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March 19, 2018

TO: Patrick Gavin, Executive Director
State Public Charter School Authority (SPCSA)

Ryan Herrick, General Counsel
SPCSA

FROM: Steve Canavero, Ph.D. 
Superintendent of Public Instruction

SUBJECT: Assistance to local educational agencies (LEAs) with federal and state grant applications and programs

The Nevada Department of Education (Department), as the State Education Agency (SEA), is responsible for education, including providing information, resources, and technical assistance on educational matters. Acting in this capacity, the Department has numerous responsibilities related to each Local Education Agency (LEA) in the state, with these responsibilities grounded in state and federal law. Over the course of the last several months it has come to my attention that the Department's obligations in its capacity as the SEA are becoming increasingly complicated by the apparent interpretation of the State Public Charter School Authority (Authority) that its legal status as the LEA for Authority sponsored charter schools applies in certain cases but not all. In my review of federal and state law, I do not arrive at an interpretation that provides for the Authority to serve as the LEA for certain, but not all, functions. It is understood that the unique nature of the Authority as a statewide charter school sponsor does not neatly fit within the traditional role of the LEA, as contemplated in federal and state law.

Of most urgent attention, there is disagreement or confusion over the Authority's role and responsibilities as they pertain to applying for, receiving, and administering the Department's federal and state categorical grant programs. In an effort to clarify the Department's stance on this matter, it is the Department's position that the Authority is the LEA of its sponsored public charter schools, and that all eligible public charter schools sponsored by either Nevada local school districts or the Authority must apply for state and federal grants *through* their designated LEA. Furthermore, as the LEA, the Authority maintains administrative control and direction over any money awarded through said federal and/or state categorical grant programs.

The Department's federal and state categorical grant programs include, but are not limited to:

- Career and Technical Education (Perkins federal and state CTE)
- Title I-A (including 1003a and School Improvement)
- Title II-A (federal; Highly Qualified Teacher)
- Title IV-A (federal; Student Support and Academic Achievement)
- Title IV-B (federal; 21st Century Community Learning Centers)
- McKinney-Vento Homeless Assistance Act (Subtitle VII-B)
- Foster Care (federal and state)
- College and Career Readiness grants (state; Work-Based Learning, Dual Enrollment/STEM/Advanced Placement)
- Read By Grade Three (state)
- Nevada Ready 21 (state)
- Turnaround (state)
- Individuals with Disabilities Education Act Part B (IDEA; federal)
- Gifted and Talented Education (GATE; state)
- Special Education (federal and state)

The Department is aware of the challenges that the Authority has expressed in fulfilling the LEA role, and will assist the LEA in the transition of said duties and responsibilities in fiscal year (FY) 2019 with the expressed commitment of the Authority that it will assume full responsibility of these responsibilities in FY 2020 and thereafter. For demonstration of that commitment, the Department is including a memorandum of understanding (MOU), which specifically outlines the LEA's federal and grant administration responsibilities.

If there are questions, further clarification needed, and/or if the Authority's general counsel disagrees with the legal conclusions and understandings contained in this correspondence and/or accompanying MOU, direct Mr. Herrick to contact the Department's Deputy Attorney General, Greg Ott, (775)684-1229, GOtt@ag.nv.gov.

Thank you for your cooperation in this matter.