

**FOOTNOTE 5
ATTACHMENT**

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1 Q Can you explain what information that website has
2 on it?

3 A The Nevada Report Card website contains all of
4 the required NRS, the statutory reporting requirements
5 that the Department of Education is required to report on.

6 It includes information about student demography,
7 assessment results, graduation rates, discipline data and
8 a host of other required data elements.

9 Q And as part of your duties, do you participate in
10 the calculation of the graduation rates for the Nevada
11 Department of Education?

12 A I do not directly compute those rates. I
13 supervise a staff who oversees the cohort validation
14 process.

15 Q Is part of your responsibility to determine how
16 the graduation rate is calculated?

17 A No. We rely on the federal regulations, the Code
18 of Federal Regulations, 200.19, in particular, and this
19 regulation outlines how the adjusted cohort graduation
20 rate is determined.

21 Q So your role is limited to implementing the
22 calculation?

23 A That's correct.

24 Q Can you explain the process that the Department

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1 variety of conceptual cures that were proposed. And then
2 there was some final -- and in the school's final filings
3 to the board they did outline a list of potential cures
4 that might be sufficient in their view.

5 Q I'd like to go through some of the things that
6 were included in those September 30 and February 10
7 letters that have been introduced as NCA's A and B.

8 First, I'd like to talk about graduation rate.
9 NCA's requests that the SPCSA use a different graduation
10 rate for its NRS 38A.330 analysis. Does the SPCSA
11 calculate that graduation rate?

12 A We do not. We have no authority to calculate a
13 graduation rate.

14 Q When you say "no authority," what do you mean?

15 A There's no statutory authority for the State
16 Public Charter School Authority to calculate a graduation
17 rate or for any other local education agency to calculate
18 a graduation rate. That authority is reserved for the
19 Department of Education.

20 Q What does the SPCSA use as a graduation rate?

21 A We use the four-year adjusted cohort graduation
22 rate that's calculated by the Department of Education
23 pursuant to state and federal law and to the agency's
24 approved Elementary and Secondary Education Act

1 application with the federal government.

2 Q Do you know how long the SPCSA has used that
3 graduation rate?

4 A I believe the adjusted cohort graduation rate was
5 adopted in either 2011 or 2012. In either case it
6 predates my position at the Authority.

7 Q Do you know what was used before then?

8 A Historically, there were a variety of
9 self-reported graduation rates that in some cases allowed
10 school districts and charter schools to exclude certain
11 students from the calculation.

12 The National Governors Association a number of
13 years ago adopted a policy platform by which the vast
14 majority of states moved to a single coherent national
15 standard for graduation calculation called the Adjusted
16 Cohort Graduation Rate to ensure that we were comparing
17 apples to apples not just across districts but in between
18 states as well.

19 Q We talked previously about some of your ability
20 to request regulatory or statutory changes. Have you ever
21 considered requesting a statutory change to allow you to
22 calculate a different graduation rate?

23 A We have not.

24 Q Is it something you might consider in the future?

**FOOTNOTE 7
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**FOOTNOTE 7
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1 of Education uses to calculate graduation rates?

2 A Yes, beginning in around mid-September, early
3 fall, the state education agency, in this case the
4 Department of Education, opened a data validation sign-off
5 and lock tool.

6 This is a tool that we open up for districts and
7 charter schools to validate their statewide cohort from
8 the previous school years. This information shows the
9 ending status of students in their cohort, along with
10 other demographic information, such as race, gender,
11 special population membership.

12 The DVSL, the Data Validation Signoff Lockout, we
13 refer to it as DVSL. It serves as a reflection of the
14 information in the local Student Information Systems. So
15 local education agencies and charter schools use this DVSL
16 system to identify any ending status discrepancies.

17 They then make changes to any of those
18 discrepancies in their local student information systems
19 and then each night, during this validation process, the
20 system is refreshed and they can see and verify that their
21 changes have been made.

22 This process goes on until about December, and
23 local education agencies and charter schools then agree to
24 the status of the data in the DVSL. It is then locked,

1 and we then compute the adjusted cohort graduation rate
2 according to the Code of Federal Regulations.

3 Q Does the department calculate any graduation
4 rates other than the one you just described based on 34
5 CFR 200.19B, I think?

6 A No, we do not.

7 Q Do you currently calculate a fifth-year
8 graduation rate?

9 A Yes, we do. And it, too, is in accordance with
10 the Code of Federal Regulations you cited.

11 Q I'll get to the fifth-year graduation rate in a
12 minute. Other than the fifth-year graduation rate, do you
13 calculate a sixth year?

