

**EXHIBIT V**

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## Jenny E. Sparks

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**From:** Patrick Gavin  
**Sent:** Thursday, September 24, 2015 11:31 PM  
**Cc:** Danny Peltier  
**Subject:** Longest Recommendations  
**Attachments:** 150928 Criteria for High Stakes Decisions 3.0.doc; 150928 Criteria for Expansion.doc; 2015 Application to Amend Charter Contract to Occupy Additional Sites 2.8.docx

SPCSA Board,

I wanted to get these documents out to you tonight so you would have additional time to review them. The first is a followup on the conversation last month regarding high stakes decisions and school performance. The second is a set of proposed criteria for new campus expansion, and the third is the proposed Expansion Amendment Request document I have been developing in partnership with staff.

These are the biggest policy matters facing the Board and I wanted to get them out to you when I realized that the Quest materials were delayed due to a production issue.

Patrick J. Gavin  
Director  
State Public Charter School Authority  
1749 N. Stewart Street, Suite 40  
Carson City, NV 89706  
Direct: 775-687-9160  
Office: 775-687-9174  
Fax: 775-687-9113

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STATE PUBLIC CHARTER SCHOOL AUTHORITY

1749 North Stewart Street Suite 40  
Carson City, Nevada 89706-2543  
(775) 687 - 9174 · Fax: (775) 687 - 9113

BRIEFING MEMORANDUM

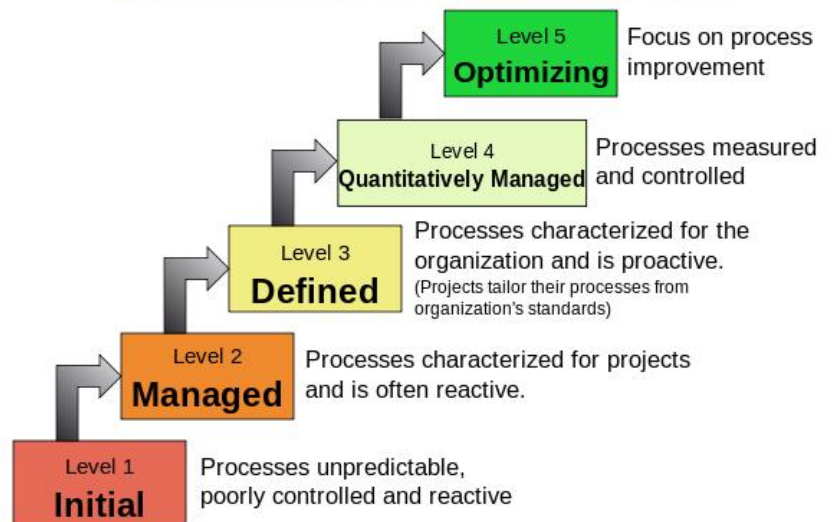
**TO:** SPCSA Board  
**FROM:** Patrick Gavin  
**SUBJECT:** Staff Recommendation re: Timeline, Criteria, and Process of Fall 2015 Charter amendment cycle plan pursuant to NAC 386.325  
**DATE:** September 28, 2015

**Background:**

SB509 provides that the SPCSA must adopt criteria for evaluating amendment requests to add new facilities. In contrast to historic regulatory language, it also requires that the Authority evaluate both the track record of the school which is seeking the amendment in the areas of academic, financial, and organizational performance, and it requires that the Authority assess the capacity of the school to operate a high quality multi-site school network.

Authorizers are increasingly concerned with issues like consistency of implementation, student equity and outcomes, and the capacity of boards and organizations to meet the challenges that accompany significant changes in scale. Recognizing the crucial role of governance in driving exemplary performance, the Authority is continuing to engage in ongoing discussions with NACSA and Board on Track (fka the High Bar) regarding this evolving area of authorizer practice both via research and through participation in discussions with the new National Charter School Governance Institute. Through that research, SPCSA staff have identified a compelling metaphor, the Capability-Maturity Model, which may have significant implications for how we will come to evaluate the effectiveness of boards and schools and determine their capacity of boards to take on new challenges. Based on lessons learned from other industries, including defense, software development, and social enterprise, the Capability-Maturity Model

Characteristics of the Maturity levels



may also have implications for how the SPCSA ultimately organizes and deploys its own authorizing and performance management functions and processes.

