

Joe Lombardo
Governor

STATE OF NEVADA

Melissa Mackedon
Executive Director



STATE PUBLIC CHARTER SCHOOL AUTHORITY

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

2080 East Flamingo Road Suite 230
Las Vegas, Nevada 89119-5164
(702) 486-8895 · Fax (702) 486-5543

ACTION MEMORANDUM

TO: Sunset Subcommittee of the Legislative Commission
FROM: Melissa Mackedon, SPCSA Executive Director
SUBJECT: Follow-up on April 23, 2024, Hearing
DATE: April 24, 2024

Committee To Form

Section 1.2 of the application process gathers Applicant Team Information (Attachment A). The New Charter Application Guidance document (Attachment B) provides applicants with further information, including a list of individuals who are excluded from participating.

NAC388A.130(4) dictates that a membership of a Committee to Form cannot include:

- A potential contractor of the proposed charter school;
- A potential lessor of a facility that the proposed charter school may lease;
- A representative of an Educational Management Organization with which the proposed charter school may contract;
- A person related by blood or marriage to a person described in paragraph (a), (b) or (c) above; or
- Two or more persons who are related by blood or marriage to each other.

| School Name | First Year of Operation | Committee to Form Members | Board Members |
|--------------------------------|-------------------------|--|---------------------------------|
| Pioneer Technical Arts Academy | 25-26 | Pages 169-340 of the charter school application provided background, including resumes for all | Governing Board |

| | | | |
|------------------------------------|-------|--|--|
| | | committee to form members. | |
| Vegas Vista Academy | 24-25 | Pages 139-264 of the charter school application provided background, including resumes for all committees to form members. | Governing Board Attachment X provides background not included on the website. |
| Do & Be Arts Academy of Excellence | 24-25 | Pages 155-244 of the charter school application provided background, including resumes for all committee to form members. | Governing Board Attachment W provides background not included on the website |
| Rooted School Las Vegas | 24-25 | Pages 5-9 and 235-270 of the resubmitted charter school application provided background, including resumes for all committee to form members. | Governing Board |
| Thrive Point Academy | 24-25 | Pages 283-353 of the resubmitted charter school application provided background, including resumes for all committee to form and proposed board members. | Governing Board |

There are not instances where the initial board of a charter school is made up largely of persons who were not on the committee to form. Over time those boards do change in accordance with the school's bylaws.

Amendments for Additional Campuses

The following table represents amendment requests to add an additional campus between 2019-April 2024.

| School Name | Date Amendment Request Approved by the SPCSA Board |
|----------------------------------|---|
| Mater Academy of Northern Nevada | 1-26-24 |

| | |
|------------------------------------|----------|
| Pinecrest Academy of Nevada | 10-7-22 |
| Coral Academy of Science Las Vegas | 2-26-21 |
| Beacon Academy of Nevada | 6-26-20 |
| Mater Academy of Nevada | 12-13-19 |
| Nevada State High School | 7-26-19 |

Academic Performance Framework

The Academic Performance Framework technical guide is a publicly-facing document and can be found [here](#).

Regarding the Enrollment Comparison Data, schools are compared with the district average, rather than the nearest school average. This was an intentional decision made by the SPCSA to help ensure that regardless of where schools were able to find facilities, they were focused on serving underrepresented student groups.

Attachment D includes a list of all SPCSA schools, and the proficiency points they were awarded in each category. The list also includes the same schools and the points they were awarded on the SPCSA Academic Performance Framework.

Education Management Organization (EMO)

According to NRS 388A.030, an Educational Management Organization (EMO) is a for-profit entity that contracts with a charter school's governing body to provide centralized support and operations. These services can include educational, administrative, management, compliance, or instructional services or staff.

