

**EXHIBIT N**

**EXHIBIT N**

## Jenny E. Sparks

---

**From:** Patrick Gavin  
**Sent:** Thursday, March 24, 2016 10:19 AM  
**Subject:** Board Meeting Materials  
**Attachments:** 160323 Board Agenda Item 5--Nevada Virtual High Stakes Review.pdf; 160322 Board Agenda Item 3--Beacon Amendment.pdf; 160323 Board Agenda Item 6--Notices of Closure Memo with Exhibits.pdf

SPCSA Board,

Attached please find the Board Meeting Support Materials for the topics being covered by staff. A few details:

--Agenda Item 3, the Beacon Amendment discussion, does not have any attachments.

--Agenda Item 5—the NVVA High Stakes Review, contains the staff recommendation and two supporting pieces of evidence from staff: the 2012-13 and 2013-14 Academic Frameworks. It also contains the full set of materials NVVA sent as additional evidence to counter the Staff Recommendation. This is the same material the school leader sent to the Board and staff in early March.

--Agenda Item 6—the recommendations regarding Notices of Closure, contains several pieces of evidence to support the Agency's position, including:

--2015 validated graduation rate data drawn from the Nevada Report Card

--An email from Kit Kotler, the Silver State School leader, containing an assertion that the school's graduation rate is higher than the zero percent

--A

Patrick J. Gavin  
Executive Director  
State Public Charter School Authority  
1749 North Stewart Street, Suite 40  
Carson City, NV 89706  
Direct: 775-687-9160  
Office: 775-687-9174  
Fax: 775-687-9113

Follow us on Twitter: [@NevadaCharters](#)

Starting a School? Join our charter applicant listserv: [CharterStarters@listserv.state.nv.us](mailto:CharterStarters@listserv.state.nv.us)



STATE PUBLIC CHARTER SCHOOL AUTHORITY

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

---

---

BRIEFING MEMORANDUM

---

---

TO: SPCSA Board  
FROM: Patrick Gavin  
SUBJECT: Notices of Closure Pursuant to NRS 386.535  
DATE: March 22, 2016

---

**Statutory Background:**

SB509 of the 2015 Legislative Session provides for new duties and powers of charter school sponsors related to underperforming schools. These provisions came into effect on January 1, 2016. Specifically, Section 27 adds the following language to NRS 386.535(1), providing additional criteria for reconstituting governing bodies and closing schools by revoking written charters and terminating charter contracts:

NRS 386.535 is hereby amended to read as follows:

386.535 Except as otherwise provided in NRS 386.5351:

1. *Except as otherwise provided in subsection 6, the sponsor of a charter school may reconstitute the governing body of a charter school, revoke a written charter or terminate a charter contract before the expiration of the charter if the sponsor determines that:*

(a) The charter school, its officers or its employees:

(1) Committed a material breach of the terms and conditions of the written charter or charter contract;

(2) Failed to comply with generally accepted standards of fiscal management;

(3) Failed to comply with the provisions of NRS 386.490 to 386.649, inclusive, *and sections 2 to 8, inclusive, of this act*, or any other statute or regulation applicable to charter schools; or

(4) If the charter school holds a charter contract, has persistently underperformed, as measured by the performance indicators, measures and metrics set forth in the performance framework for the charter school;

(b) The charter school has filed for a voluntary petition of bankruptcy, is adjudicated bankrupt or insolvent, or is otherwise financially impaired such that the charter school cannot continue to operate;

(c) There is reasonable cause to believe that *reconstitution*, revocation or termination is necessary to protect the health and safety of the pupils who are enrolled in the charter school or persons who are employed by the charter school from jeopardy, or to prevent damage to or loss of the property of the school district or the community in which the charter school is located

*(d) The sponsor determines that the committee to form the charter school or charter management organization, as applicable, or any member of the committee to form the charter school or charter management organization, as applicable, or the governing body of the charter school has at any time made a material misrepresentation or omission concerning any information disclosed to the sponsor;*

*(e) The charter school is a high school that has a graduation rate for the immediately preceding school year that is less than 60 percent;*

*(f) The charter school is an elementary or middle school or junior high school that is rated in the lowest 5 percent of elementary schools, middle schools or junior high schools in the State in pupil achievement and school performance, as determined by the Department pursuant to the statewide system of accountability for public schools;*

*(g) Pupil achievement and school performance at the charter school is unsatisfactory as determined by the Department pursuant to criteria prescribed by regulation by the Department to measure the performance of any public school.*

In R035-14A, the most recent update to the regulations governing charter schools, the Department of Education added the following language to define whether a charter school which is operates under a charter contract has persistently underperformed pursuant to NRS 386.535(1)(a)(4):

*Sec. 12. As used in NRS 386.535, a charter school has “persistently underperformed” if:*

- 1. The charter school was not rated in the first, second or third highest tier during the last three ratings of the charter school pursuant to the statewide system of accountability for public schools; or*
- 2. If the charter school is operating under a charter contract, the charter school has not complied consistently with the performance indicators, measures and metrics set forth in the performance framework of the charter school, as determined by the sponsor.*

Section 12(1) of R035-14A refers to the statewide system of accountability, more commonly known as the Nevada School Performance Framework or the “Star System.” The Star System rates schools into five tiers, ranging from the lowest, 1 star, to the highest, 5 stars. Consequently, a school persistently underperforms pursuant to NRS 386.535(1)(a)(4) if it was not rated at the 3, 4, or 5 star level during the past three rating periods.

It is important to note that the issuance of a Notice of Closure is the first step in a process set forth in statute. Schools have the opportunity to take corrective actions to meet the expectations of the sponsor. Moreover, unlike the provisions of NRS 386.5351, which pertain to automatic closure, closure of charter schools pursuant to NRS 386.535 is discretionary; the Board has the Authority to issue a Notice of Closure pursuant to the statute and then make two separate determinations at the subsequent public hearing:

- 1) Whether the school has cured the identified deficiency
- 2) Whether the deficiency merits reconstitution of the governing body or closure of the school through the revocation of the written charter or the termination of the charter contract

Moreover, while NRS 386.525(2) generally provides that a sponsor may not cite deficiencies which were previously cured—in whole or in part—to the satisfaction of the sponsor in a subsequent Notice of Closure, SB509 also clarifies that this may occur if “the deficiency recurred after being corrected or the sponsor determines that the deficiency is evidence of an ongoing pattern of deficiencies in a particular area.” Consequently, the provisions of NRS 386.535 also function as an enhanced form of performance management for schools which have seriously underperformed as

defined in law or regulation but which do not meet the statutory floor for automatic closure or which have demonstrated performance deficiencies not defined in the Performance Framework.

For such schools, issuance of a Notice of Closure may compel organizational or academic program changes that the sponsor deems sufficient, in its discretion, to permit ongoing operation. For example, a school may propose detailed organizational or academic program changes in a written submission to a sponsor as a potential cure for the deficiencies. Should the sponsor deem those changes sufficient to permit ongoing operation, then the sponsor may determine that the deficiency is cured, with the proviso that a recurrence of the deficiency will trigger a new Notice of Closure.

In the event that the performance deficiency recurs or the Authority determines it is evidence of an ongoing pattern of deficiencies in a particular area, the Board also has the discretion to consider the previous performance deficiencies in issuing any new Notice of Closure and the proceedings which flow from that issuance. Alternately, the Board may determine that the deficiencies are severe enough and the cures insufficient as to merit reconstitution of the governing body, the revocation of the written charter, or the termination of the charter contract.

## **Beacon Academy:**

### *Cohort Graduation Rate:*

In late December 2015 the Nevada Department of Education uploaded the 2015 Cohort Graduation Data to the Nevada Report Card Website:

[http://nevadareportcard.com/di/report/reportcard\\_1?report=reportcard\\_1&scope=e20.y13&organization=c12305&fields=309%2C310%2C311%2C313%2C318%2C320&hiddenfieldsid=309%2C310%2C311%2C313%2C318%2C320&scores=1007%2C1015&num=160&page=1&pagesize=20&do\\_main=cohort&](http://nevadareportcard.com/di/report/reportcard_1?report=reportcard_1&scope=e20.y13&organization=c12305&fields=309%2C310%2C311%2C313%2C318%2C320&hiddenfieldsid=309%2C310%2C311%2C313%2C318%2C320&scores=1007%2C1015&num=160&page=1&pagesize=20&do_main=cohort&) (Exhibit 1).

According to the graduation rate data validated and reported by the Nevada Department of Education, Beacon Academy of Nevada had a 2015 cohort graduation rate of 52.63 percent. This is below the 60 percent cutoff specified in SB509. **Consequently, Beacon Academy of Nevada is eligible to receive a Notice of Closure pursuant to 386.535(1)(e).**

### *Additional Context:*

Beacon operates pursuant to a charter contract. Due the statewide testing irregularity in 2015, the only current SPCSA Academic Framework data point for Beacon Academy is the high school graduation rate. There is no elementary or middle school growth or status data for SBAC and the school does not have any ACT Aspire growth data. Consequently, there is insufficient data to issue an academic framework for the most recent year.

