

# 2022 New Charter School Application Report and Recommendation

## Southern Nevada Trades High School

### General Information

Proposed School Name	Southern Nevada Trades High School
Proposed EMO/CMO	N/A
Proposed Mission	Southern Nevada Trades High School promotes excellence in academic and career and technical education, preparing students for post-secondary education and careers in construction related professions.
Proposed Grade Configuration	Opening: 9-10 Full Scale: 9-12
Proposed Opening	August 2023
Proposed Location	Clark County; 1580 Bledsoe Lane
Proposed Zip Codes to be Served	89110

### Planned Enrollment

	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29
K						
1						
2						
3						
4						
5						
6						
7						
8						
9	100	100	100	150	150	150
10	100	100	100	100	150	150
11	0	100	100	100	100	150
12	0	0	100	100	100	100
<b>Total</b>	200	300	400	450	500	550

## 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, determined that three of the four sections of the application meet the standard as outlined in the charter application rubric. The *Meeting the Need*, *Academic*, and *Financial Plans* were determined to have met the standard, while the *Operations Plan* was rated overall as approaches the standard.

The review committee and SPCSA staff find that the *Meeting the Need* section of the application ‘Meets the Standard’ as defined by the charter application rubric. Southern Nevada Trades High School proposes to model itself on the 5-star ACE Charter high school in Reno, Nevada and focus on both academic and career technical education. The committee to form plans to locate in the 89110 zip code which contains several 2-star rated high schools, and aims to offer training in careers that are well paid and in high demand, provide a talent pipeline for local construction companies, and help the community keep pace with housing demands. While the narrative provides information about significant outreach efforts in the 89110 zip code, limited evidence is provided as to how the community has helped to shape the proposal. In addition, while the committee to form has established several partnerships, local, community-based partnerships remain under-developed.

Both the review committee and SPCSA staff find that the proposed *Academic Plan* ‘Meets the Standard’ as outlined in the charter application rubric. Many of the key components of the academic plan, including the curricular and instructional materials and strategies are modeled after ACE charter high school. In preparation for the launch of the school, the proposed Executive Director of Southern Nevada Trades High School was embedded in ACE High School for six months to learn first-hand about implementation of the model. The narrative provides a thoughtful approach to student promotion and monitoring student progress to ensure students remain on track for graduation. The committee to form has established a strong vision for the school culture and thorough plans embedding that culture within the school. In addition, the narrative puts forth a logical and comprehensive plan for student discipline that includes the use of restorative approaches. The committee to form proposes that the school operate on a quarter system whereby students would take four classes at a time and complete courses in two quarters rather than a full year, which would support the implementation of the proposed model. While the narrative outlines goals that are well-aligned to the unique model, including several goals related to workforce readiness, concerns remain regarding the rigor of the student growth goals and plans for monitoring school progress. Though the narrative provides ample details regarding the proposed multi-tiered systems of support, it is not clear how the school would effectively support students should a large percentage enroll significantly behind academically. In addition, concerns exist about whether there would be sufficient staff to support English learners in the first year of operations.

Overall, the *Operations Plan* was rated as ‘Approaches the Standard’ by the review committee and SPCSA staff. The proposed governing body includes individuals with significant background in the construction industry providing impressive expertise aligned to the unique school model. However, the proposed board goals lack a clear tie to the academic improvement of students and the narrative does not

establish standards that the school leader must satisfy in order to keep the school on track to achieve its vision. While the committee to form includes a proposed Executive Director who will focus on the operations of the school, little information is provided regarding the process for hiring the Principal who is described as the primary instructional leader for the school. Though the proposed staffing plan generally aligns with the model, capacity concerns remain about the lack of an EL teacher and counselor during the first year. The narrative provides details regarding how the school would ensure all staff are licensed and ensure that key hiring and human resource functions are in place. However, questions remain about the hiring process, particularly the role of the board and its committees. With regard to student recruitment and enrollment, the narrative outlines a multi-faceted approach and the committee to form provided evidence of demand for 105 students, the vast majority of whom reside in the 89110 zip code. The application includes a thorough incubation year plan and the committee to form was able to provide evidence that sufficient funds have been raised to support the incubation year activities. While the narrative identified a proposed facility to be leased by the school, shortly before the capacity interview, the committee to form notified the SPCSA that a new facility had been identified. This new facility can serve as the permanent location for the school and appears to meet the needs of the educational program.

