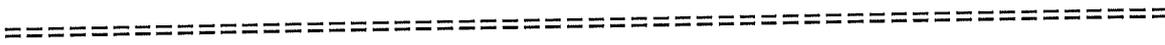


1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

STATE PUBLIC CHARTER SCHOOL AUTHORITY

- o0o -



SPCSA HEARING

TRANSCRIPT OF PROCEEDINGS

May 14, 2018,

Las Vegas, Nevada

SUNSHINE LITIGATION SERVICES  
TRANSCRIBED FROM RECORDING  
Transcribed By: GAIL R. WILLSEY, CSR #359, CA CSR  
#9748

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

\*\*\* ^ . ^ \*\*\*  
MAY 14, 2018, 10:00 A.M.

\*\*\* ^ . ^ \*\*\*

THE CHAIR: Okay. Well, let's go ahead and call this meeting to order, it's 10:06.

Again, just by way of process, I think given it's been a few weeks we concluded by hearing from Nevada Virtual their presentation. What I would like to do is just get a cap from Director Motorson on staff's recommendations. I actually have some questions just to kind of help me with my thinking based on where we were at before we left and then I'd like to hear a recap from Nevada Virtual so that we can kind of get a summary of what you all presented to us last time. Then after we've completed those two pieces before I open it up to questioning, I think legal counsel wanted to present some legal issues for us to consider and we will -- the Board will get an opportunity to ask questions and then we'll go from there.

Before I go any further though, I did want to address Ms. Hendricks' letter with our legal counsel. There are a couple of issues that were raised in that

1 letter. One was an issue of whether we had to  
2 complete our work on April 27th -- agenda item or  
3 whether we could continue that work to another hearing  
4 date.

5 Mr. Whitney, did you get an opportunity to  
6 review that letter? What's your opinion on that first  
7 issue?

8 MR. WHITNEY: Mr. Chair, this is Robert  
9 Whitney.

10 I did have a chance to review it, and my  
11 opinion is that the Board did start hearing the matter  
12 on the 27th, that is all -- that's what's required,  
13 it's just like a trial or another hearing you -- no  
14 fact finder's such as a court is going to read the  
15 language to where you get basically an unreasonable  
16 result. I mean, there needs to be room for the fact  
17 that for both sides to present their argument, it may  
18 not finish on -- Nevada may not finish in one day.  
19 From what I could tell from research, the proper  
20 notice was given, an unexpected event occurred and you  
21 know, the matter did proceed forward beginning that  
22 day does not have to finish that day.

23 THE CHAIR: Yeah. If I recall correctly, Mr.  
24 Whitney, I concluded that meeting on 2:45. We could

1 have gone until 4:00 and part of the reason why we  
2 moved it is I didn't want to rush to a result without  
3 giving the school the opportunity to present -- and  
4 then also giving time for the members of this board to  
5 ask questions and give sufficient time to respond.

6 I think actually Ms. Hendricks, I spoke to  
7 you about that in the hall and one of the things that  
8 you had asked before we made a decision to continue  
9 the hearing, was could we continue the hearing because  
10 you didn't want to have to keep everybody there. So I  
11 find it a little bit frustrating that you're now  
12 raising the argument that we can't complete the work  
13 that we began when you approached me in the hall and  
14 actually asked for that as a remedy.

15 MS. HENDRICKS: Can I address that briefly?

16 You're right I did and I'm not going to deny  
17 that before the break, I asked if we could possibly  
18 continue it but then me and staff for three hours  
19 under the impression that the meeting was going to  
20 continue and later last week, I learned from Mr.  
21 Herrick that the reason the meeting was continued was  
22 so that staff could evaluate the Power Point which is  
23 not something we considered.

24 So yes, we did go back and look at it. We

1 looked at the letter and I think the Notice Of Intent  
2 to terminate letter was very clear that we were  
3 supposed to be concluded. So maybe I misspoke then  
4 but I think there are some procedural issues that  
5 should be considered.

6 THE CHAIR: All right. Well, that's what  
7 we're doing considering the first one that you raised.

8 I'm going to be patient because I really  
9 think that that argument is -- given your request, is  
10 not an argument that is made in good faith. But I'll  
11 give you the benefit of the doubt in that regard.

12 Mr. Herrick, did you get an opportunity to  
13 review that argument and what's your response?

14 MR. HERRICK: I did. Three points, I was  
15 present for that conversation as well. Ms. Hendricks  
16 did that in fact inquire if the meeting was going to  
17 be continued to another date. She then requested that  
18 it be continued to another day. Ms. Hendricks was  
19 also present -- in the afternoon so I find any  
20 argument regarding notice or continuing to be  
21 baseless.

22 Furthermore, I think we are all clear or I  
23 was clear at that meeting that the meeting was being  
24 continued in part or potentially continued by the

1 Chair as a result of the 7:30 Power Point, 7:30 AM  
2 Power Point that was sent to me the morning of and to  
3 give SPCSA staff an opportunity to review that.

4 As Mr. Whitney said, this is just like a  
5 trial, a hearing or any other administrative agency  
6 action where -- hearing where if the matter is not  
7 concluded, it's continued to another day and in this  
8 case it was continued with the consent of the school.

9 THE CHAIR: With regard to the Power Point,  
10 at least from my perspective, I can't speak for the  
11 other board members but if we would have had the time  
12 that we lost, I don't know that having additional time  
13 to review the Power Point would have been  
14 determinative for me just because it didn't appear  
15 that the Power Point raised any new points, it was  
16 just basically summary of the points that were already  
17 made in the prior submission.

