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BY C. CRIBBLE

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

DAVID & CARLY HELD individually and
on behalf of their minor child N.H.;
VERONICA BERRY individually and on
behalf of her minor child J.B.; RED AND
SHEILA FLORES individually and on behalf
of their minor child C.F.; JAOUAD AND
NAIMI BENJELLOUN, individually and on
behalf of their minor children N.B.1, N.B.2,
and N.B.3; KIMBERLY AND CHARLES
KING individually and on behalf of their
minor children L.K.1 and L.K.2; NEVADA
CONNECTIONS ACADEMY,

Plaintiffs,

v.

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

Defendants.

Case No. 16 DC 002491B

Dept. No. 7

**COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF, PETITION FOR
JUDICIAL REVIEW, AND PETITION FOR WRIT OF MANDATE/PROHIBITION**

Plaintiffs, David & Carly Held individually and on behalf of their minor child N.H.;
Veronica Berry individually and on behalf of her minor child J.B.; Red and Sheila Flores
individually and on behalf of their minor child C.F.; Jaouad and Naimi Benjelloun, individually

1 and on behalf of their minor children N.B.1, N.B.2, and N.B.3; Kimberly and Charles King
2 individually and on behalf of their minor children L.K.1 and L.K.2; and Nevada Connections
3 Academy (“NCA” and collectively “Plaintiffs”), by and through their undersigned counsel,
4 Davis Graham & Stubbs LLP, hereby file this Complaint for Declaratory and Injunctive Relief,
5 Petition for Judicial Review, and Petition for Writ of Mandate and Writ of Prohibition (the
6 “Petition”). In support thereof, Plaintiffs state as follows:
7

8 I. INTRODUCTION

9 This Petition seeks relief from an unlawful agency decision that has forced a charter
10 school serving approximately 3,000 Nevada students to choose between its right to continue
11 serving those students or waiving the school’s constitutional right to have a Court review future
12 decisions of the agency to put the school into receivership. The State Public Charter School
13 Authority (the “Agency” or the “Authority”) has issued a Notice of Revocation (the “Notice of
14 Closure”) to NCA because the school was unwilling to waive its access to the courts. The
15 agency’s attempt to encroach on the powers of the judicial branch to provide itself absolute and
16 unchecked power blatantly violates the separation of powers doctrine – described by the Nevada
17 Supreme Court as “the most important single principle of government.” *Hardy v. Commission*
18 *on Ethics*, 125 Nev. 285, 300, 212 P.3d 1098, 1108 (2009) (quoting *Galloway v. Truesdell*, 83
19 Nev. 13, 18, 422 P.3d 237, 241 (1967)).
20

21 The separation of powers doctrine is premised on the fundamental belief that too much
22 power in the hands of one governmental branch invites corruption and tyranny, and thus, the
23 doctrine prevents one branch of government, such as the State Public Charter School Authority
24 here, from aggrandizing itself or encroaching upon the fundamental functions of the judicial
25 branch. *Id.* (citing *Clinton v. Jones*, 520 U.S. 681, 699, 117 S.Ct. 1636 (1997)). “The separation
26 of powers doctrine is the most important foundation for preserving and protecting liberty by
27
28

1 preventing the accumulation of power in any one branch of government.” *Berkson v. LePome*,
2 245 P.3d 560, 564, 126 Nev. 492, 498 (Nev. 2010) (citing *Secretary of State v. Nevada State*
3 *Legislature*, 120 Nev. 456, 466, 93 P.3d 746, 753 (2004)). Structural principles secured by the
4 **separation of powers protect the freedom of the individual.** *Dept. of Transp. v. Assoc. of*
5 *American Railroads*, 135 S.Ct. 1225 (2015). This Court’s review is the only protection available
6 to stop the Agency from stripping the school of its rights to judicial review or facing closure for
7 having refused to waive its constitutional access to the courts. This Court is the only protection
8 the plaintiff students have to protect their right to school choice when, for many students, this is
9 their only viable option to receive their education.

11 **II. THE PARTIES**

12 1. Plaintiffs David and Carly Held (the “Helds”) are the parents of minor child N.H.,
13 a 9th grade student at NCA who has been enrolled in NCA since 2013 and is flourishing with the
14 NCA program in honors classes and Japanese all while he has undergone eight brain surgeries
15 which would have interfered with his ability to attend a traditional brick and mortar school.

16 2. Plaintiff Veronica Berry is the parent of minor child J.B., who has Asperger’s
17 syndrome and suffered from intolerable bullying in his former school where other students
18 harassed him, boys would throw water bottles at him in the locker room and he was threatened
19 by a boy who said he was going to “slit his throat and feed his head to his dog.” He was afraid
20 to go to school and potentially suicidal when he enrolled in NCA in 2012 for the 7th grade and
21 since then, in Ms. Berry’s words, “his life has been nothing but positive” as he “is excelling in
22 school, he has a social life, he isn’t afraid on a daily basis to go to school anymore.” Jesse is
23 thriving at NCA, currently on-cohort in the 11th grade.

24 3. Plaintiffs Red and Sheila Flores are the parents of minor child C.F. who enrolled
25 at NCA halfway through the 2014-15 school year having left Centennial High School where she
26 accumulated only 4.5 credits over her freshmen and first half of her sophomore year after
27 experiencing difficulty in class and with attendance because of her need for medical treatment
28

1 and monitoring for her diabetes. After being told by her prior school that it was impossible for
2 her to graduate on time, she enrolled at NCA and in 1.5 school years has accumulated 8.0 credits
3 with NCA and is now back on track to graduate on time or even early.

4 4. Plaintiffs Jaouad and Naima Benjelloun are the parents of minor children N.B.1
5 who currently is enrolled in 9th grade at NCA, and N.B.2 and N.B.3 who are enrolled in 7th grade
6 at NCA. The Benjellouns enjoy the highly individualized learning and rigorous curriculum at
7 NCA which they believe has and continues to prepare them for college and careers such as their
8 older brother who graduated from NCA at the age of 14 and now serves as the CEO of Tech-
9 Start, a company that prepares young children for their future world of technology and
10 computers and their other older brother who graduated from NCA and now attends the UNLV
11 Honors College and is on a team for the nation-wide home-building competition, the Solar
12 Decathlon.

13 5. Plaintiffs Kimberly and Charles King are the parents of minor children L.K.1 and
14 L.K.2 who live in a rural area of Nevada where NCA provides opportunities for students that are
15 otherwise totally unavailable.

16 6. NCA is an accredited, comprehensive, online public charter school serving
17 approximately 3,000 students in Kindergarten through 12th grade from across the state of
18 Nevada. NCA provides highly individualized learning opportunities for students and provides
19 Nevada youth an important and innovative option. NCA is sponsored by the State Public Charter
20 School Authority, a political subdivision of the State of Nevada and first started its operations in
21 2007.

22 7. Defendant State of Nevada, ex rel. STATE PUBLIC CHARTER SCHOOL
23 AUTHORITY (the "Authority" or the "Agency") is a governmental entity created pursuant to
24 NRS Chapter 388A with jurisdiction to carry out its authority as set forth under NRS Chapter
25 388A relative to Charter Schools it sponsors in Nevada.

26 8. Defendant Patrick Gavin ("Director") is the Executive Director of the State Public
27 Charter School Authority.

III. JURISDICTION & VENUE

9. This Court has jurisdiction to issue a writ of mandate pursuant to NRS 34.150 *et seq.* or, in the alternative, a writ of prohibition pursuant to NRS 34.320 to command the Agency to refrain from further proceedings to close NCA or reconstitute its school governing board (“school board”) under the Notice of Closure issued on September 30, 2016. The Notice of Closure issued solely because NCA was unwilling to waive its right to have a court review future Authority decisions that could, without so much as an agency hearing, put the entire K-12 school into receivership based solely on a single data point (the four-year cohort graduation rate for the high school), regardless of substantial evidence supporting the school’s academic achievements measured by reliable metrics including student growth and credit accumulation. The Authority issued this Notice of Closure just four months after the Authority approved and praised a graduation rate improvement plan NCA prepared at the Authority’s direction to address concerns raised about the four-year cohort graduation rate for NCA’s high school.

10. As discussed more fully below, in March 2016, the Authority considered a staff recommendation to issue a notice of closure to NCA. The Authority board voted in a public meeting and did not conclude, based on the evidence presented by NCA and by its own Staff, that such a notice was appropriate and instead directed NCA to prepare a graduation rate improvement plan.

11. At the Authority’s direction and on collaboration with Authority staff NCA prepared a comprehensive and detailed graduation rate improvement plan which the Authority reviewed, approved and praised in a public meeting in May 2016. NCA took immediate action and has been successfully implementing that plan as directed by the Authority. On October 10, after just 28 days of school, implementation results already show a 27% decline relative to the same point last year in students’ core academic courses that currently have a failing grade. Successful course completion is the key to ensuring that enrolled students stay on track to graduate on time so clearly, the plan is working as intended.

12. At the Authority’s direction, NCA also worked with Authority staff to identify proposed “benchmarks” or targets for an increase in the four-year cohort graduation rate for each

1 of the next three years. In July 2016, the Authority voted to force NCA to negotiate a contract of
2 “mutually agreeable terms” with the Authority Staff not just to establish accountability measures
3 for those benchmarks but to rewrite entirely the terms of NCA’s charter agreement.

