



Nevada State Public Charter School Authority

Request for Amendment to Charter Contract Application and Guidance

For charter schools seeking to make changes for which a Request for Amendment is required, contact SPCSA staff regarding the amendment application and other required documentation.

Danny Peltier, 775-687-9178, dpeltier@spcsa.nv.gov
Katie Broughton, 775-399-3397, kbroughton@spcsa.nv.gov

Table of Contents

Introduction..... 3
Eligibility Requirements 3
Elements of Successful Requests for Amendment 4
Amendment Types..... 4
Processing Schedule 5

Introduction

The mission of the State Public Charter School Authority (SPCSA) is to improve and influence public education in Nevada “by sponsoring public charter schools that prepare all students for college and career success and by modeling best practices in charter school sponsorship.” This mission includes assisting chartered public schools in making orderly enrollment, facility, financing and other changes to enable them to provide high-quality educational choices to students and their parents in Nevada.

As SPCSA schools grow and progress, they may wish to consider changes, additions or other improvements to their structure, facilities, legal relationships, school size or location(s). NRS 388A, NAC 388A, and individual charter school contracts list various potential changes a school may consider making. These changes may require the school request and receive approval of the SPCSA Board to complete a Request for Amendment (RFA) application before proceeding, except in the case of an emergency. The school must submit the RFA application to the SPCSA, describing the intended change and providing documentation to support approval of the requested change. If the RFA application is approved by the SPCSA board, the school’s charter contract will be updated and signed by a representative of the board or the designee of the board.

The Request for Amendment application is provided by the SPCSA staff to fulfill its responsibility to develop a policy and procedure “for amending a written charter or charter contract and the criteria for determining whether a request for such an amendment will be approved.” The RFA describes the “manner in which such procedures and criteria will differ if the sponsor determines that the amendment is material or strategically important.”¹

For charter schools seeking to make changes for which a Request for Amendment is required, contact SPCSA staff regarding the amendment application and other required documentation.

Eligibility Requirements

To be eligible for consideration of a contract amendment, a school must submit a complete and accurate RFA, in accordance with the requirements, directions, and deadlines stated herein. For SPCSA staff to recommend the approval of a Request for Amendment, the school should be in good standing in all three domains of the Authority’s academic, financial, and organizational performance frameworks, and it must not be considered a low-performing school or otherwise ineligible according to any definition set forth in law or regulation.

For charter schools looking to expand (i.e. additional campus, additional grade levels, or increasing the enrollment cap), strong applications typically include multiple years of strong academic performance. Please note that charter school expansion requests **must be submitted** at least 9 months prior to the proposed implementation.

Ineligible schools may include, but are not limited to, schools that operate an elementary, middle, or high school with a 1- or 2- star Nevada School Performance Framework (NSPF) rating and/or a Does Not Meet Standard or Below Standard rating on the SPCSA Academic Performance Framework; schools that operate an elementary, middle, or high school program that is a priority or focus school; schools that operate high schools with graduation rates below 60%; schools with compliance issues, including participation warnings or penalties on the NSPF; and schools with financial framework deficiencies. A school that does not have at least one independent financial audit and one year of academic performance data is ineligible to apply for an expansion amendment².

¹ NRS 388A.223.2(d)

² Except if the school was approved by the Authority as an EMO replication of a high performing charter school in another state, or the operator applied as a CMO applicant and has replicated a high performing charter school model from another state. In such cases, the school will be required to submit updated academic, financial, and organizational performance data in all three domains from the replicated EMO school or CMO school network.

Schools with questions about eligibility should contact SPCSA staff for further clarification. All applications and the actions being requested for approval must comply with NRS 388A, NAC 388A, all relevant state and federal laws and regulations, and SPCSA policy.

Elements of Successful Requests for Amendment

Successful amendment requests demonstrate the following characteristics:

Organizational and Governance Accountability	Strong governing team that significantly exceeds statutory minimum criteria with proven track record of transparently and accountably governing a public entity.
Leadership	School and network leaders with an exemplary track record of academic results with a similar model serving a similar student population and a proven track record of transparently and accountably operating a public entity.
Academic Accountability	School model with a proven track record of producing 4- and 5- star results with target student population.
Fiscal Accountability	Strong school and network financial model with proven track record of increasing annual fund balance and having clean audits.
Business Relationships	Transparent and appropriate client/vendor relationship with any identified service providers.

Amendment Types

NRS 388A, NAC 388A, and individual charter school contracts list potential changes a school may consider making. The school must request and receive approval from the SPCSA Board of the Request for Amendment before the school may proceed with the intended change.

Schools should contact the SPCSA if they are considering ANY change or addition to what was approved in their charter contract. Actions requiring an amendment to a charter school contract include, but are not limited to, the following:

- Add distance education
- Add dual-credit program
- Change the name of the school
- Change Mission and/or Vision that were described in the charter application
- Eliminate a grade level or other educational services
- Expanding instruction in grade levels or other educational services
- EMOs/CMOs: Entering, amending, renewing, and terminating contract with an EMO/CMO
- Enrollment: Expand enrollment in existing grade level(s) and facilities
- Enrollment: Expand enrollment in new grade levels
- Enrollment: Reducing enrollment in existing grade level(s) and facilities
- Facilities: Acquire or construct a new or additional facility
- Facilities: Occupy new or additional facility
- Facilities: Relocate or consolidate campuses
- Facilities: Close a campus
- Add transportation
- If the governing body of a charter school wishes to amend its charter contract in a way that is not described above, the governing body must submit a written request to the sponsor of the charter school for a determination of whether the proposed amendment is

- A material amendment to the charter contract. If the sponsor determines that the proposed amendment is material, the governing body must obtain approval from the sponsor before the amendment becomes effective.
- A nonmaterial amendment to the charter contract. If the sponsor determines that the proposed amendment is not material, the governing body is not required to obtain approval from the sponsor before the amendment becomes effective.³

Additionally, pursuant to NAC 388A.340, the governing body of a charter school (1) shall notify the sponsor of the charter school not later than 10 days after the charter school makes any change to the mailing address, telephone number, facsimile number, articles of incorporation, or bylaws of the charter school.

For charter schools seeking to make changes for which a Request for Amendment is required, contact SPCSA staff regarding the amendment application and other required documentation.

Processing Schedule

RFA applications are processed according to the following schedule.

	Spring Cycle	Fall Cycle
Notice of Intent to submit Request for Charter Amendment	Due by March 1	Due by September 1
Request For Amendment	Due between April 1 – 15	Due between October 1 – 15
Board Meeting for Possible Action	June board meeting	December board meeting

Charter school expansion (i.e., additional campuses and/or grade levels) requests **must be submitted** at least 9 months prior to the proposed implementation.

³ NAC 388A.335
Revised 9/2024