14 A Not currently.

15 Q Are there any others other than the four-year and
16 fifth-year?

17 A No, there are not.

18 Q Okay. The term "graduation rate" is used in NRS
19 388B.200 to establish eligibility for conversion to an
20 achievement charter school.

21 Has anyone from the department's achievement
22 charter school made a request for ADAM to calculate a
23 different graduation rate for it?

24 A Not that I know of.

**FOOTNOTE 8
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1 Q Do you understand the ASD to use the same
2 four-year graduation adjusted rate for eligibility
3 purposes?

4 A Yes, that's my understanding.

5 Q Is this calculation used for every district and
6 charter school throughout the state?

7 A Yes, it is.

8 Q Do you know if this calculation is used by states
9 other than Nevada?

10 A Yes, it is, all states are required to use this
11 methodology.

12 Q Can you describe to me what composes the
13 numerator and the denominator of the graduation rate?

14 A The numerator is the number of graduates. The
15 denominator is the number of graduates plus non-graduates
16 in the cohort.

17 Q When you say "graduates," what's included in
18 "graduates"?

19 A We have a number of ending status codes that
20 count as graduates, but typically these are high school
21 students that earn a regular, advanced or adult diploma.

22 Q And the denominator is the adjusted cohort minus
23 those transferring out?

24 A Correct. We also subtract out any student who is

**FOOTNOTE 9
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**FOOTNOTE 9
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1 Q Is the graduation rate included in that exhibit
2 calculated using the process that you just described?

3 A Yes, it is.

4 Q What was the graduation rate calculated by ADAM
5 for Nevada Connections Academy for 2015-16?

6 A The accountability year 2015-16 was associated
7 with the graduation rate of 35.63 percent. The class of
8 15-16 had a graduation rate of 40.09.

9 Q Class of 15-16 would have been the accountability
10 year of 16-17; is that correct?

11 A Correct.

12 Q I believe you just described earlier with the
13 lock provisions the validation process for the data used
14 in this calculation. Do you know if that validation
15 process was used in this calculation?

16 A Yes, it was.

17 Q Is that process the same for every charter school
18 and district in the state?

19 A Yes, it is.

20 Q I want to ask you a couple of questions about
21 dropout rates. As part of your job duties, do you do any
22 work with dropout rates?

23 A Here again, I supervise the staff that is
24 responsible for these calculations.

**FOOTNOTE 10
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1 you said you worked on various policy changes and changes
2 to the Nevada Administrative Code; is that correct?

3 A Yes.

4 Q Did you ever seek to define graduation rate in
5 the Nevada Administrative Code?

6 A Personally, I did not try and work on the
7 regulation about defining graduation rate, no.

8 Q Do you know -- do you have any recollection if it
9 was ever considered?

10 A I do know that when we moved from the earlier
11 graduation rate calculation, the lever rate, to the cohort
12 graduation rate, that was a topic of intense discussion.
13 And we did make many changes to our internal policies and
14 regulations and also with -- in working with the
15 Legislature and the State Board of Education to make the
16 changes to -- from the previous rate to the cohort rate.

17 Q But there was no regulatory or legislative change
18 to make a definition?

19 A I don't think so. I think we always fell back on
20 the federal definition of what it was. And when I talked
21 to colleagues at the Department of Education who are still
22 there, still calculate those rates, when I asked them
23 about the definition, they pointed me to the federal law.

24 Q Okay. Thank you.

**FOOTNOTE 16
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**FOOTNOTE 16
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1 with the governor's recommended budget and some were not.
2 And additionally we also attempted to address some of
3 those issues in statute as well. And some of those I
4 believe are moving through and others are not.

5 Q The next one involves you personally. It's
6 388A.196, subsection 4. It says:

7 "The executive director of the SPCSA shall ensure
8 that the autonomy provided to charter schools in this
9 state pursuant to state law and regulations is preserved."

10 Can you explain how you personally fulfill that
11 duty?

12 A We -- I endeavor as much as possible to stay out
13 of day-to-day operations of schools. And we have very,
14 very limited interaction with schools on a day-to-day
15 basis.

16 We do not select school leaders. We do not
17 select teachers. We do not evaluate the implementation of
18 instruction.

19 We do not -- we don't interfere with the
20 day-to-day operations of schools. What we do is that we
21 evaluate the outcomes versus the inputs. At the end of
22 the day the governing bodies and school leaders are the
23 individuals that have the autonomy to make the decisions
24 about what is best for their students. We do not have

1 that authority.

