

## 2022 New Charter School Application Report and Recommendation

# Rooted School-Clark County

### General Information

Proposed School Name	Rooted School-Clark County
Proposed EMO/CMO	Rooted School Foundation (CMO)
Proposed Mission	The mission of Rooted School Foundation is to rapidly reduce America’s wealth gap by connecting underserved and talented teenagers with career and financial pathways.
Proposed Grade Configuration	Opening: 9-10 Full Scale: 9-12
Proposed Opening	August 2023
Proposed Location	Clark County; Address TBD
Proposed Zip Codes to be Served	89115, 89110, 89156

### Planned Enrollment

	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29
K						
1						
2						
3						
4						
5						
6						
7						
8						
9	90	90	90	90	90	90
10	90	90	90	90	90	90
11	0	90	90	90	90	90
12	0	0	90	90	90	90
<b>Total</b>	180	270	360	360	360	360

## Executive Summary and Recommendation

The SPCSA conducts a rigorous review of new charter school applications. This process includes the submission to the SPCSA of a written notice of intent to submit a new charter school application 90 days prior to the submission of the new charter school application; the submission to the SPCSA of the actual new charter school application between April 15 and April 30 of each year; the review of the new charter school application by the SPCSA – including the review of the new charter school application by outside reviewers and a capacity interview with the applicant team. There is also an opportunity for an unsuccessful new charter school applicant to resubmit its charter school application, as well as an opportunity for an unsuccessful applicant to appeal the denial of its application. For more details regarding the SPCSA’s application process, please see Appendix A.

The review committee, which included two members of the SPCSA staff and two external reviewers, identified shortcomings in all five components of the submitted application. The review committee and SPCSA staff find that the proposed *Meeting the Need, Academic, Operations, and Financial Plans* do not meet the standards as outlined in the charter application rubric. In addition, the *Addendum Section* which is required when the school’s governing board plans to contract with an Educational Management Organization (EMO) or Charter Management Organization (CMO) does not meet the standards as outlined in the rubric<sup>1</sup>.

The review committee and SPCSA staff find that the *Meeting the Need* section of the application ‘Approaches the Standard’ as defined by the charter application rubric. While the application proposes a compelling mission and vision which centers on all students having a job offer in one hand and a college acceptance letter in the other by graduation whereby closing the racial wealth gap, more information is needed to understand how the proposed school meets the SPCSA Academic and Demographic Needs Assessment. Partnerships are underdeveloped, and evidence of community engagement and feedback on the model is limited, and does not clearly manifest itself in the application.

Both the review committee and SPCSA staff find that the proposed *Academic Plan* ‘Approaches the Standard’ as outlined in the charter application rubric. Dual Credit partnerships appear well-developed with supporting evidence, and the school’s self-directed learning model has potential to lead students to strong outcomes, but critical details are lacking in a number of areas. Limited information in the application describes how students will successfully progress through the proposed programming. The application lacks a robust discussion of tiered interventions and continuum of services, and does not include sufficient details regarding the instructional strategies for students, particularly those identified as English learners. Conflicting information is presented in the application about this projected student demographics, raising additional capacity questions. Additionally, proposed goals for proficiency in core subject areas and for graduation rates are underdeveloped and do not provide confidence that they would put the proposed school on track to attain 4- or 5-star rating under the Nevada School Performance Framework (NSPF).

Overall, the *Operations Plan* was rated as ‘Approaches the Standard’ by the review committee and SPCSA staff. The proposed board possesses a wide range of backgrounds that has the potential to effectively govern the proposed school. Proposed plans for insurance and development of required

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<sup>1</sup> While the SPCSA encourages applicants to review previous, successful applications, it is important to note that several sections of this application narrative are identical or nearly identical to an application submitted by a different applicant to the SPCSA in the summer of 2021. The narrative of the Rooted School – Clark County application also erroneously included the name of that former applicant in several locations. It is likely that a number of the inconsistencies, contradictions, and the lack of coherence as noted within this memorandum in multiple sections stem from this issue. As a result, both SPCSA staff and the review team found the application challenging to fully understand, let alone strong enough to meet criteria in many sections of the rubric.

emergency plans are also accounted for in the proposal. A number of shortcomings were identified, however, that prevent this section from earning higher ratings. Multiple inconsistencies were identified in the proposal related to the staffing plan. Some evidence of student demand for the proposed model is presented, but a relatively small number originates from the intended communities the school proposes to serve. Facility plans are underdeveloped with insufficient information provided about identified facility options to substantiate budget assumptions. Additionally, the incubation year plan includes a number of milestones, but identified responsible parties do not align to other parts of the narrative with budget and capacity concerns raising other questions.

The review committee and SPCSA staff find that the *Financial Plan* ‘Approaches the Standard’ as outlined in the charter application rubric. The budget includes a surplus for each of the first six years of operation, and information provided regarding current schools within the Rooted network of schools have a history of audits with no material findings. Despite these strong points, the staffing plan does not align to the budget as previously mentioned. Facility line items are not substantiated, and concerns remain over funding for the incubation year plan.

In accordance with Assembly Bill 419 from the 2021 Session of the Nevada Legislature, the SPCSA is required to consider the academic, financial, and organizational performance of any charter schools that currently hold a contract with the proposed CMO or EMO. This information is evaluated through the *Addendum Section*, which is required for applicants that propose to contract with an EMO or CMO. The review committee and SPCSA staff find that this section ‘Approaches the Standard’ as defined in the charter application rubric. The application includes a greenlighting tool used by the proposed CMO to confirm their readiness to support the proposed school, but this tool does not include an evaluation with regard to staff capacity of the CMO. When probed about this during the capacity interview, CMO representatives stated that there was ongoing work to determine the capacity needed to support the Rooted School – Clark County School. Additionally, proposed board members acknowledged that services between the local board and CMO were not yet finalized, and there are questions about roles and responsibilities between these two entities.

For these major reasons, in addition to those outlined throughout this document, staff’s recommendation is to deny the Rooted School – Clark County charter school application.

***Proposed motion:*** Deny the Rooted School – Clark County application as submitted during the 2022 Application Cycle based on a finding that the applicant has failed to satisfy the requirements contained in NRS 388A.249(3) in that the applicant has failed to demonstrate competence in accordance with the criteria for approval prescribed by the SPCSA that will likely result in a successful opening and operation of the charter school. Designate Director Feiden and Director Modrcin to meet and confer with the applicant.

# Summary of Application Section Ratings

Rating options for each section are Meets the Standard; Approaches the Standard; Does not Meet the Standard. A detailed description of each rating option can be found in Appendix A.

Application Section	Rating
<b>Meeting the Need</b>	<b>Approaches the Standard</b>
Mission and Vision	Meets the Standard
Targeted Plan	Approaches the Standard
Parent and Community Involvement	Approaches the Standard
<b>Academic Plan<sup>2</sup></b>	<b>Approaches the Standard</b>
Transformational Change	Approaches the Standard
Curriculum & Instructional Design	Approaches the Standard
Promotion & High School Graduation Requirements	Approaches the Standard
Dual Credit Partnerships	Meets the Standard
Driving for Results	Does Not Meet the Standard
At-Risk Students and Special Populations	Does Not Meet the Standard
School Structure: Culture	Approaches the Standard
School Structure: Student Discipline	Approaches the Standard
School Structure: Calendar and Schedule	Approaches the Standard
<b>Operations Plan</b>	<b>Approaches the Standard</b>
Board Governance	Approaches the Standard
Leadership Team	Approaches the Standard
Staffing Plan	Does Not Meet the Standard
Human Resources	Approaches the Standard
Student Recruitment and Enrollment	Approaches the Standard
Incubation Year Development	Approaches the Standard
Services	Approaches the Standard
Facilities	Approaches the Standard
Ongoing Operations	Meets the Standard
<b>Financial Plan</b>	<b>Approaches the Standard</b>
<b>Addendum</b>	<b>Approaches the Standard</b>
Readiness for Growth	Approaches the Standard
Scale Strategy	Approaches the Standard
School Management Contract	Approaches the Standard
Charter Management Organizations Applying for Sponsorship Directly	Approaches the Standard

<sup>2</sup> The Rooted School – Clark County proposal did not contemplate Distance Education or Pre-Kindergarten. Therefore, the corresponding sections of the rubric were not scored.

## Meeting the Need: Approaches the Standard

Meeting the Need	Approaches the Standard
Mission and Vision	Meets the Standard
Targeted Plan	Approaches the Standard
Parent and Community Involvement	Approaches the Standard

### Summary of Findings

The CMO and proposed governing board presented a clear and compelling mission and vision for the school, noting that Nevada has been severely impacted by the ongoing COVID-19 pandemic and that this has exacerbated the racial wealth gap, something that the school aims to close. The narrative goes on to note that success goes beyond students graduating in four-years, stating that the goal of Rooted School – Clark County is for all students to have a job offer in one hand and a college acceptance letter in the other by graduation. Key components of accomplishing this work such as self-directed learning, industry-based credentials, internships and project-based learning are introduced here. Finally, the application makes a clear case of alignment to the statutory purposes of public charter schools in Nevada by proposing effective and innovative methods of teaching, which is manifested by the industry-based credentials and the self-directed instructional model for students.

Building upon the mission and vision, the application provides some details for why the proposed school can address the income gap disparity in the 89115, 89110 and 89156 zip codes. The narrative also presents a rationale for alignment to the demographic component of the SPCSA Academic and Demographic Needs Assessment. The model aims to assist students underperforming across a variety of measures, including standardized testing and graduation rates. Despite these takeaways, the application may not be aligned to the Geographic component of the Academic and Demographic Needs Assessment as presented. While the review team was able to identify some 2- star schools within these zip codes, the applicant team did not demonstrate a strong understanding of available high school options in the community, or strong justification to this component of the Needs Assessment. When asked why the proposal aims to serve areas with few 1- or 2-star high schools, the applicant team noted that this was still an area of need and looked forward to providing an option to the community, including those students currently attending a proposed ‘feeder’ school. More information and evidence are needed to confirm alignment to the Geographic Component of the Academic and Demographic Needs Assessment. In addition, as detailed in the *Academic Section*, some questions remain regarding the plans for serving students with additional education needs, particularly English language learners.

Regarding parent and community engagement, it is clear that the school has a number of identified supporters in their work towards authorization, documented by letters of support, although the applicant team was not able to establish that they had had sustained and meaningful engagement with the parent community. The application states that the Committee to Form and proposed board includes four members that have spent over two decades living, working and/or serving the North and East Las Vegas communities. The narrative also includes some examples of feedback on the model from the community, although they appear to be fairly generic. When asked for more specifics during the capacity interview, substantive examples and details were not provided. The applicant team briefly discussed feedback regarding the proposed school mascot and extracurricular athletics, though there is no evidence that these pieces of feedback have actually been incorporated into the proposal or would come to fruition.<sup>3</sup> Additionally, it was confirmed through the capacity interview process that only one community partnership has been established; all others appear to be in the early stages. More evidence is needed to confirm partnerships

<sup>3</sup> As noted in the finance section of this memo, despite the interest in the local community for extracurricular activities, no budget line items were allocated to support this effort.

are developed, and additional clarity is needed regarding any expectations for parent volunteering.

For these reasons, as well as those detailed further below, the review committee and SPCSA staff rated this section as 'Approaches the Standard.'

### Mission and Vision: Meets the Standard

#### **Rubric Criteria Rated as Meets the Standard:**

- Clear and compelling mission statement that is reflected throughout the application.
- The mission statement identifies the role of the school in addressing the problem or demand that the school seeks to address in the community in which it seeks to serve.
- The vision describes what success for students beyond school looks like if the committee to form fulfills the role described in its mission.
- The committee to form proposes a school model that solves a problem related to student outcomes that is either shown to exist with data or is in response to demonstrated demand for a particular school model.
- The committee to form aims to achieve outcomes that they demonstrate will improve students' long-term quality of life.
- The committee to form identifies key supporters, partners or resources that are directly tied to the stated outcomes of the school.
- The school's stated purpose satisfies at least one and ideally all statutory purposes, demonstrates how they are clearly aligned to the mission and vision, and explains how the school fulfills each selected purpose:
  - Improving the academic achievement of pupils;
  - Encouraging the use of effective and innovative methods of teaching;
  - Providing an accurate measurement of the educational achievement of pupils;
  - Establishing accountability and transparency of public schools;
  - Providing a method for public schools to measure achievement based upon the performance of the schools; AND/OR
  - Creating new professional opportunities for teachers

#### **Rubric Criteria Rated as Approaches or Does Not Meet the Standard:**

None

### Targeted Plan: Approaches the Standard

#### **Rubric Criteria Rated as Meets the Standard:**

- Clear and compelling rationale for the selected community based on academic or demographic need
- Clear and comprehensive explanation of how the proposed model meets identified community needs
- A demonstrated commitment to meet at least one of the identified demographic and academic needs as defined by the most recent SPCSA Academic and Demographic Needs Assessment:
  - Demographic Needs
    - Student groups that consistently underperform on the 3rd-8th grade Smarter Balanced Assessment (Math and ELA), the 11th grade ACT Assessment (Math and ELA), and in 4-year graduation rates present a demographic need; these student groups may benefit from the creation of high-quality school options focused on meeting their needs. These populations are: students qualifying for free or reduced-price lunch, English Learners and students with IEPs.
  - Academic Needs

- Students at risk of dropping out: Despite a rapidly improving graduation rate, nearly one in five students does not graduate from high school in four years, with certain student groups persistently graduating at lower rates than their peers. Additional data show various student populations also have higher dropout rates than their peers.

**Rubric Criteria Rated as Approaches or Does Not Meet the Standard:**

- A demonstrated commitment to meet at least one of the identified demographic and academic needs as defined by the most recent SPCSA Academic and Demographic Needs Assessment:
  - Geographies with a significant percentage of students enrolled in 1- and 2-star schools: In zip codes with one or more schools rated 1 or 2 stars in the Nevada School Performance Framework (NSPF), students are enrolling in schools that are not meeting or partially meeting state performance standards, and the addition of a 3-, 4- or 5-star school would provide an alternative option for these students.
- Demonstrated capacity, credible plans, and thorough research and analysis in order to intentionally serve the identified student populations, prevent at-risk students from dropping out, and/or provide more high-quality schools in underserved areas, as defined in the Academic and Demographic Needs Assessment.

Parent and Community Involvement: Approaches the Standard

**Rubric Criteria Rated as Meets the Standard:**

- Demonstrates clear evidence of the involvement of parents, neighborhood, and/or community members representative of target population in the development of the plan. The application establishes that the local community has helped shape the final school proposal.
- The committee to form demonstrates their ties to and/or knowledge of the target community and demonstrates how the proposed school will build upon community assets.
- Outlines plan to effectively engage parents, community members, and other neighborhood partners from the time that the operator is approved (e.g., conducting home visits, community meetings, etc.) and once the school is operating (e.g., parent advisory council, student placement, trainings, communications, volunteers, etc.)

**Rubric Criteria Rated as Approaches or Does Not Meet the Standard:**

- Adheres to state and federal law regarding expectations for parent volunteering (R 131-16, Section 8). Specifically schools may not “design, use or intend to use requirements for enrollment in the charter school, including, without limitation, the payment of fees, expectations for the performance of volunteer work or attendance at informational meetings and interviews, for the purpose of discrimination.”<sup>4</sup>
- Identifies specific community partnerships which are shown to be relevant to the needs of the target population, including partners located in the community that the applicant intends to serve.
  - Partnerships are evidenced by specific letters of commitment outlining the accountabilities of both parties and clear, measurable, time-specific deliverables from the partner which are clearly relevant to the needs of the target population.