The review committee and SPCSA staff find that the *Financial Plan* 'Meets the Standard' as outlined in the charter application rubric. The committee to form provided a detailed budget with reasonable cost assumptions and expenditures that align with proposed school model. In response to clarifying questions, the committee to form provided documentation demonstrating that sufficient funds had been raised to support the incubation year activities, which includes a salary for the Executive Director and funding for recruitment efforts. In addition, the committee to form has applied for the Charter School Program Grant. The narrative explains that the board intends to contract with a back-office provider to support with accounting, bookkeeping, payroll, budgeting, and grants.

For these major reasons, in addition to those outlined throughout this document, staff's recommendation is to approve the Southern Nevada Trades High School charter school application, with conditions.

***Proposed motion:*** Approve the Southern Nevada Trades High School application as submitted during the 2022 Application Cycle, with the conditions as permitted by NAC 388A.410 and as outlined below, based on a finding that the applicant has met the requirements contained in NRS 388A.249(3) in that the applicant has demonstrated 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.

1. By September 30, 2022, provide a detailed plan for hiring the principal.
2. By November 30, 2022, provide a fully executed agreement with ACE Charter School regarding the ongoing services and supports to be provided by ACE Charter School.
3. By November 30, 2022, provide a revised budget which includes an ELL/TESOL Teacher during the first year of operation.
4. By March 1, 2023, provide evidence that the principal hire has been hired.
5. Complete the SPCSA pre-opening process for new charter schools

Pursuant to NAC 388A.410, all conditions set forth above must be met for the school to open for the 2023-24 school year.

# 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>Meets the Standard</b>
Mission and Vision	Meets the Standard
Targeted Plan	Meets the Standard
Parent and Community Involvement	Approaches the Standard
<b>Academic Plan<sup>1</sup></b>	<b>Meets the Standard</b>
Transformational Change	Meets the Standard
Curriculum & Instructional Design	Meets the Standard
Promotion & High School Graduation Requirements	Meets the Standard
Dual Credit Partnerships	Meets the Standard
Driving for Results	Approaches the Standard
At-Risk Students and Special Populations	Approaches the Standard
School Structure: Culture	Meets the Standard
School Structure: Student Discipline	Meets the Standard
School Structure: Calendar and Schedule	Meets the Standard
<b>Operations Plan</b>	<b>Approaches the Standard</b>
Board Governance	Approaches the Standard
Leadership Team	Approaches the Standard
Staffing Plan	Approaches the Standard
Human Resources	Approaches the Standard
Student Recruitment and Enrollment	Meets the Standard
Incubation Year Development	Meets the Standard
Services	Approaches the Standard
Facilities	Meets the Standard
Ongoing Operations	Meets the Standard
<b>Financial Plan</b>	<b>Meets the Standard</b>

<sup>1</sup> The Southern Nevada Trades High School proposal did not contemplate Distance Education or Pre-Kindergarten. Therefore, the corresponding sections of the rubric were not scored.

# Meeting the Need: Meets the Standard

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

## Summary of Findings

Southern Nevada Trades High School proposes to model itself on the 5-star ACE Charter high school in Reno, Nevada which is sponsored by the Washoe County School District. The proposed mission of Southern Nevada Trades High School includes a focus on both academic and career technical education that will be met with student success in both post-secondary education and careers. This mission statement is clear and measurable and is reflected throughout the application.

The narrative goes on to outline three proposed benefits to the community including, offering student training in careers that are well paid and in high demand, providing a talent pipeline for local construction companies, and helping the community keep pace with housing demands. Specifically, the applicant plans to primarily serve students residing in the 89110 zip code, which contains several high schools that were most recently rated as 2-stars. Additionally, the applicant provided data that the Las Vegas metropolitan area will need 34.5% more construction trade workers in the next ten years, and this proposed school supports this community need. The applicant also states that its proposed model of work-based learning and hands on experience will encourage students to persist to and through high school. The proposal demonstrates clear alignment to the SPCSA’s Academic and Demographic Needs Assessment. However as detailed in the *Academic Section*, some questions remain regarding the plans for serving students with additional education needs, including students with disabilities and English language learners.

