

NEVADA STATE PUBLIC CHARTER SCHOOL AUTHORITY

October 26, 2015

Grant Sawyer Building
555 East Washington
Room 4412
Las Vegas, Nevada

And

Legislature
401 South Carson Street
Room 2135
Carson City, Nevada

MINUTES OF THE MEETING

BOARD MEMBERS PRESENT:

In Las Vegas:

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

In Carson City:

None

BOARD MEMBERS ABSENT

AUTHORITY STAFF PRESENT:

In Las Vegas:

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

In Carson City:

Jessica Hoban, Administrative Services Officer, State Public Charter School Authority

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

LEGAL STAFF PRESENT:

In Carson City:

Greg Ott, Deputy Attorney General

AUDIENCE IN ATTENDANCE:

In Las Vegas:

Attendance Sheet Attached

In Carson City:

Attendance Sheet Attached

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

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

Member McCord asked for a motion for a flexible agenda. Chair Conaboy agreed and called for a motion for a flexible agenda. Member Van motioned for flexible agenda, Member McCord seconded. There was no further discussion. The motion carried unanimously.

Agenda Item 1 – Public Comment

Students from Doral Charter School along with Bridgett Phillips spoke in support of Doral Academy of Northern Nevada.

Ben Gerhardt spoke about Nevada Virtual Academy's graduation rate publication. Mr. Gerhardt thanked the members of the SPCSA staff including Traci House and Joan Jurgensen, with their assistance with infinite Campus. He said the graduation rate of 68.2 percent was incorrect. The rate as stated by Mr. Gerhardt was around 61 or 62 percent.

Joanna Perry, Silver State Charter School teacher, spoke in support of Silver State Charter School. Ms. Perry said she was a parent of a student at Silver State and he had excelled in their classroom setting. Ms. Perry spoke about the at-risk students that SSCS teaches and how the setting at SSCS helps those students overcome challenges academically.

Catherine Cook, former teacher at SSCS, spoke about the Reduction In Force the school had undertaken during the previous month. She said it came to a surprise to her that she would be let go and hoped the SPCSA would increase its monitoring of SSCS during the remainder of the year and during the renewal process.

David Trujillo, former SSCS teacher, also spoke about the reduction in force. His comments can be found at the end of the minutes.

Kit Kotler, SSCS Executive Director, spoke in support of SSCS and some of the changes the school had made. She said the school had recently moved to a close campus in order to cut down on the loitering students were doing at businesses near the school. She said the school has also updated some of its student software that better allows them to track the progress of the students. They also partnered with Western Nevada College's Jumpstart program that would allow SSCS students to graduate SSCS and achieve an associate's degree at the same time. She said the school was also addressing the financial issues that had been identified in the forensic audit and hoped the school would regain good standing ratings with the SPCSA.

Noah Stevens, Coral Academy of Science Las Vegas, spoke in support of the expansion amendment that was to be heard during the meeting today. He said he hoped the school's request would be approved to allow more students to take advantage of Coral Academy's wonderful academic program.

Monica Vanderheiden, Coral Academy of Science, also spoke in support of the expansion amendment and said the commute from northwest Las Vegas to the current campus puts an unneeded burden on parents and staff.

Agenda Item 2 – Approval of the September 28, 2015 SPCSA Board Meeting Minutes

Chair Conaboy asked Member Wahl to oversee this item because she chaired the majority of the September meeting. The minutes were tabled until the following meeting in order to make changes and include public comment attachments.

Agenda Item 3 – Authority Update

Chair Conaboy asked Member Johnson and Member McCord to discuss their time at the NACSA conference. Member Johnson said it was enlightening to see the national ideas and said he felt the conference helped him to better understand the work that needs to be done in Nevada. Member McCord said he was struck by NACSA's tone during the conference. He said there was much more of a regulatory tone that wasn't in existence years ago. He said while he agrees that charter schools need to have oversight, he worries that it may stifle some of the creativity at the school site. Member McCord also found the discussion regarding the CREDO report very enlightening. He also found the session regarding Distance Education to be beneficial because he too felt that more research needs to be done on the efficacy of these online programs.

Agenda Item 4 – Director's Report

Director Gavin spoke about his takeaways from the NACSA conference and echoed the sentiments of Member McCord and Member Johnson. Director Gavin also said a receiver had been identified for Quest Academy. He said the organization was called 10 Square Group and they have substantial experience in this area nationwide and the group had been introduced to Ms. Roberson.

Chair Conaboy asked if there was any additional information on the distribution of the CSP grant. Director Gavin said staff had been working closely with the Governor's office and NDE but since they were the primary recipients of the money, the SPCSA would wait and follow their lead. Chair Conaboy asked Director Gavin to keep the board apprised of the decisions made by the Governor's office and NDE.

Agenda Item 5 – Assignment of School Liaisons

Chair Conaboy said in the past the board had hoped to assign board members to be liaisons to the charter schools it sponsors. She said she hoped these relationships would foster better relationships and better communication with the schools. She clarified that the liaisons would not affect the day-to-day operations of the school or its relationships with SPCSA staff. She also clarified that the liaisons would not interfere with the operational functions of the school or act as a go-between with the charter school and SPCSA staff.

Member Abelman said he was in support of the idea and hoped it would allow for the SPCSA board members to be out at the school sites more often. Member Macedon cautioned that board members needed to be aware of any potential conflicts of interest from the relationships that would be formed between the school and its liaison. Director Gavin said he worried that assigning schools to particular board members may be interpreted as certain schools being part of a board member's constituency. Chair Conaboy said she hoped the liaisons would reach out the school's governing board so they may better know who are actually governing the schools in Nevada. Member McCord asked that this item be revisited in the spring to assess the success of the school visits and make adjustments as necessary.

Member McCord moved for approval of the assignment of school liaisons and assessment of the project in the spring of 2016. Member Abelman seconded. There was no further discussion. The vote carried unanimously.

Agenda Item 6 - Report on the progress of the comprehensive review of the SPCSA executive director position

Member Abelman led the discussion since he had been appointed the chair of the Evaluation Subcommittee. He thanked Member McCord for facilitating the meeting with WestEd. He detailed how the process would work and said the WestEd recommendations would be placed on the December 4 SPCSA board meeting.

Agenda Item 8 - Charter School Administrators Report

J-Lynn Van Pelt spoke on behalf of the charter school administrators report. She said the charter schools had decided to meet monthly to discuss various issues they face as operators in the state. Her testimony follows:

“It was our pleasure to help organize and co-chair the first Director’s Meeting and discussion this month. The idea for regular director meetings came during the September Director’s Meeting with Patrick Gavin. At the meeting with Patrick, it was agreed that the Directors would again meet in October and discuss suggestions for two pending issues: The SPCSA’s desire to implement the ACT ASPIRE test for Charter School students, and the idea of each school taking over the responsibilities for Infinite Campus.

We recognized early on that no one solution would work for all schools as we have such different needs and approaches. The differences in Charter schools sponsored by the SPCSA are numerous and celebrated. Some schools have thousands of students, some under 200, the needs of online schools differ greatly from brick and mortar schools, concerns differ for schools with EMO support vs. small, independent schools, etc. So, we worked as different entities to come to a consensus recognizing that any proposed solutions would need to be multi-faceted.

It is with this common goal and mutual respect for each school’s varying needs that the group came to the following suggestions on the above mentioned topics:

As a group, we do not support implementing the ACT ASPIRE testing this year. Major concerns include: increasing the amount of time spent on testing in the year, which reduces the amount of time available to teach and having the necessary time to train staff to administer another assessment with fidelity.

Additionally, we agree in consensus that we continue to be concerned that these measures will not capture the mission specific aspects of our school and we encourage the SPCSA to consider how mission specific goals for each school will be measured going forward. There was also concern because the ACT ASPIRE test as it was presented for implementation is a summative assessment that could only show proficiency, the same as the SBAC testing. The need for growth data would not be met by implementing the ACT assessment. Instead of the ASPIRE, the Directors would like to look at how the SBAC interim measures could be used in combination with the summative SBAC testing to show growth within and between academic years for the SPCSA schools.

Most schools represented at our discussion are in favor of having autonomy with infinite campus. School leaders feel that they will be more effective and timely in managing student information if they have control over their own system. School leaders are concerned about the potential fiscal implications of managing our own systems and securing appropriate professional development to successfully run the system locally. No one was ready to make the move without a better understanding of what part of IC would be funded by the SPCSA and by the schools.

The group also came up with discussion topics for future Director Meetings to include:

- Different and innovative funding options

- Talk about the new legislation that affects schools like the dyslexia bill and bullying and NEPF— how will affect Charter Schools
- Read by 3 requirements so all on same page, what nuances are working and where are we going, share out plans
- Weighted budget formula that is coming
- NIAA and high school sports

The charter school Directors hope that these regular meetings can help develop ongoing dialogue with the SPCSA Board. The Directors of the Charter Schools would like to provide feedback on current topics and ideas up for discussion at SPCSA Board meetings so that the Board is presented with direct perspectives of the schools. The directors would like to request that topics soon to be on the SPCSA Board agendas be shared with the group so that we can discuss ideas and options and present our collective perspectives.

The group also set a monthly meeting for Directors which will be the 2nd Friday of each month with the next meeting on November 13th. Directors from different schools will chair each month's meetings and Steve from NV Connections Academy has volunteered to chair the November meeting. We look forward to continuing this new forum for dialogue and sharing amongst the SPCSA sponsored charter school Directors.”

Chair Conaboy asked if the tensions between the need to contract with ACT Aspire to measure schools due to the star freeze and the schools disagreement of that choice were being addressed. Director Gavin said while he was sensitive to schools and their wish not to over test, the SPCSA needs something to measure the schools so the terms of the charter contracts were met. Chair Conaboy asked that the dialogue continue with both SPCSA staff and the heads of the charter schools to try and work out the differences of opinions that still exist.

Agenda Item 9 - Update on Silver State Charter School Forensic Audit report and staff recommendation for action regarding possible additional oversight, further investigation, or other actions deemed necessary by the board as authorized by statute or charter contract

Director Gavin read from the audit memo he provided to the board. Based on the information provided in the attached documents, staff recommends that the board make the following resolution regarding Silver State Charter School:

- 1) The audit has revealed a pattern of fiscal mismanagement by current and past staff and members of this charter school's governing body and the school has failed to comply with generally accepted standards of fiscal management (NRS 386.535(1)(a)(2)).
- 2) The audit has revealed that the school has invested public funds in a high risk financial instrument, namely a derivatives contract, with Bank of America. This is a violation of NAC 387.565, which mandates that all school funds be appropriately insured. While Bank of America is an FDIC member, derivatives contracts are not insured by the FDIC or any other insurer approved by the State of Nevada. Consequently, the school failed to comply with the provisions of [NRS 386.490](#) to [386.649](#), inclusive, and other statutes or regulations applicable to charter school ((NRS 386.535(1)(a)(3)).
- 3) Because the school has engaged in activities which are grounds for revocation of the written charter pursuant to NRS 386.535, I move that SPCSA staff issue a Notice of Closure to Silver State Charter School.

- 4) Pursuant to NRS 386.535, the school has at least 30 days within which to take corrective actions. The first day of this “cure period” is October 27, 2015. The date by which the school must have completed all efforts to cure these deficiencies is November 27, 2015.

Staff are directed to schedule a public hearing at the December 4, 2015 SPCSA Board meeting during which the Board will determine whether the charter school has corrected the deficiencies identified in this resolution and the forensic audit and whether to revoke the charter for Silver State Charter School. Such revocation, if approved by the SPCSA Board, would be effective at the end of the 2015-16 academic year.

Member Johnson asked what needed to be done for the school to be allowed to remain operational. Director Gavin said the audit that was provided by Deloitte was clear in its findings and the majority of the work that SSCS needs to do is contained in that report. Member Mackedon asked Deputy Attorney Ott what the legal requirements of the SPCSA were with regard to allowing SSCS to remedy the issues found in the forensic audit. Mr. Ott said the SPCSA was not required to allow the school time to fix the problems, but it did have statutory authority to permit the school to fix the problems in a 30 to 90 day window.

Member McCord then called for a five minute recess to allow for Director Gavin and Mr. Ott to discuss the statutes governing the matter.

Representatives from SSCS then spoke on behalf of the school. Ryan Russel, attorney; Edie Grub, governing board president; and Kelli Grahaman, CFO addressed the questions from the Authority. Ms. Grub asked the Authority for an extension to address the findings in the audit due to the limited time they had to go over the findings report. Ms. Grahaman said the school had software issues had caused errors in the financial management of the school and if they had been able to receive IT assistance the problems found in the audit would have never occurred.

Member McCord moved for approval of staff recommendations as amended with the statutory citation of NAC 387.765. Member Abelman seconded. There was no further discussion. The motion carried unanimously.

Agenda Item 10 - Coral Academy of Science Las Vegas Amendment request pursuant to NAC 386.325

Background:

Coral Academy has submitted a request to amend its charter to acquire and occupy an additional campus in Centennial Hills.

Analysis:

The expansion request is incomplete. Several key items mandated by NAC 386.3265 were not included, including the required project plan and timelines (i.e. Gantt chart) and explanatory narrative sufficient to gauge the school’s ability to execute on this project and obtain all necessary approvals prior to opening. Without this information, it is impossible to evaluate the school’s capacity to develop the Nellis and Centennial Hills properties simultaneously. The omission of this required information is particularly unfortunate given the complexities and risk factors associated with a high-profile project like the Nellis campus and challenges which have recently been identified in obtaining final Air Force approval for that expansion.

Additionally, the school provided insufficient information to permit a determination of the school’s capacity to more effectively implement other statutory requirements, including the requirement in NRS

386.580(1) that the school “shall, if practicable, ensure that the racial composition of pupils enrolled in the charter school does not differ by more than 10 percent from the racial composition of pupils who attend public schools in the zone in which the charter school is located.” In recent months, the SPCSA Board has placed a renewed emphasis on this requirement for those schools which do not have a mission-specific enrollment preference to serve a particular at-risk population—an exemption permitted by NRS 386.580(2)(d) and has emphasized that schools must do significantly more grassroots marketing and direct contact with families in an effort to ensure that schools meet both this statutory requirement and a broader state and federal expectation that schools without a mission-specific enrollment preference also reflect the economic, linguistic, and ability diversity of the surrounding community.

Coral does not have a mission-specific at-risk preference the school as a whole, yet the school’s existing campuses in Henderson do not reflect the racial, economic, linguistic, or ability diversity of the surrounding community—most notably with regard to the percentage of Hispanic students attending the school and the percentages of low-income, special education, and ELL students at Coral (see attached). While the recently approved Nellis campus is eligible for the recently enacted military-connected child enrollment preference and will likely be significantly more representative of its environs due to the greater diversity and social cohesion of the US military community, the proposed Centennial Hills campus will not benefit from the inherent recruitment advantages for a military base campus with a military-connected child enrollment preference. Despite the gap between Coral’s demographics and those of the surrounding community, the school states that “[r]ecruitment at Centennial Hills will mirror the procedures we have in place at our existing campuses and will include many events such as Math Matters, Open Houses, Family Nights, Festivals, STEM Expo, and other events that the central office incorporates.” While these are, no doubt, high quality events which engage many constituencies in the community, the gap between Coral’s population and that of the surrounding community clearly demonstrates that these efforts are insufficient to increase the diversity of Coral’s student body. Additional grassroots marketing aimed at some of Nevada’s fastest growing and most high-needs students is essential.

Recommendation:

Based on a review of the expansion request, staff recommends that the Board deny the request at this time. Staff deeply appreciates the school’s willingness to be an early and eager participant in the expansion amendment request process. Coral has an exemplary academic track record and we fully expect that the school will be able to address the issues raised in this recommendation and expand in the future. Staff notes that it is aware that Coral has recently begun conversations with a consultant who is experienced in school expansion strategic and business planning and it supports the school’s desire to increase its capacity and effectiveness in this area. The school is strongly encouraged to consider both staff and SPCSA Board concerns, modify its plans appropriately, and resubmit a complete and well-developed expansion request during an upcoming expansion amendment window.

Ercan Aydogdu, Executive Director of Coral Academy, spoke on behalf of the school. Mr. Aydogdu explained the plans for the school’s expansion and detailed the advertising, community outreach and lottery process that would be implemented upon the opening of the new campus. He also spoke about the demographic makeup of the school and how it reflects the similar makeup of the comparable district schools.