As the Board is aware, the Authority members voted to approve Beacon's renewal in 2014 on the condition that the school undergo a High Stakes Review pursuant to law and the contract staff were directed to issue to the school. Were that High Stakes Review to be held today, Beacon would meet the criteria set forth by the Board at the time of renewal as Authority issued an academic framework analysis for the school in 2014 which designated the school to be in Good Standing. That analysis predates the adoption of SB509. Thus, there was no opportunity for the Agency to incorporate the findings related to the school's graduation rate in relation to the performance expectations that apply to all public schools into the most recent academic framework. **Consequently, Beacon's sole eligibility for closure is based on the provisions of SB509, namely the amendments to 386.535(1)(e).**

### *Recommended Resolution for Beacon Academy of Nevada:*

Whereas Senate Bill 509 of the 2015 Legislative Session provided that a charter school may be closed pursuant to NRS 386.535(e) if it has a graduation rate in the immediately preceding year which is lower than 60 percent; and

Whereas Beacon Academy of Nevada's 2015 high school's cohort graduation rate was 52.63 percent; and

Whereas, 52.63 percent is below the 60 percent cutoff specified in SB509;

Now, therefore, staff are directed to issue a Notice of Closure to Beacon Academy of Nevada pursuant to NRS 386.535(1)(e).

Pursuant to NRS 386.535, the school has at least 30 days within which to take corrective actions to cure this deficiency. The first day of this “cure period” is March 25, 2016. The date by which the school must have completed all efforts to cure these deficiencies is May 9, 2016.

The school is hereby directed to upload into Epicenter any evidence it wishes to be considered by the Board related to its cure of this deficiency by no later than 5 pm on May 10, 2016.

Staff are directed to schedule a public hearing at the May 20, 2016 SPCSA Board meeting during which the Board will determine whether the charter school has corrected the deficiencies identified in this resolution and whether to terminate the charter contract for Beacon Academy of Nevada. Such termination, if approved by the SPCSA Board, would be effective no earlier than the end of the 2015-16 academic year.

## **Silver State Charter School**

### *Cohort Graduation Rate:*

In late December 2015 the Nevada Department of Education uploaded the 2015 Cohort Graduation Data to the Nevada Report Card Website:

[http://nevadareportcard.com/di/report/reportcard\\_1?report=reportcard\\_1&scope=e20.y13&organization=c12305&fields=309%2C310%2C311%2C313%2C318%2C320&hiddenfieldsid=309%2C310%2C311%2C313%2C318%2C320&scores=1007%2C1015&num=160&page=1&pagesize=20&do-main=cohort&](http://nevadareportcard.com/di/report/reportcard_1?report=reportcard_1&scope=e20.y13&organization=c12305&fields=309%2C310%2C311%2C313%2C318%2C320&hiddenfieldsid=309%2C310%2C311%2C313%2C318%2C320&scores=1007%2C1015&num=160&page=1&pagesize=20&do-main=cohort&) (Exhibit 1).

According to the graduation rate data validated and reported by the Nevada Department of Education, Silver State Charter School had a 2015 cohort graduate rate of zero percent. Based on written statements from the school leader, it is possible that this zero percent graduation rate was the result of an organizational failure to correctly validate the data. The school claims that it has internal records which reveal a cohort graduation rate of 28 percent (Exhibit 2). Both zero percent and 28 percent are below the 60 percent cutoff specified in SB509. **Consequently, Silver State is eligible to receive a Notice of Closure pursuant to 386.535(1)(e).**

### *Nevada's Underperforming Schools—One Star and Two Stars Over Multiple Years:*

Nevada has repeatedly updated its listings of schools rated under the “Star System,” the Nevada School Performance Framework which comprises the Statewide System of Accountability (Exhibit 5).

- Silver State Charter School’s middle school was identified as a one star school in 2012, 2013, and 2014
- Silver State Charter School’s high school was identified as a one star school in 2012 and a two star school in 2013 and 2014

Due to the “pause” in the statewide system of accountability, the star ratings were continued from 2014 to 2015. Hence, the most recent “rating” of each school occurred in 2014. The 2014 rating remains in effect.

Silver State currently operates pursuant to a written charter. While both its middle school and its high school were rated at the 1 or 2 star levels during each of the three most recent ratings pursuant to the statewide system of accountability (2012, 2013, and 2014), the provisions of NRS 386.535(1)(a)(4) and Section 12 of R035-14A do not apply as 386.535(1)(a)(4) relates specifically to schools operating under charter contracts. **Consequently, Silver State is ineligible to receive a Notice of Closure pursuant to 386.535(1)(a)(4).**

### *Additional Context:*

Silver State received an SPCSA academic performance framework rating of Unsatisfactory in 2012 and 2013 and was rated Approaches in 2014. Due the statewide testing irregularity in 2015, the only current SPCSA Academic Framework data point for Silver State is the high school graduation rate. There is no elementary or middle school growth or status data for SBAC and the school does not have any ACT Aspire growth data. Consequently, there is insufficient data to issue an academic framework for the most recent year.



At the SPCSA's previous Board meeting on March 9, 2016, the SPCSA Board directed its counsel to work with counsel for Silver State regarding possible resolution to threatened litigation regarding the SPCSA Board's prior decision to close Silver State for organizational reasons. Discussions between counsel for the SPCSA and Silver State have resulted in a Settlement Framework that was conditionally approved by the Silver State Board on March 22. This Settlement Framework is to be considered on this March 25<sup>th</sup> agenda. Should the SPCSA Board approve or conditionally approve the Settlement Framework, the recommendation is to take no action on the Notice of Closure for academic performance for Silver State. Should the SPCSA Board reject the Settlement Framework, the recommendation for the Notice of Closure is as follows:

*Recommended Resolution for Silver State Charter School:*

Whereas Senate Bill 509 of the 2015 Legislative Session provided that a charter school may be closed pursuant to NRS 386.535(e) if it has a graduation rate in the immediately preceding year which is lower than 60 percent; and

Whereas Silver State Charter School's 2015 high school cohort graduation rate, as validated and reported by the Nevada Department of Education, was zero percent; and

Whereas Silver State Charter School reports that the school's 2015 high school cohort graduation rate was 28 percent; and

Whereas, both zero percent and 28 percent are below the 60 percent cutoff specified in SB509; and

Now, therefore, staff are directed to issue a Notice of Closure to Silver State Charter School pursuant to NRS 386.535(1)(e).

Pursuant to NRS 386.535, the school has at least 30 days within which to take corrective actions to cure this deficiency. The first day of this "cure period" is March 25, 2016. The date by which the school must have completed all efforts to cure these deficiencies is May 9, 2016.

The school is hereby directed to upload into Epicenter any evidence it wishes to be considered by the Board related to its cure of this deficiency by no later than 5 pm on May 10, 2016.

Staff are directed to schedule a public hearing at the May 20, 2016 SPCSA Board meeting during which the Board will determine whether the charter school has corrected the deficiencies identified in this resolution and whether to revoke the written charter for Silver State Charter School. Such revocation, if approved by the SPCSA Board, would be effective no earlier than the end of the 2015-16 academic year.

## **Nevada Connections Academy**

### *Cohort Graduation Rate:*

In late December 2015 the Nevada Department of Education uploaded the 2015 Cohort Graduation Data to the Nevada Report Card Website:

[http://nevadareportcard.com/di/report/reportcard\\_1?report=reportcard\\_1&scope=e20.y13&organization=c12305&fields=309%2C310%2C311%2C313%2C318%2C320&hiddenfieldsid=309%2C310%2C311%2C313%2C318%2C320&scores=1007%2C1015&num=160&page=1&pagesize=20&do\\_main=cohort&](http://nevadareportcard.com/di/report/reportcard_1?report=reportcard_1&scope=e20.y13&organization=c12305&fields=309%2C310%2C311%2C313%2C318%2C320&hiddenfieldsid=309%2C310%2C311%2C313%2C318%2C320&scores=1007%2C1015&num=160&page=1&pagesize=20&do_main=cohort&) (Exhibit 1).

According to the graduation rate data validated and reported by the Nevada Department of Education, Nevada Connections Academy had a 2015 cohort graduation rate of 35.63 percent. This is below the 60 percent cutoff specified in SB509. **Consequently, Nevada Connections Academy is eligible to receive a Notice of Closure pursuant to 386.535(1)(e).**

### *Nevada's Underperforming Schools—Federal Focus and Priority Schools*

In June 2015 the Nevada Department of Education issued a list of Underperforming Schools: [http://www.doe.nv.gov/SchoolImprovement/Underperforming\\_School\\_Support/2015-16\\_UnderperformingSchoolsList\\_R2/](http://www.doe.nv.gov/SchoolImprovement/Underperforming_School_Support/2015-16_UnderperformingSchoolsList_R2/) (Exhibit 3). On Friday, January 22, 2016, the Nevada Department of Education notified the US Department of Education of the following ESSA transition decision related to Priority and Focus Schools:

“Nevada will not exit schools and will maintain current identification. Nevada will “freeze” its current lists of priority and focus schools as of December 10, 2015. These schools will continue to implement their approved interventions through the 2015-2016 and 2016-2017 school years. The state will not exit schools from the current lists until after the 2016-2017 school year. (Exhibit 4, Email from Diane Mugford, NDE, to Jameel Scott, USED).”

