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Nevada Attorney General's Office
Bureau of Government Affairs

8 IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
9 IN AND FOR CARSON CITY

10 NEVADA CONNECTIONS ACADEMY,
11
12 Plaintiff,

Case No. 16 OC 00194 1B

Dept. No. I

13 v.

14 STATE OF NEVADA, ex rel. STATE
15 PUBLIC CHARTER SCHOOL
16 AUTHORITY, a political subdivision of the
State of Nevada, and PATRICK GAVIN, in
his official capacity as Director of the State
Public Charter School Authority,

**PLAINTIFF'S OPPOSITION TO
DEFENDANTS' MOTION TO DISMISS
NEVADA CONNECTIONS
ACADEMY'S COMPLAINT FOR
DECLARATORY AND INJUNCTIVE
RELIEF, PETITION FOR JUDICIAL
REVIEW, AND PETITION FOR WRIT
OF MANDATE/REVIEW**

17 Defendants.
18

19
20 Plaintiff Nevada Connections Academy ("NCA"), by and through its undersigned
21 counsel, Davis Graham & Stubbs LLP, hereby opposes Defendants State of Nevada, ex rel. State
22 Public Charter School Authority's ("SPCSA" or the "Authority") and Patrick Gavin's ("Director
23 Gavin) motion to dismiss complaint. The motion to dismiss complaint should be denied because
24 the Authority misunderstands Plaintiff's complaint. Contrary to the Authority's argument,
25 Plaintiff's complaint states a claim for declaratory relief, this Court has jurisdiction to review the
26 Authority's final decision under 233B.135(3)(e), and Plaintiff's writ request is properly before
27 this Court.
28

1 **I. SUMMARY OF RELEVANT FACTS**

2 NCA is an accredited, comprehensive, online public charter school serving more than
3 3,200 Nevada students in grades K-12 under one charter granted in 2007 and renewed in 2013.
4 *See Exhibit 1*, Werlein Declaration ¶ 3. The Nevada Department of Education’s (“NDE”) last
5 rating of NCA’s middle school was four-star and the Authority Staff has confirmed that its only
6 concerns with NCA are with the high school’s four-year cohort graduation rate. *Id.*

7 NCA’s high school serves some of Nevada’s most at-risk youth in need of flexible
8 accommodations, many of whom enroll in NCA behind in credits and as a last resort before
9 dropping out altogether. *Id.* ¶ 4. NCA provides highly individualized learning opportunities,
10 which have demonstrated success in reengaging credit-deficient students and helping them
11 graduate. *Id.* Still, because many students are credit-deficient when they enroll in NCA as a
12 result of falling behind in their previous school(s), they are unable to graduate within their four-
13 year cohort at NCA—even if they accrue credits on track from the day they enter NCA, they
14 often cannot make up for the time they lost at their prior school(s). *Id.*

15 Approximately 50% of the students that were part of the 2015 NCA graduation cohort
16 were behind in credits when they initially enrolled at NCA. Therefore, even if every student
17 accumulated credits at a normal rate from the time they enrolled in NCA, the school’s graduation
18 rate would barely exceed 50%. *Id.* ¶ 5. As a result, NCA’s four year cohort high school
19 graduation rate is below 60%, which Staff asserts justifies closure of NCA under NRS 388A.330
20 even though **NCA’s high school graduation rate for students who enrolled in NCA on cohort**
21 **and stayed through the end of their senior year in 2015 was 73.3%**. *Id.*

22 While the Authority has discretion to consider potential closure of a high school based on
23 all compelling evidence where such potential closure of a high school is triggered by a
24 graduation rate falling below 60%, there is no statutory authority for the agency to close an entire
25 K-12 charter school based solely on this data point for the high school grades, and there is not a
26 separate charter for NCA’s high school. *See* NRS 388A.330(1)(e) (providing the sponsor *may*
27 consider closure or board reconstitution if the “charter school is a **high school** that has a
28

1 graduation rate for the immediately preceding school year that is less than 60 percent”).
2 Moreover, NCA’s middle school is excelling: the NDE’s most recent rating indicated that it is
3 “among the higher performing schools in Nevada in student proficiency and/or student growth
4 on the State assessments.” *Id.* ¶ 6. Thus, these circumstances demonstrate why the Nevada
5 Legislature did not allow closure of an entire K-12 school based solely on a single data point for
6 the high school.

7 **A. The Authority Considered Issuing a Notice of Closure in March and Instead**
8 **Directed NCA to work with Staff to Prepare a Graduation Rate**
9 **Improvement Plan**

10 On February 22, 2016, without any communication with NCA, the Staff placed NCA on
11 the agenda for its February 26, 2016 meeting for consideration of whether the Authority should
12 issue NCA a “notice of closure.” *Id.* ¶ 7. In doing so, the Authority violated its own State
13 Performance Framework (“policy”), which requires the Authority to first issue a notice of
14 concern under its adopted Intervention Ladder. *See Exhibit 2; see also Exhibit 3, Granier*
15 *Declaration.* The last notice NCA received from the Authority stated that NCA was in “good
16 standing.” *See Exhibit 1 ¶ 6 & Exhibit A thereto.* The Authority took no action on the agenda
17 item during the February 26, 2016 meeting. Although NCA attended the meeting and stayed
18 until the end to publicly comment, the Authority chairman announced at 4:30 PM they had to
19 clear the room they were in and adjourned the meeting before NCA representatives had the
20 chance to complete their public comment. *See id.* ¶ 8.

21 As soon as NCA received the publicly posted agenda for the February meeting, the
22 school began reaching out to Staff to learn why it was included for possible closure without any
23 prior communication. *Id.* ¶ 9. After the February 26 meeting, NCA learned through discussions
24 with Authority Director Patrick Gavin that it had been placed on the agenda solely because its
25 2015 high school four-year cohort graduation rate fell below 60%.¹ *Id.* Director Gavin told

26 ¹ NRS 388A.330 provides that the Authority “may” consider closing a **high school** if its
27 graduation rate for the previous year is below 60%. This provision was revised from a
28 mandatory provision in an earlier draft of the bill (SB 509) that would have required closure.
Rather than mandate closure, the Legislature afforded the Authority discretion to consider the
possibility of closure *if* compelling and substantial evidence supported such a decision. In

1 NCA that he had no performance concerns with grades K-8 at NCA, and that he had no concerns
2 with NCA's high school aside from the graduation rate. *Id.*

3 Prior to the March 2016 Authority meeting, NCA provided the Authority board members
4 and staff with detailed information about NCA's graduation rate. *Id.* ¶ 10. For example, NCA
5 explained that, of the **non-graduates for 2015, 40.9% enrolled with NCA in the 12th grade; 6**
6 **enrolled with NCA for one month or less, 1 student was enrolled with NCA for only 14**
7 **days**, and another 14 of the students identified as "non-graduates" have enrolled in a post-
8 secondary institution, calling into question their status as "non-graduates." *Id.* NCA questioned
9 the Authority's retroactive application of NRS 388A.330.² *Id.* NCA also questions the
10 Authority's calculation of the graduation rate in a manner that conflicts with NRS 385A.260
11 which precludes the State from counting students who receive a GED or continue on to adult
12 education as "dropouts." *Id.* Unfortunately, the Authority Staff has never addressed or even
13 discussed these issues with NCA. *Id.*

14 In March 2016, after allowing NCA an opportunity to present witnesses and evidence, the
15 Authority Board vote was not to proceed with closure, recognizing that the sole basis of concern
16 was the high school's four-year cohort graduation rate but instead to direct that NCA work with
17 Authority staff to develop a graduation rate improvement plan. *Id.* ¶ 11. The Authority's vote
18 reflected that the evidence related to the high school's "graduation rate" demonstrated that the
19 **rate was 73.3% when calculated based upon students enrolled at NCA for all four years of**
20 **high school.**³ *Id.* Further, the Authority seemed to acknowledge that the lower rate was not an

21
22 response to Nevada Legislators' concerns about penalizing schools for serving Nevada's at-risk
23 youth, Director Gavin assured Nevada legislators that the Authority would consider all evidence
24 necessary to truly evaluate the four-year cohort graduation rate. *See Exhibit 4*, Excerpts from
Minutes of 5/27/2015 Assembly Education Committee meeting; *see also Exhibit 5*, Excerpts
from Minutes of 4/3/2015 Senate Education Committee meeting.

25 ² "Substantive statutes are presumed to only operate prospectively, unless it is clear that the
26 drafters intended the statute to be applied retroactively." *Sandpointe Apts. v. Eighth Judicial*
Dist. Court, 129 Nev., Adv. Op. 87, 313 P.3d 849, 853 (2013).

27 ³ Measuring graduation rate in this manner was something suggested by Board Member
28 Mackedon at NCA's renewal hearing – to evaluate how NCA was serving students it had
continuously enrolled. *See Exhibit 3*, Granier Declaration & *Exhibit 7 to Exhibit 6*, Minutes of
March 22, 2013 SPCSA meeting.

1 accurate reflection of NCA's ability to serve its students based upon evidence demonstrating that
2 the rate was negatively impacted by students who were unable to graduate "on track" because
3 they enrolled in NCA's high school credit-deficient, and highly mobile students some of who are
4 counted as "drop-outs" because their enrollment in another school went unreported.⁴ *Id.*

5 Heeding the Authority's direction during the March 2016 hearing, NCA spent weeks
6 collaborating with Authority staff to prepare what the Authority praised as a commendable
7 graduation rate improvement plan. *Id.* ¶ 13; *see also* May 20, 2016, Transcript at 196, 199, 203,
8 212.

9 **Vice-Chair Mackedon:** "... this report is really well done." May Transcript
10 at 196.

11 **Member McCord:** "I'd really like to congratulate you on that. . . . I congratulate
12 the school for putting this in there. It speaks to the integrity of the data collection,
13 but it does one other thing. **It actually defines the actionable data.**" *Id.* at 199,
14 203.

15 **Member Johnson:** "... if you implement this **really stellar plan** that I think
16 we've all been impressed by . . ." *Id.* at 212.

17 Exhibit 3 ¶ 2.

18 **B. NCA's Implementation of the Graduation Rate Improvement Plan**

19 NCA has begun implementing the improvement plan and has already seen success. *Id.*
20 ¶ 12. Following its favorable reaction to the plan, the Authority requested "benchmarks" to
21 measure improvement from implementation of the plan over a three-year period, noting that
22 NCA would need at least six months to a year to implement the plan and see results before the
23 Authority would again consider closure or whether the plan was working.⁵ Accordingly, NCA
24 worked with Authority staff to agree to benchmarks with the understanding that the four-year
25 cohort graduation rate depends heavily on the students' previous schools, and in many cases does
26 not reflect NCA's ability to successfully reengage students who have come to the school credit-

27 ⁴ In addition, the current four-year cohort calculation of the graduation rate the Authority cites
28 as the basis for closure is inconsistent with NRS 385A.260.

⁵ Member Mackedon expressed this same view that "It's their responsibility to put forth the
plan, which they did, and to get results on it. And it's our responsibility to make a decision when
the results come out in a year or six months or whenever it is they come out." *See* Exhibit 3 ¶ 2
& May 20, 2016 SPSCA Transcript at 234.

1 deficient. *Id.* ¶ 13.

2 On July 29, 2016, Director Gavin recommended that the Authority approve NCA's
3 proposed benchmarks, but ambushed NCA by proposing for the first time in Staff's report
4 released that morning to the public, that such approval be on the condition that NCA agreed to
5 enter into a 30-page charter contract (the NCA had never before seen), which required NCA to
6 waive its right to judicial review on certain issues. NCA objected to the condition on a number
7 of bases including the lack of any notice from Staff and also the lack of statutory authority to
8 force NCA to convert from its Charter to a contract. In response, one Authority Board member
9 suggested that NCA had requested a "charter amendment," which would give the Authority the
10 legal right to require NCA to convert to a contract. *See* Exhibit 3 ¶ 3, Excerpts of Transcript of
11 July 2016 Authority Meeting. But, NCA had not requested an amendment (Exhibit 1 ¶ 14), nor
12 has the Authority agenda since February 2016 reflected any public notice that the Authority
13 would consider an amendment to NCA's charter, as required by NRS 388A and 233B.⁶
14 Moreover, the Authority did not even have regulations in place (nor does it today, although in
15 November it voted to approve such regulations) governing when a charter amendment is required
16 by certain school actions. *See* Exhibit 3 ¶ 11 & **Exhibit 7**, Excerpts from Proposed Regulation
17 R089-16P.

18 The Authority Board voted to condition the approval of the benchmarks on NCA entering
19 into a mutually agreeable charter contract with the Authority Staff. Unfortunately, when Staff
20 negotiated with NCA, Director Gavin and his counsel mandated that the school waive certain
21 rights to judicial review, taking the position the Authority board had required that term. *Id.* ¶ 15.
22 Because the Authority refused to remove the judicial waiver term, NCA did not sign the contract.
23 *Id.*

24 On September 30, 2016, the Authority issued a notice of closure to NCA pursuant to
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27 ⁶ Given the lack of statutory basis for the Authority to mandate such a conversion and an open
28 meeting law violation regarding the lack of notice of any action regarding a "charter
amendment," NCA initiated this action against the Authority in August 2016.

1 NRS 388A.330(2),⁷ citing NCA's 2015 high school graduation rate. *See* Exhibit B to Exhibit 1,
2 Notice of Intent to Revoke Charter. Before moving to approve issuance of a notice of closure,
3 the Board voted on Staff's recommendation to *require* that any contract between NCA and the
4 SPSCA would include the waiver of NCA's rights to judicial review of future agency action.
5 *See* Exhibit 3 ¶ 12, Excerpts of Transcript of September 2016, and Exhibit 8, Staff Briefing
6 Memo. Then, surprisingly, when Staff issued the notice of closure, that notice stated that in
7 addition to considering possible closure, the Authority would consider at the December meeting
8 whether to reconstitute NCA's school board, which could be effective immediately. But, the
9 Authority did not raise board reconstitution during its September hearing, and did not take a
10 public vote regarding reconstitution. Therefore, the Authority's threat to reconstitute the school
11 board violates Nevada's open meeting law.

12 Upon receiving the Notice of Closure, NCA reached out to Staff to collaborate on a
13 potential cure, but NCA's efforts have been met with a complete lack of cooperation. *See*
14 Exhibit 3 ¶ 9 & Exhibits 1, 2 and 3 of Exhibit 6. Nevertheless, NCA has submitted two separate
15 cure proposals to the Authority in a continuing effort to seek a mutually agreeable resolution
16 with the Authority to prevent unlawful closure proceedings that put thousands of Nevada
17 students' education at risk. *Id.* at ¶ 8 & Exhibit 6.

18 **II. ARGUMENT**

19 When deciding a Motion to Dismiss, all allegations pled must be accepted as true.
20 *Bergmann v. Boyce*, 109 Nev. 670, 674-75, 856 P.2d 560, 563 (1993). To survive dismissal, a
21 complaint must contain some 'set of facts, which, if true, would entitle [the plaintiff] to relief.'
22 *Buzz Stew, LLC v. City of N. Las Vegas*, 124 Nev. 224, 228 (2008).

23 This Court should not dismiss Plaintiff's complaint because the complaint alleges facts
24
25

26 ⁷ In issuing the notice of closure, the Authority violated its own policy regarding notice to
27 schools under the State Performance Framework Intervention Ladder. Moreover, the notice
28 represented a sudden and unexpected shift in the Authority's intention, which, up until
September 30, had included working with NCA to implement a successful improvement plan,
praising NCA's efforts, and recognizing the misleading nature of the high school graduation rate.

1 which entitle NCA to the requested relief, as outlined in this brief.

2 **A. Plaintiff's Complaint States a Claim for Declaratory Relief**

3 Contrary to the Authority's contention, this matter is ripe for judicial review to warrant
4 declaratory relief because the Authority's July 2016 decision violated both Nevada law and its
5 own internal policy, resulting in immediate, ongoing cognizable harm. *See* Motion to Dismiss, at
6 4-5. Also, immediate relief could be provided to this Court with a finding of an open meeting
7 law violation if the unlawful condition was void and the approval of the benchmarks remained
8 just without the unlawful condition. In addition, this is the action that set the closure proceedings
9 in motion. This Court's determination that this July condition was void could return the parties
10 to a status where the Graduation Rate Improvement Plan and benchmarks for progress were
11 approved – eliminating the basis for closure proceedings.

12 NRS 30.030 provides that courts “shall have power to declare rights, status and other
13 legal relations whether or not further relief is or could be claimed.” Declaratory relief is
14 available only if: (1) justiciable controversy exists between persons with adverse interest; (2) the
15 party seeking declaratory relief has a legally protectable interest in the controversy; and (3) the
16 issue is ripe for judicial determination. *County of Clark, ex rel. University Medical Center v.*
17 *Upchurch*, 114 Nev. 749, 756, 961 P.2d 754 (1998) (*citing Knittle v. Progressive Casualty Ins.*
18 *Co.*, 112 Nev. 8, 10, 908 P.2d 724, 725 (1996)). Courts must also consider whether speedy
19 resolution of the issue might promote economy in the litigation process or might lead to
20 meaningful pretrial settlement. *Id.* (*citing El Capitan Club v. Fireman's Fund Ins.*, 89 Nev. 65,
21 68, 506 P.2d 426, 429 (1973)). The Nevada Supreme Court has found that declaratory relief is
22 proper where procedures entitled under the statute were not afforded. *See Clark Cty. Sch. Dist.*
23 *v. Riley*, 116 Nev. 1143, 1146 (2000) (The Court affirmed the lower court granting of summary
24 judgment for a declaratory relief claim which was appropriate where a teacher was not afforded
25 the procedures to which he was entitled by statute which made the school district's attempt to
26 terminate the teacher invalid).

27 Regarding the third requirement for declaratory relief, courts will determine ripeness by
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1 weighing factors such as: “(1) the hardship to the parties of withholding judicial review, and (2)
2 the suitability of the issues for review.” *Herbst Gaming, Inc. v. Heller*, 122 Nev. 877, 887, 141
3 P.3d 1124, 1231 (2006). Moreover, the harm alleged must be sufficiently concrete, as opposed
4 to hypothetical or remote. *Id.* While harm need not already have been suffered, it must be
5 probable for an issue to be ripe for judicial review. *Id.*

7 NCA has satisfied the elements for this Court to issue a declaratory judgment stating that
8 the Authority’s July vote to force NCA into a contract was void. The Authority did not follow
9 the statutory requirement to post an agenda of its consideration of an amendment to NCA’s
10 charter and had no legal authority to force NCA to convert its charter to a contract because NCA
11 never requested an amendment in the first place. *See* NRS 241.020(1)-(2); NRS 388A. Thus,
12 the Authority’s condition on its approval of NCA’s benchmarks for implementation of the
13 graduation rate improvement plan to force NCA to convert its charter to a contract was void *ab*
14 *initio*, which the Authority disputes. Accordingly, a justiciable controversy exists pursuant to the
15 first requirement. Second, Plaintiff has a legally protectable interest in the controversy because
16 the Authority’s attempted action compromises NCA’s ongoing operations and, when NCA
17 would not agree to waive its rights to judicial review under that contract, led to the Authority
18 issuing a notice of closure. Third, the issue is ripe for adjudication as plaintiff and defendants
19 are contesting whether the Authority violated Nevada’s Open Meeting Law and, if so, the
20 appropriate remedy for such a violation, which would be to simply nullify the unlawful condition
21 but leave in place the approval of NCA’s benchmarks which the Authority staff deemed to be
22 acceptable. This would mean the Authority could not proceed with closure proceedings against
23 the school rather than allowing the school to proceed with the approved graduation rate
24 improvement plan.

25 Moreover, regarding ripeness as outlined in *Herbst Gaming*, the Authority fails to
26 acknowledge that the hardship to the Plaintiff is significant and probable, should this Court
27 withhold judicial review. The Authority voted to force NCA to convert its charter to a contract
28 and then approve the proposed benchmarks conditioned upon execution of a contract of

1 “mutually agreeable terms” between NCA and the Agency. See Exhibit 3 ¶ 4, Excerpts of
2 Transcript of July 2016 Authority Meeting. Then in negotiations, Authority Staff took the
3 position a necessary provision of the contract was that NCA waive certain rights to judicial
4 review – even though the Authority Board had not required this. Then when NCA refused, Staff
5 recommended the Board vote that this term be required in any contract between NCA and the
6 Authority – which the Board did in September prior to voting to issue the notice of closure.

7 The agency’s blatant violation of Nevada’s Open Meeting law and its own internal policy
8 positioned the Agency to then mandate certain terms in that same contract with NCA – including
9 that NCA waive certain rights to judicial review – and then issue a Notice of Closure when NCA
10 did not acquiesce to the Agency’s demands.⁸ The Authority’s directly linked issuance of a notice
11 of closure and intent to reconstitute NCA’s board to NCA has resulted in great hardship and
12 uncertainty to NCA and its directors, staff, students and families. Moreover, the issue before the
13 Court is suitable for review at this juncture because the Open Meeting Law violation and the
14 violation of the Authority’s internal framework has already occurred, ensuing in the resulting
15 harm – the imposition of the unlawful condition – which continues to harm NCA with resulting
16 closure proceedings. If this case proceeds, evidence presented to this Court will include
17 statements of Authority Board members and staff that if NCA did not agree with the provision
18 waiving its right to judicial review that the Authority would proceed with closure of the school –
19 but that would be avoided if the school simply waived its rights to judicial review.. Therefore,
20 this case is ripe for declaratory relief under the *Herbst Gaming* standard.

21 Moreover, the Authority fails to note that, because the Authority’s Open Meeting Law
22 violation at issue directly led to the Authority forcing Plaintiff to waive its right to judicial
23 review or face closure, which prompted separate litigation, granting Plaintiff’s request for
24 declaratory relief would promote “efficiency in the litigation process or might lead to a
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26 ⁸ Plaintiff notes that it will amend its complaint to add an allegation regarding this causal link
27 from the Open Meeting Law violation at issue to the notice of closure, which it has briefed
28 elsewhere throughout the related case regarding school closure, which it seeks to consolidate
with this case. See, e.g., Case No. 16 OC 00294 1B, Motion for Temporary Restraining
Order/Preliminary Injunction in the school closure case, at 28.

1 meaningful pre-trial settlement.” This court’s issuance of a declaratory judgment would also
2 encourage adherence to Nevada’s statutory framework—a requirement which the Authority has
3 boldly skirted. Therefore, this Court has the authority to enter a declaratory judgment pursuant
4 to NRS 30.010 through NRS 30.160, and Plaintiff is entitled to a declaratory judgment at this
5 stage.

6 **B. Plaintiff’s Petition for Judicial Review Should not be Dismissed Because this**
7 **Court has Jurisdiction to Review the Authority’s Final Decision under NRS**
8 **233B.135(3)(e)**

9 Regardless of the Authority’s contention regarding NRS 233B.130, this Court has
10 jurisdiction to review the Authority’s action under NRS 233B.135(3)(e).⁹ See Motion to
11 Dismiss, at 5-6.

12 This court may set aside a final agency decision in whole or in part if the decision is in
13 violation of statutory provisions, exceeds an Agency’s statutory authority, is the result of
14 unlawful procedure or other error of law, is “[c]learly erroneous in view of the reliable, probative
15 and substantial evidence on the whole record,” or is arbitrary or capricious. NRS
16 133B.135(3)(e). The proper mechanism for seeking judicial review of an agency decision is by
17 filing a petition for judicial review. *Kay v. Nunez*, 122 Nev. 1100, 1103 (2006). The district
18 court’s function when presented with a petition for judicial review is “to determine, based on the
19 administrative record, whether substantial evidence supports the administrative decision.” *Id.* at
20 1105. Substantial evidence is “that which a reasonable mind might accept as adequate to support
21 a conclusion.” *State Dep’t of Employment, Training & Rehab., Employment Sec. Div. v. Reliable*
22 *Health Care Servs. of S. Nevada, Inc.*, 115 Nev. 253, 257 n.1 (1999) (internal quotation omitted).
23 Agency Board members’ opinions alone do not constitute substantial evidence. *City Council of*
24 *City of Reno v. Travelers Hotel, Ltd.*, 100 Nev. 436, 439 (1984) (“the ‘substantial evidence’
25
26

27 _____
28 ⁹ NCA will file an amended complaint to add a statement outlining this Court’s jurisdiction
under the statute.

1 requirement . . . is not met by opinions. . of council members, unsupported by proof.”).

2 The Authority’s vote on July 29, 2016 mandating that NCA convert its charter to a
3 contract – in order to have its benchmarks for implementation of its graduation rate improvement
4 plan was final on that matter and timely appealed by NCA. The Authority’s decision was clearly
5 erroneous in view of the substantial evidence on the record, pursuant to NRS 233B.135(3)(e).
6 The Authority did not rely on substantial evidence to support its assertion that NCA requested an
7 amendment to trigger its decision to force contract conversion – or that it had statutory authority
8 to impose such a condition on its approval of the benchmarks. Despite the Nevada Supreme
9 Court’s conclusion that opinions alone do not constitute substantial evidence, the Authority
10 relied solely on Board Member Conaboy’s opinion that NCA requested an amendment, even
11 though she provided no support for her assertion. *See Exhibit 3 ¶ 3, Excerpts of Transcript of*
12 *July 2016 Authority Meeting.* In fact, NCA did not request such an amendment. NCA merely
13 followed the Authority’s directive to work with Authority Staff to identify “benchmarks” of
14 achievement as part of NCA’s graduation rate improvement plan. No evidence supports the
15 Authority’s vote to force NCA to convert its charter to a contract in order to have its benchmarks
16 approved for its graduation rate improvement plan. The Authority’s decision here was arbitrary
17 and capricious, violated Nevada’s Open Meeting Law, was made upon unlawful procedure, and
18 clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record.
19 Accordingly, given NCA’s rights were substantially prejudiced by the Authority’s decision to
20 force charter conversion, which directly led to the threat of closure, reversal is appropriate under
21 NRS 233B.135(3)(e).
22
23
24

25 **C. Plaintiff’s Writ Request is Properly Before this Court**

26 **1. The Requested Writ is not Procedurally Deficient**

27 The Authority argues that NCA’s requested writ relief is procedurally deficient because it
28

1 lacks an affidavit of the persons beneficially interested. See Motion to Dismiss, at 6. NCA
2 cured this deficiency by filing an errata with this Court on November 28, 2016, which included a
3 verification by interested party, NCA Principal Steve Werlein. See Errata filed Nov. 28, 2016.
4 Therefore, the Authority's argument is moot.

5
6 **2. The Requested Writ is Not Made in Anticipation of a Future Omission
of Duty**

7 The Authority incorrectly argues that this Court should not grant NCA's writ request
8 because the request is made in anticipation of the Authority's future omission of a duty. In fact,
9 the Authority already omitted its duty to act within its statutorily-defined authority when it
10 attempted forced NCA to convert to a charter despite the fact that NCA had not requested a
11 charter amendment. Thus, NCA asks that this Court issue a writ directed to the Authority to
12 allow NCA the ability to implement its Graduation Rate Improvement Plan to meet certain
13 graduation benchmarks without the threat of unlawful conversion to a contract.
14

15 A plaintiff must show "an actual omission on the part of the [defendant] to perform the
16 required act, and since there can be no such omission before the time has arrived for the
17 performance of the duty, the writ will not issue before that time." *State v. Gracey*, 11 Nev. 223,
18 234 (1876).
19

20 The Authority has a duty under N.R.S. 241.020(1)-(2) to provide notice to schools and to
21 the public regarding its agenda. The Authority violated Nevada's Open Meeting Law when it
22 failed to provide written notice of the agenda regarding charter amendment and contract
23 conversion three days prior to the July 20, 2016 meeting, rendering the Authority's decision to
24 force NCA to convert its charter to a contract void *ab initio* under NRS 241.036. This blatant
25 omission of its duty has already occurred, and Plaintiff's complaint alleges the same in its
26 allegations regarding petition for writ of mandate or review. See, e.g., Complaint, at 6 ("The
27 Authority's attempt to mandate NCA to convert its charter to a contract . . . violated the open
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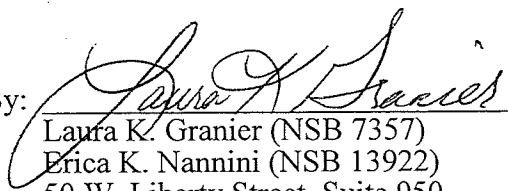
meeting law”). The Authority’s attempt to skirt Nevada law promoting Agency transparency, and then claim it has not yet omitted its duty to operate according to its statutory authority, is cause for concern.

III. CONCLUSION

Based on the foregoing, Plaintiff requests that the Court deny Defendants’ motion to dismiss.

Respectfully submitted this 12th day of December, 2016.

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1 CERTIFICATE OF SERVICE

2 Pursuant to N.R.C.P. 5(b), I certify that I am an employee of Davis Graham & Stubbs
3 LLP and not a party to, nor interested in, the within action; that on December 12, 2016, a true
4 and correct copy of the foregoing document was enclosed in a sealed envelope, and served as
5 listed below:
6

7 Gregory D. Ott, Esq.
8 Deputy Attorney General
9 100 N. Carson Street
10 Carson City, NV 89701

VIA U.S. MAIL

11 *Attorneys for Defendants*

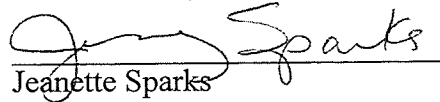
12 
13 Jeanette Sparks

EXHIBIT 1

Declaration of S. Werlein

EXHIBIT 1

Declaration of S. Werlein

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IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR CARSON CITY

NEVADA CONNECTIONS ACADEMY,

Plaintiff,

v.

STATE OF NEVADA, ex rel. STATE
PUBLIC CHARTER SCHOOL
AUTHORITY, et al.,

Defendants.

Case No. 16 OC 001941 B
Dept. No. I

**DECLARATION OF STEVE WERLEIN
IN SUPPORT OF PLAINTIFF'S
OPPOSITION TO MOTION TO
DISMISS COMPLAINT**

I, Steven Werlein, do certify under penalty of perjury as follows:

1. The matters set forth in this declaration are based on my own personal knowledge.

If called upon to testify, I am competent to testify to the matters set forth herein. I make this declaration in support of the Plaintiffs' Opposition to Defendants' Motion to Dismiss Complaint.

2. I am the Principal and School Leader of Nevada Connections Academy ("NCA").

I have held this position since July, 2013. I have a BA in international political economy and Spanish from DePaul University, an MEd in secondary teaching and curriculum from DePaul University, and a Certificate of advanced study in school leadership from National Louis University. I am currently pursuing doctoral studies and the American College of Education.

3. NCA is an accredited, comprehensive, online public charter school serving more

than 3,200 Nevada students in grades K-12 under one charter granted in 2007 and renewed in 2013. The Nevada Department of Education's ("NDE") last rating of NCA's middle school was four-star and the Authority Staff has confirmed that its only concerns with NCA are with the high school's four-year cohort graduation rate.

4. NCA's high school serves some of Nevada's most at-risk youth in need of

flexible accommodations, many of whom enroll in NCA behind in credits and as a last resort

1 before dropping out altogether. NCA provides highly individualized learning opportunities,
2 which have demonstrated success in reengaging credit-deficient students and helping them
3 graduate. Still, because many students are credit-deficient when they enroll in NCA as a result
4 of falling behind in their previous school(s), they are unable to graduate within their four-year
5 cohort at NCA—even if they accrue credits on track from the day they enter NCA, they often
6 cannot make up for the time they lost at their prior school(s).
7

8 5. Approximately 50% of the students that were part of the 2015 NCA graduation
9 cohort were behind in credits when they initially enrolled at NCA. Therefore, even if every
10 student accumulated credits at a normal rate from the time they enrolled in NCA, the school's
11 graduation rate would barely exceed 50%. As a result, NCA's four year cohort high school
12 graduation rate is below 60%, which Staff asserts justifies closure of NCA under NRS 388A.330
13 even though NCA's high school graduation rate for students who enrolled in NCA on cohort and
14 stayed through the end of their senior year in 2015 was 73.3%.
15

16 6. NCA's middle school is excelling: the NDE's most recent rating indicated that it
17 is "among the higher performing schools in Nevada in student proficiency and/or student growth
18 on the State assessments." The last notice NCA received from the Authority stated that NCA
19 was in "good standing." Attached hereto as **Exhibit A** is a true and correct copy of the last
20 written performance evaluation NCA received from the SPSCA.
21

22 7. On February 22, 2016, without any communication with NCA, the Staff placed
23 NCA on the agenda for its February 26, 2016 meeting for consideration of whether the Authority
24 should issue NCA a "notice of closure."
25

26 8. The Authority took no action on the agenda item during the February 26, 2016
27 meeting. Although NCA attended the meeting and stayed until the end to publicly comment, the
28 Authority chairman announced at 4:30 PM they had to clear the room they were in and adjourned

1 the meeting before NCA representatives had the chance to complete their public comment.

2 9. As soon as NCA received the publicly posted agenda for the February meeting,
3 the school began reaching out to Staff to learn why it was included for possible closure without
4 any prior communication. After the February 26 meeting, NCA learned through discussions
5 with Authority Director Patrick Gavin that it had been placed on the agenda solely because its
6 2015 high school four-year cohort graduation rate fell below 60%. Director Gavin told NCA that
7 he had no performance concerns with grades K-8 at NCA, and that he had no concerns with
8 NCA's high school aside from the graduation rate.
9

10 10. Prior to the March 2016 Authority meeting, NCA provided the Authority board
11 members and staff with detailed information about NCA's graduation rate. For example, NCA
12 explained that, of the non-graduates for 2015, 40.9% enrolled with NCA in the 12th grade; 6
13 enrolled with NCA for one month or less, 1 student was enrolled with NCA for only 14 days, and
14 another 14 of the students identified as "non-graduates" have enrolled in a post-secondary
15 institution, calling into question their status as "non-graduates." NCA questioned the Authority's
16 retroactive application of NRS 388A.330. NCA also questions the Authority's calculation of the
17 graduation rate in a manner that conflicts with NRS 385A.260 which precludes the State from
18 counting students who receive a GED or continue on to adult education as "dropouts."
19 Unfortunately, the Authority Staff has never addressed or even discussed these issues with NCA.
20
21

22 11. In March 2016, after allowing NCA an opportunity to present witnesses and
23 evidence, the Authority Board vote was not to proceed with closure, seemingly recognizing that
24 the sole basis of concern was the high school's four-year cohort graduation rate but instead to
25 direct that NCA work with Authority staff to develop a graduation rate improvement plan. The
26 Authority's vote seemed to acknowledge that the evidence related to the high school's
27 "graduation rate" demonstrated that the rate was 73.3% when calculated based upon students
28

1 enrolled at NCA for all four years of high school. Further, the Authority seemed to acknowledge
2 that the lower rate was not an accurate reflection of NCA's ability to serve its students based
3 upon evidence demonstrating that the rate was negatively impacted by students who were unable
4 to graduate "on track" because they enrolled in NCA's high school credit-deficient, and highly
5 mobile students some of who are counted as "drop-outs" because their enrollment in another
6 school went unreported.
7

8 12. Heeding the Authority's direction during the March 2016 hearing, NCA spent
9 weeks collaborating with Authority staff to prepare what the Authority praised as a
10 commendable graduation rate improvement plan. NCA is implementing it and seeing success
11 from it.
12

13 13. NCA worked with Authority staff to agree to benchmarks with the understanding
14 that the four-year cohort graduation rate depends heavily on the students' previous schools, and
15 in many cases does not reflect NCA's ability to successfully reengage students who have come
16 to the school credit-deficient.
17

18 14. NCA never requested an amendment to its Charter in 2016 or related to its
19 graduation rate improvement plan or the benchmarks.
20

21 15. When Staff negotiated with NCA, Director Gavin and his counsel mandated that
22 the school waive certain rights to judicial review, taking the position the Authority board had
23 required that term – even at a time when the Board's vote was that the Authority and Staff find
24 mutually agreeable terms. Because the Authority refused to remove the judicial waiver term,
25 NCA did not sign the contract and we were told if we did not agree to that term and a contract
26 the Authority would move forward with closure proceedings.
27

28 16. Attached hereto as **Exhibit B** is a true and correct copy of the Notice of Intent to
Revoke Charter that was issued by the SPCSA on September 30, 2016.