The committee to form worked with Latino Outreach Solutions to support engagement with residents of the 89110 zip code and the application provided a detailed list of the events, including townhall meetings, house parties, and various community events, between February and March of 2022. During the capacity interview, committee to form members also spoke about “kitchen-table conversations” to build relationships and hear from community members. While these efforts demonstrate a commitment to community engagement, the committee to form has provided limited evidence to date regarding how the information collected through these events has informed the proposal and how the proposed school will build upon local community assets within the 89110 zip code. The application included 13 letters of support, though it should be noted that some of these are proposed vendors. Some but not all of the partnerships with local construction-related companies appear to be well developed. However, the letters of support from several proposed partners, particularly several that are proposed community-based partners, did not provide detailed information regarding specific commitments or deliverables.

For these reasons, as well as those detailed further below, the review committee and SPCSA staff rated this section as ‘Meets 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: Meets 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
    - 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.

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

- 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:**

- 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>2</sup>

**Rubric Criteria Rated as Approaches or Does Not Meet 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.
- 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>2</sup> <https://www.leg.state.nv.us/Register/2016Register/R131-16AP.pdf>

# Academic Plan: Meets the Standard

Academic Plan <sup>3</sup>	Meets the Standard
Transformational Change	Meets the Standard
Curriculum & Instructional Design	Meets the Standard
Promotion & High School Graduation Requirements	Meets the Standard
Dual Credit Partnerships	Meets the Standard
Driving for Results	Approaches the Standard
At-Risk Students and Special Populations	Approaches the Standard
School Structure: Culture	Meets the Standard
School Structure: Student Discipline	Meets the Standard
School Structure: Calendar and Schedule	Meets the Standard

## Summary of Findings

The Southern Nevada Trades High School (SNTHS) Academic Plan contains a comprehensive and well-defined theory of change. The educational strategy is highly compelling and is well aligned to the school’s mission statement. As noted in the *Meeting the Need* section, several elements of the school’s plan have been replicated from the Academy for Career Education (ACE), a 5-star charter high school located in Washoe County which opened in 2002. In particular, the academic program including the curriculum and design elements are modeled after ACE. Earlier this year, the proposed Executive Director of SNTHS was embedded in ACE High School for six months to learn first-hand about implementation of the instructional model.

The narrative outlines a course progression that meets both the Nevada Graduation requirements and aligns with the requirements for a career technical education (CTE) concentration in construction. The descriptions of curriculum demonstrate thorough knowledge of Nevada state requirements, standards, and an understanding of state graduation requirements. The committee to form proposes to utilize the courses and materials developed by ACE and in response to clarifying questions, provided curriculum maps for several courses to demonstrate alignment with the Nevada Academic Content Standards. The narrative states that there will be explicit integration of academics and CTE, for example, math classes will use construction-trade related examples and CTE courses will require students to practice speaking and listening skills. The committee to form has included a thorough and detailed description of the school’s professional development plan which entails a four-day summer professional development program, weekly staff meetings and Professional Learning Communities (PLCs) for 90 minutes per week to allow for collaboration and data analysis. Teachers will receive bi-weekly observations from the principal and executive director as well as formal evaluations annually.

The committee to form outlines an approach whereby all students would matriculate through the school based on the number of years they have been enrolled in high school. The narrative describes several checkpoints throughout a student’s high school career to ensure that they continue to be successful and are on track to graduate. The school plans to conduct annual transcript evaluations with students so that they can stay on track to graduate, and there will be family meetings held annually to review the students’ academic plans. Teachers and counselors will work with students on identifying the appropriate course selection and to provide credit recovery options if necessary. The committee to form has included a draft memorandum of understanding (MOU) with the College of Southern Nevada to provide dual enrollment. The MOU outlines the length of the agreement, how students are selected for dual enrollment and how students will be oriented to the program as well as the general responsibilities of both parties. According to

<sup>3</sup> The Southern Nevada Trades High School proposal did not contemplate Distance Education and Pre-Kindergarten. Therefore, the corresponding sections of the rubric were not scored.

the MOU, it is the responsibility of the school to pay for the dual enrollment courses.

