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STATE OF NEVADA

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STATE PUBLIC CHARTER SCHOOL AUTHORITY

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VIA ELECTRONIC MAIL ONLY

October 9, 2019

Jeremy Nork
Holland & Hart
5441 Kietzke Lane
Reno, Nevada 89511
jnork@hollandhart.com

Re: Nevada Connections Academy

Jeremy,

I am writing in regard to Nevada Connections Academy's ("NCA") upcoming Board meeting scheduled for the evening of October 9, 2019, and in light of comments made during the recent SPCSA Board meeting held on Friday, October 4, 2019. Specifically, although it is unclear, it appears that at the recent SPCSA Board meeting representatives of NCA referred to and paraphrased parts of NCA's 2017 charter school contract and related documents.

As you are well-aware, NCA's 2017 charter school contract was the result of charter school contract termination proceedings initiated by the SPCSA as a result of NCA's historical high school graduation rates. See NRS 388A.330(1)(e) (allowing a charter school's charter school contract to be terminated if the high school's graduation rate for the proceeding year is less than 60 percent). The 2017 charter school contract set out a number of benchmarks and academic achievement targets, and – most importantly – *provided NCA with an additional school year to show significant academic improvement prior to any potential renewal of its charter school contract*. In other words, but for the 2017 charter school contract, NCA's charter school contract would have expired at the end of the 2017-2018 school year, but as a result of negotiations between NCA and the SPCSA, NCA was provided an additional school year to demonstrate significant academic improvement prior to the Authority considering any renewal.

In regard to benchmarks and academic targets, sections 8.1.5 and 8.1.5.1 of the 2017 charter school contract set out graduation rate benchmarks for the graduating class of 2018 and 2019. For the class of 2018, the benchmark was a graduation rate of 49%, and for the class of 2019 (last year's graduating class) of 60%.

NCA's high school graduation rates for the class of 2018 was 63% – up from 45% (the graduating class of 2018 was the first time NCA's high school had a graduation rate above 50%), and it is the SPCSA's understanding that the graduation rate for the class of 2019 will exceed this rate by several percentage points. For reference, NCA's high school earned an index score of 12 (out of a 100-point scale) for the 2017-2018 school year and an index score of 13 for the 2018-2019 school year on the Nevada Department of Education's School Performance Framework ("NSPF"), meaning that for both the 2017-2018 and 2018-2019 school years NCA's high school was rated as a one-star school.¹ For further reference I am also attaching a one-page summary of NCA's NSPF ratings for the last three school years.

Notably, the 2017 charter school contract mandated that failure to meet the above-referenced graduation rate benchmarks would result in a reduction of students in the high school grade levels (i.e., additional enrollment caps). The 2017 charter school contract also made clear that failure to achieve the above-referenced graduation rate benchmarks would not result in charter school contract termination.

However, the 2017 charter school contract made explicitly clear that NCA meeting the above-referenced graduation rate benchmarks would not "guarantee" charter contract renewal – instead, the graduation rate would merely be one data point among many others that would be considered when deciding whether NCA's charter school contract would be renewed. And although the 2017 charter school contract prohibited any charter school contract termination proceedings to be initiated by the SPCSA during the term of the charter school contract, the 2017 charter school contract makes clear that the academic performance of NCA's high school – not just the graduation rates – would be taken into account during renewal.

Given some of the comments made at the recent SPCSA Board meeting, the SPCSA is concerned that NCA may be under the false impression that NCA's 2017 charter school contract states that meeting the above-referenced graduation rate benchmarks means that NCA's charter school contract, at least in regard to NCA's high school, mandates renewal. Such is not that case, and numerous additional data points – not the least of which are NCA's high school's NSPF index scores and star ratings – will be taken into account when determining whether NCA's charter school contract may or should be renewed.

As always, please feel free to contact me with any questions or concerns.

Sincerely,

/s Ryan Herrick
General Counsel, State Public Charter School Authority

Cc: Rebecca Feiden, SPCSA Executive Director (via email)

¹ Note that NCA's high school graduation rate of 63% was 20 percentage points below the state average, and NCA's 2018 and 2019 high school index scores were the second lowest of all SPCSA schools.