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ACTION MEMORANDUM

TO: SPCSA Board
FROM: Danny Peltier, Management Analyst III, SPCSA
Mark Modrcin, Director of Authorizing, SPCSA
SUBJECT: **Eagle Charter Schools of Nevada – Charter Amendment Request to occupy a temporary facility**
DATE: June 23, 2023

Summary of Request and Recommendation

Eagle Charter Schools of Nevada (Eagle) has submitted an amendment application requesting that the State Public Charter School Authority (SPCSA) grant a Good Cause Exemption and that the State Public Charter School Authority (SPCSA) approve occupation of a temporary facility until the construction has been completed at its permanent facility.

SPCSA staff has reviewed the application and, while staff still has concern, recommends that the Authority approve the request, with conditions. A proposed motion along with conditions can be found on page 4 of this memo.

Background and Overview of the Amendment

Eagle was approved on resubmission by the SPCSA Board at the January 22, 2021 Board meeting to open in the fall of 2021. Shortly thereafter, the school and board requested a deferral to open for the 2022 – 23 school year. The Authority approved this request at its March 19, 2021 board meeting. The school requested a second deferral to open in the 2022 – 23 school year, and this request was conditionally approved by the Authority at its January 28, 2022 meeting. Eagle came before the Authority at the May 20, 2022 meeting and was approved, with conditions, to locate in the 89104 zip code at the proposed location of 2025 E. Sahara Ave, Las Vegas, NV 89104 due to facility issues arising from the COVID-19 pandemic. At the December 16, 2022

board meeting, the Authority approved Eagle's plan to operate without the proposed CMO, Eagle Charter Schools.

Eagle's most recent amendment application seeks approval to occupy a temporary facility while tenant improvements are finished at the permanent facility, located at 2025 E Sahara Ave. Las Vegas, 89104. According to the amendment application, tenant improvements are scheduled to be completed around August 1 at the Sahara location. However, Eagle's planned first day of school is August 7. NRS 388A.360 requires a charter school to obtain a Temporary Certificate of Occupancy (TCO) or Certificate of Occupancy (COO) for the school building at least 30 days prior to the start of school and that SPCSA staff conduct a walkthrough prior to students occupying a facility. Due to the August 1 completion date, and the start of school on August 7, Eagle is unable to meet these pre-opening 30-day requirements. Additionally, the short timeline between the expected completion date and first day of school provides very little margin in the event of a construction delay. Consequently, Eagle has identified a temporary facility located at Cambridge Recreation Center, 3930 Cambridge St, Las Vegas, NV 89119 and seeks approval to start the school year at the temporary facility in order to maintain its planned start date of August 7.

According to the amendment application, Eagle communicated with families about their preferences to either delay the start of the school year to allow for completion of construction and securing the TCO/COO, or operate out of a temporary facility in order for the school year to begin on August 7. Eagle explained in the application that during discussions with their parents during weekly weekend recruitment and connection events, registered parents expressed that they prefer to send their children to a temporary facility (specifically Cambridge) rather than delay the start of the school year. According to the amendment application, the proposed temporary facility is used for student activities and the Certificate of Occupancy was included in the submission. The facility does include several large areas that will need to be broken into separate classroom settings and Eagle noted its landlord for the temporary facility, Clark County Parks and Recreation, is helping to secure temporary walls/dividers to accomplish this. Additionally, according to the amendment application, the temporary facility is located less than three miles from the primary campus and has sufficient queuing to be able to accommodate student drop safely and efficiently off and pick up.

As part of the amendment submission, Eagle included a draft lease along with the previously mentioned COO. The terms of the lease will allow Eagle to begin its school year on August 7. Eagle staff has shared that they plan to hold their professional development training during the end of July at the temporary facility. Eagle will be required to pay the daily rate of \$1410.00 through its occupation of the temporary facility. According to the amendment application, the lease is permitted to go through December 2023 in case construction is delayed at the permanent facility.

Eagle explained in their amendment application that the school will continually communicate with families about information regarding its time at the temporary facility. According to the amendment application, Eagle will hold Parent Q&A sessions during the week of 6/26 and more frequently if requested, identify 3-10 parents to meet with the administration team weekly until

the campus transitions to the permanent campus, website and social media platforms will be updated immediately to highlight the use of the temporary facility, and during the week of 8/7, Eagle staff, or volunteers, will be on site at the primary campus to ensure that parents are redirected to the temporary space.

Legal Authority

Existing charter schools that are sponsored by the SPCSA may submit a charter school contract amendment application to the SPCSA – which is reviewed by SPCSA staff and presented for SPCSA Board action – in order to, among other things, increase enrollment, add grade levels above and beyond what the charter school is approved to serve, or add a new campus. When determining whether to approve an amendment request, the sponsor considers the charter school’s compliance with applicable local, state and federal laws and regulations and evidence relating to the academics, finance and organization of the charter school. (See NAC 388A.400(8) and NRS 388A.276).