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<sup>4</sup> <https://www.leg.state.nv.us/Register/2016Register/R131-16AP.pdf>

# Academic Plan: Approaches the Standard

Academic Plan <sup>5</sup>	Approaches the Standard
Transformational Change	Approaches the Standard
Curriculum & Instructional Design	Approaches the Standard
Promotion & High School Graduation Requirements	Approaches the Standard
Dual Credit Partnerships	Meets the Standard
Driving for Results	Does Not Meet the Standard
At-Risk Students and Special Populations	Does Not Meet the Standard
School Structure: Culture	Approaches the Standard
School Structure: Student Discipline	Approaches the Standard
School Structure: Calendar and Schedule	Approaches the Standard

## Summary of Findings

The proposed programming—self-directed learning, industry-based credentials (IBCs) and internships, and project-based learning—are described and represent distinguishing features of the model which are similar to existing schools in the Rooted network. Rooted School – Clark County believes that these programs will close the opportunity and income gap, which aligns to the school’s mission and vision. The application also points to past successes of networks and schools across the county which have also implemented some of these elements noted in the Rooted proposal. However, detailed information about how students proceed through individualized learning through the playlists is missing. The industry-based credential program also lacks concrete details for the proposed school in Clark County as it is not clear if these have been drafted or established. This concern is compounded by the fact that industry-based credential development does not appear to be included in the incubation year plan outside of an attainment calendar, raising questions about when this critical work to the overall model will occur. Insufficient information is presented to conclude that the implementation plans are mapped to corresponding, responsible parties to ensure delivery of the model.

The proposed curricula for the school are identified, and core content areas are common core aligned. Like the proposed professional development for the school leader, the application takes a thoughtful approach to professional development for teachers, which includes an outline of seven components, a general description as well as an estimate of their frequency throughout the year. Despite these strengths, key instructional strategies of the model are not adequately detailed, and the application fails to present a compelling case regarding why these strategies are appropriate for the target community. While the application does identify the target zip codes for the school, it also does not sufficiently articulate the intended student population supported by realistic enrollment estimates for various student demographics. The application also lacks a robust discussion of tiered interventions and continuum of services, or sufficient details for the instructional strategies and supports for English learners under the instructional model. During the capacity interview, the applicant team was unable to explain how they came to arrive at the projection for English learners to be enrolled, which according to the application would be higher than most any other high school in the SPCSA portfolio. Given the demographics of the other schools in the Rooted network, both of which have fewer English learners, this is a significant concern.

Graduation criteria are established, and Rooted School – Clark County demonstrated alignment to Nevada graduation requirements. The proposal also provides some examples of elective coursework that may be offered, and includes a sample course progression and an example IBC from another, already operating school within the network. Promotion criteria and standards, however, are underdeveloped and the application presents very limited information regarding credit recovery. A general list of supports is

<sup>5</sup> The Rooted School – Clark County proposal did not contemplate Distance Education or Pre-Kindergarten. Therefore, the corresponding sections of the rubric were not scored.

included in the application such as outside tutoring, but few details are provided. June school is mentioned briefly at various other points in the application, but no robust explanation for what it is and how students may qualify/leverage this option is provided.

Dual credit partnerships are required of all high schools in Nevada, and the Rooted School – Clark County application includes a draft agreement between the school and the College of Southern Nevada. The proposed agreement notes that the school would be responsible for paying all fees for students.

Rooted School – Clark County proposes three mission specific goals that are aligned to the proposed model as well as measurable: 70% of students will obtain at least one Industry-Based Credential; the average ACT practice score for Grade 9 will be 18, for grade 10 will be 19, and for grades 11 and 12 will be 21; and that the school will earn at least an 80% satisfaction rate from student and teacher satisfaction surveys. The proposed school also makes a commitment to being data driven, and this was reiterated during the capacity interview. Nevertheless, there are a number of concerns that are performance related. The proposal includes only very general financial and organizational goals. Additionally, some of the proposed academic goals may not be sufficiently rigorous for the school to earn a 4- or 5-star rating. Specifically, an 85% graduation rate goal would put the proposed school at the bottom of the SPCSA portfolio for non-alternative high schools. The school also proposes 3-5% increases in math and ELA proficiencies year over year, but if an initial baseline is very low, these annual goals may not be sufficient to meet SPCSA performance standards. When asked about the proposed graduation rate goal during the capacity interview, the applicant team responded that this figure was established in consideration of the current Rooted Schools already in operations and that the proposed school would likely exceed an 85% rate. The applicant team noted that this goal would likely need to be revised so as to be more ambitious, signaling that this portion of the application is underdeveloped. The discussion of how the proposed board will use data to guide the school is minimal. During the capacity interview, the scenario-based question provided some insight as to how the board would respond to data concerns, but a clear structure for monitoring performance is missing and it is not clear how the board will use data when corrective action is needed, or what data may be available to them in order to track performance. This is particularly important regarding subgroup performance as the school would likely serve a number of students that are below grade level. Finally, the application does not state how the school will monitor for any disparities between subgroups, and while weekly data dives are discussed, there is not a clear process for setting and monitoring these goals.

As noted elsewhere in this memo, professional development plans for teachers and staff to effectively support at-risk student populations is a strength of the application. The proposal also outlines basic processes to be used to identify students that may qualify for English language services. The application lacks details, however, regarding how academically or behaviorally at-risk students will be identified and does not outline specific instructional strategies or interventions that will be offered in alignment to the needs of students, instead providing summary-level information and general assurances that there will be appropriate identification within Tiers 1-3. As noted in the *Staffing Plan* section, there are staffing plan discrepancies that raise questions and concerns about the proposed school's ability to deliver high-quality and necessary supports for students. For example, an ELL Coordinator is not included in the staffing plan, but the school is projecting that approximately 40% of its student population will qualify for these services in Year 1. When asked about these discrepancies during the capacity interview, representatives of the proposed school stated that the plan and budget "needed to be adjusted" so as to account for these positions. Details regarding homeless and migrant services are also extremely limited. Ultimately this signals that the school may not have the needed capacity to effectively serve critical student groups, and since it is likely that many students will be academically performing behind grade level, more information in this area is needed.

Rooted School – Clark County proposes to center their climate and culture on a pre-career level (PCL) system, which is aligned to the mission and vision of the school. While responses to multiple prompts were not addressed in the original submission, when given an opportunity to provide responses through

clarifying questions, the applicant team was able to provide some clarity on the school's dress code policy as well as plans for how the school will develop a strong culture through norming expectations. Despite this additional information, gaps remain in terms of goals and monitoring progress in this area. The school proposes to measure culture and climate using satisfaction surveys, and the application does not fully explain how the school will monitor progress and/or use the feedback from surveys. The badge system is also presented in a disconnected manner from the rest of the application, leaving the review team to question whether this can be an effective system for positively driving culture alongside academic goals.

Like the *School Culture* section, responses to multiple prompts regarding discipline were not addressed in the original submission. Additional clarity was provided through clarifying questions, specifically around policies for student discipline, suspension and expulsion. Additional information regarding parent grievances was also provided. Despite these clarifications, the application still lacks needed details around staff primarily responsible for overseeing student discipline beyond year 1. This is primarily due to an incongruous staffing plan as referenced throughout this memo. Student discipline goals are not included in the proposal, and the narrative fails to discuss how student populations will not be disproportionately impacted by discipline policies.

The school's proposed calendar appears to meet at least the minimum requirements for the state of Nevada, appears to align with the school's academic program, and includes an attendance goal of 90%. Still missing are sound policies around attendance and truancy, with the application only noting that these will be monitored by the school leader. More information is needed to understand what monitoring looks like and how proposed policies will impact students and families. Additional questions also remain about June school and how it may be considered part of the academic program.

For these reasons, as well as those detailed further below, the review committee and SPCSA staff rated this section as 'Approaches the Standard.'

## Transformational Change: Approaches the Standard

### **Rubric Criteria Rated as Meets the Standard:**

- Compelling, well-articulated theory of change and clear educational strategy aligned to the mission and critical to the schools' success
- Distinguishing features of the proposed schools are supported by compelling evidence of success in schools implementing similar programs serving a similar target population.

### **Rubric Criteria Rated as Approaches or Does Not Meet the Standard:**

- The committee to form demonstrates with an ambitious, yet achievable plan that they will be able to:
  - Provide families with high quality schools: the SPCSA aims for a majority of schools to be rated as 4- or 5-stars.
  - Ensure that every SPCSA student succeeds - including those from historically underserved student groups: the SPCSA aims for all sponsored schools to demonstrate strong academic growth, high levels of proficiency, and on-time graduation across all student groups, including historically underserved student groups.
- The committee to form provides a specific description of how the proposal will be implemented to ensure fidelity to the model.
- For all plans the applicant will implement, there are clear, corresponding responsible parties, timelines, delivery methods, and rationales.
- The committee to form demonstrates that the key features of the proposed school can be implemented together in a coherent and cohesive manner that will drive towards meeting the proposed mission and vision.

## Curriculum & Instructional Design: Approaches the Standard

**Rubric Criteria Rated as Meets the Standard:**

- A clear explanation, supported by evidence, demonstrating how the school’s academic program, including the curriculum, aligns to the Nevada Academic Content Standards, including both the Common Core Academic Standards and the Next Generation Science Standards, and that the school teaches all required subjects at each grade level.
  - High school programs must also meet high school graduation requirements:  
[https://doe.nv.gov/High\\_School\\_Graduation/](https://doe.nv.gov/High_School_Graduation/)
- Plans for professional development show a direct connection to the instructional methods and curricula that teachers will be required to use.

**Rubric Criteria Rated as Approaches or Does Not Meet the Standard:**

- Instructional strategies are proven to be well suited to the student population.
- Instructional programs offer a continuum of services to students through a tiered system of interventions, ensuring that all students, including those who are in need of remediation, English Learners, and those who are intellectually gifted, are able to build the knowledge base necessary to access rigorous instruction.
- For intellectually gifted students, the application demonstrates that the school will extend their learning offerings such that those students have access to unique, tailored opportunities. The proposed staffing structure demonstrates that teachers will have the support required to do this.
- Systems or structures exist for observing teachers, identifying teachers that may need additional support, and providing additional support to those teachers.
- If the proposed charter school intends to include a vocational or career and technical education program, the application outlines a logical plan that is aligned with the school’s mission, vision, instructional model, and goals for student growth.

**Promotion & High School Graduation Requirements: Approaches the Standard****Rubric Criteria Rated as Meets the Standard:**

- School plans explicitly demonstrate clear evidence of alignment with Nevada Graduation Requirements and ensure college and career readiness

**Rubric Criteria Rated as Approaches or Does Not Meet the Standard:**

- Structures are in place to support students at risk of dropping out, including those who are overage for grade, those needing to access credit recovery options, and those performing significantly below grade level
- Graduation/promotion standards for students are clearly defined and measurable, demonstrating high expectations for all students

**Dual Credit Partnerships: Meets the Standard****Rubric Criteria Rated as Meets the Standard:**

- A draft memorandum of understanding between the charter school and the college or university through which the credits will be earned and a term sheet, which must set forth:
  - The proposed duration of the relationship between the charter school and the college or university and the conditions for renewal and termination of the relationship;
  - The roles and responsibilities of the governing body of the charter school, the employees of the charter school and the college or university;
  - The scope of the services and resources that will be provided by the college or university;
  - The manner and amount that the college or university will be compensated for providing such services and resources, including, without limitation, any tuition and fees that pupils at the charter school will pay to the college or university;

- The manner in which the college or university will ensure that the charter school effectively monitors pupil enrollment and attendance and the acquisition of college credits; and
- Any employees of the college or university who will serve on the governing body of the charter school.
- The partnership reflected in the memorandum of understanding is shown to be both appropriate for high school students seeking advanced coursework as well as financially accessible to all students.

**Rubric Criteria Rated as Approaches or Does Not Meet the Standard:**

None

Driving for Results: Does Not Meet the Standard

**Rubric Criteria Rated as Meets the Standard:**

- The school’s internal, leading indicator goals clearly align to the Nevada School Performance Framework and the Authority Performance Framework.
- There is a clear delineation between assessments utilized for internal monitoring by the governing body, staff, and leadership and those which are sufficiently rigorous, valid, and reliable to be presented to the Authority, the state, parents, and the general public.

**Rubric Criteria Rated as Approaches or Does Not Meet the Standard:**

- Mission-specific goals explicitly complement or supplement, but do not replace, the SPCSA’s performance standards with school-specific, mission- driven academic, financial, or organizational goals.
  - All such indicators, measures, and metrics are rigorous, valid, and reliable.
  - All proposed data sources are objectively verifiable and there is an explicit commitment to school-funded external validation and analysis by an Authority-selected vendor for any assessment not supported by the Authority.
- Internal and mission-specific framework goals are SMART: goals and objectives are specific, measurable, ambitious and attainable, relevant, and time bound.
- There is a clear process for setting, monitoring and/or revising internal leading indicator academic goals.
- Internal assessment selections will provide sufficiently rich data for evaluation of the education program AND fully align with State assessments, State Standards, and the curriculum as presented.
- The assessment plan is sufficiently detailed to demonstrate collection and analysis of individual student, student cohorts, school level, and network- level performance over time (interim, annual, year over year), including a clear process for setting and monitoring ambitious academic goals.
- Demonstrates the validity and reliability of any internal non-standardized assessments, as well as how these assessments are aligned with the school design and high expectations.
- Articulates process for utilizing data to support instruction and providing adequate training to teachers and school leaders.
- Articulates plan for monitoring for academic performance gaps and concrete steps to address identified gaps.
- Sound plan for measuring and reporting academic performance and progress of students for both individual schools and the network (if applicable).
- Explains how both individual schools and the network staff will use assessment data to drive key decisions aimed at improving academic outcomes (if applicable).

At-Risk Students and Special Populations: Does Not Meet the Standard

**Rubric Criteria Rated as Meets the Standard:**

- Provides a detailed plan for appropriate professional development to teachers and staff to ensure they can support and accelerate the learning of at-risk and special population students which is aligned to the budget and overall PD plan.

*At Risk Students*

- The school assigns clear responsibility for communicating with parents regarding remediation needs.

*Special Education*

- Application includes a demonstrated track record of success serving a wide range of students with disabilities (mild, moderate, and severe).
- Clear demonstration and understanding of Nevada and federal laws and regulations governing services for students with disabilities.

*English Language Learners*

- Processes for identifying English Language Learners are well-defined, including administration of placement assessments and communications to parents and teachers.

*Homeless/Migrant Students*

None

**Rubric Criteria Rated as Approaches or Does Not Meet the Standard:**

- Outlines plans to promote parent participation among parents of at-risk students, students with disabilities and English Language Learners.
- Devotes adequate resources and staff to meeting the needs of all students.

*At Risk Students*

- The committee to form provides a clear and research-based process for identifying at-risk students, including those with academic and behavioral needs.
- The committee to form provides a logical method supported by research according to which they will assess the needs of at-risk students. The committee to form also outlines a continuum of programs, strategies, and supports that corresponds with the needs identified for each student and is supported by research.
- The committee to form outlines the methods according to which the school will remediate academically underperforming students, including the system according to which the school will track progress, facilitate teacher collaboration, and the research supporting the school's remediation strategy.
- The school's Response to Intervention system differentiates planning for each student according to the significance of their need, providing a continuum of services and interventions. The provides a logical and research-based rationale for this system.
- The committee to form demonstrates that the school's response to early signs of behavioral and/or social emotional needs will be met with positive interventions and restorative justice practices. The school will utilize differentiated support for each student in collaboration with the students' parents, fellow teachers, and with support, as needed, from other school staff.