**Current Process:**

The current amendment process for adding additional facilities is both opportunistic and ad-hoc. SPCSA staff frequently learn that a school is contemplating adding a new facility after receiving a call or an email from a school inquiring about the next board agenda. This results in a last minute scramble to accommodate schools and evaluate the request. As we have observed, expanding to additional facilities can be a high risk endeavor both for the Authority and for schools. Opportunistic expansion can strain resources, expose systemic weaknesses, and lead to significantly diminished performance across all domains. It is also evident that the current process set forth in NAC requires additional scaffolding in the form of policy and process to provide appropriate clarity to schools, SPCSA staff, and the Board. In this area, it is clear that the SPCSA itself is functioning at the lowest tier of the Capability-Maturity Model. Based on our new statutory responsibility and experience with the current process, it is clear that we need to make significant changes.

**Policy Recommendations:**

- 1) Approve 2015-16 Tiered Eligibility Criteria Based on School Performance Data:

**Schools with Limited Nevada Track Record Whose CMO/EMO Operator Has Operating History**

Growth Limit	Academic Criteria	Fiscal Criteria	Organizational Criteria	Board Capacity (Future Years)
1-3 Campuses OR Enrollment of 1,000 or Less	Other state data: 4 Star Equivalent or Above At All Levels for Two Consecutive Years AND similar trend data from SPCSA-mandated assessment or SPCSA-approved internal assessment <sup>1</sup>	Other State Data: Good Standing Equivalent in Financial Framework for 2 Consecutive Years AND No Notices of Concern or Breach in Past 2 Years	Other State Data: Good Standing in Organizational Framework for 3 Consecutive Years AND No Notices of Concern or Breach in Past 2 Years	Level 2
4-6 Campuses OR Enrollment of 1,001 to 2,500	Other state data: 4 Star or Above At All Levels for 3 Consecutive Years AND similar trend data from SPCSA-mandated assessment or SPCSA-approved internal assessment	Other state data: Good Standing in Financial Framework for 3 Consecutive Years AND No Notices of Concern or Breach in Past 3 Years	Other state data: Good Standing in Organizational Framework for 3 Consecutive Years AND No Notices of Concern or Breach in Past 3 Years	Level 3
7-9 Campuses OR Enrollment of 2,501 to 5,000	Nevada Data: 5 Star on At Least 2 Levels and 4 Star on 1 Level for 3 Consecutive Years	Nevada Data: Good Standing in Financial Framework for 4 Consecutive Years AND No Notices of Concern or Breach in Past 3 Years	Nevada Data: Good Standing in Organizational Framework for 4 Consecutive Years AND No Notices of Concern or Breach in Past 3 Years	Level 4
10-13 Campuses OR Enrollment of 5,001-7,500	Nevada Data: 5 Star or Above on At All Levels for 4 Consecutive Years	Nevada Data: Good Standing in Financial Framework for 4 Consecutive Years AND No Notices of Concern or Breach in Past 4 Years	Nevada Data: Good Standing in Organizational Framework for 4 Consecutive Years AND No Notices of Concern or Breach in Past 4 Years	Level 5

<sup>1</sup> Reliance on internal assessment data would be de-emphasized contingent upon adoption and purchase of Authority-wide assessment tool.

Growth Limit	Academic Criteria	Fiscal Criteria	Organizational Criteria	Board Capacity (Future Years)
14-17 Campuses OR Enrollment of 7,501-10,000	<u>Nevada Data</u> : 5 Star or Above on At All Levels for 5 Consecutive Years	<u>Nevada Data</u> : Good Standing in Financial Framework for 5 Consecutive Years AND No Notices of Concern or Breach in Past 5 Years	<u>Nevada Data</u> : Good Standing in Organizational Framework for 5 Consecutive Years AND No Notices of Concern or Breach in Past 5 Years	Level 5