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I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct and was executed this 12th day of December, 2016, in Reno, Nevada.



STEVEN WERLEIN

EXHIBIT A

EXHIBIT A

BRIAN SANDOVAL
Governor

STATE OF NEVADA

PATRICK GAVIN
Director



STATE PUBLIC CHARTER SCHOOL AUTHORITY

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

Nevada Connections Academy

Sent Via Email

Dear Steve Werlein:

In June 2013, the State Public Charter School Authority (SPCSA) Board adopted a Charter School Performance Framework (Framework), which provides charter school boards and leaders with clear expectations, fact-based oversight, and timely feedback while ensuring charter autonomy. Through the Framework we monitor SPCSA-sponsored charter school performance in the following areas: Organizational, Financial and Academic.

According to the adopted Framework, annual academic performance reviews will be provided to charter school boards and school leaders each fall following the release of the State's star ratings. Occasionally, the routine annual review of academic performance will result in an adverse finding of academic underperformance or alternatively, findings of exceptional performance. In the case of an adverse finding of academic underperformance, the school will move out of Good Standing and enter the first level of the intervention ladder (i.e., receive a Notice of Concern). In the case of exceptional performance, the school will receive the Quality School designation. Please reference the following tables to understand how your school's academic performance compares to the Authority's designations.

Annual Framework Designation			
Designation	NSPF		Authority Rating
Quality	4-star or 5-star	AND	"Exceptional" or "Exceeds"
Good Standing	Any combination of 2-star, 3-star, or 4-star	AND	"Approaches" or above
Academic Underperformance	Any combination of 1-star or 2-star	AND	"Unsatisfactory" or "Critical"

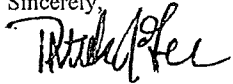
Authority Rating		School Score
Exceptional	EX	>95
Exceeds	EC	>75 and <95
Adequate	AD	>50 and <75
Approaches	AP	>25 and <50
Unsatisfactory	U	>5 and <25
Critical	C	<5

The 2013-2014 Academic Profile for Nevada Connections Academy is currently available in Bighorn. Nevada Connection's profile can be accessed using the following path: [Bighorn](#) > [Files](#) > [State Charter School Documents](#) > [18405 NV Connections Academy](#) > [Authority Framework](#). You will find one document in the Authority Framework folder which includes the 2013-2014 academic profile and zoned school report results. The zoned school report was compiled using 10th grade HSPE Math and Reading proficiency scores for high school levels and adequate growth percentages for the elementary and middle school levels. These scores were pulled from the validated proficiency files used for the NSPF report.

During the 2011-2012 validation round, NV Connections earned a total of 48.43 points resulting in a rating of "Approaches." For 2012-2013, NV Connections earned a total of 50.78 points, resulting in an Authority rating of "Adequate". For 2013-2014, NV Connections earned a total of 42.14 points, resulting in an Authority rating of "Approaches". Although the aggregate score of 42.14 is below the Authority's adopted standard of 50 points, NV Connections is considered to be in **Good Standing**.

Authority staff are available to meet and discuss any aspect of the Academic Profile, Charter School Performance Framework, and/or the Nevada School Performance Framework – please contact Danny Peltier to schedule a time that is convenient for everyone.

Sincerely,



Patrick Gavin

Director, State Public Charter School Authority

Copy: Jamie Castle, Governing Board President

EXHIBIT B

EXHIBIT B

BRIAN SANDOVAL
Governor

STATE OF NEVADA

PATRICK GAVIN
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**

September 30, 2016

Ms. Jafeth Sanchez, Board President
Nevada Connections Academy
555 Double Eagle Ct., #2000
Reno, NV 89521

VIA Electronic Mail and Certified Mail
Return Receipt Requested

Re: Notice of Intent to Revoke Written Charter

Dear Ms. Sanchez,

At the September 23, 2016 meeting of the State Public Charter School Authority Board, the Board received an update regarding the proposed charter contract with terms previously approved by the Authority. After update and discussion, the Board directed staff to issue this Notice of Intent to Revoke the Written Charter of Nevada Connections Academy ("Notice of Intent") based on having a graduation rate for the preceding school year that is less than sixty (60) percent. This Notice of Intent is issued pursuant to NRS 388A.330(2).

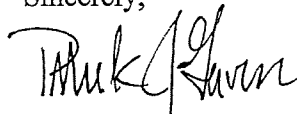
- 1) The deficiencies or reason upon which the action of the sponsor is based is Nevada Connections Academy's graduation rate for immediately preceding year being below sixty (60) percent as required by NRS 388A330(1)(e). The graduating cohort of 2015 as defined by NAC 389.0246 is 35.63%.
- 2) Pursuant to NRS 388A.330(2)(b), the school has at least thirty (30) days within which to correct the deficiencies. The first day of this period is October 3, 2016. The date by which the school must have completed all efforts to correct these deficiencies is December 2, 2016.
- 3) At its December 16, 2016 meeting, the SPCSA Board will make a determination regarding whether Nevada Connections Academy has corrected the deficiencies. The Board will make this determination during a public hearing held pursuant to subsection 3 of NRS 388A.330.
- 4) At its December 16, 2016 meeting, the SPCSA Board will hold a public hearing to consider whether to reconstitute the governing body, or revoke the written charter. The SPCSA Board will make this determination during a public hearing held pursuant to subsection 3 of NRS 388A.330.
- 5) Any action revoking the written charter, if approved by the SPCSA Board, would be effective no sooner than the end of the 2016-17 academic year.

Jafeth Sanchez
Page 2
September 30, 2016

- 6) Any action reconstituting the governing body, if approved by the SPCSA Board, could be effective immediately.

This letter serves as the school's formal Notice of Intent under NRS 388A.330(2). Nevada Connections Academy and the Authority staff must exchange any written or documentary evidence they wish to be considered by the Authority by no later than 5 pm Pacific Time on December 2, 2016. Nevada Connections Academy should submit its documentation to the Authority via Epicenter. Pursuant to applicable law, the school will have the opportunity during the statutorily mandated periods as stated herein to correct the issues state in this Notice of Intent which have prompted this action.

Sincerely,



Patrick J. Gavin
Executive Director

EXHIBIT 2

SPCSA Charter School Performance Framework

EXHIBIT 2

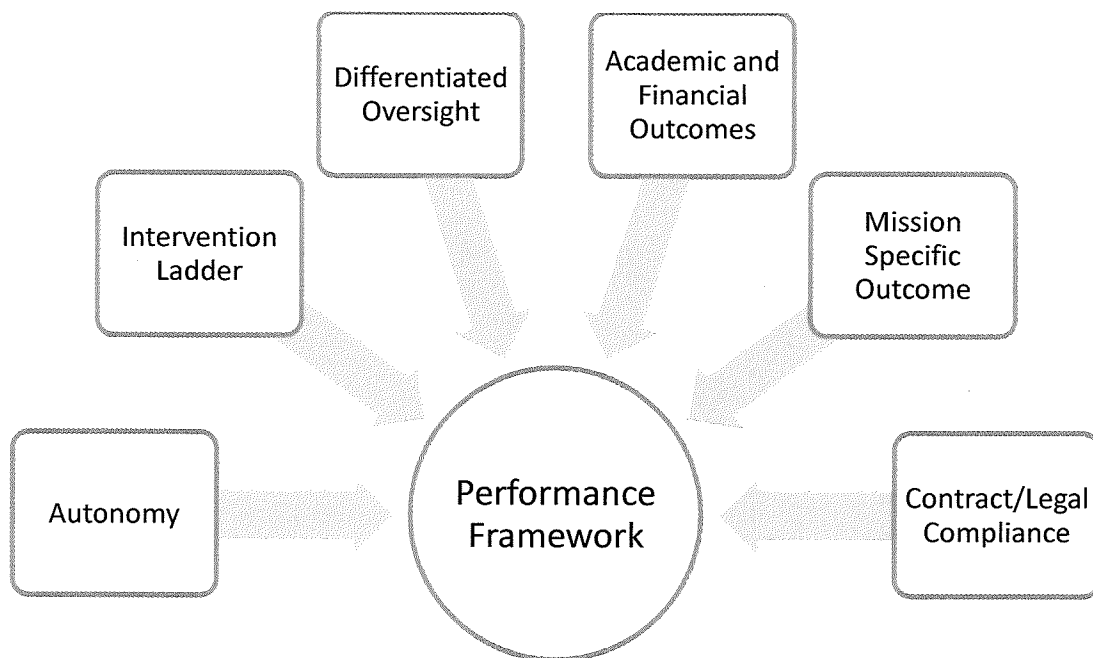
SPCSA Charter School Performance Framework

Charter School Performance Framework

Objective:

To provide charter school boards and leaders with clear expectations, fact-based oversight, and timely feedback while ensuring charter autonomy.

- Clear standards, timely feedback, and maximum transparency
- Objective information for schools, students, and families
- Differentiated oversight including incentives for charter schools designated as quality
- Comprehensive information to guide charter renewal determinations



Section 1: Introduction

This document describes the Charter School Performance Framework, the accountability mechanism for all charter schools sponsored by the State Public Charter School Authority (Authority).

This document provides:

- A conceptual overview of the Charter School Performance Framework (the body of the document); along with
- The specifics regarding Performance Framework implementation, and the academic, financial, organizational and mission specific performance standards.

In addition to establishing performance criteria for charter schools, the Charter School Performance Framework also ensures that the Authority is accountable to charter schools.

The Authority is accountable for implementing a rigorous and fair oversight process that respects the autonomy that is vital to charter school success. This mutual obligation drives the Charter School Performance Framework – a collaborative effort with the common mission of improving and influencing public education in Nevada by sponsoring public charter schools that prepare all students for college and career success and by modeling best practices in charter school sponsorship.

Charter School Performance Framework Authority Obligations

- Clearly communicate standards and expectations to schools;
- Conduct a transparent, consistent, and predictable oversight process;
- Conduct an oversight process that is respectful of schools' autonomy;
- Emphasis on student outcomes rather than compliance and process;
- Provide fact-based feedback to schools and communities indicating where schools stand relative to performance framework standards and expectations.

Section 2: Objective of the Charter School Performance Framework

Through its mission, the Authority has the responsibility to ensure its sponsored schools prepare all students for college and career success and to model best practices in charter school sponsorship.

The Authority acknowledges that charter schools need autonomy in order to develop and apply the policies and educational strategies that maximize their effectiveness.

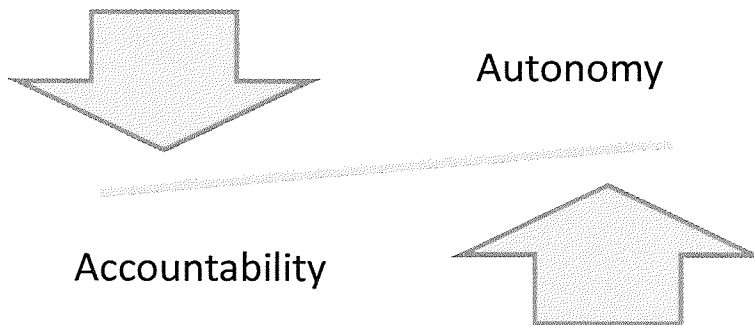
The Charter School Performance Framework balances these two considerations.

The objective of the Charter School Performance Framework is to provide charter school boards and leaders with clear expectations, fact-based oversight, and timely feedback while ensuring charter school autonomy.

In addition to achieving this objective, the Performance Framework should deliver important secondary benefits:

- Incentives for charter schools designated as quality that regularly achieve their academic, financial, organizational, and mission specific performance standards;
- Comprehensive information for data-driven and merit-based charter renewal and contract revocation/termination;
- Differentiated oversight based on each school's performance and maturity;
- Maximum transparency so all stakeholders can understand where charter schools are meeting or exceeding performance standards, and where they are failing to achieve performance standards; and
- Objective information for students and families who want to learn more about the charter schools in their community.

The Performance Framework describes methods that seek the optimal balance between oversight and autonomy, while delivering the secondary benefits important to each targeted stakeholder. The Performance Framework is a dynamic process subject to continuous review and improvement.



Section 3: Performance Framework Components

The Performance Framework provides for the evaluation of schools based on their ability to operate as sound, independent entities that successfully serve all students. The Authority has selected components that strike the balance between easy-to-submit documents and data that provide fact-based insight on school performance.

Routine Year Round Submissions

During the year, schools are required to submit a variety of documents to the Authority and the Department of Education. It is vital that this information is submitted by the given due date. These required submissions are often linked to funding allotments or federal reporting requirements. See the Reporting Requirements Manual for greater detail on each requirement and its function.

Academic, Financial, Organizational and Mission Specific Indicators

Academic – Academic achievement determinations for all schools will be based on student progress over time (growth), student achievement (status), and college and career readiness.

Financial – The near term fiscal health of schools is assessed through four measures: 1) Current Ratio; 2) Unrestricted Days Cash on Hand; 3) Enrollment Forecast Accuracy; and 4) Debt Default. The fiscal sustainability of schools is assessed through four different measures: 1) Total Margin; 2) Debt to Asset Ratio; 3) Cash Flow; and 4) Debt Service Coverage Ratio. These measures will be evaluated quarterly and a profile published annually based on each school's audited financial statements.

Organizational – Defines the operational standards to which a charter school should be accountable to its sponsor and the public. It is designed to treat all schools as though they are the same only in terms of meeting minimum legal and ethical requirements.

Mission Specific – The Authority may, upon request of the governing body of a charter school, include additional rigorous, valid and reliable performance indicators that are specific to the mission of the charter school and complementary to the existing framework measures.

Annual Review

The annual review is a process that compiles data from the routine year-round submissions; academic, financial, organizational and mission specific indicators and oversight to provide an evaluation of school performance. In the annual review, each school will receive an academic and financial profile, an organizational overview of compliance, and a review of mission specific indicators

Annual reviews will be provided to charter school boards and school leaders each fall following the release of the State's star ratings. We are committed to clearly communicating information from the annual review to families, schools, and the public. These reviews will also be posted on the Authority website.

Mid-Term Review

The mid-term review is a process that compiles all annual reviews and provides a three year longitudinal evaluation of school performance. The mid-term review includes a site visit to gather qualitative data that complements the quantitative findings. The results of the mid-term review provide stakeholders with a multi-year analysis of school performance and status of the school related to expectations at time of renewal.

Section 4: Performance Framework Process Description

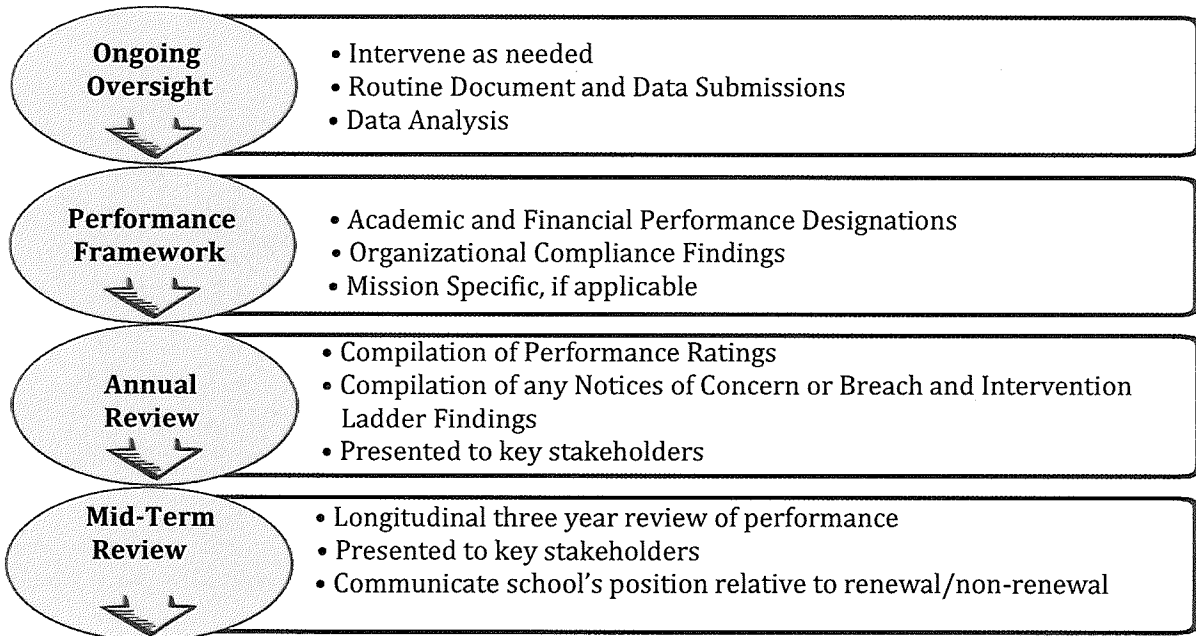
The Authority has studied best practices to develop the Performance Framework process depicted in this flowchart. Throughout the school year, every charter school will submit scheduled documents and data that enable us to assess their compliance with laws and regulations, and their progress in achieving important school milestones.

The routine year round submissions are indicated in the Reporting Requirements Manual.

The Authority believes in conducting its oversight in a manner that is respectful of school autonomy and differentiated based upon charter school performance and maturity. Charter schools with a track record of compliance and performance do not need the same level of oversight as charter schools without such a track record. The Authority's oversight plan includes the opportunity for schools during their first three years of operation, based on compliance and performance, to transition from demonstrated compliance to assumed compliance.

Every charter school will receive an Annual Review and a three year Mid-Term review. The reviews analyze a school's academic, financial, organizational, and mission specific performance along with information collected from the ongoing oversight processes. The parameters of these analyses are indicated in detail in Appendix A, "Detailed Academic Performance Indicator Descriptions", Appendix B, "Detailed Financial Performance Indicator Descriptions", and Appendix C, "Detailed Organizational Performance Indicator Descriptions." The mission specific indicators will be finalized at the beginning of the second school year using the first school year as the baseline.

Site visits afford a sponsor with an opportunity to appreciate a qualitative aspect of the school not directly measured in ways other than observation or personal interaction. The Authority has two types of official site visits: Mid-Term Review and Targeted. The Mid-Term Review site visit is guided by a clear purpose and rubric that complements the quantitative findings. A Targeted site visit is driven by specific circumstances where the frequency and intensity of the visit will depend upon a particular circumstance.



Section 5: Intervention Ladder

Occasionally, the routine Performance Framework process will result in adverse findings. Charter schools may fall out of compliance on important legal or contractual requirements. Academic standards may not be met. Financial sustainability may become an issue. When these situations occur, the Authority may need to intervene.

Level 1: Notice of Concern

A school enters Level 1 upon receiving a Notice of Concern.



Level 2: Notice of Breach

A school enters Level 2 when it fails to comply with a material term or condition of its charter contract.



Level 3: Intent to Revoke

A school enters Level 3 when it fails to meet its requirements or schedule to remedy a Notice of Breach.

All schools begin outside of the intervention ladder and are considered to be in Good Standing. Schools in good standing receive non-intrusive regular oversight and submissions tracking. Schools must meet performance targets and expectations including compliance and maintain open communication with us in exchange for this level of non-intrusive oversight.

Schools can enter Level 1 of the intervention ladder if the Authority receives a verified complaint of material concern, or if regular oversight generates significant questions or concerns. We will communicate with school leaders, parents, and any other necessary stakeholders to verify complaints. We will contact the Board president and school leaders to issue a formal Notice of Concern. The Notice of Concern contains specific actions and due dates required to remedy the concern. Upon remedying the concern, the school returns to Good Standing. If the concern is not remedied in the time allotted, the school progresses to Level 2 of the intervention ladder.

At Level 2, the school is issued a Notice of Breach. The Notice of Breach outlines the actions necessary to cure the breach. A school can enter the ladder at Level 2 if it fails to comply with a material term or condition of its charter contract. Once a Notice of Breach is issued, the Authority monitors the school's implementation of the steps required to cure the breach. Once the school has met the Notice of Breach requirements, they exit from Level 2 and return to Good Standing.

Failure to meet the requirements specified in the Notice of Breach will result in entry to Level 3, charter school revocation/termination review. The review may include additional visits to the school or an in-depth audit to assess financial and organizational health. Schools in Level 3 are at risk of contract revocation/termination. Schools may also progress on the ladder to Level 3 if they receive repeated Notices of Breach in the same school year. Findings from the Intent to Revoke will determine whether a school enters into revocation/termination proceedings or is granted a revised Notice of Breach, returning to Level 2.

In unfortunate cases, data gathered from the Performance Framework process can be used to directly initiate charter school revocation/termination proceedings. The Authority recognizes the severity of this process and will use this right only in the case of persistent shortcomings or a grave incident that threatens the health, safety, or welfare of children.

Section 6: High-Stakes Decisions

The Authority will consider the collective record of a school’s academic, financial, organizational and mission specific performance when making high-stakes decisions, though the academic performance will be the most important factor in most decisions.

Contract Renewal

The Performance Framework provides information necessary for merit-based charter renewal decisions. Decisions will be made in accordance with statute and regulation and based on longitudinal information over a school’s charter term. Once a school is recommended for renewal and approved by the Authority the school will receive a renewal term length of six years as defined by law.

Performance Expectation

- Academic: Schools seeking renewal must be designated “Adequate” or above on the Authority Academic Framework plus receive a three-star rating or above on the Nevada School Performance Framework in the preceding school year.
- Financial: Schools must be rated as financially sustainable.
- Organization: Schools must be considered compliant with the material terms and conditions of its charter contract.

Streamlined Renewal

Schools designated as quality schools by the Authority may qualify for the streamlined renewal process. Quality schools are schools ranked on the Authority Academic Framework as “Exceeds” or “Exceptional” and on the Nevada School Performance Framework as a four or five-star school.

Contract Termination

The following performance outcomes may be cause for revocation/termination of a school’s charter:

- Persistent Underperformance: A school with any combination of “Unsatisfactory” or “Critical” designations on the Authority Framework and two-star or one star ranking on the Nevada School Performance Framework for three consecutive academic reporting cycles.

Auto-Termination

As defined by law, starting with the 2013-2014 school year, a charter school must be closed after obtaining three consecutive ratings of one-star on the Nevada School Performance Framework.

Designation	Performance Framework Ranking/Designation			Timeframe
	NSPF		Authority	
Contract Renewal Expectation	3-stars or above	AND	“Adequate” or above	Preceding Year
Quality	4-star or 5-star	AND	“Exceptional” or “Exceeds	Preceding Year
Contract Termination	Any combination of 1-star or 2 star	AND	Any combination of “Unsatisfactory” & “Critical”	Three consecutive years
Auto-Termination	1-star			Three consecutive years starting in 2013-2014

Section 7: Performance Framework Timeline

The Performance Framework is implemented according to an annual timeline. The goals of the timeline: a) to set clear expectations for the Authority interaction with schools; while b) standardizing the oversight process.

Beginning of the School Year



- Schools receive the Operations Manual from the Authority
- Schools receive the Reporting Requirements Manual from the Authority
- School board members and leaders contact the Authority with any questions

During the School Year



- Schools submit the required documents listed in the Reporting Requirements Manual on time
- The Authority tracks submissions and school performance framework indicators
- Schools may receive a site visit
- If issues arise or deficiencies are observed, schools enter the intervention ladder

End of the School Year



- The Authority summarizes all collected school performance data and assigns performance designations
- The Authority creates school annual reviews that combine performance scores, site visit data, and school submission performance
- The Authority shares annual reviews with school leaders, school boards, and the public

Schools should contact the Authority at any time for additional support on and information about meeting any of the Performance Framework components.

Appendix A: Detailed Academic Performance Indicator Descriptions

Designations			Points awarded for designation
Quality	Exceptional	EX	97.5
	Exceeds	EC	85.5
Meets Standard	Adequate	AD	62.5
Does Not Meet Standard	Approaches	AP	37.5
	Unsatisfactory	U	15
	Critical	C	2.5
	Missing or not applicable	NA	

Designations		Minimum score for designation	Maximum score for designation
Quality	EX	95	100
	EC	75	94.9
Meets Standard	AD	50	74.9
Does Not Meet Standard	AP	25	49.9
	U	5	24.9
	C	0	4.9

Indicator	Growth	Status	
Elementary	Weight	60.00%	40.00%

Indicator	Growth	Status	
Middle School	Weight	60.00%	40.00%

Indicator	Growth	Status	College & Career Readiness
High School	Weight	40.00%	30.00%

2.1 Student Progress Over Time (Growth)

2.1.a Are schools making adequate progress based on the school's Median Student Growth Percentiles in reading?	
Exceptional:	$\geq 95^{\text{th}}$ percentile
Exceeds:	$\geq 75^{\text{th}}$ percentile and $< 95^{\text{th}}$ percentile
Adequate:	$\geq 50^{\text{th}}$ percentile and $< 75^{\text{th}}$ percentile
Approaches:	$\geq 25^{\text{th}}$ percentile and $< 50^{\text{th}}$ percentile
Unsatisfactory:	$\geq 5^{\text{th}}$ percentile and $< 25^{\text{th}}$ percentile
Critical:	$< 5^{\text{th}}$ percentile

2.1.b Are schools making adequate progress based on the school's Median Student Growth Percentiles in math?	
Exceptional:	$\geq 95^{\text{th}}$ percentile
Exceeds:	$\geq 75^{\text{th}}$ percentile and $< 95^{\text{th}}$ percentile
Adequate:	$\geq 50^{\text{th}}$ percentile and $< 75^{\text{th}}$ percentile
Approaches:	$\geq 25^{\text{th}}$ percentile and $< 50^{\text{th}}$ percentile
Unsatisfactory:	$\geq 5^{\text{th}}$ percentile and $< 25^{\text{th}}$ percentile
Critical:	$< 5^{\text{th}}$ percentile

2.1.c Are schools making adequate growth based on the percentage of students meeting AGP in reading?	
Exceptional:	$\geq 95^{\text{th}}$ percentile
Exceeds :	$\geq 75^{\text{th}}$ percentile and $< 95^{\text{th}}$ percentile
Adequate:	$\geq 50^{\text{th}}$ percentile and $< 75^{\text{th}}$ percentile
Approaches:	$\geq 25^{\text{th}}$ percentile and $< 50^{\text{th}}$ percentile
Unsatisfactory:	$\geq 5^{\text{th}}$ percentile and $< 25^{\text{th}}$ percentile
Critical:	$< 5^{\text{th}}$ percentile

2.1.d Are schools making adequate growth based on the percentage of students meeting AGP in math?	
Exceptional:	$\geq 95^{\text{th}}$ percentile
Exceeds:	$\geq 75^{\text{th}}$ percentile and $< 95^{\text{th}}$ percentile
Adequate:	$\geq 50^{\text{th}}$ percentile and $< 75^{\text{th}}$ percentile
Approaches:	$\geq 25^{\text{th}}$ percentile and $< 50^{\text{th}}$ percentile
Unsatisfactory:	$\geq 5^{\text{th}}$ percentile and $< 25^{\text{th}}$ percentile
Critical:	$< 5^{\text{th}}$ percentile

2.1.e Using Adequate Growth results, are schools meeting AGP in reading when compared with the traditional schools that charter school student would otherwise attend? The difference between the AGP of the charter and the weighted AGP of the traditional school is:

Exceptional:	≥ 20
Exceeds:	≥ 10 and < 20
Adequate:	≥ 0 and < 10
Approaches:	≥ -10 and < 0
Unsatisfactory:	≥ -20 and < -10
Critical:	< -20

2.1.f Using Adequate Growth results, are schools meeting AGP in math when compared with the traditional schools that charter school student would otherwise attend? The difference between the AGP of the charter and the weighted AGP of the traditional schools is:

Exceptional:	≥ 20
Exceeds:	≥ 10 and < 20
Adequate:	≥ 0 and < 10
Approaches:	≥ -10 and < 0
Unsatisfactory:	≥ -20 and < -10
Critical:	< -20

2.1.g Are students in sub-groups (FRL, ELL, IEP) making adequate growth based on the percentage of students meeting AGP in reading?

Exceptional:	$\geq 95^{\text{th}}$ percentile
Exceeds:	$\geq 75^{\text{th}}$ percentile and $< 95^{\text{th}}$ percentile
Adequate:	$\geq 50^{\text{th}}$ percentile and $< 75^{\text{th}}$ percentile
Approaches:	$\geq 25^{\text{th}}$ percentile and $< 50^{\text{th}}$ percentile
Unsatisfactory:	$\geq 5^{\text{th}}$ percentile and $< 25^{\text{th}}$ percentile
Critical:	$< 5^{\text{th}}$ percentile

2.1.h Are students in sub-groups (FRL, ELL, IEP) making adequate growth based on the percentage of students meeting AGP in math?

Exceptional:	$\geq 95^{\text{th}}$ percentile
Exceeds:	$\geq 75^{\text{th}}$ percentile and $< 95^{\text{th}}$ percentile
Adequate:	$\geq 50^{\text{th}}$ percentile and $< 75^{\text{th}}$ percentile
Approaches:	$\geq 25^{\text{th}}$ percentile and $< 50^{\text{th}}$ percentile
Unsatisfactory:	$\geq 5^{\text{th}}$ percentile and $< 25^{\text{th}}$ percentile
Critical:	$< 5^{\text{th}}$ percentile

2.2 Student Achievement (Status)

2.2.a Are students achieving proficiency on state examinations in reading?	
Exceptional:	$\geq 95^{\text{th}}$ percentile
Exceeds:	$\geq 75^{\text{th}}$ percentile and $< 95^{\text{th}}$ percentile
Adequate:	$\geq 50^{\text{th}}$ percentile and $< 75^{\text{th}}$ percentile
Approaches:	$\geq 25^{\text{th}}$ percentile and $< 50^{\text{th}}$ percentile
Unsatisfactory:	$\geq 5^{\text{th}}$ percentile and $< 25^{\text{th}}$ percentile
Critical:	$< 5^{\text{th}}$ percentile

2.2.b Are students achieving proficiency on state examinations in math?	
Exceptional:	$\geq 95^{\text{th}}$ percentile
Exceeds:	$\geq 75^{\text{th}}$ percentile and $< 95^{\text{th}}$ percentile
Adequate:	$\geq 50^{\text{th}}$ percentile and $< 75^{\text{th}}$ percentile
Approaches:	$\geq 25^{\text{th}}$ percentile and $< 50^{\text{th}}$ percentile
Unsatisfactory:	$\geq 5^{\text{th}}$ percentile and $< 25^{\text{th}}$ percentile
Critical:	$< 5^{\text{th}}$ percentile

2.2.c Using proficiency rates, are schools achieving proficiency in reading when compared with the traditional schools that charter school student would otherwise attend? The difference between the proficiency rate of the charter school and the weighted proficiency rate of the traditional schools is:	
Exceptional:	≥ 30
Exceeds:	≥ 15 and < 30
Adequate:	≥ 0 and < 15
Approaches:	≥ -15 and < 0
Unsatisfactory:	≥ -30 and < -15
Critical:	< -30

2.2.d Using proficiency rates,, are schools achieving proficiency in math when compared with the traditional schools that charter school student would otherwise attend? The difference between the proficiency rate of the charter school and the weighted proficiency rate of the traditional schools is:	
Exceptional:	> 30
Exceeds:	≥ 15 and < 30
Adequate:	≥ 0 and < 15
Approaches:	≥ -15 and < 0
Unsatisfactory:	≥ -30 and < -15
Critical:	< -30

2.2.e Are students in sub-groups (FRL, ELL, IEP) achieving proficiency on state examinations in reading?	
Exceptional:	$\geq 95^{\text{th}}$ percentile
Exceeds:	$\geq 75^{\text{th}}$ percentile and $< 95^{\text{th}}$ percentile
Adequate:	$\geq 50^{\text{th}}$ percentile and $< 75^{\text{th}}$ percentile
Approaches:	$\geq 25^{\text{th}}$ percentile and $< 50^{\text{th}}$ percentile
Unsatisfactory:	$\geq 5^{\text{th}}$ percentile and $< 25^{\text{th}}$ percentile
Critical:	$< 5^{\text{th}}$ percentile

2.2.f Are students in sub-groups (FRL, ELL, IEP) achieving proficiency on state examinations in math?	
Exceptional:	$\geq 95^{\text{th}}$ percentile
Exceeds:	$\geq 75^{\text{th}}$ percentile and $< 95^{\text{th}}$ percentile
Adequate:	$\geq 50^{\text{th}}$ percentile and $< 75^{\text{th}}$ percentile
Approaches:	$\geq 25^{\text{th}}$ percentile and $< 50^{\text{th}}$ percentile
Unsatisfactory:	$\geq 5^{\text{th}}$ percentile and $< 25^{\text{th}}$ percentile
Critical:	$< 5^{\text{th}}$ percentile

2.3: Career and College Readiness

2.3.a Based on scores obtained from EXPLORE and PLAN, are students making adequate growth for being college ready by the time they graduate?	
Exceptional:	Average growth for all students in Math would be ≥ 3 points Average growth for all students in English would be ≥ 3 points
Exceeds:	Average growth for all students in Math would be ≥ 2.3 points and < 3 points Average growth for all students in English would be ≥ 2.4 and < 3 points
Adequate:	Average growth for all students in Math would be ≥ 2 points and < 2.3 points Average growth for all students in English would be ≥ 2 points and < 2.4 points
Approaches:	Average growth for all students in Math would be ≥ 1.5 points and < 2 points Average growth for all students in English would be ≥ 1.5 points and < 2 points
Unsatisfactory:	Average growth for all students in Math would be ≥ 1 point and < 1.5 points Average growth for all students in English would be ≥ 1 point and < 1.5 points
Critical:	Average growth for all students in Math would be < 1 point Average growth for all students in English would be < 1 point

2.3.b Are students on target for being college ready by the time they graduate as measured by the EXPLORE and PLAN college readiness bench marks in English and Math?

English	
Exceptional:	≥76%
Exceeds	≥66% and <76%
Adequate:	≥56% and <66%
Approaches:	≥46% and <56%
Unsatisfactory:	≥36% and <46%
Critical:	<36%
Math	
Exceptional:	≥45%
Exceeds	≥35% and <45%
Adequate:	≥25% and <35%
Approaches:	≥15% and <25%
Unsatisfactory:	≥5% and <15%
Critical:	<5%

2.3.c Are students graduating from high school?

- Based on a four-year adjusted cohort graduation rate
- Based on a five-year adjusted cohort graduation rate

Exceptional:	≥95 th percentile
Exceeds:	≥75 th percentile and <95 th percentile
Adequate:	≥50 th percentile and <75 th percentile
Approaches:	≥25 th percentile and <50 th percentile
Unsatisfactory:	≥5 th percentile and <25 th percentile
Critical:	<5 th percentile

2.3.d Do students have the content and skill knowledge needed to succeed beyond high school?

Exceptional:
Exceeds:
Adequate:
Approaches:
Unsatisfactory:
Critical:

Appendix B: Detailed Financial Performance Indicator Descriptions

The Financial Performance Framework is composed of both near term and sustainability indicators, each having four measures. It is important to note that the Framework is not designed to evaluate a school's spending decisions. It does not include indicators of strong financial management practices, which are laid out in the organizational performance framework. The Financial Performance Framework analyzes the financial *performance* of a charter school, not its processes for managing that performance.

Near Term	Indicator
1.a. Current Ratio: Current Assets divided by Current Liabilities	Measure
Meets Standard: <input type="checkbox"/> Current Ratio is greater than 1.1 or <input type="checkbox"/> Current Ratio is between 1.0 and 1.1 <i>and</i> one-year trend is positive (current year ratio higher than last year's)	Metric
Note: For schools in their first or second year of operation, the current ratio must be greater than 1.1.	Target
Does Not Meet Standard: <input type="checkbox"/> Current Ratio is between 0.9 and 1.1 Or <input type="checkbox"/> Current Ratio is between 1.0 and 1.1 <i>and</i> one-year trend is negative	
Falls Far Below Standard: <input type="checkbox"/> Current ratio is less than 0.9	

Near Term Measures

1) The current ratio depicts the relationship between a school's current assets and current liabilities.