- There is no cap in Nevada on how much a school can pay an EMO. However, NRS 388A.393 (b) limits the amount of money an EMO can give to the charter school in any form to 15% of the total expected funding. The intent of the limitation is to minimize the EMO's control over the school's board of directors.
- Employees of the EMO are not eligible for PERS.
- Of the 43 charter holders operating in the 2023-24 school year, 12 contract with an EMO. Those 43 charters include 80 campuses, 33 of which have an EMO. A list of those schools can be found as attachment E.

The ten most recently approved charter contracts include:

| School Name | Opening Year | EMO |
|------------------------------------|--------------|-----|
| Pioneer Technical Arts Academy | 25-26* | |
| Vegas Vista Academy | 24-25 | |
| Do & Be Arts Academy of Excellence | 24-25 | |
| Rooted School Las Vegas | 24-25 | |

| | | |
|------------------------------------|-------|---|
| Thrive Point Academy | 24-25 | EMO: Learning Matters Educational Group |
| Southern Nevada Trades High School | 23-24 | |
| Eagle Charter School | 23-24 | |
| Strong Start Academy | 22-23 | |
| Young Women's Leadership Academy | 22-23 | EMO: Academica |
| pilotEd | 22-23 | |

*Pioneer Technical Academy deferred opening from the 24-25 school year to the 25-26 school year as they could not find a facility.

Charter contracts for the ten most recent charter schools can be found, according to the attachment schedule below. Thrive Point Academy does not have a contract as its distance education plan is pending approval with the Nevada Department of Education and the contract will not be written until that is approved.

- Pioneer Technical Arts Academy (Attachment F)
- Vegas Vista (Attachment G)
- Do and Be (Attachment H)
- Rooted School (Attachment I)
- Southern Nevada Trades High School (Attachment J)
- Eagle Charter School (Attachment K)
- Strong Start (Attachment L)
- Young Women's Leadership Academy (Attachment M)
- pilotED (Attachment N)

Pre-K

Two charter schools currently offer pre-k programs: Coral Academy and Mater Academy.

The Coral pre-k program has 40 seats, and they get hundreds of applications annually. They utilize the lottery policy advertised on their website and then complete the income verification requirements for the pre-k program.

Mater Academy pre-K program has 78 seats and they get hundreds of applications annually. They utilize the lottery policy advertised on their [website](#) and then complete the income verification requirements for the pre-k program.

Attendance

All public schools follow [NAC 387.220](#), which states that if a pupil is absent for at least 10 consecutive school days and their whereabouts are unknown or the reason for the absence cannot be determined, the student can be withdrawn. This and all attendance laws apply to all public schools, including charters.

Behavior

Charter schools must follow all Nevada laws related to suspension and expulsion including:

NRS 392.472 Requirement to provide plan of action before removing, suspending or expelling pupil; example plans of action; approval of plans of action; guidance document.

1. Except as otherwise provided in [NRS 392.466](#) and to the extent practicable, a public school shall provide a plan of action based on restorative justice before removing a pupil from a classroom or other premises of the public school or suspending or expelling a pupil from school.

2. The Department shall develop one or more examples of a plan of action which may include, without limitation:

- (a) Positive behavioral interventions and support;
- (b) A plan for behavioral intervention;
- (c) A referral to a team of student support;
- (d) A referral to an individualized education program team;
- (e) A referral to appropriate community-based services; and
- (f) A conference with the principal of the school or his or her designee and any other appropriate personnel.

3. The Department may approve a plan of action based on restorative justice that meets the requirements of this section submitted by a public school.

4. The Department, in consultation with the Office for a Safe and Respectful Learning Environment, shall post on its Internet website a guidance document that includes, without limitation:

(a) A description of the statewide framework for restorative justice developed pursuant to [NRS 388.1333](#) and the requirements of this section and [NRS 392.462](#);

(b) A timeline for implementation of the requirements of this section and [NRS 392.462](#) by a public school;

(c) One or more models of restorative justice and best practices relating to restorative justice;

(d) A curriculum for professional development relating to restorative justice and references for one or more consultants or presenters qualified to provide additional information or training relating to restorative justice; and

(e) One or more examples of a plan of action based on restorative justice developed pursuant to subsection 2.