Consequently, the Focus and Priority designations on the Underperforming Schools List remain in effect. Schools on the lists remain eligible for a range of sanctions and interventions, including closure pursuant to SB509.

Priority Schools are defined as schools among the lowest 5% of Title I--served schools based on performance. Additionally, Priority High Schools are those Title I schools which have a graduation rate below 60 percent.

Focus Schools are defined as schools the lowest 10% of Title I--served schools based on their achievement gaps.

Nevada Connections Academy's high school was designated as a Priority School by the Nevada Department of Education in June 2015. As such, the pupil achievement and school performance at Nevada Connections Academy is unsatisfactory as determined by the Department of Education pursuant to criteria prescribed by regulation by the Department to measure the performance of any public school. **Consequently, Nevada Connections Academy is eligible to receive a Notice of Closure pursuant to 386.535(1)(g).**

### *Additional Context:*

Nevada Connections Academy operates pursuant to a written charter. While the Agency issued an academic framework analysis for the school in 2014 which designated the school to be in Good Standing, that analysis predates the adoption of SB509. Thus, there was no opportunity for the Agency to incorporate the findings related to the school's inclusion on the Underperforming Schools list, including criteria such as cohort graduation rate and rating as either a Focus or a Priority school or other performance expectations that apply to all public schools. Due the statewide testing irregularity in 2015, the only current SPCSA Academic Framework data point for Nevada Connections Academy is the high school graduation rate. There is no elementary or middle school growth or status data for SBAC and the school does not have any ACT Aspire growth data. Consequently, there is insufficient data to issue an academic framework for the most recent year.

**Recommended Resolution for Nevada Connections Academy:**

Whereas Senate Bill 509 of the 2015 Legislative Session provided that a charter school may be closed pursuant to NRS 386.535(1)(e) if it has a graduation rate in the immediately preceding year which is lower than 60 percent; and

Whereas Nevada Connections Academy's 2015 high school's cohort graduation rate was 35.63 percent; and

Whereas, 35.63 percent is below the 60 percent cutoff specified in SB509; and

Whereas Senate Bill 509 of the 2015 Legislative Session provided that a charter school may be closed pursuant to NRS 386.535(1)(g) if the pupil achievement and school performance at the charter school is unsatisfactory as determined by the Department of Education pursuant to criteria prescribed by regulation by the Department to measure the performance of any public school; and

Whereas, Nevada Connections Academy appears on the state's most recent underperforming schools list, being classified as a Priority School at the High School level; and

Whereas, placement on the state's underperforming schools list demonstrates that the pupil achievement and school performance at Nevada Connections Academy is unsatisfactory as determined by the Department of Education pursuant to criteria prescribed by regulation by the Department to measure the performance of any public school;

Now, therefore, staff are directed to issue a Notice of Closure to Nevada Connections Academy pursuant to NRS 386.535(1)(e) and NRS 386.535(1)(g).

Pursuant to NRS 386.535, the school has at least 30 days within which to take corrective actions to cure this deficiency. The first day of this "cure period" is March 25, 2016. The date by which the school must have completed all efforts to cure these deficiencies is May 9, 2016.

The school is hereby directed to upload into Epicenter any evidence it wishes to be considered by the Board related to its cure of this deficiency by no later than 5 pm on May 10, 2016.

Staff are directed to schedule a public hearing at the May 20, 2016 SPCSA Board meeting during which the Board will determine whether the charter school has corrected the deficiencies identified in this resolution and whether to revoke the written charter for Nevada Connections Academy. Such revocation, if approved by the SPCSA Board, would be effective no earlier than the end of the 2015-16 academic year.



## Nevada Virtual Academy

### *Nevada's Underperforming Schools—Federal Focus and Priority Schools*

In June 2015 the Nevada Department of Education issued a list of Underperforming Schools: [http://www.doe.nv.gov/SchoolImprovement/Underperforming\\_School\\_Support/2015-16\\_UnderperformingSchoolsList\\_R2/](http://www.doe.nv.gov/SchoolImprovement/Underperforming_School_Support/2015-16_UnderperformingSchoolsList_R2/) (Exhibit 3). On Friday, January 22, 2016, the Nevada Department of Education notified the US Department of Education of the following ESSA transition decision related to Priority and Focus Schools:

“Nevada will not exit schools and will maintain current identification. Nevada will “freeze” its current lists of priority and focus schools as of December 10, 2015. These schools will continue to implement their approved interventions through the 2015-2016 and 2016-2017 school years. The state will not exit schools from the current lists until after the 2016-2017 school year. (Exhibit 4, Email from Diane Mugford, NDE, to Jameel Scott, USED).”

Consequently, the Focus and Priority designations on the Underperforming Schools List remain in effect. Schools on the lists remain eligible for a range of sanctions and interventions, including closure pursuant to SB509.

Priority Schools are defined as schools among the lowest 5% of Title I--served schools based on performance. Additionally, Priority High Schools are those Title I schools which have a graduation rate below 60 percent.

Focus Schools are defined as schools the lowest 10% of Title I--served schools based on their achievement gaps.

Nevada Virtual's Elementary School is designated a Focus School. As such, the pupil achievement and school performance at Nevada Virtual Academy is unsatisfactory as determined by the Department of Education pursuant to criteria prescribed by regulation by the Department to measure the performance of any public school. **Consequently, Nevada Virtual Academy is eligible to receive a Notice of Closure pursuant to 386.535(1)(g) due to its Priority School status.**

### *Nevada's Underperforming Schools—One Star and Two Stars Over Multiple Years*

Additionally, the state has repeatedly updated its listings of schools rated under the “Star System,” the Nevada School Performance Framework which comprises the Statewide System of Accountability (Exhibit 5).

- Nevada Virtual Academy's elementary school was identified as a two star school in 2012, 2013, and 2014
- Nevada Virtual Academy's high school was identified as a two star school in 2012, 2013, and 2014

Due to the “pause” in the statewide system of accountability, the star ratings were continued from 2014 to 2015. Hence, the most recent “rating” of each school occurred in 2014. The 2014 rating remains in effect. Nevada Virtual operates pursuant to a charter contract and both its elementary school and its high school were rated at the 2 star levels during each the three most recent ratings pursuant to the statewide system of accountability (2012, 2013, and 2014). **Consequently, the provisions of NRS 386.535(1)(a)(4) and Section 12 of R035-14A apply and Nevada Virtual is eligible for closure pursuant to that section of statute and the associated regulation.**

*Additional Context:*

Nevada Virtual operates pursuant to a charter contract. The school received an SPCSA academic performance framework rating of Unsatisfactory in 2013 and Approaches in 2014. Due the statewide testing irregularity in 2015, the only current data point for Nevada Virtual is the high school graduation rate. There is no elementary or middle school growth or status data for SBAC and the school does not have any ACT Aspire growth data. Consequently, there is insufficient data to issue an academic framework for the most recent year.

**Recommended Resolution for Nevada Virtual Academy:**

Whereas Senate Bill 509 of the 2015 Legislative Session provided that a charter school may be closed pursuant to NRS 386.535(1)(g) if the pupil achievement and school performance at the charter school is unsatisfactory as determined by the Department of Education pursuant to criteria prescribed by regulation by the Department to measure the performance of any public school; and

Whereas, Nevada Virtual Academy appears on the state’s most recent underperforming schools list, being classified as a Focus School at the Elementary School level; and

Whereas, placement on the state’s underperforming schools list as a Focus School demonstrates that the pupil achievement and school performance at Nevada Virtual Academy is unsatisfactory as determined by the Department of Education pursuant to criteria prescribed by regulation by the Department to measure the performance of any public school;

Whereas, NRS 386.531(1)(a)(4) provides that a charter school operating under a charter contract may be closed if the school has “persistently underperformed,” and

Whereas, Section 12(1) of R035-14A, the charter school regulations adopted by the Department of Education in 2014 determines that it has “persistently underperformed” if it is “not rated in the first, second or third highest tier during the last three ratings of the charter school pursuant to the statewide system of accountability for public schools,” and

Whereas, the statewide system of accountability for public schools rates public schools, including charter schools, on a five tier system, where one star is the lowest level and five stars is the highest level; and

Whereas, one star is the lowest rating of the five tiers on the statewide system of accountability; two stars is the second lowest rating of the five tiers on the statewide system of accountability; three stars is the third highest rating of the five tiers on the statewide system of accountability; four stars is the second highest rating of the five tiers on the statewide system of accountability; and five stars four stars is the highest rating of the five tiers on the statewide system of accountability; and

Whereas, on December 15, 2014, US Department of Education offered the accountability pause option to all states that were transitioning to new assessments aligned to college- and career-ready standards in the 2014-15 school year; and

Whereas, Nevada requested the pause in its Elementary and Secondary Education Act (ESEA) Waiver Flexibility Renewal Application, submitted to USDOE on March 31, 2015; and

Whereas, Nevada’s Renewal Application, including the pause request, was approved by USDOE on June 15, 2015; and

Whereas, the Nevada Department of Education announced the implementation of the pause via a press release dated September 15, 2015, stating “This year’s school star ratings are carried over from the 2013-2014 school year and the NSPF reports for each school do not include state assessment data from the 2014-2015 school year”; and

Whereas, by virtue of the approval of the pause request and the Nevada Department of Education’s announcement that “school star ratings are carried over from the 2013-14 school year” the most recent rating of Nevada Virtual Academy pursuant to Section 12(1) of R035-14A occurred in 2014; and

Whereas, Nevada Virtual Academy’s elementary school was identified as a two star school in 2012, 2013, and 2014; and

Whereas, Nevada Virtual Academy’s high school was identified as a two star school in 2012, 2013, and 2014; and

Whereas, 2012, 2013, and 2014 are the most recent three years when public schools received ratings pursuant to the statewide system of accountability; and

Whereas, a school with a one star rating is not ranked in the third, second, or third highest tier pursuant to the statewide system of accountability, and

Whereas, a school with a two star rating is not ranked in the third, second, or third highest tier pursuant to the statewide system of accountability, and

Now, therefore, staff are directed to issue a Notice of Closure to Nevada Virtual Academy pursuant to NRS 386.535(1)(f) as well as NRS 386.535(1)(a)(4) and Section 12 of R035-14A.