Overview: The current ratio measures a school's ability to pay its obligations over the next twelve months. A current ratio of greater than 1.0 indicates that the school's current assets exceed its current liabilities, thus indicating ability to meet current obligations. A ratio of less than 1.0 indicates that the school does not have sufficient current assets to cover its current liabilities and is not in a satisfactory position to meet its financial obligations over the next 12 months.

Source of Data: Audited balance sheet.

Near Term
Current Assets divided by Current Liabilities
Meets Standard: <input type="checkbox"/> Current Ratio is 1.1 or greater. or <input type="checkbox"/> Current Ratio is between 1.0 and 1.1 <i>and</i> one-year trend is positive. Note: For schools in their first or second year of operation, the current ratio must be greater than 1.1.
Does Not Meet Standard: <input type="checkbox"/> Current Ratio is between 0.9 and .99 Or <input type="checkbox"/> Current Ratio is between 1.0 and 1.1 <i>and</i> one-year trend is negative.
Falls Far Below Standard: <input type="checkbox"/> Current ratio is less than 0.9

2) The unrestricted days cash on hand ratio indicates how many days a school can pay its operating expenses without another inflow of cash.

Overview: The unrestricted days cash ratio defines whether or not the school has sufficient cash to meet its day-to-day obligations.

Source of Data: Audited balance sheet and income statement.

Near Term
Unrestricted Cash divided by (Total Expenses/365)
<p><i>Meets Standard:</i></p> <input type="checkbox"/> 60 Days Cash or more or <input type="checkbox"/> Between 30 and 60 Days Cash <i>and</i> one-year trend is positive Note: For schools in their first or second year of operation, they must have a minimum of 30 Days Cash.
<p><i>Does Not Meet Standard:</i></p> <input type="checkbox"/> Days Cash is between 15 and 29 days Or <input type="checkbox"/> Days Cash is between 30 and 60 days <i>and</i> one-year trend is negative
<p><i>Falls Far Below Standard:</i></p> <input type="checkbox"/> Less than 15 Days Cash

3) Enrollment forecast accuracy tells authorizers whether or not the school is meeting its enrollment projections, thereby generating sufficient revenue to fund ongoing operations.

Overview: The enrollment forecast accuracy depicts actual versus projected enrollment. A school budgets based on projected enrollment but is funded based on actual enrollment; therefore, a school that fails to meet its enrollment targets may not be able to meet its budgeted expenses.

Source of Data:

- Projected enrollment – Charter school board-approved enrollment budget for the year in question.
- Actual enrollment.

Near Term
Actual Enrollment divided by Enrollment Projection in Board-Approved Budget
<p><i>Meets Standard:</i></p> <input type="checkbox"/> Enrollment Forecast Accuracy equals or exceeds 95% in the most recent year <i>and</i> equals or exceeds 95% each of the last three years Note: For schools in their first or second year of operation, Enrollment Forecast Accuracy must be equal to or exceed 95% for each year of operation.
<p><i>Does Not Meet Standard:</i></p> <input type="checkbox"/> Enrollment Forecast Accuracy is between 85% and 94% in the most recent year or <input type="checkbox"/> Enrollment Forecast Accuracy is 95% or greater in the most recent year <i>but does not</i> equal or exceed 95% or greater each of the last three years
<p><i>Falls Far Below Standard:</i></p> <input type="checkbox"/> Enrollment Forecast Accuracy is less than 85% in the most recent year

4) Debt default indicates if a school is not meeting debt obligations or covenants.

Overview: This metric addresses whether or not a school is meeting its loan covenants and/or is delinquent with its debt service payments.

Source of Data: Notes to the audited financial statements.

Near Term
<i>Meets Standard:</i> <input type="checkbox"/> School is not in default of loan covenant(s) and is not delinquent with debt service payments
<i>Does Not Meet Standard:</i> <input type="checkbox"/> Not Applicable
<i>Falls Far Below Standard:</i> <input type="checkbox"/> School is in default of loan covenant(s) or is delinquent with debt service payments

Sustainability Measures

1) *Total margin* measures the deficit or surplus a school yields out of its total revenues; in other words, whether or not the school is living within its available resources

Overview: The total margin measures if a school operates at a surplus (more total revenues than expenses) or a deficit (more total expenses than revenues) in a given time period. The aggregated three-year total margin is helpful for measuring the long-term financial stability of the school by smoothing the impact of single-year fluctuations on the single year total margin indicator.

Source of Data: 3 years of audited income statements

Sustainability
Net Surplus divided by Total Revenue
Aggregated Total Margin:
Total 3 Year Net Surplus divided by Total 3 Year Revenues
<p><i>Meets Standard:</i></p> <p><input type="checkbox"/> Aggregated Three-Year Total Margin is positive <i>and</i> the most recent year Total Margin is positive or</p> <p><input type="checkbox"/> Aggregated Three-Year Total Margin is greater than -1.5%, the trend is positive for the last two years, <i>and</i> the most recent year Total Margin is positive</p> <p>Note: For schools in their first or second year of operation, the aggregate Total Margin must be positive.</p>
<p><i>Does Not Meet Standard:</i></p> <p><input type="checkbox"/> Aggregated Three-Year Total Margin is greater than -1.5%, but the trend is negative.</p>
<p><i>Falls Far Below Standard:</i></p> <p><input type="checkbox"/> Aggregated Three-Year Total Margin is less than -1.5% or</p> <p><input type="checkbox"/> Current year Total Margin is less than -10%</p>

2) *The debt to asset ratio* measures the amount of liabilities a school owes versus the assets they own; the extent to which the school relies on borrowed funds to finance its operations.

Overview: The debt to asset ratio compares the school's liabilities to its assets. Simply put, the ratio demonstrates what a school owes against what it owns. A lower debt to asset ratio generally indicates stronger financial health.

Source of Data: Audited balance sheet

Sustainability
Total Liabilities divided by Total Assets
<p><i>Meets Standard:</i></p> <p><input type="checkbox"/> Debt to Asset Ratio is less than 0.90</p>
<p><i>Does Not Meet Standard:</i></p> <p><input type="checkbox"/> Debt to Asset Ratio is between 0.90 and 1.0</p>
<p><i>Falls Far Below Standard:</i></p> <p><input type="checkbox"/> Debt to Asset Ratio is greater than 1.0</p>

3) The cash flow measure indicates a school's change in cash balance from one period to another.

Overview: Cash flow indicates the trend in the school's cash balance over a period of time. This measure is similar to days cash on hand, but indicates long-term stability versus near-term. Since cash flow fluctuations from year-to-year can have a long-term impact on a school's financial health, this metric assesses both three year cumulative cash flow and annual cash flow.

Source of Data: 4 years of audited balance sheets

Sustainability
<p>Three-Year Cash Flow = (Prior Year 3 Total Cash) – (Year 0 Total Cash)</p> <p>One-Year Cash Flow = (Prior Year 1 Total Cash) – (Year 0 Total Cash)</p>
<p><i>Meets Standard:</i></p> <p><input type="checkbox"/> Three-year cumulative cash flow is positive <i>and</i> cash flow is positive each year.</p> <p>or</p> <p><input type="checkbox"/> Three-year cumulative cash flow is positive, cash flow is positive in two of three years, <i>and</i> cash flow in the most recent year is positive.</p> <p>Note: For schools in their first or second year of operation, they must have positive cash flow.</p>
<p><i>Does Not Meet Standard:</i></p> <p><input type="checkbox"/> Three-year cumulative cash flow is positive, but the trend is negative.</p>
<p><i>Falls Far Below Standard:</i></p> <p><input type="checkbox"/> Three year cumulative cash flow is negative.</p>

4) The debt service coverage ratio indicates a school's ability to cover its current year debt obligations.

Overview: This ratio measures whether or not a school can pay the principal and interest due on its debt based on the current year's net income. Depreciation expense is added back to the net income because it is a non-cash transaction and does not actually cost the school money. The interest expense is added back to the net income because it is one of the expenses an entity is trying to pay, which is why it is included in the denominator.

Source of Data:

- Net income: audited income statement
- Depreciation expense: audited cash flow statement
- Interest expense: audited cash flow statement
- Principal and interest obligations: provided from the school

Sustainability
<p>(Net Income + Depreciation + Interest Expense)/(Principal and Interest Payments)</p>
<p><i>Meets Standard:</i></p> <p><input type="checkbox"/> Debt Service Coverage Ratio is equal to or exceeds 1.10</p>
<p><i>Does Not Meet Standard:</i></p> <p><input type="checkbox"/> Debt Service Coverage Ratio is less than 1.10</p>
<p><i>Falls Far Below Standard:</i></p> <p><input type="checkbox"/> Blank</p>

Appendix C: Detailed Organizational Performance Indicator Descriptions

I. Educational Program

1. Essential terms of the charter agreement

- a. The school complies with the essential terms of the education program as stated in the charter.
- b. The school, if intended primarily for at-risk pupils, complies with NRS 386.500 and NAC 386.150(9) regarding serving at-risk pupils.

2. Education requirements

- a. The school complies with NRS 386.550(1)(i) and NRS 389.018(1) by providing instruction in the core academic subjects.
- b. The school complies with NRS 386.550(1)(i) by providing the courses of study required for promotion or graduation.
- c. The school complies with NRS 386.550(1)(f) and NAC 386.350(7) regarding amount of instructional time.
- d. The school complies with NRS 386.583 regarding academic retention requirements.
- e. The school complies with applicable promotion and graduation requirements.
- f. The school complies with applicable statutes and regulations regarding the state's adopted curriculum content standards.
- g. The school complies with NRS 386.550(1)(g) and Chapters 389 of NRS and NAC regarding state assessments and testing practices.
- h. The school complies with all applicable requirements regarding programming and reporting resulting from federal or non-DSA state funding including Title I, Title IIa, and Title III.

3. Students with disabilities

- a. The Charter School assures that it will adopt procedures that align with state and federal requirements in the following areas: [special education].

4. English Language Learner Students

- a. Proper steps for identification of students in need of ELL services.
- b. Appropriate and equitable delivery of services to identified students.

- c. Appropriate accommodations on assessments.
- d. Evaluation of ELLs': English Language Progress and Attainment (Exiting from program-Proficiency), and content Achievement.
- e. Ongoing monitoring of exited students (for 2 years after program exit).
- f. Assess the success of the ELL program and modify it where needed.
- g. Collection and Reporting of Timely and Accurate Data upon Request of the NDE/SPCSA.

II. Financial Management and Oversight

1. Financial Reporting and compliance

- a. The school complies with NAC 387.625, NAC 387.775(5), NAC 387.775(6) and NAC 387.775(9) regarding completion and on-time submission of the annual independent audit and corrective action plans, if applicable.
- b. The school complies with NRS 386.570 regarding all money received must be deposited in a financial institution in this state.
- c. The school complies with NRS 386.550, NAC 387.720 and NAC 387.725 regarding the adoption of a budget.
- d. The governing body of the school complies with NRS 387.303 regarding the annual report of budget.
- e. The governing body of the school complies, in writing, with NRS 386.573 regarding orders for payment of money.
- f. The school has submitted required expenditure reporting to In\$ite (Schoolnomics Consulting Services) required by the Legislative Counsel Bureau as authorized by **NRS 218E.625** and **NRS 386.605**: yes/no.

2. Financial management and oversight

- a. An unqualified audit opinion in an annual independent audit as required by NAC 387.625 and NAC 387.775.
- b. An annual independent audit, as required by NAC 387.625 and NAC 387.775, devoid of significant findings and conditions, material weaknesses, or significant internal control weaknesses.

- c. An annual independent audit, as required by NAC 387.625 and NAC 387.775 that does not include a going concern disclosure in the notes or an explanatory paragraph within the audit report.
- d. The school's governing body has adopted written financial policies.
- e. Internal control consideration as a basis for design of the annual independent audit in conformity with NAC 387.625 and NAC 387.775.
- f. Financial Transaction Testing in conformity with NAC 387.625 and NAC 387.775.

III. **Governance and Reporting**

1. **Governance and reporting**

- a. Board policies adopted by the board and housed in AOIS' Permanent Files, if such policies have been adopted by the board and submitted into AOIS.
- b. NRS 386.520, Board bylaws as approved by the sponsor.
- c. NRS 386.550, Open Meeting Law.
- d. NRS 386.549, Conducting at least quarterly meetings.
- e. NRS 386.549, Salary for meeting attendance.
- f. NRS 386.549, Submission of signed and notarized affidavit for board service.
- g. NRS 386.549, Board composition/required membership.
- h. NAC 387.770(3), Designation of the person responsible for the maintenance of property, equipment and inventory records.
- i. NRS 386.605, Annual report of accountability.
- j. NRS 385.357(6), Plan to improve the achievement of pupils.

2. **Management accountability**

- a. NAC 386.405(5), Evaluation of any EMO with which the school has contracted, per the written performance agreement between the board and the EMO if applicable.
- b. NAC 386.405(6), Provision by the EMO, if applicable, of the financial report.
- c. NAC 386.410(5), Evaluation of the performance of each entity with whom the board has entered into a contract, including the school administrator.

- d. NAC 386.405(4), if applicable, approval of the appointment of key personnel who are directly employed and provided to the school by an EMO.

3. Reporting requirements

- a. The school complies with reporting requirements as described in the AOIS Reporting Requirements Manual including those related to the AOIS Permanent Files.
- b. The school complies with reporting requirements related to an authorizer-imposed corrective action plan or notice of concern, if applicable.

IV. Students and Employees

1. Rights of students

- a. The school's lottery method, maintenance of an enrollment waiting list, and enrollment practices are consistent with guidance provided by the Authority on its website.
- b. The school's enrollment recruiting and advertising comply with the school's charter school application as stated in Required Element A.7.4 and elsewhere.
- c. The school collects, protects and uses student information appropriately.
- d. The school complies with NRS 386.555 regarding the prohibition of support by or affiliation with religion or religious organizations.
- e. The school complies with NRS 386.585 and NRS 392.4655-.4675 regarding school discipline.

2. Attendance goals

- a. The school complies with NAC 386.350 regarding attendance.

3. Staff credentials

- a. The school complies with NRS 386.590 regarding staff credentialing.

4. Employee rights

- a. The school complies with NRS 386.595 regarding employee rights.

5. Background checks

- a. The school complies with NRS 386.588 regarding criminal history of employees.

V. School Environment

1. Facilities and transportation

- a. Have current fire, building, health and asbestos inspection documents and approvals, including the certificate of occupancy, been submitted into AOIS in compliance with NAC 386.170?
- b. The school complies with NAC 386.215 regarding insurance coverage by submitting into AOIS the current Affidavit for Provision of Insurance Coverage.
- c. The school complies with Section C.4 of its charter school application and NRS 392.300-392.410 regarding pupil transportation.

2. Health and safety

- a. The school complies with NRS 389.065 (sex education); NRS 391.207-391.208 (nursing services); NRS 392.420, 392.425, 392.430, 392.435, 392.437, 392.439, 392.443, 392.446, and 392.448 (school health and safety); and NAC 389.2423, 389.2938, 389.381, and 389.455.
- b. The school complies with NRS 392.616 regarding establishment of a crisis and emergency response development committee.
- c. The school complies with NRS 392.624 regarding annual review and update of the NRS 392.620 plan for responding to a crisis or emergency.

3. Information management

- a. The school complies with the Family Educational Rights and Privacy Act (FERPA), the Protection of Pupil Rights Amendment, and the Military Recruiter Provisions of the NCLB Act of 2001.
- b. The school complies with applicable state or federal freedom of information requirements.
- c. The school complies with applicable student record transfer requirements.
- d. The school complies with applicable requirements for the proper and secure maintenance of testing materials.

VI. Additional Obligations

1. Additional obligations

- a. The school and its governing body comply with the terms and conditions of its charter.

- b.** The school complies with NAC 386.342 and NAC 387.770 regarding inventory documentation.
- c.** The school (applicable only to high schools) complies with NRS 386.550(1)(m) and NAC 386.350(10) regarding notification of accreditation status.
- d.** The school complies with NRS 386.550(1)(c) and Section C.2 of its charter school application regarding fees.
- e.** The school complies with requirements regarding maintenance of personnel records.
- f.** The school complies with NAC 386.345(2) and NRS 332.800 regarding purchasing and prohibition of board member interest in contracts.
- g.** The school complies with NRS 392.040 regarding age of enrollment in grades K, 1 and 2.

EXHIBIT 3

Declaration of L. Granier

EXHIBIT 3

Declaration of L. Granier

1 IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
2 IN AND FOR CARSON CITY

3
4 NEVADA CONNECTIONS ACADEMY,
5 Plaintiff,

Case No. 16 OC 001941 B

Dept. No. I

6 v.

7 STATE OF NEVADA, ex rel. STATE
8 PUBLIC CHARTER SCHOOL
9 AUTHORITY, a political subdivision of the
10 State of Nevada, and PATRICK GAVIN, in
11 his official capacity as Director of the State
12 Public Charter School Authority,

**DECLARATION OF LAURA K.
GRANIER IN SUPPORT OF
PLAINTIFF'S OPPOSITION TO
MOTION TO DISMISS COMPLAINT**

13 Defendants.

14 I, Laura K. Granier, do certify under penalty of perjury as follows:

15 1. I am a partner with the law firm of Davis Graham & Stubbs LLP, counsel for
16 Plaintiffs. I have personal knowledge of the facts stated herein, and if called upon to testify as to
17 the matters set forth herein, I would be competent to do so. I make this declaration in support of
18 the Plaintiff's Opposition to Motion to Dismiss Complaint ("Opposition").

19 2. I have reviewed the transcript of the May 20, 2016 Authority meeting (available
20 online at http://charterschools.nv.gov/News/Public_Notices/) and the quotes cited on page 5 of
21 the Opposition (in the body and the footnote) are accurate.

22 3. I have reviewed the transcript of the July 29, 2016 Authority meeting (available
23 online at http://charterschools.nv.gov/News/Public_Notices/) and the following quote from
24 pages 163-165 of the Transcript referenced on pages 9-10 of the Opposition is accurate:

25 MS. GRANIER: And what's the legal Authority to force
26 the school to go to a contract at this point when we have a charter
27 in place?

28 DEPUTY ATTORNEY GENERAL OTT: Well, I guess
arguably, I guess if you don't consent, then that's something that
could be litigated. If you choose to say no, we don't want these

1 conditions and we're not going to sign any contract, I'd have to
2 look for the statutory Authority. I was going to - - I saw no reason
3 why the school would be unhappy with this. It seemed to be 90
percent of what the school wanted, but we haven't had a chance to
discuss that prior to. I'm kind of surprised by your conversation.

4 CHAIR JOHNSON: It sounds like this particular part, I
5 think at least, I am ready to entertain a motion around what we did
6 to move forward because I think it's actually Chair Mackedon that
7 the contractual agreement actually, if we can't work it out, we're
going to go back and forth anyway. But again, for us to actually
start moving forward and have some very measurable benchmarks,
we actually have to start putting some things in place.

8 MEMBER CONABOY: Mr. Chair?

CHAIR JOHNSON: Yes, Member Conaboy?

9 MEMBER CONABOY: May I just ask if this item, this
10 agenda item, even though I'm not sure that I see the word
11 anywhere, but is this certain essentially an amendment to the
12 written charter? And I ask that question - - I mean, to amend
13 metrics seems to me to be an amendment to the charter, and what
14 we have been doing since the passage of AB 205 with performance
based charter contracts is to require schools that seek significant
amendments like this to enter into a charter contract with us. I'm
interpreting this.

15 4. I have reviewed the transcript of the July 29, 2016 Authority meeting (available
16 online at http://charterschools.nv.gov/News/Public_Notices/) and the following quote from
17 pages 167-168 of the Transcript referenced on page 10 of the Opposition is accurate:
18

19 CHAIR JOHNSON: Thank you, Mr. Gavin. Vice-Chair
Mackedon, would you like to repeat your motion?

20 VICE-CHAIR MACKEDON: Okay. Let's see. I recommend the
21 approval of these goals contingent upon the school entering into a charter
contract which contains terms agreeable to both parties.

22 CHAIR JOHNSON: Is there a second?

23 MEMBER CORBETT: Second.

CHAIR JOHNSON: All in favor?

24 THE BOARD: Aye

CHAIR JOHNSON: Any opposed? Any abstaining? Member
25 Conaboy, I don't know if we recorded your vote.

26 MEMBER CONABOY: I was saying aye while Danny was
talking.

CHAIR JOHNSON: Oh, okay. All right. So the motion passes.

27 5. Attached to the Opposition as Exhibit 2 is a true and correct copy of the Charter
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School Performance Framework, downloaded from the SPCSA website.

6. Attached to the Opposition as Exhibit 4 is a true and correct copy of excerpts of the Minutes of the April 3, 2015 Senate Education Committee meeting.

7. Attached to the Opposition as Exhibit 5 is a true and correct copy of excerpts of the Minutes of the May 27, 2015 Assembly Education Committee meeting.

8. On November 14, 2016, I wrote to Greg Ott, attorney for Defendants, and outlined a proposed resolution of this lawsuit.

9. Attached to the Opposition as Exhibit 6 is a true and correct copy of a letter I sent on behalf of NCA to the Authority and Director Gavin on December 2, 2016.

10. Attached to the Opposition as Exhibit 7 is a true and correct copy of excerpts from proposed regulation R089-16P (dated November 1, 2016) which was approved at the November 4, 2016 SPCSA meeting with the following changes, in pertinent part:

- a. Section 7.1, line 2: Removal of the word “material;”
- b. Section 7.4., lines 3-4: “...more than one amendment...within an eighteen month period...Executive Director may recommend to the Board that the school require...” [new language in bold].

11. I have reviewed the transcript of the September 23, 2016 Authority meeting (available online at http://charterschools.nv.gov/News/Public_Notices/) and the following quote from pages 42-43 of the Transcript referenced on page 7 of the Opposition is accurate:

MEMBER GUINASSO: I'd like to make two motions. The first motion, in accordance with the staff's recommendation, I'd like to move that we clarify that the language that's been summarized in the memo be included as an essential term of any agreement that we would reach with Nevada Connections.

CHAIR JOHNSON: Do we have a second?

VICE-CHAIR MACKEDON: Melissa Mackedon, second.

CHAIR JOHNSON: All in favor?

THE BOARD: Aye.

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12. Attached to the Opposition as Exhibit 8 is a true and correct copy of a Staff Briefing Memorandum from Patrick Gavin to the SPCSA Board dated September 23, 2016.

I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and corrected and was executed this 12th day of December, 2016, in Reno, Nevada.


LAURA K. GRANIER

EXHIBIT 4

**5/27/2015 Excerpts from Assembly Edu.
Committee Minutes**

EXHIBIT 4

**5/27/2015 Excerpts from Assembly Edu.
Committee Minutes**

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON EDUCATION**

**Seventy-Eighth Session
May 27, 2015**

The Committee on Education was called to order by Chair Melissa Woodbury at 3:22 p.m. on Wednesday, May 27, 2015, in Room 3142 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda (Exhibit A), the Attendance Roster (Exhibit B), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/78th2015. In addition, copies of the audio or video of the meeting may be purchased, for personal use only, through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblywoman Melissa Woodbury, Chair
Assemblyman Lynn D. Stewart, Vice Chair
Assemblyman Elliot T. Anderson
Assemblyman Derek Armstrong
Assemblywoman Olivia Diaz
Assemblywoman Victoria A. Dooling
Assemblyman Edgar Flores
Assemblyman David M. Gardner
Assemblyman Pat Hickey
Assemblywoman Amber Joiner
Assemblyman Harvey J. Munford
Assemblywoman Shelly M. Shelton
Assemblywoman Heidi Swank

COMMITTEE MEMBERS ABSENT:

Assemblyman Chris Edwards (excused)

Minutes ID: 1369



If the school were not penalized for taking credit-deficient students, the graduation rate would be in the high 80 percent. It has dropped significantly when you do not properly disaggregate the data to account for the students who come in credit deficient and, therefore, do not graduate in the traditional four years.

The point is that we all want these students to get back engaged in the system and to graduate. I think we all agree that we want policy that encourages that. We think that is what is intended in everything that is going on. We think that is intended and clear in the performance framework that is allowed under this statute under existing law. It is set forth in the charter contracts. That provides the appropriate guidance and discretion for the regulator to work with the school and make sure there is absolute accountability, but it also ensures that you are encouraging, not discouraging, schools from reengaging these credit-deficient students and making sure they do graduate as quickly as possible.

The reference in section 27, subsection 1, paragraph (e), mentions having below a 60 percent graduation rate for the preceding year. My understanding from discussions with Director Gavin and Chair Conaboy of the Authority is that should be a reliable, valid number, meaning it would, in fact, take into account data that demonstrates the fact that there is student growth; the school is performing as expected, required, and negotiated under the performance framework set forth under the charter contract, but it would not create circumstances where a school would be closed simply because it is serving credit-deficient students and that data has not been disaggregated so the graduation rate is not necessarily reliable.

Assemblyman Elliot T. Anderson:

I have a question for legal counsel. Section 47 contains a definition of highly qualified. It cites to 20 U.S.C. § 7801. The highly qualified term has a statement that basically cites back to our public charter school law to look for the definition. I think there is a *renvoi* problem, which means that it is sending it back unopened. It is a French term for a conflict that goes into a circular fashion. What is the definition of highly qualified, since we are using it? It cites back to our law, but we are citing back to the federal law. It is confusing to me.

Karly O'Krent:

You are correct—it does cite back to the state law. In this circumstance, if you think it would benefit the bill to specify the federal definition of highly qualified in existing statute, we can do that, rather than referring to the federal law.

Assemblyman Elliot T. Anderson:

I would appreciate that. I am not clear what it means. I think you are creating a great research project for a judge's law clerk if we leave it this way. It would be good to spell it out.

Chair Woodbury:

Is there anyone else who would like to testify as neutral to S.B. 508 (R2)?

Peggy Lear Bowen, Private Citizen, Carson City, Nevada:

I suggest in any of these situations that you, as a Legislature, define in legislation that you bring home the boards and commissions over which you have no control and not answerable to as an elected body or elected individuals, and that you bring back the boards and commissions that set all sorts of standards, including what highly qualified was. As a teacher for 35 years, when highly qualified came into play, it was left up to Washoe County to define highly qualified. At that point in time, highly qualified meant that you had met certain standards in order to teach at the at-risk or impoverished schools. It was dissected and bisected and trisected more down to the level of local control. They let the locals determine what they needed as a highly qualified teacher. You should have one standard definition for all the things.

One of the things that took place is that we had boards and commissions setting standards for students and for teachers. In 2007, my friend was going to have to relinquish her teaching license to the state. She was a highly qualified teacher at that time, but the highly qualified definition had changed to passing the Praxis test. I still think it is incumbent on the State of Nevada to investigate the Praxis company for fraud and for damages because of what they did by having a separated test—knowledge on one side, which teachers were passing right and left for a secondary education license. The second part of the test is where the Praxis testing company made money. My friend failed this by two to six points. After 12 attempts, she was to relinquish her license. On the thirteenth attempt two weeks later, after I suggested investigating and suing the Praxis company, she miraculously was able to pass the Praxis test by 45 points, the same section she had failed by 2 to 6 points. It turned out that the president of the Praxis company was sitting in the back of the room when I suggested to the board that the company be investigated. I never said her name but said that she had failed 12 times. Please keep Nevada under the control of your legislative body and under the control of an elected board, such as the State Board of Education, and no other body.

Chair Woodbury:

Is there anyone else who would like to testify as neutral? [There was no one.]
Are there any closing remarks?

Patrick Gavin:

I want to thank this body for your indulgence in this conversation. I appreciate the thoughtful questions and feedback. We think this is a really strong bill. I want to emphasize that Senate Bill 460 deals with the question of how to hold a school that is serving a large alternative population accountable. We have taken pains in working with sponsor of that bill, Senator Harris, Chair of the Senate Committee on Education, to ensure that these elements are aligned. To the degree that we did have a school that was serving an alternative population, they would not be subject to an arbitrary catch-22 situation. We do not want to do that; we want to make sure that we are making thoughtful and judicious decisions. To that end, we have also endeavored to make sure that anything above that "three strikes and you are out" level is discretionary on the part of the Authority or sponsor board so that we can take into account those kinds of nuances. I would submit, however, that in cases where a school has a 27 or a 37 percent graduation rate and is not classified as an alternative school, that is the kind of thing I think we would all agree is not acceptable and that we need to ensure that we are looking very carefully at why that is and if there is some kind of compelling explanation, certainly taking that into account, but also holding any school that is at that level accountable.

Chair Woodbury:

I will close the hearing on S.B. 509 (R2). Is there anyone here for public comment?

Peggy Lear Bowen, Private Citizen, Carson City, Nevada:

From yesterday's *Reno Gazette-Journal*, this is a letter to the editor that was titled "Tax drama over schools not warranted." It is from David Barrett of Reno.

What is all this hoopla about Nevada's education being among the worst in the nation? Not so, says the "Report Card on American Education, 19th Edition" published by the American Legislative Exchange Council, dated 2014. Have we all been misled? So what is all this drama about raising taxes because Nevada is supposedly among the worst in education in the nation? Nevada is ranked number 12.

In 2011, you all worked very hard to create a better situation than you had found. You gave all sorts of direction. Yesterday during testimony we heard that the Washoe County School District only has one school that is a one-star school left in its entire system. Let the corrections you have made come to fruition in their complexity. If you want to have public charter schools play a more definitive role, please keep them in terms of being embraced by the school districts that want to embrace them to give additional schools with

EXHIBIT 5

**Excerpt from 4/3/2015 Senate Education
Committee Minutes**

EXHIBIT 5

**Excerpt from 4/3/2015 Senate Education
Committee Minutes**

**MINUTES OF THE
SENATE COMMITTEE ON EDUCATION**

**Seventy-Eighth Session
April 3, 2015**

The Senate Committee on Education was called to order by Vice Chair Scott Hammond at 4:09 p.m. on Friday, April 3, 2015, in Room 2149 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Exhibit A is the Agenda. Exhibit B is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Becky Harris, Chair
Senator Scott Hammond, Vice Chair
Senator Don Gustavson
Senator Mark Lipparelli
Senator Joyce Woodhouse
Senator Moises (Mo) Denis
Senator Tick Segerblom

STAFF MEMBERS PRESENT:

Todd Butterworth, Policy Analyst
Risa Lang, Counsel
Jan Brase, Committee Secretary

OTHERS PRESENT:

Kathleen Vokits, President elect, Nevada State Association of School Nurses
Deborah Pontius, Nevada State Association of School Nurses
Virginia Williamson
Sheila Story
Mary-Sarah Kinner, Las Vegas Sands
Leslie Pittman, American Federation for Children
Michael Chartier, The Friedman Foundation for Educational Choice
Jennifer Hammond, Advocates for Choice in Education of Nevada
Rebecca Franks, Advocates for Choice in Education of Nevada
Tiecha Ashcroft

Ms. Durish:

A cohesive plan is meant to address statewide initiatives and allow for a wide range of providers. Any plan would be aligned with statewide goals to ensure teachers and leaders who are most in need of professional development are guaranteed opportunities.

Chair Harris:

I will close the hearing on S.B. 474.

Senator Hammond:

I will open the hearing on S.B. 460.

SENATE BILL 460: Revises provisions related to the statewide system of accountability for public schools. (BDR 34-1108)

Senator Becky Harris (Senatorial District No. 9):

Senate Bill 460 addresses an alternative school performance framework and can be considered a companion bill to S.B. 461, which proposes individual graduation plans. Many charter schools have expressed concerns about their charter contracts. The contracts may be automatically revoked as provided by statute. While I believe this automatic-closure provision is an important safeguard to ensure we have high quality charter schools in Nevada, it is evident this policy does not account for the big picture in all circumstances.

SENATE BILL 461: Provides for an individual graduation plan to allow certain pupils enrolled in a public high school to remain enrolled in high school for an additional period to work towards graduation. (BDR 34-1091)

Senator Harris:

The NDE and others are aware of the plight of schools serving at-risk children. In fact, this past year the NDE convened a work group to examine the issue and make policy recommendations. As I understand it, the work group has recommended the creation of an alternative framework to measure the performance of schools serving at-risk kids. However, it is limiting their definition of these schools to very specific entities. They are adjudicated youth schools, credit recovery schools, and behavior continuation schools. While I agree that all these schools should be considered at-risk, I believe the door should be opened for the inclusion of additional, but narrowly defined, public schools. For example, there are charter schools specifically targeting their

services to students who have washed out of the local school district. These are students who have dropped out, been expelled, been declared habitual disciplinary problems or others with similarly difficult situations. Reaching out to and embracing these kids is critical. It is tough; it is often unsuccessful, but it sometimes works. Moreover, when it does work, lives are changed.

The problem for these schools is that the Nevada School Performance Framework and the charter school automatic-closure provision do not recognize the circumstances of these students adequately. If a high school has a student population made up entirely of students who have washed out of the school district and if that high school is able to get a third of its students through to graduation, even if it takes an extra year or two, should we close that school, or should we celebrate its good work?

At the very least, the work should be given a further look, and the measuring stick we use to assess these schools should consider the larger circumstances of their students and missions.

Language on page 2, section 2 of S.B. 460 requires the State Board of Education to adopt regulations prescribing an alternative performance framework for the evaluation of schools serving certain populations, as well as the manner in which those schools will be included in the statewide accountability system. Section 3 requires a public school wishing to be rated under the alternative framework to work with the local school board, or the charter school sponsor, to apply to the State Board for approval. Section 3 also prescribes eligibility requirements for the applicant schools. In short, 75 percent of the school's students must fall into one of five at-risk categories.

It is important to note these categories do not include students we traditionally think of as at-risk, English Language Learners, special education students and those living in poverty. To be considered at-risk for the purpose of changing a school's performance framework, a student must have been expelled, formally deemed a habitual disciplinary problem, an adjudicated delinquent, held back at least twice or subject to other very serious issues.

Section 4 amends the automatic-closure provision. Currently, a charter school is automatically closed if it receives three consecutive annual ratings at the lowest possible level. Senate Bill 460 changes this to any 3 years during the 6-year term of a charter contract. However, the school's sponsor may take other

action if the school has shown ongoing improvement. These actions could include extending the period of evaluation, creating or continuing a plan for improvement, or changing terms of the charter contract. Section 4 also authorizes an underperforming charter school to request assistance from its sponsor and requires the sponsor to provide such assistance.

Section 5 is responsive to a recommendation made by the NDE work group on the alternative framework. Because of the implementation of new criterion-referenced tests this school year, it prohibits the NDE from considering a school's rating for the 2014-2015 school year only.

Rather than punish, we need to encourage schools that take on our most difficult-to-educate students. This will not happen as long as our school performance framework provides no consideration to schools drawing three-quarters of their student bodies from the ranks of those who could not be educated elsewhere.

Senator Denis:

How many schools would fit these criteria?

Steve Canavero, Ph.D. (Deputy Superintendent for Student Achievement, Department of Education):

It would be difficult to provide a definite number, approximately 20 schools would immediately qualify, based on students' behavioral profiles.

Senator Harris:

We are in discussions with groups who have concerns about section 4 of S.B. 460, and we will hear from some of them today.

Dr. Canavero:

The NDE can create, through regulation if necessary, a flexible graduation rate requirement.

Senator Hammond:

One of the strengths of the American education system is the ability to give students many opportunities to succeed.

EXHIBIT 6

**12/12/2016 Letter from L. Granier to SPCSA
and Gavin**

EXHIBIT 6

**12/12/2016 Letter from L. Granier to SPCSA
and Gavin**

DAVIS
GRAHAM &
STUBBS

Laura K. Granier
775 473 4513
laura.granier@dgsllaw.com

December 2, 2016

Patrick Gavin
Executive Director
State Public Charter School Authority
1749 N. Stewart Street
Carson City, Nevada 89706

Members of the Board of the State Public
Charter School Authority
1749 N. Stewart Street
Carson City, Nevada 89706

Re: Nevada Connections Academy

Dear State Public Charter School Authority Board Members and Staff:

Nevada Connections Academy ("NCA") submits this correspondence to you, as supported by evidence and information uploaded in Epicenter, to support your decision that NCA has effectively cured the concerns you have identified with respect to the NCA high school four-year cohort graduation rate. You identified the 2015 four year rate as the trigger for the Notice of Closure (the "Notice") issued on September 30, 2016.