**Nevada Charter Schools with a Significant Operating History in Nevada**

Growth Limit	Academic Criteria	Fiscal Criteria	Organizational Criteria	Board Capacity (Future Years)
1-3 Campuses OR Enrollment of 1,000 or Less	3 Star or Above At All Levels for Two Consecutive Years	Good Standing in Financial Framework for 2 Consecutive Years AND No Notices of Concern or Breach in Past 2 Years	Good Standing in Organizational Framework for 3 Consecutive Years AND No Notices of Concern or Breach in Past 2 Years	Level 2
4-6 Campuses OR Enrollment of 1,001 to 2,500	4 Star or Above At All Levels for 3 Consecutive Years	Good Standing in Financial Framework for 3 Consecutive Years AND No Notices of Concern or Breach in Past 3 Years	Good Standing in Organizational Framework for 3 Consecutive Years AND No Notices of Concern or Breach in Past 3 Years	Level 3
7-9 Campuses or Enrollment of 2,501 to 5,000	5 Star on At Least 2 Levels and 4 Star on 1 Level for 3 Consecutive Years	Good Standing in Financial Framework for 4 Consecutive Years AND No Notices of Concern or Breach in Past 3 Years	Good Standing in Organizational Framework for 4 Consecutive Years AND No Notices of Concern or Breach in Past 3 Years	Level 4
10-13 Campuses OR Enrollment of 5,001-7,500	5 Star or Above on At All Levels for 4 Consecutive Years	Good Standing in Financial Framework for 4 Consecutive Years AND No Notices of Concern or Breach in Past 4 Years	Good Standing in Organizational Framework for 4 Consecutive Years AND No Notices of Concern or Breach in Past 4 Years	Level 5
14-17 Campuses OR Enrollment of 7,501-10,000	<u>Nevada Data</u> : 5 Star or Above on At All Levels for 5 Consecutive Years	<u>Nevada Data</u> : Good Standing in Financial Framework for 5 Consecutive Years AND No Notices of Concern or Breach in Past 5 Years	<u>Nevada Data</u> : Good Standing in Organizational Framework for 5 Consecutive Years AND No Notices of Concern or Breach in Past 5 Years	Level 5

- 2) Restrict new facility amendment requests to two submissions windows per year. This is double the number of amendment request windows offered by some other statewide authorizers.
  - a. Bi-annual cycle:
    - i. November/March in 2015-16
      - 1. Short review/approval window in November '15 and December decision
      - 2. Application goes live in January '16; due March 1 with a July decision
    - ii. October/March in 2016+
      - 1. Fall Application goes live in July; due October 1 with a January decision
      - 2. Spring Application goes live in January; due March 1 with a July decision
    - iii. Allows time for review, board evaluation, and strategic planning by school

- 3) Tier board approvals based on number of students to be served, thereby allowing schools some flexibility and allow schools to request permission to expand to multiple new facilities over a 1-2 year period in a single request, subject to the limitations described above.
- 4) Require schools that seek to operate larger multi-site schools to commit to key initiatives essential to diversifying the non-White, ELL, Special Education, and free and reduced priced lunch populations on their campuses through a menu of required and optional initiatives such as:

Required Initiatives	Optional Initiatives <sup>2</sup>
<ul style="list-style-type: none"> <li>• Commit to serving the full continuum of students with disabilities once the network serves a population of more than 1,500 students</li> <li>• Supplement, and, as necessary, supplant social media and online marketing in favor of comprehensive grassroots outreach plans targeted at communities of color, families living in poverty, families whose home language is not English, and families of students with disabilities to attract and retain a student population which is reflective of the surrounding zoned schools</li> <li>• Conduct weighted lotteries if the variance in key student populations between the local zoned schools and the charter school campuses is greater than 15 percentile points</li> </ul>	<ul style="list-style-type: none"> <li>• Utilize policy innovations such as micro-schools<sup>3</sup> and charter school co-location to support the development of programs serving high need student populations and the piloting of innovative models</li> <li>• Partner with other charter schools or the local school district on cluster programs to serve the very small numbers of students with disabilities for whom a self-contained or other full-day placement setting is the appropriate placement</li> <li>• Participate in the federal pre-K grant</li> <li>• Participate in the free and reduced-price lunch program</li> <li>• Conduct weighted lotteries</li> <li>• Actively engage in other dissemination activities approved by the SPCSA</li> </ul>

- 5) Approve the attached Expansion Amendment Request format (Attachment 2) as a means of improving the process and increasing the quality of new site expansion across Nevada or authorize staff to publish it with the technical changes and corrections requested by the Board during this meeting.