Pursuant to NRS 386.535, the school has at least 30 days within which to take corrective actions to cure this deficiency. The first day of this “cure period” is March 25, 2016. The date by which the school must have completed all efforts to cure these deficiencies is May 9, 2016.

The school is hereby directed to upload into Epicenter any evidence it wishes to be considered by the Board related to its cure of this deficiency by no later than 5 pm on May 10, 2016.

Staff are directed to schedule a public hearing at the May 20, 2016 SPCSA Board meeting during which the Board will determine whether the charter school has corrected the deficiencies identified in this resolution and whether to terminate the charter contract for Nevada Virtual Academy. Such termination, if approved by the SPCSA Board, would be effective no earlier than the end of the 2015-16 academic year.

Exhibit 1--2015 Cohort Graduation Rates



**Cohort Graduation Rates (Reported For Prior School Year)**

Year 2015-2016

Cohort Graduation Rates (Reported for Prior School Year) ▾

Years Cohort Graduation Rates (Reported for Prior School Year) Search Other

Go to Selections | Download | Share

Name	Accountability Year	Class Of	Total	
			Total	Graduation Rate
State Charters	2015-2016	2015	2,108	46.38%
Alpine Academy	2015-2016	2015	21	100%
Beacon Academy of Nevada	2015-2016	2015	423	52.63%
Coral Acad of Sci Academy	2015-2016	2015	40	94.87%
Leadership Academy of Nevada	2015-2016	2015	11	-
Nevada Connections Academy	2015-2016	2015	685	35.63%
Nevada State High School	2015-2016	2015	179	98.73%
Nevada Virtual Academy	2015-2016	2015	716	63.54%
Quest Academy	2015-2016	2015	33	76.92%
SSCS	2015-2016	2015	*	0%



Exhibit 2

**From:** [Kotler, Kit](#)  
**To:** [Parker, Carrie](#); [Peterson, William](#); [ryan russell](#); [Patrick Gavin](#)  
**Cc:** [Unsinn, Donna](#)  
**Subject:** Actual Graduation Rate for 2014-2015 Jumped!  
**Date:** Monday, February 22, 2016 2:55:16 PM

---

Carrie,

The approximate graduation rate for Silver State for 2014-2015 jumped to 28% last year, not 0% as one of the former administrators (no longer employed here) recorded. We are still waiting for assistance from SPCSA as to how to correct the figure. Therefore, the Silver State graduation rate has increased almost every year, and most significantly last year:

2010-2011=10.04% graduation rate  
2011-2012=22.41%  
2012-2013=22.16%  
2013-2014=22.29%  
2014-2015=28.00%

In addition, revenues have gone up every year and expenses have decreased every year, so both academics and finances are improving over time.

Carrie, can you please share this information with Greg Ott? I do not seem to have his email address. Thank you.

Kit

--

Dr. Kit Kotler  
Executive Director, Academics  
Silver State Charter Schools  
788 Fairview Drive  
Carson City, NV 89701  
(775-883-7900 x112)

# Nevada Department of Education

## Underperforming Schools



### Priority Schools

A Priority School is among the lowest 5% of Title I-served schools based on performance. Priority Schools have room for substantial improvement in whole school proficiency and growth. Intensive district and community assistance will provide this school with support necessary for improvement.

District	School Name
Carson	Pioneer HS
Clark	Innovations ES
Clark	One Hundred Academy ES
Clark	Fitzgerald ES
Clark	Lowman ES
Clark	Kelly ES
Clark	Petersen ES
Clark	West Prep Secondary (MS)
Clark	Monaco MS
Clark	Bailey MS
Clark	Innovations HS
Clark	Valley HS
Clark	Eldorado HS
Clark	Mojave HS
Clark	Del Sol HS
Clark	Desert Pines HS
Clark	Odyssey HS
Clark	Delta Charter HS
State Charter	Nevada Virtual Academy HS
State Charter	Nevada Connections Academy HS
Washoe	Desert Heights ES
Washoe	Hug HS
Washoe	Washoe Innovations Academy HS
<i>(Schools listed above identified based on 2013-2014 school data)</i>	
Nye	*Amargosa Valley ES
Clark	*Canyon Springs HS
Clark	*Chaparral HS
Clark	*Western HS

***\*Denotes Priority schools carried forward from previous designation (Priority schools are identified every three years). These schools have not met the current criteria to exit Priority status and this list may be revised if new Priority school exit criteria are approved.***

# Nevada Department of Education

## Underperforming Schools



### Focus Schools

A Focus School is among the lowest 10% of Title I-served schools based on their achievement gaps. Focus Schools have room for substantial improvement in the area of student achievement with specific sub-group populations, such as, students with disabilities, English Language Learners, and/or low-income students.

District	School Name	District	School Name
Clark	Lunt ES	Churchill	*Numa ES
Clark	Treem ES	Clark	*Craig ES
Clark	Thorpe ES	Clark	*Diaz ES
Clark	Cortez ES	Clark	*Paradise ES
Clark	Carl ES	Clark	*Reed ES
Clark	Dearing ES	Clark	*Roundy ES
Clark	Priest ES	Clark	*Squires ES
Clark	Galloway ES	Clark	*Williams Tom ES
Clark	Moore ES	Elko	*Owyhee MS
Clark	Smith MS	Humboldt	*McDermitt ES
Clark	Gibson MS	Lincoln	*Caliente ES
Clark	Robison MS	Pershing	*Lovelock ES
Clark	Swainston MS	Pershing	*Pershing MS
Clark	Jerome Mack MS	Washoe	*Corbett ES
Clark	Innovations MS	Washoe	*Mitchell R. ES
Elko	Owyhee ES	White Pine	*McGill ES
Nye	Hafen ES		
Nye	Floyd ES		
Washoe	Vaughn MS		
White Pine	White Pine MS		
State Charter	Nevada Virtual Academy ES		

*(Based on 2013-2014 School Data)*

***\*Denotes Focus schools identified based on 2010-2011 data (Focus schools are identified every three years). These schools have not met the current criteria to exit Focus status, and this list may be revised if new Focus school exit criteria are approved.***

# Nevada Department of Education

## Underperforming Schools



### One Star Schools

A 1-Star School is a school that earned fewer than 32 index points from all the measures in the Nevada School Performance Framework. This means that the school has room for substantial improvement in multiple areas. The required engagement of district leadership will support the school in improvement planning and implementation of specified and effective practices.

District	School
Clark	Cambeiro ES
Clark	Delta Charter MS
Clark	Burk Horizon SW HS
Clark	Global Community HS
Clark	Academy of Independent Study HS
Clark	Desert Rose HS
Nye	Round Mountain ES
Nye	Gabbs ES
Nye	Pathways HS
Washoe	I Can Do Anything HS
Washoe	Rainshadow HS
State Charter	Silver State MS
Clark	Reid ES
White Pine	Steptoe Valley HS

*(Based on 2013-2014 School Data)*

**From:** [Diane Mugford](#)  
**To:** [Patrick Gavin](#); [Gott@ag.nv.gov](mailto:Gott@ag.nv.gov)  
**Subject:** Evidence of NV's Decision on Focus/Priority Identification  
**Date:** Tuesday, March 15, 2016 9:42:29 AM  
**Attachments:** [12-10-2015 am v. an transition del.pdf](#)  
**Importance:** High

---

Hello Patrick and Greg – Sorry this took me a while to find. Please see Request #3.

As you can see, it was part of a lengthy response to other ESEA Waiver-related requests from the Office of State Supports (U.S. Department of Education). (I did not think you wanted the extensive accompanying filed relevant to Requests 1-2.)

I am also forwarding the letter requesting this response that we received from Ann Whalen, which is also linked within the letter.

Best Regards,  
Diane

---

**From:** Diane Mugford [mailto:[dmugford@doe.nv.gov](mailto:dmugford@doe.nv.gov)]  
**Sent:** Friday, January 22, 2016 11:42 AM  
**To:** Scott, Jameel  
**Cc:** Dena Durish; Gayle Magee; Leslie James; Janie Lowe; Diane Mugford; Jonathan Gibson; [jshih@unlv.nevada.edu](mailto:jshih@unlv.nevada.edu); Matthew Smith; Kristina Cote; Dena Durish; Kulwadee Axtell; Matthew Smith; [MinSun\\_Park@nshe.nevada.edu](mailto:MinSun_Park@nshe.nevada.edu); Steve Canavero; Gayle Magee; Karl Wilson; Mark Gabrylczyk; Shackel, Erin; OESE.OSS.Nevada  
**Subject:** RE: Flexibility Follow-Up  
**Importance:** High

Hello Jameel,

Please add Mark Gabrylczyk, Director of the Office of School and Student Supports, to the Nevada team email list. Also add Peter Zutz, Administrator of the Office of Accountability, Data and Assessment Management to the list.