2 Q How important do you view the concept of autonomy
3 to charter schools?

4 A Without autonomy, a charter school is just a
5 district school.

6 Q Is it your interpretation as executive director
7 that this section obligates you to tell schools how to
8 correct their deficiencies?

9 A I would actually say that this section forbids me
10 to tell schools how to correct their deficiencies. I'm
11 not supposed to be directing people's operations.

12 Q One other question: Do you have the power to
13 approve deficiencies as an executive director -- to
14 approve a deficiency cure? Apologies.

15 A I do not.

16 Q If a school were to propose a deficiency cure
17 that you deemed satisfactory, what would happen in that
18 scenario?

19 A I would need to make a recommendation to the
20 board of the Authority, and they would ultimately make the
21 determination as to whether that cure was satisfactory.

22 Q So you could propose a cure, but it still may not
23 be acceptable to the Authority?

24 A That is correct.

**FOOTNOTE 19
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**FOOTNOTE 19
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1 Q Does the Department of Education calculate
2 dropout rates?

3 A Yes, we do. These are annual dropout rates.

4 Q How are these calculated?

5 A Sorry.

6 Q That's perfectly fine. How are these calculated?

7 A So these are prior school year dropouts based on
8 a validation day, which for us is October 1st.

9 We wait an entire year before counting a student
10 as a dropout. So, for example, a student from the 2016
11 school year who is a dropout must first appear in that
12 2016 validation count day file and must fail to reappear
13 the following October 1st, 2017.

14 Q How does the department determine if the student
15 fails to appear for the following year?

16 A If they're not in the validation day file -- and
17 here I should add that it is a locally submitted data
18 file, the department really doesn't do this calculation.
19 We provide the methodology, the business rules to
20 districts. They provide it to us.

21 Q Districts and charter schools just report the
22 data and the state publishes, more or less?

23 A That's correct.

24 Q Are the dropout rate calculations and the

1 graduation rate calculation related?

2 A These are not related in any way.

3 Q So the two separate calculations and the
4 reduction in dropout rate would not necessarily affect the
5 graduation rate calculated by NDE?

6 A That is correct.

7 Q Put another way, it's possible for a child to be
8 a non-graduate, a non-dropout and or a non-graduate and a
9 non-dropout?

10 A Non-graduate and a non-dropout? Correct.

11 Q Moving on to the every Student Succeeds Act, as
12 we've been referring to it earlier today, do you know what
13 the Every Student Succeeds Act is?

14 A Yes, I do.

15 Q Has the Every Student Succeeds Act affected the
16 way the graduation rate is calculated by NDE?

17 A Not at this time.

18 Q Why not?

19 A It doesn't take effect until the 17-18 school
20 year and the provisions that we see in ESSA do not require
21 a change.

22 Q Do you know if there's been any decision to
23 change the way it's calculated in future years?

24 A I do not know of any decisions to change our

**FOOTNOTE 20
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1 graduation rate calculation related?

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20 year and the provisions that we see in ESSA do not require
21 a change.

22 Q Do you know if there's been any decision to
23 change the way it's calculated in future years?

24 A I do not know of any decisions to change our

1 methodology.

2 Q I want to ask you a couple of questions about the
3 five-year graduation rate that I mentioned earlier. You
4 said NDE calculated a five-year graduation rate.

5 Can you explain how that's calculated, briefly?

6 A Yes, it's exactly the same as the four-year
7 cohort graduation rate; the process for validating this
8 data is the same. But it's just allowing students one
9 additional year to graduate.

10 So if their original graduating class was the
11 class of 2016, we'll be looking in 2017 to see if those
12 who were non-graduates graduated.

13 Q Okay. So for the four-year graduation rate, the
14 cohort locks in the ninth grade, then you evaluate their
15 end status at the end of four years; and for a fifth-year
16 graduation rate, you would lock that cohort in the 9th
17 grade and then just evaluate that status after the fifth
18 year?

19 A That's correct.

20 Q And it's pursuant to the same federal statute or
21 same federal regulation, excuse me?

22 A Yes, it is.

23 Q Do you know what the five-year graduation rate
24 was for the most recent school year for Nevada Connections

**FOOTNOTE 27
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**FOOTNOTE 27
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1 A I believe so. I think I took position as
2 president in 20 -- I don't remember if it was summer of
3 2013 or '14.

4 Q But your testimony is that plan was implemented,
5 correct?

6 A Yes.

7 Q Has that plan been successful?

8 A It has. It's difficult to measure in that, as
9 it's been implemented, there is also variability in growth
10 at the school level and in the type of student that we're
11 receiving. So we've seen fluctuation in the graduation
12 rate improvement plan. It's been the most successful from
13 2016, and we're still waiting to see what 2017 will look
14 like.

