

**Joe Lombardo**  
*Governor*

**STATE OF NEVADA**

**Melissa Mackedon**  
*Executive Director*



## **STATE PUBLIC CHARTER SCHOOL AUTHORITY**

**3427 Goni Rad, Suite 103**  
**Carson City, Nevada 89706-2543**  
**(775) 687-9174 · Fax (775) 687-9113**

**500 East Warm Springs, Suite 116**  
**Las Vegas, Nevada 89119-5164**  
**(702) 486-8895 · Fax (702) 486-5543**

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### **ACTION MEMORANDUM**

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<b>TO:</b>	SPCSA Board of Directors
<b>FROM:</b>	Melissa Mackedon
<b>SUBJECT:</b>	SPCSA Staff Recommendation Regarding Battle Born Academy Closure, Appointment of Administrator & Submitted Closure Plan
<b>DATE:</b>	June 27, 2025

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#### **Summary of Recommendation**

During June 18, 2025, Battle Born Academy (BBA) board meeting, the BBA Board voted to voluntarily surrender their charter contract and close BBA permanently after the 2024-2025 school year. The State Public Charter School Authority (SPCSA) staff recommends the SPCSA Board accept the surrender of the charter contract and allow BBA to permanently close.

#### **Background**

Battle Born Academy (BBA) is located at 2101 E. Owens Ave., Las Vegas, NV 89030, and began serving students during the 2022-2023 school year. BBA is a single-site charter school with a mission dedicated to equity, joy, exploration, wholeness, and community.

the charter term, the school has been rated on the performance framework twice, once following the 2022-2023 school year and once following the 2023-2024 school year. Their performance is summarized in the table below.

	2022-2023	2023-2024
Nevada School Performance Framework (NSPF)	Elementary: 1-star Middle: 3-star	Elementary: 1-star Middle: 1-star
SPCSA Academic Performance Framework	Elementary: Does Not Meet Standard Middle: Meets Standard	Elementary: Does Not Meet Standard Middle: Does Not Meet Standard
SPCSA Financial Performance Framework	Notice of Concern	Notice of Concern
SPCSA Organizational Performance Framework:	Meets Standard	Does Not Meet Standard*

\*BBA did not meet standard but due to the significant changes in structure and format of the newly approved Organizational Performance Framework that is in effect for the 2024 – 2025 school year, SPCSA staff recommended not issuing Notices as comparing results of the two versions of the framework will be difficult.

A detailed timeline of events is below:

- February 18, 2025: SPCSA staff met with Battle Born Academy. During this meeting, BBA leadership indicated that neither member of the leadership team would be returning and that they were considering surrendering their charter contract. Before doing so, they wanted to see if they could find an operator to take over the organization.
- February 19, 2025: SPCSA staff followed up with the school and approved conducting a Request for Proposal (RFP) for an in-state operator who had at least two consecutive 3-, 4-, or 5-star ratings on the NSPF. At that time, SPCSA staff also shared NRS 388A.306 (closure of charter schools), NAC 388A.355, and NAC 388A.515 (closure regulations) with the BBA leadership team.
- March 24, 2025: The SPCSA released the RFP for in-state operators interested in restart work. The SPCSA received no applicants.
- April 24, 2025: SPCSA staff let BBA know that there were no responses to the RFP. School leadership indicated they expected the school's board to surrender the charter. SPCSA staff reminded the school that the SPCSA board needed to approve this decision at the May 2025 board meeting.
- May 5, 2025: Upon request, SPCSA staff provided BBA leadership with a recommendation for an administrator and the CV of the recommended administrator, Joshua Kern, for the BBA board to approve as required by NRS 388A.306(1)(b).
- May 7, 2025: BBA school leaders informed BBA staff and students the school would be closing at the conclusion of the 2024-25 school year, despite the BBA board not yet approving such action via a public meeting. SPCSA staff encouraged the BBA board to have a public meeting immediately to make an official decision.
- May 8 and May 21, 2025: BBA held informational meetings for families about other charter school options they might consider. The school reported that over 750 family members attended these events. Other charter schools came to the meetings to talk about their programs.
- June 2, 2025: The SPCSA contacted school leadership to inform them that, due to conducting informational meetings and notifying staff of the closure prior to an official board vote, corrective action was required. Specifically, the school was advised to either:
  - Reschedule their board meeting to an earlier date to ensure an official vote on the closure took place; or
  - Provide evidence that their public assets had been secured in accordance with state and federal legal requirements.