Thanks for your reminder about the follow-up responses as specified in Nevada's ESEA flexibility renewal approval letter (Conditions) and additionally, as required by ESSA.

Here are your requests and our responses with additional supporting documentation as appropriate:

-

**Request 1:**

“Specifically, Nevada was asked to “Provide additional information to ED, by December 31, 2015, on its progress in carrying out its plan to administer in school year 2015-2016 high-quality assessments in high school aligned to Nevada's academic content standards and alternate assessments based on alternate academic achievement standards aligned to Nevada's academic content standards for students with the most significant cognitive disabilities.”

Nevada is providing with this email the updated timeline culminating in the administration in Spring of 2017 of the new Nevada Alternate Assessment for our 1% population of Students with Disabilities. Due to the change of vendors, the timeline has been readjusted in order to assure the proposed new NAA as administered in Spring 2017 will be fully aligned to the Nevada Academic Content Standards for English language arts and mathematics.

Attached: 01\_22\_2016 NV Alt Assessmt Timeline 2016-2017

**Request 2:**

“Nevada was also asked to “Demonstrate, during ED's monitoring and follow-up of ESEA flexibility implementation, that it meaningfully collaborates with stakeholders on the implementation of Nevada's ESEA flexibility, including with students, community-based organizations, civil rights organizations, organizations representing students with disabilities, organizations representing English learners, institutions of higher education, and Indian tribes.” This does not require any specific submission from Nevada but simply an expectation that Nevada will keep ED informed regarding your collaboration with stakeholders going forward. We may ask about the status of such activities during subsequent quarterly progress checks or other contacts.”

Extensive examples of Meaningful Consultation with stakeholders are attached. These include

*Responses from LEA's to the State's intention to renew the ESEA Waiver Flexibility Request*

Attached

- 05\_26\_2015 Appendix A CCSD Response
- Appendix A 05\_26\_2015 Lyon Co Response

*Responses from a broad-based stakeholder constituency*

Attached

- Appendix A 03\_25\_15 Reprt on ESEA Waiver Survey Responses
- 05\_27\_2015 Appendix A Individ Respon Wvr Survey

*Nevada's many processes to seek public input on the Waiver and Waiver-related issues include*

- Nevada's ESEA Waiver page on our website at [http://www.doe.nv.gov/Resources/NV\\_ESEA\\_Waiver/](http://www.doe.nv.gov/Resources/NV_ESEA_Waiver/)

*Public Comment sought at all Nevada State Board of Education Meetings*

Attached

- Nevada Revised Statue re: Public Comment – 01-04-2016 NRS 241.020 re Public Comment
- (Agenda and Notes from the meeting of the Nevada State Board of Education meeting of January 29, 2015)
- April30SBE Agenda
- MINApril302015rev

*Engagement with Stakeholder Groups*

Attached

- 10\_26\_2015 Final AAC Report for NDE
- TAG Notes\_12\_17\_2015

**Request 3:**

“In addition, the State will need to select one of the following options (below) with regard to Priority and Focus School lists based on school year 2014-2015 data. Nevada will need to inform ED which of the options it has selected through an email to its State email address, [OSS.Nevada@ed.gov](mailto:OSS.Nevada@ed.gov)<<mailto:OSS.Nevada@ed.gov>>, submitted on or before Friday, January 29, 2016.”

Nevada has selected Option A with regard to Priority and Focus School lists based on school year 2014-2015 data. Nevada will not exit schools and will maintain current identification. Nevada will “freeze” its current lists of priority and focus schools as of December 10, 2015. These schools will continue to implement their approved interventions through the 2015-2016 and 2016-2017 school years. The state will not exit schools from the current lists until after the 2016-2017 school year.

Thank you, Jameel, for your support in finalizing approval of these conditions as specified in your email of January 14, 2016. Nevada looks forward to working with the Office of State Supports as we all prepare to meet the challenges of the transition to the Every Student Succeeds Act.

Sincerely,  
Diane

---

**From:** Scott, Jameel [<mailto:Jameel.Scott@ed.gov>]  
**Sent:** Thursday, January 14, 2016 8:47 AM  
**To:** Dena Durish; Gayle Magee; Leslie James; Janie Lowe; Diane Mugford; Jonathan Gibson; [jshih@unlv.nevada.edu](mailto:jshih@unlv.nevada.edu); Matthew Smith; Kristina Cote; Dena Durish; Kulwadee Axtell; Matthew Smith; [MinSun\\_Park@nshe.nevada.edu](mailto:MinSun_Park@nshe.nevada.edu); Steve Canavero; Gayle Magee; Karl Wilson  
**Cc:** Shackel, Erin; OESE.OSS.Nevada  
**Subject:** Flexibility Follow-Up

Dear Nevada Team:

We are writing to follow up on three issues that were discussed in the December 18, 2015 [Dear Colleague Letter from Ann Whalen](#).

As indicated in the December 18, 2015 Dear Colleague Letter , **a State must submit required follow-up responses** as specified in its ESEA flexibility renewal approval letter for those items that are required under both the ESEA and ESSA. Specifically, Nevada has two follow-up items related to implementation as s indicated in the ESEA Flexibility Renewal approval letter of June 23, 2015 (attached): **High-quality assessments under Principle 1 of ESEA Flexibility and Meaningful consultation with stakeholders.**

Specifically, Nevada was asked to “Provide additional information to ED, by December 31, 2015, on its progress in carrying out its plan to administer in school year 2015-2016 high-quality assessments in high school aligned to Nevada's academic content standards and alternate assessments based on alternate academic achievement standards aligned to Nevada's academic content standards for students with the most significant cognitive disabilities.” We asked about this as well in an email sent on December 23, 2015. We received your email confirming receipt of this email on December 23, 2015; however, we have yet to receive the requested information. Please remember to email us this information at your earliest convenience.

Nevada was also asked to “Demonstrate, during ED's monitoring and follow-up of ESEA flexibility implementation, that it meaningfully collaborates with stakeholders on the implementation of Nevada's ESEA flexibility, including with students, community-based organizations, civil rights organizations, organizations representing students with disabilities, organizations representing English learners, institutions of higher education, and Indian tribes.” This does not require any specific submission from Nevada but simply an expectation that Nevada will keep ED informed regarding your collaboration with stakeholders going forward. We may ask about the status of such activities during subsequent quarterly progress checks or other contacts.

In addition, the State will need to select one of the following options (below) with regard to Priority and Focus School lists based on school year 2014-2015 data. Nevada will need to inform ED which of the options it has selected through an email to its State email address, [OSS.Nevada@ed.gov](mailto:OSS.Nevada@ed.gov), submitted on or before Friday, January 29, 2016.

- Option A: Do not exit schools and maintain current identification. Nevada may “freeze” its current lists of priority and focus schools as of December 10, 2015 (the date of enactment of the ESSA). These schools would continue to implement their approved interventions through the 2015-2016 and 2016-2017 school years. The State would not be able to exit schools from the current lists until after the 2016-2017 school year.
- Option B: Exit schools and identify new priority and focus schools. Nevada may exit priority and focus schools that meet the State’s approved exit criteria and identify new priority (at least 5 percent of Title I schools) and focus (at least 10 percent of Title I schools) schools based on more recent data. Newly identified schools, as well as those that remain on these lists because they did not meet the State’s exit criteria, would implement their approved interventions through the 2016-2017 school year. If selecting this option, Nevada must provide updated lists of priority and focus schools to ED by Monday, March 1, 2016; please note that this deadline supersedes prior assurances and communications requiring some States to submit these lists in January 2016.



As a reminder, under ESSA section 4(c)(1), waivers granted through ESEA flexibility remain effective through August 1, 2016. Given this timeframe, ED expects each State that is currently approved to implement ESEA flexibility to continue to meet all ESEA flexibility principles during the 2015–2016 school year.

ED will continue to provide technical assistance, feedback, and support to States and districts so they can continue to build on the strong foundations they have constructed and facilitate a smooth transition.

Please let us know if you have any questions.

OSS Nevada Team - Erin and Jameel

Jameel A. Scott M.S. Ed | U.S. Department of Education  
Office of State Support  
Office of Elementary and Secondary Education  
400 Maryland Avenue SW | Room 3W105 | Washington DC 20202  
(202) 205-3784 | [Jameel.Scott@ed.gov](mailto:Jameel.Scott@ed.gov)

“Most teachers still say they love teaching though they wouldn't mind a little more respect for their challenging work and a little less blame for America's educational shortcomings.”