The committee to form has outlined thoughtful mission-specific goals, which complement the SPCSA's academic framework. These goals are broken into four categories, including academic proficiency, CTE proficiency, employability, and social-emotional learning. The school plans to administer a variety of assessments to track student progress, including iReady and ACT WorkKeys.<sup>4</sup> In addition, the school plans to use an "Employability Rubric" which articulates qualities that students need in order to be successful in the workplace. While the majority of the mission-specific goals appear to be rigorous and ambitious, the growth goal, that students will make at least one grade-level of progress per year, may not be sufficiently rigorous given that the committee to form anticipates serving a large number of students who will enroll one to two grade levels behind. The narrative includes several structures to support the use of data, including PLCs and whole-staff professional development sessions. The application states that staff will review subgroup data during monthly Response to Intervention (RTI) meetings in order to respond to subgroups that are struggling in academic or social emotional areas. Additionally, the school leadership team plans to conduct a "step back" in quarters two and four to review all academic and culture data with particular focus on subgroups performance. While a number of structures are in place for internal monitoring, there is a lack of information describing how academic data will be monitored at the governing board level and the frequency at which this will happen. Additionally, while there are several structures for monitoring of student progress during the school year there is limited discussion of how the assessment plan is designed to monitor student progress year after year through graduation. Finally, the school does not provide any specific goals for subgroup performance as part of either its mission specific goals or its overall academic goals.

The committee to form proposes to use a multi-tiered systems of support (MTSS) to identify students who have been defined as "at risk" and to support those students' achievement. The school will use i-Ready as the primary diagnostic assessment to determine student achievement needs in grades 9-12. In addition, the school plans to leverage weekly PLC meetings as the primary place for student performance to be monitored and analyzed. While the application describes a process for identifying students in need of additional supports, and discusses a tiered intervention model, questions remain about how students who are significantly behind academically will be remediated so that they can access grade-level material. Additionally, the narrative indicated that the school anticipates only 20 percent of students need tier 2 or 3 supports, however, it's not clear that this is realistic given the intention to serve a community with several low-performing schools. Should a larger percentage of students require additional supports, the proposed RTI model may be insufficient to provide necessary supports for students. While two members of the committee to form, including a proposed board member and the proposed Executive Director, have some experience with special education, concerns remain regarding familiarity with Nevada-specific special education requirements. In addition, the application provides little information about the process and frequency for monitoring and reporting on progress of students with IEPs. The narrative is lacking sufficient detail regarding plans for exiting students and supporting them with the transition. While the narrative describes a thoughtful plan for identifying and serving English language learners, concerns remain about whether the school would be sufficiently staffed in the first year to support those students given that the budget does not include an ELL Teacher until the second year of the school. Although the narrative outlines a process for identifying students experiencing homelessness at the point of enrollment, no information was provided about how the school would identify a student who might become homeless while enrolled. The narrative also provides little information regarding how the proposed school would provide wrap around services to meet the needs of students experiencing homelessness.

The narrative defines its school culture through the "Five Cs of Success" which are aligned to the school's proposed mission and vision: career ready, college ready, confident & prepared, collaborative, and capable. For each "C", the narrative defines the intended outcome, a way to measure or collect evidence,

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<sup>4</sup> ACT WorkKeys measure foundational skills required for success in the workplace.

and an example of what the daily action could look like. For ninth grade students the Freshman Success Program will include dedicated time for students to learn the school culture and norms. For transfer students, the school will provide a transfer orientation to acclimate new students to the school culture and the Five C's. The narrative indicates that the committee to form partnered with Bellwether Education Partners to establish the School Culture Design Framework and ensure that the school's culture and the Five C's are embedded in all aspects of the school. This framework includes defining a student success profile, providing staff professional development on the school culture, and creating school wide systems to maintain the culture. The school will track student and family surveys, attendance, discipline data, and student performance on the employability rubric to evaluate the success of the school culture and to determine if there are any areas that need extra attention. Additionally, the school will utilize two school culture "step-backs" per year to evaluate the trends and address any areas for growth. Southern Nevada Trades High School plans to utilize a standard uniform and acknowledges the need to create low or no cost options for students.