4 13. The Authority Staff used those negotiations to demand that NCA agree to a
5 contractual provision waiving NCA’s right to have a Court review a final decision of the
6 Authority to appoint a receiver or reconstitute NCA’s entire school board if NCA missed one of
7 its targets for improvement of its four-year cohort graduation rate. This waiver would mean that
8 NCA would have no opportunity to provide compelling evidence demonstrating its academic
9 success with some of Nevada’s most at-risk youth who enroll in NCA credit deficient but
10 manage to graduate or get back “on track” to graduate thanks to NCA. This waiver would mean
11 the Authority could put the entire K-12 school into receivership despite a total lack of legal
12 authority to do so based solely on the high school’s graduation rate and despite the Authority
13 acknowledging acceptable academic achievement in all grades with the exception of the four-
14 year cohort high school graduation rate. This waiver would mean the Authority could remove
15 the entire governing board of the school without any justification other than this single data point
16 – when there is no nexus and no evidence to establish or even suggest that doing so would result
17 in an increased graduation rate. Indeed, to the contrary, removal of NCA’s entire school board
18 would disrupt operations and do nothing but surrender total control of the school to the Agency.
19 This waiver would mean, the Authority could put the school into receivership under any of these
20 circumstances (costing the school potentially hundreds of thousands of dollars to pay a third
21 party receiver) and, if the school agreed to this contractual provision, the school would have no
22 right to have a court review the basis for the Authority’s decision to do so.

23 14. When NCA requested accountability measures other than waiving its rights to
24 access the courts be provided for missing that target, including the Authority exercising its
25 statutory right to consider closure, appointment of a receiver or reconstitution of the NCA board
26 but with judicial review of such a decision, the Authority rejected that proposal and issued the
27 Notice of Closure. To date, the Authority and its Staff have been unwilling to provide the school
28 with any information about how to cure the alleged deficiency upon which the Authority relied

1 to issue the Notice other than to accept the Authority's demand that NCA agree to this waiver of
2 judicial rights.

3 15. Jurisdiction is proper because the Authority and its Director have failed, and
4 continue to fail, to perform their legal duty to (a) act within their statutorily defined authority;
5 (b) make determinations consistent with applicable law; and (c) render a decision based on
6 substantial evidence rather than subjective opinions and erroneous conclusions.

7 16. This Court has jurisdiction for purposes of declaratory and injunctive relief
8 pursuant to NRS 233B.130, NRS 33.010, NRCP 65, NRS 30.030 and NRS 30.040. Although the
9 Authority has not issued a final determination on the merits of the closure, Plaintiffs are
10 aggrieved by the Authority's decision to issue the Notice of Closure and review of the final
11 decision of the agency will not provide an adequate remedy because the Authority has threatened
12 to immediately remove the NCA Governing Board members (based on their unwillingness to
13 waive their rights to judicial review). Upon information and belief, the Authority and/or the
14 Director would assert immediate control over the school if, on December 16, 2016, the Authority
15 votes to close the school or reconstitute the NCA board, giving the Authority the ability to
16 simply stack the Board with new members who the Authority believes will waive NCA's
17 constitutional rights to judicial review. Given the school board members' knowledge, expertise,
18 experience and demonstrated commitment to NCA and its students, removal and replacement of
19 those members with all new members would disrupt the school and potentially require
20 appointment of a receiver and jeopardize its ongoing operations.

21 17. This Court has jurisdiction of the Complaint pursuant to NRS 30.040 because
22 Plaintiffs' rights or other legal relations are affected under a written charter constituting a
23 contract, and Plaintiffs' rights, status or other legal relations are affected by a statute, and
24 Plaintiffs seek to have determined questions of construction or validity arising under the
25 instrument and statute and obtain a declaration of rights, status or other legal relations
26 thereunder.

27 18. This Court has jurisdiction over the petition for writ of review because the
28 challenged decision was arbitrary and capricious, in excess of the Agency's jurisdiction, and this

1 Court's action is necessary to enjoin the Agency and Director from proceeding with the closure
2 proceedings. A writ of mandate should issue requiring the Authority and the Director follow
3 their State Performance Measures Framework as described below.

4 19. Venue is proper in this Court pursuant to NRS 233B and because the
5 administrative proceeding from which this appeal arises was conducted in Carson City which, as
6 the State Capital, is also the headquarters for the Agency.

7 IV. BACKGROUND

8 20. NCA is a charter school serving approximately 3,000 students in grades K-12
9 across the State of Nevada under one charter agreement granted in 2007 and renewed by the
10 Agency in 2013. NCA's high school serves some of our State's most at-risk youth who come to
11 NCA behind in credits and, sometimes, as a last resort before dropping out of high school
12 altogether. In addition to successfully serving all of its students in all grades, NCA has
13 demonstrated success in reengaging credit-deficient students and helping them graduate from
14 high school, sometimes against all odds.

15 21. Still, many students who are credit deficient when they enroll in NCA will not
16 graduate within their four-year cohort as a result of having gotten behind at schools prior to
17 enrolling with NCA. As Nevada Senator Becky Harris recognized during an April 3, 2015
18 Senate Education Committee hearing "reaching out to and embracing these kids is critical. It is
19 tough; it is often unsuccessful, but it sometimes works. Moreover, when it does work lives are
20 changed." Senator Harris went on to acknowledge the success in graduating these students –
21 "even if it takes an extra year or two, should we close that school, or should we celebrate its
22 good work."

23 22. NCA's high school graduation rate for students who enrolled in NCA on cohort
24 and stayed through the end of their senior year in 2015 was 73.3%.

25 23. Approximately 50% of the students that were part of the 2015 graduation cohort
26 were behind in credits when they initially enrolled at NCA. This means that even if every single
27 student accumulated credits at a normal on-track rate from the moment they enrolled in NCA, the
28 school's graduation rate still would be barely over 50% -- and the school would be subject to

1 discretionary closure under SB 509 if substantial evidence supported that (which it does not
2 here). **Over 40% of the non-graduates in the 2015 cohort were enrolled in NCA for less**
3 **than three-fourths of the year** – meaning NCA had very little time to influence their on-time
4 graduation status and their credit deficiencies do not reflect NCA's performance but the
5 performance of their prior school(s). Nearly 50% of students enrolled in NCA qualified for the
6 free or reduced lunch program.

7 24. NCA's most recent rating by the Nevada Department of Education ("NDE")
8 indicates NCA's middle school is a "4 star school" based on student achievement information
9 which, according to the NDE means NCA is "among the higher performing schools in Nevada in
10 student proficiency and/or student growth on the State assessments." According to NDE, the
11 rating of NCA as a 4-star school "is acknowledgment for its achievement with public recognition
12 and has some autonomy and/or flexibility in school planning and decision-making." This 4-star
13 middle school is currently the subject of the Agency's closure proceedings.

14 A. **The Authority Board Declined Staff's Request to Issue a Notice of Closure to**
15 **NCA in March 2016**

16 25. The last written performance evaluation NCA received from the Authority stated
17 that the school was in "good standing." NCA never received any notice of concern, notice of
18 breach or any other communication from Authority staff expressing concerns about the school's
19 four-year cohort graduation rate or any other academic performance.

20 26. On February 22, 2016, with no communication expressing any concern with
21 NCA's operations, notice by letter, phone call or otherwise, NCA received a copy of a publicly
22 posted agenda for the Authority's February 26, 2016 meeting which included an item for
23 consideration of issuance of a notice of closure to NCA.

24 27. Apparently based on the lack of notice and that NCA was not even advised why it
25 was included in the agenda item prior to the meeting, the Authority took no action on the agenda
26 item at its meeting in February 2016. Although NCA attended the meeting and stayed until the
27 end for the purpose of providing public comment at the meeting, the Authority chairman
28 announced at 4:30 PM they had to clear the room they were in and adjourned the meeting before

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

2 28. After the Agency's February meeting, through discussions with Director Gavin,
3 NCA learned that it had been placed on the agenda solely because its high school four-year
4 cohort graduation rate for the prior year was below 60%. Director Gavin confirmed he had no
5 other issues with the school – no performance or other concerns with NCA's grades K-8 and no
6 other concerns with NCA's high school. Director Gavin asserted that under SB 509 the
7 Authority would consider whether it should issue a notice of closure to NCA based on the prior
8 year's four-year cohort graduation rate for NCA's high school grades and that NCA was
9 included to treat all "similarly situated schools equally."

10 29. SB 509 provides that the Authority "**may**" consider closing a charter school if it is
11 a high school and its graduation rate for the previous year is below 60%. This provision was
12 revised from a mandatory provision in an earlier draft of the bill that would have required
13 closure. Rather than mandate closure for such schools, the legislation gave the Agency
14 discretion to consider the possibility of closure if compelling and substantial evidence supported
15 such a decision. The Authority must not abuse its discretion. In this case, the substantial
16 evidence includes data and information that demonstrates there is significant student growth, the
17 school is performing well and is effectively serving some of our most vulnerable youth and also
18 some of our highly gifted and talented youth and does not support closing the school based solely
19 on the four-year cohort graduation rate – and certainly not simply because the school is unwilling
20 to waive its right to judicial review of the Agency's decision making.

21 30. Prior to the March 2016 Authority meeting, NCA provided the Authority board
22 members and staff with detailed information about the four-year cohort graduation rate. For
23 example, the school explained that of the non-graduates for 2015, 40.9% of them enrolled with
24 NCA in the 12th grade; that 6 of the non-graduates enrolled with NCA for one month or less and
25 one student was enrolled with NCA for only 14 days. Another 14 of the students identified as
26 "non-graduates" have enrolled in a post-secondary institution, calling into question whether these
27 students really are non-graduates. Moreover, NCA questioned the Authority's retroactive
28 application of SB 509 to consider closure based on the preceding year's graduation rate. NCA

continues to challenge such retroactive application; however, that was not the reason for the Notice of Closure as the Agency issued that because NCA resisted the forced waiver of its judicial rights.

