#### BEFORE THE STATE PUBLIC CHARTER SCHOOL AUTHORITY BOARD

 STATE OF NEVADA,
State Public Charter School Authority (SPCSA),
Petitioner

VS.

EAGLE CHARTER SCHOOL

Respondent.

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

On Friday, August 2, 2024, and Saturday, August 3, 2024, the State Public Charter School Authority (SPCSA) held a public hearing in compliance with the procedures for adjudication of contested cases under NRS 233B and made a final determination regarding the Notice of Termination of Eagle Charter School (Eagle) as approved by the SPCSA board on June 21, 2024, in accordance. The Board issued the following findings of fact, conclusions of law, and order:

## I. INTRODUCTION

- 1. Board members present in-person were Chair Dr. Tonia Holmes-Sutton, Vice Chair Kurt Thigpen, Member Dr. Jackson Olsen, Member Tamika Shauntee Rosales. Board Members Present online Member Victor Salcido, Member Ty Whitaker, Member Courtney Stern, Member Dr. Ivet Aldaba (not present on August 3), Member Lee Farris.
- 2. Todd Weiss, Senior Deputy Attorney General, was present and appeared as counsel for the Board on August 2, 2024; Joseph Ostunio, Deputy Attorney General, was present and appeared as counsel for the Board on August 3, 2024; Samantha King Powell, General Counsel for the SPCSA, was present and appeared as the prosecutor for the Board.

3. Kara Hendricks was present and appeared as defense counsel for Eagle Charter School. Eagle Charter School Board Chair Monica Johnson was present.

#### **II. JURISDICTION**

NRS 388A.330 gives the SPCSA Board the authority to terminate a charter contract in compliance with the procedures for adjudication of contested cases under NRS 233B.

## III. FINDINGS OF FACT

- 1. The SPCSA Board issued a Notice of Termination on June 21, 2024, alleging that Eagle has violated multiple components of NRS 388A.330.
- 2. The SPCSA Board's Notice of Termination provided a list of 12 cure items, that if completed fully, would cure the violation of NRS 388A.330.
  - 3. SPCSA Board gave Eagle Charter School more than 30 days to cure their deficiencies.
- SPCSA Staff met with Eagle Charter School leadership on several occasions to provide support and answer questions regarding the cure list.
- 5. The SPCSA Board held a public hearing on August 2 and 3, 2024, to make a final determination regarding the Notice of Termination in compliance with the procedures for adjudication of contested cases under NRS 233B.
- 6. After presentation of evidence and witness testimony by both the Board and Eagle Charter, the SPCSA Board finds that Eagle did not complete all cure items as required to correct the deficiencies and violation of NRS 388A.330. The SPCSA deliberated and voted on each of the cure items as follows:
- 7. The SPCSA Board finds that Eagle did not submit a balanced budget, proof of employment of a fulltime, on-staff mental health professional. The motion carried unanimously.
- The SPCSA Board finds that Eagle did not submit an accurate 12-month cash flow. The motion carried unanimously.

- 9. The SPCSA Board finds that Eagle did reconstitute its board per NRS 388A.320. The vote was split 5 yea / 3 no.
- 10. The SPCSA finds that Eagle Charter School did provide corrections to the New School Application Financial Plan (NSAFP). The vote was split 7 yea / 1 no.
- 11. The SPCSA does not vote on cure item number 5 as Eagle removed private donations from their budget.
- 12. The SPCSA Board finds that Eagle did provide copies of executed teacher contracts. The vote was split 7 yea / 1 no.
- 13. The SPCSA Board finds that Eagle did complete outstanding Epicenter tasks. The motion carried unanimously.
- 14. The SPCSA Board finds that Eagle did not accurately submit all outstanding grant reimbursement requests for FY24. The motion carried unanimously.
- 15. The SPCSA Board finds that Eagle did provide evidence of required training completion by SPCSA-approved trainers for all board members. The vote was split 7 yea / 1 no.
- 16. The SPCSA Board finds that Eagle did not freeze enrollment until after the Notice of Termination was resolved. The vote was split 7 yea / 1 no.
- 17. The SPCSA Board finds that Eagle did attend the public hearing necessary to resolve the Notice of Termination. The motion carried unanimously.
- 18. The Board, having considered all the evidence presented, the testimony of witnesses, and the arguments of counsel, for good cause appearing, finds sufficient evidence for all findings to meet the preponderance of the evidence standard of proof as set forth by NRS 233B.121(5)(9).

#### IV. CONCLUSIONS OF LAW

19. Eagle Charter, as evidenced by the above findings of fact, is found to have violated NRS 338A.330(1)(a)(2), 338A.330(1)(a)(3), and 338A.330(1)(b).

- 21. As to whether Eagle would otherwise be financially impaired such that the charter school cannot continue to operate<sup>2</sup>, the SPCSA Board finds that Eagle would be impaired such that the charter school could not continue to operate. The motion carried unanimously.
- 22. As to whether Eagle failed to comply with any provision of NRS 388A, or any other statute or regulation applicable to charter schools, specifically NAC 387.730, the SPCSA Board finds that Eagle failed to comply with provisions of NRS 388A, and other statutes or regulations applicable to charter schools, specifically NAC 387.730. The motion carried unanimously.
- 23. The Board, having considered all the evidence presented, the testimony of witnesses, and the arguments of counsel, for good cause appearing, finds sufficient evidence for all conclusions to meet the preponderance of the evidence standard of proof as set forth by NRS 233B.121(5)(9).

<sup>&</sup>lt;sup>1</sup> NRS 388A.330(1)(a)(2).

<sup>&</sup>lt;sup>2</sup> NRS 338A.330(1)(b).

## V. ORDER

Having found by a preponderance of the evidence the Findings of Fact and Conclusion of Law set forth herein and having unanimously voted, THE SPCSA BOARD HEREBY ORDERS:

- 1. Pursuant to NRS 388A.330, Eagle's charter contract is hereby revoked and school operation is immediately ceased;
  - 2. Josh Kern is hereby appointed as the school closure administrator; and
- 3. All assets belonging to Eagle Charter School are frozen until such time that the administrator can take control of all assets belonging to Eagle Charter School.

Dated this 231d day of August 2024.

NEVADA STATE PUBLIC CHARTER SCHOOL AUTHORITY

Dr. Konia Holmes-Su

Submitted by:

Samantha King Powell, Esq.

General Counsel, State Public Charter School Authority

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