Member McCord said he was concerned about the school’s capacity to expand at the rate it is requesting. He said the school was doing everything right, but he did not want the school’s quality of education to be degraded by over-expanding in the area. He asked if Mr. Aydogdu felt they had the capacity to take on these new challenges. Mr. Aydogdu said he felt the school had the capacity and would not jeopardize the

quality of the education during the expansion period. He said they have increased staff to meet the new work and that the school had a good strategy in place to meet the student needs at all of their sites.

Hasan Deniz, board chair for Coral Academy, also spoke about the board's capacity to handle the growth of the school. He said the board had spent a lot of time strategizing and critically thinking about the challenges this expansion would pose. He said he was confident the school, along with the staff, administration and board were ready to handle the new campuses. Member Wahl echoed Member McCord comments and added she was concerned about the special needs population at the Nellis base campus would put strain on the school's operation. She also added the campus that was being proposed at the base would require a lot of work to bring the building up to date.

Member Mackedon said she respectfully disagreed with the notion the school was underprepared. She said as a school operator, sometimes it is better to open all the proposed campuses at the same time so you can share professional development among the campuses starting operations. Candy Farthing, academic director for Coral Academy, also spoke in favor of the expansion. She said she had shared the concerns the board had expressed, but was assured by the work that had been done that the school would be able to successfully expand to the new campuses. Mr. Aydogdu added that he had been an administrator at a charter school at an air force base in Tucson Arizona. He said he was intimately aware of the challenges the school would face and was prepared to handle the special needs population.

Director Gavin said staff would be amenable to accepting additional documents that would clarify some of the questions raised during the initial expansion application if the school would be willing to send the documents in. Coral Academy said it would be more than willing to send additional documents if that was what staff was requesting. Then upon the receipt of the additional documents, the item would be heard again at the December 4 SCSA board meeting. Member Mackedon asked if it would be appropriate to make a motion to allow for tentative approval for the SPCSA board with the requirement that SPCSA staff would review the additional documents and give final approval for the expansion request. She said she hoped this would save time for both staff and the charter school, since the Authority was in support of the expansion. Chair Conaboy asked for a five minute recess to discuss the NAC governing the expansion amendment approval timelines.

Mr. Ott said the Authority would be allowed to approve the request with conditions that additional documents would be submitted to staff.

Member McCord moved for approval of Coral Academy's expansion request with the condition that the school would submit additional documents to SPCSA staff for final review before commencing operation. Member Mackedon seconded. There was further discussion.

Member Johnson asked why the application for expansion was incomplete. Mr. Aydogdu said the limited timeline for the new application made it difficult to meet the deadline. Due to the new requirements for expansion, it made the process more complicated than it had been in the past. Mt. Aydogdu said he was in support of the more robust application, but it was definitely more difficult than past expansion amendment requests.

Member McCord moved for approval of Coral Academy's expansion request with the condition that the school would submit additional documents to SPCSA staff for final review before commencing operation. Member Mackedon seconded. The motion carried unanimously.

Agenda Item 11 - Quest Academy Governance waiver request

Before the hearing began, Member Abelman recused himself from the discussion due to his history with Quest Academy. Director Gavin then read from the recommendation report.

Regulatory and Policy Overview:

NAC 386.345 was one of a number of regulations impacting charter schools which were substantially revised in a public process which began in early 2014 and was completed with the Legislative Commission's approval of R035-14A in December 2014. The general public, including staff and board members of charter schools, had the opportunity to participate in that public process and the State Public Charter School Authority has discussed these NAC changes in public meetings, posted links to the revised regulations on its website, and circulated links to the published version of the regulations in the Nevada Register via email and social media. While the Authority has no legal obligation and very limited capacity to notify charter schools of regulatory changes, it has made significant effort to do so.

A number of these regulatory changes codified into regulation past practices of the Nevada Department of Education and the State Public Charter School Authority, both of which have historically required charter school applicants to commit in writing to a variety of good governance practices. The revised NAC 386.345(2)(b) provides that a governing body of a charter school may not include (1) A person who is related by blood or marriage to an employee of the governing body or charter school or (2) A person who is related by blood or marriage to another member of the governing body, unless the governing body of the school petitions the Authority for a waiver of this prohibition and that waiver is approved by the SPCSA. Pursuant to NAC 386.345(3), the Authority may waive the prohibition for "good cause shown and may make its approval contingent upon the governing body agreeing to additional oversight or conditions." The rationale for permitting such waivers was emphasized by former State Superintendent Erquiaga in his consideration of these regulations at a public hearing in November 2014, when he noted that he himself was from a rural county where "everyone is related to each other." Consistent with that reasoning, the Authority has limited its granting of such waivers to rural communities.

Background:

On multiple occasions, SPCSA staff and members of the Authority board have brought both the charter application's nepotism requirements and the regulations prohibiting nepotism to the attention of the school leader and members of the governing body of Quest Academy. As revealed in the Quest forensic audit findings the SPCSA Board reviewed on September 28, 2015, there were multiple incidents of nepotism identified. On September 30, 2015, the governing body of Quest Academy requested that the SPCSA board waive the nepotism prohibition set forth in NAC 386.345, identifying three board member—out of eight total—who would require such a waiver as they have family members who are employed by the school. Subsequent to that request, the Authority received correspondence from one of the three parties indicating that he resigned his position on the Board effective October 13, 2015 and stating that would not rejoin the board unless such a waiver were granted. The three individuals for whom the Board has requested this waiver are:

- Jack Fleeman – spouse of Christina Fleeman, teacher
- Lucas Leavitt - spouse of Quest Special Education Aide, Jennifer Leavitt
- Timothy Zeidler– spouse of Quest Special Education Aide, Linda Zeidler

The school contends that the inclusion of these individuals is essential to comply with the provisions of NRS 386.549, which sets forth expertise which the legislature has determined is essential to the effective governance of a charter school. Mr. Leavitt and Mr. Zeidler meet the board membership requirement of NRS 386.549(1)(a) and (b) as they are licensed educators. If he were to rejoin the board, Mr. Fleeman would meet the board membership requirement of NRS 386.549(1)(d) as he has experience as an

attorney. Based on a review of the Quest board roster submitted via Epicenter on July 21, 2015, it appears that the school is correct in its assertion that the school would be out of compliance with the board membership provisions of NRS 386.549 if those individuals were not permitted to serve on the board.

In its request, the school notes that it has advertised for board members in the local newspaper and did not receive any applicants. It also contends that there is significant competition for board members and cites this as justification for appointing individuals with known familial relationships to staff and is now retroactively seeking approval.

Recommendation and Analysis:

While SPCSA staff sympathizes with the challenges faced by individual board members and staff, we recommend that the waivers be denied for all three individuals. It is important to note that staff's recommendation to deny this waiver request is not based on any evaluation of the competence, intentions, or ethics of the three individuals for whom these waivers were requested. Based on the evidence we have received to date, it appears that their commendable willingness to serve on the governing body of Quest is grounded in a sincere desire to support their children's school and help it to improve. In no way should this recommendation be taken as an opinion that these individuals would not be exemplary members of another charter school governing body.

Instead, this recommendation is grounded in both critical public policy concerns and the context and history of this particular school. Competition and a lack of applicants from a one-time recruitment effort do not constitute a compelling justification to grant any of these waiver requests, let alone three separate waivers for one school. Ongoing board development and the recruitment, selection, and retention of high quality board members is a core responsibility of any self-selecting governing body. The passive and reactive strategies of the governing body of Quest do not constitute best practice in governance and they represent a systemic organizational deficiency. Clark County is by far the most populous county in the state and is home to the nation's fifth largest school district. Approving a waiver request for a Clark County school based on the rationale of competition and lack of applicants to an advertisement would set a precedent by which the SPCSA Board could permit every governing body in the state—including all of our schools in Clark and Washoe—to appoint one or multiple board members related to staff. This would effectively nullify the nepotism prohibition and undermine the integrity and public trust of the charter school movement. Moreover, even if the SPCSA Board were to elect to grant nepotism waivers in Clark or Washoe Counties, Quest's extensive history of organizational and governance issues—including very recent and ongoing patterns of nepotism, noncompliance and mismanagement, strongly argues against permitting any waiver for this school at this time.

Deb Roberson, director of Quest Academy, spoke on behalf of the school. Ms. Roberson said the proposed board members would not be able to make it to the meeting today due to scheduling conflicts. Ms. Roberson introduced Dempsey Jones III. He read from three letters of the members of Quest Academy Board. Lucas Levitt said he was unable to make the board meeting in person, but wanted to express his views to the Authority. He said his wife works at Quest Academy as a special education assistant and had abstained from any motion that directly impacted his wife's employment. He asked that he be allowed to continue as a board member for Quest Academy. The next letter was from Tom Zeigler, who also was unable to make the SPCSA board meeting. He said that he hoped the SPCSA would allow him to continue to serve on the governing board due to the amount of issues that still need to be resolved at the school. He said he had led the board in its transition to a more transparent board that serves the students, parents and staff of Quest Academy. He also said he had abstained from any decisions that affected his wife during hearings of the Quest Academy board. The final letter was from Jack Fleeman

who said he would refrain from any self-dealing and abstain from any decisions that may affect his wife's employment at the school. Mr. Dempsey then added that he was in full support of retaining these preceding board members. He said Director Gavin had referenced the nepotism issues at the school had gone on for eighteen months and wondered why the SPCSA was now enforcing something they had been unwilling, or unable to, enforce in the past. Mr. Dempsey said he had been a board member for eight months and had raised nepotism issues when he first served. He asked why the nepotism problem had not been addressed months ago. Chair Conaboy said she was unsure where a problem had occurred, but assured Mr. Dempsey that staff had taken proper actions vetting the board., Director Gavin added the school had been given ample notice of the nepotism problem in the past, but the past governing board member and super intendent did not relay that information to the school staff and other governing board members.

Terry Barber, director of human resources of Quest Academy, said the school confirmed they had errors and omissions insurance that was requested by Member McCord at the previous meetings. She said the school currently has a claim open with their insurance company regarding past decisions of past board members. She also added that Sharon McCombs from PERS Nevada had been in contact with the school regarding the missed PERS payments for staff at Quest Academy. She said that PERS had confirmed they would be caught up with their PERS payments by December 2015. Ms. Barber said that the proposed board members being heard were instrumental in helping the school work through the problems that had been identified in the forensic audit.

Ms. Roberson said the current board had done a great job helping Quest overcome the problems that had been addressed. She asked the Authority to allow for time to find new board members if the Authority decided to deny Quest Academy's nepotism request. Director Gavin said the school would not need the approval for a time extension to find new members because upon the contracting with the receiver, the school's governing board would be abolished. He said the school had fulfilled its first quarter board meeting, and would not be expected to meet until after the receiver finished its work. Member McCord asked if the scope of the receiver's work would include establishing a new board. Director Gavin said subsequent to January 1, receiver could issue an RFP to appoint a new board. Director Gavin said the scope of the receiver would be two fold, oversee closure procedures if the charter were to be revoked, or oversee the transition of the school's leadership if the school were to keep their charter at the end of the 2015-2016 school year. Chair Conaboy asked Director Gavin to restate the recommendation appointing the receiver that was approved at the previous Authority meeting. Chair Conaboy read from the minutes which confirmed the receiver would be the acting representative of the board. Chair Conaboy continued reading from the minutes which said Ms. Roberson had raised the question concerning whether the board would be dissolved, but Director Gavin would only commit to the receiver ensuring Quest Academy finished the academic year. Chair Conaboy asked if the nepotism approval was even necessary for the agenda today since the school's governing board would be dissolved. Director Gavin felt it was necessary because the Quest Board was planning on meeting the day following the Authority meeting. Chair Conaboy asked if Director Gavin had any discussions with the school regarding the dissolution of the board. Director Gavin said he had not.

Ms. Roberson said she didn't understand how the school's governing board would be dissolved if the school was working toward fixing the problems identified in the forensic audit.

Deputy Attorney General Ott restated the only item agendized for the meeting was the nepotism waiver. No decisions that were made at the previous Authority meeting or future decisions regarding the status of the school's charter would be voted on at this meeting. He said while he understood the topics being discussed were relevant to the nepotism hearing, he wanted to clarify that the only item up for a vote was

the agenda item nepotism waiver. Member Mackedon asked if there should be a vote since the receiver would dissolve the Quest board. Mr. Ott said there should be a vote since this was an item placed on the Authority's agenda. Member Luna asked if the school would not have a quorum if the Authority voted to deny the Quest nepotism request. Director Gavin confirmed there would not be a quorum. Chair Conaboy asked Mr., Ott to advise the Authority on how to proceed if no motion was made. Mr. Ott said the Authority had been asked to take action on the agenda item. If no motion were to be made, then by default the board would choose not to take action, thus meaning there would be no waiver approval and the request would be denied.

Member Wahl motioned to deny the Quest Academy nepotism waiver. Member Luna seconded. There was no further discussion. The motion carried unanimously. Member Abelman abstained.

Agenda Item 12 - Consideration regarding the Application Review Team's recommendation of Doral Academy of Northern Nevada's charter school application

Director Gavin read from the recommendation report. Doral Academy of North Nevada is dedicated to creating an enhanced and engaging educational experience. Doral will provide an academically challenging learning environment with a strong emphasis on arts integration teaching strategies which will increase literacy, cognitive, and social development. Teachers, parents, students, and staff will establish and achieve individual student goals to build a foundation for all Doral Academy students to be college and career ready. This report is structured around three sections: Academic, Fiscal, and Organizational. Each section contains an overview of key findings based on a totality of the evidence and concludes with the Authority's determination on each of the three guiding questions.

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

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

- Under Florida's school grading system, four of the five Doral Academy schools in Florida were rated at the A level in 2012-13 and 2013-14. The other school, a high school, was rated at a B in both years. It is important to note that 2014-15 data is not yet available. Moreover, the state passed a law in 2014 modifying its school rating system in light of other changes to the accountability system so future scores may not be directly comparable with past scoring.
- Under the Nevada School Performance Framework, the Doral Academy in Clark County is currently rated as a 5 star elementary school and a 4 star middle school. It is important to note that due to the "pause year," this data is actually from the 2013-14 academic year.
- The school was ranked as Adequate on the 2013-14 SPCSA Academic Performance Framework.
- Due to the 2015 Nevada statewide testing irregularity, there will be no growth data with which to calculate either an NSPF Star rating or an SPCSA Academic Performance Framework rating based on statewide testing data until no earlier than the fall of 2018.

Conclusion: The proposed academic model has a strong track record of academic performance in both Florida and Nevada. While high achieving, the Nevada implementation was providing a level of academic results which was on par with, but did not exceed those of its sending schools in 2013-14.

Essential Question: Will the academic program be a success?

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

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

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

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

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

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

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

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

The 2013-14 independent audit report for Doral Academy of Nevada (the Las Vegas charter holder) shows that their financial statements present fairly, in all material respects, the respective financial position of the governmental activities, the aggregate remaining fund information, and the respective

changes in financial position in conformity with accounting principles generally accepted in the United States of America. The auditor's consideration of internal control over financial reporting did not identify any deficiencies in internal control considered to be material weaknesses. Multiple years of similarly strong audit results were furnished for Pinecrest Academy of Nevada and Somerset Academy of Nevada, two other Nevada charter holders which contract with Academica Nevada for financial management services. As the Florida-based Doral Academy model receives services from a separate, Academica-affiliated financial management company which is legally and operationally separate from the Nevada finance office, the review of audit results from those schools was not emphasized, though review of publicly available data indicates similarly strong financial performance compounded with a significantly longer operating history and a different state financial support system for schools. Due to the differences between Nevada and Florida's school funding systems and school finance laws and regulations, the results may not be directly comparable.

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

Essential Question: Will the school be fiscally viable.

Yes. The budget and operating plan outlined in the application is consistent with the core elements of the successful Doral Las Vegas implementation and other Academica Nevada clients. The application, capacity, interview, and follow-up discussion with members of the applicant team effectively demonstrated a strong business plan which will result in a financially viable school.

Director Gavin said one of the applicant's husband on the committee to form, Mr. Salcido, provided Director Gavin legal consultation, but it did not have any effect on the applicants recommendation.

Member Mackedon disclosed her friendship with Megan Salcido, but it would have no impact on the recommendation hearing.