31. In March 2016, the Authority again placed NCA on its agenda for consideration of issuance of a notice of closure. After allowing NCA an opportunity to present evidence to the Authority Board, the Board voted and did not pass any motion to proceed with such closure. Instead, the Authority considered evidence presented by NCA that this single data point did not reflect how the school was doing, and directed that NCA should work with the Authority Staff on a graduation rate improvement plan. The Authority seemed to acknowledge that the evidence relevant to the “graduation rate” included that NCA’s graduation rate approached 80% when calculated based upon students enrolled at NCA for all four years of high school and that NCA’s four-year cohort rate was being significantly negatively impacted by students who come to the school credit deficient and, therefore, cannot graduate “on track” and students who are highly mobile and, therefore, count as “drop outs” even if they might be enrolled at another school but have not been reported in the system or matched to their new school. In addition, inconsistent with new requirements being implemented under Federal law, even if a student enrolls in NCA for less than one week before the end of the school year, if they are credit deficient it will decrease NCA’s four-year cohort graduation rate – giving the false impression based on this single data point that NCA had somehow failed in providing such a student a “good” high school education. This creates a perverse incentive for schools to counsel students out and NCA has been receiving increasing numbers of such students.

32. In addition, the current four-year cohort calculation of the graduation rate the Authority continues to cite is inconsistent with Nevada law. NRS 385.3485 pertains to the “graduation and drop-out rate of pupils” and requires that the “annual rate of pupils who drop out of school in grades 9 to 12, inclusive, for each such grade, for each school in the district and for the district as a whole” must be reported by the SPCSA. “The reporting for pupils in grades 9 to 12, inclusive, excludes pupils who: (a) Provide proof to the school district of successful completion of the high school equivalency assessment selected by the State Board pursuant to

1 NRS 385.448; (b) are enrolled in courses that are approved by the Department as meeting the
2 requirements for an adult standard diploma; and (c) withdraw from school to attend another
3 school". NAC 389.699(3) states, "A pupil who qualifies for a certificate of attendance must not
4 be counted as a dropout". A certificate of attendance is issued to a student who is over 17 and
5 has completed the required credits to graduate, but has not passed the required proficiency
6 exams. Upon information and belief, a review of the four-year cohort graduation rate as
7 calculated by the Authority for NCA in 2015 may reflect these students were incorrectly
8 categorized as dropouts. NCA estimates that if the students who enrolled for a 5th year, go into
9 Adult Ed, or entered a GED program are removed from the cohort, then the graduation rate for
10 NCA would be 63.3% for 2015.

11 33. Other significant questions arise with the four-year cohort graduation rate the
12 Authority continues to recite as the calculation is not transparent to the public or the schools and
13 this year the process has been changed in a manner detrimental to NCA. Previously, the
14 Authority would provide a preliminary number and identify names of "missing" students for
15 schools in or around July so that schools such as NCA could attempt to locate those students in
16 which case they would not be considered "drop outs" if they had reenrolled in another school.
17 This year, no such preliminary number has been provided as of October 13, 2016 which means
18 NCA will have a significantly shorter period to locate students which could significantly affect
19 its four-year cohort graduation rate. Particularly given how the Authority is attempting to use
20 these numbers it is essential that the process be transparent and fair.

21 34. Director Gavin himself assured Nevada legislators in advocating for them to
22 allow the Authority to consider closing a charter high school based on this single data point that
23 all of the evidence and data necessary to truly evaluate and understand the four-year cohort
24 graduation rate would be considered by the Authority to ensure thoughtful decisions on school
25 closure. Director Gavin's assurance was important to legislators who expressed concerns that
26 schools not be penalized for serving Nevada's most at-risk youth who come to them credit
27 deficient. The Agency's and Director's recent actions described herein relative to NCA violate
28 his assurances to Nevada's legislators and the public.

1 B. As the Authority Directed, NCA Prepared a Graduation Rate Improvement
2 Plan which the Authority Approved and Praised in May 2016

3 35. In response to the Authority's directive at its March 2016 meeting, NCA spent
4 weeks working collaboratively with the Authority Staff and NCA's own team of experts to
5 prepare what the Authority recognized to be a very commendable graduation rate improvement
6 plan. **Exhibit 1.** NCA's changes started with a cohort analysis that detailed every student in the
7 2015-16 four-year cohort with regard to their credit status that guided assignment of credit
8 deficient students to programs, support and interventions, depending on their credit status,
9 tailored to their individual needs to help them earn a high school diploma. NCA already has seen
10 success in these improvements and anticipates as much as a 10 percentage point increase over
11 2015 performance. One of the benefits NCA provides its students is a highly individualized
12 approach to learning through targeted instruction, counseling and the implementation and
13 monitoring of individualized graduation plans.

14 36. NCA's high school graduation rate improvement plan includes regular tracking
15 and research and increased internal communication about the status of each potential cohort
16 member and his/her status upon exit and entry. Based on the request of Director Gavin, the NCA
17 board also approved identification and selection of an external evaluator to review the 2015 and
18 2016 graduation cohort. Director Gavin indicated that data should be validated to ensure it
19 supports the conclusions regarding the student body characteristics and progress NCA presented
20 to the Agency. Yet, recently, Director Gavin's recommendation is that the Authority will not
21 necessarily consider such evidence or information relative to closure decisions even though the
22 school has gone to significant expense at his request to "validate" it.

23 37. The NCA high school graduation rate improvement plan also provides for NCA's
24 use of a pilot program called "GradPoint" – a leading high quality credit recovery program used
25 by more than 1,000 school districts in 45 states. NCA increased its usage of this credit recovery
26 program during the summer of 2016 and has extended it into the 2016-17 school year.

27 38. The NCA high school graduation rate improvement plan includes implementation
28 of a systemic Response to Intervention program to ensure all students are receiving timely and

1 effective instructional support and that their performance is being actively monitored. NCA also
2 is piloting a mentoring program to provide 1:1 adult mentors for any student with two or more
3 failing grades. Of those students in the pilot in the Spring of 2016, 75% passed all of their
4 courses that semester.

5 39. The NCA high school graduation rate improvement plan includes significant
6 revisions in the Connections curriculum and in the school's Education Management System to
7 address student tracking, feedback, and curricular needs for credit deficient students including
8 tracking credit accumulation. Teachers are more focused on ensuring they provide high quality,
9 timely, actionable feedback for students. Connections piloted the use of a freshman specific
10 initiative to orient students to resources available to them, introduce strategies for success in high
11 school course-level work, emphasize the importance of academic integrity and producing
12 authentic work and build college and career readiness. Based on the success of this course, NCA
13 is now also offering a course that addresses needs specific to seniors.

14 40. The NCA high school graduation rate improvement plan includes a detailed
15 internal approach to address the needs of off-cohort students that includes regularly required
16 attendance at virtual or face-to-face synchronous instructional sessions where the frequency,
17 format and content are tailored to student needs and tied to academic outcomes. The school also
18 is implementing very close and detailed monitoring for all students off-cohort, including
19 progress in their courses and other programming being tracked weekly by NCA staff.

20 41. The Authority not only accepted the NCA high school graduation improvement
21 plan but praised it. NCA is implementing it and seeing success from it.

22 42. Following its favorable reaction to the plan, the Authority requested
23 "benchmarks" to measure success and improvement from implementation of the plan, noting that
24 NCA would need at least six months to a year to implement the plan and see results before
25 having the Authority again consider the potential closure of the school based on the four-year
26 cohort graduation rate.

27 43. NCA worked with the Authority staff to agree to benchmarks for improvement of
28 the four-year cohort graduation rate with the understanding that this graduation rate depends not

1 only on how NCA has performed but also how all of the student's prior schools have performed,
2 and unfortunately does not reflect, for example, when NCA has successfully re-engaged students
3 who have come to the school credit deficient, but instead is punitive to NCA for having accepted
4 those students which it is required to do under Nevada law. NCA's success in serving such
5 credit-deficient students is critical to our State and protecting our youth, and Director Gavin and
6 other NDE officials assured legislators in the 2015 Session that other "compelling" evidence
7 would be considered in making decisions to close a charter school, put the school into
8 receivership or seek to reconstitute a school's governing board.

9 C. Without Discussion with NCA the SPSCA Director Recommended in July
10 2016 that the Authority Approve NCA's Benchmarks Only if NCA Waived
11 Its Rights to Judicial Review

12 44. After several weeks of discussions regarding the benchmarks, the Director
13 presented a recommendation to the Authority that the benchmarks NCA proposed be approved
14 but with surprising conditions never mentioned to NCA. The morning of the Authority meeting,
15 the Director's report was made available to the public and to NCA for the first time on the
16 Authority's website. It was only then NCA learned the Director was recommending that the
17 Authority approve the benchmarks only on the condition that NCA enter into the same contract
18 proposed for another school, Beacon Academy, and attached that draft contract to the staff
19 report. For reasons unknown to NCA, prior to that the Director had never shared his proposed
20 contract for NCA to review or his recommendation made that morning to the Authority **that**
21 **such contract should include a waiver of NCA's rights to judicial review** on certain actions
22 by the Authority to appoint a receiver or reconstitute the NCA governing board.

23 45. NCA objected to such a condition as it was ultra vires, unconstitutional, in
24 violation of law, and the school had never even been presented the draft 30-page contract to
25 review prior to the Director's recommendation that the Authority vote to require NCA enter into
26 the contract. NCA also objected to the Authority *sua sponte* and without any notice, public or
27 otherwise, forcing conversion of NCA from a charter which it was granted by the State after
28 successfully completing the charter application process in 2007 and then renewal proceedings in

1 2013 to a contract.