Taking the Notice very seriously, NCA reached out to the Authority's counsel, Greg Ott, right away by email on October 5, 2016, asking for the Authority's guidance with respect to what it would consider an acceptable cure. See **Exhibit 1**. NCA followed up again with Mr. Ott on October 6, 2016. When NCA received no response, it again followed up with Mr. Ott on October 24, 2016. Mr. Ott responded on October 25, 2016, that he did not believe the Authority was obligated to "tell the school how the deficiency may be cured." **Exhibit 2**.¹

Without the benefit of any guidance from the Authority staff, NCA prepared a proposed cure and submitted it to Mr. Ott on November 14, 2016. Unfortunately, we did not receive any response from Mr. Ott about Staff's feedback on the proposal until November 29, 2016 at which time he stated that Staff did not think it was a cure because it required action by the Authority. On November 30, 2016, we requested a meeting with Authority staff to get some guidance and feedback from the Authority staff on NCA's proposed cure. Yesterday afternoon, Mr. Ott advised us that Patrick Gavin would not speak with NCA about the cure during the cure period. **Exhibit 3**.² Given the lack of guidance and delay in hearing back from Staff, NCA also requested a one week extension to submit a proposed cure. Regrettably, Mr. Ott indicated that would not be allowed.

¹ Mr. Ott did reference how Beacon Academy cured, by entering into the contract we understand includes a waiver of rights to judicial review but, in addition, we note that the cure for a high school is not applicable to NCA's K-12 school.

² We are disappointed by Staff's unwillingness to discuss or collaborate on a possible cure and also believe it is inconsistent with the Charter Agreement with NCA, the covenant of good faith and fair dealing under that agreement, NRS 338A.150 – requiring the Authority "foster a climate in this State in which all charter schools, regardless of sponsor, can flourish", and the Authority's State Performance Framework (requiring timely feedback and maximum transparency. Yet, given the school's strong desire to continue serving its students without interruption and reserving all rights, NCA submits this proposed cure.

Without the benefit of guidance from the Authority Staff, NCA respectfully proposes the following to “cure” the deficiency identified in the Notice of Closure.³

1. NCA’s four-year cohort graduation rate must be calculated consistent with Nevada law, including NRS 385.3485 which prohibits the State from reporting as drop-outs, students who provide proof of successful completion of the high school equivalency assessment selected by the State Board (a “GED”), students who are enrolled in courses approved by the Nevada Department of Education for an adult standard diploma (“Adult Ed”), and students who withdraw from school to attend another school. NAC 389.699(3) further mandates that a “pupil who qualifies for a certificate of attendance must not be counted as a dropout.”

NCA’s 2015 four-year cohort graduation rate as calculated in compliance with Nevada law, excluding those students who received a GED, went on to Adult Education, or enrolled in a 5th year is 63%.

2. NRS 388A.330 does not define “graduation rate” for purposes of the potential closure of a high school. Accordingly, it is appropriate to look to Nevada law as we propose above. In addition, the Federal Department of Education’s (“DOE”) definition of “graduation rate” being applied by the Authority is not mandatory for states to use; rather, reporting of that rate to the DOE is required for states to access Title I funding.⁴ Therefore, it is not appropriate to apply this “graduation rate” when the Nevada legislature could have but did not provide for such use under NRS 388A.330.⁵ Even if that definition is applied, however, given the Federal regulations promulgated under the Every Student Succeeds Act, students enrolled for 50% of the school year or less would be excluded from NCA’s graduation rate. This adopted federal policy recognizes that a school should not be penalized for students the school had inadequate time to impact relative to their academic progress toward graduation. With that calculation, we estimate NCA’s 2015 graduation rate would be **43.91%** -- **an improvement of 8.28%** from the rate reported by the Authority in the Notice of Closure. NCA believes when combining this increase with the increase from excluding students who Nevada law prescribes from being reported as dropouts, NCA’s graduation rate will be even higher and potential within striking distance of the 60% minimum threshold at issue. This is before NCA has even had an opportunity to implement the graduation rate improvement plan. NCA hopes to provide that updated information soon.

This highlights an important point – the DOE has recognized it is improper to hold a high school accountable for students enrolled in a high school for 50% or less of the current school year. This is compelling evidence for you to consider relative to the issue at hand given that the Nevada Legislature did not mandate closure of a high school based on the 60% graduation rate but instead allowed the Authority the discretion to consider closure, in light of all compelling evidence (such as this).

³ Although, as you know, NCA believes there are legal concerns with the Notice and how it was issued, NCA continues to seek a mutually agreeable resolution with the Authority.

⁴ See, e.g., Title I, Part A, Section 1005 of the Every Student Succeeds Act (reauthorizing the Elementary and Secondary Education Act of 1965) provides that failure to file a plan including an accountability system makes a state ineligible for Title I funds.

⁵ See *Holiday Ret. Corp. v. State*, DIR, 274 P.3d 759, 761 (Nev. 2012) (“It is the prerogative of the Legislature, not [the] Court to change or rewrite a statute.”).

3. As some of you know, in March 2016 when the Authority Staff included NCA on an agenda for issuance of a Notice of Closure, NCA submitted evidence through documents and witness testimony to explain the basis for the four-year cohort graduation and why it did not accurately reflect NCA's performance given the credit-deficient and transient students NCA serves. After hearing that evidence, the Authority Board directed NCA to work with Staff to prepare a graduation rate improvement plan. NCA did so and presented that plan at the Authority's May 2016 hearing where the Authority Board members praised the plan:

Vice Chair **Mackedon**: "... **this report is really well done.**" May 20, 2016 Transcript at 196.

Member McCord: "I'd really like to congratulate you on that. . . . I congratulate the school for putting this in there. It speaks to the integrity of the data collection, but it does one other thing. **It actually defines the actionable data.**" *Id.* at 199, 203.

Chair Johnson: "... if you implement this **really stellar plan** that I think we've all been impressed by . . ." *Id.* at 212.

NCA believes the "cure" for the four-year cohort graduation rate issue the Authority has identified is implementation of the graduation rate improvement plan, **Exhibit 4**, which this Authority praised in May 2016.⁶ NCA should be given the chance to demonstrate success under the improvement plan prepared at the Authority's direction and praised by all of the Authority board members in May of this year. Below is an update on the success already seen from the school's implementation of the graduation rate improvement plan.

With respect to measuring the school's progress in implementing that plan, NCA has proposed benchmarks of reaching 45% for 2016, 52% by December 2017, and 60+% by December 2018, but would welcome further discussion and review of those benchmarks in light of the new Federal regulations and the consideration of Nevada law relative to GED and Adult Ed students. Of course, as you know, if at any time during these three years the Authority believed that NCA was not demonstrating adequate improvement or there were another basis for closure, the Authority retains the ability and jurisdiction to again consider closure of the school.

4. Although NCA has a dedicated and highly qualified governing board, given the Authority Staff's repeated references to board reconstitution, in an attempt to respond to those references, as part of the proposed cure, if accepted by the Authority and subject to NCA board approval, NCA will voluntarily reconstitute its board by replacing a board member every 6 months with complete reconstitution by June 30, 2019. This time period allows for a reasonable transition that will not be disruptive to school operations or governance. Although NRS 388A.223(1)(h) requires the Authority adopt regulations for appointing a new governing body of a charter school when a board is reconstituted under NRS 388A.330, we are not aware of the Authority having adopted such regulations; however, we believe NCA's approach is reasonable under the circumstances if the Authority accepts the school's proposed cure. NCA also would amend its bylaws to achieve this voluntary

⁶ Member Mackedon expressed this same view that "It's their responsibility to put forth the plan, which they did, and to get results on it. And it's our responsibility to make a decision when the results come out in a year or six months or whenever it is they come out." May 20, 2016 SPCSA Transcript at 234-235.

reconstitution and provide for term limits so that board members will not serve consecutive terms (if this cure is accepted by the Authority and, subject to NCA board approval).

5. Progress to date of implementation of the graduation rate improvement plan:

ACADEMIC INTERVENTIONS

Thoughtful effort has been given to providing educationally sound opportunities for credit recovery to maximize chances of on-cohort graduation. As part of its pilot program last year, NCA instituted a Tiered system of instructional support and intervention, which grouped students according to credit status and other risk factors. Of the students grouped into Tier I and Tier II (minimal need for intervention and some level of targeted intervention and support, respectively) **nearly 80% of those expected to graduate actually did**. Of the students in Tier III—which is the highest level of intervention and support and was focused on retention and perseverance, approximately 60% of the students remain enrolled, and have a strong chance of graduating this year. NCA is committed to re-evaluating its individualized supports for these students—which we see as being mission-critical given the fact that **over 40% of our high school students were credit deficient when they enrolled with NCA**.

Grad Point Credit Recovery: After the initial piloting of Grad Point, NCA has greatly expanded its use. Roughly 500 students are currently enrolled in one or more Grad Point courses. The format of Grad Point supports individualized learning while not sacrificing exposure to key, standards-driven concepts. This method has proven to be more successful with credit deficient students as seen in the following comparison:

Time Period	Completion Rate
Fall Semester 2015-Traditional "Foundations Courses"	42%
Fall Semester 2016-to date-Grad Point Courses	64%

It should be noted that this rate will likely increase as students retake courses and complete them.

Summer School: NCA offers a robust summer school/completion program. During summer of 2016, there was a higher than 75% pass rate on all original credit courses. Additionally, 12 students were able to complete all requirements for graduation.

Enhanced Synchronous Instruction: Targeted, skill-specific instruction to support students' progress towards graduation is a fundamental component of the graduation rate improvement plan. Both Math and ELA teachers offer such instruction to supplement that which is already offered.

Student mentoring: The mentor pilot, which helped 83% of participants pass all of their courses, is being implemented for two specific sub-groups of students: those still needing to pass one or more HSPE test, and those who are part of the 2017 cohort who are earning a grade of "F" in any core class. After looking at the needs of the students and likelihood of success, it was decided that these two groups were the most high needs.

Every Student Succeeds Academy (ES2) and Greater Accountability: Students who enroll in NCA off-cohort are automatically placed into the ES2 academy and are provided with increased adult interaction, enhanced learning opportunities, and clear guidelines to govern expectations. (see **Exhibit 5**; see also ES2 Academy Success Coach Guide uploaded to Epicenter).

EFFORTS TO LOCATE WITHDRAWN STUDENTS

At the suggestion of Executive Director Gavin in September of 2015, NCA instituted more thorough actions to find students who left NCA – in order to remove them from NCA’s cohort. An analysis of the 2016 cohort supports that NCA’s high school population is highly transient, and students often enroll at the school for short periods of time. When combined, these factors prove to be challenging when it comes to locating students no longer enrolled at the school.

Of the 279 students without a verified “transfer out” status, it should be noted that many were not enrolled at NCA for even a full academic year. **Students whose enrollment lasted from one day to 8 months numbered 160. It should be noted that new federal guidelines under the Every Student Succeeds Act (ESSA) require states to implement a “partial attendance” requirement (see ESSA 1111(c)(4)(f)) to assign accountability to schools who have had the greatest impact on a student’s success or lack thereof in graduating on time. While Nevada has not yet formally adopted such rules, their inclusion in the most recent ESSA advisory group’s recommendations is explicit.**

The following table provides some insight into the characteristics of the 2016 cohort:

Length of Enrollment	Count of Students
1 month or less	21
1-2 months	31
2-3 months	32
3-4 months	24
4-5 months	18
5-6 months	18
6-7 months	9
7-8 months	7

Additional Action Taken By School: To investigate students’ whereabouts and statuses, the school employed the following:

- Members of the school's administration and administrative support team dedicated additional time to employ non-traditional means (social media for example) to locate students—both in and out of state. This approach involved making multiple phone calls—often to students' family members on a regular basis. At a minimum, 7-8 staff members were spending 2-4 hours per week doing such investigations.
- Door to Door canvassing: Students who were not able to be located had their last known residences visited by school personnel.
- Private Investigator: A private investigator was hired, at the school's expense, and employed both physical and electronic methods to locate the families of withdrawn students.

Results: Of the initial group of 279 students, only 35 remain as not having been located and contacted.

Actions Going Forward: In addition to the school's standard withdrawal procedures, these enhanced methods will be used (when needed) BEFORE the student's scheduled cohort graduation year to improve the number. In addition, NCA believes the results of this work will increase its previous years' cohort graduation rates and asks that the Authority allow for that and consider it relevant to these proceedings.

3RD PARTY DATA VALIDATION OF RELEVANT DATA

At the direction of the SPCSA's governing board and staff, NCA entered into a contract with a third party (AdvancED) to conduct analysis of our high school data relevant to taking a "hard look" at the graduation rate and how NCA's enrollment of credit deficient students, for example, impacts that rate. The scope of the work, timeline, deliverables, and cost to the school is detailed in the attached contract. **Exhibit 6.** NCA is actively engaged in conversations with AdvancED staff and is complying with all requests for data. The most recent conversation took place today and specifically addressed the analysis of both the 2015 and 2016 cohorts. NCA needed to wait until the most accurate and complete cohort information was available from the Nevada Department of Education to ensure accurate analysis. This proved to be a challenging process, as throughout the official cohort validation period, there were multiple updates and changes made to NCA's official numbers. AdvancED will have analysis based on officially reported and readily available data that will be shared at the SPCSA's meeting on December 16, 2016. The analysis will continue throughout the school year.

6. NRS 388A.330(1)(e) allows the Authority to consider closure of a **high school** that has a graduation rate for the immediately preceding school year that is less than 60%. As discussed above, we ask that you consider NCA's graduation rate consistent with Nevada law and also in light of the compelling evidence NCA presented at the March 2016 Authority Board meeting (uploaded again to Epicenter for your convenience and access and, incorporated herein by reference) – which demonstrates that NCA is effectively serving its students – with a graduation rate approaching 80% for high school students enrolled for all four years at NCA. The aggregated number of students continuously served by NCA is a number Member Mackedon indicated should be considered relative to NCA's performance. See **Exhibit 7**, Minutes from 2013 Renewal Hearing for NCA at 9. It also is a number that holds NCA accountable for its time and service of these students rather than for other schools' performance with students who are newly enrolled at NCA or enrolled with NCA credit

deficient. This "compelling evidence" is what was promised would be considered if the legislature granted the Authority discretion to consider potential closure of a high school on this basis.⁷

The statute does not allow for the closure or board reconstitution of an entire K-12 school based solely on a high school graduation rate. NRS 388A.330(1)(e).⁸ This makes sense given that NCA, as an example, was last rated by NDE as having a four-star middle school.

The Authority recently did suggest that the school consider bi-furcating its charter to separate out the high school in order to address this issue. If the Authority accepts NCA's proposal to cure as set forth herein, NCA would seek authorization to formally establish under its charter a "school within a school" in which it would serve all of its students who enroll at NCA credit deficient and those students would have separate codes and be included in that school's graduation rate while NCA's general high school population, all students who enroll in NCA on track, would be included in the NCA high school graduation rate. This properly holds NCA accountable for the students it serves who come to the school "on cohort" but allows the school to continue effectively serving students who come to NCA credit deficient without penalizing NCA for enrolling those students by adversely impacting the NCA high school graduation rate. As noted above, NCA anticipates this would mean the school immediately has a graduation rate approaching 80%.

If the school within a school were approved by the Authority as described above, then NCA would apply to the Authority to sever the high school from the K-8 charter as the Authority Staff has requested, in order to resolve the Authority's concern that it cannot, under the statute, close the K-12 school based on the high school graduation rate.

Sincerely,



Laura K. Granier
Partner
for
DAVIS GRAHAM & STUBBS LLP

LKG:js

Encls.: Exhibits 1-8
Cc: Steve Werlein
Jafeth Sanchez

⁷ Testimony of P. Gavin on Senate Bill 509, **Exhibit 8**.

⁸ Where the "language of the statute is plain and unambiguous, and its meaning clear and unmistakable, there is no room for construction." *Erwin v. State of Nevada*, 111 Nev. 1535, 1538-39 (1995).

EXHIBIT 1

EXHIBIT 1

Sparks, Jenny

From: Granier, Laura
Sent: Wednesday, October 05, 2016 5:21 PM
To: 'Greg D. Ott'
Subject: SPSCA - NCA

Greg,

I have attached a complaint for declaratory and injunctive relief filed on August 26th related to the Board's vote to require the conversion to a contract. Please let me know if you will accept service of process. Once we deal with the service, I would propose we stay any deadlines at least temporarily to see if we can find an alternative resolution.

Second, the notice of closure issued to NCA provides for a cure of the identified deficiency. Given that the sole issue is the Authority's interpretation of graduation rate to be the four-year cohort rate please let me know how the Authority believes this can be cured during the period identified and leading up to December of this year. I understood the "cure" was the Graduation Rate Improvement Plan; however, it appeared more recently the Authority's position may be that something else will be considered to constitute a "cure." Please provide me information to share with NCA on this point.

Thank you,
Laura

LAURA K. GRANIER • Partner

P: 775.473.4513 • F: 775.403.2187 • C: 775.750.9295 • [vcard](#)

Davis Graham & Stubbs LLP
50 W. Liberty Street, Suite 950 • Reno, NV 89501

EXHIBIT 2

EXHIBIT 2

Sparks, Jenny

From: Greg D. Ott <GOtt@ag.nv.gov>
Sent: Tuesday, October 25, 2016 11:54 AM
To: Granier, Laura
Subject: RE: SPSCA - NCA

Laura,

The Authority is limited by statute in the amount of time before it must hold a hearing on the deficiencies. This obviously limits the time available for cure as well. The Authority is required to provide a minimum period and the time provided to NCA was well in excess of that minimum required period. I am unaware of any statute or regulation requiring the Authority to tell the school how the deficiency may be cured, if you believe one exists, please let me know and I will review.

As you know the Board will ultimately decide whether any deficiency has been cured. I do not presume to know how the board would react to any particular cure. However, I would note that Beacon Academy recently negotiated and executed a contract agreeing to benchmarks which would be renegotiated upon a school decision to adjust enrollment to enter into the alternative framework. On Friday the SPSCA board approved that contract and dismissed the Notice against that school. I am not telling you that this is something Connections should consider, I am simply apprising you of publicly available information regarding how a similarly situated school chose to deal with its notice and the Board's reaction to it.

If you have a proposal regarding how the school wants to cure the deficiency and would like to know what staff would recommend, please forward me your plan and I can discuss with Patrick.

Thanks, Greg

From: Granier, Laura [<mailto:Laura.Granier@dgslaw.com>]
Sent: Monday, October 24, 2016 12:17 PM
To: Greg D. Ott
Subject: RE: SPSCA - NCA

Greg,

As you know, the Notice of Revocation is of grave concern to NCA. The Authority has provided a very limited period of time for the school to attempt to cure the alleged deficiency. While the school reserves all rights, it is the school's desire to understand how the Authority believes the identified deficiency can be cured.

Please let me know the Authority's response.

Thank you,
Laura

LAURA K. GRANIER * Partner

P: 775.473.4513 * F: 775.403.2187 * C: 775.750.9295 * [vcard](#)

Davis Graham & Stubbs LLP
50 W. Liberty Street, Suite 950 * Reno, NV 89501

From: Granier, Laura
Sent: Thursday, October 06, 2016 9:05 AM
To: 'Greg D. Ott'
Subject: RE: SPSCA - NCA

Greg,

Thank you for letting me know. Would you please provide a response to the other questions raised in my email below?

Thank you,
Laura

LAURA K. GRANIER • Partner

P: 775.473.4513 • F: 775.403.2187 • C: 775.750.9295 • [vcard](#)

Davis Graham & Stubbs LLP
50 W. Liberty Street, Suite 950 • Reno, NV 89501

From: Greg D. Ott [<mailto:GOtt@ag.nv.gov>]
Sent: Thursday, October 06, 2016 8:37 AM
To: Granier, Laura
Cc: Marissa M. Houk
Subject: RE: SPSCA - NCA

Our office policy does not allow us to accept service.

From: Granier, Laura [<mailto:Laura.Granier@dgslaw.com>]
Sent: Wednesday, October 05, 2016 5:21 PM
To: Greg D. Ott
Subject: SPSCA - NCA

Greg,

I have attached a complaint for declaratory and injunctive relief filed on August 26th related to the Board's vote to require the conversion to a contract. Please let me know if you will accept service of process. Once we deal with the service, I would propose we stay any deadlines at least temporarily to see if we can find an alternative resolution.

Second, the notice of closure issued to NCA provides for a cure of the identified deficiency. Given that the sole issue is the Authority's interpretation of graduation rate to be the four-year cohort rate please let me know how the Authority believes this can be cured during the period identified and leading up to December of this year. I understood the "cure" was the Graduation Rate Improvement Plan; however, it appeared more recently the Authority's position may be that something else will be considered to constitute a "cure." Please provide me information to share with NCA on this point.

Thank you,
Laura

LAURA K. GRANIER • Partner

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Davis Graham & Stubbs LLP

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EXHIBIT 3

EXHIBIT 3

Sparks, Jenny

From: Greg D. Ott <GOtt@ag.nv.gov>
Sent: Thursday, December 01, 2016 3:33 PM
To: Granier, Laura; Wayne Howle
Cc: Marissa M. Houk
Subject: RE: SPSCA Follow-up

Laura,

The Authority staff is not agreeable to an extension. The September 30, 2016 notice of intent to revoke charter letter provided 60 days for NCA to correct the issues that prompted the Authority to issue a notice of closure. This time period was double the statutory minimum, 30 days, required by Nevada law. NRS 338A.330(2)(b). Further, NCA has not presented any justification warranting an extension or why it waited until the day before the cure period's expiration to request an extension.

Director Gavin will not engage in telephonic communications regarding NCA's cure of the deficiencies described in the notice of intent to revoke. The Authority looks forward to receiving evidence from your client on December 2 regarding steps that the school and its governing board have taken that have corrected the deficiencies contained in the Notice. The Authority looks forward to NCA's presentation of that evidence on December 16. NCA will at that time have a full and fair opportunity to participate in a hearing as set forth in NRS 388A.330.

You inquired regarding the cite for the "two-step process" I described to Judge Russell. The cite is NRS 338A.330(3). Under Nevada law, if a charter school corrects the deficiencies to the satisfaction of the sponsor within the time period, the sponsor shall not reconstitute or revoke. This is step one. This does not allow the Authority to consider any adverse action against the school until a determination of whether the deficiencies have been corrected has been made. Step two is the sponsor's decision of what to do, if the charter school has not corrected the deficiencies.

Thanks, Greg

-----Original Message-----

From: Granier, Laura [<mailto:Laura.Granier@dgsllaw.com>]
Sent: Thursday, December 01, 2016 11:24 AM
To: Greg D. Ott; Wayne Howle
Subject: RE: SPSCA Follow-up
Importance: High

Greg:

NCA is requesting an extension of time for the cure period by one week. Please let me know if the Authority staff is agreeable.

Thank you,

Laura

From: Granier, Laura
Sent: Thursday, December 01, 2016 9:45 AM
To: gott@ag.nv.gov; Charles W. Howle (whowle@ag.nv.gov)
Subject: SPSCA Follow-up

Greg:

You indicated yesterday you would reach out to Patrick re: NCA's request to discuss possible cures with Patrick ahead of the Dec. 2 deadline to cure. Please let me know the status. As Steve and I indicated, we will move whatever is necessary on our schedules to make a time work for this.

Also, you represented to the Judge that the closure hearing is a "two-step process." Would you please provide me the citation or authority that sets out that process? I'd like to be sure we're all on the same page. Similarly, if you believe the school is limited in what it may present at the hearing on 12/16, please provide me the citation for your authority.

Laura

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EXHIBIT 4

EXHIBIT 4



Graduation Rate Improvement Plan

Submitted to:

State Public Charter School Authority

By:

Nevada Connections Academy
Board of Directors¹

May 16, 2016

¹ The final version of this plan is on the NCA Board's agenda for review and possible approval on May 17, 2016. NCA will update the Authority with respect to the action the NCA Board takes on this version of the plan.

Table of Contents

1.	Executive Summary	1
2.	2015-16 School Year Improvements	2
2.1	Internal & External Data Validation.....	2
2.2	Credit Retrieval Courses for Credit Deficient Students	4
2.3	Summer School	5
2.4	Earlier and Increased Intervention.....	6
2.5	2015-16 Curricular, Education Management System, and Actionable Feedback Revisions	9
2.6	2015-16 Professional Development	10
2.7	2015-16 Learning Coach Support	12
3.	2016-17 School Improvement Plan.....	14
3.1	Internal & External Data Validation.....	14
3.2	Freshman Focus/Senior Success	15
3.3	Every Student Succeeds Academy Program and Plan	15
3.4	Curricular Changes	16
3.5	Professional Development	18
3.6	Board Governance Training.....	20
3.7	Staff and Placement Decisions	20
3.8	Face-to-Face Support	21
3.9	2016-17 Learning Coach Support	21
4.	2017- 18 and Beyond.....	22
5.	Conclusion	25
	Appendix A: History and Accomplishments	
	Appendix B: NCA’s Federal Four-Year Adjusted Cohort Graduation Rate (2015) Calculated Under NCLB	
	Appendix C: NCA’s Anticipated Four-Year Adjusted Graduation Rate (2016)	
	Appendix D: Policy Recommendations – Application of Existing Law and Potential Regulatory Changes	

List of Figures

Figure 1.	Credits and Final Grade Report Data View	9
Figure 2.	Professional Development Topics in 2015-16	12

1. Executive Summary

The Board of Directors of Nevada Connections Academy (NCA) has taken steps to improve its cohort graduation rate. Specifically, the Board has put in place a set of policies, programs, and interventions (detailed in this plan) starting in the fall of 2015 to significantly improve the four-year cohort graduation rate for the 2015-16 cohort and beyond. The NCA Board also recognizes that graduation rate is one metric among many metrics that need to be examined in order to determine an accurate picture of school performance (See Appendix A).

The Nevada State Public Charter School Authority (the Authority) shared its concerns about NCA's graduation rate at the March 2016 Authority Board meeting and specifically expressed its desire that NCA would work with Authority Staff to develop a comprehensive plan to raise NCA's four-year cohort graduation rate.

In response to the direction received from the Authority during the March Authority meeting, the NCA Board, school leadership, and Authority Staff have held several meetings to discuss improving the NCA four-year cohort graduation rate while continuing to serve a significant population of credit-deficient high school students and helping all NCA students to academically succeed. For the 2015 graduation cohort (334 students), 143 (42.8%) were two or more credits behind when they enrolled; 56 (16.8%) were more than six credits behind when they enrolled. More information is provided in Appendix B. The plan detailed herein is the result of the collaboration between the NCA team and Authority Staff.

This plan builds on the school performance initiatives previously adopted by the NCA Board for implementation during the 2015-2016 school year. Based on current indicators, the NCA Board believes that the programs put in place during the 2015-16 school year will result in a measurable improvement in the graduation rate of the 2015-16 cohort, and thus will provide a solid base upon which to build the further improvements expected from this plan:

- The projected graduation rate for 2016 reflects a significant increase over the prior year.
- The percentage of anticipated graduates that entered behind in credits is 14.2% of the graduates compared to 10.1% for the 2015 graduates. This is an indication that NCA is doing a better job at helping students that enter credit deficient to graduate on-time for the 2015-16 school year.
- When comparing the 2016 anticipated cohort with the 2015 cohort, the percentage of students who enrolled two or more credits behind and the percentage that enrolled six or more credits behind were significantly higher in 2016. Despite having a slightly more challenging population of students this year, the projected graduation rate shows an increase, an indication that the steps taken to improve the graduation rate are showing results (See Appendix C for more details).

The NCA Board thanks the Authority Board and Staff for its collaboration in developing this plan and for its assistance in helping NCA address the four-year cohort graduation rate issue. The NCA Board believes that this plan demonstrates challenging yet achievable goals for improving the four-year cohort graduation rate.

2. 2015-16 School Year Improvements

NCA implemented significant changes during the 2015-16 school year to improve graduation rate. The changes started with a cohort analysis (described in Appendix B) that detailed every student in the 2015-16 four-year cohort with regards to their credit status. As proper academic placement and tracking within a robust, credit earning and recovery program is the foundation for success, credit deficient students were assigned programs, support, and interventions, depending on their credit status (on-track, two or fewer credits deficient, two to six credits deficient, etc), tailored to their individual needs to help them earn a high school diploma. The level of support and type of intervention is based on student need and changes as the student progresses through the program.

We have begun to see success in these improvements and implementations; for example, of all Credit Recovery courses attempted, approximately 80% were passed. Additionally, we anticipate that the 2016 four-year cohort graduation rate calculated under No Child Left Behind (NCLB) that will result from these efforts will increase at least 10% over the 2015 performance (details are included in Appendix C). The following section details the full scope of the supports and interventions implemented during the 2015-16 school year.

2.1 Internal & External Data Validation

Internal Data Validation Efforts

One of the benefits that NCA provides its students is a highly individualized approach to learning through targeted instruction, counseling, and the implementation and monitoring of individualized graduation plans. Each student in the 2015-16 graduation cohort has been individually reviewed and placed into one of three groups. Group 1 students are on track for graduation and based on performance and previous course completion and are anticipated to be counted as graduates in the 2016 cohort. Group 2 students are two to six semester-length courses behind and through remedial coursework can still potentially graduate on-time. Many of these students were credit deficient at the time of their enrollment in NCA, and through NCA's credit recovery program, they have caught up. Group 3 students are severely off cohort and are not likely to graduate on-time because they are more than six semester courses behind. Similar to Group 2 students, many of these students were credit deficient at the time of their enrollment in NCA. Students included in this group are unlikely to graduate as part of the 2016 cohort as it is not possible to graduate them and ensure that academic standards are being met. However, we are confident that with the right programming, support, and monitoring, they will graduate with a high school diploma in future years. Serving these students is an important part of NCA's mission. Because of the initiatives NCA has already implemented, progress is being made with this severely credit deficient population. One of NCA's strengths is its unique position to provide highly targeted and supportive programs which are data based and involve the participation of many school staff. Effectively harnessing that strength for the betterment of all students that NCA serves is a key focus of this plan. Appendix C provides a more detailed analysis and progress.

An important data point and influencing factor on the NCA cohort graduation rate is the high transiency of the NCA high school student population. According to the Nevada Department of Education, the transiency rate based on the 2014-2015 state report cards for NCA is 43.3% vs. the State's 26.5% and Clark County's 28.8% (see Appendix D for more details). NCA's transiency rate is significantly higher than the state and Clark County for a number of reasons. In general, virtual schools have a high transiency rate due to the various factors compelling a student to enroll in a virtual school. Many students chose NCA to solve a problem for a particular period of time such as bullying, medical issues, family situation, pregnancy, or other crisis situation or they join NCA as a "last resort" before dropping out of school. **Over 69% of the anticipated non-graduates for 2016 have been enrolled less than one year – meaning NCA has had very little time to influence their on-time graduation status and that their credit deficiencies do not reflect NCA's performance but the performance of their prior school(s).**

The Authority staff has identified as an objective for NCA to increase its efforts to identify these students and where they go after leaving NCA. As a result, the school has intensified its efforts to locate and confirm the whereabouts and programming of students who withdraw from NCA, even after being enrolled for only a short amount of time. These efforts are led by the school's reporting coordinator and use the state's reporting system, our internal Education Management System (EMS), and other sources of information as needed. A detailed, multi-step process for confirming student enrollment status and locating withdrawn students begins well before the official "validation" period in September. When needed, the school will use the services of carefully selected, experienced third party services to assist in locating students who have withdrawn and could adversely affect the cohort rate.

Ongoing communication is essential to the internal validation efforts and ultimate improvement of the NCA four-year cohort graduation rate. This includes regular tracking and research and increased internal communication about the status of each potential cohort member and his/her status upon exit and entry. Given the transiency rate of our population (referenced previously) this is particularly important. This communication also ensures that currently and newly enrolled students are not only progressing but are receiving pro-active instructional, counseling, and administrative support. We anticipate that additional tracking and data focused on these students during the 2015-16 school year will make a measureable difference in the four-year cohort graduation rate for the 2016 cohort. What is even more encouraging is that these increased data efforts are now occurring immediately after a student withdraws and will have long term impact on the graduation cohorts in future years.

External Data Validation Efforts

Based upon a recommendation by the Authority Executive Director, the NCA Board approved the identification and selection of an external evaluator at its April 2016 Board meeting. NCA seeks to engage an external evaluator by June 2016 to review both the 2015 graduation cohort and the 2016 graduation cohort. This organization (or individual) will look at not only data sources readily available through the Nevada Department of Education, but will also look at internal data to determine if it supports the conclusions regarding student body characteristics and progress that have been previously presented by the school. This resource will also be asked to address whether the graduation rate has been correctly attributed to NCA by the Nevada Department of Education, consistent with NEV. REV. STAT. ANN. § 385.347 (2016) which requires that the Authority prepare an annual report of accountability for each of the charter schools it sponsors and include information prescribed by regulation of the Nevada Department of Education including the graduation and drop out rate of pupils enrolled. NRS 385.347 mandates the dropout rate exclude pupils who provide proof of successful completion of the high school equivalency assessment, are enrolled in courses approved by the NDE as meeting the

requirements for an adult standard diploma, or withdraw from school to attend another school.² This review may identify students who were in the 2015 or perhaps in the 2016 cohort who were incorrectly categorized as dropouts in the 4-year cohort graduation rate being considered by the Authority.

The NCA Board and school leadership team anticipate many benefits of this external evaluation including verification of data, analysis of graduate and non-graduate trends, and recommendations for improvement. The specifics of selecting the third party, their timeline and deliverables, and the scope of their work are being discussed by and will be mutually agreed upon by NCA and the Authority. We are currently in the process of discussing the project's scope and deliverables with a reputable, national organization.

2.2 Credit Retrieval Courses for Credit Deficient Students

In an effort to bring credit deficient students to “on-track” status, NCA initiated a 2015-16 pilot using GradPoint™, a leading high quality credit recovery program used by more than 1,000 school districts in 45 states. In the pilot, the NCA Board purchased 100 licenses. In addition to increasing graduation rate for the 2016 cohort, this effort will provide high school students in other cohorts the opportunity to earn missing credits. During this school year, 150 students have benefitted from participating in credit recovery courses.

Currently, there is an 80% pass rate in the GradPoint Pilot program. This translates to over 200 semester credits being earned by students.

GradPoint offers a diagnostic-prescriptive virtual learning solution. The student-centered philosophy behind GradPoint's courses includes the necessary support features to facilitate and guide customized credit recovery:

- Prescriptive-diagnostic assessment and instructional sequencing tools that tailor and deliver personalized learning for every student.
- Engaging content and interactive, collaborative learning elements to re-engage at-risk students.
- Instruction, activities, and assessments that address diverse learning modalities and enable students to demonstrate content mastery in a variety of ways.
- Robust progress monitoring tools.

GradPoint's prescriptive courses provide a personalized pathway through the course based on needs, saving valuable learning time and increasing student motivation. Students take a pre-test and a post-test with every module. Based on their results, they are assigned lessons in areas in which they did not demonstrate mastery and are exempted from other lessons they have already mastered.

NCA is pleased with these results and looks forward to an even greater number of credits being earned before the end of the school year. NCA plans to increase its usage of credit recovery programs during the summer of 2016 and extend it into the 2016-17 school year and beyond.

² Also, NEV. ADMIN. CODE § 389.699(3) (2015) states, “A pupil who qualifies for a certificate of attendance must not be counted as a dropout.” A certificate of attendance is issued to a student who is over 17 and has completed the required credits to graduate, but has not passed the required proficiency exams.

2.3 Summer School

The four-year cohort graduation rate calculation includes students who complete their high school during the summer of their graduation year. Summer school provides an opportunity for many students to “catch up” and be on track for graduation. In addition, research has shown that by enrolling in academic courses in the summer months, “summer slide” is reduced and can help students achieve academically. Students in NCA’s summer school program will be closely monitored by certified teachers and counselors who will provide targeted, supplemental instruction and maintain regular contact to keep them focused on their goal of graduation. Teachers will work to ensure that students complete pre- and post-tests, progress at a pace that enables successful course completion, and participate in daily instructional and intervention activities. Summer school staff are chosen based on their familiarity with effective instructional and motivational strategies. They are focused on student success and already have relationships with many of the students, a foundation on which to build academic success. When students know that there is an adult that cares about their success, then they are more motivated to be successful.³

The NCA Board is committed to a successful summer school program and efforts were underway earlier this year to leverage the GradPoint and Connections program during the summer months. The NCA Board has dedicated \$68,000 to implementing a summer school program for the summer of 2016 for coursework. In addition, the NCA Board has dedicated staff to support this initiative including supervision and instruction by certified teachers, administrators, and counselors.