Pat Hickey, Megan Salcido, Danielle Cherry, Steve Porter spoke on behalf of the school. Bridgett Phillips, principal of Doral Academy in Las Vegas, also spoke in support of the proposed charter school. Chair Conaboy asked if Bridget Phillips would serve as executive director of both Dorals in the north and the south. She said they would collaborate with the northern school as they started their operations, but she would not oversee the operations of Doral Academy of Northern Nevada. Chair Conaboy asked about the outreach to community arts groups and how that compared to the extensive outreach that had been done in Las Vegas. Mr. Porter said the group had reached out to the local organizations but had yet to receive a final commitment.

Member Wahl asked if there was a principal lined up for Doral Academy Northern Nevada. Ms. Phillips said there would be an applicant process after the charter had been approved.

Member McCord moved for approval of Doral Academy Northern Nevada's charter school application. Member Abelman seconded. Discussion continued.

Member Wahl asked how the staffing would work at the campus site. Mr. Reeves, Academica Nevada, said the staffing would be similar to how Somerset Academy was staffed during its initial opening. He said Academica would have an office in northern Nevada to facilitate the needs of the charter school. Chair Conaboy asked how the relationship with Doral Academy and ythe Turner Agassi Foundation would work with regard to the leasing of the school. Mr. Reeves said the school would have an

opportunity to purchase the school after the third year in order to allow them to build a credit rating up to ensure they received good financial rates.

Member McCord moved for approval of Doral Academy Northern Nevada's charter school application. Member Abelman seconded. Discussion continued. The motion carried unanimously.

Chair Conaboy advised Mr. Reeves and Academica to form, to put forth better work into the application in the future. She said she was disappointed with some of the copy and pasting and typos that the application contained.

Agenda Item 13 - Consideration regarding the Application Review Team's recommendation of Legacy Traditional School Henderson's charter school application

Director Gavin read from the recommendation. Legacy Traditional School – Henderson's mission is provide motivated students with the opportunity to achieve academic excellence in an accelerated, back-to-basics, safe learning environment taught by caring, knowledgeable and highly effective educators in cooperation with supportive, involved parents.

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

- Under the Arizona State Board for Charter School's (ASBCS) academic performance framework, all of the Legacy Traditional campuses meet or exceed academic standards, with many showing significant academic growth even as the state has transitioned to a new assessment which is closely, albeit not fully, aligned to the Common Core. The operator also reports that embargoed test data from the 2015 administration continues this trend.
- Based on data provided by the applicant which was spot checked for accuracy, both affluent and high-poverty Legacy schools in Arizona outperform their host districts.
- Reference checks with Deanna Rowe, until recently the Executive Director of the ASBCS and with Katie Poulos, until recently the Deputy Director at ASBCS and current leader of New Mexico's statewide charter office, confirm that the Legacy schools are considered academically high performing and that they are among the top performing charter schools statewide for all demographics.

Conclusion: The proposed academic model has a strong and consistent track record of academic performance in Arizona.

Essential Question: Will the academic program be a success?

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

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

Based on a review of the Arizona State Board for Charter Schools Operational Performance Framework, all of the Legacy Traditional Schools in Arizona met the authorizer's operational performance standards in 2015. Consultation with the authorizer revealed no historic issues.

Conclusion: The proposed organizational model has a strong track record of organizational performance in Arizona.

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

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

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

The applicant provided financial data, including audited financial statements, for other schools implementing the academic program. Staff also supplemented the supplied data with a review of the financial frameworks for each Legacy school produced annually by the Arizona State Board for Charter Schools.

The most recent independent audit report for each of the Legacy campuses shows that their financial statements present fairly, in all material respects, the respective financial position of the governmental activities, the aggregate remaining fund information, and the respective changes in financial position in conformity with accounting principles generally accepted in the United States of America. The auditor's consideration of internal control over financial reporting did not identify any deficiencies in internal control considered to be material weaknesses. It is important to note that some earlier audits identified areas of weakness in financial controls but those issues were identified and addressed in the management letter. There is no evidence that those weaknesses have recurred.

In Arizona, most charter school applicants are 501c3 entities, though the law does allow for other kinds of eligible entities, including for-profit companies. They are not created as political subdivisions, as is the case in Nevada. Consequently, Arizona charter schools are permitted to operate at a loss for several years, much like a startup non-profit or for-profit corporation. Outstanding liabilities, such as deferred management fees, often remain on the books as accounts payable instead of the other accounting treatments frequently utilized in Nevada. This difference in accounting expectations makes direct comparison of the financial performance of Legacy's Arizona schools to Nevada schools more challenging. Based on a review of the ASBCS financial frameworks, while Legacy schools that are still in their startup phase typically do not meet the expectations of the framework, their financial performance consistently improves after several years of operation. Based on information received from the Arizona State Board for Charter Schools, this type of financial picture is not uncommon in Arizona and the Legacy schools perform as well or better than most Arizona charter schools on their framework.

Conclusion: The proposed financial model has an improving track record of financial performance in Arizona while continuing to deliver strong academic results.

Essential Question: Will the school be fiscally viable?

Yes. The changes to the fiscal plan described in the capacity interview which will permit the school to defer or postpone payment of management fees will ensure the school operates sustainably in a manner consistent with Nevada law both during its initial startup and throughout the duration of the charter term.

Chair Conaboy then asked members of Legacy to speak. Daniel Stewart, chair of the committee to form, spoke about the process his group had undergone to be able to submit this application before the Authority today. Jennifer Kearney, Amanda Pratt and Tiffany Thomas also spoke on behalf of the school. Mr. Stewart mentioned that Melissa Woodbury also served on the CTF but was unable to attend the meeting due to a conflict at work. Chair Conaboy asked the members of the CTF to explain the relationship between the board and the school's EMO. Mr. Stewart said the board would have the final say and would oversee the EMO and would be directed by the EMO. He said there may have been confusion in the application because Arizona's charter school laws are a little different. Member Wahl said that while she loved the idea behind the school she was concerned that the board was not as actively engaged in the application process and had let the EMO take the lead. Member Wahl said she was pleased to see the board at this meeting speaking on behalf of their proposed school. Discussion continued between Member Wahl and members of the CTF.

Member Johnson asked the CTF how the school would ensure service to all students and accurately reflect the community which it will operate. He said he hoped the school would reach out to all parents in Henderson to limit the exclusiveness of one group of parents over another. Mr. Stewart said the school had been actively looking into community outreach programs to ensure equal access to the charter school for all members of the community. The CTF said it had met with city council members in Henderson to help better identify where the school would have the most impact. Member Mackedon said she had the opportunity to visit Legacy campuses in Arizona and was impressed with the operations they were running.

Chair Conaboy asked what community groups had been contacted by the CTF. Mr. Stewart said they had spoken with the planning commission, the Henderson City Council, the home builders association, the chamber of commerce and numerous non-profits in, and around Henderson.

Chair Conaboy asked about the model the school would be implementing. Ms. Thomas said the school would not offer high school because their experience in Arizona had showed a severe drop off of student enrollment from 8th to 9th grade.

Member Mackedon moved for approval of Legacy Henderson Charter School with staff recommendations. Member McCord seconded. There was no further discussion. The motion carried unanimously.

Agenda Item 14 - Review of the regulation making process including workshop and regulation responsibilities as well as the differences between laws, policies and regulations, and the possible delegation of some of the regulation making responsibilities to SPCSA Staff; review of regulatory authority given to the SPCSA and other entities in SB509 as well as whether that authority is discretionary or mandatory. Possible actions include authorization for staff to conduct some portions of the regulatory process

Deputy Attorney General Ott spoke about the regulation workshops the Authority would be able to have after the passage of Senate Bill 509. Mr. Ott detailed the process a committee undergoes during the regulatory process. Pursuant to NRS 233B.050(1)(a), every agency must adopt rules of practice, setting forth the nature and requirements of all formal and informal procedures available, including a description of all forms and instructions used by the agency. The agency must review its rules of practice at least once every three years and file with the Secretary of State a statement setting forth the date on which the review was completed and describing any revisions made to the rules as a result of the review. NRS 233B.050(1)(d). Rules of practice must be available for public inspection. NRS 233B.050(1)(b).

A form used by the agency need not be adopted by regulation or described explicitly in the regulation. Including a general description of the form in the regulation, such as “on a form provided by the agency” is sufficient. If adopted in this manner, the form may then be changed by the agency without complying with the rulemaking requirements of NRS chapter 233B. If an agency elects to adopt a form as part of a regulation, it must be amended by regulation but may not be included as part of the Nevada Administrative Code. NRS 233B.062(1)(b).

Every agency is required to adopt regulations which provide for the filing and disposition of petitions for declaratory orders and advisory opinions as to the applicability of any statutory provision, agency regulation, or decision of the agency. NRS 233B.120. In addition, every agency must provide by regulation for the form and procedure for submission by which interested persons may request the adoption, amendment, or repeal of regulations. NRS 233B.100(1). Upon submission of such a petition, the agency has 30 days within which to deny the petition or initiate rulemaking proceedings.

Administrative procedures for declaratory rulings should facilitate, not complicate, the process of obtaining such relief as such rulings have the beneficial effect of preventing confusion and misunderstanding regarding an agency’s position in a particular matter. The procedures may be as simple as writing a letter to the head of the agency or as formal as conducting an evidentiary hearing followed by the filing of briefs by the parties, depending on the circumstances or wishes of the parties.

In general, the following steps must be completed when adopting regulations: Discuss the content or purpose of the proposed regulation with the board, commission, or agency head with rulemaking authority. Draft the language or determine what regulation changes are needed. Consider the impact of the regulation on small businesses and, if necessary, consult with small business owners and prepare a small business impact statement. If the agency determines that there will be a direct and significant economic burden, it must conduct an analysis of the likely impact. Draft a small business impact statement. Conduct at least one workshop with interested persons to discuss the general topics addressed in the regulation.

This workshop must be conducted according to the requirements of the Open Meeting Law and, at the same time that the agency provides notice of this workshop to the public, an electronic copy of both the notice and agenda for this workshop must be submitted to the Legislative Counsel Bureau. The workshop agenda must also be posted on the State’s official website.^{9 4} In the case of a permanent regulation, send the draft regulation language or summary of regulation changes that are needed to the Legislative Counsel for drafting the proposed regulation.

After receiving the proposed regulation drafted by Legislative Counsel, set a hearing for public comment, draft a notice of the hearing, and post it along with the text of the proposed regulation for thirty (30) days. The public hearing must be conducted according to the requirements of the Open Meeting Law and, at the same time that the agency provides notice of this public hearing to the public, an electronic copy of both the notice and agenda for the public hearing must be submitted to the Legislative Counsel Bureau.

The public hearing agenda must also be posted on the State's official website. Conduct the public hearing, evaluate and consider written and oral public comment on the proposed regulation and, in the case of permanent regulations, any revisions of form and style made by the Legislative Counsel. Discuss the comments made with the board, commission, or agency head, if necessary. Amend the draft regulation to reflect any changes resulting from public comment. Draft an informational statement describing the regulation and rulemaking proceeding. Prepare a statement regarding the methods used in determining the impact to small businesses and the reasons for the agency's conclusions. Prepare the Form for Filing of Administrative Regulations, file the form and informational statement together with the final regulation with the Legislative Counsel. In the case of permanent regulations, after approval by the Legislative Commission or Subcommittee to Review Regulations, the Legislative Counsel will file the regulation with the Secretary of State. File a copy of the regulation bearing the seal of the Secretary of State with the State Library and Archives Administrator.

There are three types of regulations, each with different procedural requirements. Permanent regulations are adopted using all the procedural formalities required by NRS chapter 233B. Temporary regulations are adopted in lieu of permanent regulations. Emergency regulations may, under emergency circumstances, be drafted without holding public hearings or observing other procedural formalities. Only permanent regulations become part of the Nevada Administrative Code. A permanent regulation is "a regulation which is not an emergency regulation or a temporary regulation." NRS 233B.036. Emergency and temporary regulations are exceptions to the general rules governing the adoption of permanent regulations. Since most emergency and temporary regulations become permanent regulations, anyone involved in the rulemaking process should be familiar with these rules.

Temporary Regulations if the agency wishes to adopt a regulation, or amend or suspend¹² a permanent regulation between August 1 of an even numbered year and July 1 of the succeeding odd-numbered year, it must adopt a temporary regulation. A regulation proposed during this time period may be adopted without first submitting it to the Legislative Counsel for review pursuant to NRS 233B.063(3) and 233B.064.¹³ Such a regulation expires by limitation on November 1st of the odd-numbered year (NRS 233B.063(3)). The term also includes any other regulation which is effective for 120 days or less and is not an emergency regulation.

An agency wishing to adopt a temporary regulation must still have a workshop and a public hearing, but is not required to submit the temporary regulation to Legislative Counsel for review and drafting. Except with respect to a temporary regulation that has been reviewed early by the Legislative Commission or Subcommittee to Review Regulations, an agency may not file a temporary regulation with the Secretary of State until 35 days after the date on which the temporary regulation was adopted. A temporary regulation becomes effective when the final version and a copy of the informational statement required by NRS 233B.066 is filed with the Secretary of State. *Id.* A copy of the final version and informational statement must also be filed with the Legislative Counsel. *Id.*

Immediately after filing the temporary regulation with the Secretary of State, an agency must deliver a copy of the final version that bears the Secretary of State's stamp to the State Library and Archives Administrator for the public's use, as well as any material incorporated by reference that has not been filed previously.

If an agency wishes to turn a temporary regulation into a permanent regulation, it should anticipate its expiration date and submit a permanent regulation to the Legislative Counsel in time enough to permit its review.¹⁴ With one exception, an agency adopting a permanent regulation to coincide with the expiration

of a temporary regulation must notice and conduct a second workshop and public hearing. Emergency regulations may be adopted and become effective immediately upon their filing with the Secretary of State. They are effective for a period of not longer than 120 days.

Although the term “emergency” is not defined in NRS chapter 233B, the Legislature has defined the term in Nevada’s Open Meeting Law, NRS chapter 241, for purposes of waiving the 3-day notice requirement for meetings of public bodies as “an unforeseen circumstance which requires immediate action and includes, but is not limited to . . . [d]isasters caused by fire, flood, earthquake or other natural causes or . . . [a]ny impairment of the health and safety of the public.” An emergency regulation may be adopted only under the following circumstances:

1. The agency must submit to the Governor a written statement of the emergency and the reasons for that determination;
2. The Governor must endorse the statement of the emergency at the end of the full text of the statement on the original copy of the proposed regulation; and
3. A copy of the regulation which includes the statement of emergency endorsed by the Governor, together with the informational statement required by NRS 233B.06616 and the Form for Filing Administrative Regulations, must be filed with the Secretary of State and the Legislative Counsel. The statement of emergency must be included in the emergency regulation for all purposes.

Before filing the emergency regulation with the Office of the Secretary of State, if feasible, the agency shall, not later than 9 a.m. on the first working day before the date on which the emergency regulation will be filed in the Office of the Secretary of State, make the emergency regulation available to the public by (a) providing a copy of the emergency regulation to a member of the public upon request and (b) posting a copy of the emergency regulation on the agency’s website, if any.

Before conducting a hearing to consider the emergency regulation, if possible, the agency shall, not later than 9 a.m. on the first working day prior to the hearing, make the version of the proposed emergency regulation that will be considered at the hearing available to the public by (a) providing a copy of the emergency regulation to a member of the public upon request and (b) posting a copy of the emergency regulation on the agency’s website, if any. A regulation may be adopted by this emergency procedure only once. If an agency adopts a temporary or permanent regulation which becomes effective and is substantively identical to its effective emergency regulation, the emergency regulation expires automatically on the effective date of the temporary or permanent regulation.

After Mr. Ott detailed the regulatory process discussion between the Authority and him continued. Chair Conaboy said it would behoove the Authority to include stakeholders throughout the entire process to ensure the proposed regulation would be heard by the legislative committee. Mr. Ott detailed the legislative mandate that was included in SB 509 regarding the Authority’s regulatory responsibilities. He also detailed the timelines that would need to be met to ensure a regulation was approved prior to the next legislative session. Chair Conaboy stressed that the process for approving regulations should be started as soon as possible due to the different timelines that had to be met. She said she had discussed taking previous agenda items and using those as a starting point for regulations with Director Gavin and Mr. Ott. Member Wahl asked how the Authority would prioritize the regulations it wanted to work on first. Chair Conaboy said it would be best for staff to work with NDE to identify where regulations needed to be formed and prioritize based on that.