2 46. One Authority Board Member suggested that NCA had requested a “charter
3 amendment” which would give the Authority the legal right to require NCA to convert from a
4 charter, under which it currently operates, to a contract. NCA has not requested such an
5 amendment to its Charter and no agenda for the Authority since February 2016 has included any
6 public notice the Authority would consider such a request which requires certain statutory
7 proceedings under NRS 388A and 233B.

8 47. Yet, apparently based on this misconception that NCA had requested a charter
9 amendment, the Authority Board voted to accept Staff’s recommendation to condition approval
10 of the benchmarks upon NCA entering into a contract of “mutually agreeable terms” with the
11 Authority to convert from a charter to a contract.

12 48. The Authority unlawfully mandated that the school convert from its charter to a
13 contract on July 29, 2016 and then, on August 26, 2016, insisted that the entirely rewritten
14 charter to govern the school’s operations, not just the benchmarks, be completed just three weeks
15 later by September 19, 2016, over NCA’s objection that other schools had been given months
16 and sometimes more than a year to negotiate such contracts when they converted from their
17 charters.

18 49. The August 26, 2016 agenda did not include any request for amendment of
19 NCA’s charter or action to require such an amendment. The Authority Board Chair stated they
20 would just be receiving an update and, therefore, denied NCA’s request to be heard on the
21 agenda item.

22 **D. The Authority Violated Its Own State Performance Framework**

23 50. The Authority has adopted a State Performance Framework for its oversight of
24 charter schools, a copy of which is attached as **Exhibit 2**.

25 51. The Authority adopted the Charter School Performance Framework
26 (“Performance Framework”) “[t]o provide charter school boards and leaders with clear
27 expectations, fact-based oversight, and timely feedback while ensuring charter autonomy.” The
28 Performance Framework includes the Authority’s adopted intervention ladder and identifies as

1 one of the Authority's obligations to "conduct a transparent, consistent and predictable oversight
2 process" **with emphasis on "student outcomes rather than compliance and process."**
3 (emphasis added)

4 52. The Performance Framework promises charter schools and parents and students
5 "comprehensive information for data-driven and merit-based charter renewal and contract
6 revocation/termination." *Id.* at 3 § 2. Revocation proceedings based on a school's unwillingness
7 to waive constitutional rights are inconsistent with and violate this promise.

8 53. The Performance Framework provides that every charter school will receive an
9 annual review to analyze a school's academic, financial, organizational, and mission specific
10 performance. *Id.* at 5 § 4. These annual reviews are to include compilation of any "Notice of
11 Concern or Breach and Intervention Ladder Findings." *Id.*

12 54. The Authority adopted an "Intervention Ladder" in the Performance Framework
13 that provides three levels of intervention: Level 1 which provides a school a "Notice of
14 Concern" containing specific actions and due dates required to remedy the concern; Level 2
15 which provides for issuance of a "Notice of Breach" to a school for failure to comply with a
16 material term or condition of the school's charter and Authority monitoring of the school's
17 implementation of steps required to cure the breach; and Level 3 which provides for issuance of
18 a Notice of Intent to Revoke a charter if the school fails to meets specified requirements in the
19 Notice of Breach. The Performance Framework provides that "[f]indings from the Intent to
20 Revoke will determine whether a school enters into revocation/termination proceedings or is
21 granted a revised Notice of Breach, returning to Level 2." *Id.* at 6 § 5.

22 55. NCA never received a notice of concern or a notice of breach. The Agency
23 denied NCA the right to speak during the Agency hearing on September 23rd when it issued the
24 Notice of Closure. NCA is unaware of any "findings" of the Authority to support that NCA
25 should enter into revocation proceedings. To the contrary, during the March 2016 hearing, when
26 the Authority did receive and consider evidence and give NCA and its affected families an
27 opportunity to be heard, the Authority declined to issue such a notice and instead directed the
28 school to prepare and implement a graduation rate improvement plan. The Authority's actions in

1 September contradict the Authority's March finding and directed action with no change in
2 circumstances to justify such sudden change of course.

3 56. The Authority adopted an annual timeline for the Performance Framework
4 implementation with the stated goal of setting "clear expectations for the Authority interaction
5 with schools." That annual timeline requires the Authority create "school annual reviews that
6 combine performance scores, site visit data, and school submission performance" and share
7 those annual reviews with school leaders, school boards and the public. *Id.* at 8 § 7 (emphasis
8 added).

9 57. The Authority has never done a site visit at NCA and, therefore, has never
10 compiled or provided site visit data as required by the Performance Framework. The Authority
11 Staff has never engaged in a meaningful dialogue with the school prior to placing NCA on the
12 February 2016 agenda for a notice of closure. The only time meaningful discussion did occur
13 was following the March 2016 hearing when the Authority failed to garner enough votes to issue
14 a notice of closure and instead was directed to work with NCA to develop an improvement plan,
15 a plan that garnered high praise and approval. Discussions with Authority staff occurring after
16 NCA's improvement plan was approved certainly cannot be considered meaningful, as those
17 discussions have been focused on the Authority's efforts to "strong arm" NCA into negotiating a
18 contract it has no present legal obligation to enter into and to use that contract as an instrument to
19 deny NCA its right to judicial review of the Authority's possible future actions taken against the
20 school.

21 58. The Performance Framework requires that for "high-stakes decisions" the
22 Authority "consider the collective record of a school's academic, financial, organizational and
23 mission specific performance." The Authority refused to consider any such evidence or even
24 allow NCA to speak during the agenda item on September 23, 2016, when it voted to issue a
25 Notice of Intent to Revoke the school's charter. In doing so, the Authority violated its own
26 Performance Framework by basing the decision solely on the school's unwillingness to waive its
27 rights to judicial review of future Authority decisions and, as for academic performance
28 discussed only the school's four-year cohort graduation rate and nothing else.

1 V. COMPLAINT FOR DECLARATORY & INJUNCTIVE RELIEF

2 59. Plaintiffs reallege the allegations set forth above as though fully set forth herein.

3 60. Following the Authority's unlawful vote to force NCA to convert its charter to a
4 contract made in violation of the open meeting law and Nevada charter school law, the Authority
5 Director took the position in negotiations that consummation of such a contract would require
6 NCA to waive certain rights to judicial review of the Agency's future actions.

7 61. The Authority Staff made clear to NCA that if the school did not waive its rights
8 to judicial review it would be put up for issuance of notice of closure on the Authority Board's
9 September agenda.

10 62. The Authority's decision on September 23, 2016 to ignore or attempt to undo its
11 prior decision approving the NCA Graduation Rate Improvement Plan and directing Staff to
12 issue a notice of closure was because NCA was unwilling to waive its constitutional and
13 statutory rights to judicial review of certain future Authority action. The Authority seeks to deny
14 NCA access to the Courts so that the Agency can exercise absolute power with no oversight of
15 its own decision making – in blatant violation of the Separation of Powers under the Nevada
16 Constitution.

17 63. Separation of powers is expressed in Articles 4, 5 and 6 of the Nevada
18 Constitution. The powers of the executive branch are outlined in Article 5 of the Nevada
19 Constitution. Under Article 5, Section 7 of the Nevada Constitution the Authority is an
20 executive branch agency charged with carrying out and enforcing the laws enacted by the
21 Legislature. The powers of the judicial branch are set forth in Article 6 of the Nevada
22 Constitution. The Executive branch cannot interfere with a constitutional structural protection
23 such as access to the courts or coerce a school or anyone else to waive such constitutional
24 protection by eliminating the school's right to be heard by the courts – for oversight to determine
25 whether the agency has acted unlawfully or in excess of its jurisdiction or statutory authority.

26 64. Nevada's Constitution expressly prohibits any one branch of government
27 impinging on the functions of another. *Hardy*, 125 Nev. at 292, 212 P.3d at 1103-1104.

1 65. “The separation of powers doctrine is the most important foundation for
2 preserving and protecting liberty by preventing the accumulation of power in any one branch of
3 government.” *Berkson v. LePome*, 245 P.3d 560, 564, 126 Nev. 492, 498 (Nev. 2010) (citing
4 *Secretary of State v. Nevada State Legislature*, 120 Nev. 456, 466, 93 P.3d 746, 753 (2004)).
5 Structural principles secured by the separation of powers protect the freedom of the individual.
6 *Dept. of Transp. v. Assoc. of American Railroads*, 135 S.Ct. 1225 (2015). It is this fundamental
7 constitutional freedom the Authority demands the school waive or, the Authority will move
8 forward with closure.

9 66. The Authority’s vote on September 23, 2016 made clear that the waiver of
10 judicial review was a required term of the proposed contract to be negotiated with NCA and staff
11 and certain Authority board members have advised the school that the way to “cure” the alleged
12 deficiency and avoid closure proceedings is to consummate a contract with the Authority that
13 must include this waiver.

14 67. On October 6, 2016, the school inquired as to how the Authority believed NCA
15 could “cure” the alleged deficiency. To date, the Authority has not responded to the school nor
16 has the Director provided such information about how to “cure” other than for the school to
17 waive its constitutional rights.

18 68. In addition, the Authority issued the Notice of Closure for NCA’s entire school
19 serving more than 3,000 students in grades K-12 based on NRS 388A.330 which says the
20 Authority **may** consider closure of a charter high school if its graduation rate in the prior year
21 was below 60%. The Authority acted arbitrarily and in excess of its statutory authority
22 proceeding to issue a notice of revocation for the entire school when the elementary and middle
23 schools have no performance concerns whatsoever identified by the Authority.

24 69. Plaintiffs are entitled to a declaratory order that the Authority’s act is
25 unconstitutional and unlawful in forcing NCA to choose between waiving its right to judicial
26 review or closure of or interference with school operations.

