



STATE PUBLIC CHARTER SCHOOL AUTHORITY

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**ACTION MEMORANDUM**

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**TO:** SPCSA Board  
**FROM:** Mark Modrcin, Director of Authorizing  
Mike Dang, Manager of Organizational and Financial Performance  
**SUBJECT:** **PilotEd – Cactus Park Amendment Requests to**  
**1) Approve a Contingency Facility for the start of the 2022 – 23 school year and**  
**2) Adjust Student Transportation Plans**  
**DATE:** June 27, 2022

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**Summary of Requests and Recommendation**

PilotEd – Cactus Park is requesting that the State Public Charter School (SPCSA) grant a Good Cause Exemption request and approve two modifications to the school’s charter contract:

1. The first is a request that the SPCSA approve a temporary facility location for Cactus Park to operate out of to begin the 2022 – 23 school year. This request will allow the school to maintain the same school calendar, and the school would sublease the facility from another SPCSA-sponsored charter school, Nevada Prep.
2. The second is a request to delay the implementation of their student transportation plan to the 2023 – 24 school year. Student bus transportation was included in the school’s approved charter application.

SPCSA staff has reviewed the application and recommends that the Authority grant the school’s request for a Good Cause Exemption and approve the school’s two requests submitted in the amendment, with conditions as outlined within this memo.

**Background and Analysis**

PilotEd – Cactus Park was conditionally approved by the SPCSA to open its doors to students for the 2022 – 23 school year on November 5, 2021. The school will open with students in grades Kindergarten through 4<sup>th</sup> grade, expanding to serve 5<sup>th</sup> grade the following year, representing the school’s approved, final grade configuration. At full-scale, the school anticipates serving 486 students in grades K – 5. The school has been preparing to open at their facility at 3115 Las Vegas Boulevard N., Las Vegas, NV 89115, which is their permanent facility and was identified in the approved charter application. The school anticipates primarily serving students and families residing in the 89030, 89115, 89110 and 89101 zip codes.

According to the amendment application, the school is seeking approval to locate and begin the school year at 1780 Betty Lane, Las Vegas, NV 89156 due to unforeseen construction restraints and city permit holds. This temporary facility for Cactus Park is approximately 4 miles from the permanent facility and is currently home to Nevada Prep, another SPCSA-sponsored charter school.

The submitted amendment application notes that the school will not be able to obtain a Certificate of Occupancy at least 30 days prior to the start of school. To be proactive and to ensure an uninterrupted start of the school year, Cactus Park plans to partner with Nevada Prep with support from Red Hook Capital to begin the school year as planned, but in the temporary location. The amendment indicates that the school will continue to operate out of this temporary facility until the final delivery of the permanent site.

If approved, pilotEd – Cactus Park intends to sign a lease with Nevada Prep. The amendment submission notes that Nevada Prep will be responsible for maintaining the building and costs associated with leasing the temporary space will be paid by Cactus Park.

PilotEd – Cactus Park is also seeking to adjust its student transportation plan for Year 1 of operations. The school's approved application included a commitment to providing student bus transportation beginning in year 1 of operations. According to the amendment submission, providing transportation at the scale that was originally proposed would make financial sustainability impossible in the initial years of startup. Additionally, the amendment indicates that the school has conducted a survey among registered parents to understand family transportation needs, with the majority participating answering that they do not need the proposed bus service. As such, while the school is committed to ensuring that every student can attend without barriers when it comes to transportation, the school is requesting that the implementation of student transportation be delayed until the second year of operations.