*Special Education*

- The committee to form provides a logical plan to screen all students and to ensure that struggling students are evaluated for special education services early and accurately.
- The committee to form presents a plan for developing IEPs that contain rigorous goals and instructional plans that are suitable to meet those students' goals.
- The committee to form presents a monitoring plan that will enable relevant staff to track the progress of all students with IEPs towards the goals articulated in their respective plans.
- The committee to form demonstrates that they will be able to provide all special education and related services needed either by the staff listed on their organization chart or identified external groups with whom they can contract to provide needed services.

- The group’s plan for SWDs must identify the staff members who will lead student evaluations, IEP development, and provision of ongoing service. Relevant job description(s) require(s) the expertise and/or credentials relevant to the services.
- The committee to form outlines comprehensive and logical plans to train staff in modifying the curriculum and instruction to address the unique needs of students with disabilities.
- Special education staffing aligns with qualifications and student-teacher ratios required in statute:
  - For example, 22:1 for students with severe disabilities.
  - Full Nevada licensure for all special education teachers/coordinators (no waivers or substitutes).
- Ensures that the rights of students with disabilities are protected with regard to discipline.
- Articulates requirements and processes for monitoring services to students in need and plans to exit students who attain sufficient progress.

*English Language Learners*

- ELL staffing aligns with qualifications required in statute:
  - Full Nevada licensure for all ELL teachers/coordinators (no waivers or substitutes).
- Describes the specific services that will be provided for students within and outside the classroom, including curriculum and instruction and exposure to co-teaching.

*Homeless/Migrant Students*

- The committee to form presents a logical and systematic method according to which the school will identify homeless and/or migrant students.
- The timeline/plan according to which the school will assess and meet the needs of students identified as homeless and/or migrant demonstrates that students will begin receiving required services within their first semester of arriving at a new school.

School Structure: Culture: Approaches the Standard

**Rubric Criteria Rated as Meets the Standard:**

- Describes a concrete plan for norming social/cultural expectations at the start of each semester as well as for students who enter mid- semester.
- Plan to establish a culture of high expectations with students/families and teachers/staff and promote positive behavior.
- Research-based and age-appropriate strategies to support students’ social and emotional needs.
- Dress code and/or uniform policy is age-appropriate, and the applicant articulates how the proposed school will ensure that uniform requirements do not create a barrier for students in poverty.

**Rubric Criteria Rated as Approaches or Does Not Meet the Standard:**

- Appropriate and effective strategies to support a school climate that will allow for fulfillment of the school’s stated mission and vision, as well as the school’s stated academic goals.
- Well-defined goals around school culture and plans to monitor progress.

School Structure: Student Discipline: Approaches the Standard

**Rubric Criteria Rated as Meets the Standard:**

- Presents sound policies for student discipline, suspension, and expulsion including procedures for due process.
- If components are based on other states, districts, and/or schools, they have been adapted to meet the local context and proposed target community.
- Student behavior plan integrates clear, logical use of methods of restorative justice per Assembly Bill 168 (2019).
- Proposed grievance policy provides reasonable process for parents to dispute disciplinary actions

and/or raise complaints.

**Rubric Criteria Rated as Approaches or Does Not Meet the Standard:**

- Clear designation of staff responsible for implementing the discipline plan, including maintenance of student records and data.
- A plan to ensure that certain student populations are not disproportionately impacted by discipline policies.
- Goals for student behavior are clear and measurable; there is a plan, and designated personnel, for monitoring and reporting related to behavior goals as well as ongoing maintenance of discipline records.

School Structure: Calendar and Schedule: Approaches the Standard

**Rubric Criteria Rated as Meets the Standard:**

- Proposed Calendar meets or exceeds the minimum of 180 (or equivalent) days of instruction.
  - 43,200 minutes of classroom instruction/year for grades K-2 or 54,000 minutes of classroom instruction /year for grades 3-6 or 59,400 minutes of classroom instruction /year for grades 7-12.
  - Calendar and schedule support implementation of the academic program.
  - Alignment between teacher and student schedules.
- Outlines meaningful goals for student attendance and plans to monitor and adjust as needed.

**Rubric Criteria Rated as Approaches or Does Not Meet the Standard:**

- Presents sound policies for student attendance and truancy including procedures for due process that comply with state law and regulation<sup>6</sup> and are customized to the charter school.

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<sup>6</sup> NRS 392.122, NRS 392.130 and NRS 392.144.

## Operations Plan: Approaches the Standard

Operations Plan	Approaches the Standard
Board Governance	Approaches the Standard
Leadership Team	Approaches the Standard
Staffing Plan	Does Not Meet the Standard
Human Resources	Approaches the Standard
Student Recruitment and Enrollment	Approaches the Standard
Incubation Year Development	Approaches the Standard
Services	Approaches the Standard
Facilities	Approaches the Standard
Ongoing Operations	Meets the Standard

### Summary of Findings

As outlined in the narrative, a local board would govern the school and manage the relationship with the proposed Charter Management Organization, the Rooted School Foundation. The proposed board has leadership positions identified, and while not fully established or ready for implementation of the model, does present a multi-committee structure that could support the work of the full governing body. The application also accounts for board training to occur regularly and to be provided by a third-party, Board on Track. There remain a few key areas that fall short of the standard, however, and raise concerns about the current board. The application and capacity interview did not provide a clear understanding of the roles and responsibilities of both the proposed board and CMO, and during the capacity interview, a number of elements of the application were acknowledged to be inaccurate. For example, the relationships between the board, CMO and SPCSA were not presented accurately in the application, incorrectly noting a formal relationship between the SPCSA and CMO. The application also contemplated the board of the CMO providing oversight of the local, Nevada governing board. Additionally, CMO representatives acknowledged that there were errors in the application about which entity actually had the ultimate authority over the school leader. While the applicant team was able to speak to necessary corrections to some of these concerns during the capacity interview, significant inconsistencies indicate that the application is not well developed, and that the board and CMO would benefit from developing a firm, more cohesive plan for how the school would operate. It is also indicative of a proposal that is in the early stages of development, which was underscored by the proposed board acknowledging that “discussions are ongoing” and “this is an area we need to get some more detail on” when asked about the services to be provided by the CMO during the capacity interview. The proposed board also acknowledged that no formal evaluation tool of the CMO was in place. This was surprising given that the application included both a draft services agreement and evaluation tool and raises concerns that the board and CMO are not aligned on expectations for the relationship. Additionally, the board lacks both a parent and legal expertise and a plan for ensuring these gaps are addressed is not included.

Contradictory information regarding the school leader is presented in the application. Prior to the capacity interview, some sections of the application noted that a school leader was not in place while others provided a name of an identified leader. As such, it was not clear to the review team the status of this role until the capacity interview, at which point the CMO and proposed board clarified no school leader had been named. Despite this update, the plan for hiring this critical position is underdeveloped and only includes a bulleted list of initial steps rather than concrete plans and hiring standards. Lines of authority and specific roles and responsibilities of the eventual school leader, CMO and board remain somewhat unclear. For example, the job description of the school leader notes that they will report to the local board, an Executive Director and the Rooted School Foundation Chief Executive Officer. This is incongruous with other parts of the narrative as no Executive Director is included in the staffing plan and contradicts

information shared by the applicant team during the capacity interview. While additional information and clarity is needed in a number of aspects of the school leadership plan, the proposal does outline reasonable and thoughtful plans for professional development, support and coaching of the school leader through multiple avenues.

A number of concerns regarding the staffing plan were discussed during the capacity interview, namely inconsistencies about positions, roles and the responsibilities of the staff. These discrepancies spanned the written narrative, staffing plan and charts, to the budget and job descriptions, leaving significant questions and concerns about which positions actually existed and were critical to the proposed program. In response to these concerns, the CMO representatives and proposed board members stated that these issues were not significant, noting that Rooted School – Clark County would be the fourth in the network, and that this would provide the necessary experience to overcome any concerns. The applicant team went on to admit that some mistakes were “sloppy” while maintaining that the proposed CMO and local board have the necessary capacity to implement the plan as proposed. While responses to clarifying questions and discussions during the capacity interview were able to clarify some of the inconsistencies, the magnitude of concerns in the staffing plan as presented, make it difficult to understand if the proposal has the necessary capacity to implement the proposed program or to conclude that the school is appropriately staffed. Positions included in the narrative are not listed in the budget; the staffing and organizational charts also include positions that do not appear in the narrative and/or budget. These include key positions responsible for serving at-risk students and those qualifying for special education. On multiple occasions during the capacity interview, representatives of the proposed school stated that the plan and budget “needed to be adjusted” when concerns were brought to their attention such as misallocated employees or inconsistent job titles and descriptions. In addition, the review team was also not able to conclude that the plan matches the budget and assumptions, thus raising questions if the proposed school would be able to meet needs identified in the SPCSA Academic and Demographic Needs Assessment. This is particularly true of the projected EL population as the application provides several different projections ranging from 13% in the budget to 45% in the narrative, leaving the review team unable to conclude whether there is sufficient staff to meet the needs of certain student populations.

The proposal includes a relatively strong plan to recruit and retain high quality teachers. The application provides a reasonable timeline for doing this work prior to the start of each year (30-60 days), and emphasizes the importance of ‘Fit and Match’ along with a ‘Deliberately Developmental Organization’ mindset to help the school to sustain a strong culture. Essential functions in hiring, evaluating and terminating employees is also accounted for in the budget. A few shortfalls prevent this section from meeting all standards, however. These include a lack of a clear plan to ensure that the school staff is representative of the student population it serves, an underdeveloped performance management system, and salary amounts that differ from the proposed budget which could impair the school’s ability to be fully staffed with high quality instructors.

With regard to student recruitment and enrollment, Rooted – Clark County proposes to serve 180 students in its first year of operations. The plan to reach this number includes some in-person recruitment events such as open houses and forums, and during the capacity interview, the applicant team made clear that it has built some relationships with an existing school that could be a ‘feeder’ school. The review committee also noted that while nearly 100 students expressed interest in enrolling at the school, no evidence of student demand for the school was provided after October 2021. More importantly, only approximately 10% of the student interest comes from the targeted zip codes, raising questions about the ability of Rooted School – Clark County to deliver on commitments made to serving the intended zip codes outlined in the narrative. Lastly, the application lacks details necessary to demonstrate alignment with Nevada admissions and lottery requirements, noting that a random lottery is used to fill vacant seats when they become available.

The incubation year plan appears to include the requisite level of detail in terms of specific actions and steps needed to complete multi-step, key tasks like establishing a food service vendor or employee

onboarding. However, the included timelines are not accurate and as previously stated, individual employees assigned to the task may not appear in other critical parts of the application such as the narrative, organizational chart, and/or the budget. For example, the community outreach coordinator was described with a critical role in the narrative, and this was reaffirmed in the capacity interview. However, this proposed employee is not mentioned during the incubation year plan, most importantly as the responsible individual for the community partnership, family communication, and student recruitment aspects of the incubation year. As such, the review committee remains concerned about the thoroughness of the plan, the capacity needed, as well as the availability of funds to implement the plan as proposed. The proposed school is heavily reliant on Charter School Program (CSP) funds during this time which are not guaranteed and there is limited discussion of how the incubation year would be funded without this grant.

Regarding services and other operational aspects of the school, the application includes logical plans for specific auxiliary services such as food services and janitorial services. However, IT plans appear to be underdeveloped and there is not a clear plan or presentation about how the proposed board will evaluate the quality of these services. Other operational items such as general plans for emergencies as well as evidence of insurance are provided.

Limited information is presented in the application regarding facilities, and when asked for additional information through the capacity interview process, few concrete details were provided. The applicant team has identified Charter Schools Development Corporation to assist in the process of finalizing a facility to ensure the school operates for the 2022 – 2023 school year, but specific needs for the proposed program are not detailed, maintenance plans are not described, and only a high-level contingency facility plan was shared at the capacity interview. More information is needed to substantiate all cost assumptions, confirm a workable timeline, and ensure that the facility is conducive to the proposed academic program.

For these reasons, as well as those detailed further below, the review committee and SPCSA staff rated this section as ‘Approaches the Standard.’

## Board Governance: Approaches the Standard

### **Rubric Criteria Rated as Meets the Standard:**

- Demonstrates that the membership of the governing body will contribute the wide range of relevant knowledge, skills, and commitment needed to oversee a successful charter school, including but not limited to educational, financial, accounting, legal, and community experience and expertise, as well as special skill set to reflect school-specific programs, if applicable (e.g., STEM, fine arts, blended learning, alternative programs, etc.)
  - Qualifications and experience levels of governing body members with accounting and finance experience significantly exceeds the statutory minimum requirements and demonstrates a proven track record of successful management or oversight of a multi-million-dollar entity.
  - Qualifications and experience levels of governing body members with human resources experience significantly exceeds the statutory minimum requirements and demonstrates proven track record of successful management or oversight of a human resource function or process in a mid- sized to large employer with staffing levels equivalent to those of the school at full capacity.
  - Qualifications and experience levels of governing body members who are licensed Nevada educators significantly exceeds the statutory minimum requirements and demonstrates proven track record of significant academic gains in the classroom (for classroom teacher) or school level (for an administrator) in schools which serve populations similar to the target population.
- Provides plans for meaningful, appropriate training for board members on a reasonable basis. Training is provided by experienced, third parties and contemplates on-boarding for new members, or when the composition of the board changes.
- Board training costs are reflected in the budget narrative assumptions and the budget calculations

- Describes the process for resolving student/parent objections and the mechanism for removal of governing body members if needed
- Board goals are clear and measurable, and contribute to improved academic outcomes for students and overall advancement of the organization
- The board articulates a clear, ambitious, data-driven set of standards and criteria that the school leader must satisfy in order to keep the school on track to achieve its vision.
- There are no prohibited familial relationships between charter holder board members, charter holder board members and staff, or charter holder board members and EMO/CMO employees within the third degree of consanguinity or affinity nor any supervisory or business relationships.

**Rubric Criteria Rated as Approaches or Does Not Meet the Standard:**

- Proposed governance structure is likely to ensure effective governance and meaningful oversight of school performance, operations, and financials. The proposed governing body demonstrates capacity and expertise to successfully oversee a school.
- Clear delineation of authority and working relationship between the governing body and school staff.
- Demonstrates that the membership of the governing body will contribute the wide range of relevant knowledge, skills, and commitment needed to oversee a successful charter school, including but not limited to educational, financial, accounting, legal, and community experience and expertise, as well as special skill set to reflect school-specific programs, if applicable (e.g., STEM, fine arts, blended learning, alternative programs, etc.)
  - Qualifications and experience levels of governing body members with legal experience significantly exceeds the statutory minimum requirements and demonstrates a proven track record of successful management or oversight of complex, high risk/high profile legal matters.
- The board puts into place a structure that enables it to collect the information it needs to evaluate the EMO/CMO, if applicable.
- The board provides logical evidence that the school will achieve its target student outcomes pursuant to the NSPF and the SPCSA Performance Framework outcomes pursuant to the NSPF and the SPCSA Performance Framework if the school leader satisfies the standards set forth by the board.

Leadership Team: Approaches the Standard

**Rubric Criteria Rated as Meets the Standard:**

- Leadership job description identifies qualifications and competencies of the lead person that align with the school’s mission and program and demonstrate capacity to successfully manage the school.
- Provides a comprehensive plan for coaching, support and evaluation of school leadership.
- Provides thoughtful and proactive approach to succession planning for school leadership position(s).