Southern Nevada Trades High School proposes a "restorative progressive discipline plan" that has five levels. The applicant states that parents are encouraged to be involved in all levels of the plan. The discipline plan will be included in the student/family handbook, reviewed with all students every year, and sent home at the beginning of the school year for parents to review. Each of the five levels of the discipline plan have been described in detail and the narrative includes information regarding alignment to the school's workplace development expectations. The narrative provides a clear description of how the discipline policy will be applied to students with disabilities and how the school will ensure the student rights are protected. In addition, the narrative outlines multiple opportunities for student to participate in a "restoration" action plan. The narrative also indicates that the RTI team will review the discipline data on a monthly basis to identify students that may need additional supports and to also review disaggregated data to monitor and prevent any disparities in the application of the discipline policy.

The committee to form proposes a calendar which exceeds the minimum required instructional minutes and ensures that students will complete the required 120 hours of instruction per credit. Rather than a semester system, the proposed school would operate on a quarter system, whereby students would take four classes at a time and complete courses in two quarters rather than a full year, which would support the implementation of the proposed model. The committee to form has set a goal of 100% of students missing fewer than four days per quarter in order to ensure that they do not fall behind. The school has identified the Principal as the primary individual monitoring attendance, and attendance data will be a part of the data that is regularly analyzed during PLCs and RTI meetings. State regulations will form the basis of the school's attendance policy and school staff will communicate regularly to parents if students are at risk of missing more than 10% of school days.

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

## Transformational Change: Meets 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
- 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.

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

*None*

Curriculum & Instructional Design: Meets 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/)
- 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.

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

*None*

Promotion & High School Graduation Requirements: Meets 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
- 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

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

*None*

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: Approaches the Standard****Rubric Criteria Rated as Meets 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.
- The school's internal, leading indicator goals clearly align to the Nevada School Performance Framework and the Authority Performance Framework.
- 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.
- 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).

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

- 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.
- 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.

## At-Risk Students and Special Populations: Approaches 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.
- Outlines plans to promote parent participation among parents of at-risk students, students with disabilities and English Language Learners.

#### *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 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).
- 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 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.

#### *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*

None

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

- Devotes adequate resources and staff to meeting the needs of all students.

#### *At Risk Students*

- 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.

#### *Special Education*

- Clear demonstration and understanding of Nevada and federal laws and regulations governing services for students with disabilities.
- 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.
- Articulates requirements and processes for monitoring services to students in need and plans to exit students who attain sufficient progress.

#### *English Language Learners*

None

#### *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: Meets the Standard

#### **Rubric Criteria Rated as Meets 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.
- 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.

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

None

### School Structure: Student Discipline: Meets 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.
- 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.

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

*None*

School Structure: Calendar and Schedule: Meets 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.
- Presents sound policies for student attendance and truancy including procedures for due process that comply with state law and regulation<sup>5</sup> and are customized to the charter school.

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

*None*

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<sup>5</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	Approaches the Standard
Human Resources	Approaches the Standard
Student Recruitment and Enrollment	Meets the Standard
Incubation Year Development	Meets the Standard
Services	Approaches the Standard
Facilities	Meets the Standard
Ongoing Operations	Meets the Standard

### Summary of Findings

The proposed governing body includes individuals with significant background in the construction industry providing impressive expertise aligned to the unique school model and deep relationships that have the potential to benefit the proposed school. The narrative provides a clear delineation between the role of the board in governing and the roles of the Executive Director and school leadership team in managing the day-to-day operations of the school. Despite these strengths, there are some remaining concerns. The proposed board goals lack a direct tie to improving academic outcomes for students. In addition, the narrative does not establish a clear, ambitious, data-driven set of standards that the school leader must satisfy in order to keep the school on track to achieve its vision.

The committee to form proposes a three-member leadership team headed by the proposed Executive Director whose work will focus on school operations and implementing the mission and vision. The Principal (and Assistant Principal, who will be hired in year three) will round out the leadership team. While the Executive Director has been identified, and her experience appears to align closely to the responsibilities of the role, the Principal has not yet been identified. Though some general information is provided about the plan for filling this role, few details are provided regarding the school's plan and process for hiring the Principal who is described as the primary instructional leadership for the school. Similarly, while the narrative provides some information about how the Executive Director will be supported and evaluated, little information is provided regarding the development and evaluation of the Principal.