5. As used in this section:

(a) "Individualized education program team" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(B).

(b) "Restorative justice" means nonpunitive intervention and support provided by the school to a pupil to improve the behavior of the pupil and remedy any harm caused by the pupil.

(Added to NRS by [2019, 3570](#); A [2021, 927, 2336, 3570](#))

NRS 392.4671 Suspension or expulsion of pupil: Appeals.

1. The board of trustees of each school district and the governing body of each charter school or university school for profoundly gifted pupils, as applicable, shall adopt a policy for appealing the suspension or expulsion of a pupil enrolled in the school district, charter school or university school, as applicable. The policy must provide, without limitation, that:

(a) The board of trustees of a school district, the governing body of a charter school or university school for profoundly gifted pupils or the designee of the board of trustees or governing body, as applicable, may authorize the suspension or expulsion of a pupil within the timeline established by the Department pursuant to [NRS 392.4609](#);

(b) Within the timeline established by the Department pursuant to [NRS 392.4609](#), the board of trustees of a school district, the governing body of a charter school or university school for profoundly gifted pupils or the designee of the board of trustees or governing body, as applicable, shall notify the pupil and, if the pupil is under 18 years of age, the parent or legal guardian of the pupil who is suspended or expelled of:

(1) The suspension or expulsion;

(2) The right to appeal the suspension or expulsion; and

(3) Information on the appeal policy adopted by the board of trustees of the school district or the governing body of the charter school or university school, as applicable;

(c) A pupil or, if the pupil is under 18 years of age, the parent or legal guardian of the pupil, who is suspended or expelled may file an appeal with the board of trustees of the school district, the governing body of the charter school or university school for profoundly gifted pupils or the designee of the board of trustees or governing body, as applicable, within the timeline established by the Department pursuant to [NRS 392.4609](#);

(d) The board of trustees of a school district, the governing body of a charter school or university school for profoundly gifted pupils or the designee of the board of trustees or governing body, as applicable, shall schedule a hearing on an appeal of a suspension or expulsion of a pupil within the timeline established by the Department pursuant to [NRS 392.4609](#); and

(e) After conducting a hearing pursuant to this subsection, the board of trustees of a school district, the governing body of a charter school or university school for profoundly gifted pupils or the designee of the board of trustees or governing body, as applicable, may not increase the initial suspension or expulsion of a pupil.

2. The board of trustees of a school district, the governing body of a charter school or university school for profoundly gifted pupils or the designee of the board of trustees or governing body, as applicable, shall post the appeal policy on the Internet website of the school district and each school within the district or of the charter school or university school, as applicable.

3. The provisions of [chapter 241](#) of NRS do not apply to any hearing conducted pursuant to this section. Such hearings must be closed to the public.

(Added to NRS by [2021, 923](#))

A sample of charter school restorative justice plans include [Pinecrest Academy of Northern Nevada](#), [Alpine Academy](#), and [Sierra Nevada Trades High School](#).

Impact of Charter Schools

The evidence on whether charter schools improve the performance of traditional public schools is mixed. Some studies have found positive effects, while others have concluded no effect or a small negative affect. The results seem to depend greatly on how competition is measured and defined. Several factors can influence whether and how public-school districts respond to charter school competition including:

- Magnitude and duration of competition - Public districts are more likely to respond when there is sustained loss of enrollment or funding to charters over time.
- State and local policies - Charter laws and other policies shape the competitive landscape and pressure faced by districts.
- District leadership and school climate - The willingness and ability of district leadership to recognize and respond to competition is a key factor. So is the overall culture of innovation or resistance to change.

Attachment O summarizes the various findings.

Facilities

Most charter schools have not identified a facility at the time they apply. The charter school application asks the following questions regarding facilities:

1.5 PROPOSED LOCATION

Has a facility been identified for the proposed school?