Every student in the 2015-16 cohort who does not graduate in June will be encouraged and provided support to continue their school year into the summer, whether it is realistic for them to graduate by the end of summer or not. Summer school plans were underway earlier this year, finalized and approved by the NCA Board on April 12, 2016. It is anticipated that 150 students will be enrolled in the summer of 2016. The number of anticipated enrollments includes students from Group 2, Group 3, and future cohorts who will benefit from a summer program to put them back on track to graduate with their cohort. Students who are credit deficient will take GradPoint courses. Students in Group 2, as described in Section 2.1 of this plan, who complete their summer courses will most likely graduate with their cohort.

It is important to note that not only are we taking care of the current cohort, we are looking into the future and having future cohorts take classes as well to stay on cohort or “catch up” if they’re currently off-track. Summer courses will be offered to students who are behind in their freshman, sophomore, or junior years. This will significantly help accelerate those students in ensuring their on-track graduation plans.

Based upon an analysis of the 2015 non-graduates, we anticipate that the courses most likely to be taken by students for the summer of 2016 will be English, U.S. Government, and Math (specifically Geometry). These three areas were the biggest barriers to graduation and are listed in rank order.

³ Hattie, J. (2009). *Visible Learning: A Synthesis of over 800 Meta-Analyses Relating to Achievement*. Routledge: New York, p. 72.

2.4 Earlier and Increased Intervention

NCA has implemented a systematic Response to Intervention (RTI) program to ensure all students are receiving timely and effective instructional support and that their performance is being actively monitored. As noted by RTI Action Network: A Program of the National Center for Learning Disabilities, RTI is the practice of providing quality instruction and intervention and using student learning in response to that instruction to make instructional and important educational decisions (Batsche et al., 2005)⁴. Research and reviews of the effectiveness of RTI found that it is an effective practice for both systemic (e.g., reductions in special education referrals) and student (e.g., increased reading scores) outcomes⁵.

At NCA, students who struggle with the core Math and English Language Arts curriculum are assigned appropriate instructional interventions targeted to their greatest area of need. Efforts were increased during the 2015-16 school year and are tracked on a weekly basis to ensure adequate support and monitoring is taking place. Many students require behavioral interventions to help motivate them to engage in their coursework. Part of the intervention process involves careful examination of a student's academic and behavioral record and identifying potential factors inhibiting their academic progress and perhaps influencing their decision to exit their last school. A slightly credit deficient student (or one who is on cohort) who shows weakness in math with no other risk factors will not begin with the same behavioral treatment plan that a severely credit deficient student with multiple academic or social/emotional risk factors will.

NCA has a variety of instructional resources to address academic intervention needs and uses synchronous sessions (both individual and small group) to address behavioral, social-emotional, and motivational concerns. Resources are easily accessible to students and individual plans based on student needs are created and monitored. Grade level Professional Learning Communities of teachers meet weekly and electronically communicate about student progress on a daily basis. The Student Support Team is also included when escalation is needed. Currently, approximately 70 high school students are receiving interventions in English Language Arts and 120 are receiving interventions in Math. These students require additional support and resources (described in the following sections) to ensure that they are successful in their online courses and are on-track for graduation. It is important to note that this is a fluid process as students receive interventions at the various tiers and may fluctuate between these interventions and in the regular program, depending upon their academic performance and individual student learning need.

Response to Intervention (RTI)

With this multi-tiered approach to curriculum and instruction, which ensures individual students receive the support they need, data is used throughout the school year to implement, for all students, a Response to Intervention (RTI) model. Students who may not be successful in the standard program, Tier I, receive additional support via the supplemental and alternative programs in Tier II and Tier III as detailed in the following pages.

⁴ Batsche, G., Elliott, J., Graden, J. L., Grimes, J., Kovaleski, J. F., Prasse, D., et al. (2005). *Response to intervention policy considerations and implementation*. Reston, VA: National Association of State Directors of Special Education.

⁵ Burns, M. K., Appleton, J. J., & Stehouwer, J. D. (2005). Meta-analysis of response-to-intervention research: Examining field-based and research-implemented models. *Journal of Psychoeducational Assessment, 23*, 381–394.

Students' responses to interventions are monitored, and adjustments to the type and intensity of support are made as needed. RTI efforts were increased during the 2015-16 school year to more quickly identify students who are struggling. The school began to utilize weekly PLC and Student Support Team meetings to look at student performance and behavioral data, and make programming decisions to support students who are struggling academically or are otherwise challenged. The individualized nature of NCA's program lends itself well to RTI. Through real time progress indicators, additional supports and interventions ranging from supplemental programming to targeted, synchronous instruction and even targeted counseling are assigned and monitored. Regular discussion of student progress is held between content area and specialized instructional staff, advisors, counselors, and administration. Modifications to programs are made and can be implemented quickly.

For example, NCA uses the Assessment Objective Performance Reports (AOPR), which helps teachers easily identify essential skills and standards by subject/grade level; identify how and where these essential skills and standards are assessed within the program; access and analyze real-time data to determine mastery/proficiency; incorporate data-driven decisions throughout instruction; maximize use of the instructional support programs, resources, and data; identify the need for tiered interventions for non-mastered/proficient skills and standards; and identify students' responses to the implemented interventions.

This process is further facilitated by other data from Connexus to help identify students' instructional needs that may require intervention. A teacher's Home Page shows an icon for each student indicating that interventions are needed and have been identified and provided. The teacher can use his or her professional judgment to override these indicators and log the decision and rationale within Connexus. Also, NCA has a Student Support Team (SST) and an on-going process of identifying student intervention needs; assigning those interventions; tracking their success; and escalating, if necessary, from Tier I to Tier II to ultimately Tier III (alternative placement, most of which involves the development of an IEP). Tier III interventions are provided concurrently with a special education evaluation. Data is collected as a part of the RTI process. NCA believes that the intensive focus on these Tier interventions for the 2015-16 school year will increase the graduation rate by providing students the one-on-one support that they need to be successful.

Tier I

Tier I is the first level of a multi-tiered approach to a system of instructional and behavioral supports. Tier I includes Connections' research-based core reading and math curriculum aligned with the Nevada Academic Content Standards. In addition to core coursework, the core curriculum includes teachers' use of differentiated instruction that meets the needs of all students throughout the school year. Differentiation involves thoughtful planning for the following: instructional design used to deliver content to students; lesson content used to support and extend concepts and skills; instructional practice used to provide targeted instruction and actively engage students; assessment used to evaluate student learning; and instructional activities to meet the needs of individual and small groups of students. When Tier I differentiation strategies fail to produce adequate progress, Tier II intervention is considered.

Tier II

Areas where more students struggle and require Tier II support typically include reading fluency, reading comprehension, math fluency, math computation and reasoning, and behavior. Decisions to place students into Tier II are based on formal and informal assessment data, academic progress, and behavioral observations (attendance at live lessons, work completion, etc.) The scope of Tier II interventions has been increased during the 2015-2016 school year to include a greater focus on targeted, synchronous instruction, and providing additional support to students whose behavioral concerns are impeding academic progress. Tier II increases the frequency of the interventions. NCA has implemented a Tier II instructional support program for these students and provides support two to three times a week for 20–30 minutes per session at a minimum. Tier II intervention is explicit, systematic, and targeted to the greatest area of student learning and behavioral needs. Supplemental programs provide teachers with reports for progress monitoring that can be uploaded to Connexus to ensure all student performance data is in one place.

Tier III

NCA has implemented a Tier III intervention where students receive targeted instruction for 20–30 minutes four to five days a week in order to focus more intensively on skill deficits and areas of concern. Tier III includes the most intensive and frequent level of instructional support and is the next step in the multitiered approach for students who have not been successful in the previous interventions. Tier III interventions use direct instruction through the use of LiveLesson sessions and implements other instructional strategies and research-based programs that are explicit, systematic, and targeted to specific student learning needs. Much like the decision to place a student into Tier II, academic progress, assessment data, and behavioral observations which indicate a greater need for intervention guide the placement into Tier III. This is the most intensive level of intervention.

Mentoring Program

NCA also piloted a mentoring program in the 2015-16 school year based on John Hattie's analysis of the impact of student-teacher relationships on student performance. As Hattie identified in *Visible Learning: A Synthesis of over 800 Meta-Analyses Relating to Achievement*, there is a strong correlation between teacher-student relationships and student learning⁶. As a pilot effort, NCA students who had two or more failing grades were assigned 1:1 adult mentors, drawn from NCA faculty and staff. Of those in the pilot, 75% are now passing all of their courses. While the development of a relationship with a caring adult is not the only factor contributing to these students' success, NCA is pleased with the results and will be expanding it to include students with the most profound academic and social emotional needs.

⁶ Hattie, J. (2009). *Visible Learning: A Synthesis of over 800 Meta-Analyses Relating to Achievement*. Routledge: New York, p. 72.

2.5 2015-16 Curricular, Education Management System, and Actionable Feedback Revisions

The 2015-16 school year saw significant revisions in the Connections curriculum and in Connexus®, the school’s Education Management System (EMS), to address student tracking, feedback, and curricular needs for credit deficient students.

- Tracking Credit Accumulation:** Connections recognizes the importance of early identification of credit deficient students. There are fields in Connexus that help NCA staff to identify, track, and intervene with students behind in high school credits. In addition, a new field was added for the 2015-16 school year to the Credits and Final Grade Report Data View (example provided in Figure 1) to assist schools in identifying credit deficient students during the enrollment process. As a result, this data is now readily available to NCA counselors as they assign students their courses in Connexus, and also enables counselors to quickly identify credit deficient students so teachers can quickly design interventions. Interventions may include credit recovery courses, block scheduling of classes, additional support by teachers, and/or summer school planning.

Figure 1. Credits and Final Grade Report Data View

Final Grade 2015-2016: 11

Current grade Level: 11

Grade Level based on credits earned: 11

On track to graduate based on completed credits and cohort year? Graduate On Time

On track to graduate based on potential credits earned at end of year? Graduate On Time

Cohort Grade: 11

Cohort Graduation Year: 2017

Is the student credit deficient based on documentation received prior to enrollment? Yes No

If yes, in what area(s) is the student credit deficient? Electives English

- Math Focus:** Math can be a significant barrier for credit deficient students. In the 2015-16 school year, Connections released significant changes in the area of math. All Kindergarten through Algebra 2 math courses were enhanced for 2015–16 to reflect the targeted learning sciences principles of practice, feedback, and student engagement, as well as the analysis of Connections math performance improvement research and data analytics.

These enhancements included the following:

- Reflections engage students in assessing their comfort level with specific skills, rating their math confidence, and reflecting on their math practices and study skills.
- Updated project based portfolio assessments are aligned to math practices and provide hands-on learning opportunities that include flexibility and choice, real-world challenges, collaboration, and application of knowledge in authentic ways.
- Enhanced practice includes instructional support, refined assignments that target skills needing additional support for mastery, and encourage metacognitive questioning and engagement with next generation assessment type activities.

- **Actionable Feedback:** Teacher feedback is one of the most powerful influences on student learning and achievement (Hattie and Timperley, 2007).⁷ However, as noted by Hattie and Timperley, the type of feedback and the way it is given can be differentially effective. Guided by these research findings, during the 2015-16 school year, NCA teachers increased their efforts to provide high quality, timely, and actionable feedback. The new process ensures that teachers provide this feedback and that students and Learning Coaches are aware of the feedback. At the start of the school year, students and Learning Coaches began receiving automatic WebMail notifications that feedback was provided by the teacher, indicating the specific assignments and assessments that contain the feedback. Through a technology-powered feedback loop in Connexus, students receive consistent, timely, tangible, and actionable feedback to guide and impact their learning. In a Connections Education survey conducted in March 2016 of student and Learning Coach response to the new feedback notification system, results indicated the following:
 - **98% indicated that they have received feedback notification messages**
 - **97% indicated that they found feedback notification helpful in keeping them informed about their student's learning (82% very helpful; 15% somewhat helpful)**
 - **92% indicated that the feedback notification was helpful in keeping their student informed about their learning.**

It is expected that both the math enhancements and the actionable feedback will improve student engagement in their courses and increase the percentage of courses that students complete successfully resulting in increased credits earned and a reduction in the number of credit deficient students, as well as the severity of students' deficiencies. In the first semester, the improvements are believed to have contributed to the 3% point improvement in successful high school Math course completion rates across Connections-supported schools.

Continued research and formative and summative data analysis will occur at the conclusion of the 2015-2016 school year and into the 2016-2017 school year to confirm these assertions and inform instructional and operational practices at NCA. We do anticipate that these curricular and technological revisions implemented in 2015-16 will make a positive difference in the second semester course completion rates and in NCA's graduation rate.

2.6 2015-16 Professional Development

NCA has also focused its professional development efforts in 2015-16 on engaging faculty in discussions directly related to the learning science principles and ensuring student success. Our efforts include training on student engagement and mindset as part of a targeted focus on school culture and student perceptions related to learning. A learning environment that promotes student engagement is characterized by connectedness between students, their teachers, and the school community, as well as a growth mindset, personalization, relevance, and the provision of a physically and psychologically safe environment.

⁷ Hattie and Timperley, (2007). **The Power of Feedback:** Review of Educational Research. March: 77: 81-112

The professional development for 2015-16 focuses on student engagement. An engaged student is invested in his or her learning and—as a result—has a growth mindset, perseverance, and relations that support academic success. It's about seeing things in a new way. When people change to a growth mindset, they change from a judge-and-be-judged framework to a learn-and-help-learn framework. Their commitment is to grow, and growth takes time, effort, and mutual support. Focusing professional development efforts on student engagement, mindset, and culture will make a difference for credit deficient students who have had many years of failure in their previous educational environment.

Teacher professional development is critically important in ensuring that the staff is optimally effective at teaching in a virtual environment and addressing the Nevada Academic Content Standards in their daily instructional practice. Each teacher maintains an ePortfolio in Connexus that includes the dates they attended professional learning sessions and their reflection on the session. Professional Learning sessions delivered by the Connections Professional Development Team include a post-session activity that teachers complete and upload to their ePortfolio. This application activity requires teachers to describe how they will apply the information learned during the session to their work with students and to improve their instructional practices. The NCA school leadership team can access a teacher's ePortfolio, review what was submitted as evidence of their learning, and provide teachers with feedback. The review of teacher artifacts and reflective comments have shown an increase in understanding of key concepts such as "knowing your students". This is supported by observed teacher instructional activities within synchronous instructional sessions and a focus on off-track students.

The *Core Standards for Facilitating Student Learning* are:

- Provide high quality instruction resulting in student learning,
- Personalize student programs,
- Monitor student performance and provide timely feedback and intervention,
- Monitor student participation,
- Communicate frequently,
- Document and review all interactions, and
- Collaborate and develop professionally.

NCA works with the Connections Professional Development team to coordinate, plan, deliver, and continuously support Professional Learning Community activities and other professional learning initiatives through a systematic and comprehensive multi-year professional development plan that is focused on NCA's needs.

Figure 2 lists the professional development programs and initiatives that NCA targeted during the 2015-16 school year that were directly aligned with its goals of increasing student success and graduation rate.

Figure 2. Professional Development Topics in 2015-16

Topic
<ul style="list-style-type: none">• Students in Distress• Serving Special Education Students Online• Monitoring students with attendance, participation, and contacts• Response to Intervention: Using Intervention Indicators to review, identify, and implement interventions• Assessment Objective Performance Report (AOPR) – real-time data showing student mastery of essential skills and standards• Differentiating learning using resources from the Instructional Support database and Shared Content• Analyzing and making instructional decisions for personalizing instruction• Planning targeted instruction for groups of students• Assessing mastery and providing opportunities for practice• Motivating students to participate• Encouraging Learning Coach training and participation• Reviewing best practices for intervening with students in Approaching Alarm or Alarm status• Helping Students Develop Grit and Take Ownership of Their Learning• Practice > Mastery > Transfer – What Does It Mean?• Feedback vs. Feedforward Roundtable

2.7 2015-16 Learning Coach Support

In addition to this increased focus on student engagement, NCA has recognized the need to provide increased support to Learning Coaches and to help increase their engagement and connectedness with other Learning Coaches.

New resources were provided in the 2015-16 school year to assist Learning Coaches in ensuring student success. As part of a commitment to the entire family and subsequent research, a three-part family support program was created to make the learning experience more engaging and rewarding for students, parents, and Learning Coaches. These Learning Coach Live Lesson sessions are announced in the Learning Coach Link, on Learning Coach Central, in the Monthly Newsletter, and on the Learning Coach Home Pages. The three-part family support program is described in the below sections: Get Started!, Get Coaching!, and Get Connected!

Additionally, NCA uses Facebook social media channels to connect with enrolled and interested families. Facebook is used to support a positive school community and may serve as an alternate, casual, method of communication. There are currently 2,264 people following the NCA Facebook page. The page sees interaction such as: 9 average fan likes per post, 11 average fan actions per post, and 769,962 potential friend impressions. Parents can also join the school’s closed Facebook groups, in Northern and Southern Nevada, to reach out to other families. As of April 2016, more than 200 Nevada families were counted as members.

Club ORANGE is a social club for parents of enrolled students and it provides another online “space” where families can connect. This is not a formal method of communication, but rather an opt-in group for parents to meet their peers and interact. Current membership in the Nevada Club ORANGE community is 172 families (up from 28 families when the club was first established in 2011).

Get Started!

Our **Get Started!** program offers both assistance and reassurance by providing extensive information about online education. The program helps families prepare for a successful school year through the Prepare for Success website, teacher welcome calls, orientation courses for Learning Coaches, in-person orientation gatherings, and Learning Coach Success Series, a series of live webinar-style sessions that start before the beginning of each school year, and are led by currently-enrolled parents who help families prepare for their first days of school. In addition to open Q&A sessions each week, five different topics are addressed: Virtual School Basics, Roles and What to Expect, Schedules and Routines, Getting Acquainted with Connexus, and Tips and Tricks for Success. The website is provided at: <http://www.connectionsacademy.com/learn-more/events/online-orientation>

Get Coaching!

The **Get Coaching!** program is dedicated to helping Learning Coaches understand their role, providing them with easy access to resources, and ensuring that they are equipped with the tools and strategies needed to motivate and assist their students. Also, Connections provides additional training and support for parents.

Learning Coaches will complete an online orientation designed to familiarize them with the important role they play in supporting their student as a learner. We also support Learning Coaches through:

- **Learning Coach Central** – A convenient one-stop-shop site with access to social networking opportunities, information, and multiple resources to assist Learning Coaches in their role and providing instructional support to their student.
- **Learning Coach Link** – An online monthly communication sent to Learning Coaches with articles on instructional best practices and topics relevant to their families, Connexus updates, tips and strategies supporting students, announcements and reminders. NCA reaches out to Learning Coaches through increased social media, increased communication via message boards, and student outreach activities at school events to share this information.
- **National Learning Coach Resource Sessions** – These online, LiveLesson sessions are designed to assist Learning Coaches with an understanding of their role and responsibilities, and provide strategies for working with and supporting their student. All Learning Coach sessions are recorded and available in the Virtual Library for Learning Coaches to view if they are not able to attend the session live. They are announced on LC Link, LC Central, and LC Home Pages. Topics of specific interest are also shared via direct communication to families from counselors and advisors.

A wide range of topics are offered. Examples of sessions that support Learning Coaches of high school students include:

- College Applications and Your Student: What to Expect and How to Help!
- Understanding Financial Aid and the Importance of Completing the FAFSA
- How You Can Help Your Student Become College and Career Ready!
- Embracing Struggle through a Growth Mindset
- The Adolescent Brain
- Nurturing Student Motivation

Get Connected!

The **Get Connected!** program was developed to assist students and parents who are interested in finding opportunities to connect with other school families. In addition to in-person field trips and online clubs and activities, this program offers socialization tips for online school families, increased opportunities for students to interact online with classmates and teachers, and in some areas, private Facebook groups where parents and Learning Coaches can “meet” to arrange study groups and other informal gatherings.

3. 2016-17 School Improvement Plan

The plan for the 2016-17 school year will be based upon the changes implemented during the 2015-16 school year with increased efforts on the areas of improved graduation rate and academic success, and the results of these efforts. In addition, the following additional improvements will be implemented.

3.1 Internal & External Data Validation

Internal Data Validation Efforts

The school registrar, reporting coordinator, and administrative assistants will maintain accurate and complete records in Connexus and physical files of withdrawn high school students concerning information on their next school of attendance or other educational decision. The school has already taken a more pro-active approach to identifying challenging placements and will continue to dedicate the resources to doing so. NCA is taking an additional step to locate students who withdraw (formally or informally) and, therefore, can potentially negatively impact the school’s current and future four-year cohort rate. At the Authority Executive Director’s suggestion, the school will consider working with an independent, external contractor to attempt to confirm the subsequent educational settings in which students enrolled after withdrawing from NCA. Currently, there are over 200 students who have withdrawn from NCA sometime in the past four years that are not confirmed to have transferred to another public school, private school, or home school. We will actively target this group and focus efforts on locating their current school.

The school will also increase its scrutiny of students enrolled in the school who are truant and those who withdraw or stop attending without providing required evidence that they have withdrawn to another program. Specifically, Nevada provides schools with an avenue to penalize students for habitual truancy—either in the form of written citation issued to the habitually truant student, or suspension of the habitually truant student’s driver’s license. This administrative sanction is pursuant to NEV. REV. STAT. ANN. § 392.148 (2016). This has not been used in the past but plans are in place for the 2016-17 school year. Parents will be clearly notified upon enrollment that this will be pursued if students are habitually truant. This is a mechanism for keeping students engaged and for providing proper incentive to students not remaining engaged to promptly share with the school to what high school program they are transferring. This would minimize “lost” students being counted as dropouts; given the proper information, they could be counted as transfers out, therefore raising NCA’s graduation rate.

As referenced, the school will also carefully review all records to ensure, for example, that any student who qualified for a certificate of attendance or who transferred to an adult education program was not incorrectly coded as a dropout (pursuant to NEV. ADMIN. CODE § 389.699(3) (2015) – and to ensure the same for transfers out-of-state, to private schools, to homeschooling, etc. Data is provided in Appendix B.

Notification will be provided to families and parents when they enroll that this process will be followed – it will be on everyone’s home pages – so that they are fully informed on the consequences of not filling out the withdrawal form.

External Data Validation Efforts

NCA will conduct an external validation study for the Class of 2017 as it did for the Class of 2015 and the Class of 2016 if the Authority finds it necessary. If it does, NCA will pursue the same process for identifying and working with a third party.

3.2 Freshman Focus/Senior Success

The use of a freshman specific initiative was piloted in other schools supported by Connections during the 2015-16 school year and resulted in a positive difference in 9th grade promotion rates between schools. As a result, Connections is building a universal course entitled Freshman Focus for the 2016-17 school year which will be implemented at NCA. The new freshman focus course will orient students to resources available to them, introduce strategies for success in high school course-level work, emphasize the importance of academic integrity and producing authentic work, and build college and career readiness.

Based on the initial positive results of the Freshman Focus Course, a course that addresses needs specific to seniors, Senior Success, will also be offered as a formal part of the program beginning in 2016-17. The NCA Board and school leadership team are very excited about the Freshman Focus course, and the upcoming Senior Success course, and anticipate that both of these approaches will help many students achieve success and graduate on-time.

3.3 Every Student Succeeds Academy Program and Plan

In order to increase the school’s efforts to support off-cohort students, NCA is implementing an academy approach to address the needs of its off-cohort students. Highlights of this mandatory program, to be called the Every Student Succeeds Academy, include:

“Success” seminars for off-cohort students offered synchronously to highlight successful practices, habits, and to help students acclimate to the online environment. Additionally, participation in these sessions upon enrollment will set the foundation to encourage accountability and participation in other required instructional sessions.

- Regularly required attendance at virtual or face-to-face synchronous instructional sessions. The frequency, format, and content will be tailored to student needs and tied to academic outcomes. By requiring attendance, we are still providing the flexibility that a fully virtual model provides while still adding a level of accountability.
- Dedicated instructional, administrative, counseling and advisory staff. Staff that are involved in this program will be selected based on their prior success in engaging with this population and will focus all of their efforts on increasing these students' success under the watch of school administration.
- Lower staff/student ratios. This will further establish accountability, provide support, and ensure that students are in constant contact with the school. As students complete credit recovery courses, it is critical that they are then placed into additional courses to maintain progress towards exiting Group 2 or Group 3 and graduating on time.

To assist the school, an internal Data View field will be added to the Cohort Information Data View and a required timeline. Additionally, the proprietary Connections IssueAware system is used to monitor students, track staff accountability, and document progress. **For 100% of students who have a current final grade of 11th or 12th and are off-cohort (student does not have adequate credits to be in the grade they should be), NCA will outline a plan in their Cohort Information Data View that details efforts to rejoin their correct grade level or graduate on time within the first 45 of days of school or 30 days of enrollment for late enrollees. Overall progress will be tracked through a calculated field in Connexus that monitors whether a student is currently predicted to graduate on time, and students who are "off cohort" will have progress in their courses and other programming tracked weekly.** Another benefit of NCA's program is the ability to adapt programming quickly to match student needs and modifications to programming, supports, and interventions will be made as needed.

3.4 Curricular Changes

GradPoint

Based upon the success of the GradPoint Pilot in 2015-16, it will be expanded and all credit deficient students will be placed into the appropriate courses to recover needed credits and to move closer to an on-time graduation. The targeted, user-centered approach of GradPoint is especially beneficial for transient populations—many of whom have been out of school, are disengaged, and have been unsuccessful in their first attempt at assigned coursework.

Additional Math Instructional Resources

An additional resource in Math has been added into the intervention resource library for 2016-17. Think Through Math helps students develop higher order thinking and problem-solving skills, preparing them for success on state exams, as well as a smooth transition to college or a career. Think Through Math includes instructional support for students in Algebra I, Geometry, and Algebra II, along with foundational math skills, and allows teachers to create customized learning pathways for students based on their individual needs. This additional resource helps motivate students using contests, points, avatars, and games. A pilot was held in other schools supported by Connections and results were very positive and it is expected to result in similar positive outcomes for NCA in 2016-17.

Automatic Feedback

The 2016 plan is to build on the success of the Automatic Feedback feature that was new in 2015. NCA is committed to ensuring that parents and students are fully informed of this feature and how to employ it for student success in the 2016-17 school year by including in webmail messages, welcome calls, and training to parents. This new feature provided an automatic alert that went to both students and Learning Coaches when a teacher left feedback for a student. To support this increased visibility of feedback, teachers ensure that feedback on student work is targeted, meaningful, and includes suggestions for improvement. Teachers received specific training on providing effective, actionable feedback to students (ex. Session 103: Why Do Students Need Feedback?; Session 205: Feedback vs. Feedforward Round Table; and Session 302: The Power of Feedback). A recent survey of Learning Coaches indicated that 97% of Learning Coaches found the notifications helpful in keeping them informed of their student's learning. For example, parents stated that:

- "The feedback helps my student immediately know what he needs to improve on and if he has time to correct his mistakes on assignments. It also gives a confidence boost on a job well done."
- "We really appreciate the feedback notifications! There were times where my daughter wouldn't see her teacher's feedback requesting correction via webmail for quite some time, but now with the notification, she gets the feedback right away! Very useful upgrade. Thanks!"
- "I just want to take a moment to thank you. Your positive feedback on assessments and (our school's) multiple choice reflections really have made a difference for my child this year. He was having trouble with math last year. I am so thankful for (our school) in general, because it has helped my child take his time and become more confident in his abilities."

Increased Math Focus

Math is a continued focus at Connections. Targeted activities and discussions will focus on Math in student's day-to-day lives and a growth mindset toward Math, including increased Math awareness in the Connections Speaker Series, Fireside Chats, and Student Clubs and Activities experiences. New student experience opportunities included RobotC, in which students are able to program Lego® Mindstorms® robots virtually, and the James Webb Space Telescope Project, which provided students the opportunity to collaborate virtually and create a project which demonstrates understanding and information about the James Webb Space Telescope.

There are additional Math dedicated resources for Learning Coaches including resource sessions such as Born to Learn – Embracing Struggle through a Growth Mindset and What Was Broken with Math and Why Did They Need to Change It?; Learning Coach Link newsletter articles including math tips and guides; an article on math reflections; and a Learning Coach book study on the book Old Dogs, New Math by Rob Eastaway and Mike Askew.

Course and Connexus Enhancements 2016–17

The curriculum offered to NCA students is updated and enhanced annually. In addition to the updates made to address Math performance, accessibility, and feedback and course ratings received through the StarTrack lesson rating and feedback system, course enhancements are also focused on school-based requests for course unit reranking. Unit reranking requests are in response to a school’s review of the content and sequence of a course. While the content is appropriately aligned to state standards, the sequence of the units may be better aligned to the school’s school year and timing of state assessments. The enhancements for 2016-2017 include the following:

- **Unit Reranking** – Throughout all Connections schools there were 106 school-based requests for unit reranking to optimize alignment of course content and instruction order and pacing to the requirements of state testing. NCA requested four additional reranked courses for 2016-17 and will then have a total of 14 reranked courses in the 2016-17 course catalog. A course that has units reranked enables NCA to cover critical content before state testing dates.
- **Interventions from Prior Year** – Beginning with 2016-2017 school year, teachers will have immediate access to returning student data that indicates whether they were receiving intervention support during the prior school year. This access to historical tier code data, within Connexus, will allow teachers to quickly identify an appropriate intervention for students and provide the student with the type of targeted support that he/she needs at the start of the school year.
- **Math Performance** – Course enhancements focused on Math discourse and students’ oral and written communication of math thinking, reasoning, and problem solving. These efforts will be evidenced in the reflection, discussion, and portfolio activities, and in the new Time to Talk lesson component.
- **Accessibility** – Enhancement efforts continue to focus on replacing or enhancing legacy content and instructional resources to meet the Web Content Accessibility Guidelines (WCAG) 2.0 standards. This work is primarily focused at the middle and high school level for 2016–17.

All of these curricular changes are focused on improving student learning, retention, and graduation rates. These curricular changes are based upon research and efforts from the 2015-16 school year and will make a measurable difference in learning in 2016-17.

3.5 Professional Development

NCA is in the midst of defining its 2016-17 Training and Professional Development Plan, which will be as substantive and robust as the 2015-16 one described previously. An additional focus on standardizing teacher course expectations and grading practices, as well as implementing “relearning” policies to support student academic engagement and success, will be implemented through the training, professional learning sessions, and related Professional Learning Community work. It will also focus on ensuring the success of the Every Students Succeeds Academy designed for off-cohort students and a school-wide focus on graduation rate and tracking students.

Professional learning sessions facilitated by the Connections Professional Development team during the 2016-2017 school year will focus on specific learning themes throughout the year. Whether teachers are participating in the 100 (1st year teachers), 200 (2nd year teachers), or 300 (3+ year teachers) series, the theme will be the same, while the session objectives will increase in level of rigor and application based on teacher experiences. Themes, based on learning science research, include: student reflection, making connections, ownership of learning, effective questioning, feedback, practice/reteaching, and improving student outcomes. This thematic approach will allow all teachers to focus, and build on, the same topics throughout the year and enable PLCs to delve deeper into how learnings from professional development sessions impact teaching practices and student learning.

In addition to the Professional Learning sessions described above, NCA school leadership can recommend or require teachers to participate in any of over 20 additional nationally facilitated professional development sessions that support NCA school goals and/or teacher development goals. School leadership monitors participation and portfolio completion at least monthly, and provides feedback on teacher artifacts. Additionally, observation of teacher instruction includes “look-fors” derived from topics covered within PD. NCA will ensure that active participation in internal professional development is carefully monitored and that topics are reinforced through regular inclusion in PLC meetings and staff meetings, and the rates of participation in professional development will increase from 2015-16 to 2016-17. Additional resources which specifically target working with this population have been identified and will also be included.

Teachers at NCA had the following to say about their experiences participating in professional learning sessions during the 2015-2016 school year, and how the session will help them to improve their instructional practices.

- *I found it extremely helpful to learn about all the different risk factors and to learn how easy they are to locate. I will definitely be taking note of these moving forward when interacting with my students.*
- *In this PD session, we learned about ways to increase the effectiveness of instructional practices. We learned about Gagne's 9 events of instructions and how to implement them in our virtual environment. I learned some new strategies and ways to really engage students in the LL room by using attention grabbing questions, recall, practice, feedback, and retention just to name a few. Using tools like the poll pods, screen shares, breakout rooms, and exit strategy ideas can help assist in pulling students into the instruction and helping them to become more active learners.*
- *I like this idea of grit and teaching students to appreciate improvement in their work when they have taken risks and maybe failed, but then got up and tried again. I can model that myself as I am in my second year teaching in an online environment. Even though there is still a lot I don't know, I have made tremendous progress since last year with the technology.*
- *I really want to focus on self-reflection of my own teaching practices and find my strengths and weaknesses. This will help me to improve as a teacher and also help my students with their own self-reflection process.*
- *I think this session was a good reminder for me that my high-end students need better feedback than what I am providing them. I do a good job of providing detailed feedback for my struggling-learners, but I think I rely on praise too much with the other end of the spectrum. I will spend more time challenging them and encouraging them to go beyond, dig deeper, etc. and provide that in my feedback to them.*

Efforts to assess the impact of professional development efforts are underway. There are several layers of such assessment: Design, Implementation, and Impact. Teacher responses on an annual employee satisfaction survey indicate progress in design and implementation – staff positive responses to 7 professional development related questions increased an average of 3.2% points, and teacher participation in PLCs increased to 100% from 97% last year. Assessment of impact is a work in progress.

3.6 Board Governance Training

The NCA Board is committed to the success of the school. This is demonstrated in their high participation during regular and special Board meetings. The NCA Board meets regularly nine (9) times throughout the school year and calls additional meetings as needed. The Principal reviews performance data and trends with the Board during each meeting, which Board members discuss and make recommendations as appropriate. The Board is focused on strategic planning and increasing the graduation rate at NCA. An external consultant will be engaged to collaboratively work with the Board on strategic planning and implementation for the 2016-2017 school year and subsequent years. The Board will continue to work closely with the Authority to evaluate effectiveness of the improvement strategies and also seek input from external experts in this area.

The NCA Board routinely participates and is committed to Board governance training opportunities throughout the school year, including conferences provided by the National Association of Charter School Authorizers (NACSA), Charter School Association of Nevada (CSAN), National School Boards Association (NSBA), International Association for K-12 Online Learning (iNACOL), National Alliance for Public Charter School (NAPCS) as well as a Board Academy provided by their Education Management Organization (EMO). In addition, materials from previous trainings are made available to all Board members within their online Virtual Library. Also within this Virtual Library, Board members have access to review all governance documents for the school including but not limited to, Bylaws, Charter Agreement and materials from all previous Board meetings. All core foundational documents are reviewed regularly and revised as necessary.

The Board will be actively monitoring the graduation rate and progress and effectiveness of the strategies outlined in this Plan through monthly reports from the school leader detailing the progress made with the strategies outlined in the plan. The Board will be provided detailed updated reports on the cohort to evaluate student growth under this Plan. The Board will continue active involvement in collaborating with the Authority to ensure the Plan is effective or make necessary adjustments as the Board and school leadership work to monitor the success of the strategies outlined.

3.7 Staff and Placement Decisions

The students in the Every Student Succeeds Academy will be taught by a select group of staff who will serve as their teachers and “graduation coaches.” This approach is being piloted now with students in Groups 2 and Group 3 of the current year’s cohort, and it allows teachers the opportunity to work with a small group of students who they “own.” The number of students assigned to each staff member is purposely kept low (less than 10) so the appropriate amount of regular contact and support can be given.

