of such services to SPCSA-sponsored charter schools.

The review team's overarching concern was that elements of the Education Program lacked detail, coordination, and frequently were not aligned with other aspects of the proposal. For example, the proposed school's name and mission implies that the arts and performing arts are critical components to the school's theory of action; however, the applicants intend to rely upon unlicensed instructors from unnamed partner organizations to provide content and instruction—a significant delegation of the core instructional program

referenced in the application and a violation of NRS 386.590, which explicitly requires that charter schools focused on the arts and humanities must employ licensed teachers to provide instruction in those subjects, as they are considered to be core parts of the academic program.

It is unclear how this deficiency can be remedied without such significant, material changes to the proposed academic program outlined in the application which would constitute a new, ineligible submission instead of a revision of the original application. The Committee is strongly encouraged to research other charter schools which have effectively served high needs populations, including, as appropriate, Expeditionary Learning schools, and develop a new academic program which reflects their beliefs and values while offering far greater likelihood that the school will be an academically successful institution.

An Executive Director would serve as the overall leader of the school. A Principal would supervise day to day operations. Candidates for both positions are identified in the application. While the school would use neither an EMO nor distance education, the school anticipates numerous partnerships with the arts community.

Based on the application and the interview the review team has significant concerns around the operating and staffing plan for the proposed school. In the capacity interview the applicant indicated that they were planning to partner extensively with local community organizations, including the arts community, to provide many of the services outlined in the school's program. There is no evidence that such partnerships have been negotiated to date, e.g. term sheets or contractual documentation. Moreover, the applicant communicated an assumption that these programs would be funded via grants to these partners from third parties. It is unadvisable for core academic programs to be operated by third party volunteers who would be funded via donations, as this could result in the school being unable to offer essential elements of its school model due to the behavior of unaccountable partners and the unpredictability of external funders. Organizations which rely on philanthropy to fund core elements of the program must dedicate substantial resources to fundraising and to constant development and cultivation of the entity's political and social capital. As a budget was not provided and the capacity interview indicated that little analysis of the costs and resources necessary to raise significant amounts of private philanthropy, there is no evidence that the Committee to Form or the proposed leadership has the capacity or track record necessary to attract funds sufficient to cover the costs of these partnerships in the event the partners were unable to fundraise on their own.

At numerous points in the application, the applicant states an intention to comply with statutory or regulatory provisions related to school operations without presenting a coherent, school-based plan to meet these requirements. For example, citing NAC 386.360 and NAC 392.301-392.360 as the retention policy of the charter school instead of developing a clear plan, including policies and procedures which reflect the academic, operating, and governance context of the school is insufficient, as it does not specifically tell how the school will adhere to those guidelines.

The applicant did not submit a budget, precluding analysis of the applicant's financial plan.

The applicant did not provide a budget; this is a significant omission which raises concerns about the ability of the organization both to effectively manage its operations and to meet the numerous stringent reporting requirements with which schools must comply.

The Committee to Form the School consists of eleven members, two of whom are related. One related individual is the proposed board chair; the second is the proposed Executive Director. A third individual on the Committee to Form has been identified as the proposed principal.

The Committee to Form the school are professionals with a clear interest and desire in charter schools and evident enthusiasm to provide a quality choice for Washoe County families. The Committee is commended for bringing forth the idea of Y.E.S. Academy; however, questions and concerns exist regarding the composition of

the Committee (and future board) that largely stem from the lack of clarity found within the application and interview.

Two of the members of the Committee to Form are related: J. Wynn and E. Wynn, who are married. J. Wynn was identified as the likely board president. E. Wynn was identified as the proposed executive Director. No strong rationale (e.g. rural school status) exists to justify why these relatives serve on the Committee to Form or why the entity charged with overseeing school leadership would be led by someone married to the Executive Director. Such conflicts of interest, if they continue to exist, must be managed and clearly discussed in the school's bylaws. Absent a revision which conforms with this expectation and an application narrative which presents a compelling case for such a structure, this conflict strongly argues against approval of the application. Moreover, in the event that one or the other conflicted members elects to withdraw from the Committee to Form, the bylaws and any performance agreement entered into by the Authority must include language which would explicitly forbid the re-emergence of that conflict or a similar arrangement following the approval of the charter.