Member McCord moved for approval of authorization for staff and or SPCSA Board members to conduct some portions of the regulatory process. Member Luna seconded. There was no further discussion. The motion carried unanimously.

Agenda Item 7 - Discussion and possible action for reappointment of the Executive Director

Chair Conaboy said the item was to ensure the SPCSA was meeting statutory requirements for the definition of the Executive Director's term. chair Conaboy said there was confusion when Director Gavin took over for former Director Canavero and the terms of his position.

Member Wahl moved for approval of Executive Director Gavin's three year term to extend from October 1, 2014 to September 30, 2017. Member Abelman seconded. Member Wahl added that she was still very pleased the SPCSA had decided to choose Director Gavin for the position. There was no further discussion. The motion carried unanimously.

Agenda Item 15 – Next SPCSA Board meeting

The next board meeting for the SPCSA will be December 4, 2015 at the Department of Education in Las Vegas and Carson City.

Agenda Item 16 – Public Comment

John Hawk, Chief Operating Officer NSHS, spoke in support of the Authority's meeting. He commented on his concern that the Authority not stifle innovation and creativity at the charter school level. While he said the Authority was currently not stifling the creativity, he wanted the board members to keep that in mind as they set forth in future policy and regulatory discussions. He also discussed the expansion policy and spoke in support of the document and the requirements it included. He said schools should sit down like small businesses to really think about the decisions they would be making and to plan accordingly. Dr. Hawk said he had been accepted into the replication cohort and thanked Director Gavin for pointing him towards that. He said due to this commitment, he would be unable to make the December 4 hearing of their expansion of NSHS, but he would work with SPCSA staff to ensure all requirements were met prior to the hearing.

Karmen Rizzo, spoke about teacher employment in the state of Nevada.

Catherine Cook and David Trujillo submitted comments to the Authority which can be found as an attachment to these minutes.

Member McCord moved for adjournment. Member Abelman seconded. There was no further discussion. The motion carried unanimously.

The meeting adjourned at 3:59pm

Introduction

Thank you for allowing me to speak today in support of this agency's additional supervision of Silver State's Charter. Until the sudden Reduction in Force on September 17th, I was a teacher at the charter school's high school, teaching Drama, Digital Arts, Anthropology, Career Planning, and Film Studies. I am Licensed by the State of NV as an Administrator, and Teacher of English, Social Studies, and Theatre Arts. I am recognized as Highly Qualified in all three areas. I was interviewed on May 15, 2015 and told I would be recommended for hire that same day. During my interview, it was discussed where I would be placed on the salary schedule given my 20 years of experience, post-probationary status, and educational level of having earned a Masters Degree and 19 additional academic credits. It was also discussed that given my Administrative License, it would be expected that I would divide my day between teaching Theatre/Drama courses and administrative duties such as a Dean position. This interview and discussion took place prior to the Board approving the budget for the following school year and; therefore, it should be concluded that my position and salary were part of the budget consideration. I signed my "Letter of Intent to Hire" on May 26th, 2015 based on the discussion during my interview. Once I began working on August 10, 2015, I discovered I was not actually doing what had be stated in the interview, but was teaching 7 different courses; however, I went ahead and signed my contract on August 26, 2015 as Dr. Kotler threatened the entire staff with having their licenses revoked if we did not sign our contracts by noon on September 1, 2015.

In reviewing Silver State's Renewal Application dated October 8, 2015, I have several concerns with the way the school has characterized its programs and the status of the school.

Enrollment Inaccuracies in the Application

On page 2, Silver State claims it has a student-teacher ratio of 8:1. The application also states that there are 378 students in grades 8 through 12. The fact of the matter is that Silver State's student-teacher ratio was closer to 29:1 given that there were 13 classroom teachers until Mr. Trujillo and I were RIF'ed.

Page 7 of the renewal application states that the school aims for a student-teacher ratio of 20:1. However, that ratio is already the reality for most of the 12 teachers who work at Silver State. The classroom teaching staff was 13 prior to the RIF; however, within two weeks a teacher was hired as a replacement and now there are 12 classroom teachers, bringing the student-teacher ratio closer to 31:1.

The middle school's student enrollment is approximately 42. Given that 2 teachers share the middle school students creating a ratio of 21:1, that leaves 10 high school classroom teachers to serve the needs of the approximately 336 students creating a student-teacher ratio of 33:1.

I find it very difficult to understand why two teachers were terminated due to needing to implement a Reduction in Force and then within two weeks an unlicensed teacher was hired as a replacement. I also find it interesting that a classroom teaching staff of 17 would be needed to reach the “aimed for student-teacher ratio of 20:1” given the enrollment figure of 336 high school students presented in Silver State Charter School’s renewal application.

During the School Board Meeting on September 16, 2015, I spoke during public comment regarding the Reduction in Force. At no time was it mentioned who would be RIF’ed or which positions were being considered for RIF. My comments were as follows:

1. The budget filed in May 2015 was approved for approximately 350 students.
2. No amendments have been recorded in any of the following Board meetings.
3. As stated in the minutes. Enrollment typically increases from count day as the year continues; therefore, it can be assumed that we will also increase this year as the school year progresses. We would therefore receive an increase in funding to match.
4. Why would we have a RIF now when prior trends and assumptions are that we will grow before the next count day and again as the year progresses?
5. End of employment does not end your financial obligation to the employee. Our contracts are subject to NRS guarantees.
6. Silver State Charter Schools’ RIF policy does not reflect the State Model Policy for Charter Schools Reduction in Force under Personnel Model Policy #422.

I will be giving the board today redacted enrollment figures from just the high school, showing a total of 336 students from a recent headcount. The middle school’s student enrollment is approximately 42 to give the total of 378 students noted in the Silver State Charter School’s application. Clearly, the school’s enrollment numbers are not as dire as Silver State’s administration claimed prior to the sudden Reduction in Force on the 17th.

Financial Inaccuracies in the Application

On page 7, of the renewal application, Silver State claims it cut a budget deficient of \$300,000 in half by having a Reduction In Force eliminate two teachers.

I was present for that Silver State Charter School board meeting, and listened to the administration try to justify a RIF, which the board never formally voted on. During the administration’s budget presentation that night, the claimed \$300,000 shortfall was apparently due to having to buy 1-2 additional buses, having to spend \$7,000 on tires for buses, having to install two new front doors, having to install speakers in the Mallory building, and having to purchase new curriculum.

Note that all of these expenses are items that cannot be paid from teacher salaries, since maintenance and curriculum funding is restricted, just as salaries are restricted funds. It makes no sense to state that Silver State Charter Schools had to terminate two teachers during the sixth

week of school in order to buy buses and online curriculum programs or to install a speaker system in the Mallory building, a building they now intend to rent out as a means of income. As stated earlier, the week after I was terminated in the RIF, Silver State Charter School hired an un-credentialed individual to take my place, and teach classes that include Drama, Anthropology, Career Planning, Digital Arts, and Film Studies.

Conclusion

After spending 20 successful years as a teacher, I relocated to Carson City this summer to take the job as a Theater teacher and Administrator at Silver States' high school. I did not know about the investigation of this body into Silver States' breach of contract with the authority, reported by the Nevada Appeal newspaper this summer. Nor was I aware that this body gave my school a written notice in May 2010 of a non-renewal of the charter due to financial issues and issues with an attendance audit. If I had, I would have taken several other teaching offers made to me this past summer.

As it stands, I am now using the provisions of NRS 391 to challenge the Reduction in Force, and to force my administration to honor the contract they made with me this summer. If the Silver States school board will not honor its legal obligations under NRS 391 to me and/or its staff, I do not know how it will suddenly change course and honor its legal obligations to this charter authority.

Please hold this current administration responsible for the inaccurate enrollment numbers and budget figures that it has previously provided both to its staff and this authority. Please exercise greater supervision over this charter school, and do not allow it to continue to ignore its legal obligations.

Thank you, again, for allowing me to speak. I would like to submit for the record a copy of these remarks, a copy of my previous complaint against my school, and a copy of redacted enrollment figures.

Actual Silver State High School Enrollment figures, August 31, 2015 through September 4, 2015.

(Does not include an estimated 42 middle school students.)

Total high school students listed below: 336

Total classroom teachers prior to RIF: 13

	First Name	Last Name	Grade	Attend Day	AM/PM
1	C	A	12	Tue	PM
2	L	A-W	11	Wed	AM
3	S	A	12	Wed	PM
4	J	A	12	Wed	PM
5	R	A	11	Th	AM
6	S	A-S	12	Th	PM
7	J	A	10	Th	AM
8	D	A	12	Tue	AM
9	J	A	11	Th	PM
10	S	A	10	Wed	PM
11	A	A	10	Th	PM
12	C	A	12	Wed	PM
13	K	A	9	Wed	PM
14	W	B	11	Tue	PM
15	J	B	12	Tue	AM
16	K	B	12	Th	AM
17	V	B	12	Tue	AM
18	K	B	12	Wed	PM
19	J	B	11	Wed	PM
20	L	B	10	Wed	AM
21	S	B	10	Tue	PM
22	J	B	12	Mon	PM
23	R	B	10	Mon	PM
24	A	B	9	Tue	PM
25	M	B	9	Th	PM
26	M	B	11	Wed	AM
27	M	B	9	Wed	PM
28	W	B	11	Wed	PM
29	M	B	10	Wed	PM
30	A	B-N	11	Wed	PM
31	M	B	12	Tue	PM
32	N	B	10	Tue	PM
33	G	B	9	Mon	PM
34	A	B	12	Th	AM
35	J	B	12	Wed	AM
36	N	B	12	Mon	PM
37	T	B	9	Tue	AM
38	J	B	12	Th	PM

	First Name	Last Name	Grade	Attend Day	AM/PM
39	J	B	10	Wed	PM
40	J	C	10	Th	PM
41	N	C	10	Tue	AM
42	C	C	12	Th	PM
43	L	C		Mon	PM
44	K	C	11	Tue	PM
45	F	C	9	Tue	AM
46	J	C	11	Tue	AM
47	S	C	12	Tue	AM
48	S	C	12	Mon	PM
49	T	C	12	Mon	PM
50	J	C	10	Wed	PM
51	J	C	11	Th	PM
52	V	C	9	Th	PM
53	G	C	9	wed	PM
54	D	C	10	Tue	PM
55	M	C	12	Mon	PM
56	S	C	12	Tue	AM
57	R	C	12	Wed	PM
58	Z	C	11	Tue	PM
59	B	C	10	Wed	AM
60	E	C	10	Wed	PM
61	E	C	11	Wed	PM
62	K	D-C	11	Wed	AM
63	L	D	10	Tue	AM
64	M	D	9	Wed	AM
65	P	D V	12	Th	PM
66	S	D	9	Wed	AM
67	A	D	11	Tue	PM
68	M	D	11	Tue	AM
69	B	D	11	Wed	PM
70	L	D	12	Th	AM
71	S	D	12	Wed	PM
72	N	D	12	Tue	AM
73	K	D	12	Tue	AM
74	A	E	12	Th	PM
75	Q	E M	11	Wed	PM
76	J	E	12	Wed	AM

	First Name	Last Name	Grade	Attend Day	AM/PM
77	H	F	10	Tue	AM
78	D	F	11	Tue	AM
79	S	F	11	Tue	AM
80	L	F	10	Tue	PM
81	A	F	11	Wed	PM
82	S	F	10	Wed	PM
83	C	F	11	Th	PM
84	J	F		Wed	AM
85	J	F	11	Mon	PM
86	J	G	9	Tue	PM
87	J	G	12	Th	PM
88	K	G	11	Mon	PM
89	J	G	11	Wed	PM
90	M	G-C	11	Wed	PM
91	R	G	11		
92	C	G	12	Th	AM
93	A	G	12	Mon	PM
94	M	G	12	Tue	PM
95	MJ	G	11	Mon	PM
96	S	G	12	Th	PM
97	T	G	10	Tue	PM
98	A	G	11	Tue	AM
99	J	G	10		
100	S	G-F	10	Wed	PM
101	B	G	11	Tue	AM
102	T	G	9	Mon	PM
103	G	G B	12	Wed	PM
104	H	G	12	Th	M
105	C	H	11	Wed	PM
106	S	H	10	Th	M
107	M	H	12	Wed	PM
108	S	H	11	Th	PM
109	M	H	11	Th	M
110	C	H	10	Mon	PM
111	D	H	10	Wed	PM
112	A	H	12	Wed	AM
113	T	H-S	11	Wed	AM
114	T	H	11	Mon	PM

	First Name	Last Name	Grade	Attend Day	AM/PM
115	C	H	12	Wed	PM
116	M	H	11	Wed	PM
117	V	H	12	Tue	AM
118	J	H	12	Tue	AM
119	E	H	11	Wed	PM
120	B	H	9	Tue	AM
121	J	H	10	Tue	AM
122	K	H	11	Wed	PM
123	J	H	12	Th	AM
124	A	H	12	Tue	AM
125	R	H	9	Tue	PM
126	B	H	12	Wed	PM
127	B	H	12	Th	PM
128	P	H	11	Mon	PM
129	F	H	11	Th	PM
130	J	H	11	Wed	AM
131	MJ	H	10	Tue	PM
132	E	H	11	Tue	PM
133	C	H	11	Th	PM
134	J	H	10	Th	PM
135	L	H-F	11	Wed	PM
136	M	I	10	Mon	PM
137	J	J	12	Wed	PM
138	S	J	9	Tue	PM
139	A	J	11	Wed	PM
140	K	J	10	Th	PM
141	W	J-B	12	Tue	PM
142	J	J	11	Tue	AM
143	C	K	12	Th	AM
144	L	K	12	Th	AM
145	C	K	12	Th	AM
146	S	K	12	Tue	AM
147	M	K	9	Tue	AM
148	C	K	12	Wed	PM
149	A	L	11	Mon	PM
150	C	L	12	Th	PM
151	D	L	9	Tue	AM
152	M	L	12	Th	PM

	First Name	Last Name	Grade	Attend Day	AM/PM
153	F	L	10	Wed	PM
154	J	L	11	Th	AM
155	K	L	12	Th	PM
156	R	L	12	Th	PM
157	T	L	10	Mon	PM
158	N	L	12	Wed	PM
159	K	L	12	Mon	PM
160	K	L	9	Th	AM
161	W	L	9	Th	AM
162	A	L	11	Wed	PM
163	T	L	12	Tue	AM
164	S	M	12	Mon	PM
165	V	M	11	Th	AM
166	A	M	11	Wed	PM
167	H	M	12	Wed	AM
168	M	M	11	Wed	AM
169	J	M	12	Th	PM
170	C	M	12	Wed	AM
171	E	M	11	Tue	PM
172	J	M	9	Th	PM
173	H	M	12	Tue	AM
174	G	M	9	Tue	PM
175	D	M	10	Th	PM
176	C	Mc	9	Th	AM
177	B	Mc	11	Tue	AM
178	M	Mc	12	Wed	PM
179	M	Mc	11	Th	PM
180	M	Mc	11	Wed	AM
181	R	Mc	10	Tue	PM
182	R	Mc	9	Tue	AM
183	J	Mc	9	Mon	PM
184	V	Mc	12	Th	AM
185	S	Mc	12	Wed	AM
186	Z	M	12	Wed	PM
187	M	M	10	Wed	AM
188	S	M	10	Wed	PM
189	E	M	11	Mon	PM
190	Y	M	11	Th	AM

	First Name	Last Name	Grade	Attend Day	AM/PM
191	J	M	11	Tue	AM
192	T	M	11	Mon	PM
193	A	M	11	Wed	AM
194	C	M	9	Wed	AM
195	J	M	11	Tue	AM
196	K	M	10	Wed	PM
197	S	M	12	Wed	AM
198	L	M	12	Tue	AM
199	A	M	10	Tue	PM
200	J	M	12	Th	PM
201	J	M	9	Th	PM
202	D	M	10	Wed	PM
203	K	M	11	Th	PM
204	J	M	10	Tue	AM
205	M	M	12	Wed	PM
206	Z	M	12	Wed	PM
207	K	M	12	Th	PM
208	J	M	11	Wed	PM
209	J	M	12	Tue	AM
210	M	M	12	Th	PM
211	C	N	10	Th	AM
212	A	N	11	Tue	PM
213	J	O	9	Mon	PM
214	S	O	12	Th	PM
215	J	P	11	Mon	PM
216	A	P	12	Wed	PM
217	D	P-B	9	Tue	AM
218	A	P	9	Tue	AM
219	C	P	10	Tue	PM
220	A	P	12	Tue	PM
221	A	P	12	Tue	AM
222	J	P	12	Tue	AM
223	S	P	12	Th	PM
224	A	P	11	Wed	AM
225	K	P	11	Wed	AM
226	H	P	9	Wed	PM
227	K	P	10	Mon	PM
228	M	P	12	Mon	PM

