

April 28, 2022

VIA ELECTRONIC MAIL ONLY

NEVADA STATE PUBLIC CHARTER SCHOOL AUTHORITY
2080 East Flamingo Road
Suite 230
Las Vegas, Nevada 89119-5164

Re: ***Pioneer Technology & Arts Academy Nevada (“PTAAN”)
Response to April 29, 2022 Staff Memo***

Dear Staff and Board Members:

Pioneer Technology & Arts Academy Nevada (“PTAAN”) is compelled to respond to the April 29, 2022 memo prepared by staff for the Nevada State Public Charter School Authority (“SPCSA”) (“April Memo”) and to renew PTAAN’s request that it be granted a charter to open a school in an underserved area of North Las Vegas this fall.

As detailed below, a number of the reasons set forth by staff in recommending the denial of PTAAN’s charter application are superficial and other applicants have been approved for a charter with similar (or more glaring) issues to be clarified or resolved at a later date. Moreover, the ample record in this matter provides overwhelming support for the proposed school. PTAAN’s Board and its proposed management company have repeatedly demonstrated a commitment to this community and providing an exciting STEAM program to students in Clark County and should be provided the opportunity to open a school this August. The need and support for the school cannot be denied as PTAAN received over 90 letters of interest regarding the school in just the past month. Moreover, the majority of concerns raised in the April Memo relate to timing and the tight schedule that PTAAN is prepared to meet. Although PTAAN would have liked to received charter approval at an earlier date, it is committed to meeting necessary benchmarks and opening a quality school in August and can do so with the SPCSA’s support.

RESPONSE TO APRIL MEMO COMMENTS REGARDING “MEETING THE NEED”

SPCSA staff rated the Meeting the Need section of PTAAN’s application (as resubmitted) as “Approaches the Standard” claiming that previously identified issues had not been addressed and suggesting that there remains a lack of clear evidence presented in the application that parents, neighborhood, and/or community members representative of the target population were involved in the development of the plan. Additionally, concerns were raised that partnerships were underdeveloped. However, such statements are incomplete and inconsistent with the record.

PTAAN is unlike other recently approved charter applicants that do not already have connections in Las Vegas. Notably, the charter management organization the PTAAN school team

will work with has been building relationships and assisting students in Nevada for several years. Notably, PTAAN's CMO has been working with 100 Academy of Excellence (a school that is part of the Clark County School District) as well as operating micro academies for the City of North Las Vegas to assist students that struggled as a result of COVID closures and limitations. These grassroots efforts have generated contacts with local parents, neighborhood and community members. Additionally, PTAAN has provided written letters of support from the following local organizations:

- **NASA:** Providing high quality professional developing training
- **Celestial:** Providing food services
- **Think and Wonder Inc.:** Promoting art, cultural and community events at school
- **CSN College:** Dual credit programs at school
- **Nevada Workforce Connection:** Providing education, training and support services
- **Power2Parent:** Providing community support
- **The Shade Tree:** Child care center feeder school

If further information is needed regarding these partnerships, supplementation can be provided, but it is disingenuous to suggest PTAAN has a lack of community partners.

Additionally, as set forth in the resubmittal, PTAA intends to open in August 2022 with 236 students. Notably, in the two years PTAAN's application has been pending it has provided 814 letter of intent/interest and/or surveys. Indeed, in just the last month PTAAN has collected 94 letters of interest. The total numbers are substantial and exceed the number of students that PTAAN can enroll in year one. These numbers would not be possible without local organizations, parents, neighborhood and community support.

Lastly, it is unfair to suggest PTAAN has not sought community input. Not only were surveys conducted and open houses held to elicit interest and feedback regarding the school and planned programming, but input from the community helped shape the pathway programs the school will provide when high school grades are added. The community is excited to get a STEAM program (something they have never had before) and parent feedback will help shape the school as the programming is implemented.

RESPONSE TO APRIL MEMO COMMENTS REGARDING "OPERATIONS"

The April Memo rated the Operations section of PTAAN's submittal as "Approaches the Standard" and again suggested that previously identified deficiencies were not adequately resolved or addressed in the April Resubmission. Here, staff was most critical of proposed timelines that are necessarily truncated by this matter being heard by the SPCSA in late April. Staff also suggests

that there is ambiguity around the roles and responsibilities of CMO and school leadership as it relates to hiring and oversight of staff.

The deadlines PTAAN intends to meet are included as Attachment 14R in the April Resubmission. This attachment includes precise deadlines to hire a school leader and a staffing plan. The April Memo suggests that more detail is needed on how this will be accomplished in the shortened timeframe, this level of detail was not previously requested nor was PTAAN asked to address purported concerns regarding submitting a proposed budget to the NDA and grant issues. Notwithstanding the foregoing, when it comes to staffing the Resubmittal indicates that PTAAN intends to run an ad immediately to locate a principal and will hire a principal by July 1, 2022. Moreover, because PTAAN is working with an experienced CMO, it is not without resources to meet the proposed deadlines. Notably, until a principal is hired and can assume the responsibilities outlined in the submittal, it is anticipated that Regional Director of the CMO, Dr. Love, will spearhead hiring efforts and fill in any gaps until the principal can be onboarded.

