



STATE PUBLIC CHARTER SCHOOL AUTHORITY

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BRIEFING MEMORANDUM

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**TO:** SPCSA Board  
**FROM:** Patrick Gavin  
**SUBJECT:** Agenda Item 6—Nevada Virtual Academy Academic Performance Improvement Plan  
**DATE:** August 26, 2016

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Pursuant to [NRS 388A.330\(1\)\(a\)\(4\)](#), a charter school operating under a charter contract may have its contract terminated for persistent underperformance. [NAC 386.332\(1\)](#) defines persistent underperformance as three consecutive years of performance at the one or two star level. Such underperformance is grounds for the termination of a charter contract or the reconstitution of the governing body of a charter school. Additionally, [NRS 388A.330](#) provides that a charter school is also eligible for contract termination or reconstitution based on several other criteria, including operating a program rated in the bottom-most five percent of elementary, middle, and junior high schools ([NRS 388A.330\(1\)](#)).

Nevada Virtual Academy (NVVA) was approved by the State Board of Education in 2007 and was renewed by the Authority in 2013. It currently operates pursuant to a charter contract. The charter contract expires in 2019.

In June 2015 the Nevada Department of Education issued a list of Underperforming Schools: [http://www.doe.nv.gov/SchoolImprovement/Underperforming\\_School\\_Support/2015-16\\_UnderperformingSchoolsList\\_R2/](http://www.doe.nv.gov/SchoolImprovement/Underperforming_School_Support/2015-16_UnderperformingSchoolsList_R2/). Consistent with the ESEA waiver then in effect, the Nevada Department of Education has several performance designations for schools, including:

Priority Schools, defined as schools among the lowest 5% of schools based on performance, and

Focus Schools, defined as schools among the lowest 10% of schools based on their achievement gaps.

On Friday, January 22, 2016, the Nevada Department of Education notified the US Department of Education of the following ESSA [transition decision](#) related to Priority and Focus Schools in response to a [letter](#) from Ann Whalen of the US Department of Education:

“Nevada will not exit schools and will maintain current identification. Nevada will “freeze” its current lists of priority and focus schools as of December 10, 2015. These schools will

continue to implement their approved interventions through the 2015-2016 and 2016-2017 school years. The state will not exit schools from the current lists until after the 2016-2017 school year.”

Consequently, the Focus and Priority designations on the Underperforming Schools List remain in effect. Schools on the lists remain eligible for a range of sanctions and interventions. NVVA’s high school program is listed as Priority school, meaning it remains in the bottommost five percent of schools in the state. NVVA’s elementary program is listed a Focus School, as it is among the lowest 10 percent of schools in the state based on achievement gaps.

In addition to these Federal designations, NVVA’s performance also warrants concern based on state-level accountability measures set forth in statute. Most notably, NVVA’s elementary program has consistently performed below the three star level:

|                    | 2011-12 | 2012-13 | 2013-14 | 2014-15 |
|--------------------|---------|---------|---------|---------|
| <b>Star Rating</b> | 2 Star  | 2 Star  | 2 Star  | 2 Star  |

Based on a review of [data](#) submitted to the Agency by the school, Nevada Virtual Academy is ineligible for the alternative state performance framework authorized under [SB460](#) of the 2015 Legislative Session, as it has a 14.62 percent unduplicated count of [eligible students](#). That unduplicated count is well below the 75 percent minimum in such categories of students set forth in statute. Put simply, there is little difference in the observable characteristics—special education eligibility, over-age, under-credit status, adjudicated youth status, etc.—of students at NCA than at traditional public schools across the state. Pursuant to statute, traditional public schools with performance levels similar to NVVA are eligible for inclusion in the Achievement School District. As a charter school, this performance level renders NCA eligible for authorizer intervention, including termination of its charter contract or reconstitution of its governing body.

Based on the school’s history of persistent underperformance, the Authority directed Agency staff to engage in discussions with the school regarding its plan for improvement. The school has made multiple presentations to the Authority since February 2016. The school has developed a plan and proposed measurable performance targets.

Since the May meeting, Agency staff have had multiple calls with NVVA governing body members and leadership regarding its improvement plan. The most recent [executive summary](#) and [proposed targets](#) were submitted to the Authority on Sunday, August 21, 2016.

Staff believes the targets proposed by the school earlier this week are a good first step but it has raised concerns regarding the appropriateness, transparency, and applicability of some of the proposed assessment tools, most notably the inclusion of iReady, an assessment which is not supported by the SPCSA, in the elementary and middle school grades. The school leader has expressed a willingness to work with the Agency regarding this concern. Agency and school staff have also had discussions about the most appropriate way to measure progress on the MAP assessment for the early elementary grades. This assessment has recently been mandated by the state as an early elementary test and will have limited overlap with the Authority-mandated ACT Aspire. It is important to note that the Agency does not currently support the MAP assessment due both to concerns around the reliability of results due to varying levels of subscription by students and staff towards what is typically treated as an internal interim assessment. The Agency’s lack of dedicated assessment expertise at the Agency may necessitate target-setting, validation, and analysis of the early elementary MAP assessment be conducted by a third party retained by the school or the Agency. These conversations have been productive, but they also demonstrate the complexity of

how to consistently measure progress on criterion referenced tests and the importance of negotiating clear definitions on the front end.

Staff recommends that the Board accept the update from the school and direct the school and staff to continue negotiations on assessment measures with the goal of establishing annual growth targets for each cohort of students and to explore how to leverage the MAP assessment's interim and annual data can be used to monitor the progress of younger students over time, including more transient students.