



STATE PUBLIC CHARTER SCHOOL AUTHORITY

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ACTION MEMORANDUM

TO: SPCSA Board
FROM: Mark Modrcin, Director of Authorizing
SUBJECT: **TEACH Las Vegas Request for a Good Cause Exemption to Submit a New Charter Application Outside the Application Window**
DATE: June 26, 2020

Summary of Request and Recommendation

Potential applicant TEACH Las Vegas is requesting that the Authority accept a new charter application outside of the traditional window, July 1 – July 15, provided for in regulation. The following reasons are offered for this request:

1. The school intends to submit a charter application that will be a replication of existing schools;
2. A later submission allows the school to provide student testing data to support the proposed replication;
3. The ongoing global COVID-19 pandemic has hindered the planned community engagement work, and additional time would allow the Committee to Form to progress in this critical work to better inform the proposal; and
4. The school believes additional clarity regarding possible budget cuts would allow for more accurate budgeting
5. The school has worked with its facilities partners to obtain access to a school ready site and believe that even on the proposed delayed timeline, the school would still be prepared to open for the 2021-22 school year

TEACH Las Vegas submitted a Letter of Intent for the upcoming charter application window before the March 15, 2020 deadline, and until the COVID-19 pandemic, planned to submit a full and complete application before the July 15 deadline.

SPCSA staff have reviewed the school's request for a Good Cause Exemption, and because the proposed school will be a replication of a successful model, recommend that the Authority grant the school's request under the condition that the school submit a final application no later than October 1, 2020.

Background and Analysis

Good Cause

The State Public Charter School Authority's regulation related to applications to form a charter school mandates that a notice of intent to submit a charter school application must be submitted to the SPCSA 120 days prior to the submission of the charter school application.

As stated above, TEACH Las Vegas has fulfilled this requirement.

Further, applications to form a charter school must be submitted to the SPCSA in either the Winter or Summer application window.

In this regard, the SPCSA's charter school application regulation reads as follows:

Except as otherwise provided in this section and section 6 of this regulation, an application to form a charter school must be submitted to the State Public Charter School Authority by an applicant on or after January 1 and on or before January 15 or on or after July 1 and on or before July 15 of each year. A prospective applicant must submit a written notice of intent to submit an application to form a charter school to the Executive Director, in the manner prescribed by the Executive Director, not less than 120 days before submitting the application. The State Public Charter School Authority may, upon request and for good cause shown, accept an application to form a charter school at any time.

See R089-16A, section 4(1). While this regulation does not provide a mechanism for a charter school applicant to request a "good cause" exemption to submit the charter school application notice of intent after the 120-day deadline, the regulation does provide for a good cause exception for submitting the charter school application outside the Winter or Summer application window.¹ For context, the 120-day deadline regarding the notice of intent to submit a charter school application for the Summer charter school application window is March 1 through March 15.

Although not defined in Nevada's charter school statutes or regulations, "good cause" has been defined in various, other contexts. In part, "good cause" is defined, in a great measure, by reference to the particular facts and circumstances appearing in the particular case. However, "good cause" has been defined as a "substantial reason," "urgent" or a "compelling" reason. Also, the reasons or rational constituting "good cause" generally must be an external reason – in other words, the diligence of the party claiming good cause in attempting to comply with the deadline may be taken into account. As is evident, the Authority Board has substantial discretion to determine if an applicant has met the "good cause" standard.

Analysis

SPCSA staff believe that a Good Cause Exemption should only be approved by the Authority in extremely unique circumstances, and when there is a reasonable potential that the applicant may be approved upon the submission of an application.

TEACH Public Schools has established a small network of three schools in Los Angeles, CA. Across the three schools, more than 90% of students qualify for free or reduced-price lunch and more than 15% are English Learners. As indicated in the letter from the TEACH Las Vegas team, the school has been renewed by its sponsor, the Los Angeles Unified School District, and has been approved for expansion within the last three years.

¹ Note that a bedrock principle of administrative law is that administrative agencies – such as the SPCSA – is afforded significant and substantial deference in regard to interpreting their own regulations.

Given that the school has recently been granted approval for expansion by its sponsor, indicating that the school is meeting the sponsors expectations, and given that the demographics of the current TEACH schools in California align with student groups identified in the SPCSA's Needs Assessment , it is reasonable to conclude that there is a reasonable potential that the applicant may be approved upon the submission of an application. As stated in the school's request, TEACH public schools plans to assess their students in California when school resumes in August, and will include this data in the final, submitted application. SPCSA staff believes that the inclusion of this data is critical to making a fully-informed decision about the school's impending proposal, but recognizes that no data can be included should the applicant submit an application before July 15.

Additionally, the school's request indicates that a school-ready facility has already been identified, which helps alleviates one of the biggest hurdles for a new school. While SPCSA staff generally have concerns about applicants that propose to open with less than an eight-month pre-opening window, and intend to closely review the pre-opening plan, an identified facility significantly increases the likelihood that, if approved, the school would be able to launch under a shortened timeline.

For these major reasons, SPCSA staff recommends that the Authority grant TEACH Las Vegas a Good Cause Exemption with the following condition:

- TEACH Las Vegas must submit a full and complete application to SPCSA staff on or before October 1, 2020.

Proposed Motion: Grant the Committee to Form for TEACH Las Vegas a Good Cause Exemption, thereby allowing them to submit a full and complete charter school application after the July 15 submission deadline, and on the condition that the application is received no later than October 1, 2020.