To the extent more clarity is needed regarding proposed training and leadership, such issue can easily be resolved with specific conditions and timeline. As previously acknowledged by the SPCSA, conditions regularly accompany the approval of a new charter.¹

Further, new information provided with the April Resubmittal included information regarding two new additions to PTAAN's Board and further information regarding the experience and background of PTAAN's full Board. This new information was not commented on in the April Memo and instead PTAAN was criticized because of turnover on its Board notwithstanding the fact that the recent Board change was necessitated after Governor Sisolak appointed a PTAAN Board member to the SPCSA Board. The criticism of PTAAN in this regard is totally unjustified. Additionally, the April Memo questioned the PTAAN's Board ability to hold the CMO accountable. Updates were previously made to the CMO agreement to provide for the same and further revisions can be made to the CMO agreement consistent with PTAAN's prior proposals to this Board. However, the first time that PTAAN received any indication that revisions should be made to the CMO agreement was in the memo it received two days ago.

The April Resubmittal also updated information regarding the schools leadership team, hiring, recruiting, salaries and staffing plans as well as supplemental information regarding facility

¹ See e.g., **SPCSA Minutes from December 17, 2019 Board Meeting** (Agenda Item 4(b)) regarding approval of Las Vegas Collegiate Charter School; **Minutes from SPCSA December 17, 2019 Board Meeting** (Agenda Item 4(c)) approving Pinecrest Academy of Northern Nevada with a number of conditions including implementing a weighted lottery in conjunction with targeted marketing to ensure a student population that reflects the broader Washoe County School District; **Minutes and supporting materials from January 31, 2020 SPCSA Board Meeting** (Agenda Item 8) where GALS charter application was approved with the condition that confirmation be provided to the SPCSA that a school leader which meets the revised job criteria be hired in upcoming months; **November 6, 2020 SPCSA Board Minutes** (Agenda Item 7) approving Sage Collegiate Charter School with condition that proposed partnership information be updated; **January 22, 2021 SPCSA Minutes** (Agenda Item 7 (b)) where Eagle Charter Schools of Nevada's approval was conditioned, among other things on a school leader being hired no later than April 1, 2021 and conditions relating to updating proposed partnerships; and **Minutes from SPCSA November 5, 2021 Board Meeting** (Agenda Item 9(a)) approving PilotEd- Cactus Park Elementary with conditions that updates regarding the CMO be provided and requesting clarifying regarding the consulting agreeing for incubation year services.

operations and options the PTAAN Board will consider to accommodate additional growth. However, this also seems to have been overlooked and/or unfairly criticized by staff. Importantly, changes were required because of the truncated timeline that PTAAN is working with. There is certainly no basis to punish PTAAN because it exercised its due process rights and a court ordered a new hearing. As a result of the same, the proposed a timeline and operations plan were updated and are different than what other schools are using. This is not a reason to deny the charter application. PTAAN is ready, willing and able to open a school in August and this Board's approval of the charter application is the only thing preventing the school from doing so.

RESPONSE TO APRIL MEMO COMMENTS REGARDING PTAAN'S FACILITY

The April Memo also includes several references to PTAAN's facility plan. As this Board is aware, the April Resubmittal included additional information regarding the facility PTAAN plans to open in which is located at 1849 N. Bruce Street, North Las Vegas, Nevada 89030 (the "Facility"). Not only has PTAAN reduced its proposed enrollment for year one to allow the school to open in the existing space, but the April Resubmittal suggested two alternate plans for year two of the school's operations. One option would be to bring portables onto the existing location and the second option would be opening a second location and providing transportation between the two school facilities. It is clear from the resubmittal that PTAAN's Board will evaluate both options and it is premature to speculate and criticize a decision that has not been made and will be dependent on what is available in the market the costs associated with the same. PTAAN's Board will of course welcome parent comment as they consider school options and the decision will not be made in vacuum and will be dependent on a number of factors.

Not only has this issue not been previously raised, but because a decision has not been made on a new location and/or if a second location will even open for the 2023-2024 school year, it is premature to address the same. Accordingly, the purported concerns raised in the April Memo have no merit. Moreover, there is an entirely different process set forth in NRS 388A that a school is required to follow if it changes its address or adds a new location. PTAAN intends to follow the same and will of course keep the SPCSA apprised of developments. However, expansion plans do not provide a basis to deny PTAAN's charter application. Similarly, the further development of a transportation plan if multiple locations are utilized is an issue that can and should be addressed at a future date.