**Rubric Criteria Rated as Approaches or Does Not Meet the Standard:**

- The leadership accomplishments of the school leader or leadership team are demonstrable with empirical data related to student performance as well as the recruitment, hiring, and development of a highly effective staff.
- The organizational chart clearly indicates all positions delineating board and management roles and lines of authority.
- Structure and leadership job descriptions demonstrate effective assignment of management roles and distribution of responsibilities for instructional leadership, curriculum, personnel, budgeting, financial management, management of state categorical revenue streams, special education and ELL programming, legal compliance, state reporting, external relations, and any unique, school-

specific staffing needs.

- If the school leader is not yet identified, the committee to form explains the method by which they will recruit and select a candidate who satisfies the criteria listed in the job description.

#### Staffing Plan: Does Not Meet the Standard

##### **Rubric Criteria Rated as Meets the Standard:**

- Staffing plan aligns with student-teacher ratios specified in application and those required in statute:
  - For example: 22:1 for students with severe disabilities (see NAC 388.150).

##### **Rubric Criteria Rated as Approaches or Does Not Meet the Standard:**

- Staffing plan aligns to the mission, vision, and proposed academic program.
- Appropriately staffed to meet the needs of the expected student population, including special student populations.
- Staffing plan matches the proposed budget and is explicitly aligned to both budget narrative assumptions and to budget calculations.
- Staffing plan aligns to the applicant's commitment to meet the needs identified in the Academic and Demographic Needs Assessment.
- Sound understanding of staffing needs necessary for the new school(s) proposed.

#### Human Resources: Approaches the Standard

##### **Rubric Criteria Rated as Meets the Standard:**

- Articulates process for recruiting and hiring high quality teachers and leaders.
- School staffing structure that ensures high-quality teacher support/development, student/family support, effective school operations, and compliance with all applicable policies and procedures.
- School performance management system identifies low-performing teacher or leader performance, provides plans, support, and training for improvement, and provides the steps the school leadership will take in instances of persistent low-performance
- Essential functions and processes, including background checks, payroll, benefits, and employee relations, are accounted for.

##### **Rubric Criteria Rated as Approaches or Does Not Meet the Standard:**

- Articulates a recruitment and hiring plan that will result in a school staff reflective of the student body.
- School performance management system is likely to retain and promote talented staff, allows for re-structuring and removal of staff as needed, creates opportunities for leadership development, and sets clear expectations.

#### Student Recruitment and Enrollment: Approaches the Standard

##### **Rubric Criteria Rated as Meets the Standard:**

- The enrollment plan, including annual growth, is reasonable and supported by a clear rationale.
- The enrollment plan prioritizes the academic achievement of students above other factors.
- The enrollment plan is aligned with the staffing plan and budget, including projected recruitment expenses.

##### **Rubric Criteria Rated as Approaches or Does Not Meet the Standard:**

- The enrollment plan reflects an understanding of the Nevada context.
- The enrollment plan addresses lotteries, weighted lotteries, enrollment preferences, student attrition and mandatory backfilling.

- Articulates proactive plan for recruiting eligible students to the school and describes specific actionable steps for ensuring the school is fully enrolled.
- Includes outreach and recruitment strategies that demonstrates an understanding of the community likely to be served and is likely to allow the school to enroll sufficient numbers of students who are representative of either the surrounding zoned schools or a mission-specific educationally disadvantaged population.
- Complies with Nevada laws and regulations regarding enrollment, including but not limited to
  - Mailers sent to all households with children within a 2-mile radius of each facility.
  - Minimum 45-day notification period followed by 45-day enrollment period OR a combined 90-day notification and enrollment period.
- Campaign leverages grassroots, data-driven outreach and recruitment strategies such as door-to-door visits, open houses and forums, and community conversations versus the internet, social media, or other passive tactics which disproportionately benefit more advantaged populations.
- Demonstrated interest and intent to enroll commitments by a significant number of parents for Year 1. These forms should include the following information at minimum:
  - Parent name and contact information
  - Zip code of residency
  - Student name(s) and grade levels for the proposed opening year

### Incubation Year Development: Approaches the Standard

#### **Rubric Criteria Rated as Meets the Standard:**

- Outlines comprehensive leadership development plans that include training aligned with incubation year goals as well as stated academic goals (these may be either designed by or outsourced by the operator).
- Outlines the function of any employees in Year 0, as well as the funding source for associated compensation

#### **Rubric Criteria Rated as Approaches or Does Not Meet the Standard:**

- Provides key milestones for the planning year, as well as concrete actions and accountability, that will ensure that the school is ready for a successful launch. These plans should identify the individuals responsible for leading Year 0 initiatives. If a third party (EMO/CMO) is going to implement portions of the Year 0 plan, the committee to form has provided documentation that articulates related terms and services.
- The staffing outlined for Year 0 will enable the school to reach its Year 0 milestones and goals
- Startup expenses are reflected in the budget narrative assumptions and the budget calculations

### Services: Approaches the Standard

#### **Rubric Criteria Rated as Meets the Standard:**

- Operations plan includes logical plans for all essential and program-specific non-academic services, including, but not limited to:
  - Supporting transportation, food service, facilities management, nursing, and purchasing processes, and school safety.
  - Staff structure/plan is adequate for the proposed school and aligns with the educational program; lines of authority are clear.
- Costs of services are realistic and align with budget and academic program.

#### **Rubric Criteria Rated as Approaches or Does Not Meet the Standard:**

- IT plans should include consideration of:
  - User access control policies, limitation of access rights and procedures for removing access from

- departing employees.
- Policies for data stored on personal and portable devices aimed at minimizing inadvertent disclosing of information, such as theft or misplaced equipment.
- Strategy for information backups and disaster recovery.
- Intruder prevention strategies, including physical and electronic intrusion.
- Malware and malicious software prevention and removal strategy.
- An effective plan for managing student information, including Infinite Campus, evidence of contact with the vendor to price and arrange for training, and the provision of appropriate on-site on contract staffing and support resources and an information security plan for staff, students, parents, and contractors.
- Clear plans that confirm compliance with NRS 385A.800
- Committee to form articulate clear metrics and process for evaluating effectiveness of services.

#### Facilities: Approaches the Standard

##### **Rubric Criteria Rated as Meets the Standard:**

- If a facility has not yet been identified
  - Assurance that the proposed location will be in compliance with applicable building codes, health and safety laws, and with the requirements of the American with Disabilities Act (ADA).
  - Plan for finding a location including a proposed schedule for doing so

##### **Rubric Criteria Rated as Approaches or Does Not Meet the Standard:**

- Identifies a viable educational facility or facilities that meets the needs of the students and accommodates the programmatic and operational needs of the school(s) over the charter term as described throughout the application—OR—outlines in detail the plan and timeline to identify and secure facilities as needed
- Provides facilities costs including, as applicable, cost of purchasing, leasing, building, or renovating an educational facility that conforms to applicable health, safety, and occupancy requirements
- If a facility has not yet been identified
  - Description of anticipated facilities needs including evidence that the facility will be appropriate for the educational program of the school and adequate for the projected student enrollment
  - Inclusion of costs associated with the anticipated facilities needs in the budget including renovation, rent, utilities, insurance and maintenance.
  - Evidence to indicate that facilities-related budget assumptions are realistic based on anticipated location, size, etc.
  - Assurance that the proposed location will be in compliance with applicable building codes, health and safety laws, and with the requirements of the American with Disabilities Act (ADA).
  - Plan for finding a location including a proposed schedule for doing so.
  - A clear, time bound plan to engage with local jurisdiction(s) and municipalities.

#### Ongoing Operations: Meets the Standard

##### **Rubric Criteria Rated as Meets the Standard:**

- Safety and security plans likely to ensure a safe environment for people and property that corresponds with the core elements of the state-mandated school safety plan and the requirements in statute and regulation.<sup>7</sup>
- Provides for adequate insurance coverage that meets the mandatory minimums for each charter

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<sup>7</sup> See: NRS 388.229-266

school and scales depending on the size the school and number of proposed campuses.<sup>8</sup>

- General liability insurance with a minimum coverage of \$1,000,000.
  - including coverage for molestation and sexual abuse
  - broad form policy, with the named insureds as follows:
    - The sponsor of the charter school;
    - All employees of the charter school, including, without limitation, former, present and future employees;
    - Volunteers at the charter school; and
    - Directors of the charter school, including, without limitation, executive directors.
- Umbrella liability insurance with a minimum coverage of \$3,000,000.
- Educators' legal liability insurance with a minimum coverage of \$1,000,000.
- Employment practices liability insurance with a minimum coverage of \$1,000,000.
- Employment benefits liability insurance with a minimum coverage of \$1,000,000.
- Insurance covering errors and omissions of the sponsor and governing body of the charter school with a minimum coverage of \$1,000,000.
- If applicable, motor vehicle liability insurance with a minimum coverage of \$1,000,000.
- If applicable, liability insurance for sports and athletic participation with a minimum coverage of \$1,000,000.

**Rubric Criteria Rated as Approaches or Does Not Meet the Standard:**

*None*

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<sup>8</sup> See: NRS 388A.190

## Financial Plan: Approaches the Standard

Financial Plan	Approaches the Standard
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### Summary of Findings

With some exceptions, the applicant presented a budget that would allow for a surplus for each of the first six years of operation. The current schools operating in Louisiana and Indiana have a history of audits with no material findings. The narrative includes proposed separations of duties and responsibilities as well as proposed internal controls that are overall well thought out and thorough.

However, concerns remain regarding proposed staffing positions. As discussed during the capacity interview, significant discrepancies were found between the staffing plan presented in the operations section of the application and the financial plan and the budget narrative materially confirmed to the budget workbook. When asked about these issues during the capacity interview, members of the applicant team noted that items in the budget, and perhaps the staffing plan, would need to be adjusted. This is evidence that proposed staffing and allocations could preclude the applicant team from implementing their plan, and it raises questions about whether the budget priorities align with the school's plan.

In addition, there are concerns about the proposed extracurricular programming at the school. During the capacity interview, the applicant team stated that this was an important element of community feedback, and as a result, would be added to the Rooted School – Clark County proposal. However, no such programming had been accounted for in the budget, and when asked about this discrepancy, CMO representatives indicated that this would need to be discussed with the local board prior to its inclusion in the budget. Ultimately it does not appear that programming priorities are consistent with the budget and with input from the community.

The final concern that the review team had was that the applicant states very bluntly that, "As noted in the Operations Section, the incubation year plan indicates that the school leader, director of operations, and director of CTE are expected to work full or part time during the incubation year. However, the budget accounts for the school leader to be full time, the Director of School Operations to be part time, and does not include funding for the director of CTE during the incubation year. In addition to this discrepancy, the funding for these positions has not been secured. Without funding, it's not clear that the incubation plan can be successfully completed." The applicant team assured the review team that Rooted has received Charter School Program grants before and have every reason to believe that they will receive it again with this application and that will make the incubation year viable. They also mentioned that Opportunity 180 was prepared to commit an additional \$150,000 if approved. While it is appreciated that the applicant team has been so forthright about potential funding concerns during the incubation year, there is limited evidence of funding for this period of time presented in the application, and the lack of any contingency should these two grants not be secured, is concerning.

For these reasons, as well as those detailed further below, the review committee and SPCSA staff rated this section as 'Approaches the Standard.'

### Financial Plan: Approaches the Standard

#### **Rubric Criteria Rated as Meets the Standard:**

- The financial manager has the appropriate expertise to provide accurate and timely financial information to decision-makers.
- The charter committee to form protects mission-critical expenses when faced with budget cuts.
- There is appropriate segregation of financial duties which align to organizational chart and job descriptions.
- Projections are based on accurate, conservative, and legally compliant. This includes appropriate allocations for required expenditures such as sponsorship fee, PERS contributions, etc.

- Budget priorities are aligned with school and expansion plan (if applicable)
- School level budget priorities are consistent with the operator’s model, including but not limited to: educational program, staffing, and facility.
- Commitment to maintaining the financial viability of each school individually and the network as a whole (if applicable)
- Clear understanding of monthly cash flow for both individual school sites and the network/region as a whole (if applicable)
- Demonstrates sufficient financial health of the network through audited financial documents (if applicable)
- Current ratio of at least 1.1 on a monthly basis for network (if applicable) and schools are either 1.1 or better or is between 1.0 and 1.1 and trending positive from the immediately prior year.
- The debt-to-asset ratio is less than 0.9.
- Sufficient cash reserves to cover operations for EACH school and for network or regional operations (if applicable), required minimum of 15-days in Year 1 and increasing each year.
- There are no material findings in the two most recent audited financial statements of CMO/EMO or any CMO and EMO schools (If applicable)

**Rubric Criteria Rated as Approaches or Does Not Meet the Standard:**

- Control systems ensure that only allowable expenses will be made and that all expenses will be coded appropriately.
- Both school and network level budgets present balanced, realistic, evidence-based revenue and expenditure assumptions (including, if applicable, any plan to incur and repay allowable debt)
- Sufficient detail and specificity of assumptions for ALL budget line items to allow for the assessment of fiscal viability.
- Projections are based on accurate, conservative, and legally compliant assumptions.
- All funds from external sources are guaranteed with money in hand or letter of award and grant terms.
- No essential services are funded at amounts that would preclude the committee to form from implementing their plan.
- There is no evidence that the school ever will become insolvent or lack access to the necessary amount of liquidity.
- Assumptions about facilities in all financial statements correspond to a conservative facility plan and account for possible contingencies.

# Addendum: Approaches the Standard

Addendum	Approaches the Standard
Readiness for Growth	Approaches the Standard
Scale Strategy	Approaches the Standard
School Management Contract	Approaches the Standard
Charter Management Organizations Applying for Sponsorship Directly	Approaches the Standard

## Summary of Findings

In accordance with Assembly Bill 419 from the 2021 Session of the Nevada Legislature, the SPCSA is required to consider the academic, financial and organizational performance of any charter schools that currently hold a contract with the proposed CMO or EMO. Information gathered through the Addendum Section examines the past performance of affiliated charter schools, as well as readiness of the CMO or EMO to expand and the specific services that are to be provided to the proposed school.

The application includes a Greenlighting tool for the proposed CMO, Rooted School Foundation, and includes feedback and evidence from the three regions with current or approved schools. Criteria included in the tool cover a multitude of facets of applying for and operating a school, including enrollment, academic performance, organizational health and financial viability. Importantly, the tool relies on some subjective measures and does not reference or include measures related to available capacity to support an additional school. During the capacity interview, CMO representatives noted that this was something that was currently being evaluated with the help of third-parties, describing their analysis as ‘in the early stages’, which raises significant questions about why capacity is not being evaluated prior to proposing a new school in Nevada, which if approved, would be the second to open in the network in the same year. Capacity was also called into question during the capacity interview based upon a number of elements within the application which appeared to be incongruent. When asked to reflect on the submission, CMO representatives described their application as ‘sloppy’ and ‘needing adjustments’. The CMO acknowledged that there were errors throughout. Additionally, the most recent rating for the first Rooted School in Louisiana is a ‘C’, indicating that performance is solid but not at the highest levels, raising further concerns about the timeline for expansion. There are not enough data points presented to suggest a strong readiness for growth, and the CMO does not present a strong case that it has sufficient capacity to expand at this time.

During the capacity interview, CMO representatives explained that less of their time is needed at the two campuses already operating due to them both being established, and that this time would be dedicated to both the proposed school in Clark County along with the already approved school in Washington state. As previously noted in the *School Leadership* section, the proposal does include a robust training and development program which could help the local school effectively scale. Despite these features, there is a lack of clarity and delineation between the roles and responsibilities of school leadership and the CMO, and as previously noted, proposed board members shared that features of the proposed relationship between the board and CMO are still being discussed. Organizational charts are not clear, and raise questions about the applicant’s infrastructure to operate successfully.