Arne Duncan



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

December 18, 2015

Dear Colleague:

On December 10, 2015, the President signed into law the Every Student Succeeds Act (ESSA), which reauthorizes the Elementary and Secondary Education Act of 1965 (ESEA). The reauthorized law, which we will refer to in this document as the ESSA, prioritizes excellence and equity for our students and supports great educators. Your work provides a strong foundation to help ensure that every child graduates from high school ready for college and careers. The ESSA reinforces your efforts, and the U.S. Department of Education (ED) looks forward to supporting you during the upcoming transition and throughout ESSA implementation.

To facilitate an orderly transition to the programs authorized by the ESSA, we are conducting a careful review of the work in which you and your State are currently engaged. In the coming months, ED will provide ongoing guidance to support schools, districts, and States in the transition to the ESSA. This letter begins this process and provides guidance regarding certain activities for which we know you are working toward imminent deadlines and that are affected by this reauthorization. In particular, this letter covers ED's expectations regarding: Title I assessment peer review; annual measurable objectives (AMOs) and annual measurable achievement objectives (AMAOs) for school years 2014–2015 and 2015–2016; conditions and other related requirements under ESEA flexibility; priority and focus school lists; and educator evaluation and support systems under ESEA flexibility.

*Title I Assessment Peer Review*

The reauthorized law maintains the requirement that each State administer high-quality annual assessments in at least reading/language arts, mathematics, and science that meet nationally recognized professional and technical standards. As described in ED's letter to you on September 25, 2015, a high-quality State assessment system that is aligned to State-determined content standards is essential to providing information that States, districts, principals, and teachers can use to identify the academic needs of students, target resources and supports toward students who need them most, evaluate school and program effectiveness, and close achievement gaps among students. A high-quality assessment system also provides useful information to parents about their child's advancement against and achievement of grade-level standards.

We are reviewing the ESSA to better understand the impact of any changes to the requirements for State assessment systems but, because the essential requirements are unchanged, ED's peer review of State assessment systems will continue so that each State receives feedback from external experts on the assessments it is currently administering. However, the schedule will be slightly altered; ED is cancelling the January 2016 peer review window and adjusting the March and May 2016 windows to April and June 2016. More information will be provided in the coming weeks.

### *AMOs and AMAOs*

In accordance with a February 27, 2015, letter from the Director of ED's Office of State Support, many States that implemented new assessments in the 2014–2015 school year are preparing to submit new AMOs for ED's review and approval in January 2016. However, the ESSA requires States to “establish ambitious State-designed long-term goals...for all students and separately for each subgroup of students” instead of AMOs. ED wants to support State efforts to prepare for this transition; therefore, in accordance with ED's authority to ensure an orderly transition to the ESSA, ED will not require States to submit AMOs (for school years 2014–2015 or 2015–2016) in January 2016 for ED's review and approval, nor will ED require States to report performance against AMOs for the 2014–2015 or 2015–2016 school years. Additionally, ED will not require States to hold districts accountable for their performance against AMAOs 1, 2, and 3 under Title III of the ESEA for the 2014–2015 or 2015–2016 school years.

Please note, however, that all States and districts must continue to publish report cards, including report cards for the 2014–2015 school year (if those report cards have not yet been published), for the 2015–2016 school year, and beyond. Report cards must continue to include information that shows how a district's student achievement on the State assessments compares to students and subgroups of students in the State as a whole. At the school level, the district must include information that shows how a school's student achievement on the State assessments compares to students and subgroups of students in the district and in the State as a whole. However, consistent with ED's authority to ensure an orderly transition to the ESSA, report cards need not include the information required under ESEA section 1111(h)(1)(C)(ii).

### *General ESEA Flexibility Update*

Under ESSA section 4(c)(1), waivers granted through ESEA flexibility remain effective through August 1, 2016. Given this timeframe, ED expects each State that is currently approved to implement ESEA flexibility to continue to meet all ESEA flexibility principles during the 2015–2016 school year. However, because ESEA flexibility terminates on August 1, 2016, ED will not seek or review requests to extend ESEA flexibility from a State with an ESEA flexibility request approved only through the 2015–2016 school year. In addition, ED will no longer review or approve requests for ESEA flexibility, as announced by ED on September 23, 2011, from a State that does not yet have an approved flexibility request. ED will continue to make decisions on a case-by-case basis but, generally speaking, will prioritize monitoring and enforcement on principles that are included in both the ESEA and ESSA.

### *Follow-Up Actions Required Under ESEA Flexibility Renewal*

During the ESEA flexibility renewal process, ED renewed some States subject to certain follow-up actions and conditions as described in our renewal letter. Many of the follow-up actions, including those required to resolve a condition, required a State to take certain actions during, or by the end of, the 2015–2016 school year. Because ESEA flexibility terminates on August 1, 2016, a State will no longer be required to submit follow-up responses to ED related to areas of ESEA flexibility that are not required under both the ESEA and ESSA. Instead, ED will continue to provide technical assistance, feedback, and support to States and districts in these key areas so they can continue to build on the strong foundations they have constructed and facilitate a smooth transition.

For follow-up actions related to areas that are required under both the ESEA and ESSA, a State must submit required follow-up responses as specified in its ESEA flexibility renewal approval letter. In particular, a State is required to provide information for follow-up actions under Principle 1 of ESEA flexibility, including follow-up actions related to consultation with stakeholders, college- and career-ready standards, and high-quality assessments, and under Principle 2 related to reporting requirements. In the coming days, a member of my staff will contact each State's ESEA flexibility contact to clarify whether any follow-up actions that were required as part of the State's ESEA flexibility renewal must be carried out.

#### *All Other Amendments to ESEA Flexibility Requests*

Through August 1, 2016, a State may continue to request amendments affecting activities required under the ESSA; ED will review these amendments and make a determination on their approval. If a State wishes to amend Principle 1 or any of the reporting components of Principle 2 of its approved ESEA flexibility request, it must submit an amendment for ED's review.

On areas no longer required under both the ESEA and ESSA, ED will continue to provide technical assistance, including feedback and support, but will not formally process amendment requests or decisions on their approval. If you have questions about whether a particular change requires an amendment, please reach out to your program officer in ED's Office of State Support.

#### *Priority and Focus School Lists*

Under ESEA flexibility, many States were required to submit updated priority and focus school lists in January 2016. In order to facilitate an orderly transition to ESSA during the 2015–2016 school year, all States implementing ESEA flexibility may now select either of the following options with regard to these lists:

Option A: Do not exit schools and maintain current identification. A State may “freeze” its current lists of priority and focus schools as of December 10, 2015 (the date of enactment of the ESSA). These schools would continue to implement their approved interventions through the 2015–2016 and 2016–2017 school years. The State would not be able to exit schools from the current lists until after the 2016–2017 school year.

Option B: Exit schools and identify new priority and focus schools. A State may exit priority and focus schools that meet the State's approved exit criteria and identify new priority (at least 5 percent of Title I schools) and focus (at least 10 percent of Title I schools) schools based on more recent data. Newly identified schools, as well as those that remain on these lists because they did not meet the State's exit criteria, would implement their approved interventions through the 2016–2017 school year. A State selecting this option must provide updated lists of priority and focus schools to ED by **Monday, March 1, 2016**; please note that this deadline supersedes prior assurances and communications requiring some States to submit these lists in January 2016.

Each State implementing ESEA flexibility should inform ED of which of the above options it has selected through an e-mail to its State e-mail address, OSS.[STATE]@ed.gov, submitted on or before Friday, January 29, 2016.

*Supporting Educator Effectiveness*

To help ensure that all educators have the necessary tools to be maximally effective, every State implementing ESEA flexibility is engaged in the challenging and critical work of designing, building, and operationalizing educator evaluation and support systems. We believe that this hard work and leadership should be recognized and encouraged. As noted, the law provides for ESEA flexibility, including those principles related to educator evaluation and support systems, to continue to be implemented through August 1, 2016. Given that educator evaluation and support systems are not required under the ESSA, ED will continue to provide technical assistance, including feedback and support, but will not formally process amendment requests related to these systems, and will prioritize monitoring and enforcement on principles that are included in both the ESEA and ESSA.

I understand that you may have additional questions about how to proceed, including specific questions about which portions of the guidance provided above applies to schools and districts in your State. You can find the latest information at [www.ed.gov/essa](http://www.ed.gov/essa) and can ask questions by e-mailing us at [essa.questions@ed.gov](mailto:essa.questions@ed.gov) or through your contact in our Office of State Support. Please also know that ED is working to provide you with comprehensive guidance on the transition, as well as guidance on the requirements of the programs authorized under the ESSA. We will work with stakeholders to understand the issues on which guidance would be most helpful; in the meantime, I hope this letter answers some of your most urgent questions.

Please note that a Request for Information (RFI) that seeks advice and recommendations regarding regulations under Title I of the ESEA as reauthorized by the ESSA is available today for public inspection at <https://www.federalregister.gov/public-inspection>. A link to that document will be available at [www.ed.gov/essa](http://www.ed.gov/essa) when it is published in the *Federal Register*.

Thank you for your ongoing commitment to improving educational outcomes for all students. I look forward to our continued partnership as we move ahead with this critical work.