27 70. Plaintiffs are further entitled to a declaratory order that the Authority’s act is
28 unlawful in issuing the Notice of Closure for an entire K-12 school based solely on a four-year

1 cohort graduation rate for its high school.

2 71. Defendants should be enjoined from proceeding with closure or revocation
3 proceedings (or any other action) based on their Notice of Closure and be directed to allow NCA
4 to continue implementation of its High School Graduation Rate Improvement Plan subject to the
5 Authority's intervention under the Performance Framework and continuing ability to consider
6 possible closure proceedings following a year of implementation if circumstances warrant.
7 Defendants also should be enjoined from insisting that the school waive its rights to judicial
8 review or face closure, appointment of a receiver or board reconstitution.

9 72. If Defendants are not enjoined from continuing with closure proceedings and
10 insisting the school waive its rights to judicial review Plaintiffs, all students and families served
11 by NCA, the staff and the public will suffer irreparable harm for which monetary damage will
12 not compensate plaintiffs. Defendants are threatening parents' and students' rights to
13 educational choice and their actions are dangerous, unconstitutional, and if allowed to continue
14 will impose irreparable harm across our State.

15 73. As a result of Defendants' conduct, it has been necessary for Plaintiffs to obtain
16 services of an attorney to pursue this matter, and thus Plaintiffs are entitled to recover reasonable
17 attorney's fees and costs incurred.

18 VI. PETITION FOR JUDICIAL REVIEW

19 74. Plaintiffs reallege the allegations set forth above as though fully set forth herein.

20 75. This Court may review Authority decisions to determine whether the Authority
21 complied with its own procedures or acted in violation of the law or exceeded its statutory
22 authority. When a reviewed decision does not comport with the decisional body's procedures,
23 exceeds the body's statutory authority or is otherwise in violation of the law, this Court should
24 reverse that decision.

25 76. Here the Authority had no legal basis to mandate NCA convert its charter to a
26 contract – the decision that set this latest unlawful act in motion by insisting NCA negotiate an
27 entirely new contract to govern its operations of grades K-12. Similarly, the Authority's decision
28 on September 23, 2016 to issue the Notice of Closure does not comport with the Authority's own

1 procedures and its Performance Framework, and was in violation of law.

2 77. Under NRS 233B.130(1)(b) the Authority's decision to issue the Notice of
3 Closure is immediately reviewable by this Court because review of the Authority's final decision
4 on closure will not provide an adequate remedy – the damage will be done given the pending
5 uncertainty of the school, its board, its staff, parents and above all its students.

6 78. The Authority's attempt to compel conversion of NCA's charter to a contract and
7 decision to issue the Notice of Closure to NCA was unlawful, exceeded the Authority's
8 jurisdiction and cannot withstand judicial review.

9 79. The Authority's decisions at issue here were arbitrary, capricious, characterized
10 by an abuse of discretion, in violation of constitutional and statutory provisions, in excess of
11 statutory authority, made upon unlawful procedure, and clearly erroneous in view of the reliable,
12 probative and substantial evidence on the whole record. Accordingly, given the Plaintiffs' rights
13 are substantially prejudiced by the Authority's decisions, reversal of those decisions is
14 appropriate under NRS 233B.135.

15 **VII. PETITION FOR WRIT OF MANDATE OR WRIT OF REVIEW/PROHIBITION**

16 80. Plaintiffs reallege the allegations set forth above as though fully set forth herein.

17 81. In the event this Court determines that judicial review of the Authority's decision
18 to issue the Notice of Closure is not available, then this Court should consider whether a writ of
19 mandate, or writ of review/prohibition is appropriate.

20 82. This Court should issue a writ of mandate, prohibition or writ of review where
21 necessary to compel the performance of an act that the law requires, or to control an arbitrary or
22 capricious exercise of discretion as occurred here.

23 83. The Authority's attempt to mandate NCA to convert its charter to a contract,
24 without NCA having requested any amendment to its charter and without any proper notice as
25 required under the open meeting law, and the Authority's decision to issue the Notice of Closure
26 was not supported by substantial evidence, violated the open meeting law and was done without
27 substantial evidence which renders its decision arbitrary and capricious.

1 84. The Authority further violated due process rights of NCA by refusing to allow
2 NCA to speak during the agenda item on September 23, 2016 when the Authority voted to issue
3 the Notice of Closure. Authority Member Jason Guinasso argued that the school would get its
4 due process when the actual closure hearing occurred if the school did not “cure” before then; yet
5 the Authority then went on to allow Beacon Academy to speak during the same agenda item for
6 that school – at the request of Authority Board Member Snow who stated that in his 30 years of
7 public service he had never seen an interested person be prohibited from speaking during a
8 public meeting.

9 85. The Agency’s action violates Plaintiffs’ constitutional rights, is arbitrary and
10 capricious and unlawful. A writ of mandate should issue requiring the Defendants allow NCA
11 the remainder of the school year to implement its Graduation Improvement Plan before it is
12 subjected to any possible further notice of closure or other proceedings under NRS 388A.330.
13 This is consistent with the Authority’s action when it opted not to vote to issue a Notice of
14 Closure in March and instead directed the school to prepare a Graduation Rate Improvement
15 Plan which, as the Authority itself acknowledged, will take some time to implement and evaluate
16 for effectiveness. During this time period of implementation both parties retain all rights and
17 obligations under Nevada law. The writ should mandate the Defendants follow the Performance
18 Framework with respect to any future action the Authority takes against the school and should
19 prohibit the Defendants from taking any further action against NCA during the 2016-17 school
20 year for closure, appointment of a receiver or reconstitution of the school board.

21 **VIII. BREACH OF THE COVENANT OF GOOD FAITH AND FAIR DEALING**

22 86. Plaintiffs reallege the allegations set forth above as though fully set forth herein.

23 87. NCA’s existing charter granted by the State in 2007 and renewed in 2013 is a
24 valid, enforceable contract between NCA and the State Public Charter School Authority, and
25 contains the implied covenant of good faith and fair dealing.

26 88. NCA has performed its obligations under the charter.

27 89. Despite NCA’s full performance under the charter, Defendants wrongfully and
28 improperly insisted that in order to continue operating under its existing charter and serving over

1 3,000 students in grades K-12, that NCA must enter into an entirely new charter contract that
2 includes a waiver of all rights to judicial review for certain future Agency actions.

3 90. Defendants have engaged in conduct in bad faith and with improper and ill
4 motives for the purpose of depriving NCA of its rights and benefits under its existing charter and
5 Nevada law, and hindering NCA's continued performance thereunder.

6 91. Defendants' conduct as alleged caused NCA to suffer injury, damage, loss, and
7 harm, directly and proximately for which Plaintiffs are entitled to equitable relief including an
8 injunction and for costs incurred as a result of the Authority's improper actions.

9 92. In the alternative, NCA has been damaged as a result of Defendants' breach of the
10 contractual covenant of good faith and fair dealing which is implied in every contract in Nevada,
11 in an amount in excess of \$10,000.

12 93. NCA has incurred and continues to incur attorney's fees and related costs to
13 commence and prosecute this action and are entitled to an award of reasonable attorney's fees
14 and costs based on the failure or refusal on the part of the Authority to honor the terms of the
15 charter.

16 IX. EQUITABLE ESTOPPEL

17 94. Plaintiffs reallege the allegations set forth above as though fully set forth herein

18 95. As discussed above, NCA relied to its detriment on representations made by the
19 Authority, only to see those representations materially modified without NCA's knowledge and
20 later to be entirely disregarded through the Agency's unlawful mandate and the issuance of the
21 Notice of Closure.

22 96. Nevada courts have long recognized that equitable estoppel may be invoked
23 against an agency of the state. *See, e.g., State v. Sponburgh*, 66 Wash. 2d 135, 401 P.2d 635
24 (1965); *United States v. Lazy FC Ranch*, 481 F.2d 985 (9th Cir. 1973); *Nevada Public*
25 *Employees Retirement Board v. Byrne*, 96 Nev. 276, 607 P.2d 1351 (1980).

26 97. Equitable estoppel consists of four (4) elements: (1) the party to be estopped must
27 be apprised of the true facts; (2) he must intend that his conduct shall be acted upon, or must so
28 act that the party asserting estoppel has the right to believe it was so intended; (3) the party

1 asserting the estoppel must be ignorant of the true state of facts; (4) he must have relied to his
2 detriment on the conduct of the party to be estopped. *Chequer, Inc. v. Painters & Decorators*, 98
3 Nev. 609, 655 P.2d 996 (1982).

4 98. For approximately four months the representations of the Authority by and
5 through its Board and Staff caused NCA to expend considerable time, effort and resources to
6 prepare a graduation improvement plan and establish benchmarks to measure the success and
7 improvement resulting from such plan. At Director Gavin's request NCA has expended funds to
8 provide third party validation of relevant data discussed through the course of these proceedings
9 and implemented other steps set forth in the graduation rate improvement plan.

10 99. NCA and the Agency Staff worked collaboratively to prepare the plan and
11 establish the benchmarks.

12 100. At no time during this collaboration did the Authority, its Board or Staff inform
13 NCA that approval of the bench marks would be contingent upon NCA converting its charter to a
14 contract nor that this contract would require the waiver of its constitutional right of judicial
15 review.

16 101. At the Authority's July 2016 meeting the Board unlawfully mandated that NCA
17 convert from a charter, under which it currently operates, to a contract. NCA was not allowed to
18 speak at this meeting nor did NCA request, at any time, an amendment of NCA's charter or
19 action to require such an amendment.

20 102. After the July 2016 meeting, the Staff continued to insist that NCA waive its
21 statutory and constitutional right of judicial review or face closure.