The proposed contract between the local board and CMO appears to meet basic Nevada requirements, fees appear to be reasonable, and there is a tool for the board to evaluate the services under the agreement. Additionally, Rooted has operated two schools in different contexts for multiple years, and likely has experience starting and supporting new schools. However, despite this experience, details about specific services are lacking and Incubation Year supports appear fairly surface-level, which contradicts remarks from the applicant team during the capacity interview suggesting that the CMO team would play an active role in the start-up of the proposed school. There also exist inconsistencies between the contract and the narrative. For example, this section describes the Rooted School Foundation as playing no role in

budgeting, but this is inconsistent with previous statements in the narrative indicating that the CMO will work with the school leader and EdOps to establish annual budgets. Ultimately, more clarity and improvements are needed to the proposed contract to ensure that the relationship between the local board and CMO fosters success at the school.

Lastly, the application confirms that no waivers are needed in terms of governance as a local board would hold the charter contract, not the Rooted School Foundation. Remarks during the capacity interview, however, raise questions about what the relationship will look like between the two entities as previously noted in this memo. Evidence signals that this relationship is still in the early stages, and more details are needed regarding specific services to be provided to Rooted School – Clark County are needed to meet the standard.

For these reasons, as well as those detailed further below, the review committee and SPCSA staff rated this section as ‘Approaches the Standard.’

### Readiness for Growth: Approaches the Standard

#### **Rubric Criteria Rated as Meets the Standard:**

- Finance Performance data for schools affiliated with the CMO/EMO demonstrate strong performance equivalent to a rating of ‘meets standard’ on the SPCSA’s Financial Performance Framework.
- Organizational Performance data for schools affiliated with the CMO/EMO demonstrate strong performance equivalent to a rating of ‘meets standard’ on the SPCSA’s Organizational Performance Framework.
- The three most recent audits of the EMO/CMO and existing schools show no material findings.

#### **Rubric Criteria Rated as Approaches or Does Not Meet the Standard:**

- CMO/EMO criteria for evaluating readiness for expansion are comprehensive and demonstrate high expectations for academic, financial, and organizational performance.
- Evidence is provided that that CMO/EMO is ready to expand according to the articulated criteria for evaluating readiness.
- Academic Performance data for schools affiliated with the CMO/EMO demonstrate strong performance equivalent to 4- or 5-star performance on the NSPF.

### Scale Strategy: Approaches the Standard

#### **Rubric Criteria Rated as Meets the Standard:**

- Plans for sourcing and training potential school leaders, including qualifications and competencies, is aligned with the mission and programs.
- Includes plan to infuse Nevada school(s) with the essential elements of EMO/CMO model.

#### **Rubric Criteria Rated as Approaches or Does Not Meet the Standard:**

- The plan to scale the model to new sites is adequately resourced and staffed appropriately at both the CMO/EMO and school levels.
- Previous scale-up endeavors are shown to have been successful with student performance data and organizational financial data (if applicable).
- EMO/CMO has sufficient infrastructure (or plan to develop same) to support the proposed network of schools, including shared services and the costs associated with them.
- Organization charts clearly indicate lines of authority between the board, EMO/CMO, and schools.

### School Management Contract: Approaches the Standard

#### **Rubric Criteria Rated as Meets the Standard:**

- Clear rationale for selection of Educational Management Organization (EMO/CMO)/Charter

#### Management Organization (CMO)

- There are no prohibited familial relationships between charter holder board members and EMO/CMO employees within the third degree of consanguinity or affinity nor any supervisory or business relationships between charter holder board members or relatives of such and relatives of EMO/CMO employees within the third degree of consanguinity or affinity.
- Clearly defined contract terms including: contract duration; roles and responsibilities of the school governing board, school staff, and EMO/CMO-specific services and resources to be provided by the EMO/CMO; performance evaluation measures and mechanisms; compensation to be paid to the provider; financial controls and oversight; methods of contract oversight and enforcement; investment disclosure; and conditions for renewal and termination of the contract, and alignment of the key performance indicators for the EMO/CMO and the hierarchy of sanctions for poor performance with the SPCSA academic, financial, and organizational frameworks and intervention ladder. SB509 requires that a management relationship and a management contract may not jeopardize a school's eligibility to qualify for 501c3 status. The IRS has several criteria which are used by the Authority:
  - A charter school must show that contracts, especially comprehensive management contracts, have been negotiated at arm's length and are for the benefit of the school rather than the service provider. The IRS has determined that boilerplate contracts may be an indicator that the terms of the contract were not the subject of negotiations between independent parties; the applicant must provide clear and compelling evidence that the contract submitted is not a boilerplate contract.
  - Representation of both the school and the management by the same attorney or payment of the school's attorney by the EMO/CMO is also an indication of the absence of arm's length negotiations.
  - When reviewing a charter school contract for management services, determine whether the terms are consistent with fulfillment of the school's exempt purposes. Some contract terms may result in a finding that the school is operated for the benefit of the management and preclude exemption. Areas of concern include:
    - A management contract is subordinate to the charter contract. In the event of any conflict between the management contract and the charter contract or current law or regulation, the charter contract, law, or regulation governs.
    - Length of Contract -A contract's length can greatly influence the board's ability to monitor and evaluate the management's performance. There is a need to balance management company's interest in a long-term contract with the school's need for flexibility in changing companies and meeting its fiduciary responsibility and its responsibilities under the charter contract, law, and regulation. Nevada requires that all management contracts must initially be for two years and no management contract can have a term that extends beyond the charter term. A management contract must cease in the event that a school is reconstituted or restarted. Cancellation of a management contract may be a requirement for renewal.
    - Board Policies -The general policies concerning the operation and management of a charter school may not be contracted away. These broad policies help define the school's identity.
- Personnel – Up to 30 percent of principals, teachers and staff may be employed directly by the school or may be employees of the management. However, the existence of an anti-compete clause that prevents a school from hiring the personnel that it has utilized in operating its school (principals, teachers, etc.) for a specific length of time after termination of the management contract is impermissible, as this practice serves the private interests of the management and limits the school's ability to terminate the contract.

- Compensation - management fees must be reasonable and commensurate with the services provided. A management fee structure should not be based on total income (i.e., all fees, grants, contributions, and unusual receipts). Compensation should not be above the market rate generally charged for the service provided. This can be established through evidence of comparative shopping for services. An applicant must provide clear and compelling evidence of due diligence related to the market rates for such services.
- Termination - A service contract should specify the provisions for termination and the procedure for evaluating when the terms of the contract are in default. Termination provisions that unreasonably restrict and limit the options of the school are evidence of private benefit to the service provider. No contract can have an automatic renewal provision. All contract evaluations must be aligned to the elements of the charter contract and performance framework (as amended) and current law and regulation for which the management organization provides supporting services.
- Consider name identification - In many cases, contractual provisions require a charter school to attach the management company's name to the school (i.e., Company X Charter School or Charter School, a Company X affiliate or Y Brand Charter School, where the brand is the property of Company X.) The IRS has determined that "Name branding" has no clear exempt purpose. It links management companies to exempt schools and allows the company to draw goodwill from the relationship. It allows the management companies to build name recognition without additional expense. It also places a contractual burden on the charter schools, making it more difficult for the school to terminate the relationship with the management company. A "name branding" requirement may be an indicator of private benefit depending upon the facts and circumstances. While "name branding" is not specifically forbidden by state law, it will be scrutinized heavily pursuant to SB509 due to the IRS concerns—both to ensure that 501c3 status is not delayed or jeopardized and to ensure that the school that is permitted to use a "name brand" can provide the IRS with evidence that this was scrutinized and determined to be appropriate by a public agency. "Name branding" is more likely to be allowed by the Authority in cases where the established brand name is associated with a proven school model with a lengthy track record of consistent achievement at the highest levels on the statewide accountability systems in each state where it is implemented. It is unlikely to be permitted in cases where the brand and associated model has a limited or mixed track record. A management contract must contain provisions regarding the change of school names which aligns with the charter contract, state law and regulation, and Authority expectations that the school name include the words "Public Charter School" or that the phrase "a public charter school" accompany the school's name on the school's website, signage, letterhead, and marketing materials in a prominent and consistent manner.
- There is no provision permitting the EMO/CMO to appoint members to the governing body or approve members.
- The contract does not allow for any form of leverage – including but not limited to severance fees and facilities ownership – by which the EMO/CMO can ensure renewal of their contract.

**Rubric Criteria Rated as Approaches or Does Not Meet the Standard:**

- Clear, appropriate delineation of roles and responsibilities between the management organization and the school site(s)
- Demonstrates capacity and commitment of the governing board to oversee the EMO/CMO effectively:
  - Plan for board to monitor/evaluate the EMO/CMO's performance
  - Appropriate internal controls guide the relationship

- Describes how the governing board will ensure fulfillment of performance expectations
- Discloses and addresses any potential conflicts of interest (real or perceived)
- Clearly outlines the roles/responsibilities of the EMO/CMO in the year prior to the school's opening. The committee to form provides a Memorandum of Understanding (MOU) or agreement that lists specific services and fees for this period of time.
- If school leadership is employed by the EMO/CMO, there are provisions in the contract, bylaws, and organizational structure that ensure board approval, provides evidence of EMO/CMO's demonstrated track record of success in serving a similar population using the same academic model and its track record in managing financial and organizational outcomes to levels consistent authorizer financial and organizational frameworks expectations.
- Clearly defined contract terms including: contract duration; roles and responsibilities of the school governing board, school staff, and EMO/CMO-specific services and resources to be provided by the EMO/CMO; performance evaluation measures and mechanisms; compensation to be paid to the provider; financial controls and oversight; methods of contract oversight and enforcement; investment disclosure; and conditions for renewal and termination of the contract, and alignment of the key performance indicators for the EMO/CMO and the hierarchy of sanctions for poor performance with the SPCSA academic, financial, and organizational frameworks and intervention ladder. SB509 requires that a management relationship and a management contract may not jeopardize a school's eligibility to qualify for 501c3 status. The IRS has several criteria which are used by the Authority:
  - Services - Comprehensive school contract packages place much of the control of the day-to-day operations in the hands of the management. Responsibilities of both the company and the school must be clearly stated in the contract.
  - Analyze ancillary services provided - Comprehensive school management companies may provide other services directly or through affiliates. These services may include cash advances for startup funds, capital loans, facility leasing, technology contracting, furnishings, fixtures, textbooks, and just about anything else a charter school may need. The IRS recognizes that such services can be essential for startup schools, but schools should maximize their use of other available funding mechanisms (including the Nevada revolving loan fund) with more competitive interest rates. However, the reviewer should scrutinize agreements and the narrative carefully for clear and compelling evidence to determine whether the terms were the result of arm's length negotiation with an independent charter school board or are, in effect, adhesion contracts with a captive school board.

## Charter Management Organizations Applying for Sponsorship Directly: Approaches the Standard

### **Rubric Criteria Rated as Meets the Standard:**

- The application clearly and logically explains the extent to which the governance model of the charter management organization requires a waiver from the governance provisions of the charter school law pursuant to NRS 388A.243.

### **Rubric Criteria Rated as Approaches or Does Not Meet the Standard:**

- If the charter management organization is from another state, the application provides a comprehensive, actionable plan to ensure that the board will balance fidelity to its mission with appropriate input and oversight from Nevada residents.
- [If applicable] If a new board has been formed, the application clearly delineates the new board's relationship to the existing non-profit board and the governance responsibilities of both entities as it relates to the proposed school.

# Application Process Details

## Timeline

- January 28 – Rooted School – Clark County Notice of Intent is received
- March 1 – New Charter Application Training
- May 3 – Rooted School – Clark County Application is received<sup>9</sup>
- May 17 – Memo sent to CCSD soliciting input.<sup>10</sup>
- June 28 – Clarifying Questions sent to applicant; responses received within 3 business days
- July 11 – Rooted School – Clark County Capacity Interview is conducted
- August 22, 2022 – Input expected from CCSD
- August 29, 2022 – Recommendation is presented

## Capacity Interview

Based on the independent and collective review of the application, the review committee conducted a virtual capacity interview of the applicant to assess the capacity to execute the application’s overall plan. The capacity interview for Rooted School – Clark County was conducted on July 11 and lasted approximately 120-minutes. Four of the five identified members of the proposed Governing board attended the interview. Additionally, three representatives from the Rooted School Foundation, the proposed CMO and applicant, and a representative of EdOps<sup>11</sup> attended the capacity interview. Questions during the capacity interview focused primarily on these areas:

Mission and Vision	School Leadership
Targeted Plan	Staffing Plan
Parent and Community Involvement	Incubation Year Plan
Curriculum and Instructional Design	Facilities
Promotion & High School Graduation	Finance
Driving for Results	Readiness for Growth
At-Risk Students and Special Populations	Scale Strategy
Board Governance	

Prior to the capacity interview, the review committee sent the applicant team a list of clarifying to provide an additional opportunity for details and information to be presented. These responses were considered by the review team and were used to better inform the capacity interview.

Lastly, the capacity interview included a scenario-based question that probed the Committee to Form’s capacity to collectively analyze data and identify potential next steps to resolve performance issues.

<sup>9</sup> As initially submitted, the Rooted School – Clark County was not complete and compliant. The applicant was provided a short window to resubmit to meet basic requirements, and this occurred on May 3.

<sup>10</sup> Pursuant to NRS 388A.249, the SPCSA solicited input from the Clark County School District regarding this application. NRS 388A.249(2)(a) requires that “[t]he proposed sponsor of a charter school shall, in reviewing an application to form a charter school...If the proposed sponsor is not the board of trustees of a school district, solicit input from the board of trustees of the school district in which the proposed charter school will be located.”

<sup>11</sup> SPCSA staff was not provided advance notice that this individual would be attending the interview.

## Appendix A: New Charter School Application Review Process

### The Charter School Application “Notice of Intent”

The charter school application process begins with the submission of a written “notice of intent” to submit a new charter school application. See NAC 388A.260(2). This notice of intent is a brief document, submitted to the SPCSA 90 days prior to the submission of the applicant’s new charter school application, stating, among other things, the name of the proposed charter school, contact information for the applicant, the proposed location of the charter school, and the grade levels and number of students the proposed charter school seeks to serve.

### The SPCSA’s Proposed Charter School Application Window

In December 2021, Nevada’s Legislative Commission approved proposed regulation R043-21, which amended Nevada Administrative Code 388A.260(1). With this change, the SPCSA moved from two new charter school application windows each year (previously in January and July of each year), to a single annual application window. As a result, new charter school applications now must be submitted to the SPCSA between April 15 and April 30 of each year.

Part of the intent behind the change to NAC 388A.260(1), and the move from two annual application windows to a single application window in April of each year, was to allow sufficient time to ensure that a newly approved charter school opens successfully. That is, upon receipt of a new charter school application in April, the SPCSA’s review process (as described in greater detail below), typically takes four to eight months – meaning that a new charter school application that is received in April will be approved or denied by the SPCSA in August or November. This timeline allows a newly approved charter school nine to 12 months to successfully execute the charter school’s incubation year plan and ensures a successfully opening of the charter school.