	First Name	Last Name	Grade	Attend Day	AM/PM
229	M	P	11	Mon	PM
230	Z	P-S	9	Wed	AM
231	M	P-W	12	Wed	PM
232	S	P	9	Wed	PM
233	P	P	10	Mon	PM
234	K	Q	11	Th	PM
235	E	R	12	Tue	PM
236	B	R	12	Tue	AM
237	A	R	10	Th	AM
238	A	R	10	Tue	PM
239	B	R	11	Tue	AM
240	F	R D	12	Tue	PM
241	A	R	10	Th	PM
242	S	R	11	Tue	AM
243	M	R	11	Th	PM
244	Z	R	11	Tue	AM
245	A	R	10	Wed	PM
246	B	R	9	Tue	PM
247	Z	R	11	Tue	AM
248	A	R-L	12	Tue	AM
249	S	R	12	Tue	PM
250	C	R	9	Tue	AM
251	C	R	11	Tue	AM
252	A	R	11	Th	PM
253	S	R	11	Wed	PM
254	K	S	12	Wed	AM
255	K	S	9	Th	AM
256	J	S	12	Mon	PM
257	J	S	10	Tue	AM
258	C	S	12		
259	C	S	10	Wed	AM
260	R	S	10	Tue	AM
261	C	S	12	Th	AM
262	L	S	11	Tue	PM
263	G	S	12	Tue	AM
264	H	S	12	Mon	PM
265	A	S	11	Tue	PM
266	D	S	10	Tue	PM

	First Name	Last Name	Grade	Attend Day	AM/PM
267	G	S		9 Wed	PM
258	N	S		12 Mon	PM
269	N	S		11 Tue	AM
270	D	S		12 Wed	PM
271	S	S		11 Wed	PM
272	A	S		12 Th	PM
273	C	S		11 Mon	PM
274	E	S		12 Th	PM
275	R	S		9 Tue	PM
276	S	S		9 Th	PM
277	X	S		11 Tue	PM
278	K	S		12 Th	PM
279	M	S C		11 Tue	PM
280	R	S		11 Tue	AM
281	S	S		11 Tue	AM
282	D	S		12 Th	PM
283	T	S		11 Tue	PM
284	J	S		12 Tue	AM
285	K	S		12 Tue	PM
286	J	S		12 Th	PM
287	A	S-C		12 Tue	PM
288	I	S		12 Tue	PM
289	A	S		12 Tue	PM
290	S	S		12 Tue	PM
291	J	S		10 Tue	PM
292	K	S		10 Tue	PM
293	D	S		12 Wed	PM
294	B	T		12 Tue	PM
295	A	T		12 Th	PM
296	K	T		10 Tue	PM
297	S	T		11 Mon	PM
298	I	T		10 Th	PM
299	R	T		10 Th	PM
300	T	V		11 Th	PM
301	K	V		12 Wed	PM
302	C	V		9 Mon	PM
303	S	V		12 Th	PM
304	N	V		9 Mon	PM

	First Name	Last Name	Grade	Attend Day	AM/PM
305	J	V	12	Tue	PM
306	K	V	12	Wed	AM
307	B	W	12	Th	PM
308	K	W	12	Th	PM
309	A	W	12	Th	PM
310	A	W	11	Th	AM
311	J	W	12	Th	AM
312	S	W	11	Tue	PM
313	S	W	11	Tue	AM
314	H	W	11	Wed	PM
315	G	W	10	Tue	AM
316	A	W	12	Wed	AM
317	A	W	11	Wed	PM
318	N	W	9	Wed	PM
319	S	W	9	Mon	PM
320	S	W	12	Wed	PM
321	B	W	12	Wed	PM
322	E	W	10	Th	PM
323	M	W	12	Wed	AM
324	T	W	9	Th	PM
325	H	W	10	Th	PM
326	J	W	12	Wed	AM
327	B	W	12	Tue	PM
328	H	W	11	Wed	PM
329	K	W	12	Th	PM
330	M	W	11	Th	PM
331	C	W	12	Mon	PM
332	T	W	12	Mon	PM
333	T	Y	11	Wed	AM
334	K	Y	12	Tue	PM
335	K	Z-F	12	Th	PM
336	A	Z	10	Tue	AM

Catherine Cook
702 N Minnesota ST #B
Carson City, NV 89703
(775) 813-3609
catecooks@yahoo.com

9/24/15

Complaint Re: Silver States Charter Schools

Dear Mr. Peltier,

Thank you for accepting my complaint regarding Silver States Charter Schools. Until I was RIF'd on September 17, 2015, I was a teacher there for six weeks. I signed a letter of intent on May 26, 2015 to work for the charter school, giving up my position in Clark County. I am a post-probationary staff member, though my letter of intent fails to note this. When I was hired, I was told that the school week would be Monday through Thursday. After I signed my letter of intent, however, the new academic executive director, Kit Kotler, she changed the teaching week to be Monday through Friday.

I had received an offer from Douglas County, but turned it down as I had signed my letter of intent in May. When Dr. Kotler changed the work-week, I was tempted to take the Douglas County offer. However, she threatened me that if I did not sign my actual teaching contract on August 26, 2015, that she would seek to have my credential revoked. I signed my attached contract, which states that I may be suspended or dismissed as provided by the Nevada Revised Statutes. (Attachment A).

When the board taped up their last agenda to the Silver States Charter Schools Mallory building on Friday, September 11, 2015, I noticed that one of the items was a possible Reduction in Force (RIF). As a concerned teacher at Silver States Charter Schools, I promoted the meeting and encouraged teachers and parents to attend by discussing the meeting on social media. During a morning staff meeting on Monday, September 14th, I asked the charter school's academic executive director, Kit Kotler, if there would be any RIFs. She told the entire staff, "No, no one will lose their job this year." Despite this answer, I was concerned and continued to discuss the upcoming agenda with members of the community. On September 16, 2015 during a private meeting, Executive Director of Finance Kellie Grahmann, I directly asked if there would be RIFs this school year. Mrs. Grahmann unequivocally stated that she knew nothing about the RIF item 5 on the agenda.

I attended the Silver State Charter Schools Governing Board meeting on September 16, 2015. I believe the board is a public body governed by Nevada's Open Meeting Law, since it is an administrative and executive body of a local government which disburses tax revenue. NRS 241.015 (4) (a). I believe that the board's meeting that night was not

exempt from the Open Meeting law, and it had no closed session on the agenda. However, when I arrived to the meeting on September 16, 2015, the front doors were locked and chained. Two audience members, Mr. Rippet and Mrs. Sindlinger both stated this in public comment to the board and stated that this was a flagrant Open Meeting Law violation. I had walked around the school to the East side and found a door propped open. There was no agenda taped to the front door or this back door.

When I finally found the board meeting, I saw that there were no printed agendas. I asked for a printed agenda and was finally given one after someone went and copied an agenda for me. However, when I asked for copies of the supplementary material the board was using to discuss its business, I was ignored. I believe this violates NRS 241.020(5)(c)'s requirement that supporting materials be given to those who request them at a public meeting.

Any members of the public who did not make the effort to search for unlocked school doors at 6 p.m. that night would not have been permitted to attend, since the front doors were locked and chained, violating NRS 241.020(1). The locked front doors meant the facilities were not open, unless members of the public walked to each outside door to discover if any were unlocked, like I did.

It appeared the board had a quorum when I arrived. Present were board members Edie Grub, Kim Pilant, Jeannette Geary, Christina Saenz, and Shane Watson, as well as the board's attorney, Ryan Russell. Also present were Executive Director Dr. Kotler and Executive Director Kellie Grahmann. Mr. Russell seemed to be running the meeting, even though he is not a board member. He kept correcting the board members on how to run the meeting, and they seemed unsure of how to conduct the meeting. President Grub repeatedly asked Mr. Russell how to proceed.

When the agenda turned to item number 5, Kit Kotler, the charter school's academic executive director, discussed a possible Reduction in Force (RIF). I believe this is a matter over which the board has supervision, control, and jurisdiction. The agenda stated, "For Possible Action." However, the agenda did not describe how many positions were being proposed, the alleged total budget deficit, the type of positions being proposed, etc. The public would not have had adequate notice that a RIF of specific positions would be discussed or acted upon that night, because the agenda descriptions were so vague that they were meaningless.

During this agenda item for the possible RIF, Academic Executive Director Kit Kotler stated that she was proposing a Reduction in Force (RIF) based on the needs of the school, and planned to institute one for the current year in order to have funds to replace two buses, meet a budget deficit, pay for two new front doors, pay for speakers in one school building, pay for the free and reduced lunch program, and common core curriculum. Since I am a teacher at Silver State Charter Schools, I knew that her enrollment numbers that she presented to the board were completely off. I also know that teacher salaries cannot be used for facilities, and vice versa, since both are restricted funds.

During the public comment period following item number 5, I spoke at length. I told the board:

- 1) The budget filed in May 2015 was approved for approximately 350 students.
- 2) No amendments had been recorded in any following board meetings to alter the 350 student enrollment projection.
- 3) That, as stated in the minutes, enrollment typically increases from count day as the year continues; therefore, it can be assumed that we will also increase this year as the school year progresses. We would receive increase in funding to match the student increase.
- 4) I asked why would we have a RIF now, when prior trends and assumptions are that we will grow before the next count day and again as the year progresses?
- 5) I told the board that the end of a teacher's employment does not end their financial obligation to the employee, since our contracts are subject to NRS guarantees.
- 6) Silver State Charter School's RIF policy does not reflect the State Model Policy for charter schools Reduction in Force under Personnel Model Policy #422.
- 7) As there is only one hiring season for teachers (March-June), it is very late in the year to find new employment. Many of us gave up jobs at other schools as we had signed letters of Intent for our jobs at Silver States Charter Schools.
- 8) Lastly, I disclosed to the board that the staff was forced to sign contracts by September 1, 2015 at noon and we were told by Dr. Kotler that we would be prosecuted to the fullest extent by the Board, that they were prepared to go to the Department of Education and have our teaching licenses pulled, if we did not sign the contracts.

Others spoke publicly about the RIF during the public comments session, after which board president Edie Grub stated, "I have no problem with a RIF." The board decided that since the handbook allows for a RIF, there was no need to take any action that night. They never went into closed session that night, either. There are no minutes for the September 16, 2015 board meeting available on the board's website, <http://www.sshs.org/Page/72> .

When I went to school the next day, I received an email notice from Dr. Kotler that I had been RIF'd. (Attachment B). She wrote, "You are hereby notified that your services are no longer required at Silver State Charter Schools due to the Reduction in Force, per Board policy." However, she did not attach any board policy. She might be referencing the staff handbook, which states that in a RIF, the executive director will determine what positions need to be eliminated based on the needs of the school.

The fact remains that the board never took action on a RIF during their meeting on September 16, 2015. The board members never discussed my position or that of another teacher who was also RIF'd on September 17, 2015. The last action the board apparently took in regards to my employment was to accept my letter of intent and my teaching contract for the 2015-16 school year at Silver States Charter Schools, just weeks before I was RIF'd.

After getting the email notice that I was RIF'ed, I asked for a rationale of why I was RIF'ed and pointed out that I am highly qualified in English, Social Studies, and Theater Arts. (Attachment C). I got no response until 9/23/15. In her letter to me, Dr. Kotler stated that a teacher does not have to be highly qualified until January, so she could "hire a highly qualified contractor to grade courses virtually at a much lower cost." She also asserted that my question about qualifications was "not relevant" and that "Nevada is a right to work state and issues of seniority are not applicable in our charter school." (Attachment D)

The charter authority requires charter schools to set forth the process by which its governing body will "negotiate employment contracts with the employees of the charter school." NRS 386.520 (5)(j). In this case, my contract clearly states, "A licensed employee may be suspended, dismissed, or not re-employed as provided by Nevada Revised Statutes." (Attachment A, Provision 7)

I believe that Dr. Kotler violated Provision 7 of my contract by failing to follow the Nevada Revised Statutes regarding dismissal of teachers. NRS 391.31297(1)(g) allows for a dismissal if there is a justifiable decrease in the number of positions due to decreased enrollment or district reorganization. However, the enrollment and staffing numbers she presented to the school board on September 16, 2015 were completely inaccurate. There has been no decrease that would justify RIFing two teachers within the first month of school.

Additionally, I believe that Dr. Kotler violated Provision 9 of the contract by failing to give two days' notice to teachers prior to conducting a Reduction In Force, as required by Provision 20(A) of the handbook.

I also believe that Dr. Kotler violated provision 7.03 E of the Silver States Charter School Employee handbook by using the pretext of a RIF in order to take reprisals against me for asking questions about attendance, expressing concerns about teachers being dismissed, and being willing to communicate concerns about how changes in the schedule would alter staffing needs.

I also believe Dr. Kotler violated provision 8.02 E of the handbook by failing to use just cause in discharging me. She presented inaccurate enrollment data to the school board September 16, 2015 in order to use the pretext of a RIF to dismiss me, rather than answer my questions about attendance, expressing concerns about teachers being dismissed, and being willing to communicate concerns about how changes in the schedule would alter staffing needs. I had invited parents and other teachers to the board meeting using social

media, and I believe she discharged me in retaliation for encouraging community participation in the possible RIF process.

I also believe Dr. Kotler violated provision 8.04 of the handbook by failing to comply with the NRS when using the pretext of a RIF to dismiss me. Not only did she present inaccurate enrollment data to the school board on September 16, 2015 to justify a RIF, but she failed to follow any progressive discipline and/or admonition as required by the NRS prior to moving for my dismissal as a post-probationary employee.

Dr. Kotler clearly believes I am an “at will employee” and ignores the clear protections of the NRS, which are set forth in my contract. Under section 13.06 of the handbook, a post-probationary employee like myself is entitled to rights under NRS Chapter 391, and I do not lose those rights because I became employed at Silver State Charter Schools following my post-probationary period. I relied on the contract in which I signed, leaving my employment in Clark County to move to Carson City for this job.

I ask the charter school authority to review Silver State’s charter in light of the fact that:

- 1) the current administrator is grading the work of my students and students of another teacher she RIF’d, despite having no license in my subject area or the other subject area;
- 2) the current administrator purposefully presented grossly incorrect enrollment figures to the school board, and then failed to have the board act to approve a RIF before terminating me and another teacher
- 3) the current administrator has breached two employment contracts by instituting a RIF in the sixth week of school, and forced the current teachers to sign their contracts after unilaterally changing the work schedule from four days a week to five days a week
- 4) the current administrator refuses to use the grievance process to address my issues, stating that I cannot grieve my RIF because I am no longer employed, which is incorrect. Teachers routinely grieve their dismissals and arbitrate them under the NRS, even when they are no longer in the classroom.

17/2015

Silver State Charter Schools Mail - Reduction in Force



Cook, Catherine <ccook@sshs.org>

Reduction in Force

3 messages

Thu, Sep 17, 2015 at 7:34 AM

Kotler, Kit <kkotler@sshs.org>
To: Catherine Cook <ccook@sshs.org>

Cate,

You are hereby notified that your services are no longer required at Silver State Charter Schools due to the Reduction in Force, per Board policy. Please collect your personal items and turn in your key and any other items belonging to the school to Sam and exit the premises. Thank you for your service.

Sincerely,

Ruth M. Kotler, Ed. D.

—
Dr. Kit Kotler
Executive Director, Academics
Silver State Charter Schools
788 Fairview Drive
Carson City, NV 89701
(775-883-7900 x112

9/17/2015

Silver State Charter Schools Mail - Reduction in Force



Cook, Catherine <ccook@sshs.org>

Reduction in Force

1 message

Kotler, Kit <kkotler@sshs.org>

Thu, Sep 17, 2015 at 9:38 AM

To: The Whole School <all@sshs.org>

Good morning. Please be advised that this morning at 7:30 a.m. a Reduction in Force (RIF) occurred which affected two teachers. As a result, you may experience students who do not know where they are to go. They have been instructed to go to their next class. If any students need access to a computer and you have room in your class, please permit them to sit in your room to work. Students will complete the remainder of the term online.