22 103. On September 23, 2016, the Authority issued a Notice of Closure for NCA.

23 104. NCA detrimentally changed its position by preparing and implementing the
24 graduation improvement plan as directed by Defendants.

25 105. Working collaboratively with NCA it was the Authority's intent that NCA
26 embark upon this time consuming and expensive process.

27 106. Only the Authority was aware that approval of the graduation improvement plan
28 and benchmarks was contingent upon NCA converting its charter to a contract and waiving its

1 statutory and constitutional right of judicial review within such contract.

2 107. When NCA was unwilling to voluntarily waive such rights the Authority issued
3 the Notice of Closure.

4 108. Nevada courts have recognized that “the conduct of government should always be
5 scrupulously just in dealing with its citizens; and where a public official, acting within his
6 authority and with knowledge of the pertinent facts, has made a commitment and the party to
7 whom it was made has acted to his detriment in reliance on that commitment, the official should
8 not be permitted to revoke that commitment.” *S. Nevada Mem’l Hosp. v. State, Dep’t of Human*
9 *Res.*, 705 P.2d 139, 141–42 (Nev. 1985).

10 109. The Authority must now be estopped from denying NCA the ability to implement
11 its graduation improvement plan to meet certain graduation benchmarks without the threat of
12 closure, receivership or reconstitution, converting their charter to contract, or entering into a
13 contract requiring the waiver of statutory and constitutional rights.

14 **X. PRAYER FOR RELIEF**

15 Wherefore, Plaintiffs pray for judgment against the Authority and Director Gavin as
16 follows:

17 1. A declaratory order declaring the Authority’s attempt to act on their July 29, 2016
18 motion to force NCA to convert its charter to a contract is void and vacating the Authority’s
19 decision to issue the Notice of Closure; and, enjoining the Defendants from taking any further
20 actions toward closure, reconstitution, or receivership prior to NCA having at least another full
21 school year in 2016-17 to implement the graduation rate improvement plan and further enjoining
22 Defendants from ever closing NCA’s school in its entirety based solely on the high school
23 graduation rate for a single year.

24 2. An order on judicial review setting aside the Authority’s July 29, 2016 action on
25 NCA requiring that it convert its charter to a contract and the Authority’s September 23, 2016
26 decision to issue the Notice of Closure.

27 3. A writ of mandate or, in the alternative, a writ of review, directing the Authority
28 to proceed in a lawful manner and allow NCA to continue operations in accordance with Nevada

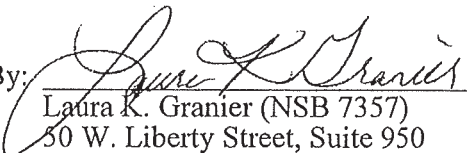
1 law under its existing charter and subject to the Authority's continuing jurisdiction.

2 **AFFIRMATION**
3 **(Pursuant to NRS 239B.030)**

4 The undersigned affirms that the foregoing does not contain the personal information of
5 any individual.

6 Respectfully submitted this 13th day of October, 2016.

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8
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EXHIBIT 1

NCA Graduation Rate Improvement Plan

EXHIBIT 1

NCA Graduation Rate Improvement Plan



Graduation Rate Improvement Plan

Submitted to:

State Public Charter School Authority

By:

Nevada Connections Academy
Board of Directors¹

May 16, 2016

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

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Appendix A: History and Accomplishments

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

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

Appendix D: Policy Recommendations – Application of Existing Law and Potential Regulatory Changes

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1. Executive Summary

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

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

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

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

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

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

2. 2015-16 School Year Improvements

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

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

2.1 Internal & External Data Validation

Internal Data Validation Efforts

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

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

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

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

External Data Validation Efforts

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

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

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

2.2 Credit Retrieval Courses for Credit Deficient Students

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

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

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

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

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

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

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

2.3 Summer School

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

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

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

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

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

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

2.4 Earlier and Increased Intervention

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

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

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

Response to Intervention (RTI)

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

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

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

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

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

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

Tier I

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

Tier II

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

Tier III

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

Mentoring Program

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

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

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

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

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

Figure 1. Credits and Final Grade Report Data View

Final Grade 2015-2016: 11

Current grade Level: 11

Grade Level based on credits earned: 11

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

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

Cohort Grade: 11

Cohort Graduation Year: 2017

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

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

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

These enhancements included the following:

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

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

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

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

2.6 2015-16 Professional Development

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

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

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

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

The *Core Standards for Facilitating Student Learning* are:

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

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

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

Figure 2. Professional Development Topics in 2015-16

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

2.7 2015-16 Learning Coach Support

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

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

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

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

Get Started!

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

Get Coaching!

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

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

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

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

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

Get Connected!

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

3. 2016-17 School Improvement Plan

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

3.1 Internal & External Data Validation

Internal Data Validation Efforts

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

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

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

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

External Data Validation Efforts

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

3.2 Freshman Focus/Senior Success

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

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

3.3 Every Student Succeeds Academy Program and Plan

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

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

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

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

3.4 Curricular Changes

GradPoint

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

Additional Math Instructional Resources

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

Automatic Feedback

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

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

Increased Math Focus

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

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

Course and Connexus Enhancements 2016–17

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

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

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

3.5 Professional Development

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

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

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

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

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

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

3.6 Board Governance Training

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

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

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

3.7 Staff and Placement Decisions

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

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

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

3.8 Face-to-Face Support

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

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

3.9 2016-17 Learning Coach Support

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

4. 2017- 18 and Beyond

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

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

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

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

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

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

5. Conclusion

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

Appendix A

History and Accomplishments

A.1 Overview

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A.2 History

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

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

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

Enrollment and Demographics

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

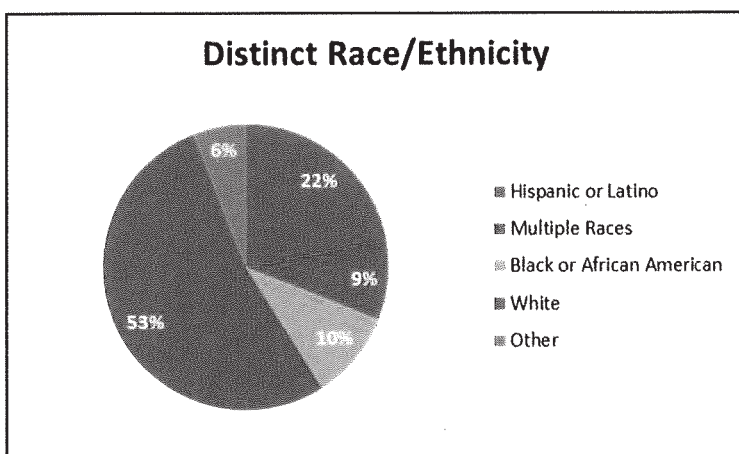
Figure 1. Enrollment Growth

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

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

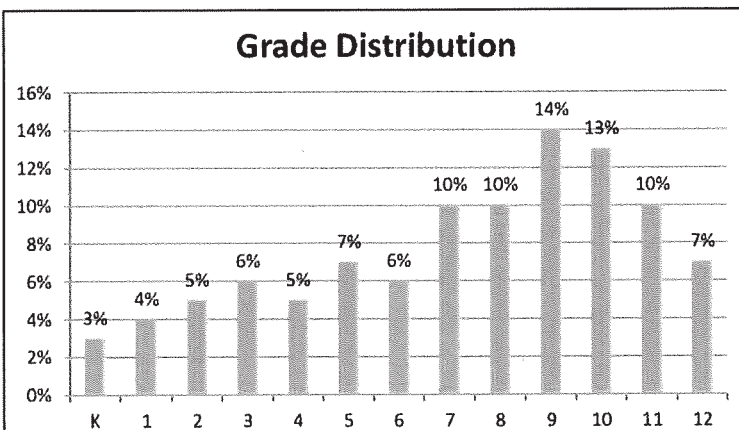
NCA serves a diverse population. Figure 2 provides information on the composition of the student body in January 2016.

Figure 2. Student Body Composition of NCA –January 2016



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

Figure 3. Grade Distribution as of January 2016



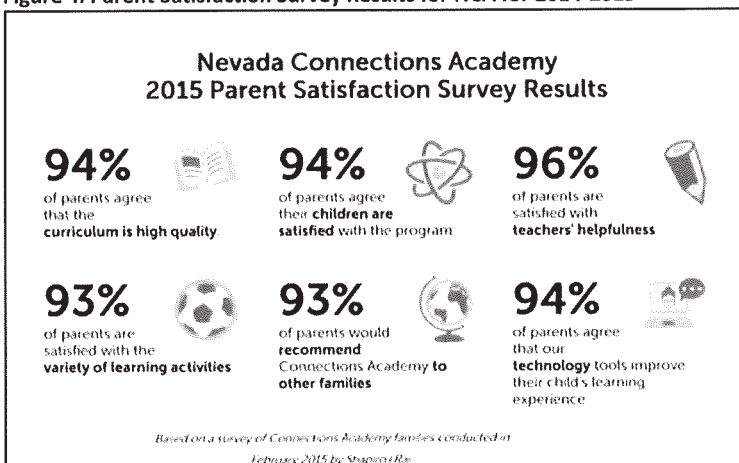
As of January 2016, **approximately 41% of the students served are socioeconomically disadvantaged**, measured by family income eligibility meeting federal guidelines for free or reduced lunch.