Note that NAC 388A.260(1) still contains a “good cause” provision whereby a new charter school applicant may, for “good cause,” request that the SPCSA accept a new charter school application outside the annual April 15 – April 30 window. However, if the SPCSA approves a “good cause” exemption to submit a new charter school application outside of the annual April application window, a notice of intent to submit a new charter school application must still be submitted to the SPCSA 90 days prior to receipt of the actual application. In practice, this means that upon approval of a good cause exemption by the SPCSA, allowing a n applicant to submit a new charter school application outside of the typical April application window, a applicant will submit its new charter school application 90 days after approval of the good cause exemption and receipt of the applicant’s notice of intent.

### The Required Contents of a New Charter School Application

NRS 388A.246 and NAC 388A.135-160 detail the requirements related to a new charter school application. Note that these statutes and regulations related to the required contents of a new charter school applications are extensive.<sup>12</sup>

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<sup>12</sup> Although the following list is not all-inclusive, among the required contents of a new charter school application are the following:

- The name of the proposed charter school;
- The date on which the proposed charter school seeks to open;
- Grade levels and the proposed enrollment that the charter school seeks to serve;
- A summary of the plan for the proposed charter school, including the mission, vision and goals of the proposed charter school;

## Completeness Check

After receiving a new charter school application, the SPCSA, pursuant to NRS 388A.249(3)(a)(2) and NAC 388A.260(2) conducts a “completeness check” of the application to ensure that the new charter school application contains all the information required by NRS 388A.246 and NAC 388A.135-160. If a new charter school application does not contain all the information required by Nevada’s charter school statutes and regulations, if practicable, the SPCSA follows up with the applicant to obtain the required information. If not, the applicant is asked to submit anew, complete charter school application during the next application cycle.

## Withdrawal of a New Charter School Application

NAC 388A.260(3) allows an applicant to withdraw a new charter school application upon written notice to the SPCSA. An applicant may decide to withdraw its application due to significant concerns regarding the completeness of the application, or it is evident after a cursory review of the new charter school application that the proposed charter school application is not fully developed.

## The SPCSA’s Review of a New Charter School Application

Once a new charter school application is deemed complete in accordance with 388A.249(3)(a)(2) and NAC 388A.260(2), the SPCSA begins its substantive review of the new charter school application.

NRS 388A.249(2)(a) requires the SPCSA to conduct a “thorough review” of the new charter school application. This “thorough review” requires that the SPCSA establish a review team to review and evaluate the new charter school application and include in the review team persons with knowledge and expertise regarding the academic, financial, and organizational facets of charter school that are not

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- Information regarding the indicators, metrics and measures that the proposed charter school will use to evaluate the academic, organizational, and financial performance of the proposed charter school;
  - The organization structure of the proposed charter school;
  - Information regarding the committee to form and the proposed governance of the charter school;
  - Information regarding the proposed administrative head of the proposed charter school;
  - Information regarding how teachers and staff will be recruited and hired;
  - Course and curriculum information, including any dual-credit programs for high school students (if applicable);
  - Information regarding serving students with disabilities, students who are English language learners, an at-risk student;
  - The organization structure of the proposed charter school;
  - Information regarding the committee to form and the proposed governance of the charter school;
  - Information regarding the proposed administrative head of the proposed charter school;
  - Information regarding how teachers and staff will be recruited and hired;
  - The proposed charter school’s calendar;
  - Information regarding any proposed facility for the proposed charter school;
  - Equipment, furniture, and fixtures that the proposed charter school will utilize;
  - Transportation, if applicable;
  - Health and safety requirements;
  - Student records;
  - Extracurricular activities and dress code;
  - Discipline policies;
  - Budget;
  - Enrollment and any lottery process and procedures;
  - Information regarding required insurance

employed by the SPCSA – these persons are often referred to as “outside reviewers.” NRS 388A.249(2)(a) and NAC 388A.260(4).

As part of this “thorough evaluation” the SPCSA is required to conduct an “in-person interview” with the applicant to elicit clarifying or additional information about the proposed charter school and determine the ability of the applicant to establish a high-quality charter school – this is the “capacity interview” conducted by the SPCSA. NRS 388A.249(2)(b) and NAC 388A.260(4)(b)(2)

In its review of the charter school application, the SPCSA is required to evaluate the new charter school application based on documented evidence collected through the process of reviewing the application and the information gleaned during the capacity interview. See NRS 388A.249(2)(b) and (e).

The determination regarding whether to grant a new charter school application is to be based on the ability of the applicants to establish a high-quality charter school. NRS 388A.249(2)(b). The SPCSA may approve a new charter school application if:

- The application complies with all charter school laws and regulations;
- The application is complete;
- The applicant has demonstrated competence in accordance with the SPCSA’s new charter school application rubric demonstrating that approval of the new charter school application will likely result in a successful opening and operation of the charter school;
- The application meets the criteria contained in the SPCSA’s academic and demographic needs assessment; and
- Sufficient input has been received the public.

NRS 388A.249(3).

The North Star of the review team’s evaluation of the new charter school application is the SPCSA’s new charter school application rubric. NRS 388A.249(2)(b). The rubric is broken into four major sections, plus an addendum. Rating options for each section are Meets the Standard; Approaches the Standard; Does not Meet the Standard. These are defined as follows:

- **Meets the Standard:** The response reflects a thorough understanding of key issues. It addresses the topic with specific and accurate information that shows thorough preparation; presents a clear, realistic picture of how the school expects to operate; and inspires confidence in the applicant’s capacity to carry out the plan effectively in a way which will result in a 4- or 5-star school.
- **Approaches the Standard:** The response meets the criteria in many respects but lacks detail and/or requires additional information in one or more areas.
- **Does Not Meet the Standard:** The response is undeveloped or incomplete; demonstrates lack of preparation; or otherwise raises substantial concerns about the viability of the plan or the applicant’s ability to carry it out.

Detailed descriptions of each rubric item can be found in the full rubric located on the SPCSA Application website: [http://charterschools.nv.gov/OpenASchool/Application\\_Packet/](http://charterschools.nv.gov/OpenASchool/Application_Packet/)

Once the review team reviews and scores the new charter school application, the SPCSA’s Executive Director, or his or her designee, forwards his or her recommendation to the SPCSA Board for its consideration. NAC 388A.260(6)

### The SPCSA’s Approval or Denial of a New Charter School Application

The SPCSA Board is required to consider a new charter school application at a public meeting held no more than 120 days (or later if agreed to by the applicant) after receipt of the new charter school application. NRS 388A.255(1).

## Resubmission and Appeal of a Denial of a New Charter School Application

If a new charter application is denied, an unsuccessful applicant will be provided with a written notice setting out the deficiencies contained in the new charter school application. If the applicant chooses to do so, the applicant may resubmit the applicant's new charter school application within 30 days after receiving the written notice of deficiencies. NRS 388A.255(2). Given the lengthy and rigorous application process utilized by the SPCSA in regard to charter applications, as well as the limited timeframe specified in NRS 388A.255(2) for an unsuccessful applicant to resubmit their charter application, the SPCSA encourages only those unsuccessful applicants that the SPCSA has found limited or specific areas where the application does not meet standards to resubmit their charter application. Unsuccessful applicants that the SPCSA has found numerous or significant issues within the application that do not meet standard are encouraged to submit a new charter application during the SPCSA's next application window.

If a new charter school application is denied after resubmission, the unsuccessful applicant may then appeal the denial to the district court in which the proposed charter school was to be located. NRS 388A.255(3).

# Appendix B: 2022 New Charter School Application Rubric Criteria

## Meeting the Need

### Mission and Vision

- Clear and compelling mission statement that is reflected throughout the application.
- The mission statement identifies the role of the school in addressing the problem or demand that the school seeks to address in the community in which it seeks to serve.
- The vision describes what success for students beyond school looks like if the committee to form fulfills the role described in its mission.
- The committee to form proposes a school model that solves a problem related to student outcomes that is either shown to exist with data or is in response to demonstrated demand for a particular school model.
- The committee to form aims to achieve outcomes that they demonstrate will improve students' long term quality of life.
- The committee to form identifies key supporters, partners or resources that are directly tied to the stated outcomes of the school.
- The school's stated purpose satisfies at least one and ideally all statutory purposes, demonstrates how they are clearly aligned to the mission and vision, and explains how the school fulfills each selected purpose:
  - Improving the academic achievement of pupils;
  - Encouraging the use of effective and innovative methods of teaching;
  - Providing an accurate measurement of the educational achievement of pupils;
  - Establishing accountability and transparency of public schools;
  - Providing a method for public schools to measure achievement based upon the performance of the schools; AND/OR
  - Creating new professional opportunities for teachers.

### Targeted Plan

- Clear and compelling rationale for the selected community based on academic or demographic need
- Clear and comprehensive explanation of how the proposed model meets identified community needs
- A demonstrated commitment to meet at least one of the identified demographic and academic needs as defined by the most recent SPCSA Academic and Demographic Needs Assessment:
  - Demographic Needs
    - Student groups that consistently underperform on the 3rd-8th grade Smarter Balanced Assessment (Math and ELA), the 11th grade ACT Assessment (Math and ELA), and in 4-year graduation rates present a demographic need; these student groups may benefit from the creation of high-quality school options focused on meeting their needs. These populations are: students qualifying for free or reduced-price lunch, English Learners and students with IEPs.
  - Academic Needs
    - Geographies with a significant percentage of students enrolled in 1- and 2-star schools: In zip codes with one or more schools rated 1 or 2 stars in the Nevada School Performance Framework (NSPF), students are enrolling in schools that are not meeting or partially meeting state performance standards, and the addition of a 3-, 4- or 5-star school would provide an alternative option for these students.
    - Students at risk of dropping out: Despite a rapidly improving graduation rate, nearly one in five students does not graduate from high school in four years, with certain student groups persistently graduating at lower rates than their peers. Additional data show various student populations also have higher dropout rates than their peers.
- Demonstrated capacity, credible plans, and thorough research and analysis in order to intentionally serve the identified student populations, prevent at-risk students from dropping out, and/or provide more high-quality schools in underserved areas, as defined in the Academic and Demographic Needs Assessment.

### Parent and Community Involvement

- Demonstrates clear evidence of the involvement of parents, neighborhood, and/or community members representative of target population in the development of the plan. The application establishes that the local community has helped shape the final school proposal.
- The committee to form demonstrates their ties to and/or knowledge of the target community and demonstrates how the proposed school will build upon community assets.
- Outlines plan to effectively engage parents, community members, and other neighborhood partners from the time that the operator is approved (e.g., conducting home visits, community meetings, etc.) and once the school is operating (e.g., parent advisory council, student placement, trainings, communications, volunteers, etc.)

- Adheres to state and federal law regarding expectations for parent volunteering (R 131-16, Section 8). Specifically schools may not “design, use or intend to use requirements for enrollment in the charter school, including, without limitation, the payment of fees, expectations for the performance of volunteer work or attendance at informational meetings and interviews, for the purpose of discrimination.”<sup>13</sup>
- Identifies specific community partnerships which are shown to be relevant to the needs of the target population, including partners located in the community that the applicant intends to serve.
  - Partnerships are evidenced by specific letters of commitment outlining the accountabilities of both parties and clear, measurable, time-specific deliverables from the partner which are clearly relevant to the needs of the target population.

## Academic Plan

### Transformational Change

- Compelling, well-articulated theory of change and clear educational strategy aligned to the mission and critical to the schools’ success
- The committee to form demonstrates with an ambitious, yet achievable plan that they will be able to:
  - Provide families with high quality schools: the SPCSA aims for a majority of schools to be rated as 4- or 5-stars.
  - Ensure that every SPCSA student succeeds - including those from historically underserved student groups: the SPCSA aims for all sponsored schools to demonstrate strong academic growth, high levels of proficiency, and on-time graduation across all student groups, including historically underserved student groups.
- Distinguishing features of the proposed schools are supported by compelling evidence of success in schools implementing similar programs serving a similar target population.
- The committee to form provides a specific description of how the proposal will be implemented to ensure fidelity to the model.
- For all plans the applicant will implement, there are clear, corresponding responsible parties, timelines, delivery methods, and rationales.
- The committee to form demonstrates that the key features of the proposed school can be implemented together in a coherent and cohesive manner that will drive towards meeting the proposed mission and vision.

### Curriculum & Instructional Design

- A clear explanation, supported by evidence, demonstrating how the school’s academic program, including the curriculum, aligns to the Nevada Academic Content Standards, including both the Common Core Academic Standards and the Next Generation Science Standards, and that the school teaches all required subjects at each grade level.
  - High school programs must also meet high school graduation requirements:  
[https://doe.nv.gov/High\\_School\\_Graduation/](https://doe.nv.gov/High_School_Graduation/)
- Instructional strategies are proven to be well suited to the student population.
- Instructional programs offer a continuum of services to students through a tiered system of interventions, ensuring that all students, including those who are in need of remediation, English Learners, and those who are intellectually gifted, are able to build the knowledge base necessary to access rigorous instruction.
- For intellectually gifted students, the application demonstrates that the school will extend their learning offerings such that those students have access to unique, tailored opportunities. The proposed staffing structure demonstrates that teachers will have the support required to do this.
- Plans for professional development show a direct connection to the instructional methods and curricula that teachers will be required to use.
- Systems or structures exist for observing teachers, identifying teachers that may need additional support, and providing additional support to those teachers.
- If the proposed charter school intends to include a vocational or career and technical education program, the application outlines a logical plan that is aligned with the school’s mission, vision, instructional model, and goals for student growth.

### Distance Education Requirements (Proposals Including Distance Education Only)

- An acknowledgement that a charter school that wishes to provide distance education (online, virtual, cyber, etc.) courses and/or programs (NRS 388.820- 388.874 and NAC 388.800-388.860) must submit a distance education application to the Nevada Department of Education prior to or simultaneous with submission of the charter application.
- An acknowledgement that the distance education application must also be approved by the SPCSA through the pre-opening requirements.
- A detailed plan on how student coursework will be monitored.

<sup>13</sup> <https://www.leg.state.nv.us/Register/2016Register/R131-16AP.pdf>

- A detailed, justifiable plan regarding student attendance which meets minimum state requirements.
- A detailed plan on how the school will ensure student participation in assessments.
- A detailed plan that shows how the school will communicate with students and parents about assessments and submission of coursework.
- A detailed plan for ongoing communication with parents, including parent -teacher conferences, daily/weekly emails with regards to coursework, etc.
- A specific plan for where the school will administer state and authority-mandated assessments in a proctored environment outside of the home and how it will ensure student access and participation.
- A detailed, justifiable approach for interactions between the pupil and teachers that aligns with the proposed instructional minutes and provides adequate support to pupils in line with individual needs.
- A comprehensive set of criteria for enrolling students that corresponds with a clear, logical and accessible enrollment plan.

### **Pre-K Requirements (Proposals Including Pre-K Only)**

- Addresses whether the school plans to offer Pre-K in it's opening year or any other year
- How the program will be marketed and funded, including:
  - An acknowledgement that a charter school that wishes to offer a federal pre-K expansion grant-funded Pre-K program must research the program, request and eligibility determination, and receive approval prior to marketing the program to families. Applicants must acknowledge that funding is limited and competitive and there is no guarantee of availability or award for the school or the target community.
    - Identification of the federal Pre-K expansion grant criteria and how the school plans to meet them
  - An acknowledgement that a charter school that wishes to offer a state-funded Pre-K program must independently research the program and apply to and receive approval from the Nevada Department of Education prior to marketing the program to families.
    - Identification of state Pre-K funding criteria and how the school plans to meet them
  - An acknowledgement that a charter school that wishes to offer a tuition-funded Pre-K program cannot give admissions preference to students who have paid tuition to the school or an affiliated Pre-K program prior to applying for admission.
- An explanation of how the school plans to communicate with parents about enrollment preference restrictions
- A clear discussion of how the school plans to incorporate its mission and vision within the Pre-K program and how it will reconcile any conflicts of tensions between its Kindergarten and elementary school programs and any licensure or program requirements associated with a particular revenue stream.