If you were not notified this morning that you were part of the RIF, you are not affected. Thank you for your cooperation. Kit

—
Dr. Kit Kotler
Executive Director, Academics
Silver State Charter Schools
788 Fairview Drive
Carson City, NV 89701
(775-883-7900 x112

9/17/2015

Silver State Charter Schools Mail - Reduction in Force



Cook, Catherine <ccook@sshs.org>

Reduction in Force

3 messages

Kotler, Kit <kkotler@sshs.org>
To: Catherine Cook <ccook@sshs.org>

Thu, Sep 17, 2015 at 7:34 AM

Cate,

You are hereby notified that your services are no longer required at Silver State Charter Schools due to the Reduction in Force, per Board policy. Please collect your personal items and turn in your key and any other items belonging to the school to Sam and exit the premises. Thank you for your service.

Sincerely,

Ruth M. Kotler, Ed. D.

—
Dr. Kit Kotler
Executive Director, Academics
Silver State Charter Schools
788 Fairview Drive
Carson City, NV 89701
(775-883-7900 x112)

Cook, Catherine <ccook@sshs.org>
To: "Kotler, Kit" <kkotler@sshs.org>
Bcc: brianrippet@hotmail.com

Thu, Sep 17, 2015 at 8:11 AM

Please understand that a grievance will be filed as this is a clear violation of the staff handbook including but not limited to progressive discipline and just cause.

I will follow your directive and begin packing and removing my possessions. I will check out with Sam once my boxes have been removed. As it took me several days and trips with boxes to move in, it can be anticipated that it will take several days to move out.

Catherine Cook
[Quoted text hidden]

Cook, Catherine <ccook@sshs.org>
To: "Kotler, Kit" <kkotler@sshs.org>

Thu, Sep 17, 2015 at 9:34 AM

Dr. Kotler,

Please inform me as to why I was selected for the Reduction In Force. As I am Highly Qualified by the State of Nevada in English, Social Studies, and Theatre Arts I should be offered a position in any of those areas held by someone hired after my May 2015 hire date.

Catherine Cook
[Quoted text hidden]

Silver State Charter Schools

8 Middle School (775) 882-8200

Fax (775) 883-9130

9-12 High School (775) 883-7900

788 Fairview Drive, Carson City, NV 89701

www.SSHS.org

September 18, 2015

Ms. Cook,

This communication addresses your comments in emails to me dated September 17, 2015. There is no violation as a RIF is based on school finances, not discipline. The rationale of why you were subject to the RIF has been explained to you previously; financial reasons, specifically low enrollment that have caused a \$300,000 shortfall in our budget.

Your question about who else on staff is qualified to teach your subjects in Nevada is not relevant. The teacher does not have to be highly qualified until January; further, we can hire a highly qualified contractor to grade courses virtually at a much lower cost.

No specific reports are already in existence that specifically meet the criteria you requested and we have no obligation to create new reports for you. Nevada is a right to work state and issues of seniority are not applicable in our charter school.

Sincerely,

Ruth M. Kotler, Ed. D.

Ruth M. Kotler, Ed. D.

Starting With Technology

Silver State Charter Schools
Carson City, Nevada

LICENSED TEACHING CONTRACT BETWEEN EMPLOYEE AND GOVERNING BODY
2015-2016

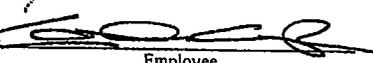
THIS CONTRACT between the Governing Body of Silver State Charter High School of Nevada, the employer and:

Name:	<u>Catherine Cook</u>	PERS:	<u>100%</u>
Social Security Number:	<u>XXX-XX-9650</u>	Placement Step:	<u>MA+16/20</u>
Salary:	<u>\$60,951.00</u>	Days of Service:	<u>186</u>
Dates of Service Required:	<u>8/11/15-5/26/16</u>		

WITNESSETH: That the Employee and Employer do hereby covenant, agree and contract regarding employment for professional services with Silver State Charter Schools of Nevada in accordance with the School Laws of Nevada and the rules and regulations prescribed by the State Board of Education and the State Superintendent of Public Instruction. The employer, and employee named below this Agreement may be abrogated as provided by the Nevada Revised Statutes, or by mutual consent, or as provided by the Agreement. This contract is subject only to terms and conditions contained herein. The following conditions and documents referred to therein are made a part of the contract. This contract contains the full and complete agreement of these parties.

1. A licensed employee cannot be legally employed in the public schools of Nevada in a teaching position that requires a license, unless the employee holds a valid Nevada license in appropriate classification(s). The Nevada School Code places responsibility of proper licensing at all times upon the employee. Nevada Statutes allow charter schools to employ up to 30% unlicensed teachers in non-core teaching positions.
2. Salary is subject to deductions as required by the United States and the State of Nevada and where applicable for group insurance and credit union payments, and such other deductions approved by the governing body of Silver State Charter Schools, upon a request in writing, by the employee. The employer agrees to pay the salary provided in twenty - four (24) semi-monthly installments per annum.
3. In the event this contract is not performed in its entirety by the employee, the salary the employee will be entitled to as full and complete satisfaction under the terms of this contract shall be paid proportionally in accordance with the services rendered. The employee shall not be entitled to receive full payment for his services unless he shall have performed this agreement in its entirety. Deductions for absences shall be made according to the provisions of the Nevada Revised Statutes.
4. The employers obligation to pay and the employees right to receive payment of compensation or of any installment under the terms of this contract shall cease upon the discharge, death, or resignation of any employee or failure of the employee to perform in accordance with the terms of this contract. Such payments shall also cease from the date of suspension of any employee under the provisions of the employees contract unless otherwise ordered by the Governing Body. Payments shall be made only for services rendered.
5. Assignments involving additional pay for extra duty of special services may be made at anytime during the life of this contract. These assignments also may be terminated at anytime during the life of this contract. Compensation for these services may be adjusted in proportion to the length of the assignment completed.
6. Licensed personnel will be placed on the salary schedule only once at the beginning of the contract year. When an error has been made in placement an adjustment may be made at anytime during the first ninety (90) days of the contract, upon adequate, timely, written proof to the Superintendent.
7. A licensed employee may be suspended, dismissed, or not re-employed as provided by Nevada Revised Statutes.
8. The services of the employee are to commence at such time, and at such place or places, as may be designed during the term of this contract by the Chief Education Officer or the Chief Educational Officers Representative.
9. Policies and Procedures Handbook of Silver State Charter Schools, as adopted and as amended from time to time during the term of this contract, are a part of this agreement and are incorporated by reference as though fully set forth. The employee reaffirms the oath to support the Constitution of the United States and the Constitution of the State of Nevada.
10. The employee shall be credited with 15 days sick leave accrued monthly at the rate of 1.25 (one and one-quarter) days per month during the term of this contract and may be used in accordance with the Policies and Procedures Handbook. If an employee uses less than 5 sick leave days during the year, they will be allowed 3 days of personal leave for the following year. Used personal leave days will be counted as used sick leave for the purpose of carry over for the following year.
11. The employee understands that he or she may be tested for the use of a controlled substance at the request of Silver State Charter Schools' administration or the Silver State Charter Schools' Governing Body. Random testing may also occur during the contract year.
12. The employee understands and accepts that this is a one year contract subject to renewal in accordance with Nevada statutes.
13. The employee understands that a key to the school premises has been issued to him or her. Because of the nature of confidential documents, if the key issued is lost, the employee may be responsible for the charges incurred to re-key the premises.
14. All contracts are formed on the basis of expected student enrollment. Adjustments to this contract may be necessary should enrollment fall or decline below expectations.

08-26-15 10:38 IN

Signed <u></u> President of the Governing Body	Date <u>9/7/15</u>
Signed <u></u> Witness	Date <u>9/1/15</u>
Signed <u></u> Employee	Date <u>8/26/15</u>

Catherine Cook 10/28/2015

Final Public Comment. 775-813-3609

Silver State Charter School's lack of professionalism and their blatant disregard to financial responsibilities are evident when they offered me a contract in May 2015. After moving to Carson City, signing the contract, and working for 6 weeks, I was terminated due to a R.I.F. Terminating the 2 highest salaried, post-probationary teachers was seen as a means to solving their budgetary errors. This was not a Reduction in Force as RIF process was not followed and, as stated by Dr. Kotter & Kellie Grahmann, "fixing financial errors" was the motivator for termination.

I am now unemployable for this school year, have lost a year of retirement, and have lost health & life insurance benefits.

Due to my age, education level, and 20 years of experience, I am likely to remain unemployed for the term of my contract with Silver State Charter Schools.

The gross mismanagement of this school and their finances is not only reprehensible, but damaging to staff & students.

My personal loss of employment income, retirement contribution, and insurance benefits has damaged my career continuity and left me living off unemployment insurance. Silver State Charter School's lack of fiscal responsibility has obviously impacted me greatly.

Please continue to keep a watchful eye on Silver State's Board Members & both Executive Directors - Dr. Kotler and Kellie Grahmann and their creative financial practices & arbitrary following of contracts & NR's policies.

To paraphrase Mr. Gavin earlier today - SSCS Board, Dr. Kotler & Kellie Grahmann have "gambled" with our contracts & consequently our careers & livelihoods.

David Trujillo Comments to Nevada's Public Charter School Authority
Public Comment, 10/26/15

Introduction

Thank you for the opportunity to speak regarding concerns to the decision making process at Silver State's Charter. Like Cate Cook, who just spoke, I was a teacher at the charter school's high school until the sudden Reduction in Force on September 17th. I taught PE and health for one year and 2 months having approximately 200 students enrolled in my classes.

In reviewing Silver State's Renewal Application dated October 8, 2015, I have several concerns with certain statements made by the school's administration, the decision making process and the justification for these decisions. I hope this enlightens you to the current school climate and environment associated with these decisions.

Example 1

Silver State's cavalier conduct during the RIF matches its similar disregard for the two notices of breach it has received from this authority.

Like Cate Cook, who spoke before me, I was interested in the way Silver States' charter school renewal application dealt with the financial breach notice. I also was interested in the budget figures presented by the administration in Silver State's charter school renewal application. I heard the \$300,000 figure cited on page 7 during the night of the September 16th Silver State board meeting. This number was the claimed rationale for instituting a RIF – which the board never formally took action on by voting on.

I would also like to mention that when the possible action item to enforce a RIF was discussed at the Board meeting of 9/16, , there were three issues that were concerning to me.

First, they said they were basing the RIF on a student teacher ratio of 1:8, which I believe is based upon average daily attendance and fits their construct for termination. Actual enrollment figures based upon the charter renewal is actually 378 total students which translates to an actual teacher student ratio of 1:33 at the High School and 1:21 at the middle school.

Secondly, they listed a monetary need for items such as facility improvement, curriculum and nutritional services, none of which comes out of the personnel budget.

Finally, although a Reduction if Force was listed as a possible action item, the Board agreed language for a RIF was already Board Policy so Ms.. Kotler could make the decision, and it did not need to be discussed nor action taken. During this open meeting. She terminated Cate and me the next day, and I have yet to find Board Policy regarding the RIF process.

The morning of the sudden RIF – the day after the school board meeting—I requested from Kit Kotler a rationale for why I was RIFFed, as well as the hiring dates of those hired this academic year. I asked who on the staff was certified and highly qualified to teach health and P.E., and notified Dr. Kotler that I am endorsed in science and have seniority over those hired after me. I am giving this board her response, to demonstrate that there was no understanding by this administration of the factors for RIFing as set forth

under NRS 288, just at the Silver States Board seems to have no understanding of the reasons for the two notices of breach issued to it.

Dr. Kotler's response to my request for rationales is wrong on the law regarding post-probationary teachers under NRS 391, and fails to address any of the NRS 288 elements that school districts across Nevada use when instituting a reduction in force. Those factors include:

1. whether a teacher is employed in a position which is hard to fill
2. Whether a teacher is national board certified
3. The teacher's performance evaluations
4. The teacher's disciplinary record
5. The type of license and degree held by the teacher

Like Silver State's treatment of the two notices of breach, the administration similarly brushed off my request for a rationale. The week after Cate and I were terminated, Silver States hired a non credentialed individual to teach both of our classes, meaning that one non credentialed substitute was hired to teach Health, Physical Education, and Ms. Cooks elective classes.

Example 2.

Inaccurate Portrayal of the School's Interest in Serving At-Risk Students

Throughout its charter renewal application, Silver States references the "at risk" population that it serves as one reason its charter should not be revoked. I counted 28 mentions of "at risk" students. However, if they are referring to our population of students who are eligible for special education, it is important for you to know that at the Board Meeting on September 16th, which I attended, the board claimed it was compliant with special education requirements "on paper". As this time there were two special education teachers on staff, which indicates we were non compliant, so I am unclear what their interpretation of compliance on paper means. Additionally, they had an action item (Item #7) to hire a retired Special Education Teacher because they were out of compliance. It's confusing to me that the Board moved to hire a retired special education/director teacher, shortly after discussing compliance on paper and the need to initiate a RIF (Item #5).

Example 3

Reevaluation of students diagnosed with ADHD

They also discussed an intent to reevaluate students with ADHD in order to exit some from the program. I find this interesting, as I believe that no teacher or administrator is qualified to alter a medical diagnosis.

Conclusion

I have successfully taught as a teacher for 10 years while being involved in education for over 20 years. I am qualified to teach biology, health and P.E, with an endorsement in alternative education. Like Cate Cook, I am a post-probationary teacher with certain protections under NRS 391. However, Silver State will not comply with those requirements, just as I suspect Silver State is not complying with the terms of its charter. My school continues to do its students and teachers a disservice by not dealing honestly with its challenges and by seeking to cover up its flaws.

Thank you for allowing me to speak. I would like to present to you a copy of these remarks, a copy of NRS 288.151, a copy of my request for RIF rationale, Ms. Kotler's response, and a copy of my previous complaints against my school.

(Charter School Handout 1 of 3)

NRS 288.151 Factors for consideration in reductions in workforce of school districts. If the board of trustees of a school district determines that a reduction in the existing workforce of the licensed educational personnel in the school district is necessary, the decision to lay off a teacher or an administrator must not be based solely on the seniority of the teacher or administrator and may include, without limitation, a consideration of the following factors:

1. Whether the teacher or administrator is employed in a position which is hard to fill;
2. Whether the teacher or administrator has received a national board certification;
3. The performance evaluations of the teacher or administrator;
4. The disciplinary record of the teacher or administrator within the school district;
5. The criminal record of the teacher or administrator, if any;
6. The type of licensure held by the teacher or administrator; and
7. The type of degree attained by the teacher or administrator and whether the degree is in a subject area that is related to his or her position.

(Added to NRS by 2011, 2295)

Introduction

Thank you for the opportunity to speak on my concerns regarding the decision making process at Silver State Charter Schools.

My name is David Trujillo and like Kate Cook, I was a teacher at Silver State Charter Schools prior to the sudden Reduction of Force on September 17. I taught health and physical education for 1 year and two months having approximately 200 students in my classes.

Example 1

Complete disregard for Nevada State law and NRS 391

Kate Cook and I are post probationary teachers. As such, there are certain protections afforded to post probationary teachers under NRS 391.

Ms. Kotler failed to comply or even consider these statutes when terminating Kate Cook and myself during last month's RIF, and then replacing us with an uncredentialed individual

Example 2:

Compliance with Individuals with Disabilities Education Act.

I attended the schools Board meeting on September 16 with Silver State Board members discussing compliance with this federal act (IDEA). Board members stated that we were compliant with SPED requirements on paper.

At the time we had 2 special education teachers, which would indicate that we likely non compliant given the high number of students on IEP's or 504's.

Confusing this issue was additional discussion regarding the hiring a retired special education teacher and director.

Recently SSCS hired another special education teacher that may or may not be properly credentialed, all contributing the confusion regarding the charter schools compliance with this federal law.

Example 3

Reevaluation of students diagnosed with ADHD

On the September 16th board meeting, there was intent to reevaluate students with ADHD in order to exit them from Special Education Services.