15 Q So again, just to restate the question, in your
16 opinion as board member and now board president, has the
17 2013 graduation rate improvement plan that was a direct
18 condition of your renewal been successful in its
19 implementation?

20 A In contextualizing it, where some of the students
21 are and understanding that, yes. It has been as
22 successful as it can be under the conditions, but it
23 doesn't mean that we've seen what we would want to. So
24 we're still working toward growth and improvement as that

1 variability grows with who the students are.

2 Q Did you see any need to adjust that plan prior to
3 learning about the Authority's potential action against
4 your charter?

5 A We did see a need. So that's part of the reason
6 why we had met with Steve Canavero at the time, and then
7 we met again in September of 2015 with Patrick Gavin. But
8 it was indicated that everything was going to be signed,
9 that we could continue to do what we were doing and
10 continue to work toward growth and progress.

11 And again, one of the suggestions was that we
12 might want to hire a private investigator to better
13 identify where our students were going, which could also
14 help to improve those rates.

15 Q How do you come to the conclusion --

16 A But ultimately, it was --

17 Q Yes. You can finish.

18 A I was going to say that, ultimately, with the
19 statement, it was clear that we seemed to be in good
20 standing and had a common understanding of the context of
21 our students.

22 Q How do you come to the conclusion that the 2013
23 graduation rate improvement plan was a success?

24 A By understanding in context of who the students

1 are, that's always a success in that oftentimes these are
2 students who have no other options.

3 So if I, as a practitioner, in seeing that a
4 student can leave the education system and do nothing or
5 can stay in the education system, enter an online school
6 such as ours, and maybe not graduate immediately because
7 they're more than -- behind than other students, it's
8 still a success because any exposure to our curriculum is
9 still better than no exposure. And we can continue to
10 work with them, and maybe immediately it will look as if
11 there is no success, but the long-term aspects from that
12 are definitely also something that must be considered.

13 So I don't want it to seem as if I'm viewing it
14 as not being accountable, but rather that, in
15 understanding the accountability, I'm not focusing on one
16 measure which would be the graduation rate.

17 It's a single point. And in March when I
18 attended the meeting, I asked the board members to
19 consider the aspects beyond a single point.

20 And I remember mentioning there that in their own
21 classes that I teach to our aspiring principals, I tell
22 them that it wouldn't be effective to always make a
23 complete database decision on one single point without
24 including other context and variables in helping to

1 identify that decision.

2 MR. OTT: Mr. Chair, I have a number of further
3 questions, but the witness did say that 3:15 was the
4 maximum time. I want to be respectful of that, and I
5 don't want to put her in a position of having to interrupt
6 me in the middle of a question. So can we check on her
7 time?

8 ACTING CHAIR GUINASSO: Yeah, Ms. Sanchez --

9 THE WITNESS: We can go five more minutes.

10 ACTING CHAIR GUINASSO: Mr. Ott, how much more
11 questioning do you have?

12 MR. OTT: Much more than five.

13 ACTING CHAIR GUINASSO: Much more than five? 15?

14 MR. OTT: I could probably do it in 15, but that
15 wouldn't leave time --

16 THE WITNESS: Okay.

17 MR. OTT: -- for the board or anything else.

18 ACTING CHAIR GUINASSO: I think with her, we'll
19 just forego the board questioning and just have your
20 cross. We won't have a redirect, though. Is that okay?

21 MS. GRANIER: Well, so far.

22 ACTING CHAIR GUINASSO: Yeah. Can you give us
23 15 minutes, Ms. Sanchez?

24 THE WITNESS: Sure.

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**FOOTNOTE 28
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1 So that one would give the school significantly
2 more flexibility in terms of when it replaces members of
3 its governing body.

4 Q And just to be clear, the one-year timeframe is
5 contained in the March 24, 2017 letter, correct?

6 A That is correct.

7 Q Let's discuss the more aggressive approach first,
8 the September 30, 2016 letter with replacement every six
9 months, complete reconstitution by June 30, 2019.

10 In your opinion as executive director, is that
11 reconstitution plan sufficient to correct the
12 deficiencies?

13 A It is entirely inadequate.

14 Q Why is it insufficient?

15 A Reconstitution, that is to say, a restart of the
16 school's governing body only works if it is a wholesale
17 change.

18 The same individuals who have perpetuated the
19 woeful underperformance of this school should not be in a
20 position to choose their successors.

