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ACTION MEMORANDUM

TO: SPCSA Board
FROM: Rebecca Feiden, Executive Director
Mark Modrcin, Director of Authorizing
SUBJECT: Pioneer Technology & Arts Academy Nevada
Request for Good Cause Exemption Pursuant to NAC 388A.260(1)
DATE: May 20, 2022

Summary

On May 6, 2022, the SPCSA received a request from Pioneer Technology & Arts Academy Nevada (PTAA Nevada) for a good cause exemption to submit a charter application outside of the established application window. PTAA Nevada proposes that if approved, PTAA Nevada would submit a Notice of Intent on or before May 31, 2022 and submit the charter application within 90 days of the Notice of Intent. The letter, which can be found alongside the materials for today's meeting, provides five reasons for this request. After reviewing the request, SPCSA staff believe that good cause exists to allow PTAA Nevada to submit a charter application outside of the established application window, particularly given the recent regulatory changes that adjusted the application window. Therefore, SPCSA staff recommend approval of this good cause exemption.

Legal Authority

In December 2021, Nevada's Legislative Commission approved changes to NAC 388A.260, Nevada's charter school regulation related to new charter school applications. See Approved Regulation, LCB File No. R043-21 (<https://www.leg.state.nv.us/Register/2021Register/R043-21AP.pdf>).

The approved changes included revising Nevada’s charter school regulations to move from two application “windows” each year – when new charter school applications are accepted by the SPCSA (in July and January of each year), to a single application window in April of each year.

However, NAC 388A.260(1) allows the SPCSA to accept a new charter school application outside the April application window upon a request from an applicant, if the Authority determines that there is “good cause” to do so.

NAC 388A.260(2) states that upon the Authority’s determination that good cause exists to accept a new charter school application outside of the April new application window, that an applicant may submit a new charter school application to the SPCSA 90 days after submitting a written notice of intent to submit a new charter school application to the SPCSA. The written notice of intent must include certain information, including the proposed name of the charter school, contact information for the applicant’s liaison, the zip codes that the applicant seeks to serve, the school year when the proposed charter school seeks to open, and the grade levels and number of students in each grade level that the applicant seeks to serve.

Here, PTAA Nevada has requested a good cause exemption to submit a new charter school application outside of the April application window contemplated by NAC 388A.260.

If the Authority approves PTAA Nevada’s request to grant a good cause exemption, PTAA Nevada states in its request that it will provide the SPCSA with the written notice of intent by the end of May 2022, meaning that PTAA Nevada’s new charter school application would be submitted to the SPCSA towards the end of August 2022. Upon receipt of PTAA Nevada’s new charter school application in August of 2022, SPCSA staff would review PTAA Nevada’s new charter school application, and at this time, SPCSA staff anticipates that a recommendation regarding PTAA Nevada’s new charter school application would be provided at the Authority’s December 2022 board meeting.

Recommendation

After reviewing the request from PTAA Nevada, SPCSA staff find there is good cause to approve PTAA Nevada to submit a charter application outside of the established application window. PTAA Nevada indicates they are committed to opening a quality school in the 2023-24 school year. Historically, the SPCSA has had two application cycles, one in July and one in January, but the recent change to a single application cycle in April would mean that if this good cause exemption were denied, the application could not be submitted until April of 2023, too late to open in the fall of 2023. It is important to note that this is the first year under these new regulations and also the first year that the SPCSA will not have a July application cycle.

While part of the intent behind the regulatory change to the application windows was to allow for a longer period of time between when a new charter school application is approved and the beginning of the school year, the Authority has historically approved some new school applications in December and January that have led to successful school openings. Therefore, while this application would likely be considered in December, several months after when other

new charter school applications will be considered, SPCSA staff believes that the proposed timeline could be feasible.

For these reasons, SPCSA staff recommend approval of PTAA Nevada's request to submit a new charter school application outside of the established application windows.

Proposed Motion: For good cause, approve the request by PTAA Nevada to submit an application outside of the established applications window, and instead submit a Notice of Intent on or before May 31, 2022 and submit the application 90 days after the Notice of Intent is submitted to the SPCSA.