### **Promotion & High School Graduation Requirements**

- School plans explicitly demonstrate clear evidence of alignment with Nevada Graduation Requirements and ensure college and career readiness
- Structures are in place to support students at risk of dropping out, including those who are overage for grade, those needing to access credit recovery options, and those performing significantly below grade level
- Graduation/promotion standards for students are clearly defined and measurable, demonstrating high expectations for all students

### **Dual Credit Partnerships**

Pursuant to NRS 389.310, Charter high schools are required to enter into cooperative agreements with one or more community colleges, state colleges and universities to offer dual credit courses.

- A draft memorandum of understanding between the charter school and the college or university through which the credits will be earned and a term sheet, which must set forth:
  - The proposed duration of the relationship between the charter school and the college or university and the conditions for renewal and termination of the relationship;
  - The roles and responsibilities of the governing body of the charter school, the employees of the charter school and the college or university;
  - The scope of the services and resources that will be provided by the college or university;
  - The manner and amount that the college or university will be compensated for providing such services and resources, including, without limitation, any tuition and fees that pupils at the charter school will pay to the college or university;
  - The manner in which the college or university will ensure that the charter school effectively monitors pupil enrollment and attendance and the acquisition of college credits; and
  - Any employees of the college or university who will serve on the governing body of the charter school.
- The partnership reflected in the memorandum of understanding is shown to be both appropriate for high school students seeking advanced coursework as well as financially accessible to all students.

## Driving for Results

- Mission-specific goals explicitly complement or supplement, but do not replace, the SPCSA's performance standards with school-specific, mission-driven academic, financial, or organizational goals.
- All such indicators, measures, and metrics are rigorous, valid, and reliable.
- All proposed data sources are objectively verifiable and there is an explicit commitment to school-funded external validation and analysis by an Authority-selected vendor for any assessment not supported by the Authority.
- The school's internal, leading indicator goals clearly align to the Nevada School Performance Framework and the Authority Performance Framework.
- Internal and mission-specific framework goals are SMART: goals and objectives are specific, measurable, ambitious and attainable, relevant, and time bound.
- There is a clear process for setting, monitoring and/or revising internal leading indicator academic goals.
- There is a clear delineation between assessments utilized for internal monitoring by the governing body, staff, and leadership and those which are sufficiently rigorous, valid, and reliable to be presented to the Authority, the state, parents, and the general public.
- Internal assessment selections will provide sufficiently rich data for evaluation of the education program AND fully align with State assessments, State Standards, and the curriculum as presented.
- The assessment plan is sufficiently detailed to demonstrate collection and analysis of individual student, student cohorts, school level, and network-level performance over time (interim, annual, year over year), including a clear process for setting and monitoring ambitious academic goals.
- Demonstrates the validity and reliability of any internal non-standardized assessments, as well as how these assessments are aligned with the school design and high expectations.
- Articulates process for utilizing data to support instruction and providing adequate training to teachers and school leaders.
- Articulates plan for monitoring for academic performance gaps and concrete steps to address identified gaps.
- Sound plan for measuring and reporting academic performance and progress of students for both individual schools and the network (if applicable).
- Explains how both individual schools and the network staff will use assessment data to drive key decisions aimed at improving academic outcomes (if applicable).

## At-Risk Students and Special Populations

- Provides a detailed plan for appropriate professional development to teachers and staff to ensure they can support and accelerate the learning of at-risk and special population students which is aligned to the budget and overall PD plan.
- Outlines plans to promote parent participation among parents of at-risk students, students with disabilities and English Language Learners.
- Devotes adequate resources and staff to meeting the needs of all students.

### At Risk Students

- The committee to form provides a clear and research-based process for identifying at-risk students, including those with academic and behavioral needs.
- The committee to form provides a logical method supported by research according to which they will assess the needs of at-risk students. The committee to form also outlines a continuum of programs, strategies, and supports that corresponds with the needs identified for each student and is supported by research.
- The committee to form outlines the methods according to which the school will remediate academically underperforming students, including the system according to which the school will track progress, facilitate teacher collaboration, and the research supporting the school's remediation strategy.
- The school's Response to Intervention system differentiates planning for each student according to the significance of their need, providing a continuum of services and interventions. The provides a logical and research-based rationale for this system.
- The school assigns clear responsibility for communicating with parents regarding remediation needs.
- The committee to form demonstrates that the school's response to early signs of behavioral and/or social emotional needs will be met with positive interventions and restorative justice practices. The school will utilize differentiated support for each student in collaboration with the students' parents, fellow teachers, and with support, as needed, from other school staff.

### Special Education

- Application includes a demonstrated track record of success serving a wide range of students with disabilities (mild, moderate, and severe).
- Clear demonstration and understanding of Nevada and federal laws and regulations governing services for students with disabilities.
- The committee to form provides a logical plan to screen all students and to ensure that struggling students are evaluated for

special education services early and accurately.

- The committee to form presents a plan for developing IEPs that contain rigorous goals and instructional plans that are suitable to meet those students' goals.
- The committee to form presents a monitoring plan that will enable relevant staff to track the progress of all students with IEPs towards the goals articulated in their respective plans.
- The committee to form demonstrates that they will be able to provide all special education and related services needed either by the staff listed on their organization chart or identified external groups with whom they can contract to provide needed services.
- The group's plan for SWDs must identify the staff members who will lead student evaluations, IEP development, and provision of ongoing service. Relevant job description(s) require(s) the expertise and/or credentials relevant to the services.
- The committee to form outlines comprehensive and logical plans to train staff in modifying the curriculum and instruction to address the unique needs of students with disabilities.
- Special education staffing aligns with qualifications and student-teacher ratios required in statute:
  - For example, 22:1 for students with severe disabilities.
  - Full Nevada licensure for all special education teachers/coordinators (no waivers or substitutes).
- Ensures that the rights of students with disabilities are protected with regard to discipline.
- Articulates requirements and processes for monitoring services to students in need and plans to exit students who attain sufficient progress.

#### English Language Learners

- Processes for identifying English Language Learners are well-defined, including administration of placement assessments and communications to parents and teachers.
- ELL staffing aligns with qualifications required in statute:
  - Full Nevada licensure for all ELL teachers/coordinators (no waivers or substitutes).
- Describes the specific services that will be provided for students within and outside the classroom, including curriculum and instruction and exposure to co-teaching.

#### Homeless/Migrant Students

- The committee to form presents a logical and systematic method according to which the school will identify homeless and/or migrant students.
- The timeline/plan according to which the school will assess and meet the needs of students identified as homeless and/or migrant demonstrates that students will begin receiving required services within their first semester of arriving at a new school.
- [If applicable] The committee to form presents a logical and research-based plan to serve homeless and/or migrant students in a distance education setting.

### **School Structure: Culture**

- Appropriate and effective strategies to support a school climate that will allow for fulfillment of the school's stated mission and vision, as well as the school's stated academic goals.
- Describes a concrete plan for norming social/cultural expectations at the start of each semester as well as for students who enter mid-semester.
- Plan to establish a culture of high expectations with students/families and teachers/staff and promote positive behavior.
- Well-defined goals around school culture and plans to monitor progress.
- Research-based and age-appropriate strategies to support students' social and emotional needs.
- Dress code and/or uniform policy is age-appropriate, and the applicant articulates how the proposed school will ensure that uniform requirements do not create a barrier for students in poverty.

### **School Structure: Student Discipline**

- Presents sound policies for student discipline, suspension, and expulsion including procedures for due process.
- If components are based on other states, districts, and/or schools, they have been adapted to meet the local context and proposed target community.
- Clear designation of staff responsible for implementing the discipline plan, including maintenance of student records and data.
- A plan to ensure that certain student populations are not disproportionately impacted by discipline policies.
- Goals for student behavior are clear and measurable; there is a plan, and designated personnel, for monitoring and reporting related to behavior goals as well as ongoing maintenance of discipline records.
- Student behavior plan integrates clear, logical use of methods of restorative justice per Assembly Bill 168 (2019).
- Proposed grievance policy provides reasonable process for parents to dispute disciplinary actions and/or raise complaints.

## School Structure: Calendar and Schedule

- Proposed Calendar meets or exceeds the minimum of 180 (or equivalent) days of instruction.
  - 43,200 minutes of classroom instruction/year for grades K-2 or 54,000 minutes of classroom instruction /year for grades 3-6 or 59,400 minutes of classroom instruction /year for grades 7-12.
  - Calendar and schedule support implementation of the academic program.
  - Alignment between teacher and student schedules.
- Outlines meaningful goals for student attendance and plans to monitor and adjust as needed.
- Presents sound policies for student attendance and truancy including procedures for due process that comply with state law and regulation<sup>14</sup> and are customized to the charter school.

## Operations Plan

### Board Governance

- Proposed governance structure is likely to ensure effective governance and meaningful oversight of school performance, operations, and financials. The proposed governing body demonstrates capacity and expertise to successfully oversee a school.
- Clear delineation of authority and working relationship between the governing body and school staff.
- Demonstrates that the membership of the governing body will contribute the wide range of relevant knowledge, skills, and commitment needed to oversee a successful charter school, including but not limited to educational, financial, accounting, legal, and community experience and expertise, as well as special skill set to reflect school-specific programs, if applicable (e.g., STEM, fine arts, blended learning, alternative programs, etc.)
  - Qualifications and experience levels of governing body members with accounting and finance experience significantly exceeds the statutory minimum requirements and demonstrates a proven track record of successful management or oversight of a multi-million-dollar entity.
  - Qualifications and experience levels of governing body members with legal experience significantly exceeds the statutory minimum requirements and demonstrates a proven track record of successful management or oversight of complex, high risk/high profile legal matters.
  - Qualifications and experience levels of governing body members with human resources experience significantly exceeds the statutory minimum requirements and demonstrates proven track record of successful management or oversight of a human resource function or process in a mid- sized to large employer with staffing levels equivalent to those of the school at full capacity.
  - Qualifications and experience levels of governing body members who are licensed Nevada educators significantly exceeds the statutory minimum requirements and demonstrates proven track record of significant academic gains in the classroom (for classroom teacher) or school level (for an administrator) in schools which serve populations similar to the target population.
- Provides plans for meaningful, appropriate training for board members on a reasonable basis. Training is provided by experienced, third parties and contemplates on-boarding for new members, or when the composition of the board changes.
- Board training costs are reflected in the budget narrative assumptions and the budget calculations
- Describes the process for resolving student/parent objections and the mechanism for removal of governing body members if needed
- Board goals are clear and measurable, and contribute to improved academic outcomes for students and overall advancement of the organization
- The board puts into place a structure that enables it to collect the information it needs to evaluate the EMO/CMO, if applicable.
- The board articulates a clear, ambitious, data-driven set of standards and criteria that the school leader must satisfy in order to keep the school on track to achieve its vision.
- The board provides logical evidence that the school will achieve its target student outcomes pursuant to the NSPF and the SPCSA Performance Framework outcomes pursuant to the NSPF and the SPCSA Performance Framework if the school leader satisfies the standards set forth by the board.
- There are no prohibited familial relationships between charter holder board members, charter holder board members and staff, or charter holder board members and EMO/CMO employees within the third degree of consanguinity or affinity nor any supervisory or business relationships.

### Leadership Team

- The leadership accomplishments of the school leader or leadership team are demonstrable with empirical data related to

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<sup>14</sup> NRS 392.122, NRS 392.130 and NRS 392.144.

student performance as well as the recruitment, hiring, and development of a highly effective staff.

- The organizational chart clearly indicates all positions delineating board and management roles and lines of authority.
- Structure and leadership job descriptions demonstrate effective assignment of management roles and distribution of responsibilities for instructional leadership, curriculum, personnel, budgeting, financial management, management of state categorical revenue streams, special education and ELL programming, legal compliance, state reporting, external relations, and any unique, school-specific staffing needs.
- Leadership job description identifies qualifications and competencies of the lead person that align with the school's mission and program and demonstrate capacity to successfully manage the school.
- If identified, school leadership team resumes demonstrate a range of experience including leadership at a high-performing and/or high growth school with management responsibilities, experience establishing a high-performing culture with students and staff, and responsibility for significant student achievement gains with target demographics.
- If the school leader is not yet identified, the committee to form explains the method by which they will recruit and select a candidate who satisfies the criteria listed in the job description.
- Provides a comprehensive plan for coaching, support and evaluation of school leadership.
- Provides thoughtful and proactive approach to succession planning for school leadership position(s).

### **Staffing Plan**

- Staffing plan aligns to the mission, vision, and proposed academic program.
- Appropriately staffed to meet the needs of the expected student population, including special student populations.
- Staffing plan matches the proposed budget and is explicitly aligned to both budget narrative assumptions and to budget calculations.
- Staffing plan aligns to the applicant's commitment to meet the needs identified in the Academic and Demographic Needs Assessment.
- Staffing plan aligns with student-teacher ratios specified in application and those required in statute:
- For example: 22:1 for students with severe disabilities (see NAC 388.150).
- Sound understanding of staffing needs necessary for the new school(s) proposed.

### **Human Resources**

- Articulates process for recruiting and hiring high quality teachers and leaders.
- Articulates a recruitment and hiring plan that will result in a school staff reflective of the student body.
- School staffing structure that ensures high-quality teacher support/development, student/family support, effective school operations, and compliance with all applicable policies and procedures.
- School performance management system is likely to retain and promote talented staff, allows for re-structuring and removal of staff as needed, creates opportunities for leadership development, and sets clear expectations.
- School performance management system identifies low-performing teacher or leader performance, provides plans, support, and training for improvement, and provides the steps the school leadership will take in instances of persistent low-performance
- Essential functions and processes, including background checks, payroll, benefits, and employee relations, are accounted for.

### **Student Recruitment and Enrollment**

- The enrollment plan reflects an understanding of the Nevada context.
- The enrollment plan, including annual growth, is reasonable and supported by a clear rationale.
- The enrollment plan prioritizes the academic achievement of students above other factors
- The enrollment plan addresses lotteries, weighted lotteries, enrollment preferences, student attrition and mandatory backfilling .
- The enrollment plan is aligned with the staffing plan and budget, including projected recruitment expenses.
- Articulates proactive plan for recruiting eligible students to the school and describes specific actionable steps for ensuring the school is fully enrolled.
- Includes outreach and recruitment strategies that demonstrates an understanding of the community likely to be served and is likely to allow the school to enroll sufficient numbers of students who are representative of either the surrounding zoned schools or a mission-specific educationally disadvantaged population.
- Complies with Nevada laws and regulations regarding enrollment, including but not limited to
  - Mailers sent to all households with children within a 2-mile radius of each facility.
  - Minimum 45-day notification period followed by 45-day enrollment period OR a combined 90-day notification and enrollment period.
- Campaign leverages grassroots, data-driven outreach and recruitment strategies such as door-to-door visits, open houses and forums, and community conversations versus the internet, social media, or other passive tactics which

disproportionately benefit more advantaged populations.