Sincerely,

/s/

Ann Whalen  
Delegated the Authority to Perform the Functions  
and Duties of Assistant Secretary for  
Elementary and Secondary Education

cc: State Title I Directors  
State Assessment Directors  
State ESEA Flexibility Leads

# State Charter

Print Date: 3/22/2016

School Name	Year	Index/Adj. Index Scores		Growth		Status		Other
		Stars	Index Score	Math	Reading	Math	Reading	% ADA
				MGP	MGP	% Prof	% Prof	
Alpine Charter HS	2012	Not Rated	N/A	5	8.5	60.9	78.3	83.6
Alpine Charter HS	2013	★★	36.05	38.5	52.5	82.4	82.4	89.7
Alpine Charter HS	2014	★★★	62.79	65.5	61.5	100	100	0
Alpine Charter HS	2015	★★★	N/A	N/A	N/A	N/A	N/A	N/A
American Prep ES	2015	Not Rated	N/A	N/A	N/A	N/A	N/A	N/A
American Prep HS	2015	Not Rated	N/A	N/A	N/A	N/A	N/A	N/A
American Prep MS	2015	Not Rated	N/A	N/A	N/A	N/A	N/A	N/A
Beacon Academy HS	2012	★★	35.00	49.5	37	56.7	85.7	77.1
Beacon Academy HS	2013	★	29.69	24.5	23	42.9	67.1	96.9
Beacon Academy HS	2014	★★★	51.50	27	51	68.9	91.2	98.1
Beacon Academy HS	2015	★★★	N/A	N/A	N/A	N/A	N/A	N/A
Coral Acad LV ES	2012	★★★★★	85.00	65	53	89.9	82.3	96.9
Coral Acad LV ES	2013	★★★★★	73.00	54	55	85	88.9	94.6
Coral Acad LV ES	2014	★★★★★	85.00	56	61.5	86.6	90.7	97.2

Coral Acad LV HS	2012	★★★★	75.00 <sup>Exhibit 5</sup>	68	64.5	70	80	96.9
Coral Acad LV HS	2013	★★★★	73.08	79	67.5	80	95	94.6
Coral Acad LV HS	2014	★★★★★	81.25	87	69	89.5	86.8	97.2
Coral Acad LV MS	2012	★★★★★	88.75	67	52	87.3	69.5	96.9
Coral Acad LV MS	2013	★★★★	73.00	60.5	45	70	67.7	94.6
Coral Acad LV MS	2014	★★★★★	90.00	59	50	71.5	76.4	97.2

"nd" displays when a point value is not determined due to an insufficient number of students in the group.

\*\*\* displays when data is suppressed because there are less than 10 students in the applicable group.

"N/A" displays when data is either not reported or not applicable.

Exhibit 5

School Name	Year	Index/Adj. Index Scores		Growth		Status		Other
		Stars	Index Score	Math	Reading	Math	Reading	% ADA
				MGP	MGP	% Prof	% Prof	
Coral Acad of Sci ES	2015	★★★★★	N/A	N/A	N/A	N/A	N/A	N/A
Coral Acad of Sci HS	2015	★★★★★	N/A	N/A	N/A	N/A	N/A	N/A
Coral Acad of Sci MS	2015	★★★★★	N/A	N/A	N/A	N/A	N/A	N/A
Davidson Acad	2012	★★★★★	93.75	81.5	63.5	100	100	97.6
Davidson Acad	2013	★★★★★	95.92	**	**	100	100	97
Davidson Acad MS	2012	★★★★★	92.50	45	70	100	100	97.6
Davidson Acad MS	2013	★★★★★	97.50	70.5	66.5	100	100	97
Discovery Sch	2012	Not Rated	N/A	**	**	59.1	54.5	92.3
Discovery Sch	2013	★★★	53.75	32	37	47.8	63	94.4
Discovery Sch	2014	★★★	62.00	42	41.5	38.5	62.6	94.2
Discovery Sch ES	2012	Not Rated	N/A	10	14	47.8	52.2	92.3
Discovery Sch ES	2013	★★	41.25	25.5	40	45.8	61.9	94.4
Discovery Sch ES	2014	★★	35.00	29	39.5	37	52.8	94.2
Discovery Sch ES	2015	★★	N/A	N/A	N/A	N/A	N/A	N/A
Discovery Sch MS	2015	★★★	N/A	N/A	N/A	N/A	N/A	N/A
Doral Acad ES	2014	★★★★★	77.00	45	51	81.4	90.2	96.9
Doral Acad MS	2014	★★★	64.00	29	40	55.1	76.8	96.9
Doral CS ES	2015	★★★★★	N/A	N/A	N/A	N/A	N/A	N/A
Doral CS MS	2015	★★★	N/A	N/A	N/A	N/A	N/A	N/A



Elko Institute ES	2012	☆☆☆	60.00 <sup>Exhibit 5</sup>	47	59	74.5	64.7	93.6
-------------------	------	-----	----------------------------	----	----	------	------	------


"nd" displays when a point value is not determined due to an insufficient number of students in the group.

\*\*\* displays when data is suppressed because there are less than 10 students in the applicable group.

"N/A" displays when data is either not reported or not applicable.

Exhibit 5

School Name	Year	Index/Adj. Index Scores		Growth		Status		Other
		Stars	Index Score	Math	Reading	Math	Reading	% ADA
				MGP	MGP	% Prof	% Prof	
Elko Institute ES	2013	★★★	52.00	44	62	62.7	59.3	93.4
Elko Institute ES	2014	★★★	51.25	48	59	50	68.6	0
Elko Institute ES	2015	★★★	N/A	N/A	N/A	N/A	N/A	N/A
Elko Institute MS	2012	Not Rated	N/A	**	**	80	75	93.6
Elko Institute MS	2013	★★★★★	75.00	69	62	40.9	45.5	93.4
Elko Institute MS	2014	★★★★★	74.00	70	49	55.6	50	0
Elko Institute MS	2015	★★★★★	N/A	N/A	N/A	N/A	N/A	N/A
Founders ES	2015	Not Rated	N/A	N/A	N/A	N/A	N/A	N/A
Founders HS	2015	Not Rated	N/A	N/A	N/A	N/A	N/A	N/A
Founders MS	2015	Not Rated	N/A	N/A	N/A	N/A	N/A	N/A
Honors Acad ES	2013	★★	45.00	26	29	56.7	71.7	95.7
Honors Acad ES	2014	★★	41.00	33	46	55.4	69.6	93.5
Honors Acad ES	2015	★★	N/A	N/A	N/A	N/A	N/A	N/A
Honors Acad MS	2013	Not Rated	N/A	**	**	69.2	83.3	95.7
Honors Acad MS	2014	★★★★★	72.00	50	49	46.2	71.6	93.5
Honors Acad MS	2015	★★★★★	N/A	N/A	N/A	N/A	N/A	N/A
Imagine MTN View ES	2012	Not Rated	N/A	N/A	N/A	N/A	N/A	95.4
Imagine MTN View ES	2013	Not Rated	N/A	N/A	N/A	79.2	75.5	95.1
Imagine MTN View ES	2014	★★★★★	82.00	68.5	64	81.8	72.7	96

Imagine MTN View ES	2015		N/A	<sup>Exhibit 5</sup>	N/A	N/A	N/A	N/A	N/A
---------------------	------	---	-----	----------------------	-----	-----	-----	-----	-----

"nd" displays when a point value is not determined due to an insufficient number of students in the group.

\*\*\* displays when data is suppressed because there are less than 10 students in the applicable group.

"N/A" displays when data is either not reported or not applicable.

Exhibit 5

School Name	Year	Index/Adj. Index Scores		Growth		Status		Other
		Stars	Index Score	Math	Reading	Math	Reading	% ADA
				MGP	MGP	% Prof	% Prof	
Independence HS	2012	Not Rated	N/A	N/A	N/A	N/A	N/A	100
Independence HS	2013	Not Rated	N/A	N/A	N/A	N/A	N/A	100
Independence HS	2014	Not Rated	N/A	N/A	N/A	N/A	N/A	N/A
Leadership HS	2015	Not Rated	N/A	N/A	N/A	N/A	N/A	N/A
Leadership MS	2015	Not Rated	N/A	N/A	N/A	N/A	N/A	N/A
Learning Bridge ES	2014	☆☆☆	51.25	48	48.5	55.3	55.3	95.4
Learning Bridge ES	2015	☆☆☆	N/A	N/A	N/A	N/A	N/A	N/A
Learning Bridge MS	2014	Not Rated	N/A	**	**	**	**	95.4
Learning Bridge MS	2015	Not Rated	N/A	N/A	N/A	N/A	N/A	N/A
Mater ES	2015	Not Rated	N/A	N/A	N/A	N/A	N/A	N/A
Mater MS	2015	Not Rated	N/A	N/A	N/A	N/A	N/A	N/A
Nevada State HS	2012	☆☆☆☆☆	90.79	N/A	N/A	93.9	96.9	98.9
Nevada State HS	2013	☆☆☆☆☆	93.06	N/A	N/A	100	100	99.2
Nevada State HS	2014	☆☆☆☆☆	83.55	N/A	N/A	96.3	100	N/A
Nevada State HS	2015	☆☆☆☆☆	N/A	N/A	N/A	N/A	N/A	N/A
Nevada Virtual Ac ES	2015	☆☆	N/A	N/A	N/A	N/A	N/A	N/A
Nevada Virtual Ac HS	2015	☆☆	N/A	N/A	N/A	N/A	N/A	N/A
Nevada Virtual Ac MS	2015	☆☆☆	N/A	N/A	N/A	N/A	N/A	N/A
<b>Nevada Virtual Acad ES</b>	<b>2012</b>	☆☆	<b>41.00</b>	<b>34</b>	<b>40</b>	<b>55.3</b>	<b>59.6</b>	<b>90.9</b>

Nevada Virtual Acad ES	2013	☆☆	38.00	39	37	49.2	57.5	81.9
------------------------	------	----	-------	----	----	------	------	------

Exhibit 5


"nd" displays when a point value is not determined due to an insufficient number of students in the group.