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

Parent Satisfaction

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

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



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

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

A.3 Accomplishments

Academic and Educational Achievements

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

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

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

Other Achievements

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

A.4 Academic Accountability

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

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

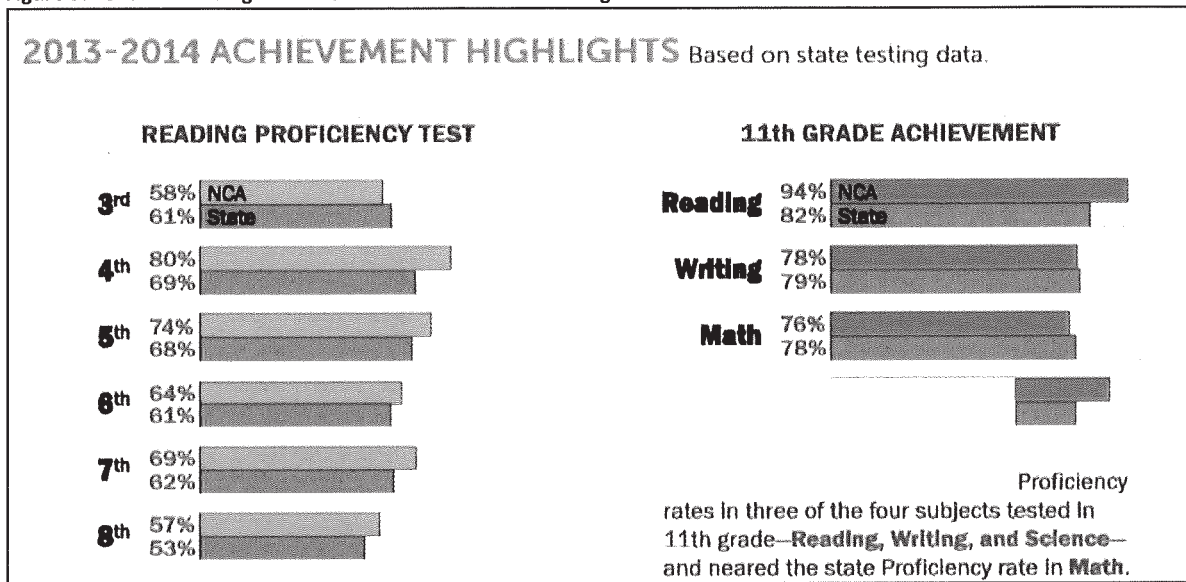
- Ongoing in-depth assessment and performance data on individual students, which is available to teachers and administration in “real time” and used to modify and individualize programming;
- Targeted , individualized remedial courses for students who are underperforming, and a wide selection of Gifted,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

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

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

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

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



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

A.5 NCA Board of Directors

Governing Board

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

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

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

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

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

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

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

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

- **Kelly McGlynn, Board Treasurer**

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

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

- **Marisa Delgado, Board Secretary**

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

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

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

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

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

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

- **Tessa Rivera, Board Member**

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

Mrs. Rivera has been on the Board since 2015.

- **Gene Stewart, Board Member**

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

Mr. Stewart has been on the Board since 2015.

School Leadership

- **Steve Werlein, Principal**

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

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

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

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

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

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

Education:

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

Appendix B

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

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

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

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

B.1 Detailed Look at the 2015 Graduation Cohort

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

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

Figure 1. Non-Graduates Grade Level Upon Enrollment

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

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

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

Figure 2. Graduates Grade level Age Upon Enrollment

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

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

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

B.2 Concentration of Credit Deficient Students

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

Figure 3. Percentage of Students Enrolling Credit Deficient

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

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

B.3 Where Did the Non-Graduates Go?

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

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

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

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

B.4 Lessons from the Data

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

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

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

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

Appendix C

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

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

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

C.1 Detailed Look at the Anticipated 2016 Graduation Cohort

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

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

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

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

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

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

Figure 2. Anticipated Graduates Grade level Age Upon Enrollment

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

C.2 Additional Information Regarding Withdrawn Students

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

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

C.3 Improvements Made This Year

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

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

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

Appendix D

Policy Considerations – Application of Existing Law and Potential Regulatory Changes

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

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

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

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

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

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

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

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

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

D.1 Transiency Rate and Impact on Learning

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

Figure 1. Transiency Rates

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

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

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

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

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

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

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

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

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

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

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

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

D.2 ESSA Changes to Four-Year Cohort Calculation

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

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

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

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

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

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

D.3 Pupil Accounting Policies

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

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

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

D.4 Full Academic Year Definition

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

Figure 2.State Definitions of FAY

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

D.5 Alternative School or Virtual School Classification

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

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

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

D.6 Multiple Accountability Measures

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

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

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

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

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

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

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

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

EXHIBIT 2

SPCSA Charter School Performance Framework

EXHIBIT 2

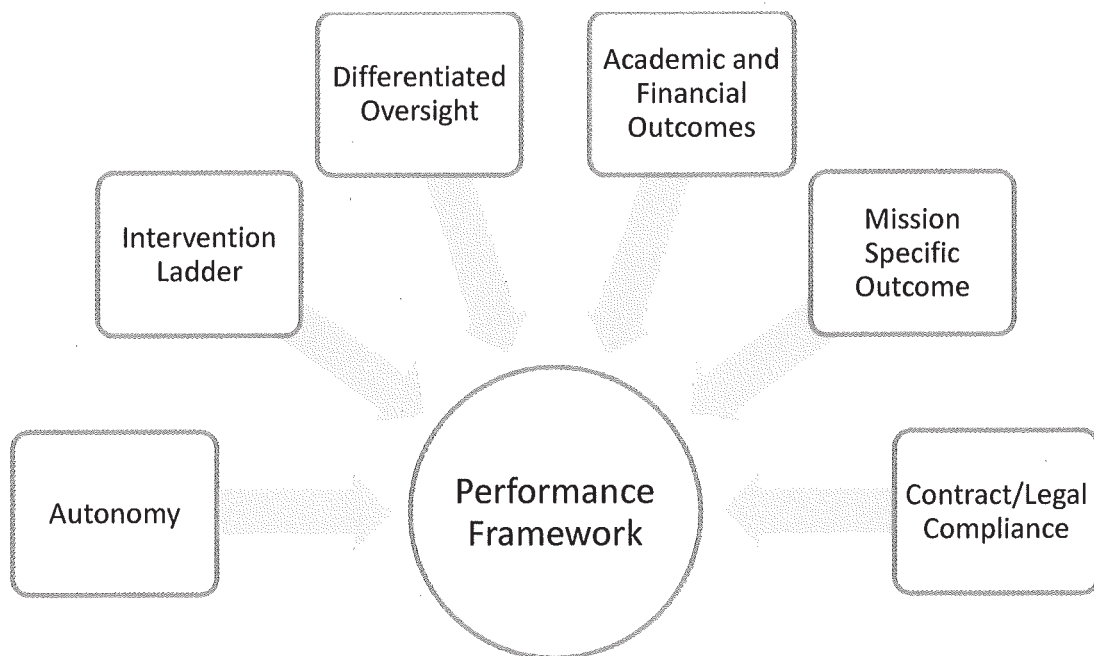
SPCSA Charter School Performance Framework

Charter School Performance Framework

Objective:

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

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



Section 1: Introduction

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

This document provides:

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

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

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

Charter School Performance Framework Authority Obligations

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

Section 2: Objective of the Charter School Performance Framework

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

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

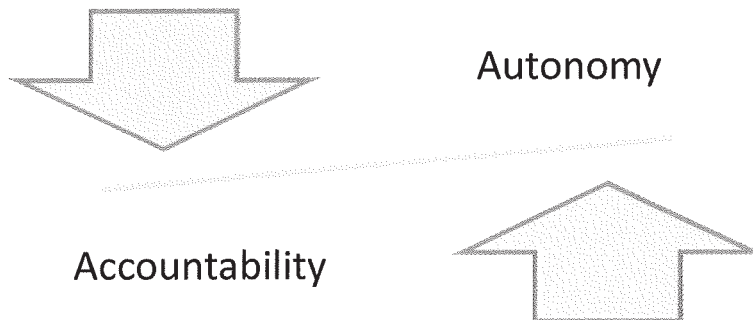
The Charter School Performance Framework balances these two considerations.

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

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

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

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



Section 3: Performance Framework Components

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

Routine Year Round Submissions

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

Academic, Financial, Organizational and Mission Specific Indicators

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

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

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

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

Annual Review

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

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

Mid-Term Review

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

Section 4: Performance Framework Process Description

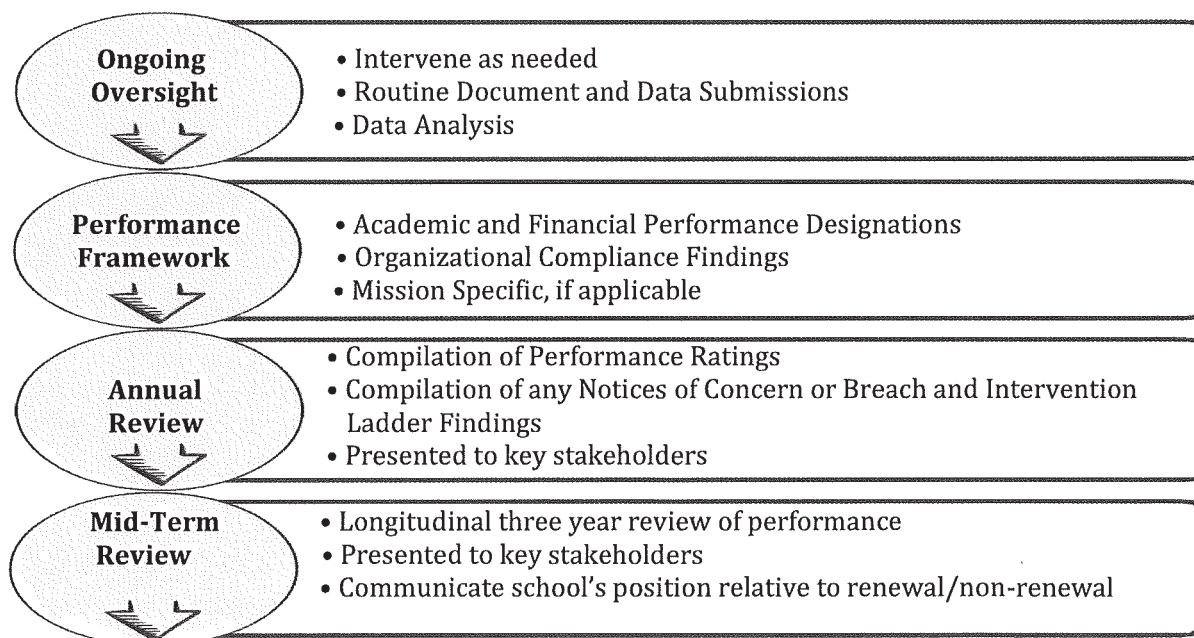
The Authority has studied best practices to develop the Performance Framework process depicted in this flowchart. Throughout the school year, every charter school will submit scheduled documents and data that enable us to assess their compliance with laws and regulations, and their progress in achieving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