We are not aware of any other school that has been denied an application because it has not finalized plans to move into a new or different facility in its second or third year of operations. However, the SPCSA has previously approved charter applications even when candidates do not have a facility identified for their first year of operations. There is no basis to treat PTAAN different than other charter applicants.

RESPONSE TO APRIL MEMO COMMENTS REGARDING "ADDENDUM"

The April Memo is also critical of the Addendum section that is required of an applicant that will work with or is a charter management organization ("CMO"). The review committee rated this section as "Approaches the Standard" questioning the capacity of the proposed CMO to

effectively scale and support the proposed school (particularly during the incubation year), claiming there was a lack of clarity surrounding roles and responsibilities of both CMO and school site employees, and once again raising purported concerns regarding an affiliate school in Arizona.

Regarding the issue of the CMO performance in Arizona, PTAAN explained the circumstances surrounding the Arizona compliance issues and provided evidence of the current compliance status of the school in January and a board member from the Arizona school attending the January SPCSA meeting. As a result of the same, statements made by SPCSA Board members during the January 28, 2022 meeting indicated that Board members were satisfied and that the Arizona school issues did not provide a basis to deny PTAAN's charter. Attachment 29 to the April Resubmission provides further details regarding the Arizona school issues and is incorporated herein by reference.

The April Memo raises new purported issues regarding the Addendum suggesting that the proposed CMO is somehow negligent in its Secretary of State filings and makes unwarranted assumptions regarding the performance of 100 Academy of Excellence. Although it is unclear why staff continue to hunt out any discrepancy they can find to try and disparage and undermine the credibility of the proposed CMO, the record is replete with evidence showing the merits of and accolades received by the proposed CMO. Moreover, the PTAAN Board is engaged and will actively monitor the CMO's actions.

RESPONSE TO APRIL MEMO COMMENTS REGARDING SECTIONS MEETING STANDARDS

While the focus of this correspondence has been primarily on the deficiencies stated in the April Memo wherein staff rated PTAAN's application as "approaching standards," staff also identified concerns relating to the Academic Section and the Finance Section even though both sections "meet standards". Out of an abundance of caution, this letter will address several of the issues raised.

In regard to the Academic Section, PTAAN can further clarify its assessment plan and methods by which the school will assess and remediate underperforming students. However, the comments in the April Memo do not provide a basis to deny the charter application.

In regard to criticism relating to the Financial Section, staff's purported concerns relate to year one operations and the shortened timeframe in which PTAAN has to finalize enrollment and open the school which may impact funding. As stated above, PTAAN should not be further penalized because of the April 29, 2022 hearing date. The April Resubmittal addresses these issues and has a plan in place that will allow the school to enroll students on an expedited basis and will allow validation of enrollment to facilitate the funding needs. Additionally, in the off chance that state funding is not received as timely as PTAAN would like, the school is not without options including working with groups like Charter School Capital or the banks which have already provided letters in support of the school including BB&T Trust and Tortise Bank that have previously worked with PTAAN's proposed CMO. Such entities are willing to provide capital to schools when funding is delayed.

ENROLLMENT EXCEPTION AND GOOD CAUSE

Finally, PTAAN must address the recommendation that is embedded in the April Memo to deny PTAAN's request for a good cause exemption of statutory presumptive enrollment deadlines. As set forth in the April 13, 2022 request, both NRS 388A.450 and NRS 388A.453 provide this Board with authority to shorten deadlines when good cause is shown. Not only has PTAAN shown good cause for the requested accommodations, but SPCSA staff has provided no basis to deny the same other than what appears to be a dislike for doing something different and speculation regarding what could go wrong. However, there is a lot that could go right including providing 236 students in North Las Vegas an opportunity to obtain better education starting this August. Moreover, the request for exemption details provides a list of steps that PTAAN intends to immediately take to provide notice to families that live in a two mile radius of the school. PTAAN has met the standard to obtain the requested exemption which should not be denied.

CONCLUSION

PTAAN is committed to providing a STEAM program to deserving and enthusiastic students in North Las Vegas that currently do not have such an option. The need and support for the school cannot be denied based on the documentation provided including the flux of new letters of interest received in the last few weeks. The reasons stated in the April Memo in support of denial are not substantive and such issues could be easily be addressed by conditions. However, unlike other charter applicants, SPCSA staff has been unwilling to propose conditions and instead is holding PTAAN to standards that are different than other charter applicants. PTAAN has applied for a charter for two consecutive years and spent countless hours preparing and submitting materials in support of its application and meeting with staff. PTAAN must be treated fairly and in a manner that is consistent with how other charter schools have been evaluated and treated. PTAAN's request for a charter application should be approved.

Best regards,

/s/ Kara B. Hendricks

KARA B. HENDRICKS, ESQ.

Shareholder

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