"\*\*" displays when data is suppressed because there are less than 10 students in the applicable group.

"N/A" displays when data is either not reported or not applicable.

Exhibit 5

School Name	Year	Index/Adj. Index Scores		Growth		Status		Other
		Stars	Index Score	Math	Reading	Math	Reading	% ADA
				MGP	MGP	% Prof	% Prof	
Nevada Virtual Acad ES	2014	★★	32.00	29	32	47.7	56	94.5
Nevada Virtual Acad HS	2012	★	28.13	28	32.5	47.7	62.7	90.9
Nevada Virtual Acad HS	2013	★★	36.00	31	34	58.7	76.1	81.9
Nevada Virtual Acad HS	2014	★★	43.00	34	49	63.5	79.5	94.5
Nevada Virtual Acad MS	2012	★★	42.00	24	41	46	46.8	90.9
Nevada Virtual Acad MS	2013	★★	41.00	29	36	25.8	45.5	81.9
Nevada Virtual Acad MS	2014	★★★	57.00	40	38	34.8	48.4	94.5
NV Connections Ac ES	2015	★★	N/A	N/A	N/A	N/A	N/A	N/A
NV Connections Ac HS	2015	★★	N/A	N/A	N/A	N/A	N/A	N/A
NV Connections Ac MS	2015	★★★★	N/A	N/A	N/A	N/A	N/A	N/A
NV Connections Acad ES	2012	★★★	51.00	43	45	64.6	68.8	83.3
NV Connections Acad ES	2013	★★★	52.00	36	43	56.1	72	97
NV Connections Acad ES	2014	★★	48.00	26	44	53.3	72	96.5
NV Connections Acad HS	2012	★★	44.27	57.5	57	77.2	95.7	83.3
NV Connections Acad HS	2013	★★★	52.00	56	62	82.9	90.1	97
NV Connections Acad HS	2014	★★	48.00	42	44	75.6	95.1	96.5
NV Connections Acad MS	2012	★★	48.00	24	46.5	52.8	64.8	83.3
NV Connections Acad MS	2013	★★★★	68.00	42	44	36.3	66	97
NV Connections Acad MS	2014	★★★★	68.00	42	43.5	37.3	66.2	96.5

Oasis Acad	2012		81.25 <sup>Exhibit 5</sup>	53	66	78.9	78.9	96.5
------------	------	---	----------------------------	----	----	------	------	------

"nd" displays when a point value is not determined due to an insufficient number of students in the group.

\*\*\* displays when data is suppressed because there are less than 10 students in the applicable group.

"N/A" displays when data is either not reported or not applicable.

Exhibit 5

School Name	Year	Index/Adj. Index Scores		Growth		Status		Other
		Stars	Index Score	Math	Reading	Math	Reading	% ADA
				MGP	MGP	% Prof	% Prof	
Oasis Acad	2013	★★★★★	93.75	62	66	68.4	92.1	96
Oasis Acad	2014	★★★★★	96.00	84	68	72.7	90.9	94.8
Oasis Acad ES	2012	★★★★★	86.25	68	70	88	81.3	96.5
Oasis Acad ES	2013	★★★★	72.00	57	62.5	66.2	85.1	96
Oasis Acad ES	2014	★★★★★	85.00	66	60	88.1	88.1	94.8
Oasis Acad ES	2015	★★★★★	N/A	N/A	N/A	N/A	N/A	N/A
Oasis Acad MS	2015	★★★★★	N/A	N/A	N/A	N/A	N/A	N/A
Pinecrest ES	2013	★★★	50.00	36.5	48	69.6	76.8	95.3
Pinecrest ES	2014	★★★	54.00	37.5	50	75.3	75.3	97.5
Pinecrest ES	2015	★★★	N/A	N/A	N/A	N/A	N/A	N/A
Pinecrest MS	2013	★★★	55.00	43.5	39	50	60	95.3
Pinecrest MS	2014	★★★★	71.00	50	42.5	50.4	67.3	97.5
Pinecrest MS	2015	★★★★	N/A	N/A	N/A	N/A	N/A	N/A
Quest Acad	2012	★★★	55.00	47.5	42	73.9	67.8	96.7
Quest Acad	2013	★★	41.00	36	28.5	63.8	66.2	95.6
Quest Acad	2014	★★★★	71.00	68.5	55	74.5	74.8	95.7
Quest Acad ES	2015	★★★★	N/A	N/A	N/A	N/A	N/A	N/A
Quest Acad HS	2013	★★★	55.81	29.5	**	68.4	89.5	95.6
Quest Acad HS	2014	★★★	64.79	58	50	83.3	88.9	95.7



Quest Acad HS	2015		N/A	Exhibit 5	N/A	N/A	N/A	N/A	N/A
---------------	------	---	-----	-----------	-----	-----	-----	-----	-----

"nd" displays when a point value is not determined due to an insufficient number of students in the group.

\*\*\* displays when data is suppressed because there are less than 10 students in the applicable group.

"N/A" displays when data is either not reported or not applicable.

Exhibit 5

School Name	Year	Index/Adj. Index Scores		Growth		Status		Other
		Stars	Index Score	Math	Reading	Math	Reading	% ADA
				MGP	MGP	% Prof	% Prof	
Quest Acad MS	2015	★★★	N/A	N/A	N/A	N/A	N/A	N/A
Quest Acad SCH	2012	★★★	60.00	41	63	54.1	55.7	96.7
Quest Acad SCH	2013	★★★	54.00	42	41.5	32.3	53.2	95.6
Quest Acad SCH	2014	★★★	61.00	46	62.5	31.8	55.4	95.7
Silver Sands ES	2012	★★★★★	73.75	59	61.5	78.4	75	95.2
Silver Sands ES	2013	★★★	63.75	63	55	71.3	76.2	94.7
Silver Sands ES	2014	★★★★★	80.00	71	49	75.6	82.2	96.2
Silver Sands ES	2015	★★★★★	N/A	N/A	N/A	N/A	N/A	N/A
Silver Sands MS	2012	Not Rated	N/A	**	**	100	66.7	95.2
Silver Sands MS	2013	★★★★★	72.50	48	64	56.5	56.5	94.7
Silver Sands MS	2014	★★★★★	86.25	53	63	57.9	75.9	96.2
Silver Sands MS	2015	★★★★★	N/A	N/A	N/A	N/A	N/A	N/A
Silver State HS	2012	★	30.00	18	13	63.3	78	91.4
Silver State HS	2013	★★	33.00	24	30	72.2	80	85.9
Silver State HS	2014	★★	33.50	31	45	65.5	80.7	77.8
Silver State HS	2015	★★	N/A	N/A	N/A	N/A	N/A	N/A
Silver State MS	2012	★	26.25	11	28	20	30	91.4
Silver State MS	2013	★	22.00	13.5	15.5	9.4	26.4	85.9
Silver State MS	2014	★	16.00	14	4.5	6.7	21.3	77.8

Silver State MS	2015	★	N/A	Exhibit 5	N/A	N/A	N/A	N/A	N/A
-----------------	------	---	-----	-----------	-----	-----	-----	-----	-----

"nd" displays when a point value is not determined due to an insufficient number of students in the group.

\*\*\* displays when data is suppressed because there are less than 10 students in the applicable group.

"N/A" displays when data is either not reported or not applicable.

Exhibit 5

School Name	Year	Index/Adj. Index Scores		Growth		Status		Other
		Stars	Index Score	Math	Reading	Math	Reading	% ADA
				MGP	MGP	% Prof	% Prof	
Somerset Acad ES	2012	★★★★★	81.00	55	57	85.6	82.7	96.4
Somerset Acad ES	2013	★★★★	72.00	52	53.5	78.6	84.1	95.8
Somerset Acad ES	2014	★★★★★	79.00	57	49	81.9	82.3	97.7
Somerset Acad ES	2015	★★★★★	N/A	N/A	N/A	N/A	N/A	N/A
Somerset Acad HS	2015	Not Rated	N/A	N/A	N/A	N/A	N/A	N/A
Somerset Acad MS	2012	★★★★★	82.50	45	43	90.4	78.8	96.4
Somerset Acad MS	2013	★★★★	72.00	38	49	59.1	80.1	95.8
Somerset Acad MS	2014	★★★★★	87.00	59	50	64.5	75	97.7
Somerset Acad MS	2015	★★★★★	N/A	N/A	N/A	N/A	N/A	N/A

"nd" displays when a point value is not determined due to an insufficient number of students in the group.

\*\*\* displays when data is suppressed because there are less than 10 students in the applicable group.

"N/A" displays when data is either not reported or not applicable.