- Demonstrated interest and intent to enroll commitments by a significant number of parents for Year 1. These forms should include the following information at minimum:
  - Parent name and contact information
  - Zip code of residency
  - Student name(s) and grade levels for the proposed opening year

## **Incubation Year Development**

- Provides key milestones for the planning year, as well as concrete actions and accountability, that will ensure that the school is ready for a successful launch. These plans should identify the individuals responsible for leading Year 0 initiatives. If a third party (EMO/CMO) is going to implement portions of the Year 0 plan, the committee to form has provided documentation that articulates related terms and services.
- Outlines comprehensive leadership development plans that include training aligned with incubation year goals as well as stated academic goals (these may be either designed by or outsourced by the operator)
- Outlines the function of any employees in Year 0, as well as the funding source for associated compensation
- The staffing outlined for Year 0 will enable the school to reach its Year 0 milestones and goals
- Startup expenses are reflected in the budget narrative assumptions and the budget calculations

## **Services**

- Operations plan includes logical plans for all essential and program-specific non-academic services, including, but not limited to:
  - Supporting transportation, food service, facilities management, nursing, and purchasing processes, and school safety.
  - Staff structure/plan is adequate for the proposed school and aligns with the educational program; lines of authority are clear.
- IT plans should include consideration of:
  - User access control policies, limitation of access rights and procedures for removing access from departing employees.
  - Policies for data stored on personal and portable devices aimed at minimizing inadvertent disclosing of information, such as theft or misplaced equipment.
  - Strategy for information backups and disaster recovery.
  - Intruder prevention strategies, including physical and electronic intrusion.
  - Malware and malicious software prevention and removal strategy.
  - An effective plan for managing student information, including Infinite Campus, evidence of contact with the vendor to price and arrange for training, and the provision of appropriate on-site on contract staffing and support resources and an information security plan for staff, students, parents, and contractors.
  - Clear plans that confirm compliance with NRS 385A.800
- Costs of services are realistic and align with budget and academic program.
- Committee to form articulate clear metrics and process for evaluating effectiveness of services.

## **Facilities**

- Identifies a viable educational facility or facilities that meets the needs of the students and accommodates the programmatic and operational needs of the school(s) over the charter term as described throughout the application—OR—outlines in detail the plan and timeline to identify and secure facilities as needed
- Provides facilities costs including, as applicable, cost of purchasing, leasing, building, or renovating an educational facility that conforms to applicable health, safety, and occupancy requirements
- If a facility has been identified
  - Evidence that facility will be appropriate for the educational program of the school and adequate for the projected student enrollment
  - Adequate reflection of the costs associated with the proposed facility in the budget including rent, utilities, insurance and maintenance.
  - Assurance that the proposed facility will be in compliance with applicable building codes, health and safety laws, and with the requirements of the American with Disabilities Act (ADA).
  - A sound plan to identify needed startup costs and renovations as well as the funds and a timeline for the completion of those renovations.
  - Evidence that the applicant has engaged with local jurisdiction(s) and municipalities.
- If a facility has not yet been identified
  - Description of anticipated facilities needs including evidence that the facility will be appropriate for the educational program of the school and adequate for the projected student enrollment

- Inclusion of costs associated with the anticipated facilities needs in the budget including renovation, rent, utilities, insurance and maintenance.
- Evidence to indicate that facilities-related budget assumptions are realistic based on anticipated location, size, etc.
- Assurance that the proposed location will be in compliance with applicable building codes, health and safety laws, and with the requirements of the American with Disabilities Act (ADA).
- Plan for finding a location including a proposed schedule for doing so.
- A clear, time bound plan to engage with local jurisdiction(s) and municipalities.

## Ongoing Operations

- Safety and security plans likely to ensure a safe environment for people and property that corresponds with the core elements of the state-mandated school safety plan and the requirements in statute and regulation.<sup>15</sup>
- Provides for adequate insurance coverage that meets the mandatory minimums for each charter school and scales depending on the size the school and number of proposed campuses.<sup>16</sup>
  - General liability insurance with a minimum coverage of \$1,000,000.
    - including coverage for molestation and sexual abuse
    - broad form policy, with the named insureds as follows:
      - The sponsor of the charter school;
      - All employees of the charter school, including, without limitation, former, present and future employees;
      - Volunteers at the charter school; and
      - Directors of the charter school, including, without limitation, executive directors.
  - Umbrella liability insurance with a minimum coverage of \$3,000,000.
  - Educators' legal liability insurance with a minimum coverage of \$1,000,000.
  - Employment practices liability insurance with a minimum coverage of \$1,000,000.
  - Employment benefits liability insurance with a minimum coverage of \$1,000,000.
  - Insurance covering errors and omissions of the sponsor and governing body of the charter school with a minimum coverage of \$1,000,000.
  - If applicable, motor vehicle liability insurance with a minimum coverage of \$1,000,000.
  - If applicable, liability insurance for sports and athletic participation with a minimum coverage of \$1,000,000.

## Financial Plan

- The financial manager has the appropriate expertise to provide accurate and timely financial information to decision-makers.
- The charter committee to form protects mission-critical expenses when faced with budget cuts.
- There is appropriate segregation of financial duties which align to organizational chart and job descriptions.
- Control systems ensure that only allowable expenses will be made and that all expenses will be coded appropriately.
- Projections are based on accurate, conservative, and legally compliant. This includes appropriate allocations for required expenditures such as sponsorship fee, PERS contributions, etc.
- Budget priorities are aligned with school and expansion plan (if applicable)
- School level budget priorities are consistent with the operator's model, including but not limited to: educational program, staffing, and facility
- Both school and network level budgets present balanced, realistic, evidence-based revenue and expenditure assumptions (including, if applicable, any plan to incur and repay allowable debt)
- Sufficient detail and specificity of assumptions for ALL budget line items to allow for the assessment of fiscal viability
- Commitment to maintaining the financial viability of each school individually and the network as a whole (if applicable)
- Clear understanding of monthly cash flow for both individual school sites and the network/region as a whole (if applicable)
- Demonstrates sufficient financial health of the network through audited financial documents (if applicable)
- Current ratio of at least 1.1 on a monthly basis for network (if applicable) and schools are either 1.1 or better or is between 1.0 and 1.1 and trending positive from the immediately prior year
- The debt-to-asset ratio is less than 0.9.
- Sufficient cash reserves to cover operations for EACH school and for network or regional operations (if applicable), required minimum of 15-days in Year 1 and increasing each year
- Projections are based on accurate, conservative, and legally compliant assumptions.
- All funds from external sources are guaranteed with money in hand or letter of award and grant terms.
- No essential services are funded at amounts that would preclude the committee to form from implementing their plan.

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<sup>15</sup> See: NRS 388.229-266

<sup>16</sup> See: NRS 388A.190

- There is no evidence that the school ever will become insolvent or lack access to the necessary amount of liquidity.
- There are no material findings in the two most recent audited financial statements of CMO/EMO or any CMO and EMO schools (If applicable).
- Assumptions about facilities in all financial statements correspond to a conservative facility plan and account for possible contingencies.

## Addendum (for CMO Applicants and Committee for Form Applicants seeking to contract with a CMO or EMO)

### Readiness for Growth

- CMO/EMO criteria for evaluating readiness for expansion are comprehensive and demonstrate high expectations for academic, financial, and organizational performance.
- Evidence is provided that that CMO/EMO is ready to expand according to the articulated criteria for evaluating readiness.
- Academic Performance data for schools affiliated with the CMO/EMO demonstrate strong performance equivalent to 4- or 5-star performance on the NSPF.
- Finance Performance data for schools affiliated with the CMO/EMO demonstrate strong performance equivalent to a rating of 'meets standard' on the SPCSA's Financial Performance Framework.
- Organizational Performance data for schools affiliated with the CMO/EMO demonstrate strong performance equivalent to a rating of 'meets standard' on the SPCSA's Organizational Performance Framework.
- The three most recent audits of the EMO/CMO and existing schools show no material findings.

### Scale Strategy

- The plan to scale the model to new sites is adequately resourced and staffed appropriately at both the CMO/EMO and school levels.
- Plans for sourcing and training potential school leaders, including qualifications and competencies, is aligned with the mission and programs.
- Previous scale-up endeavors are shown to have been successful with student performance data and organizational financial data (if applicable).
- Includes plan to infuse Nevada school(s) with the essential elements of EMO/CMO model.
- EMO/CMO has sufficient infrastructure (or plan to develop same) to support the proposed network of schools, including shared services and the costs associated with them.
- Organization charts clearly indicate lines of authority between the board, EMO/CMO, and schools.

### School Management Contract

- Clear rationale for selection of Educational Management Organization (EMO/CMO)/Charter Management Organization (CMO)
- Clear, appropriate delineation of roles and responsibilities between the management organization and the school site(s)
- Demonstrates capacity and commitment of the governing board to oversee the EMO/CMO effectively:
  - Plan for board to monitor/evaluate the EMO/CMO's performance
  - Appropriate internal controls guide the relationship
  - Describes how the governing board will ensure fulfillment of performance expectations
  - Discloses and addresses any potential conflicts of interest (real or perceived)
- Clearly outlines the roles/responsibilities of the EMO/CMO in the year prior to the school's opening. The committee to form provides a Memorandum of Understanding (MOU) or agreement that lists specific services and fees for this period of time.
- If school leadership is employed by the EMO/CMO, there are provisions in the contract, bylaws, and organizational structure that ensure board approval, provides evidence of EMO/CMO's demonstrated track record of success in serving a similar population using the same academic model and its track record in managing financial and organizational outcomes to levels consistent authorizer financial and organizational frameworks expectations.
- There are no prohibited familial relationships between charter holder board members and EMO/CMO employees within the third degree of consanguinity or affinity nor any supervisory or business relationships between charter holder board members or relatives of such and relatives of EMO/CMO employees within the third degree of consanguinity or affinity.
- Clearly defined contract terms including: contract duration; roles and responsibilities of the school governing board, school staff, and EMO/CMO-specific services and resources to be provided by the EMO/CMO; performance evaluation measures and mechanisms; compensation to be paid to the provider; financial controls and oversight; methods of contract oversight and enforcement; investment disclosure; and conditions for renewal and termination of the contract, and alignment of the key performance indicators for the EMO/CMO and the hierarchy of sanctions for poor performance with the SPCSA academic, financial, and organizational frameworks and intervention ladder. SB509 requires that a management relationship

and a management contract may not jeopardize a school's eligibility to qualify for 501c3 status. The IRS has several criteria which are used by the Authority:

- A charter school must show that contracts, especially comprehensive management contracts, have been negotiated at arm's length and are for the benefit of the school rather than the service provider. The IRS has determined that boilerplate contracts may be an indicator that the terms of the contract were not the subject of negotiations between independent parties; the applicant must provide clear and compelling evidence that the contract submitted is not a boilerplate contract.
- Representation of both the school and the management by the same attorney or payment of the school's attorney by the EMO/CMO is also an indication of the absence of arm's length negotiations.
- When reviewing a charter school contract for management services, determine whether the terms are consistent with fulfillment of the school's exempt purposes. Some contract terms may result in a finding that the school is operated for the benefit of the management and preclude exemption. Areas of concern include:
  - A management contract is subordinate to the charter contract. In the event of any conflict between the management contract and the charter contract or current law or regulation, the charter contract, law, or regulation governs.
  - Length of Contract -A contract's length can greatly influence the board's ability to monitor and evaluate the management's performance. There is a need to balance management company's interest in a long-term contract with the school's need for flexibility in changing companies and meeting its fiduciary responsibility and its responsibilities under the charter contract, law, and regulation. Nevada requires that all management contracts must initially be for two years and no management contract can have a term that extends beyond the charter term. A management contract must cease in the event that a school is reconstituted or restarted. Cancellation of a management contract may be a requirement for renewal.
  - Board Policies -The general policies concerning the operation and management of a charter school may not be contracted away. These broad policies help define the school's identity.
  - Services - Comprehensive school contract packages place much of the control of the day-to-day operations in the hands of the management. Responsibilities of both the company and the school must be clearly stated in the contract.
  - Personnel – Up to 30 percent of principals, teachers and staff may be employed directly by the school or may be employees of the management. However, the existence of an anti-compete clause that prevents a school from hiring the personnel that it has utilized in operating its school (principals, teachers, etc.) for a specific length of time after termination of the management contract is impermissible, as this practice serves the private interests of the management and limits the school's ability to terminate the contract.
  - Compensation - management fees must be reasonable and commensurate with the services provided. A management fee structure should not be based on total income (i.e., all fees, grants, contributions, and unusual receipts). Compensation should not be above the market rate generally charged for the service provided. This can be established through evidence of comparative shopping for services. An applicant must provide clear and compelling evidence of due diligence related to the market rates for such services.
  - Termination - A service contract should specify the provisions for termination and the procedure for evaluating when the terms of the contract are in default. Termination provisions that unreasonably restrict and limit the options of the school are evidence of private benefit to the service provider. No contract can have an automatic renewal provision. All contract evaluations must be aligned to the elements of the charter contract and performance framework (as amended) and current law and regulation for which the management organization provides supporting services.
  - Consider name identification - In many cases, contractual provisions require a charter school to attach the management company's name to the school (i.e., Company X Charter School or Charter School, a Company X affiliate or Y Brand Charter School, where the brand is the property of Company X.) The IRS has determined that "Name branding" has no clear exempt purpose. It links management companies to exempt schools and allows the company to draw goodwill from the relationship. It allows the management companies to build name recognition without additional expense. It also places a contractual burden on the charter schools, making it more difficult for the school to terminate the relationship with the management company. A "name branding" requirement may be an indicator of private benefit depending upon the facts and circumstances. While "name branding" is not specifically forbidden by state law, it will be scrutinized heavily pursuant to SB509 due to the IRS concerns—both to ensure that 501c3 status is not delayed or jeopardized and to ensure that the school that is permitted to use a "name brand" can provide the IRS with evidence that this was scrutinized and determined to be appropriate by a public agency. "Name branding" is more likely to be allowed by the Authority in cases where the established brand name is associated with a proven school model with a lengthy track record of consistent achievement at the highest

levels on the statewide accountability systems in each state where it is implemented. It is unlikely to be permitted in cases where the brand and associated model has a limited or mixed track record. A management contract must contain provisions regarding the change of school names which aligns with the charter contract, state law and regulation, and Authority expectations that the school name include the words “Public Charter School” or that the phrase “a public charter school” accompany the school’s name on the school’s website, signage, letterhead, and marketing materials in a prominent and consistent manner.

- Analyze ancillary services provided - Comprehensive school management companies may provide other services directly or through affiliates. These services may include cash advances for startup funds, capital loans, facility leasing, technology contracting, furnishings, fixtures, textbooks, and just about anything else a charter school may need. The IRS recognizes that such services can be essential for startup schools, but schools should maximize their use of other available funding mechanisms (including the Nevada revolving loan fund) with more competitive interest rates. However, the reviewer should scrutinize agreements and the narrative carefully for clear and compelling evidence to determine whether the terms were the result of arm's length negotiation with an independent charter school board or are, in effect, adhesion contracts with a captive school board.
- There is no provision permitting the EMO/CMO to appoint members to the governing body or approve members.
- The contract does not allow for any form of leverage – including but not limited to severance fees and facilities ownership – by which the EMO/CMO can ensure renewal of their contract.

### **Charter Management Organizations Applying for Sponsorship Directly (If Applicable)**

- The application clearly and logically explains the extent to which the governance model of the charter management organization requires a waiver from the governance provisions of the charter school law pursuant to NRS 388A.243.
- If the charter management organization is from another state, the application provides a comprehensive, actionable plan to ensure that the board will balance fidelity to its mission with appropriate input and oversight from Nevada residents.
- [If applicable] If the non-profit’s current board will govern the charter school, the application outlines clear, logical, and comprehensive steps to transform its board membership, mission, and bylaws to assume its new duties.
- [If applicable] If a new board has been formed, the application clearly delineates the new board’s relationship to the existing non-profit board and the governance responsibilities of both entities as it relates to the proposed school.