The proposed principal is a veteran Washoe County administrator with clear ties to the community. The capacity interview provided compelling evidence of his passion for the model and his desire to serve this student population. It is unclear whether these community connections and obvious commitment to the mission and vision of the school make him the most qualified person to provide the level of transformative instructional leadership essential to ensuring that the school's high-need population graduates college and career ready and the school consistently achieves 4 or 5 star status. He is an accomplished professional, but a review of his resume reveals that his achievements reside more in the domains of school operations, discipline, and community and governmental partnerships. Absent significant revisions to address how the school will fund and implement strategies to either develop these capacities within the candidate principal or support him by attracting and retaining an instructional leader to oversee all areas of academics and school culture, there is not sufficient evidence that the proposed charter school has the capacity to be academically successful.

John Wynn, Edith Wynn, Jason Guinasso and Fred McElroy spoke on behalf of the YES Academy CTF. They spoke about their enthusiasm to be able to open a school in Washoe County that would be able to serve a population who to this point has been underserved. Mr. Guinasso said that he felt that the relationship between Mr. and Mrs. Wynn would not be an issue in regard to the governance and operations of the school. He said this could be solved by a conflict of interest form and policy. He also pointed out discrepancies in the recommendation report that the YES CTF thought were incorrect, specifically the capacity of the CTF to run the day-to-day operations of the charter school.

Mr. Wynn explained the mission and goals of the school. He said by implementing the Arts into the curriculum it will give students pride in the work they produce, which he believes translates to pride in core subjects that many children struggle with. He said by giving the students a challenge and holding them accountable, he said the students want to succeed, they just need to have interest shown in them.

The Authority continued discussion with the CTF of YES Academy regarding items that SPCSA staff had pointed out in its recommendation report. Member McCord asked if the CTF was planning on transitioning an existing school into a charter school, which is not allowed under current Nevada Revised Statute. The CTF said this was a misunderstanding and they would be using teaching techniques that were being used at existing schools. Member McCord also asked about credit waivers that were listed in the application and asked for more clarification in their resubmission application. Mr. Guinasso along with the CTF agreed and said they would provide clarifications. Member Abelman asked why no budget was submitted with the application. Mrs. Wynn explained a clerical error had been made and it was not done to withhold information. She said it would be included in the resubmission application. Chair Conaboy asked about the art and community partnerships that were referenced in the application. Mrs. Wynn said the CTF had decided to include all classes that they would like to offer once the school was open. She said not all of these classes would be offered in the first year

and they would provide more clarification in their resubmission. Chair Conaboy expressed concern regarding the governance of the school, specifically Mr. Wynn overseeing Mrs. Wynn in her employment. Mr. Wynn said he had consulted with the rest of the CTF and they decided they would look for a new Executive Director in order to not have any real, or perceived, conflicts of interest. Member Wahl said she hoped the CTF would take the resubmission timeframe in order to better represent their vision of the school and provide clarifications that would allow the Authority to better understand how the school would operate on a day-to-day basis.

Member Abelman moved for denial of YES Academy's charter application. Member Wahl seconded. There was no further discussion. The motion carried unanimously.

Agenda Item 7 - Consideration regarding the Application Review Team's recommendation of Athlos Academy of Clark County's charter school application

The item was tabled until the end of the meeting in order to give the CTF a chance to have discussion with the Authority regarding their charter application. The CTF failed to arrive to the meeting.

Member McCord moved for the denial of Athlos Academy's charter application. Member Abelman seconded. There was no further discussion. The motion carried unanimously.

Agenda Item 14 – Member Comment

Member McCord suggested the Authority stay vigilant with regard to national trends in public schools and how those trends affect charter schools in Nevada. He specifically spoke to discipline and how it has been implemented in public schools. He said these national debates should be considered when discussing closure of charter schools. He says the Authority should consider other metrics beyond star-ratings when considering the success or failures of existing charter schools.

Agenda Item 15 – Next meeting date

The Authority discussed their next meeting date and decided to try and schedule meetings throughout 2015 to better inform members of the public of the Authority's 2015 meeting schedule.

Agenda Item 16 – Public Comment

Tiecha Ashcroft, parent of children enrolled in a charter school; spoke to the Authority regarding school choice in Henderson. She said the community is not happy with the current options in their community, and she hopes the Authority will explore that community. Ms. Ashcroft also said that more metrics should be considered than just "Star Ratings." She asked if there was a formal process in place for parents to file complaints with the school or the governing board. Ms. Ashcroft also stated that she hoped that the application process would be looked at to better help applicants navigate the process. She also asked if there was a place to go for parents in order to learn the charter application process.

Tami Bass, Executive Director of Willie H. Brooks Soar Academy, expressed her concern with how her school had been treated by staff of the SPCSA. She felt there had been a lack of communication with her school and that the school had not been provided an opportunity to be placed on the Authority's agenda to discuss these concerns.