The staff of the Every Student Succeeds Academy (ESSA) will be comprised of teachers who are passionate about and dedicated to working with the population of credit deficient students who often also are also faced with non-academic challenges which further impede their progress towards graduation. By combining high quality, targeted instruction delivered by experienced and caring educators with the appropriate social and emotional supports provided by counselors and advisors, NCA is confident that this will truly be a program in which every student will succeed.

The selection of staff members who understand and embrace the importance of this work is only one step in the overall process. Staff members will be evaluated regularly on outcomes related directly to student success and engagement, and will be held accountable by school administration through the use of tangible, relevant student data. The frequency and quality of contacts with students and the efficacy of instructional practices will be judged on student outcomes.

3.8 Face-to-Face Support

NCA is committed to ensuring that students are successful by creating additional face-to-face opportunities in the 2016-17 school year dedicated to credit-deficient students. Currently, there are field trips and state testing opportunities for face-to-face interaction and many students take advantage of these opportunities. NCA knows that these opportunities provide valuable time for students and teachers to generate a relationship and discussion about coursework and school. It is also an opportunity to develop the success strategies needed to be successful in an online school.

NCA plans to increase these opportunities and pilot an additional series of face-to-face tutoring and intervention opportunities in Clark and Washoe Counties. NCA will use venues already selected for state testing, and will target additional opportunities based on student location, need, and scheduling preferences. Sessions will be focused on targeted academic support. Results will be carefully monitored and if it's determined that these pilots yield significant results, NCA will work to reprioritize its budget to expand this effort in future years with more sessions and a wider geographic reach.

3.9 2016-17 Learning Coach Support

Learning Coach support and training was increased in the 2015-16 school year as outlined previously. However, it is also evident that many of our older high school students have challenging home situations with limited Learning Coach involvement. The school remains committed to increasing Learning Coach involvement through social media, face-to-face events, training, and other individualized supports. In an effort to improve awareness of these sessions to NCA families, including families with limited Learning Coach involvement, NCA is committed to promoting the availability of these support sessions to families for the 2016-17 school year. For example, notifications from the school will be sent by the school leader to invite and encourage participation by families. In addition, the 2016-17 plans include sending the links to recorded sessions to families via the School Counselor or other school leader when it is evident that additional support is needed from a Learning Coach and staff believes that additional training will help increase the expertise of the Learning Coach to more successfully monitor progress and provide support. Counselors also work with Learning Coaches and families to identify and utilize community-based resources to address the many unique situations and challenges presented by this population of students.

4. 2017- 18 and Beyond

Future plans will be developed during the Board's strategic planning session during the summer of 2016 and will be focused on achieving a cohort graduation rate of 60% and ultimately higher. Some ideas under consideration are 1) providing drop-in centers where students who need face-to-face interaction with a teacher in reading or mathematics could receive this support; 2) enhancing curriculum to provide teachers even more flexibility to personalize courses for students; 3) providing specific professional development for teachers and counselors to increase student engagement; and 4) being increasingly persistent with and continuing our deliberate and focused efforts working with credit deficient students.

NCA, in partnership with Connections, has begun the multi-year improvement effort to increase four-year cohort graduation rates, and recognizes that because 9th grade drop-outs have a significant impact on graduation rates four years later, the greatest effect of these multi-year efforts will be seen in the graduation rates for 2020 and beyond. Like the specifics of the plan presented in this document for the coming year, this multi-year improvement effort addresses a number of basic issues, but with steps that take longer to realize.

1. **Onboarding:** Work to ensure that the students who enroll in the high school program fully understand and are prepared to take full advantage of what it offers. The high school program is a rigorous college preparatory program and students often say they initially struggle to rise to the expectations of the curriculum. In addition, full-time online school, while tremendously advantageous for many students trying to adapt their high school experience to their personal needs, does require a level of commitment and discipline to learning a new approach. While NCA is a public school and cannot turn away students who apply, it will continue to make efforts to improve its outreach programs to ensure that students and Learning Coaches are prepared for the rigor and expectations of being a virtual school student.
2. **Connexus[®], the Education Management System, Rebuild:** Connexus, the software and technology platform on which the program is served, is in the middle of significant improvement which is expected to be implemented in the 2018-19 school year. It is anticipated the new platform will allow students who are thinking about enrolling to more directly experience the program. We anticipate that students can be offered trial courses that will give them a better sense of what to expect, and perhaps a legislative or regulatory solution can be found to require successful completion of an orientation or trial course as an enrollment prerequisite. See additional policy recommendations in Appendix D.
3. **Support-Engage-Intervene-Escalate:** Work to ensure that students, once enrolled in the high school program, are fully engaged in the program. Students who experience success and gain momentum in their course of study (e.g., completing requirements in a timely and gratifying way) are more likely to engage, succeed, and graduate on time. Conversely, research shows that overage 9th graders, 9th graders who attend more than one school, and/or 9th graders not earning credits on a pace that would lead to on-time graduation are at highest risk for dropping out. NCA will make fuller use of this information and student-specific data related to it to design support, engagement, intervention, and escalation activities. While the school has made and continues to make substantial efforts in this area, future activities may include:
 - a. **More Robust Freshman Academy Approach:** Building on the Freshman Focus effort in 2016-17, efforts will be furthered to organize teachers across disciplines and around students to help ease the transition to high school and develop the behaviors and habits that will help them successfully complete high school.

- b. **More targeted information.** Again, building on 2015-16 and 2016-17 efforts, information made available to teachers and other school staff will be further refined to enhance their efforts to support, engage, intervene, and escalate. The new Connexus will provide additional improvements to the teacher dashboard, including more automated integration of information about student engagement and success with their curricular and instructional resources. Simple things like the system's ability to monitor when the student is typically active in the system and where the student seems to be getting stuck will help teachers better time and frame their efforts to reach out to support and intervene.
 - c. **Social Platform Integration:** Today's students communicate on social media platforms and Connections does not currently offer NCA a robust and secure platform for communicating with students that mimics the style and availability of social platforms. It is anticipated future improvements to Connections' education management system (Connexus) will support better use of such tools, as well as the potential to more easily automate messages that research has shown will help many students engage, such as automated reminders to complete an assignment or messages of encouragement. In an upcoming update to Connexus, Connections is intending to build a chat feature to enable students to collaborate with each other more organically. The updates will include blogs and wikis that students can create and write. Also, the updated system will allow for project based learning, which allows students and teachers to work collaboratively. Badges can be awarded for progress in the system by their teacher

NCA's Connexus Education Management System provides an internal "closed" email system for students, parents and teachers to connect. The school community also leverages message boards to interact. Although this is not "social media" it does offer a closed online environment for communication. Future versions of Connexus are expected to include chat functionality in addition to email and message boards. Other enhancements to Connexus will be announced.
 - d. **Integration of Additional and External Supports:** Many students have non-academic challenges that interfere with their ability to be successful. It takes time to identify and make available physical-world supports for students and/or to build partnerships with programs that might help them be better prepared to be successful in school. NCA is piloting some efforts in 2016-17, and the results will inform its exploration of a range of options for future school years, including mandating face-to-face instructional time for particular behavioral or academic issues that have been shown to respond to that intervention, as well as deeper partnerships with social welfare related agencies to help students address family situations, chemical addiction, mental health concerns, and other issues that might be interfering with their ability to be successful in school.
4. **Increase Curricular and Instructional Offerings:** Continue to work to strengthen and broaden the curricular and instructional offerings of the high school program to better address the academic and non-academic needs and interests of its students. On a continuing basis, NCA will evaluate the effectiveness of its strategies identified to increase the graduation rate and adjust those strategies in collaboration with the Authority.

- a. While NCA continues to strengthen and increase the breadth and quality of its program (Career and Technical Education and GradPoint credit recovery offerings being recent examples), there is more to do. CTE courses that are offered are based on student interest and demand, and include courses that focus on the following general career areas: health and medicine, general business, and computer programming. Connections will continue to work to find and/or develop the best curricular resources to address the needs of students, and to improve the level of student engagement and the quality of accessibility and various pathways to success that are built into its existing curricular resources. This is a multi-year effort spanning hundreds of course offerings, but it is expected that the roll-out of the new Connexus platform in the 2018-19 school year will significantly accelerate the benefits to students and their learning.
 - b. While training, professional development, and teacher participation in Professional Learning Communities (PLCs) have been underway for some time, the development of teacher beliefs and practices takes time. NCA will continue to develop and refine shared practices for basic practices like student grading to maximize academic integrity without unwittingly alienating or disengaging students. Experience in other schools supported by Connections has shown that full implementation of a relearning policy takes several years but can substantially improve the rate of successful course completion by students without undermining academic integrity.
5. **Increased Data Integrity:** Work to strengthen NCA's ability to track and properly record where students withdraw to when they leave without graduating. As previously noted, the ability of students to quickly and easily access NCA when they have a problem to solve (e.g., enroll because of an insurmountable transportation problem) also makes it easy for students to leave easily and without adequate notice. One student counted as a dropout in 2015 had been enrolled in the school for two weeks several years earlier, and was counted as a dropout largely because the school could not find out where the student went and report that back to Nevada. Similarly, 14 students who dropped out in 2015 were reported by the National Student Clearinghouse to be enrolled in two- or four-year colleges or universities in the fall of 2015. NCA and its board will continue to strengthen their database management to track withdrawals, and its ability to research the whereabouts of students who withdraw and do not adequately report their next steps. NCA will also work with regulators to try and strengthen definitions and technical capabilities around the effort to help ensure, for example, that students enrolled in a legitimate Adult Education option are not counted as non-graduates as they currently are, and that NCA has sufficient access to the data sources maintained by Nevada to "look for" students who have withdrawn without fully reporting their next steps.

5. Conclusion

A school's graduation rate is one of many important school performance measures. NCA wants every student who enrolls to graduate with a Nevada high school diploma. The NCA Board and school leadership team recognize that NCA's four-year graduation rate, using the federal cohort methodology, is not at the desired level. NCA is effectively serving a significant population of credit deficient students and understands that under the current method of calculation this has an adverse effect on its graduation rate, reflecting on the students' experience before enrolling in NCA. NCA is committed to re-engaging these students and graduating them career and college ready. We want higher achievement and as can be seen in the steps outlined in this plan are committed to making it a reality. There is some context around the graduation rate that we have explained in this plan that will also be backed up through the third party validation process. Ultimately, we recognize the concern about the current graduation rate and are working to improve it. Like any organization with a plan for improvement, we need time to faithfully implement improvements, evaluate their efficacy, address any implementation concerns, and address any unintended consequences. We are confident that students will be served well and the graduation rate will improve through an open and collaborative dialogue with the school and the Authority. We also are confident that the many factors that impact graduation will become apparent through this process.

Appendix A

History and Accomplishments

A.1 Overview

There are many areas in which Nevada Connections Academy (NCA) has made great gains. This section will highlight these achievements.

Students benefit from a top-quality curriculum that meets all Nevada Academic Content Standards (Common Core State Standards). Each student has a Personalized Learning Plan and one or more highly qualified Nevada-credentialed teachers working with expert curriculum specialists to tailor the curriculum to meet that student's individual learning needs.

NCA is a virtual learning community that connects students, teachers, and families through unique technology tools as well as synchronous instruction and one-on-one interaction. Students and their families receive sophisticated support for their curriculum, technology, special education, and digital learning platform needs. Students and families use an educational management system that combines learning management, student information, and content management systems. This allows students and families to maintain a focus on achievement.

As a result of its effective and innovative educational approach, NCA is accredited by the Northwest Accreditation Commission (NWAC), an accrediting division of AdvancED.

One of the most significant benefits the school provides is being able to serve students who are underserved or not being served within the larger community. Students benefit from instruction that is individualized, personalized, and flexible. NCA is tailor-made for a diverse array of students who benefit from a quality alternative to the traditional brick-and-mortar classroom. These include:

- Students whose families seek direct involvement in their education,
- Students who are medically homebound due to illness or disability,
- Exceptional students who are far ahead of or far behind their peers in school,
- Students pursuing artistic or athletic careers,
- Students who require a flexible school schedule,
- Students in group homes or institutions,
- Students who have been bullied, and
- Students at risk of academic failure, who may particularly benefit from intensive, personalized instruction.

The Board of Directors partners with Connections Education, a leading virtual school provider for curriculum, technology, and school support services including:

- Curriculum,
- Curriculum support personnel,
- Connexus®, a comprehensive Educational Management System (EMS),
- Professional development,
- Student, parent, and teacher technical assistance, and
- Additional consulting and support.

In the 2015–2016 school year, Connections is supporting 30 virtual public schools in 26 states, serving over 65,000 students. Connections is accredited by AdvancED¹ and was re-accredited in June of 2015. With the overall scores exceeding AdvancEd’s average score for all of the schools and corporations they accredit, AdvancED reviewers noted that “Connections Education’s quality assurance processes and data-driven culture leads to systemic, systematic, and sustainable continuous improvement.”

The ultimate focus of this “high-tech, high-interaction” instructional model is student achievement. Students master the core subjects of reading/language arts, mathematics, science, and social studies through a challenging curriculum that meets Nevada Academic Content Standards (Common Core State Standards).

The developmentally appropriate curriculum increases its integration of technology as students advance through the grades. Each Connections course includes active learning elements, including online and/or offline activities that address diverse learning styles and preferences, ranging from textual, visual, auditory, and/or hands-on.

Connections’ courses include 1,800 Teachlet® proprietary instructional movies and more than 1,000 primary source and instructional videos. Integrated “i-text” electronic textbooks are licensed from a variety of leading publishers including Pearson®, Perfection Learning, and others, while non-proprietary technology-based content is licensed from “best-of-breed” providers such as Grolier Online™, Houghton Mifflin Harcourt, and Discovery Education.® The instructional design includes interactive LiveLesson® sessions and threaded discussions.

The highly trained and experienced teachers are integral to student and school success. Highly qualified, Nevada-credentialed teachers are a key part of the program. Teachers are in regular contact with students via WebMail (Connections’ proprietary, closed-system email program), telephone, LiveLesson® sessions, discussion boards, message boards, and other channels. Teachers instruct, motivate, monitor and evaluate student progress, personalize the curriculum, intervene as needed to ensure student success, lead field trips, and clarify the curriculum for the students.

¹ Accreditation agency serving 32,000 public and private schools and districts <http://www.advanc-ed.org/>

NCA provides integral tools to help teachers ensure students are successful including ongoing and comprehensive professional development in online learning pedagogy, curriculum with a focus on Common Core instructional shifts, data-driven instructional decisions, and Connections' own *Core Competencies for Facilitating Student Learning*. Additional Nevada- focused professional learning events are also offered throughout the year.

NCA integrates school, community, and home. A Learning Coach (a parent or guardian) may work with the student to ensure successful engagement in the program by providing motivation, collaboration, scheduling, and record keeping. Other links between home, school, and the community are created via both asynchronous and synchronous online activities. In addition, school staff members or Community Coordinators facilitate enriching in-person community activities and field trips to round out the comprehensive learning experience.

Students also have access to more than 25 clubs and activities that encourage students to explore interests beyond the classroom, develop leadership skills, and make friends within their school and with students from other schools supported by Connections. The school has also established chapters of the National Honor Society and National Junior Honor Society, providing students with additional opportunities for developing social, leadership, and community involvement skills.

A.2 History

NCA was launched in the fall of 2007 to provide a complete virtual school program to Nevada public school students. NCA has worked hard to fulfill its mission and original charter goals. NCA has experienced significant growth during the term of the charter, which speaks to the demand for this option, and also to NCA's overall success in fulfilling the mission and vision described in the charter.

The school was originally chartered by the Nevada State Board of Education. The charter was renewed unanimously in 2013 by the State Public Charter School Authority. It was supported for renewal by then SPCSA Director Dr. Steve Canavero. In Dr. Canavero's words, at the charter renewal hearing in 2013, the school was a success. It appears that at that time the Authority recognized the school was effectively serving its students, perhaps giving careful consideration to the challenges faced in serving a mobile population. There have been minor amendments over the years such as charter facility relocation, grades offered, and Governing Board by-laws. Overall the school is still focused on its mission: *to help each student maximize his or her potential and meet the highest performance standards through a uniquely individualized learning program.*

The last official communication from the State Public Charter School Authority stated that Nevada Connections Academy was in "Good Standing" for its performance in 2013-14.

Enrollment and Demographics

Since opening, the school has drawn students from throughout Nevada. NCA has experienced a steady increase in enrollment almost every year. NCA now serves slightly over 3200 students in grades K-12. Figure 1 demonstrates the growth trends since its inception.

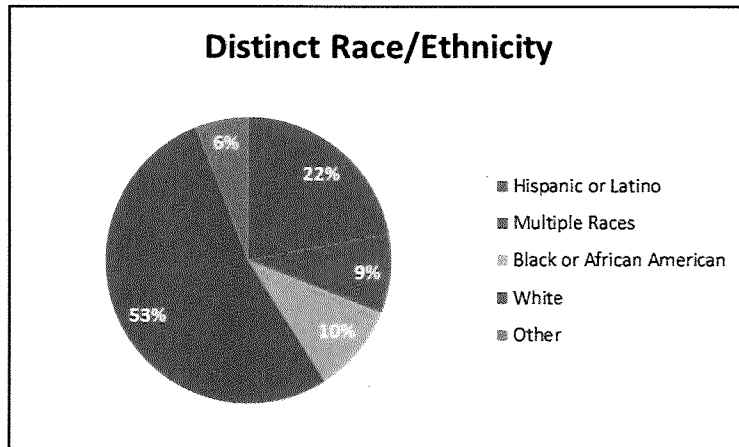
Figure 1. Enrollment Growth

School Year	Count Day Enrollment
2015-16	2,702*
2014-15	2,593
2013-14	1,945
2012-13	1,599
2011-12	1,715
2010-11	1,563
2009-10	1,322
2008-09	873
2007-08	420

* As of the 2015-16 school year, enrollment is not reported as a Count Day. The number reported is the enrollment as of September 30, 2015 and will be reported four times throughout the year. At the time of this report, NCA is serving over 3,000 students.

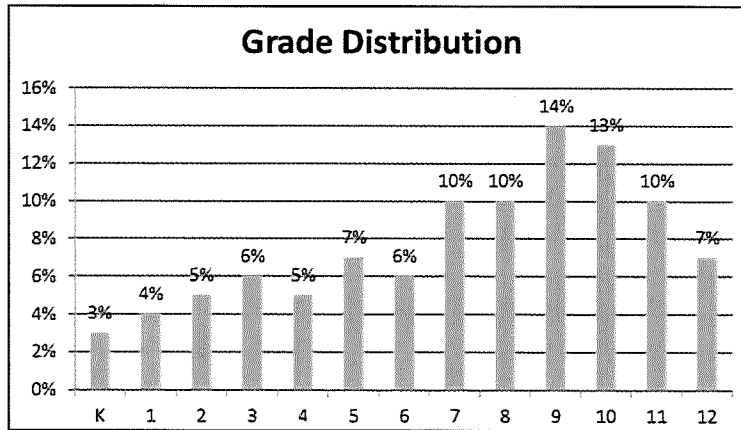
NCA serves a diverse population. Figure 2 provides information on the composition of the student body in January 2016.

Figure 2. Student Body Composition of NCA –January 2016



The students are currently 46% male and 54% female. Figure 3 illustrates the grade distribution as of January 2016. Students in 9th and 10th grades represent the largest percentage of students.

Figure 3. Grade Distribution as of January 2016



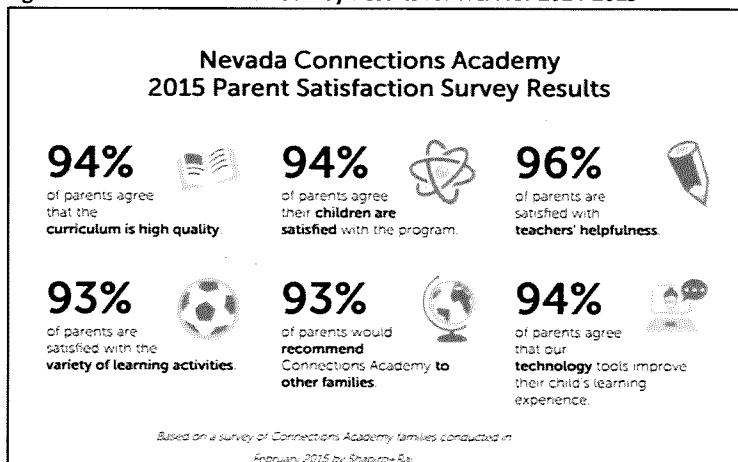
As of January 2016, approximately 41% of the students served are socioeconomically disadvantaged, measured by family income eligibility meeting federal guidelines for free or reduced lunch.

NCA also serves special populations through Individual Educational Plans (IEP), Section 504 plans, and gifted programs. The Special Education/504 population is approximately 12% of the total student population. The Gifted population is approximately 3% of the total student population.

Parent Satisfaction

NCA has consistently received high ratings on annual parent surveys. Parents are surveyed annually; the results are compiled by an independent third-party research firm, and presented to the school staff and Governing Board. Parent surveys provide quantifiable data by which the school leadership can work towards improving various aspects of the school. Over the past several years, the percent of parents who have responded to the survey has varied from 35% to 50%. Therefore, these results are considered reflective of the overall experience of the NCA families. More detailed results from parent surveys are included in annual reports to the Governing Board and are always available upon request.

Figure 4. Parent Satisfaction Survey Results for NCA for 2014-2015



The following testimonials are from NCA students and their parents. The testimonials were unsolicited and represent a sample of the kudos that the teachers and school receive on an ongoing basis.

- *My son LOVES you! We love NCA and will be moving our other child here because NCA "has it together!" We love NCA because of the teacher interactions.*
- *I am very happy with Melissa Pugh. She has really helped my daughter and she has brought her grades up. I would like to say Thank You.²*
- *Our family is new to NCA but so far we are having a positive experience. I find all of my questions and concerns are addressed in a timely and thorough fashion. We are very excited to start in a few days!*
- *Tiffany Grant has done great work with my son. Thank you.*
- *Thank you very much Ms. Lapidus. I'm so grateful. I have been working hard on this for at least three days.*
- *Fantastic. Way better than traditional institutions for numerous reasons. Love the brand new UPS'd textbooks, too!!!! Yet another plus! Thanks for accommodating to 2015!*
- *Over all this is a great school. Love the set up and everything.*
- *Ms. Murphy, You are our favorite teacher and the best thing about NCA. You are always in contact and it is so appreciated.*

A.3 Accomplishments

Academic and Educational Achievements

- In 2014-2015, NCA's composite ACT and SAT score averages were higher than both the state and national average scores.
- The class of 2015 valedictorian was awarded a prestigious U.S. Army pre-med/medical school combined program scholarship.
- The 119 graduates in the class of 2015 earned a total of \$562,065 in scholarship money.
- Two 8th grade students both won 1st place at the Western Nevada Regional Science Fair.
- Students who graduated from NCA in 2015 were accepted at colleges such as:
 - Antioch University McGregor
 - Arizona State University
 - Arkansas State University
 - Art Institute of Las Vegas
 - Art Institute of Portland
 - Berea College
 - Biola University
 - Brigham Young University-Idaho
 - California Institute of the Arts
 - Central Bible College
 - Seattle Pacific University
 - Southern Oregon University
 - St. Mary's College of California
 - Suffolk University
 - University of Hawaii at Manoa
 - University of Idaho
 - University of Mobile
 - University of Nevada: Las Vegas
 - University of Nevada: Reno
 - University of North Texas

² Melissa Pugh is an NCA graduate who went onto graduate from the University of Nevada, Las Vegas.

- Chapman University
- Colorado Christian University
- Corban University
- Dominican University
- Drake University
- George Fox University
- Gonzaga University
- Lake Forest College
- Nevada State College
- Northern Arizona University
- Oregon State University
- Saint Peter's College
- Santa Clara University
- University of Oregon
- University of Portland
- University of San Diego
- University of Southern Mississippi
- University of the Pacific
- University of Utah
- Utah State University
- Utah Valley University
- Westmont College
- Whitworth University
- Willamette University
- William Jewell College

Other Achievements

- NCA is accredited by the Northwest Accreditation Commission (NWAC), an accrediting division of AdvancED.
- In 2015, an NCA High School Student was national Runner-up for the national Prudential Community Spirit Award.
- NCA has ongoing community service programs with the Foodbank of Northern Nevada and other regionally recognized agencies.
- A 9th grade student was recently chosen to serve on the global Pearson Student Council and will have the opportunity to represent his school and interact with peers from around the world.
- Our school counseling program presented some of its successes at the recent Nevada Association of School Counselors conference.
- Principal Steve Werlein participated in a business leaders' roundtable with the presidents of three state universities and other educational leaders in 2014.
- NCA recently hosted a "Read for the Record" event which included participation from US Congresswoman Dina Titus (virtually from Washington, DC) and Reno's Chief of Police. Approximately 900 people attended "live" at one of the in-person venues or virtually.
- NCA hosts career and college fairs in both southern and northern Nevada. This year's events included participation from a variety of public safety, post-secondary, and vocational agencies and had record numbers of attendees.

A.4 Academic Accountability

It is important to note that scores may fluctuate from year to year. Student mobility and growth rate are important factors in analyzing academic performance. Many students and families choose a virtual school program to serve a unique need for a particular period of time, i.e. medical reasons, sports or performing arts/acting, family move, bullying, and so forth. Their intent is to solve a family issue and enroll in a virtual school for a limited time. As a result, virtual schools experience student turnover both during the year as well as from year to year. As such NCA is particularly susceptible to enrollment fluctuations and the subsequent impact on academic performance data.

Student academic achievement is the highest priority for NCA. Over the last year, NCA has put in place several significant interventions and enhancements to ensure that student performance exceeds the growth targets, especially among the subgroup populations. These include:

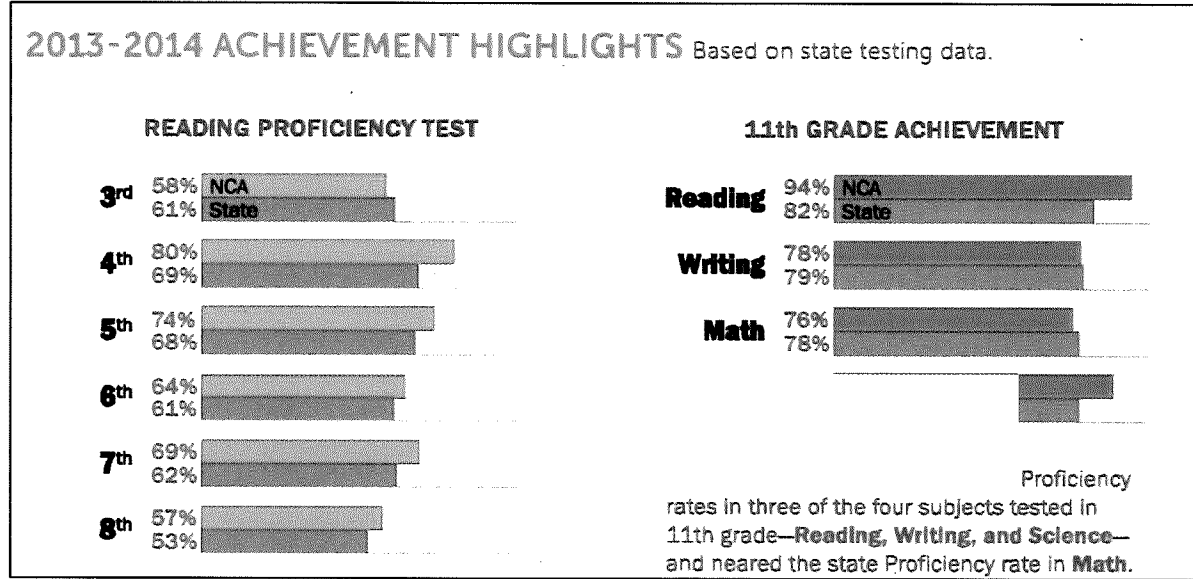
- Ongoing in-depth assessment and performance data on individual students, which is available to teachers and administration in “real time” and used to modify and individualize programming;
- Targeted , individualized remedial courses for students who are underperforming, and a wide selection of Gifted, Honors, and Advanced Placement (AP) courses for advanced students;
- Addition of staff who specialize in working with at-risk, credit deficient students in core areas, and a literacy specialist dedicated to providing intervention type instruction;
- Addition of highly qualified and trained teaching staff to teach AP courses;
- Expansion of existing counseling and support programs to address the diverse and often profound social emotional needs of our students;
- Expansion of teacher-led Professional Learning Communities (PLCs) that establish goals, meet regularly, and focus on student data to guide their actions. These are tracked and monitored by school leadership;
- Additional internal and external targeted professional development for teachers in critical areas such as mathematics instruction and student engagement;
- Identification and targeted use of supplemental resources and strategies to support struggling students in the areas of literacy, mathematics, and study skills.

The regular evaluation of the academic performance of students, the use of student performance data to drive changes and improvements to the school program, the increasing use of PLC’s, and the development of annual goals and plans to increase student academic achievement all demonstrate a dedication and focus on student performance.

The following represents NCA’s most recent performance on state assessments in 2013-14 as the 2014-15 data was not publicly reported. NCA is proud of its performance on the 11th grade proficiency test. NCA significantly exceeded the state performance in Reading and Science and was within 1-2% points from the state proficiency average in math and writing. There is still room to improve but NCA’s performance on the state proficiency test demonstrates that it is successfully teaching students in the key content areas. Figure 5 provides more detailed information on NCA’s performance on state assessments.

NCA receives separate ratings on the School Performance Report for elementary, middle school, and high school. Nevada did not compute new ratings for 2014-15, but instead carried over the 2013-14 ratings. NCA’s middle school rating was 4 out of 5 stars for both 2013-14 and 2012-13, while the elementary and high school received a rating of 2 stars in 2013-14. Both the elementary and high school fell two points short of receiving a 3 star rating, which both had achieved in 2012-13.

Figure 5. 2013-14 Reading and Math Scores versus State Average



For the elementary school, the strongest ratings were for English Language Arts (ELA) for proficiency and even stronger performance in growth, receiving 80% of the possible points for ELA growth. The middle school had solid performance with all indicators, but also excelled in ELA proficiency and growth, earning 80% of the possible points for both measurements. **The high school performance was strongest in closing achievement gaps, earning 90% of the possible points in this area.** All grade spans met the minimum testing participation rates and also had very strong performance on Average Daily Attendance.

A.5 NCA Board of Directors

Governing Board

The Governing Board is a knowledgeable, well-educated, and active Board. The Board has been successful in maintaining a prominent role in the direction of the school via policy and oversight. The Board receives regular reports at Board meetings from the school leadership on all aspects of the school's operations, including budgets, funding, staffing, enrollment, and growth. In addition, the Board is apprised of school-wide state test and other assessment results, and the results of the annual parent and staff surveys. The Board is therefore able to engage in ongoing evaluation of the school's effectiveness and able to participate in the review and refinement of the school's vision, purpose, and goals. School leadership works with school staff and stakeholders to develop specific annual goals. These goals are then presented to the Board for final approval prior to implementation. School-specific goals align with the Board goals outlined in the charter and mission/vision for the school. The Board has been actively engaged in efforts to improve the graduation rate, cognizant of the challenges given the high mobility of students and significant credit deficient population. The Board has shown a commitment to both continuous improvement in the high school program and working with the State on policy to ensure schools are incentivized —not punished— for serving the most at-risk students who come to NCA as a last resort before dropping out.

The Board successfully provides oversight by reviewing and approving the school's policies and procedures. All Board members are invited to provide feedback on new programs, such as webinars with curriculum experts and designers, and content that will be provided to students including providing a designee to participate in an in-depth study of the curriculum to be offered by the school. Board members have attended several trainings and conferences to fully understand their roles as Board members and maintain their knowledge of charter school governance best practices and trends. These trainings include a Connections-hosted all-Board member training in Nevada, as well as the annual Board Academy offered by Connections. Board members have also been able to attend conferences such as the iNACOL conference, the National Charter School conference, and other training opportunities and conferences held by the Nevada Department of Education. The Board has consistently maintained all required regulatory parameters of the governing body's membership. The following members currently serve on the Board:

- **Dr. Jafeth Sanchez, Board President**

Dr. Jafeth Sanchez earned a Ph.D. from the University of Nevada, Reno's College of Education in Educational Leadership, with an emphasis on Higher Education Administration. She is an assistant professor and focuses on developing high quality school leaders in K12 education. Her research agenda is on educational leadership practices, organizational change efforts, diversity initiatives, outreach, student resiliency, P16 alignment, and GEAR UP outcomes. She has actively managed and attained grant funding as a principal investigator or co-investigator for approximately \$1.6 million since the fall of 2012. She also serves as a cost-share match for the Nevada State GEAR UP project, which has approximately 5,500 students and has served 36 middle and high schools in Nevada; GEAR UP is a competitive U.S. Department of Education grant program that increases the number of low-income students who are prepared to enter and succeed in postsecondary education by providing states and local community-education partnerships with six- to seven-year grants to offer support services to high-poverty, middle and high schools. Sanchez previously taught mathematics and was awarded Northern Nevada Math Teacher of the Year 2012 by the Northern Nevada Math Council. She was also a Bill and Melinda Gates Millennium Scholar and serves as a mentor for its current scholars throughout the country. Her passion for educational improvement and access to higher education are embedded in all aspects of her work in teaching, research, and service.

She has been a part of NCA since 2011 and currently serves as President of the Board.

- **Dr. Scott Harrington, Board Vice President**

Dr. Scott Harrington is currently the Clinical Supervisor for Mosaic Rehabilitation-Blueprints Division. He has been working with people with disabilities since 1990, when he earned his Bachelor's degree in Psychology at CSU Long Beach. He earned his Master's degree in Psychology (Behavior Analysis) at the University of the Pacific in Stockton, California, and his Doctorate, also in Psychology (Behavior Analysis), at the University of Nevada, Reno (UNR). Dr. Harrington has written and directed multiple projects to help individuals with disabilities live more independent lives. He is a founder of the first elementary charter school in Nevada, Sierra Nevada Academy, and a former middle school mathematics teacher. He has presented over 40 papers on data-based interventions to assist persons with disabilities, has several publications across multiple areas, and currently teaches at UNR. His research interests include inclusion, integrated employment, transition, intrinsic motivation, attitudes about disabilities, and interagency collaboration. Dr. Harrington is a Board Certified Behavior Analyst (BCBA-D), a member of the Association for Behavior Analysis (ABA), and on several advisory boards.

He has been a Board member since 2010 and currently serves as Vice President of the Board.

- **Kelly McGlynn, Board Treasurer**

Kelly McGlynn graduated from the University of Nevada, Reno, in 1998, with a Bachelor of Science degree in Business Administration. She is a Certified Public Accountant with more than 14 years of experience in public accounting. Ms. McGlynn is currently president of her own company specializing in tax preparation and bookkeeping services. She is a member of the American Institute of Certified Public Accountants and a member of the Nevada Society of Certified Public Accountants. Ms. McGlynn became involved with Connections in 2011 while searching for an alternative to public school for her then eight-year-old daughter. She feels that education is extremely important but that all children learn in different ways. She is happy to serve on a Board that provides children alternatives to brick-and-mortar schools.

McGlynn has been on the Board since 2013 and currently serves as Board Treasurer.

- **Marisa Delgado, Board Secretary**

Marisa Delgado earned her Master's degree in Educational Leadership from the University of Cincinnati, and currently holds her administrative certification with the state of Nevada. She is currently the Math Department Chair at Bishop Gorman High School. Ms. Delgado has spearheaded the new 1:1 iPad program at Bishop Gorman High School. Integrating technology into the classroom and having students use technology for higher levels of thinking is one of her goals. She also runs the senior internship program where she places around 20 high school seniors each year with different companies around the Las Vegas Valley, allowing them to get real life work experience prior to leaving for college. Ms. Delgado co-chaired the teacher mentor program for new and transitioning teachers into Bishop Gorman High School, to assure an easy transition focusing on teacher retention. Ms. Delgado is currently the chair of the Teaching and Learning Leadership committee for accreditation through WCEA. Ms. Delgado is involved in the student leadership program on her campus running the Link Crew freshman orientation where students are greeted by upperclassman that she has trained to run small group activities that will prepare students for life in high school. Continual education and building a better future for children today motivates her to remain engaged in providing new opportunities for children.