21 Q What about the March 24, 2017 proposal of a new
22 board member once a year?

23 A That is even less adequate, because it simply
24 prolongs the period of time when the individuals who have

1 failed to oversee the school and ensure its success remain
2 in power.

3 Q Sorry. Repeat that.

4 A Remain in power.

5 Q In your time as executive director of the SPCSA,
6 have you had cause to recommend approval of a school plan
7 involving reconstitution of a board?

8 A I have.

9 Q What made that proposal different from this one?

10 A In that proposal, the board agreed to step aside
11 and allow the reconstitution to occur almost immediately
12 in the event that a qualified governing body could not be
13 found in time.

14 There was a provision for a very short-term
15 receivership with the sole purpose of recruiting a new
16 governing body, and ensuring that the financial and
17 organizational store was minded in the absence of a full
18 board.

19 Q Was there any provision about what would happen
20 if reconstitution was unsuccessful in that plan?

21 A In the event that reconstitution is unsuccessful,
22 the school would close.

23 That is also consistent with the statute which
24 says that a school's governing body can only be

**FOOTNOTE 29
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1 reconstituted once.

2 Q Is there evidence supporting reconstitution of a
3 governing body as an effective means to significantly
4 increase graduation rates?

5 A Yes, there's a growing body of evidence that
6 charter school restart, primarily through the replacement
7 of the governance and the new governing body choosing if
8 it wishes to select new management or reshuffle folks as
9 it feels appropriate, is a very strong, and frankly one of
10 the most evidence-based forms of turnaround, one of the
11 few areas, for example, in the school improvement research
12 where we see any material difference or sustained material
13 difference in pupil outcomes.

14 The precedence for this includes a number of math
15 charter school restarts in the Philadelphia area. The
16 restart of Harlem Prep in New York City comes to mind.

17 And then also Trenton, New Jersey is another one.
18 There's a fair body of data.

19 Q What do the national results show as essential
20 elements of reconstitution plans?

21 A The wholesale replacement of the governance
22 followed or in parallel with the replacement of
23 management, or the reorganization of management.

24 It could just be the right people are just in the

1 wrong places on the bus or that the governing body has
2 chosen to direct the school's resources and activities in
3 unproductive directions.

4 Q Are those elements present in either of the
5 reconstitution plans presented by NCA?

6 A They are not.

7 Q Has the SPCSA adopted any regulations regarding
8 the reconstitution at this time?

9 A We have not.

10 Q Moving on to the academic interventions that are
11 contained in the deficiency correction letters.

12 NCA discusses the progress of academic
13 intervention in both the December 2 and March 24th
14 letters.

15 Have you had a chance to review those progress
16 reports?

17 A I have.

18 Q Are the academic interventions as stated therein
19 sufficient to correct the deficiencies?

20 A These are interim programmatic assessments. It
21 is impossible to know how predictive they are, of whether
22 a student will pass the end of course, the HSPE, or will
23 graduate on time or even within a fifth-year.

24 Q Is the progress or the promise of any or all of

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1 methodology.

2 Q I want to ask you a couple of questions about the
3 five-year graduation rate that I mentioned earlier. You
4 said NDE calculated a five-year graduation rate.

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7 cohort graduation rate; the process for validating this
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12 who were non-graduates graduated.

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14 cohort locks in the ninth grade, then you evaluate their
15 end status at the end of four years; and for a fifth-year
16 graduation rate, you would lock that cohort in the 9th
17 grade and then just evaluate that status after the fifth
18 year?

19 A That's correct.

20 Q And it's pursuant to the same federal statute or
21 same federal regulation, excuse me?

22 A Yes, it is.

23 Q Do you know what the five-year graduation rate
24 was for the most recent school year for Nevada Connections

1 Academy?

2 A Here I'm referring to the document available on
3 the Nevada Report Card. I'll make this available to
4 Mr. Peltier.

5 For Nevada Connections Academy, the 2014-15
6 five-year graduation rate was 40.93 percent.

7 Q And do you know what it was for the state as a
8 whole?

9 A My apologies, I think you asked that. It was
10 72.03 percent.

11 Q You're right. I asked for NCA first. Then I
12 asked for the state.

13 Thanks. That's all I have for you, Mr.
14 Keglovits.

15 ACTING CHAIR GUINASSO: Thank you, Mr. Ott.
16 Ms. Granier.

17 MS. GRANIER: Thank you.

18

19

CROSS-EXAMINATION

20 BY MS. GRANIER:

21 Q Good afternoon, Mr. Keglovits. I'm Laura
22 Granier. I represent Nevada Connections Academy.

23 A Hi.

24 Q Hi. Do you know for what purpose the government