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

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

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

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



Section 5: Intervention Ladder

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

Level 1: Notice of Concern

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



Level 2: Notice of Breach

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



Level 3: Intent to Revoke

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

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

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

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

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

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

Section 6: High-Stakes Decisions

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

Contract Renewal

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

Performance Expectation

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

Streamlined Renewal

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

Contract Termination

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

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

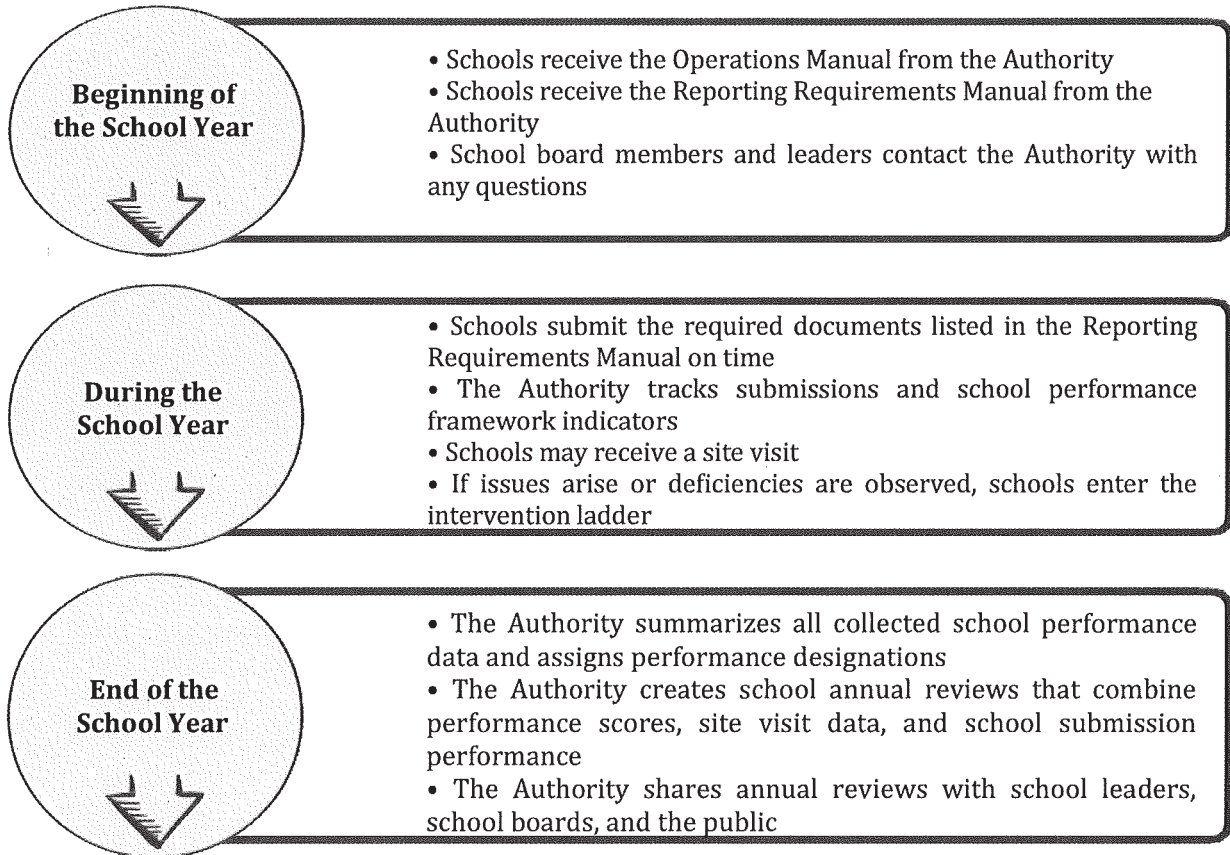
Auto-Termination

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

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

Section 7: Performance Framework Timeline

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



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

Appendix A: Detailed Academic Performance Indicator Descriptions

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

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

| | | | | |
|------------|-----------|--------|--------|--|
| Elementary | Indicator | Growth | Status | |
| | Weight | 60.00% | 40.00% | |

| | | | | |
|---------------|-----------|--------|--------|--|
| Middle School | Indicator | Growth | Status | |
| | Weight | 60.00% | 40.00% | |

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

2.1 Student Progress Over Time (Growth)

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

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

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

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

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

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

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

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

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

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

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

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

2.2 Student Achievement (Status)

2.2.a Are students achieving proficiency on state examinations in reading?

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

2.2.b Are students achieving proficiency on state examinations in math?

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

2.2.c Using proficiency rates, are schools achieving proficiency in reading when compared with the traditional schools that charter school student would otherwise attend? The difference between the proficiency rate of the charter school and the weighted proficiency rate of the traditional schools is:

| | |
|-----------------|------------------------|
| Exceptional: | ≥ 30 |
| Exceeds: | ≥ 15 and < 30 |
| Adequate: | ≥ 0 and < 15 |
| Approaches: | ≥ -15 and < 0 |
| Unsatisfactory: | ≥ -30 and < -15 |
| Critical: | < -30 |

2.2.d Using proficiency rates,, are schools achieving proficiency in math when compared with the traditional schools that charter school student would otherwise attend? The difference between the proficiency rate of the charter school and the weighted proficiency rate of the traditional schools is:

| | |
|-----------------|------------------------|
| Exceptional: | > 30 |
| Exceeds: | ≥ 15 and < 30 |
| Adequate: | ≥ 0 and < 15 |
| Approaches: | ≥ -15 and < 0 |
| Unsatisfactory: | ≥ -30 and < -15 |
| Critical: | < -30 |

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

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

2.3: Career and College Readiness

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

| | |
|---|---|
| 2.3.b Are students on target for being college ready by the time they graduate as measured by the EXPLORE and PLAN college readiness bench marks in English and Math? | |
| English | |
| Exceptional: | ≥76% |
| Exceeds | ≥66% and <76% |
| Adequate: | ≥56% and <66% |
| Approaches: | ≥46% and <56% |
| Unsatisfactory: | ≥36% and <46% |
| Critical: | <36% |
| Math | |
| Exceptional: | ≥45% |
| Exceeds | ≥35% and <45% |
| Adequate: | ≥25% and <35% |
| Approaches: | ≥15% and <25% |
| Unsatisfactory: | ≥5% and <15% |
| Critical: | <5% |
| 2.3.c Are students graduating from high school? | |
| <ul style="list-style-type: none"> Based on a four-year adjusted cohort graduation rate Based on a five-year adjusted cohort graduation rate | |
| Exceptional: | ≥95 th percentile |
| Exceeds: | ≥75 th percentile and <95 th percentile |
| Adequate: | ≥50 th percentile and <75 th percentile |
| Approaches: | ≥25 th percentile and <50 th percentile |
| Unsatisfactory: | ≥5 th percentile and <25 th percentile |
| Critical: | <5 th percentile |
| 2.3.d Do students have the content and skill knowledge needed to succeed beyond high school? | |
| Exceptional: | |
| Exceeds: | |
| Adequate: | |
| Approaches: | |
| Unsatisfactory: | |
| Critical: | |

Appendix B: Detailed Financial Performance Indicator Descriptions

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

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

Near Term Measures

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

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

Source of Data: Audited balance sheet.

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

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

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

Source of Data: Audited balance sheet and income statement.

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

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

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

Source of Data:

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

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

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

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

Source of Data: Notes to the audited financial statements.

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

Sustainability Measures

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

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

Source of Data: 3 years of audited income statements

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

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

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

Source of Data: Audited balance sheet

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

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

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

Source of Data: 4 years of audited balance sheets

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

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

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

Source of Data:

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

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

Appendix C: Detailed Organizational Performance Indicator Descriptions

I. Educational Program

1. Essential terms of the charter agreement

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

2. Education requirements

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

3. Students with disabilities

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

4. English Language Learner Students

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

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

II. Financial Management and Oversight

1. Financial Reporting and compliance

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

2. Financial management and oversight

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

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

III. Governance and Reporting

1. Governance and reporting

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

2. Management accountability

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

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

3. Reporting requirements

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

IV. Students and Employees

1. Rights of students

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

2. Attendance goals

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

3. Staff credentials

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

4. Employee rights

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

5. Background checks

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

V. School Environment

1. Facilities and transportation

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

2. Health and safety

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

3. Information management

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

VI. Additional Obligations

1. Additional obligations

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

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