<sup>2</sup> Must select multiple options, with larger schools ultimately adopting all initiatives as a condition of additional growth

<sup>3</sup> See outline in Attachment

## Attachment: Micro-Schooling:

1. Purpose
  - a. Incubate new schools and academic models
2. Need
  - a. Authorizing, is by necessity, somewhat risk averse: <http://educationnext.org/understanding-incentives-charter-authorizing/>
  - b. Both through the proliferation of “proven models” and the risk aversion cited above, charter schooling has become less innovative and parents have less choices of models than they once did: <http://www.fastcompany.com/3046738/most-creative-people/charter-schools-have-an-awkward-secret-theyre-not-very-good-at-innovati>
  - c. The current national authorizing context and Nevada’s overall track record related to charter school quality necessitates authorizing strategies which advantage the proven model and the well-connected; applicants with less of a track record ([http://www.nytimes.com/2015/09/13/nyregion/matthew-leveys-charter-school-quest.html?ref=education&\\_r=0](http://www.nytimes.com/2015/09/13/nyregion/matthew-leveys-charter-school-quest.html?ref=education&_r=0)) or less of access to social and financial capital have to apply multiple times
3. Legal context:
  - a. Charter amendment is issued for 3 year term allowing for innovation and experimentation with oversight of the network leader and the governing body of the charter school
  - b. Micro-school is issued a separate school code by the SPCSA Director to provide for separate tracking of performance data
  - c. Amendment can be revoked for performance issues and any grounds which would apply to a standard charter
  - d. All micro-schools are subject to bi-annual high stakes review following the release and analysis of state test scores and any assessment data for other tests approved by the SPCSA
  - e. Following successful first bi-annual review, micro-schools have two options:
    - i. Continue to partner with the board and leader of the host charter school and serve as a school within a school to meet a particular need of that school
      1. Micro-school and board negotiate budget, facilities, and other operational details
      2. Micro-school may continue to use separate school code if approved by SPCSA Director
    - ii. Micro-school notifies board of incubating charter school of its intent to apply to the SPCSA for a charter
      1. If approved, newly chartered school has several options
        - a. Facility
          - i. Lease/sublease space from the incubating charter school
          - ii. Acquire its own facility
            1. Petition B&I for bonding, using academic track record of micro-school
        - b. Operating Relationship
          - i. Enter into consortium with incubating charter school or other charter schools to provide specific services (e.g. as special education cluster program)
4. Operating Context
  - a. Micro-schools are co-located at existing or new campuses of multi-site charter schools
    - i. Micro-school has separate leader

- ii. Micro-school develops separate advisory board with significant expertise in such as needs of student population, academic model, fundraising, and other key competencies (if model is successful, this advisory group would likely serve as nucleus of committee to form/charter school governing body post-incubation)
- b. Enrollment:
  - i. Serves 30-50 students in year 1
  - ii. Serves no more than 150 students in year 3
- c. Mission/Vision
  - i. Serves a particular population OR has innovative model
    - 1. Example populations:
      - a. Students with a particular disability
        - i. Deaf/hard of hearing
        - ii. Autism
        - iii. High cost/low incident disabilities
      - b. Students who are designated as opportunity youth
        - i. Significantly over-age/under-credit (as defined by NDE/SBOE regulations)
        - ii. Adjudicated youth
        - iii. Chronic discipline issue
        - iv. Chronically truant
        - v. Dropouts
    - 2. Example innovative models:
      - a. Virtual/distance learning
      - b. Blended learning/flipped classroom
      - c. Single sex schools
      - d. Rejected SPCSA charter applicants who need additional time to refine proof of concept and develop expertise in key areas
      - e. EMOs/CMOs with strong track records that have concerns about jumping into the Nevada marketplace
      - f. EMOs/CMOs with mixed track records that seek to develop or refine their academic model in a context that is lower risk for both the operator and the authorizer
      - g. Other models with limited track record that meet a significant need

### Special Education Program Options

Serve full continuum of students with disabilities via one or more of the following models:

- 1) Maximizing inclusion of students with appropriate classroom supports
- 2) Cluster and Inclusion programs at campuses in each county of location
- 3) Consortium (contract/inter-local agreement) with the local school district in the county of location
  - a) Shared cluster programs
  - b) Shared related service providers
- 4) Consortium (contract/inter-local agreement) with other charter schools in the county of location
  - a) Shared cluster programs
  - b) Shared related service providers
- 5) Launching one or more co-located micro-schools serving a particular population of students with disabilities (e.g. an autism program) that provides services to students who are enrolled in the charter school or in other



charter schools with which the school has entered into a special education consortium with the charter school with the intention of incubating that micro-school to apply for a separate charter with the SPCSA after 2-3 years of operating history

- 6) Co-location and consortium agreement with a charter school serving a particular population of students with disabilities (e.g. an autism charter school) to provide cluster services to that population
- 7) Adopt weighted lottery to provide greater access to SWDs