Ms. Delgado has been a part of NCA since 2013 and currently serves as Board Secretary.

- **Mindi Dagerman, PE, Board Member**

Mindi Dagerman, PE, earned her Master's in Business Administration from the University of Nevada Reno. She also holds her Professional Engineering License in Mechanical Engineering in Nevada. Ms. Dagerman is the Engineering Supervisor/Design at Southwest Gas for the Northern Nevada Division. Her department manages new business, replacement, system improvement, and meter set projects for natural gas distribution to customers throughout the division.

Ms. Dagerman is passionate about all children having access to high quality education. She loves to see more school choice available for parents and wants to see students find a school program that supports their learning style.

Ms. Dagerman has been on the Board since 2008, and she currently serves as the business sector representative on the Board.

- **Tessa Rivera, Board Member**

Tessa Rivera earned her Master of Arts in Educational Counseling from San Jose State University following her Bachelor of Arts studies in Communication from San Diego State University. She was an AVID (Advancement Via Individual Determination) Program English teacher, Student Advisor, and varsity athletic coach in California from 2000 through 2010. Additionally, Mrs. Rivera enjoyed her work with San Jose State University as a mentor teacher collaborating with the school's teacher credential program while also employed as a GEAR UP and Upward Bound Pre-College programs counselor and test preparation instructor. Currently, Mrs. Rivera serves as the Dean of Students for the freshman class, moderator of the Dance Team, and Jewelry Club advisor at Bishop Gorman High School all the while diligently pursuing an Ed.D at Northcentral University engaged in researching the impact of organizational leadership on new teacher attrition rates throughout the United States. Mrs. Rivera's educational philosophy is dedicated to promoting life-long learning in addition to supporting and motivating all students to reach their full potential, specifically utilizing the elements of Bishop Gorman High School's Freshman PRIDE (Prepared for class, Respect for self and others, Integrity in Academics, Determination to do well, Effort in all pursuits) Program.

Mrs. Rivera has been on the Board since 2015.

- **Gene Stewart, Board Member**

Gene Stewart is a seasoned business professional and entrepreneur. He received his MSc in Comparative Pathology from the University of California, Davis in 1983. He has held positions in global marketing with SmithKline Beckman and others commercializing new technologies in bioinstrumentation. In 1996, Mr. Stewart launched Knotty Bear Development building and selling luxury resort mountain homes. In 2005, he founded a new company, Biophoretics, Inc. focused on the research and development of a new automated technology for the discovery of biomarkers. In 2010, he commercialized Biophoretics for the global distribution, marketing, and sales of high value tools for life science research. He has also served on the Board for Center Street Mission helping the homeless regain their foothold in life. He believes in the triad of family, education and the desire to help every child reach for the sky.

Mr. Stewart has been on the Board since 2015.

School Leadership

- **Steve Werlein, Principal**

Steve Werlein's career as an educational leader has taken him not only across the geographic spectrum of the country, but across the diverse public and private educational landscape as well. Mr. Werlein has proven that when given a rigorous and relevant curriculum, high expectations, and caring, nurturing adults, all students can find success.

As a high school world language teacher, he created a home study program for non-native speakers of Spanish in Mexico, and an intensive Spanish course for native speakers. While teaching, he was also the leader of one of the first one-on-one technology initiatives in the state of Illinois. As a school administrator, Mr. Werlein has served as Assistant Principal of a large, urban middle school near Chicago where he and his team successfully rebuilt the school culture and created an inclusive, positive environment.

After leaving this role, Steve assumed his first principalship which entailed leading a vocational school for students with severe behavioral challenges. His efforts there led to the creation of a unique, blended curriculum which fused practical vocational skills with core academic content and led to many students entering skilled trades and other post-secondary options.

Next, Mr. Werlein was privileged to serve as the Director of Curriculum and Instruction and Principal at Henry Ford Academy in Chicago, which is housed in part of the original Sears Headquarters on the city's west side.

Mr. Werlein moved to suburban Austin, Texas where he started a charter high school with 35 students that has since grown to an exemplary rated, K-12 campus with 1,000 students.

Throughout his career, he has been passionate about finding creative, engaging ways to hold students to high standards and feel connected to their learning communities.

Education:

- Bachelor of Arts Degree in international political economy and Spanish from DePaul University
- Master of Education Degree in secondary teaching and curriculum from DePaul University
- Certificate of advanced study in school leadership from National Louis University
- Currently a doctoral candidate at the American College of Education

Appendix B

NCA's Federal Four-Year Adjusted Cohort Graduation Rate (2015) Calculated Under NCLB

Nevada Connections Academy (NCA) is committed to the students it serves. At least weekly, we review and analyze data down to the individual student level and use the data to make informed decisions to maximize each student's chance of success. NCA's 2015 Cohort Graduation Rate identifies a percentage of students who did not graduate. NCA leadership is learning from these students and applying lessons learned to the graduation improvement plan. However, there are also lessons still to be learned about:

- How to identify students at risk to not graduate and how to best address risk factors.
- How schools with higher than average mobility rates are impacted by the current four-year cohort method of calculating graduation rate.
- Factors outside of the school's control which often lead to students being counted as non-graduates, even when they continue their education.

NCA is confident that through its ongoing analysis of data and implementation of targeted, individualized programming, its graduation rate will improve.

B.1 Detailed Look at the 2015 Graduation Cohort

In an effort to fully understand the challenges that NCA faces relative to the current NCLB four-year cohort calculation of the graduation rate and to gain insights on areas to target for improvement, an analysis was conducted of the 2015 graduation cohort. The final cohort consisted of 334 students – 119 graduates and 215 non-graduates - for a four-year cohort graduation rate under NCLB of 35.6%. For the entire cohort (334 students), 143 (42.8%) were two or more credits behind when they enrolled; 56 (16.8%) were more than 6 credits behind when they enrolled.

When looking at this cohort at the individual student level, some interesting patterns became apparent. For the non-graduates in the cohort (215 students), 137 of them (63.7%) were behind two or more credits when they enrolled. Figure 1 provides a breakdown of the grade level at which these non-graduating students enrolled and their level of credit deficiency.

Figure 1. Non-Graduates Grade Level Upon Enrollment

Credit Status	Non-Graduates' Grade Level upon Enrollment			
	9 th grade	10 th grade	11 th grade	12 th grade
0 – 2 Deficient	30	10	18	20
2 – 6 Deficient	1	20	24	36
> 6 Deficient	0	2	22	32

As the data shows, non-graduates were likely to enroll later in their high school career, thus providing a shorter period for NCA to catch them up to graduate in their cohort: 152 or 70.7% of the 215 non-graduates enrolled in the 3rd or 4th year of high school, and 114 or 75% of these students were two or more credits behind when they enrolled.

Of the students who graduated on time in the 2015 cohort, a much different picture emerges, as illustrated in Figure 2. Graduating students tended to enroll earlier and with significantly less credit deficiency.

Figure 2. Graduates Grade level Age Upon Enrollment

Credit Status	Graduates' Grade Level Age upon Enrollment			
	9 th grade	10 th grade	11 th grade	12 th grade
0 -2 Deficient	30	17	26	40
2 – 6 Deficient	0	2	2	2
> 6 Deficient	0	0	0	0

Of the students who graduated, 59% enrolled in the 11th or 12th grade, and 6% of them were two or more credits behind when they enrolled.

Another important consideration is the group of students enrolled in an institution of higher education but were not counted as graduates for NCA. In this cohort, seven students enrolled in 12th grade, were not counted as graduates from NCA, but have enrolled in college. Additionally, eight students enrolled as seniors who were expected to graduate on-time with their class but did not graduate. The story behind each of the students warrants further analysis. The overall graduation rate improvement plan also focuses on maintaining the progress of our students who enroll in the school and should graduate on-time with their class.

B.2 Concentration of Credit Deficient Students

It is also interesting to view the data for the concentration of students in the graduation cohort that arrived at NCA credit deficient. In Figure 3, Credit Deficient is defined as having fewer credits than expected at the time of enrollment. For example, a student enrolling at the beginning of 10th grade would be expected to have earned 5.0 credits during the student's freshman year. If a student enrolled with less than 5.0 credits, the student would be considered credit deficient. Figure 3 provides this information about students enrolling as 10th-12th graders at NCA.

Figure 3. Percentage of Students Enrolling Credit Deficient

Grade Upon Enrollment	# of Students in Cohort	# Credit Deficient	NCA % Credit Deficient
10 th grade	51	28	54.9%
11 th grade	92	58	63.0%
12 th grade	130	79	60.8%

Clearly, the percentage of credit deficient students enrolling at NCA is significant. This includes 60% of the students enrolling as 12th graders when NCA only has one year or less to catch the student up for on-time graduation. NCA is fulfilling a unique niche in serving students who are struggling.

B.3 Where Did the Non-Graduates Go?

When hearing the term “non-graduate” it is easy to assume that these students are no longer in school. However, that isn’t the case for many of the non-graduates included in the NCLB calculation of the NCA 2015 cohort. Of the 215 students in the 2015 cohort who are included in the calculation as “non-graduates”, 146 of them either enrolled for a 5th year of high school or continued their education after withdrawing from high school:

- 63 transferred to an adult education program (and, therefore, would have been excluded from the State’s calculation of drop-outs for annual accountability reporting but are still considered non-graduates)
- 59 re-enrolled for a 5th year at NCA. Based on current achievement, it is likely that between 20 and 25 will graduate by July of 2016, in addition to the 8 already who have graduated.
- 24 transferred to a GED program (and, therefore, would have been excluded from the State’s calculation of drop-outs for annual accountability reporting but are still considered non-graduates)

Unfortunately these students while still enrolled in school are counted as non-graduates according to the NCLB four-year cohort calculation currently being considered by the Authority. Appendix D provides policy recommendations to address this issue, and NCA is seeking further evaluation of this calculation in light of Nevada statutory requirements for annual accountability reports to exclude some of these students from the drop-out rate. If a student is not considered in the drop-out rate calculation, they should not be considered a non-graduate in the four-year cohort calculation. **NCA estimates that if the students who entered a GED program and transferred to an adult education program were not counted as drop-outs in NCA’s 2015 four-year cohort graduation rate, that rate would be 48.18%.**

If students who enrolled for a 5th year, go into Adult Ed, or entered a GED program are removed from the cohort, then the graduation rate for NCA would be 63.3% for 2015.

B.4 Lessons from the Data

Although NCA is not officially designated as a credit recovery/alternative school, many students enroll in the school after falling behind in credits during their prior schooling. Discussions of NCA's graduation rate and NCA's performance should consider that NCA is not responsible for the student's experience prior to enrolling in NCA and that NCA often times helps students who have struggled in other schools re-engage and find a path to graduation. NCA has shown that it helps some students recover credits (10.1% of the students who graduated in 2015 were credit deficient when they enrolled), but the school continues to diligently strive to improve its efforts and bring more urgency in the task of credit recovery for credit deficient students, while continuing to provide a rigorous academic program.

Conversely, for those students who enroll in their 11th or 12th grade and are severely behind in credits, it is simply not realistic to expect that many of them will catch up by the end of their 12th grade year. In the 2015 cohort, 54 students entered in the 11th or 12th grade more than six credits behind. NCA welcomes these students even though it is highly unlikely they will graduate on cohort. NCA's job is not done with these students after their cohort graduates; it works hard to encourage them to continue their schooling. NCA's success with these students is not reflected in the four-year cohort calculation of the graduation rate under NCLB but clearly it is in the student's, the State's and the school's best interest to continuing enrolling and effectively serving these students.

Short of turning away these students (which NCA has no desire to do, and is not statutorily allowed) serving these students in the 2015 cohort created a **16 percentage point handicap for NCA**. That is, regardless of how effective NCA is with every other student including these students who enrolled two to six credits behind, the school's graduation rate for those students will still be reduced by **16 percentage points**.

In the 2015 cohort, more than two-thirds of NCA's non-graduating students continued to pursue an educational certificate of some kind. The state should consider monitoring these students' progress through robust data systems to see how many completed their certificate, whether it is a GED, diploma, or an adult education certificate, because such certificates are important demonstrations of college and career readiness. This is consistent with existing State law which excludes students who continue on to adult education or receive a GED from calculation of the drop-out rate for the State's annual accountability reporting requirements. Given the State's recognition that these students should not be considered dropouts, the State data systems may want to consider adjusting accounting for these stories as success versus failure to graduate. **As stated earlier, the graduation rate for NCA would be 63.3% for 2015 which exceeds the threshold of the State Public Charter Authority if students who enrolled in a 5th year, go into Adult Ed or entered a GED program are removed from the cohort.**

Appendix C

NCA's Anticipated Four-Year Adjusted Graduation Rate (2016)

NCA is actively monitoring the progress of the students who are anticipated to be part of the federal four-year adjust cohort for the class of 2016. Students from the anticipated cohort have been placed in one of five categories:

- **Group 1:** Those students that are currently enrolled at NCA and on-track for an on-time graduation.
- **Group 2:** Those students that are currently enrolled at NCA and with additional support and completion of credit recovery courses are anticipated to graduate either at the end of the school year or after a summer term and counted as an on-time graduate.
- **Group 3:** Those students that are currently enrolled at NCA but are not anticipated to graduate on-time. Students are typically placed in this category because they are significantly credit deficient. However, there are other possibilities such as a student that enrolled as a second-semester Senior that while on-track credit-wise, still is unable to graduate on-time because accreditation standards require a student to earn at least five credits from NCA.
- **Early Graduates:** Students that have already graduated from NCA, either after three years of high school or after the first semester of their Senior year.
- **Withdrawn Students:** Students that have withdrawn from NCA and have not yet been verified to have transferred to another school or meet other criteria that would remove these students from the cohort.

C.1 Detailed Look at the Anticipated 2016 Graduation Cohort

When analyzing the data about the anticipated 2016 graduation cohort, there are many similarities to the 2015 graduation cohort. The anticipated cohort size is larger (518 compared to 334), but the percentage of students that were two or more credits behind at the time of enrollment is very similar (43.1% compared to 42.8%) and the percentage of students that were more than six credits behind at the time of enrollment is slightly larger (20.3% compared to 16.8%).

Figure 1 shows a breakdown of the anticipated graduates and non-graduates as far as credit status upon initial enrollment, based on the grade level at the time of enrollment.

Figure 1. Anticipated Non-Graduates Credit Status by Grade Level Upon Enrollment

Credit Status	Anticipated Non-Graduates' Grade Level upon Enrollment			
	9 th grade	10 th grade	11 th grade	12 th grade
0 – 2 Deficient	27	20	27	19
2 – 6 Deficient	6	23	43	37
> 6 Deficient	0	0	65	40

Similar to the 2015 graduation cohort, where 70.7% of the non-graduates enrolled in the last two years of high school, 75.2% of the anticipated 2016 non-graduates enrolled in the last two years, as well, thus providing a shorter period for NCA to catch them up to graduate. Of these students, 80% were two or more credits behind when they enrolled (compared to 75% for the 2015 non-graduates). This is a significant increase in the percentage of students who are two or more credits behind and creates questions about why this is the case. Are more students not meeting Nevada’s standards and are looking for additional options? Are students being referred to NCA because of its open enrollment policy?

Of the students who are anticipated to graduate on time for the 2016 cohort, the data is also similar to the graduates from the 2015 cohort which again shows a stark difference from the anticipated non-graduates. Slightly over one-third of these students enrolled in 9th or 10th grade, and just 5% of the students arriving in the last two years were two or more credits deficient when they enrolled (2015 comparison is 41% enrolled in 9th or 10th grade and 6% of the students that enrolled in the last two years were two or more credits deficient upon enrollment.)

Figure 2. Anticipated Graduates Grade level Age Upon Enrollment

Credit Status	Anticipated Graduates' Grade Level Age upon Enrollment			
	9 th grade	10 th grade	11 th grade	12 th grade
0 -2 Deficient	34	37	62	69
2 – 6 Deficient	0	2	5	2
> 6 Deficient	0	0	0	0

C.2 Additional Information Regarding Withdrawn Students

The students who have already withdrawn make up the largest segment (44.6%) of the projected 2016 cohort. Of the 231 students in this category, 141 (61%) of them withdrew prior to the current school year. Thus one of the largest impacts on the eventual final graduation rate had already been determined prior to when the efforts began in 2015-16 to improve graduation rate. However, increased data reporting efforts instituted during the 2015-16 school year will have long term positive effects in ensuring that increasing immediate efforts are made to identify where students transferred.

It is possible that some of these withdrawn students will be documented as having transferred to another school and thus removed from the final cohort. However, the majority of these students appear to have transferred either to an adult education program (39.4% of the current withdrawals) or a GED program (13.4% of the current withdrawals). Thus the fate of 122 students as “non-graduates” appears to already be determined according to the cohort graduation rate calculation even though these students are persisting in school and receiving other academic credentials that better meet their needs. Under current Nevada law, these students must not be counted as drop-outs for purposes of annual accountability reporting and, therefore, should not be included in the calculation of the graduation rate for the school relative to the Authority’s consideration of potential closure under SB 509. See NRS 385.347.

C.3 Improvements Made This Year

There are positive signs that the school is on the right track:

- The projected graduation rate reflects a significant increase over the prior year.
- The percentage of anticipated graduates that entered behind in credits is 14.2% of the graduates compared to 10.1% for the 2015 graduates. This is an indication that NCA is doing a better job at helping students that enter credit deficient to graduate on-time.
- When comparing the 2016 anticipated cohort with the 2015 cohort, the percentage of students who enrolled two or more credits behind and the percentage that enrolled six or more credits behind were significantly higher in 2016. Despite having a slightly more challenging population of students this year, the projected graduation rate shows an increase, an indication that the steps taken to improve the graduation rate are showing results.

The initial indications are that the school is headed in the correct direction. With the additional actions outlined in this plan, we are confident that the improvement in graduation rate will accelerate.

Appendix D

Policy Considerations – Application of Existing Law and Potential Regulatory Changes

The federal four-year adjusted cohort graduation rate was created to provide a consistent way for the graduation rate to be calculated across all schools and states. A cohort includes the students that start in the school in 9th grade, plus all that transfer into the school in later years, minus the students who leave for another school (unless confirming documentation of where the students went is unavailable, in which case the students remain in the cohort under the current method of calculation as discussed in Appendix C). After four years, the number of graduating students from the cohort is divided by the total number remaining in the cohort to get the four-year adjusted cohort graduation rate.

In practice, consistency has not been achieved, due to differences among states in the way they gather, code, and validate the data provided by schools. But more importantly, the cohort graduation rate calculation was designed with traditional schools in mind – schools with low mobility and a fairly consistent student population. This way of calculating the graduation cohort is not a very accurate measure of the performance of a school that has a high percentage of students who were credit deficient when they enrolled in the school or of a school with high student mobility.

To understand why this is so, consider the following example:

Imagine a school in which half the students enrolled as 11th graders and were severely credit deficient when they enrolled. Assume that from the date they enrolled, every single student in the school accumulated credits at a normal on-track pace of three to four credits per semester. Would anyone say this school is a failure? Of course not – every student in the school is accumulating credits on pace.

But its four-year cohort graduation rate could not be higher than 50%.

For most high schools, a significant majority of students remain enrolled during all four years, and so the four-year cohort graduation rate is a more accurate measure of these schools' performance.

But for high schools that are characterized by high mobility rates and a high percentage of students who are deficient in credits when they enroll, the four-year cohort graduation rate is heavily reflective of these students' prior high school experience where they became credit deficient, and not reflective of the performance of the school into which they transferred.

This is true for any school that has a high percentage of incoming students who are credit deficient – whether it is a virtual school, a brick-and-mortar charter school, an alternative school, or a traditional district school. For these schools, further analysis beyond the four-year cohort graduation rate, such as the actual credit accumulation rate of the students, is necessary to reveal how the school has performed.

This is the reason why alternative high schools are typically measured by different criteria. They have high percentage of credit deficient enrollees by design.

D.1 Transiency Rate and Impact on Learning

According to the Nevada Department of Education, transiency is defined as “the percentage of students who do not finish the school year at the same school they started.”¹ Figure 1 represents transiency rates for the state, Clark County, Washoe, the State Charter Authority, and Nevada Connections Academy (NCA) from the Nevada Department of Education.

Figure 1. Transiency Rates

District/School ²	Transiency Rate
State	26.5%
Clark County	28.8%
Nevada Connections Academy (NCA)	43.3%
State Public Charter School Authority	22.6%
Washoe County	22.0%

Virtual schools have a high mobility rate due to the various factors that lead students to choose to enroll in a virtual school. As is illustrated in Figure 1, NCA has a significantly higher mobility rate than the state average as well as the average of the State Public Charter School Authority – over 20 percentage points higher.

Many students choose NCA to solve a problem for a particular period of time such as bullying, medical issues, family situation, pregnancy, or other crisis situation.³ According to a report by Nevada Kids Count Children on the Move (2005)⁴, transiency has an adverse effect on student learning and “student mobility decreased the chance of students completing high school.” They also reported that “students’ school performance declined when they moved during the later years of high school” and that “educators believe it takes children four to six months to adjust academically after a school change” (NAEHY, 2002).

Arizona recognizes the effect of transiency on student learning and created a policy that values a “persistence” factor in calculating school performance for alternative and virtual schools. An academically persistent student is “any student who is eligible to re-enroll at the end of the previous fiscal year and re-enrolls in any Arizona public school by October 1 of the current fiscal year. Students in grades 6 through 12 are included in the persistence rate calculation.”⁵ If students “persist” in learning, then schools receive points for student persistence in school. The Persistence Rate is equal to the

¹ <http://www.nevadareportcard.com/DI/Help/Glossary#PT>

² <http://nevadareportcard.com/PDF/2015/00.E.pdf>

³ http://kidscount.unlv.edu/newsletters/Feb_2016KCNewsletter.pdf

⁴ <http://kidscount.unlv.edu/newsletters/childrenonthemove.pdf>

⁵ <http://www.azed.gov/accountability/files/2014/11/grad-do-persistence-rate-tech-manual-nov26.pdf>

number of students who re-enroll in the current year divided by the number of students eligible to re-enroll based on prior year. Nevada may want to consider a similar policy for recognizing that students who persist in their educational endeavors are important for the economic and long term future of Nevada.

NCA is committed to helping all students when they enter the school and to providing additional support and interventions when necessary. It is important to identify the issues facing enrolling students and examine the data. We know that many students enroll in NCA because of a temporary crisis or a family issue for which virtual schooling is the only solution, and when the situation is resolved, they return to their traditional school and graduate. The success that these students achieve during their time at NCA is not reflected in NCA's graduation rate calculation. In addition, many students in NCA enroll credit deficient especially in 11th and 12th grade. Therefore, the four-year cohort model is not an accurate measure of school performance.

Mobility is a challenge for state data systems to accurately track student enrollment. Accurate data reporting is the foundation by which metrics like graduation rate are built and it is imperative that state reporting systems accurately identify and report this population of students. Nevada may want to consider ensuring more robust state reporting mechanisms and resources that not only track transiency but assist schools in locating and properly reporting this highly mobile and transient population.

D.2 ESSA Changes to Four-Year Cohort Calculation

The Every Student Succeeds Act (ESSA) signed into law this past December changed how the four-year adjusted cohort graduation rate is calculated. A withdrawn student must have been enrolled "at least a half year" in the school (states are free to make this minimum attendance period longer) in order to be counted in the school's four-year cohort. Students who withdraw from a school prior to meeting the minimum attendance period are assigned either to the cohort of the school where the student spent the majority of grades 9-12 or to that of the previous school attended.

This solved the common problem of students dropping out after spending only a short time at a school and being counted in that school's cohort. ESSA recognizes transiency as an important factor in attributing a student's cohort graduation statistic to the appropriate school.

Under the new ESSA calculation, NCA's four-year cohort graduation rate will improve because many students enroll for short periods of time. As mentioned, states can define the minimum attendance period for inclusion in a schools cohort to be longer than half a year.

If this provision had been in place for the NCA 2015 graduation cohort, the effect on NCA's measured four-year cohort grad rate at different minimum attendance period levels is as follows:

- **If minimum enrollment period was set to the lowest allowed, which is 50% of a year: 63 non-graduates would be removed from NCA's cohort and the graduation rate would increase 8 percentage points.**
- **If minimum enrollment period was set to 75% of a year: 86 non-graduates would be removed from NCA's cohort and the graduation rate would increase 12 percentage points.**

This illustrates how volatile a measurement like four-year cohort graduation rate is dependent on simple definitions and calculation methods.

D.3 Pupil Accounting Policies

Under No Child Left Behind, states had some flexibility defining how pupils were to be accounted for in state accountability systems. Some states used this flexibility to lessen any disincentive to serve at-risk students. Under ESSA, states have even more flexibility to ensure schools are held accountable for student success while at the same time not penalizing those who serve challenging or at-risk populations.

North Carolina has for many years had a program for students with disabilities that led to a standard high school diploma. Nevada should consider adding such a pathway so these students will have every opportunity to gain the knowledge and skills necessary to be self-sustaining adults in their communities and earn a diploma which counts as a graduate for the cohort rate calculation.

In Nevada, the adult education program has three options, only one of which can be considered as a diploma. For purposes of calculating the four-year cohort graduation rate, students are automatically coded as dropouts when in fact all of them may not be, as they might have received a diploma. Nevada should consider a more accurate reporting method to properly account for these graduates. Nevada has an opportunity both to strengthen its adult education program to increase the percentage of students earning a diploma, and adjust the calculation to limit the number of students counted as dropouts and properly record students who earn a diploma.

D.4 Full Academic Year Definition

Each state has the ability to define a full academic year (FAY) student for purposes of state accountability. Recent trends, possibly due to the expansion of educator evaluation systems that incorporate student performance measures, have included expanding the definition of FAY out of sense of fairness to education professionals and schools. This year Georgia passed legislation requiring a student to be enrolled 90% of the school year to be used in educator evaluations, which may become the standard for school accountability in that state under new provisions of ESSA. Vermont also uses a very simple definition: students must be continuously enrolled from the first day of school until the last day of the school year. Closer to Nevada, Utah established a standard of 160 days of continuous enrollment; Indiana uses 162 days that represents 90% of the school year. As Nevada considers its new flexibility under ESSA, it should revisit the definition of a FAY student to ensure fairness in the system and remove some of the effects of transient students in a fast-growing state and ensure the proper schools are held accountable for a particular student’s performance. The following represents a sample of policies in other states that define FAY in a way that properly allocates performance with the school who served the student for the majority of the school year.

Figure 2.State Definitions of FAY

State	Statutory Language
Georgia	Continuous enrollment from the fall FTE count through the spring testing window.
Vermont	Continuously enrolled from the first day of school to the last.
Utah	Continuous enrollment for no less than 160
Indiana	October 1, for 162 days

D.5 Alternative School or Virtual School Classification

As the state considers policies for accountability, Nevada may also want to increase its efforts to develop a separate accountability system for alternative schools and/or virtual schools. Arizona, for example, created a separate virtual school accountability system in 2015 and also has an alternative school accountability system.

According to the National Association of Charter School Authorizers (NACSA), states should include “clear, measurable performance standards to judge the effectiveness of alternative schools, if applicable—requiring and appropriately weighting rigorous mission-specific performance measures and metrics that credibly demonstrate each school’s success in fulfilling its mission and serving its special population.” Alternative and virtual schools want to be held accountable for their performance but on metrics that recognize where students come from and their growth over time enrolled in the school.

Just like district schools establish alternative schools within a district, charter schools and authorizers may want to consider allowing charter schools that serve highly mobile and credit deficient students to establish an alternative school within, or separate from, an existing charter where students who meet identifiable criteria are placed. The 2015 Nevada Legislature adopted an alternative performance framework for schools that meet a minimum 75% student population requirement for serving at-risk students. NCA does not qualify for this alternative framework, in part, because it is not just a high school but a K-12 school. The intent of SB 509 in providing the Authority discretion in the “may” provision for closure was to ensure that this discretion was reasonably exercised and that compelling evidence, such as that discussed herein, would be considered relative to the graduation rate considered for a school’s performance. This allows a concerted effort and focus on a specific subset of a population, creates accountability metrics that accurately and fairly measure student performance, and creates a program targeted to student needs.

D.6 Multiple Accountability Measures

Graduation rate is one metric among many metrics that determine a success of a school. State proficiency, student growth, and college and career readiness are some measures that states are using to determine school performance. ESSA allows for additional flexibility in determining school quality such as a qualitative measures including parent satisfaction. Policies should consider multiple measures of student performance when considering quality of schools.

According to the Association Supervision Curriculum and Development (ASCD) “any comprehensive determination of student proficiency, educator effectiveness, or school quality must be based on more than just standardized test scores and should use a variety of measures appropriate to the individual or entity being measured.”⁶

⁶ <http://www.ascd.org/ASCD/pdf/siteASCD/publications/policypoints/Multiple-Measures-of-Accountability.pdf>

Nevada is currently in a transition period and has stated that multiple measures will be considered in a new accountability system including growth, science proficiency and other measures of student achievement. A circular from the Nevada Department of Education stated “A new school rating system is being developed and is expected to be in place after the 2016-2017 school year. Academic growth is an important factor when determining school ratings. Based on input from Nevada Stakeholders, growth will remain a measure in the next rating system. Other measures of student achievement from the current rating system are under review. Needed and exciting improvements are to come for Nevada’s school ratings and will include the addition of measuring science proficiency.”⁷

One recommendation presented to the Legislative Education Committee in April 2016 by an alternative school principal proposed that Nevada’s Graduation metric include two measures of accountability so schools could be compared. One measure would be the federal cohort calculation and the other would be a four year continuously enrolled measure that would capture the graduation rate of students who are enrolled in a school for all four years. **For example, 79% of the students graduate at NCA who entered in 9th grade and stayed all four years in the 2013 and 2014 graduation cohorts.** Since mobility and transiency are significantly above the state average for NCA, this is a more accurate measure that demonstrates the effectiveness of NCA. Nevada could consider a policy that reports both measurements. Consideration of this is critical and essential under any proceedings, considering the potential for closure under SB 509 and the exercise of discretion based solely on the school’s graduation rate. Additionally, the Authority held a regulation workshop in December 2015 and discussed drafting regulations to implement SB 509 relative to, among other things, closure proceedings and reconstitution. This regulation workshop should be completed to ensure the Authority has clear procedures and standards adopted in accordance with the Nevada Administrative Procedures Act, NRS Chapter 233B, and that all schools understood those procedures. In proper regulatory workshops and hearings, issues such as those raised herein could be considered.

Charter-authorizing best practices also value multiple measures in evaluating charter school performance. According to NACSA, “A quality authorizer designs and implements a transparent and rigorous process that uses comprehensive academic, financial, and operational performance data to make merit-based renewal decisions.”⁸ NACSA defines the academic data, which should include: “state-mandated and other standardized assessments, student academic growth measures, internal assessments, qualitative reviews, and performance comparisons with other public schools in the district and state.” Ranking schools in the state based solely on the four-year cohort graduation rate, calculated under NCLB with no accounting for transient rates or mobility, penalizes schools such as NCA for a student’s experience in the system for years prior to entering. It can be viewed as an unreliable metric and should not be used as the sole reason to suggest that NCA should be considered for closure, despite all of its success in student growth rates and re-engagement of students who otherwise would dropout and never graduate. Multiple measurements should be considered to fully evaluate quality of a charter school which is a key best practice in charter school authorizing.

⁷ <http://nspf.doe.nv.gov/Content/PDF/six%20things.pdf>

⁸ <http://www.qualitycharters.org/for-authorizers/principles-and-standards/>

EXHIBIT 5

EXHIBIT 5



Every Student Succeeds Academy

2016-2017 Student Contract

Student Name: _____ Date: _____

Learning Coach(es): _____

At Nevada Connections Academy, we believe that every student has the ability to achieve success in school. To help students who are credit deficient, we have developed the Every Student Succeeds Academy (ES2 Academy) which provides support to help students recover credit and increase their chances of graduating on time. Based on your academic record, you have been placed into this program to help you succeed. Your Success Coach, teachers, administration, and learning coach(es), will regularly monitor your progress to ensure your success here at Nevada Connections Academy. As a student, you are expected to adhere to the terms of the contract which is explained in detail below. Please note that your adherence is REQUIRED and failure to do so may result in your removal from any and all of NCA's academic programs. Also, please note that all requirements in NCA's Student Handbook still apply.

In order for a student to be successful in the ES2 Academy, the following expectations **must be met each week**:

1. Lesson Completion:

Student must complete all of their daily lessons in their planner each week. Lack of lesson completion is equivalent to truancy in the online environment.

- Students who fall behind will be contacted and goals set to get back on track.
- Repeated truancy may be grounds for referral to the administration.

2. Live Lesson Attendance:

Student must attend a minimum of TWO core class LiveLessons per week.

- If attending a LiveLesson synchronously is not possible, student must **obtain prior approval** from his/her success coach, **watch the LiveLesson recording**, then **send a webmail message including a lesson summary** to the Success Coach.

Student must attend bi-weekly check in meetings on Mondays with Success Coach.

- These are short meetings designed to help students develop skills for their personal and academic success.
- The schedule for bi-weekly check ins will be webmailed to students and caretakers as well as placed as ongoing appointments on student planners.

3. Communication:

Student is required to complete a bi-weekly call with his/her success coach. Bi-weekly call schedules will be set up between students, caretakers, and their success coaches.

- Student will communicate with teachers by replying to all webmails and returning all phone calls within 24 hours.



-Student will webmail teachers or telephone when a question about coursework arises.

4. School Honor Code:

Student will abide by the school honor code on all assignments.

-Student will not use other work from the Internet, a friend, a family member, or any other outside source and present it as his/her own.

-Student will contact teachers if questions about tests, essays, or other school assignments arise rather than looking to the Internet for answers.

5. Set Schedule:

Students are required to submit a schedule indicating hours they will be working on lessons (minimum of 6 hours per day as per state requirements for attendance).

-These schedules should overlap at least part of their day with teacher availability.

-The Success Coach will keep all schedules and any changes must be submitted to Success Coach in writing. (Students may opt to post their schedule as blocks of time on the planner.)

6. Caretaker Requirements:

The caretaker/learning coach will ensure that the following items are completed a minimum of once per week:

-Mark student attendance (28 hours minimum required per week)

-Check student gradebook and progress

-Discuss overdue lessons that appear on the Learning Coach home page with student

-Return contacts from school staff within 24 hours

Nevada Connections Academy teachers are committed to creating a learning environment in which a student can succeed; however, it is up to the student to commit to this learning environment with a sense of ownership and responsibility in order to achieve success.

Failure to abide by this contract may result in removal from the Every Student Succeeds Academy, referral to administration, and/or potential withdrawal from the school.

This contract is sent by the Success Coach Advisor to both the student and learning coach(es). The read receipt, received by the Success Coach upon the opening of the webmail in which this contract was sent, acts as an electronic signature that all parties agree to the contents of this contract unless otherwise noted with written documentation from the learning coach.

EXHIBIT 6

EXHIBIT 6



**Agreement between
Nevada Connections Academy for Consulting Services**

This Agreement ("Agreement") is entered into on September 28, 2016 ("Effective Date") between Advance Education, Inc. ("AdvancED®"), a 501(c)(3) non-profit organization incorporated under the laws of the state of Georgia, United States of America and Nevada Connections Academy an education provider ("Education Provider") (hereinafter referred to individually as "Party" and collectively as "Parties").