## **Legal Authority and Requirements Related to Amendment Requests**

Existing charter schools that are sponsored by the SPCSA may submit a charter school contract amendment application to the SPCSA – which is reviewed by SPCSA staff and presented for SPCSA Board action – in order to, among other things, increase enrollment, add grade levels above and beyond what the charter school is approved to serve, or add a new campus. Only those existing charter schools that are meeting expectations in regard to academics (under both the Department of Education's Nevada School Performance Framework -- the "Star Ratings" -- and the SPCSA's Academic Performance Framework), are compliant in regard to the SPCSA's Organizational Framework, and are fiscally sound may be approved for expansion. Furthermore, the academic, organizational and financial performance of other charter schools that contract with the same Charter Management Organization or Educational Management Organization is taken into account when reviewing an expansion application<sup>1</sup>.

## **Applicant Eligibility**

For this specific type of Amendment request, the sponsor of the charter school shall review the written request to determine if the written request: (a) Complies with NRS 388A.010 to 388A.640, inclusive, and the regulations applicable to charter schools; and (b) Is complete in accordance with regulations of the Department. This review also includes an assessment of the charter school's compliance with regards to such applicable law, regulations and SPCSA requirements including those described in the Academic Performance Framework, Organizational Performance Framework, and the Financial Performance Framework.

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<sup>1</sup> There are limited exceptions to these eligibility requirements for those charter schools that have been approved by the State Board of Education and the SPCSA Board to be rated under Nevada's Alternative Performance Framework.

When reviewing an amendment application, SPCSA staff reviews the academic, financial and organizational performance of the applicant charter school. Since Cactus Park has yet to open, SPCSA staff finds that the school is meeting pre-opening expectations, is compliant and fiscally sound.

### **Analysis, Summary and Recommendation**

SPCSA staff recommends that the Authority approve the two requests of pilotEd – Cactus Park. The school has provided a viable contingency plan with regard to the proposed temporary location, allowing the school to open successfully and serve families as planned. SPCSA staff has recently visited the Nevada Prep campus, and there is adequate space to hold both schools and programs.

While SPCSA staff is disappointed that student transportation is not a viable option for Cactus Park this upcoming year, staff is confident that the school will make arrangements to offer this important service, even in a targeted, reduced-scale manner, starting in the 2023 – 24 school year. By this time, it is anticipated that the school will be operating out of its permanent facility and will have an enhanced perspective on the best student transportation plan to serve current and prospective families.

For these reasons, SPCSA staff recommends that the Authority approve the temporary location for pilotEd – Cactus Park to successfully start the 2022 – 23 school year. Staff recommends that the Authority attach a condition to this request that a copy of a fully executed lease be provided to the SPCSA, and that the school complete the pre-opening process, which includes all required permits and a Certificate of Occupancy be provided to the SPCSA prior to occupying the permanent facility. Additionally, SPCSA staff recommends that the Authority permit the school to not offer student transportation services in the 2022 – 23 school year with the expectation that these services begin in the 2022 – 23 school year.

### **Proposed Motion:**

**Grant pilotED – Cactus Park a Good Cause Exemption and approve the requests of the school to temporarily locate at 1780 Betty Lane to start the 2022 – 23 school year, and to postpone student transportation services until the 2023 – 24 school year with the following conditions.**

- **That the school provide a copy of a fully executed lease with Nevada Prep, the proposed lessor, to SPCSA staff, and**
- **That the school complete the pre-opening process, which requires permitting and a Certificate of Occupancy be provided to the SPCSA prior to occupying the permanent facility at 3115 Las Vegas Boulevard N., Las Vegas, NV 89115.**

**If approved, pilotED Cactus Park would have the following enrollment caps for the upcoming charter term:**

<b>School Year</b>	<b>2022 – 23</b>	<b>2023 – 24</b>	<b>2024 – 25</b>	<b>2025 – 26</b>	<b>2026 – 27</b>	<b>2027 - 28</b>
<b>Grade Levels</b>	K – 4	K – 5	K – 5	K – 5	K – 5	K – 5
<b>Total Enrollment</b>	351	432	459	486	486	486

### ***Historical Performance and Demographic Information***

1. Academic ratings information expected after students complete the first year of school (SYE 23).
2. School Total Enrollment and Demographics expected after year one statistics become available (SYE 23).