The school did not move up the meeting or provide evidence as requested

- June 18, 2025: BBA held a public meeting and voted to appoint Joshua Kern as the administrator for closure procedures, voluntarily surrender their charter contract, and disband the governing board.

## Legal Authority

### **NRS 388A.306 Closure of charter school; duties of governing body; written notice; written plan for closure; financial affairs of charter school; appointment, duties and financial compensation of trustee.**

1. If a charter school ceases to operate voluntarily [. . .] the governing body of the charter school shall:
  - (a) Give written notice of the closure to:
    - (1) The sponsor of the charter school, unless the closure results from the non-renewal or termination of a charter contract;
    - (2) The Director of the Department of Business and Industry;
    - (3) The board of trustees of the school district in which the charter school is located, unless the board of trustees is the sponsor of the charter school and the closure results from the non-renewal or termination of a charter contract;
    - (4) The Department;
    - (5) The parents or legal guardians of the pupils enrolled in the charter school; and
    - (6) The creditors of the charter school;
  - (b) Except as otherwise provided in subsections 4 and 5, appoint an administrator of the charter school, subject to the approval of the sponsor of the charter school, to act as a trustee during the process of the closure of the charter school and for 1 year after the date of closure;
  - (b) Except as otherwise provided in subsections 4 and 5, appoint an administrator of the charter school, subject to the approval of the sponsor of the charter school, to act as a trustee during the process of the closure of the charter school and for 1 year after the date of closure;
  - (c) As soon as practicable, develop and present to the sponsor of the charter school a written plan for the closure of the charter school;
  - (d) Maintain an office at the charter school or elsewhere, with regular hours of operation and voice messaging stating the hours of operation;
  - (e) Maintain existing insurance coverage in force for the period required by the sponsor of the charter school;
  - (f) Conduct a financial audit and an inventory of all the assets of the charter school and cause a written report of the audit and inventory to be prepared for the sponsor of the charter school and the Department;
  - (g) Prepare a written list of the creditors of the charter school, identifying secured creditors and the assets in which those creditors have a security interest;
  - (h) Supply any information or documents required by the sponsor of the charter school; and
  - (i) Protect all the assets of the charter school from theft, misappropriation, deterioration or other loss.
2. The notice of the closure required by subsection 1 must include:
  - (a) The date of closure;
  - (b) A statement of the plan of the charter school to assist pupils to identify and transfer to another school; and
  - (c) The telephone number, mailing address and physical address of the office required by subsection 1.

Nevada Revised Statute (NRS) allows a charter school board to voluntarily surrender its charter and clearly outlines the steps of the process. The SPCSA board must approve the charter surrender, the school board-appointed administrator, and the school closure plan.

## Analysis and Staff Recommendation

SPCSA staff agree with the above analysis and supports the BBA board's decision to close the school as the school was not meeting academic, financial, or organizational standards established in the SPCSA Performance Framework.

The BBA board has appointed Josh Kern as the school's administrator, pending approval by the Authority. SPCSA staff believe that he is well-equipped to ensure that the closure process is executed with fidelity in the weeks ahead. SPCSA staff further recommends that the Authority accept the BBA appointment of [Joshua Kern](#) from [TenSquare](#) to act as the school's administrator throughout the closure process as required under NRS 388A.306.

Finally, SPCSA staff recommends that the Authority approve the BBA school closure plan as submitted by TenSquare. The written plan is required under NRS 388A.306 (1)(c) and has been reviewed by SPCSA staff. If approved, the SPCSA will work closely with Mr. Kern regarding the requirements related to a charter school closure. The SPCSA will work with Mr. Kern to address any deadlines and logistics necessary to satisfy the closure requirements and submit any outstanding Epicenter tasks as deemed necessary.

More information on the various requirements for public school closures can be found in the supporting materials accompanying this item.

SPCSA staff remains focused on the students still currently enrolled in BBA for the upcoming school year and is committed to supporting their transition to a new school for the 2024-2025 school year. SPCSA staff will continue to work with Mr. Kern throughout the coming months and, to the extent possible, help the school coordinate with other sponsored schools that may have the interest and space to offer enrollment to current BBA students.

### **Proposed Motion**

***Accept the recent action by the BBA board to surrender their charter contract and close the school, approve the appointment of Joshua Kern to be the administrator overseeing the BBA closure process, approve the closure plan as submitted by Joshua Kern, and direct the SPCSA staff to work with Joshua Kern to ensure all closure requirements are met.***