NOW THEREFORE, FOR AND IN CONSIDERATION of the mutual promises, covenants and agreements contained herein, the Parties agree as follows:

1. Scope of Work. AdvancED shall provide services ("Services") as described in the Statement of Services ("Statement of Services" or "SOS") which is attached hereto and incorporated by reference herein as Exhibit "A."
2. Changes to Statement of Services. If either Party wants to make changes to the Statement of Services, the Parties must agree on the terms for such changes through the completion and the signing of a Change Request Form ("Change Request Form") to be provided by AdvancED. Any change may impact terms for the Services, such as extend the time for the Services to be delivered and/or result in higher costs. If the changes are significant, as determined by AdvancED, AdvancED may require the Parties to enter into a written amendment to the affected SOS or a separate and new SOS in addition to the signed Change Request Form. No work on the changes to the Services shall commence until the signed Change Request Form and any amendment or new SOS required by AdvancED has been signed by both Parties.
3. Obligations of Education Provider. AdvancED's completion of some or all of the Services is subject to Education Provider providing certain content, data, specifications and/or other items as identified by AdvancED. The timeline and AdvancED's allocation of its resources assume that the Education Provider will provide, at or before the time that it is needed, anything required for AdvancED to perform the Services. The timing for the delivery of Services also assumes that none of the applicable specifications or requirements will change and that information provided by Education Provider is accurate. Education Provider acknowledges that any change in data or specifications may result in delays that may jeopardize the meeting of deadlines. AdvancED will not be in breach of the Agreement due to any deadlines missed due to changes in data or specifications requested by Education Provider.
4. License; Intellectual Property Rights
 - a. AdvancED hereby grants a non-exclusive and non-transferable, limited license for the use of the AdvancED Standards for Quality Schools and Systems ("Standards") and any other

improvement tools, materials, and products deemed necessary by AdvancED to accomplish the goals and meet the requirements of this Agreement which may include the Adaptive System of School Improvement Support Tools® (“ASSIST®”) and eProve™ (collectively, “AdvancED Products”) to Education Provider. The license for AdvancED Products shall be used solely for the purposes of this Agreement and in collaboration with AdvancED to provide the Services. Said license shall expire upon the termination or expiration of this Agreement whichever is earlier. Notwithstanding the foregoing, if Education Provider is accredited by AdvancED, its license to use AdvancED Products shall continue as long it remains accredited by AdvancED and any and all fees or charges owed to AdvancED are fully paid.

- b. Except as set forth in Section 4(c), neither Party to the Agreement will have any claim to the ownership of any intellectual property rights that belong to the other Party at the date of the execution of the Agreement or that the other party creates or develops pursuant to the Agreement, and nothing in the Agreement will transfer or assign, or obligate a Party to transfer or assign, any intellectual property right now or in the future to any other party to the Agreement or third party.
 - c. All intangible property, inventions, improvements, discoveries, trade secrets, know how, copyrightable work, and any other intellectual property, including any patent, copyright registration, or application therefor, that may be created or developed pursuant to the Agreement, whether or not patentable or copyrightable, which relate to any AdvancED Products, services, systems, tools, or proprietary information or processes, shall be and remain the sole property of AdvancED and no rights in such intellectual property shall be conferred to or upon or be granted or otherwise vested in any other party, and Parties further agree to execute any and all documents or to take any additional actions that may be necessary in the future to fully effectuate this provision. AdvancED shall retain any and all property rights to any and all equipment, supplies, files, accreditation materials and intellectual property produced, supplied or paid for by AdvancED. Any modification or enhancements to AdvancED Products necessary to meet the requirements of this Agreement are and shall remain the property of AdvancED.
5. Term. This Agreement shall commence on the Effective Date and shall continue until June 30, 2017 (“Term”) unless renewed in writing by both Parties. The Agreement may be terminated (a) without cause by either Party with a minimum of thirty (30) calendar days written notice or terminated; (b) with cause upon ten (10) calendar days’ written notice by either Party due to the breach of any of the terms and conditions of this Agreement by the other Party; or (c) until it is terminated by mutual agreement of the parties. Notwithstanding the foregoing, each Party agrees to provide the other with ten (10) business days to cure any cause prior to termination of the Agreement for cause. In all circumstances, AdvancED shall be paid for all Services and work performed up to the date of termination including all expenses incurred.
6. Payment. Education Provider shall pay AdvancED a fee of Nine Thousand Five Hundred Dollars (\$9,500) (“Fee”) for Services. AdvancED shall invoice Education Provider according to the below schedule for Services provided through the date of such invoice. Education Provider shall pay any and all costs of collection, including court costs and reasonable attorney’s fees if AdvancED places Education Provider’s payment obligations for collection. Any amount not paid when due may be subject to interest at the rate of one and one half percent (1.5%) per month or the maximum rate permitted by law, whichever is less, determined and compounded on a daily basis from the date due until the date paid.

Amount Due	Due Date
\$4,750	Full execution of Agreement
\$4,750	June 30, 2017

Payments shall be due and payable within thirty (30) days' receipt of an invoice. Invoices shall be sent to:

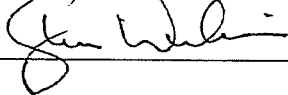
Amy Taylor
aataylor@nca.connectionsacademy.org
 775-826-4200

7. Expenses. Fee includes travel related expenses, including without limitation, any airfare, lodging, meals, etc. Notwithstanding the foregoing, in the event that there are unanticipated expenses, Education Provider shall reimburse AdvancED for expenses that have been approved in writing in advance by Education Provider. AdvancED shall submit receipts for all such approved expenses. Payment for expenses shall be due and payable within thirty (30) days' receipt of an invoice.
8. Confidentiality Requirements. Each Party shall treat all information obtained by it from the other Party through its performance under the Agreement as confidential information, and shall not use any information so obtained in any manner except as necessary for the proper discharge of its obligations hereunder. Parties agree to be bound by the Confidentiality and Non-Disclosure Agreement ("Confidentiality Agreement") entered into between the Parties contemporaneously with the execution of this Agreement. A copy of the Confidentiality Agreement is attached hereto and made a part herewith as Exhibit "B."
9. Entire Agreement. This Agreement entered into between the Parties constitutes the entire understanding between the Parties concerning the subject matter hereof and supersedes and merges all prior and contemporaneous agreements, oral or written, with respect thereto. This Agreement may not be changed, modified or altered, nor any of its provisions waived, except by an agreement in writing signed by both Parties hereto.
10. Relationship of Parties. Each Party acknowledges that it has no authority to bind or commit the other Party to any further contractual liability except as may be otherwise agreed in writing. The Parties further agree that there is no intention to form or for the Parties' relationship to be construed as a partnership or joint venture under the laws of any jurisdiction.
11. Applicable Law. This Agreement shall be governed by, interpreted, and construed in all respects in accordance with the laws of the state of Georgia. Any dispute arising under this Agreement shall be submitted to binding arbitration in accordance with the rules and procedures of the American Arbitration Association.
12. Force Majeure. Neither Party to this Agreement shall be responsible for delays or failures in performance resulting from acts beyond the control of such Party. Such acts shall include but not be limited to acts of God, strikes, riots, lock-outs, acts of war, epidemics, fire, earthquakes, or other disasters.

Signatures on Next Page

IN WITNESS WHEREOF, the Parties hereto have agreed by their authorized officers as of the day and year indicated by signing below.

Nevada Connections Academy

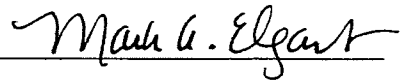
By: 

Printed Name: Steven Werlein

Title: School Leader

Date: Sept. 27, 2016

Advance Education, Inc.

By: 

Printed Name: Mark A. Elgart, Ed.D.

Title: President/CEO

Date: 9/28/16

Exhibit A

Statement of Services

AdvancED – Nevada Connections Academy

Executive Summary

Nevada Connections Academy (NCA) is seeking external validation of its data in order to more holistically understand the impact NCA has on graduation. AdvancED will implement an independent Data Validation Review to fulfill the requirements of the Graduation Rate Improvement Plan for NCA while simultaneously examining NCA's ability to provide quality education to all students enrolled in the Academy. AdvancED will conduct a comprehensive treatment of all the conceptual and technical considerations involved in the measurement of graduation rates; taking into consideration relative information regarding students' enrollment status, dropout experiences, and high school completion outcomes. It is AdvancED's understanding that NCA will require data validation for all data associated with both the 2015 graduation cohort and the 2016 graduation cohort.

An overview of AdvancED services, as well as a detailed description of deliverables is provided below.

AdvancED will provide the personnel and resources necessary to deliver the services as outlined below.

Overview

In comparison to the complexities involved in measuring student achievement, the challenges associated with counting the number of students who complete high school in a given institution may at first appear trivial. However, the struggle of calculating high school graduation rates with an acceptable degree of validity and reliability is not without its own challenges. Certain issues such as data sources, methods of calculations and who counts as a graduate may cause bias in reporting graduation rates.

For example, a single indicator capturing the percent of students who had received a high school diploma from any institution would arguably be too confining an instrument for measuring the performance and effectiveness of that institution. This would be particularly true of virtual academies where many students who enroll in these institutions are two to six semester-length courses behind, severely off cohort and where mobility rates are extremely high. Evaluation criteria of students who fall under these areas generally are not, and cannot be, established in advance. These types of institutions tend to have lower completion rates for a variety of other reasons related to actual educational conditions rather than methodological considerations. For these reasons, it has been suggested a data validation review taking into consideration indicators based on group-level data from student cohorts (rather than individuals) tracked over time may be more statistically sound.

Data Validation Review

Graduation rates are affected by a variety of interrelated data, and a comprehensive analysis of those data is an effective way to evaluate the different factors that may have contributed to an institution's low graduation rate. The purpose of this Data Validation Review (DVR) is to ensure the data used to measure the true graduation rate for Nevada Connections Academy is accurate and reliable. Confirming the accuracy of data is a critical part of the process necessary to validate the effectiveness of the overall institution.

The process of validation will include the review of obtained statistical data provided by NCA and the Nevada Department of Education and will provide clean and coherent allocation of actions and responsibilities to ensure the highest performance, while reducing the possibility of mistakes. The process will identify qualities that characterize good measures and describe the process of selecting and evaluating

appropriate measures that will result in data of the highest quality – data that provide useful, timely, accurate, and comparable information.

The DVR will consist of an in-depth comprehensive review of the policies, procedures, and documentation that support the compilation of the graduation rate measures. This will include, but is not limited to; a hands-on appraisal of every facet of the institution's learning environment, performance, and organizational effectiveness. Information will be gathered, synthesized, and shared in a manner that provides a clear picture of how the institution is performing, what students are learning, and the capacity of the institution to maintain the *AdvancED Standards for Quality Schools*.

AdvancED data validation review experts will examine the extent to which the institution's policies, practices, and conditions support continuous improvement in student performance and school-wide effectiveness. The analysis and evaluation will be based on multiple sources of data and information. Sources of information may include on-site visits, documents, questionnaires/surveys, existing databases and other relevant artifacts. All data will be verified and validated for completeness, correctness and conformance against specified methods, and procedural or contractual requirements. Data will be analyzed to determine what performance indicators may be necessary to identify trends over time that may have contributed to low graduation rates. This process will be a decisional procedure establishing the criteria for accepting, rejecting, or qualifying data. Also, to support the premise that the reported data used to develop plan performance measures are credible to other stakeholders, and that information used to respond to public inquiries are reliable.

The list below identifies key components that may be analyzed during this review.

1. For the time periods 2014 to 2015 and 2015 to 2016:
 - The institution's change in Grades 7-12 annual dropout rates;
 - The institution's change in total leavers (i.e., dropouts, graduates, and other leavers) in relation to Grades 7 – 12 attendance;
 - The institution's change in the numbers and rates of graduates in relation to total leavers;
 - The institution's change in numbers and rates of other leavers in relation to total leavers, and;
 - The institution's change in numbers and rates of dropouts in relation to total leavers.

The results of the comprehensive review process will be helpful in building capacity and sustainability within the institution. NCA can use the results to prioritize areas in need of improvement and establish goals, set measureable objectives, and identify strategies to address root causes of low graduation rates.

AdvancED Deliverables

1. Data Validation Review:

- Conduct a comprehensive review of policies, procedures, and documents provided by NCA and the Nevada Department of Education;
- Conduct transcript audits for 9th graders to determine on-track status for graduation;
- Conduct transcript audits for 12th graders to verify fulfillment of graduation requirements stated in the schools policies and procedures;
- Analyze the process used to measure fidelity of data gathering procedure
 - Provide actionable information for improving procedure,
 - Discuss the analysis with the institution's Administrator and Leadership Team;
- Conduct an analysis of graduate and non-graduate trends;
- Evaluate the process of monitoring the tracking efforts for withdrawn students;
- Evaluate the effectiveness of existing programs designed to deliver personalized learning for every student
 - Administer stakeholder surveys to determine level of satisfaction in programs implemented,
 - Review, and analyze stakeholder perception and student performance results; and
- Identify specific Improvement Priorities aligned within the *AdvancED Standards for Quality* and the Nevada State guidelines for determining graduation rate.

2. Complete written summative evaluation and present to Administrator and Leadership Team.

3. Provide Post-Review Consulting Services (as requested for additional cost.)

Itemized Budget

Service	Description	Cost	Qty	Total
Data Validation Review	Surveys	\$500.00		\$500.00
	Report Review/Edit	\$1,500.00	1	\$1,500.00
	AdvancED Data Review Team Member Travel	\$1,800.00	2	\$3,600.00
	AdvancED Process Coach Travel	\$1,400.00	1	\$1,400.00
Data Validation Review Subtotal				\$7,000.00
Additional Services	Consulting Services	\$0.00		\$0.00
Project Management		\$2,500.00		\$2,500.00
Additional Services Subtotal				\$2,500.00
TOTAL				\$9,500.00

Exhibit B
Confidentiality and Non-Disclosure Agreement

This Confidentiality and Non-Disclosure Agreement ("Agreement") is made as of August 31, 2016 between Advance Education, Inc. and/or any of its affiliated companies ("AdvancED[®]") and Nevada Connections Academy ("Education Provider") (hereinafter referred to collectively as "Parties"). In connection with the Education Provider (whether paid for or voluntary) using, employing, or receiving training in the use of the AdvancED ASSIST[®], AdvancED Accreditation and/or School Improvement Services, Diagnostics, Standards, and /or any other AdvancED owned proprietary materials or processes ("Approved Purpose"), AdvancED may be disclosing to Education Provider Confidential Information. As a condition of the release by AdvancED of Confidential Information, both Parties agree as follows with respect to said Confidential Information:

1. **CONFIDENTIAL INFORMATION.** As used herein, the term "Confidential Information" shall include any proprietary information or materials created by or on behalf of AdvancED, whether or not marked or otherwise designated as confidential, relating to the business (present or contemplated) and/or customers of AdvancED that Education Provider obtains from AdvancED in connection with the Approved Purpose, including the terms of this Agreement, any and all information concerning techniques, processes, formulas, trade secrets, innovations, inventions, discoveries, research or development and test results, specifications, data, formats, marketing plans and programs, business plans, computer systems and programming, strategies, forecasts, financial information, budgets, projections, customer and supplier identities, addresses or characteristics, agreements between AdvancED and third parties, and the nature and status of discussions or negotiations between Education Provider and AdvancED. Confidential Information shall not include information, if any, which was or becomes generally available to the public other than as a result of a disclosure by Education Provider or by other persons, including Education Provider's agents, to whom Education Provider has disclosed such information.
2. **RESTRICTIONS ON DISCLOSURE.** All Confidential Information shall be held by Education Provider in trust and confidence on behalf of AdvancED. Education Provider shall not disclose or permit access to nor shall Education Provider authorize or permit any other person or entity (collectively, "Person") to disclose or permit access to all or any part of the Confidential Information without the prior written consent of AdvancED. In addition, Education Provider shall use the Confidential Information only for the Approved Purpose, and not in any other manner or for any other reason, including any manner or reason that may be detrimental to AdvancED or any of its affiliated entities. Further, Education Provider shall take such action, legal or otherwise, to the extent necessary to ensure that only those persons who, pursuant to this Agreement, would be permitted access to the Confidential Information are able to obtain such access.
3. **EXEMPTIONS FROM RESTRICTIONS ON DISCLOSURE.** Education Provider may disclose the Confidential Information to comply with applicable law, administrative or court order; provided, however, that in each such instance Education Provider shall notify AdvancED prior to such disclosure and Education Provider shall use reasonable efforts to seek confidential treatment of the Confidential Information. Education Provider may also disclose the Confidential Information to Education Provider's agents on a "need to know" basis. Prior to any disclosure, Education Provider must obtain written approval for the disclosure and the agent must execute a copy of this agreement and agree to be bound by this Agreement's terms. Education Provider and said agent shall be responsible for any breach of this Agreement by agent.
4. **REMEDIES.** Education Provider acknowledges and agrees that the Confidential Information derives independent economic value from not being generally known to the public or to other Persons who can obtain economic value from the disclosure or use of the Confidential Information. Education Provider further acknowledges and agrees that any breach of this Agreement shall constitute a material breach of this Agreement that will cause irreparable injury to AdvancED, not readily measurable in money, and for which AdvancED, without waiving any other rights or remedies at law or in equity, shall be entitled to injunctive relief, if allowed in the jurisdiction.

5. CHOICE OF LAW. The Parties agree that any dispute in any way arising out of or relating to this Agreement will be resolved by arbitration before the American Arbitration Association pursuant to the organization's rules in the state of Georgia and pursuant to Georgia's law as the governing law. The Parties agree that any arbitration award will be enforceable in state or federal court. The prevailing Party in any arbitration proceeding will be entitled to an award of its reasonable costs and attorney fees.

6. MISCELLANEOUS. No assignment, amendment, alteration or modification of this Agreement shall be effective without the prior written consent of all Parties. Whenever examples are used in this Agreement they are intended to be illustrative only and shall not limit the generality of the examples. This Agreement shall continue in full force and effect for a period of five (5) years from the date hereof

IN WITNESS WHEREOF, the Parties hereto have agreed by their authorized officers as of the day and year indicated.

Nevada Connections Academy

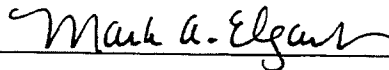
By: 

Printed Name: Steven Werlein

Title: School Leader

Date: 9-27-16

Advance Education, Inc.

By: 

Printed Name: Mark Elgart

Title: President/ CEO

Date: 9/28/16

EXHIBIT 7

EXHIBIT 7

asked why there was such a precipitous decrease between 10 and 11 grade. Ms. Dukek said there were a few factors that go into the drop. First, they just started offering 12 grade, and they also tend to see a higher percentage of middle schools students enrolling into their program, but then going back to the high school they were zoned for. Member Mackedon suggested segregating out students who had been continuously enrolled at the school in order to determine how the school is educating those children. The Authority continued their discussion on reasons for enrollment decrease from 10 to 11 grade.

Member Abelman said he was having reservations regarding the renewal of Nevada Connections Academy and asked Director Canavero if the school was serving a specific need. Director Canavero said it was the recommendation of the SPCSA staff to renew the charter and with that believed was serving an educational need. Member Abelman asked Nevada Connections Academy what their goals for graduation rates would be in the future. Ms. Dukek said it is the goal of the school to meet or exceed the average graduation rates for the state. Member Wahl also stressed the importance of inputting data correctly when reporting on different metrics in the school. Dr. Rohrer added that she believed the data would be cleaner in subsequent years and with that the graduation rate would improve.

Member McCord motioned for the approval for the term specified under statute with provisions that Nevada Connections Academy must create a clear plan for math proficiency improvements and high school graduation rates. Member Abelman seconded. The motion carried unanimously.

Agenda Item 13 - Charter Schools Association of Nevada Update

Jim LaBuda introduced himself to the Authority as the new director of the Charter School Association of Nevada. Mr. Labuda explained his vision for charter schools in Nevada and the reasons that attracted him to the state. He believes innovation is one of the best ways to improve education and that charter schools are a great way to implement these innovations. He also announced the dates and location for the 2013 Charter Schools Association of Nevada conference that is planned for late June in northern Nevada.

Agenda Item 9 – Presentation concerning the Authority’s proposed Performance Framework

Director Canavero began by giving background on the development of the frameworks for measuring outcomes at SPCSA-sponsored charter schools. He said there are three frameworks, Academic, Financial, and Organizational, and he believed the Organizational and Financial frameworks were ready for Authority approval now. He said the Academic Framework is more complicated and needs more input from parties. Director Canavero said these frameworks will be in addition to the Nevada School Performance framework and will do a better job monitoring and showing outcomes of the charter schools in Nevada. He said one of the things that had been disagreed upon with regard to the Academic Framework was the mission-specific goals being included in the Academic Framework’s measurement. Director Canavero said that he and SPCSA staff believed these goals should not be included in the Academic Framework.

Katherine Rohrer, Education Program Professional then detailed the Academic Framework and the differences between it and the Nevada School Performance Framework (NSPF). The NSPF does not include all the charter schools in its measurements because some of the schools are too small for data to be used. Dr. Rohrer said that these schools then would not receive a rating in the system and the SPCSA needs a framework that consistently measures charter schools performance across all spectrums. She then detailed the values used to shape the Academic Framework. Dr. Rohrer then explained the indicators and measures the Academic Framework would be using to monitor the schools.

Member McCord asked if requiring schools to use certain tests would be an infringement on their autonomy. Dr. Rohrer said that they had chosen the Explore ACT plan so there would be standardized data for measurement across all the schools. Director Canavero also added that it is not uncommon for a sponsor, when developing or implementing frameworks require schools to use certain tests as a condition of sponsorship. Chair Conaboy also added that during legislative hearings a constant balance that is debated is autonomy

EXHIBIT 8

EXHIBIT 8

Patrick Gavin:

I want to thank this body for your indulgence in this conversation. I appreciate the thoughtful questions and feedback. We think this is a really strong bill. I want to emphasize that Senate Bill 460 deals with the question of how to hold a school that is serving a large alternative population accountable. We have taken pains in working with sponsor of that bill, Senator Harris, Chair of the Senate Committee on Education, to ensure that these elements are aligned. To the degree that we did have a school that was serving an alternative population, they would not be subject to an arbitrary catch-22 situation. We do not want to do that; we want to make sure that we are making thoughtful and judicious decisions. To that end, we have also endeavored to make sure that anything above that "three strikes and you are out" level is discretionary on the part of the Authority or sponsor board so that we can take into account those kinds of nuances. I would submit, however, that in cases where a school has a 27 or a 37 percent graduation rate and is not classified as an alternative school, that is the kind of thing I think we would all agree is not acceptable and that we need to ensure that we are looking very carefully at why that is and if there is some kind of compelling explanation, certainly taking that into account, but also holding any school that is at that level accountable.

Chair Woodbury:

I will close the hearing on S.B. 509 (R2). Is there anyone here for public comment?

Peggy Lear Bowen, Private Citizen, Carson City, Nevada:

From yesterday's *Reno Gazette-Journal*, this is a letter to the editor that was titled "Tax drama over schools not warranted." It is from David Barrett of Reno.

What is all this hoopla about Nevada's education being among the worst in the nation? Not so, says the "Report Card on American Education, 19th Edition" published by the American Legislative Exchange Council, dated 2014. Have we all been misled? So what is all this drama about raising taxes because Nevada is supposedly among the worst in education in the nation? Nevada is ranked number 12.

In 2011, you all worked very hard to create a better situation than you had found. You gave all sorts of direction. Yesterday during testimony we heard that the Washoe County School District only has one school that is a one-star school left in its entire system. Let the corrections you have made come to fruition in their complexity. If you want to have public charter schools play a more definitive role, please keep them in terms of being embraced by the school districts that want to embrace them to give additional schools with

EXHIBIT 7

**Excerpt from Proposed Regulation
R089-016P**

EXHIBIT 7

**Excerpt from Proposed Regulation
R089-016P**

**PROPOSED REGULATION OF THE
STATE PUBLIC CHARTER SCHOOL AUTHORITY**

**LCB File No. R089-16 with Revisions Proposed by SPCSA
Staff**

~~September 28, 2016~~ November 1, 2016

EXPLANATION – Matter in *italics* is new; matter in brackets [~~omitted material~~] is material to be omitted. Matter in red *underlined italics* is newly revised material to be included. Matter ~~struck through~~ is additional material to be omitted.

AUTHORITY: §§1, 2 and 4-15, NRS 388A.168; §3, NRS 388A.168 and 388A.258.

A REGULATION relating to charter schools; establishing the contents and process for the submission of an application to form a charter school to the State Public Charter School Authority; establishing the contents and process for the submission of a request to amend a written charter or charter contract, as applicable, to the State Public Charter School Authority; establishing the contents and process for the submission of an application to renew a charter contract to the State Public Charter School Authority; establishing provisions relating to the investigation and evaluation of such applications and requests by the State Public Charter School Authority; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the State Public Charter School Authority to adopt regulations prescribing: (1) the contents and process for submission to the State Public Charter School Authority of applications to form a charter school, to amend a written charter or charter contract and to renew a charter contract; and (2) the procedure for investigation of and the criteria used to evaluate such applications. (NRS 388A.168) Existing law also authorizes the State Public Charter School Authority to establish different timelines and review procedures for different types of applicants and to establish an abbreviated application. (NRS 388A.258)

Section 3 of this regulation authorizes the Executive Director of the State Public Charter School Authority to develop an abbreviated application and invite a prospective applicant who submits an abbreviated application to submit an application to form a charter school. **Section 4** of this regulation prescribes the periods during which an application to form a charter school may be submitted to the State Public Charter School Authority. **Section 4** establishes the contents of an application to form a charter school and the process for the review of such an application by the State Public Charter School Authority. **Section 4** also establishes the criteria that the State Public Charter School Authority will consider when evaluating an application to form a charter school. **Section 6** of this regulation establishes a process for an applicant to form a charter school to request to be designated as a proven provider. If an applicant is designated as a proven provider, **section 6** provides that the applicant is exempt from the application deadlines

Sec. 7. 1. A charter school sponsored by the State Public Charter School Authority that wishes to amend the material terms of its written charter or charter contract, as applicable, pursuant to NRS 388A.276 shall submit a request to amend its written charter or charter contract, as applicable, to the State Public Charter School Authority or the Executive Director, as applicable, for approval pursuant to this section. Except as otherwise provided in this section, such a request must be submitted to the State Public Charter School Authority or the

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LCB Draft of Proposed Regulation R089-16

Executive Director on or after ~~March~~ April 1 and on or before ~~March~~ April 15 or on or after October 1 and on or before October 15 of each year. A charter school must submit a written notice of intent to submit a request to amend its written charter or charter contract, as applicable, to the State Public Charter School Authority or the Executive Director not less than ~~30~~ 45 days before submitting the request. The State Public Charter School Authority or the Executive Director may, upon request and for good cause shown, accept a request to amend a written charter or charter contract at any time.

2. A request to amend the terms of a written charter or charter contract relating to:

(a) The districts specified in the written charter or charter contract;

(b) The maximum enrollment of the charter school;

(c) The grades served by the charter school;

(d) A contractual relationship with an educational management organization which provides or plans to provide substantially all the educational services offered by the charter school;

(e) The acquisition and occupancy of a new or additional facility which the State Public Charter School Authority determines has the effect of increasing enrollment at the charter school;

(f) Relocation to a new facility which the State Public Charter School Authority determines does not have the effect of increasing enrollment at the charter school;

(g) The conversion of the charter school from a single-campus school to a multi-campus school or from a multi-campus school to a single-campus school;

(h) A consolidation of the written charter or charter contract, as applicable, for one or more charter schools;

(i) *A change to the mission statement and admissions policy of the charter school which would change the population served by the charter school from all pupils to the pupils specified in paragraph (a) of subsection 3 of NRS 385A.740; or*

(j) *A change to the mission statement and admissions policy of the charter school which would change the population served by the school from the pupils specified in paragraph (a) of subsection 3 of NRS 385A.740 to all pupils,*

(k) *A change in the educational programs, curriculum models, methods of instructional delivery, including, without limitation, distance education, blended or other programs or designs for the whole charter school which is inconsistent with those specified in the written charter or charter contract, as applicable, including, without limitation:*

A change from a virtual or cyber school model to a blended model or classroom-based instructional model;

A change from a blended model to a virtual or cyber school model or classroom-based instructional model; or

A change from a classroom-based instructional model to a virtual or cyber school model or blended model;

l) A change to the mission statement of the charter school not described in paragraph (i) or (j) of this subsection;

must be submitted to the State Public Charter School Authority for approval on a form approved by the Executive Director.

3. *A request to amend the terms of a written charter or charter contract relating to:*

(a) *The name of the charter school;*

~~(b) *A change to the mission statement of the charter school not described in paragraph (i) or (j) of subsection 2;*~~

(e) (b) *The governance or leadership structure of the charter school;*

~~(a) A change in the educational programs, curriculum models, methods of instructional delivery, including, without limitation, distance education, blended or other programs or designs for the whole charter school which is inconsistent with those specified in the written charter or charter contract, as applicable, including, without limitation:~~

~~(1) A change from a virtual or cyber school model to a blended model or classroom-based instructional model;~~

~~(2) A change from a blended model to a virtual or cyber school model or classroom-based instructional model; or~~

~~(3) A change from a classroom-based instructional model to a virtual or cyber school model or blended model;~~

~~(b) (c) A change to the academic program of the charter school not described in subsection 2;~~

~~(d) The discipline policy of the charter school,~~

~~(e) The suspension policy of the charter school,~~

- (f) *The bylaws of the charter school or its governing body;*
 - (g) *The membership of the governing body of the charter school;*
 - (h) *The schedule of the charter school, including, without limitation, the length of its academic year, school week or school day;*
 - (i) *The accountability plan for the charter school, including but not limited to any improvement plan required by state or federal law or the State Public Charter School Authority; or*
 - (j) *The enrollment policy of the charter school and its application for admission; or*
 - (k) *The expulsion policy of the charter school,*
- must be submitted to the Executive Director for approval on a form approved by the Executive Director.*

4. *The Executive Director may refer a request submitted to him or her pursuant to this section to the State Public Charter School Authority for approval. In the event that a charter school requests more than amendment pursuant to this charter within an eighteen period, the Executive Director may require that the school submit a comprehensive, restated charter application for de novo review and approval by the State Public Charter School Authority. Such a review shall include de novo review of the revised academic, organizational, and financial plan for the charter school and the capacity of its staff governing body, and vendors, including any prior amendments approved by the Authority during the preceding eighteen months.*

5. *A charter school may not submit ~~implement~~ an amendment to its written charter or charter contract, as applicable, unless the amendment has been voted on and approved by the governing body of the charter school and may not implement the amendment until it has been submitted to and approved by the State Public Charter School Authority or the Executive Director, as appropriate.*

6. *The State Public Charter School Authority will publish each request to amend a written charter or charter contract received by the State Public Charter School Authority or the Executive Director on its Internet website.*

7. *The State Public Charter School Authority and the Executive Director may consider a charter school's compliance with applicable local, state and federal laws and regulations and evidence relating to the academics, finance and organization of the charter school when determining whether to approve a request for an amendment to its written charter or charter contract, as applicable.*

8. *The State Public Charter School Authority will not approve a request to amend the terms of a written charter or charter contract pursuant to paragraph (g) of subsection 2 unless:*

(a) For a charter school requesting conversion from a multi-campus school to a single-campus school which has received funding from the United States Department of Education to plan or implement the charter school in the immediately preceding 5 years, the charter school agrees not to combine its campus with the campus of another charter school that has not received such funding; and

(b) For a charter school requesting conversion from a single-campus school to a multi-campus school, the charter school agrees to include provisions in its written charter or charter contract, as applicable, which:

(1) Require each campus of the charter school to have a distinct academic leader who reports to the administrative head of the charter school and is responsible for the staff of his or her campus;

(2) Allow pupils from one campus of the charter school to matriculate to another campus automatically or, if there are insufficient spaces at a campus for matriculating pupils, in a manner that gives matriculating pupils priority over new pupils which may include, without limitation, by an internal lottery for matriculating pupils held before an external lottery for new pupils;

(3) Require new pupils to apply to each campus of the charter school through a separate application and lottery process;

(4) Identify the name, group of grade levels to be served and location of each campus;
and

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(5) Authorize the State Public Charter School Authority to reconstitute, restart or close each campus of the charter school separately based on the performance of each campus.

9. A charter school which submits a request to amend the terms of its written charter or charter contract, as applicable, which will come into effect within 18 months ~~after~~ prior to the expiration of its existing written charter or charter contract may not submit anecdotal evidence or testimony related to data not reflected in the statewide system of accountability for public schools or the performance framework adopted by the State Public Charter School Authority and incorporated into the written charter or charter contract in support of its renewal application request.

10. If the Executive Director denies or, within 60 days after the date upon which the request was submitted, fails to approve a request for an amendment submitted to him or her pursuant to this section, the governing body of the charter school which submitted the request may submit the request to the State Public Charter School Authority for review.

11. The decision of the State Public Charter School Authority regarding whether to approve a request to amend a written charter or charter contract is a final decision.

12. If the State Public Charter School Authority or the Executive Director, as appropriate, approves a request to amend a written charter or charter contract, the charter school must submit a draft of each document required pursuant to section 9 of this regulation to the State Public Charter School Authority for review and approval before implementing the amendment.

13. As used in this section:

(a) "Multi-campus school" means a charter school that operates two or more campuses, each of which has a distinct academic leader who is responsible for its staff and each of which

may serve the same group of grade levels or differing groups of grade levels, under one written charter or charter contract, as applicable.

(b) "Single-campus school" means a charter school that serves a specified group of grade levels with a single academic leader who is responsible for its staff and for the entire group of grade levels of the campus regardless of whether the educational programs of the charter school are delivered in one or more than one building.

Sec. 8. 1. In addition to the request to amend its written charter or charter contract, as applicable, submitted pursuant to section 7 of this regulation, each charter school shall submit a version of the request to amend its written charter or charter contract which excludes or redacts from the request and any related material to be shared with the public:

(a) Proprietary material.

(b) Copyrighted material.

(c) Any documents which may violate the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, by identifying the current or potential pupils of the charter school, including, without limitation, sign-in lists from public meetings relating to the charter school, photographs of current or potential pupils and letters of support from current or potential parents or pupils of the charter school.

(d) Any other information or documentation which may not be released to the public in accordance with state or federal law or regulation.

2. The Executive Director may reject and require resubmission of a request submitted pursuant to subsection 1 if the Executive Director determines that publishing the request on the Internet website maintained by the State Public Charter School Authority would violate

EXHIBIT 8

9/23/2016 Staff Briefing Memorandum

EXHIBIT 8

9/23/2016 Staff Briefing Memorandum

BRIAN SANDOVAL
Governor

STATE OF NEVADA

PATRICK GAVIN
Executive Director



STATE PUBLIC CHARTER SCHOOL AUTHORITY

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Carson City, Nevada 89706-2543
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BRIEFING MEMORANDUM

TO: SPCSA Board
FROM: Patrick Gavin
SUBJECT: Agenda Item 4—Nevada Connections Academy Update
DATE: September 23, 2016

Background:

At the August 26, 2016 Authority meeting, the Authority directed staff and Nevada Connections Academy to negotiate an amended charter contract by September 19, 2016.

After extensive discussions with the school and its counsel, Staff and counsel have not agreed to mutually agreeable terms. While the school has raised a number of objections related to standard terms in the charter contract and staff has proposed language to accommodate a number of their concerns, a variety of sticking points remain. Most notably, the school disagrees with staff's interpretation that the Authority directive included the expectation that in exchange for approval of the improvement plan targets and a prohibition on termination of the charter contract for failure to achieve those specific goals, the school would be required to agree that any judicial review of such a decision be limited to a determination of whether or not the school did or did not achieve the annual graduation rate target specified in the agreement.

Counsel is prepared to answer any questions the Authority may have with regard to the negotiations between the school and staff.

Recommendation:

Staff recommends:

- 1) The Authority affirm that the following language in the draft contract:

“For the graduating cohorts, as defined by NAC 389.0246, of 2016, 2017,

and 2018 the Charter School's Charter Contract shall not be eligible for termination based on a graduation rate, as calculated by the Nevada Department of Education, below 60%. However, the Charter School shall be eligible for reconstitution of its governing board or appointment of a receiver if its graduation rate is below the benchmarks established by this section. For the graduating cohorts included in this section, judicial review of any decision to reconstitute the governing board, or appoint a receiver under this section or NRS 388A.330(1)(e) shall be limited to a review of whether the school has or has not achieved the annual graduation rate target.

Graduation rate benchmarks for the Charter School:

Cohort 2016: 45%

Cohort 2017: 52%

Cohort 2018: 60%

- 2) Pursuant to NRS 388A.330 and NAC 386.330, the Authority direct staff to Issue a Notice of Intent to Revoke the Written Charter of Nevada Connections Academy based on having a graduation rate for the preceding school year that is less than 60 percent.