Analysis and Staff Recommendation

When reviewing an amendment application, SPCSA staff reviews the academic, financial and organizational performance of the applicant charter school. Eagle has yet to begin operation and has not been rated academically, financially, or organizationally. To date, the school has met conditions tied to the school’s approval and second deferral.

SPCSA staff has been communicating with Eagle staff in recent weeks and supports, with reservation, Eagle’s request to occupy the temporary facility until construction is completed at the Sahara site. While SPCSA did have concern regarding the timing of this request, Eagle has worked with both the SPCSA staff and the Cambridge facility to find solutions to those concerns. SPCSA staff initially was concerned with the timeline for occupation of the facility that would allow for a thorough walkthrough that is required of all schools prior to occupying a school and highlighted those concerns with Eagle staff. Eagle has engaged in ongoing conversations with Clark County Parks and Recreation, who will serve as the landlords of the Cambridge site, to get access to the facility in mid-July which will allow SPCSA staff to conduct the required walkthrough. Because evidence has not yet been provided by the school to confirm such access has been approved, Eagle will be required to provide evidence that it will be allowed to access the facility during mid-July to allow for the SPCSA to conduct its walkthrough. In addition to access to the facility for the walkthrough, SPCSA staff is also requesting that this evidence will also contain assurances that Eagle will not pay additional costs associated with the walkthrough or its planned professional development. While SPCSA staff prefers 30 days prior to opening to conduct a walkthrough, SPCSA staff is also cognizant of the uniqueness of this situation and was amenable to conducting the walkthrough closer to the start of the school year. Because the Cambridge facility already had the necessary COO needed which allowed for students on site, SPCSA staff is comfortable accommodate this shorter timeframe given the unique circumstances as well as the significant increase in student interest and enrollment over the past three weeks.

Additionally, SPCSA staff reviewed an updated budget submitted by Eagle and found the terms of the lease payments to be within the budget Eagle had submitted. SPCSA staff conducted a

pre-enrollment audit of Eagle and was able to confirm 306 students as confirmed to enroll which was in line with the submitted budget and would allow for the \$1410.00 rate to be paid by the school during its occupation of the Cambridge facility. The opening of any charter school presents many challenges, both seen and unforeseen, and the SPCSA continues to monitor Eagle closely as it begins operation in August.

While SPCSA staff supports this amendment request, it should be noted that this was not without hesitation. Despite the obstacles outlined within this memo, SPCSA staff found the plan submitted by Eagle to be both feasible, and responsive to the wishes of families who will enroll at Eagle, and therefore is in support of Authority approval of Eagle's request to occupy a temporary facility until the Sahara facility's construction is completed.

SPCSA staff has recommended conditions as part of this approval, which can be found in the motion.

Lastly, SPCSA staff would also note that if Eagle is unable to meet the conditions of this approval, the only option left would be to delay the start of school if the facility is not approved for operation by the 8/7 school year start. Stated another way, if the school fails to fulfill the timebound conditions outlined below, Eagle must delay their start of the school year to mid-late August. Without this delayed start, SPCSA staff would be extremely concerned with the timeline to both effectively communicate these changes to students and families and secure a facility that passes all requirements, including the SPCSA walkthrough.

SPCSA staff expects Eagle staff to be in frequent communication throughout the next 6 weeks to keep SPCSA staff both apprised of status, and to notify as quickly as possible in the event any issues arise.

Proposed Motion: Grant the Good Cause Exemption request of Eagle Charter Schools of Nevada and approve the request to occupy a temporary facility located at Cambridge Recreation Center, 3930 Cambridge St, Las Vegas, NV 89119 until construction is completed at the 2025 E Sahara Ave. Las Vegas, 89104 site, with the following conditions:

- **That by June 30, 2023, Eagle provide SPCSA staff evidence that SPCSA staff can perform the required walkthrough of the temporary facility at least one week prior August 7.**
- **That by June 30, 2023, Eagle submit a fully executed lease for the Cambridge Recreation Center, and**
- **That Eagle complete the pre-opening requirements prior to occupying the Cambridge Recreation Center site.**

In the event that Eagle is unable to meet the timebound conditions outlined above, Eagle must notify SPCSA staff and obtain an approved school calendar from the Nevada Department of Education with a revised start date in mid- to late-August.

If approved, the current enrollment cap for Eagle would remain unchanged:

School Year	2023-24	2024-25	2025-26	2026-27	2027-28	2028-29
Grades	K – 5	K – 6	K – 7	K – 8	K – 8	K – 8
Total Enrollment	540	648	756	864	891	918 ¹

Eagle Charter Schools of Nevada Demographics – N/A

Eagle Charter Schools of Nevada Financial Performance – N/A

Eagle Charter Schools of Nevada Organizational Performance – N/A

Eagle Charter Schools of Nevada Academic Performance – N/A

¹ Eagle anticipates enrolling 972 students in Year 8 of the school, during the second charter term should the school be renewed. This figure represents the school’s initial enrollment cap at full-scale and as approved by the Authority on January 22, 2021.