The proposed staffing plan is generally aligned to the proposed school model, but concerns remain regarding staffing to support students in the early years of the school. In particular, the staffing plan does not include an EL teacher during the first year of operations, despite projecting that 30% of students, or approximately 60 students would be identified as English Language learners starting in Year 1. Similarly, the staffing plan does not include a counselor until the second year of operations, despite statements in the narrative indicating that all students will meet with the counselor twice per year for career mentoring and support. While the committee to form indicated that these positions would be added into the staffing plan for year one should the proposed school be awarded the Charter School Program Grant, it is not clear how students would be provided these critical supports without this grant funding.

Within the *Human Resources* section, the committee to form describes expectations for ensuring that all staff would be licensed and references the use of the Business and Industry Endorsement for teachers of Career and Technical Education (CTE) courses. However, the narrative is lacking details regarding how the school will recruit, develop, and support CTE teachers within the unique school model. Additionally, there remain questions about the hiring process for staff. The narrative indicates that the Academic Committee of the Board interviews all staff candidates, which could cause the hiring process to be lengthy as all Board Committees are subject to the Open Meeting Law. During the capacity interview,

members of the committee to form seemed to indicate that the Academic Committee would not be involved in the hiring of all staff positions. Ultimately, the hiring process and the role of the Academic Committee in hiring remains unclear.

The proposed school plans to open with 100 students each in 9<sup>th</sup> and 10<sup>th</sup> grade and eventually grow to serve 150 students in each grade, 9-12. The narrative indicates that this incremental growth is aimed at ensuring that the school can provide individualized attention to students. Along with the narrative, the committee to form provided 105 letters of interest from the parents of potential students. All of these letters of interest are from students who were in 7<sup>th</sup> or 8<sup>th</sup> grade during the 2021-22 school year, meaning they would be in 9<sup>th</sup> or 10<sup>th</sup> grade in the fall of 2023. Over 80% of the letters of interest are from students who reside in the 89110 zip code. Finally, the committee to form plans to institute a multi-faceted approach to student recruitment which will include community events, townhalls, information sessions, middle school outreach, tabling, social media, and traditional media.

The incubation year plan is focused on five key goals for the incubation year to ensure the school is ready to open. These goals are centered around instruction, talent, operations, parent and community engagement, and governance. The incubation year milestones are clearly laid out and the narrative explains that the Executive Director will work full time during the incubation year. Additionally, in response to clarifying questions, the committee to form provided documentation demonstrating that sufficient funds had been raised to support the incubation year activities.

The narrative provides information regarding plans to contract for key services, including food services and nursing. Additionally, the proposed school plans to have a custodian on staff to provide janitorial services. While the narrative outlines some general information about technology, the committee to form did not provide details regarding plans for IT security and information backups and recovery. Additionally, the application is lacking information about how the committee to form will evaluate the effectiveness of services. Finally, while the narrative indicates that the board intends to enter into an MOU with ACE high school to support the replication of key practices that are modeled after this school, the MOU is not yet in place and the details of this arrangement have not yet been solidified despite reassurances during the capacity interview by the school's current Executive Director.

While the narrative identified a proposed facility to be leased by the school, shortly before the capacity interview, the committee to form notified the SPCSA that a new facility had been identified. The committee to form provided a copy of the signed lease for this new facility, which includes purchase option in the future. During the capacity interview, the committee to form indicated that this new facility provided a better option for the school and could serve as the long-term facility. This new facility appears to meet the needs of the proposed educational program, and the committee to form demonstrates significant expertise in construction and facility development.

The committee to form provided a description of how the proposed school would create and maintain an emergency operations plan, including responsible parties. The narrative included information regarding the technology and equipment that will be needed to implement the emergency operations plan as well as the procedures that will need to be developed. Additionally, the application includes an insurance proposal that meets coverage requirements.

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:**

- 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
- 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.
- 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.
- 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:**

- 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.
- 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.
- 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.<sup>6</sup>
- Provides a comprehensive plan for coaching, support and evaluation of school leadership.