I find this cavalier approach similar to the previous example's as I am certain that teachers or school administrators are not qualified to alter a medical diagnosis.

It is my hope that these few examples illustrates the decision making process at Silver State Charter School and the administrations complete disregard for state and federal law.

Thank you for your time and understanding of my concerns.

Trujillo, David <dtrujillo@sshs.org>
To: Kit Kotler <kkotler@sshs.org>
Bcc: trujillo.djt@gmail.com

Thu, Sep 17, 2015 at 9:29 AM

Kit:

Please provide me with a rationale of why I was Riffed. Additionally, I would like hiring dates of those who were hired this academic year. I would like to know who on staff is certified and highly qualified to teach health and PE in Nevada. Finally, I am endorsed in the Sciences and therefore have seniority over those hired after me.

David
[Quoted text hidden]

Trujillo, David <dtrujillo@sshs.org>
Bcc: trujillo.djt@gmail.com

Thu, Sep 17, 2015 at 9:44 AM

----- Forwarded message -----
From: **Kotler, Kit** <kkotler@sshs.org>
Date: Thu, Sep 17, 2015 at 9:38 AM
Subject: Reduction in Force
To: The Whole School <all@sshs.org>

Good morning. Please be advised that this morning at 7:30 a.m. a Reduction in Force (RIF) occurred which affected two teachers. As a result, you may experience students who do not know where they are to go. They have been instructed to go to their next class. If any students need access to a computer and you have room in your class, please permit them to sit in your room to work. Students will complete the remainder of the term online.

<https://mail.google.com/mail/ca/u/0/?ui=2&ik=fo1480cc35&view=pt&search=inbox&th=14fdb061d23c6e6&siml=14fdb061d23c6e6&siml=14fdc03ea798e782&siml=14fdc23d6008f4cc&siml=14fdc3142c150ef0&siml=...> 2/6

Silver State Charter Schools

8 Middle School (775) 882-8200

Fax (775) 883-9130

9-12 High School (775) 883-7900

788 Fairview Drive, Carson City, NV 89701

www.SSHS.org

****REVISED**** 9/17/2015 8:30am (RK)

From: **Kotler, Kit** <kkotler@sshs.org>
Date: Thu, Sep 17, 2015 at 7:33 AM
Subject: Reduction in Force
To: David Trujillo <dtrujillo@sshs.org>

Mr. Trujillo,

You are hereby notified that your services are no longer required at Silver State Charter Schools due to the Reduction in Force, per Board policy. Please collect your personal items and turn in your key and any other items belonging to the school to Sam and exit the premises. We are providing you with two days notice by paying you through Friday, 9/18/15. Thank you for your service.

Sincerely,


Ruth M. Kotler, Ed. D.

Silver State Charter Schools

8 Middle School (775) 882-8200

Fax (775) 883-9130

9-12 High School (775) 883-7900

788 Fairview Drive, Carson City, NV 89701

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September 18, 2015

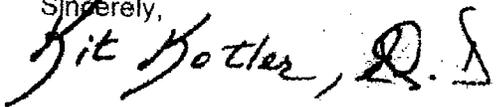
Dear Mr. Trujillo,

A school never knows whether it will need to RIF or not since enrollment continually fluctuate throughout the school year. As such, I deny having made the statement you described on 9/14/17. There is no violation as a RIF is based on school finances, not discipline. The rationale of why you were subject to the RIF has been explained to you previously-financial reasons, specifically low enrollment that have caused a \$300,000 shortfall in our budget.

Your question about whom else on staff is qualified to teach health and PE in Nevada is not relevant. The teacher does not have to be highly qualified until January; further, we can hire a highly qualified contractor to grade courses virtually at a much lower cost.

No specific reports are already in existence that specifically meet the criteria you requested and we have no obligation to create new reports for you. Nevada is a right to work state and issues of seniority are not applicable in our charter school.

Sincerely,



Ruth M. Kotler, Ed. D.

Dr. Kit Kotler
Executive Director, Academics

Kellie Grahmann
Executive Director, Administration

David Trujillo
788 Marron Way
Gardnerville, NV 89460
trujillo.djt@gmail.com
(775) 720-7436

9/25/15

Complaint Re: Silver States Charter Schools

Dear Mr. Peltier,

Thank you for accepting my complaint regarding Silver States Charter Schools (SSCS). I would like to file this letter with you as an official complaint, but would request that you redact my name, my wife's name, our identities and our contact information if you are ever asked to produce this in response to a public records request. I have previously discussed my concerns about SSCS regarding State and Federal law violations, employee handbook noncompliance, and Governing Body violations with Patrick Gavin prior to being RIF'd from his teaching position on September 17, 2015.

Until I was RIF'd on September 17, 2015, I was a teacher at Silver States Charter Schools for 1 year and 6 weeks. I signed a letter of intent on May 26, 2015 to continuing working for SSCS. I am a post-probationary staff member, which is identified by my letter of intent, as well as my March 13, 2015 evaluation from SSCS. The staff and I were told that the school week would be Monday through Thursday when I was presented with my letter of intent and again during the summer. Then, on 6/29/15, Blaine Spires, my principal resigned. After that, the schools' new academic director, Kit Kotler, changed the teaching week to be Monday through Friday. It was too late for me to seek employment in another school district without significant repercussions. We staff members were threatened with license revocation and prosecution from Dr. Kotler if we decided to go to another school, in light of the abrupt work schedule change.

When Dr. Kotler changed the work week, she told the staff that any teachers who failed to sign their teaching contracts would be prosecuted and have their credentials revoked. I signed my attached contract, which states that I may be suspended or dismissed as provided by the Nevada Revised Statutes. (Attachment 1).

When the board taped up their last agenda to the Silver States Charter Schools Mallory building on Friday, September 11, 2015, I heard that one of the items was a possible Reduction in Force (RIF). During a morning staff meeting on Monday, September 14th, another teacher asked the charter school's academic executive director, Kit Kotler, if there would be any RIFs. She told the entire staff, "No, no one will lose their job this

year.” Despite this answer, I was concerned and attended the Board meeting, inviting Brian Rippet a representative from the NSEA in Douglas County, and my wife, a high school principal from Douglas County.

I attended the Silver State Charter Schools Governing Board meeting on September 16, 2015. I believe the board is a public body governed by Nevada’s Open Meeting Law, since it is an administrative and executive body of a local government, which disburses tax revenue. NRS 241.015 (4) (a). I believe that the board’s meeting that night was not exempt from the Open Meeting law, and it had no closed session on the agenda. However, when I arrived to the meeting on September 16, 2015, the front doors were locked and chained. Two audience members, Mr. Rippet and Mrs. Sindlinger, both stated this in public comment to the board and stated that this was a flagrant Open Meeting Law violation.

When I entered the Fairview building from the East side, I found a door propped open. There was no agenda taped to the front door or this back door. When I finally found the board meeting, I saw that there were no printed agendas. I asked for a printed agenda and was finally given one after someone went and copied an agenda for me. However, when I asked for copies of the supplementary material the board was using to discuss its business, I was ignored. I believe this violates NRS 241.020(5)(c)’s requirement that supporting materials be given to those who request them at a public meeting.

Any members of the public who did not make the effort to search for unlocked school doors at 6 p.m. that night would not have been permitted to attend, since the front doors were locked and chained, violating NRS 241.020(1). The locked front doors meant the facilities were not open, unless members of the public walked to each outside door to discover if any were unlocked, like I did. It appeared the board had a quorum when I arrived. Present were board members Edie Grub, Kim Pilant, Jeannette Geary, Christina Saenz, and Shane Watson, as well as the board’s attorney, Ryan Russell. Also present were Executive Director Dr. Kotler and Executive Director Kellie Grahmann. Mr. Russell seemed to be running the meeting, even though he is not a board member. He kept correcting the board members on how to run the meeting, and they seemed unsure of how to conduct the meeting. President Grub repeatedly asked Mr. Russell how to proceed.

When the agenda turned to item number 5, Kit Kotler, the charter school’s academic executive director, discussed a possible Reduction in Force (RIF). I believe this is a matter over which the board has supervision, control, and jurisdiction. The agenda stated, “For Possible Action.” However, the agenda did not describe how many positions were being proposed, the alleged total budget deficit, the type of positions being proposed, etc. The public would not have had adequate notice that a RIF of specific

positions would be discussed or acted upon that night, because the agenda descriptions were so vague that they were meaningless.

During this agenda item for the possible RIF, Academic Executive Director Kit Kotler stated that she was proposing a Reduction in Force (RIF) based on the needs of the school, and planned to institute one for the current year in order to have funds to replace two buses, meet a budget deficit, pay for two new front doors, pay for speakers

in one school building, pay for the free and reduced lunch program, and common core curriculum. Since I had approximately 200 students enrolled in my classes while I taught at Silver State Charter Schools, I knew that her enrollment numbers that she presented to the board were completely off. I also know that teacher salaries cannot be used for facilities, and vice versa, since both are restricted funds.

Others spoke publicly about the RIF during the public comments session, after which board president Edie Grub stated, "I have no problem with a RIF." The board decided that since the handbook allows for a RIF, there was no need to take any action that night. They never went into closed session that night, either. There are no minutes for the September 16, 2015 board meeting available on the board's website, <http://www.sshs.org/Page/72>

When I went to school the next day, I received an email notice from Dr. Kotler that I had been RIF'd. (Attachment 2). She wrote, "You are hereby notified that your services are no longer required at Silver State Charter Schools due to the Reduction in Force, per Board policy." However, she did not attach any board policy. She might be referencing the staff handbook, which states that in a RIF, the executive director will determine what positions need to be eliminated based on the needs of the school.

The fact remains that the board never took action on a RIF during their meeting on September 16, 2015. The board members never discussed my position or that of another teacher who was also RIF'd on September 17, 2015. The last action the board apparently took was to accept my letter of intent and my teaching contract for the 2015-16 school year at Silver States Charter Schools, just weeks before I was RIF'd. After getting the email notice that I was RIF'ed, I asked for a rationale of why I was RIF'ed and asked about hiring date of other teachers and their qualifications (Attachment 3). I have credentials in health, P.E., and biology, as well as endorsements in alternative education. Apparently, Dr. Kotler used seniority to target me for a RIF me instead of a new biology teacher who was just hired.

I received no response to my questions until 9/24/15. In her letter to me, Dr. Kotler stated, "A school never knows whether it will need to RIF or not since enrollment continually fluctuate[s] throughout the school year." In her letter, she denied stating

that no RIFs would occur. She also stated that that a teacher does not have to be highly qualified until January, so she could "hire a highly qualified contractor to grade courses virtually at a much lower cost." She also asserted that my question about qualifications was "not relevant" and that "Nevada is a right to work state and issues of seniority are not applicable in our charter school." (Attachment 4)

The charter authority requires charter schools to set forth the process by which its governing body will "negotiate employment contracts with the employees of the charter school." NRS 386.520 (5)(j). In this case, my contract clearly states, "A licensed employee may be suspended, dismissed, or not re-employed as provided by Nevada Revised Statutes." (Attachment 1, Provision 7).

I believe that Dr. Kotler violated Provision 7 of my contract by failing to follow the Nevada Revised Statutes regarding dismissal of teachers. NRS 391.31297(1)(g) allows for a dismissal if there is a justifiable decrease in the number of positions due to decreased enrollment or district reorganization. However, the enrollment and staffing numbers she presented to the school board on September 16, 2015 were completely inaccurate. There has been no decrease that would justify RIFing two teachers within the first month of school.

Additionally, I believe that Dr. Kotler violated Provision 9 of the contract by failing to give two days' notice to teachers prior to conducting a Reduction In Force, as required by Provision 20(A) of the handbook.

I also believe that Dr. Kotler violated provision 7.03 E of the Silver States Charter School Employee handbook by using the pretext of a RIF in order to take reprisals against me for asking questions about class concerns, the newly proposed calendar, discussing offsite PE and transportation, expressing concerns about teachers being dismissed, and being willing to communicate concerns about how changes in the schedule would alter staffing needs.

I also believe Dr. Kotler violated provision 8.02 E of the handbook by failing to use just cause in discharging me. She presented inaccurate enrollment data to the school board September 16, 2015 in order to use the pretext of a RIF to dismiss me, rather than answer my questions about attendance, expressing concerns about teachers being dismissed/RIF'd, and being willing to communicate concerns about how changes in the schedule would alter staffing needs. I had invited my representative, a school principal, other teachers and local media, and I believe she discharged me in retaliation for encouraging community participation in the possible RIF process.

Page 5

I also believe Dr. Kotler violated provision 8.04 of the handbook by failing to comply with the NRS when using the pretext of a RIF to dismiss me. Not only, did she present inaccurate enrollment data to the school board on September 16, 2015 to justify a RIF, but she failed to follow any progressive discipline and/or admonition as required by the NRS prior to moving for my dismissal as a post-probationary employee. Dr. Kotler clearly believes I am an "at will employee" and ignores the clear protections of the NRS, which are set forth in my contract. Under section 13.06 of the handbook, a post-probationary employee like myself is entitled to rights under NRS Chapter 391, and I do not lose those rights because I was employed at a charter school following my post-probationary period.

I relied on the contract in which I signed, honoring my commitment to SSCS and dismissing similar teaching positions in Douglas County, which I was invited to apply for, as well as positions in the Carson City School District.

I ask the charter school authority to review Silver State's charter in light of the fact that:

- 1) the current administrator is grading the work of my students and students of another teacher she RIF'd, despite having no license in my subject area or the other subject area;
- 2) the current administrator purposefully presented grossly incorrect enrollment figures to the school board, and then failed to have the board act to approve a RIF before terminating me and another teacher
- 3) the current administrator has breached two employment contracts by instituting a RIF in the sixth week of school, and forced the current teachers to sign their contracts after unilaterally changing the work schedule from four days a week to five days a week
- 4) the current administrator refuses to use the grievance process to address my issues, stating that I cannot grieve my RIF because I am no longer employed, which is incorrect. Teachers routinely grieve their dismissals and arbitrate them under the NRS, even when they are no longer in the classroom.

Sincerely,

David Trujillo

dpeltier@spsca.nv.gov

Gmail

[Move to Inbox](#)

[More](#)

COMPOSE

Inbox (252)

Starred

Important

Sent Mail

Drafts (9)

Circles

Notes

More

Mr. Peltier:

Thank you for accepting my previous complaint regarding Silver States Charter Schools, which I emailed to you on 9/25/15. Please add this to my previously submitted complaint against Silver State Charter Schools.

Forwarded below (and attached) are two separate announcements to my former health and P.E. students regarding my replacement at Silver States Charter Schools, Annie Rivera. It appears obvious that Ms. Rivera was hired as SSCS's new health and P.E. teacher after I was RIF'd on 9/17/15. There is no evidence that my position was posted properly or that Ms. Rivera possesses the proper teaching credentials for these subjects. As such, it is difficult for me to comprehend my RIF, when almost immediately SSCH hired someone to take my position as a post-probationary health and P.E. teacher.

I recently filed a grievance regarding my RIF, but it was denied by Academic Executive Director Kit Kotler, who stated that I should have grieved my RIF before I was RIF'd. Dr. Kotler has taken the position that a teacher does not have to be highly qualified until January, thus she RIF'd credentialed teachers and replace them with contractors to "grade courses virtually at a much lower cost."

If there is anything you can do to address the lack of an appropriately credentialed instructor who replaced myself and another credentialed instructor after the September RIF, please do not hesitate to contact me.

Respectfully,

David Trujillo

From: "Nadine Branco" <nlb50050@hotmail.com>

Date: Tue, Sep 29, 2015 at 11:24 AM

Subject: Announcement made by Mrs. Rivera to students

This is the announcement that was placed on the students' courses.

Date: Tue, 29 Sep 2015 09:22:11 -0700

Subject:

From: allisonrazz@gmail.com

To: nlb50050@hotmail.com

I am on board!!

To: Continuous - P.E. - Term 1 SSHS 15-16 (S)

From: David Trujillo

Created: Thu 09/24 1:24 PM

Expires: Thu 10/01

My dear students in PE and Health,

My name is Ms. ANNIE A. RIVERA and I am your new teacher in PE and Health. Please continue to submit all your assignments and I will attend to them immediately. It may take a while though for you to see your grades because of the backlog I have to work on hand, but please be advised that I AM ON BOARD and in FULL CONTROL and we will be able to CATCH up with one another ASAP!!

F Y I

Thank you.