☐ Yes

☐ No

If a facility has been identified, provide the address and information regarding the facility below.

Facility
Address:

| | |
|---------|--|
| County: | Zip Code(s) to be Served by School: |
|---------|--|

If a facility has not yet been identified, provide information below about where the charter school seeks to locate including the geographic area, neighborhood, and/or zip codes, as applicable.

| | |
|---|--|
| Describe Intended Facility Location: | |
| County: | Zip Code(s) to be Served by School: |

4.8 FACILITIES

- 1) *Describe the facility needs of the proposed school for year one and at capacity, including any unique features necessary to implement the school design and academic program including:*
 - a) *The desired location of the school facility.*
 - b) *The number of general education classrooms required each year.*
 - c) *Any additional classroom space required for special education or EL services, labs, specialty classes and intervention or enrichment programs.*
 - d) *Space requirements for administrative functions, food services and physical education.*
- 2) *If a facility is not yet identified, or if the identified facility will not meet the school's needs long-term, describe the organization's approach to finding a suitable facility, including progress to date, timeline for selecting and preparing the facility (including development and renovation, if applicable), partners, and any evidence that supports the credibility of the plan. Include the organization's plans to finance the facility, including:*
 - a) *Total project cost*
 - b) *Financing and financing assumptions*
 - c) *Total facility costs that the financial model can handle – debt service + lease + maintenance + utilities + etc.*

-AND/OR-

If a facility, including either a short- or long-term facility has been identified, provide evidence, such as a lease, MOU, or Letter of Intent, and other applicable information regarding the identified facility as Attachment 18. Briefly describe the facility, including location, size, and amenities. Explain how the facility meets or will be modified to meet the needs previously described. If construction, renovation, and/or tenant improvements are required provide a schedule and timeline as Attachment 19.

Note that charter schools must demonstrate that a facility has been inspected and meets requirements of any applicable building codes, codes for the prevention of fire, and codes pertaining to safety, health, and sanitation 30 days before the first day of school^{14F}[14F](#).

- 3) *Describe the Committee to Form's or CMO's capacity and experience in facilities acquisition and management, including managing build-out and/or renovations, as applicable.*
- 4) *Explain the organization's plan to maintain the facility.*

- 5) *Describe timelines and plans for ensuring that the facility (whether identified or not) will have proper permitting to operate as a school. Explain the applicant team's interactions with the local jurisdiction to date and plans for future engagement, including the applicable planning department/division and traffic department/division. If the applicant has approval from the local jurisdiction for the proposed location, provide that as part of Attachment 20.*
- 6) *Provide, as Attachment 21, a list of the types of insurance coverage the school will secure, including a description of the levels of coverage. Types of insurance should include workers' compensation, liability insurance for staff and students, indemnity, directors and officers, automobile, and any others required by Nevada law or regulation^[1]^[2].*

^[1] [NRS 388A.360\(1\)](#)

^[2] [NAC 388A.140 and NAC 388A.190](#)

Prevailing Wage

Since 2019 schools that own their own facilities have paid prevailing wage. Examples of charter schools who own their own buildings and expended public funds to build such building include Beacon Academy of Nevada, Oasis Academy, and Elko Institute of Knowledge. Evidence includes:

- Oasis Academy Request for Bid HS Advertisement (Attachment P)
- Oasis High School Certified Payroll (Attachment Q)
- Oasis Academy Request for Bid: K-9 classroom addition (Attachment R)
- Beacon Academy Request for Bid Advertisement (Attachment S)
- Beacon Academy Certified Payroll (Attachment T)
- Elko Institute Request for Bid (Attachment U)
- Elko Certified Payroll (Attachment V)

There are examples of charter schools that have opened since 2019 which are located in privately owned facilities. The SPCSA is not a party to facility rental contracts with private parties for schools in its portfolio.