Staffing Plan: Approaches the Standard

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

- Staffing plan aligns to the mission, vision, and proposed academic program.
- Staffing plan matches the proposed budget and is explicitly aligned to both budget narrative assumptions and to budget calculations.
- 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:**

- Appropriately staffed to meet the needs of the expected student population, including special student populations.
- 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:**

- 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.

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

- 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.

Student Recruitment and Enrollment: Meets the Standard

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

- The enrollment plan reflects an understanding of the Nevada context.
- The enrollment plan, including annual growth, is reasonable and supported by a clear rationale.

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<sup>6</sup> While the Executive Director has been identified, the Principal who will serve as the instructional leader has not yet been identified.

- 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

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

- *None*

Incubation Year Development: Meets the Standard

**Rubric Criteria Rated as Meets 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.
- 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

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

- *None*

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.
- IT plans should include consideration of:
  - 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.

**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.
- Committee to form articulate clear metrics and process for evaluating effectiveness of services.

Facilities: Meets the Standard

**Rubric Criteria Rated as Meets 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 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.

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

- *None*

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 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;

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

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

- 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*

## Financial Plan: Meets the Standard

Financial Plan	Meets the Standard
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### Summary of Findings

The committee to form provided a detailed budget with reasonable cost assumptions and expenditures that align with proposed school model. For example, the budget narrative includes appropriate costs for staff and student recruitment, professional development, and curriculum materials. The budget includes a small reserve going into Year 1 with the plan to increase the reserves year over year. In response to clarifying questions, the committee to form provided documentation demonstrating that sufficient funds had been raised to support the incubation year activities, which include a salary for the Executive Director and funding for recruitment efforts. In addition, the committee to form has applied for the Charter School Program Grant and indicates that if awarded these funds, the school would bolster the staffing plan to include a registrar during the incubation year to support families with registration, as well an EL teacher, academic counselor, and contracted psychiatrist during the first year. The narrative explains that the board intends to contract with a back-office provider to support with accounting, bookkeeping, payroll, budgeting, and grants.

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

### Financial Plan: Meets 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.
- 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
- Sufficient detail and specificity of assumptions for ALL budget line items to allow for the assessment of fiscal viability
- 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.
- 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.

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

- *None*

# Application Process Details

## Timeline

- September 15, 2022<sup>9</sup> – Southern Nevada Trades High School Notice of Intent is received
- March 1, 2022 – New Charter Application Training
- April 26, 2022 – Southern Nevada Trades High School Application is received
- May 17, 2022 – Memo sent to CCSD soliciting input.<sup>10</sup>
- June 28, 2022 – Clarifying Questions sent to applicant; responses received within 4 business days
- July 8, 2022 – [Applicant Name] 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 Southern Nevada Trades High School was conducted on July 8, 2022 and lasted approximately 120-minutes. All members of the committee to form and proposed board attended the interview. Additionally, one representative from EdTec, a proposed back-office provider attended the capacity interview. Questions during the capacity interview focused primarily on these areas:

Targeted Plan	Leadership Team
Parent and Community Involvement	Human Resources
Transformational Change	Services
Curriculum and Instructional Design	Facilities
At-Risk Students and Special Populations	Financial Plan
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 respond to a situation where mid-year data showed that students were not on track to meet goals for proficiency and growth. This hypothetical data also indicated that students identified as English Learners and students with disabilities were performing below the school-wide average.

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<sup>9</sup> On December 21, 2021, the Legislative Commission approved amended regulations that changed the new charter school applications timelines. At the time when these regulations were approved, Southern Nevada Trades High School had already submitted a Notice of Intent for the previously scheduled January 2022 application window, which did not occur due to the change in regulations. The Notice of Intent submitted by September 15, 2021 was therefore automatically moved to the April 2022 application cycle.

<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.”

## 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>11</sup>

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<sup>11</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;

## 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

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- A summary of the plan for the proposed charter school, including the mission, vision and goals of the proposed charter school;
  - 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

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 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>12</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.

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<sup>12</sup> <https://www.leg.state.nv.us/Register/2016Register/R131-16AP.pdf>

- 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.
- 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>13</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

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<sup>13</sup> NRS 392.122, NRS 392.130 and NRS 392.144.

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 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>14</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>15</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.

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<sup>14</sup> See: NRS 388.229-266

<sup>15</sup> See: NRS 388A.190

- 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.
- 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.