Have a nice day!!

Ms. ANNIE A. RIVERA

10:26.15 12:00

DAVID TRUJILLO

720-4734

PUBLIC COMMENT:

PLEASE EXCUSE MY HANDWRITTEN PUBLIC COMMENT, HOWEVER I AM RESPONSIBLE FOR EXTRACURRICULAR ACTIVITIES IN LYON COUNTY:

I HAVE BEEN TRYING TO RESOLVE MY CONTRACT WITH SSCB. I HAVE FILED GRIEVANCE WITH THE SCHOOL WITHOUT A RESPONSE.

MS COOK + I SIGNED CONTRACT FOR THE TEACHING YEAR. WE NOW KNOW THAT DEEP FINANCIAL ISSUES THAT WERE NEVER DISCLOSED TO US MAY HAVE BEEN THE TRIGGER FOR OUR TERMINATION. THESE FINANCIAL ISSUES WERE NEVER DISCLOSED WITH A COMPLETE LACK OF TRANSPARENCY BY OUR ADMINISTRATION + BOARD.

I ASK YOU TO REMEMBER MY R.I.F. + HONOR MY CONTRACT. NOT ONLY IS THIS A PROBLEM FOR MS COOK + I NOW THERE IS DEEPER FINANCIAL TO

DATE: 21/10/20

DEAR MOTHER
I AM HAPPY

TO HEAR FROM YOU AND TO KNOW THAT YOU ARE ALL WELL. I AM ALSO HAPPY TO HEAR THAT YOU ARE ENJOYING YOUR HOLIDAY.

I HAVE BEEN THINKING OF YOU AND YOUR FAMILY SINCE I HEARD FROM YOU LAST YEAR. I AM HAPPY TO HEAR THAT YOU ARE ALL WELL AND ENJOYING YOUR HOLIDAY.

MY LOVE + I WOULD LOVE TO SEE YOU ALL AGAIN. I AM HAPPY TO HEAR THAT YOU ARE ALL WELL AND ENJOYING YOUR HOLIDAY. I AM HAPPY TO HEAR THAT YOU ARE ALL WELL AND ENJOYING YOUR HOLIDAY.

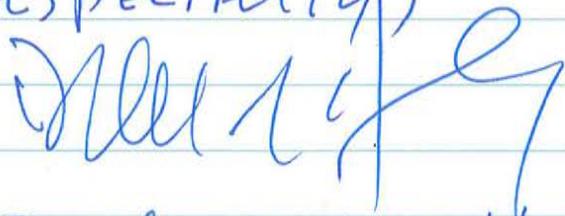
I AM HAPPY TO HEAR FROM YOU AND TO KNOW THAT YOU ARE ALL WELL. I AM ALSO HAPPY TO HEAR THAT YOU ARE ENJOYING YOUR HOLIDAY.

ME + MY COLLEAGUES.

MY FAMILY HAS BEEN DEEPLY AFFECTED BY MY CURRENT UNEMPLOYMENT. NOT ONLY AM I NOT RECEIVING INCOME FOR PROFESSIONAL ACTIVITIES, I AM ESSENTIALLY UNEMPLOYABLE. I HAVE APPLIED FOR SEVERAL TEACHING POSITIONS + HAVE RECEIVED REJECTION FROM MULTIPLE DISTRICTS. I DO NOT SEE HOW + WHY ANY DISTRICT WILL EMPLOY ME FOR THE REMAINDER OF THE YEAR.

I AM SUGGESTING THAT THE BOARD + MR. GAVIN CREATE A PLAN TO RECTIFY MY + MY COLLEAGUES' ~~FINANCIAL~~ FINANCIAL CONCERNS BY HONORING OUR CONTRACTS FOR THIS ACADEMIC YEAR.

RESPECTFULLY,



David J. Trujillo

10/26/2015

I would like to address the Charter Authority this morning as both a mom and a teacher. I would first like to speak as a mother of a successful student at Silver State Charter School. My son Jakob is a senior at Silver State this year. He came to Silver State in the eighth grade. He was struggling in a "traditional" school." We begged for extra help for Jakob, but often times we never received a response from teachers or counselors. Our frustration grew with the Carson City School District, so my husband and I explored other opportunities. We could not afford private schools so when we found Silver State we thought it might be the perfect fit for Jakob. When we enrolled him into the school we spoke to the counselor about our concerns for Jakob and she assured us that he would be in good hands because they would monitor him and that the low teacher to student ratio would benefit him greatly. We saw Jakob grow as a student at Silver State. He took ownership of his education. He loved the quiet environment that the school afforded. He said that it was nice to not have all of the distractions and interruptions that he endured at his previous schools. He has loved the extra support that his teachers have provided him. He has also enjoyed the kind and caring nature of his teachers. Jakob passed his proficiencies last year and will be graduating early this year. My husband and I are so proud of the strides Jakob has made at Silver State since his eighth grade year. Things that we thought were going to be impossible for Jakob became possible because of the amazing program that Silver State offered.

I was so inspired by the program at Silver State that I knew that I wanted to be a part of it. When I completed my student teaching I wanted a job there. I was blessed this year when a social studies position came open and I applied right away. When I started my teaching position in August I quickly realized why this program is so amazing. I learned early on that many of my students are at risk students. They had minimal parental involvement or have struggled academically. The ability to teach these at risk students in small classes has been a blessing. It allows teachers the opportunity to get to know their students. Because of these small numbers I am able to make weekly phone calls home to all of my students. I am able to speak to families about academic progress and how they can assist their child in their education. I have learned a great deal about my students in regards to what they need academically. It allows me the time to focus on struggling students. I have also been able to listen to some of their stories about issues that are affecting their lives. Many students have also expressed why they chose to come to Silver State. They have said they are there because they were bullied in traditional schools and that their teachers or administrators did nothing to fix the situation. As a teacher this is heartbreaking to hear but at the same time they feel like they are now in a secure environment. Some students are there for the flexibility. They have to work to assist their families with household expenses. Other students are there because they have been kicked out of other schools. These students have received a bad label at their other schools but they have made the choice to do the right thing at Silver State because it is their last chance. I might be a new teacher but I have learned so much from both my students and colleagues at Silver State. My colleagues are some of the most genuine and kind people I have ever had the opportunity to meet. I watched a group of teachers and administrators work tirelessly to fix the previous program. They created a new schedule that would be more beneficial to students. One teacher spent the time to look into new programs that would be more beneficial for the students. These new programs allow us to assess where our students are in reading and math. We are

now able to prescribe new materials through these programs in order to bring them up to grade level in these subjects. This is beneficial for complex subjects like social studies and science because these students need to read at a higher level. One of my colleagues spends some of her free time going to different organizations for food so we can feed our hungry students. Other teachers spend their own money to purchase food for the students so they do not go hungry all day. I think it would be a detriment to the students of this area and the community to close this school. These kids are more than just numbers. They are human beings with a wide variety of learning abilities. They have been overlooked and have fallen through the cracks for many years and I get the amazing opportunity to watch them grow on a daily basis, both socially and academically. I ask for the SPCSA to think about these students and maybe even visit our school and our students before they make their decision on our charter renewal.

Thank You,

Joanna Perry

Introduction

Thank you for the opportunity to speak on my concerns regarding the decision making process at Silver State Charter Schools.

My name is David Trujillo and like Kate Cook, I was a teacher at Silver State Charter Schools prior to the sudden Reduction of Force on September 17. I taught health and physical education for 1 year and two months having approximately 200 students in my classes.

Example 1

Complete disregard for Nevada State law and NRS 391

Kate Cook and I are post probationary teachers. As such, there are certain protections afforded to post probationary teachers under NRS 391.

Ms. Kotler failed to comply or even consider these statutes when terminating Kate Cook and myself during last month's RIF and then replacing us with an uncredentialed individual

Example 2:

Compliance with Individuals with Disabilities Education Act.

I attended the schools Board meeting on September 16 with Silver State Board members discussing compliance with this federal act (IDEA). Board members stated that we were compliant with SPED requirements on paper.

At the time we had 2 special education teachers, which would indicate that we likely non compliant given the high number of students on IEP's or 504's.

Confusing this issue was additional discussion regarding the hiring a retired special education teacher and director.

Recently SSCS hired another special education teacher that may or may not be properly credentialed, all contributing the confusion regarding the charter schools compliance with this federal law.

Example 3

Reevaluation of students diagnosed with ADHD

On the September 16th board meeting, there was intent to reevaluate students with ADHD in order to exit them from Special Education Services.

I find this cavalier approach similar to the previous example's as I am certain that teachers or school administrators are not qualified to alter a medical diagnosis.

It is my hope that these few examples illustrates the decision making process at Silver State Charter School and the administrations complete disregard for state and federal law.

Thank you for your time and understanding of my concerns.

VISITOR'S CARD

Nevada State Public Charter School Authority

Meeting

Welcome... PLEASE PRINT LEGIBLY all information in full so that we may maintain accurate records.

Date 10/26/15
Name TERRI BARBER
Title DIRECTOR OF HR
Address

Phone No.
Representing QUEST PREP ACADEMY
Subject PROGRESS REPORT
AND THANK YOU

- I Request To Speak
- I am a scheduled speaker
- I am a visitor

VISITOR'S CARD

Nevada State Public Charter School Authority

Meeting

Welcome... PLEASE PRINT LEGIBLY all information in full so that we may maintain accurate records.

Date 10/26/2015
Name John Hawk
Title Chief Operations Officer
Address 233 North Stephanie St
Henderson, NV 89074

Phone No. 702-332-2593
Representing Nevada State High School
Subject Item 14 - general comment

- I Request To Speak
- I am a scheduled speaker
- I am a visitor

Item 16 - Dec. 4th Meeting comment.

VISITOR'S CARD

Nevada State Public Charter School Authority

Meeting

Welcome... PLEASE PRINT LEGIBLY all information in full so that we may maintain accurate records.

Date 9-5-14

Name Tambre Tondryk

Title Principal

Address

Phone No.

Representing Beacon Academy NJ

Subject

I Request To Speak

I am a scheduled speaker

I am a visitor

VISITOR'S CARD

Nevada State Public Charter School Authority

Meeting

Welcome... PLEASE PRINT LEGIBLY all information in full so that we may maintain accurate records.

Date 10-26-15

Name Carmen Rizzo

Title

Address

Phone No.

Representing

Subject Various

-last public comment given

I Request To Speak

I am a scheduled speaker

I am a visitor

VISITOR'S CA

Nevada State Public Charter School Authority

Meeting

Welcome... PLEASE PRINT LEGIBLY all information in full that we may maintain accurate records.

Date 10/26/15
Name Monica Vanderheyden
Title Counselor
Address 3304 Termination Ct
LU NV 89129
Phone No. 702-994-9787
Representing Coral Academy of Science
Subject

- I Request To Speak
I am a scheduled speaker
I am a visitor

VISITOR'S CARD

Nevada State Public Charter School Authority

Meeting

Welcome... PLEASE PRINT LEGIBLY all information in full so that we may maintain accurate records.

Date 10/26/15
Name DEO FERNANDEZ
Title TESTING COORDINATOR / NEVADA VIRTUAL AC
Address 8965 S. EASTERN AVE. SUITE 330
LAS VEGAS NV 89123
Phone No. 702-407-1825 x 7002
Representing NEVADA VIRTUAL ACADEMY
Subject GRADUATION RATES

- I Request To Speak
I am a scheduled speaker
I am a visitor

VISITOR'S CARD

Nevada State Public Charter School Authority

Meeting

Welcome... PLEASE PRINT LEGIBLY all information in full so that we may maintain accurate records.

Date 10/26/15
Name Noah Stevens
Title Mr.
Address 10738 Leatherstocking Ave.
Las Vegas 89166
Phone No. 619-417-7243
Representing Coin Academy
Subject Centennial Hills Campus

- I Request To Speak
I am a scheduled speaker
I am a visitor

VISITOR'S CARD

Nevada State Public Charter School Authority

Meeting

Welcome... PLEASE PRINT LEGIBLY all information in full so that we may maintain accurate records.

Date 11/26/15
Name Bridget Phillip
Title Executive Director Doral Acadm
Address 9163 Fuldland Ct
Las Vegas, Nv.
Phone No. 702-334-8201
Representing Doral Academy
Subject Student Skit

- I Request To Speak
I am a scheduled speaker
I am a visitor

T.J. Belz
Katie Peterson
Claire DeSpain
Lexi Schweitzer
Bradley Curtis
Benjamin Bryan
Danielle Marshall
(Principal - Cactus)
Doral Campus

VISITOR'S CARD

Nevada State Public Charter School Authority

Meeting

Welcome... PLEASE PRINT LEGIBLY all information in full so that we may maintain accurate records.

Date 9-5-14
Name Tiecha Ashcroft
Title Parent
Address

Phone No.
Representing
Subject

- I Request To Speak
I am a scheduled speaker
I am a visitor

VISITOR'S CARD

Nevada State Public Charter School Authority

Meeting

Welcome... PLEASE PRINT LEGIBLY all information in full so that we may maintain accurate records.

Date 9-5-14
Name Kelsow Ter Avest
Title
Address 331 N. Pallas Blvd

Phone No. 702-565-1141
Representing
Subject

- I Request To Speak
I am a scheduled speaker
I am a visitor

VISITOR'S CARD

Nevada State Public Charter School Authority

Meeting

Welcome... PLEASE PRINT LEGIBLY all information in full so that we may maintain accurate records.

Date _____
Name William F. Sander Jr
Title Sept 5th 2014
Address _____

Phone No. 702-764-2800
Representing _____
Subject _____

- I Request To Speak
- I am a scheduled speaker
- I am a visitor

State Public Charter School Authority

Board Meeting

Las Vegas

10-26-2015

Name	Representing	Email Address for SPCSA List serve
David Hyun	CASLA	dhyun@redhookcps.com
Ercan Aydogdu	CASLV	Ercan.Aydogdu@coralacademy.org
Irfan Ero	CASLV	irfan.ero@coralacademy.org
Nick Sarsich	CASLV	nsarsich@coralacademy.org
Candis Cape	CASLV	ccape@coralacademy.org
Candy Farthing	CASLV	cfarthing@coralacademy.org
Alex Roberson	Quest Prep	droberson@questlv.com
Ben BERHARDT	NEVADA VIRTUAL	berhardt@nvacademy.org
Rebecca Fitzgerald	Academica	rebecca.fitzgerald@academicanv.com

Terei Barber	Quest Academy	t.barber@questiv.com
Dana Parks	Quest Academy	d.parks@questiv.com
Greg Canyeon	Quest Academy	g.canyeon@questiv.com
Jasha Kern	Ten Square	jesk@tensquarecorp.com
Aaron Hale	IPS	Aaron@LegacyTradition.org
Daniel Stewart	LTS-Henderson	danielhenrystewart@gmail.com
William Bussler	Legacy-Henderson	bill.bussler@legacy
Bill Gregory	Legacy-Henderson	bill@legacytradition.org
Manda Pratt	Legacy-Henderson	amanda.p & sports center
Emrullah Eroslan	Corol Academy	eero@corolacademy.com
Fyan Reeves	Academica	fyana.reeves@academicanv.com
Dom Siriani	Flip Switch	dom@flipswitch.com
Tambre Tondyke	Beacon Academy	tambre.tondyke@bamv.edu
Teresa Gregory	Nevada Virtual	teregreg@nvc.edu
Marlo Tsuchiyama	Silver Sands Montessori	ms.marlo@silversandsmcs.org
John Hawk	Nevada St. High School	jhawk@earlycollegeNV.com

State Public Charter School Authority

Board Meeting

Carson City

10-26-2015

Name	Representing	Email Address for SPCSA List serve
Eddie Grub	SSHs	esgrub@Charter.net
Rae Koster	SSHs	kkoster@ssh.org
Janna Perry	SSHs	jperry@ssh.org
J Lynn Vaupert	Honors Academy of Literate	Wj-lynn@academyoflit.org
Andi Morency	11	Wb.andie@11
KATHY Etchemendy	Mountain West Academy of Imagination Station	Kathy@isic.us
Angela Moore	Mountain West Academy	angela.vincent@charter.net
Christina Saenz	Silver State charter schools	christina.saenz@sbcsbbbl.net
Catherine Cook	Carson Montessori School	c.saenz@carsonmontessori.com
David Trujillo	Self	catecook@yahoo.com
	Self	