18 So my biggest concern about the time we have  
19 the meeting and wanting to continue the matter was  
20 really to be fair to you all as school. We could have  
21 gotten in the questions. I could have cut it off at  
22 3:30. We could have taken a vote. I think that would  
23 have truncated the discussion and not allowed for the  
24 due process that you all are asking for.

1           So I'm just going to --this issue for  
2 whoever's purposes and if somebody reviewing our  
3 actions thinks that we're acting unreasonable or  
4 unfair to your school -- our actions as a board are  
5 meant to be fair to you all and I think have been  
6 abundantly fair up to this point. So I'm going to  
7 move on from that issue.

8           There was another issue that was raised in  
9 the letter, Mr. Whitney, it was about the recording of  
10 the last meeting. Have we been able to confirm  
11 whether we have a complete recording, whether that's  
12 audio or video from the last meeting?

13           MR. WHITNEY: Mr. Chair, this is Robert  
14 Whitney. I have not actually confirmed with Mr.  
15 Peltare. I actually went -- whether the audio  
16 recording the complete. I listened to the recording  
17 that was posted on the State Public Charter School  
18 Authority's Website. Ms. Hendricks is correct, part  
19 of that appears to be missing, it is short. I'm not  
20 sure how long, it seems to be a short amount of time  
21 but I also don't see that necessarily as a violation  
22 of the Open Meeting Law under 41.035 at Subsection 7  
23 stating, "for public body makes a good faith effort to  
24 comply with provisions of Subsection 4 and 6 which

1 dealing with the record and audio tape, it's to be but  
2 is prevented from doing so because of factors beyond  
3 the public body's reasonable control including without  
4 limitation a power outage, a mechanical failure or  
5 unseen event, such failure does not constitute a  
6 violation of the provisions of this chapter."

7           So if that is indeed the case, I honestly  
8 have not spoken with Mr. Peltare directly. I just  
9 again went on the Website but my assumption is and  
10 again this is just an assumption that it was some type  
11 of mechanical event, something unexpected that  
12 prevented the recording of I think Ms. Hendricks  
13 indicated about 10 minutes of it was gone, the final  
14 10 minutes or so are gone.

15           THE CHAIR: So it's the final 10 minutes of  
16 our April 27th meeting; is that right?

17           MR. WHITNEY: I'm sorry, before we went to --  
18 before we went to the break, before we left, those  
19 final 10 minutes approximately 11:00 or so, not the  
20 end of the meeting.

21           THE CHAIR: Okay, and who's our custodian of  
22 the recording?

23           MR. WHITNEY: Mr. Peltare is our Public  
24 Records Officer and our open meeting law.

1 THE CHAIR: Mr. Peltare can you speak to the  
2 recording? Is there either an audio or video  
3 recording of that final 10 minutes before we went on  
4 break on April 27?

5 MALE SPEAKER: This is Danny Peltare for the  
6 record.

7 So when the meeting cut out, on the recording  
8 it comes up as like three little rainbow bars there,  
9 that is the end of the recording. So whatever  
10 occurred I want to say it was probably five minutes  
11 prior to the ending down in Las Vegas for the break, L  
12 C B did not record at that time either audio or video  
13 because they had stopped the feed in order to prepare  
14 for the next meeting we left for.

15 So whenever the recording goes out on the  
16 site, that is the full extent to what we have.

17 THE CHAIR: Mr. Peltare, I'm going to have  
18 you repeat your entire answer because we only heard  
19 maybe 20 seconds of it. Please speak right into the  
20 mike and hopefully we can get everything that you said  
21 this time.

22 MALE SPEAKER: Certainly. There is Danny  
23 Peltare for the record. The video stream is a little  
24 choppy at times so that's probably why I cut out.

1           What I was saying was that the board meeting  
2 when it was cut by the Legislative Counsel Bureau, the  
3 screen went to like the rainbow bars. That is the end  
4 of the recording there. Whatever occurred in Las  
5 Vegas after that, was cut, was not recorded because  
6 the Legislative Counsel Bureau had finished that feed  
7 because they were preparing for the meeting that was  
8 going to be starting right after hours.

9           So there is not the five minutes that you  
10 guys did in Las Vegas after the recording was cut,  
11 that's the only time. Everything else is there but  
12 not that five minutes when you guys continued with the  
13 meeting when the video feed was cut.

14           THE CHAIR: Thank you, Mr. Peltare.

15           Mr. Whitney, if I understand what you've  
16 presented is if we made a good faith effort to record  
17 the entire meeting and for some reason out of our  
18 control we don't get everything recorded, that there  
19 wouldn't be a violation of the Open Meeting Law?

20           MR. WHITNEY: Mr. Chair, this is Robert  
21 Whitney. That's correct, that's my opinion.

22           THE CHAIR: Are you aware of any Open Meeting  
23 Law complaint being filed with the Attorney General's  
24 Office on this issue?

1 MR. WHITNEY: Not at this time on this  
2 particular -- not that I'm aware of but they may not  
3 necessarily have routed it to me yet or to me at all.

4 THE CHAIR: But the point is that that issue  
5 would need to be adjudicated through the Attorney  
6 General's Office right not through this board?

7 MR. WHITNEY: That would seem to be proper.

8 THE CHAIR: Okay. Thank you.

9 Okay. So we've made a record on that issue  
10 of the recording, it appears that we don't have the  
11 last five to 10 minutes of the meeting but there also  
12 doesn't appear to have been an Open Meeting Law  
13 complaint or any intervention from the Attorney  
14 General's Office.

15 So absent something saying we can't proceed,  
16 I think we will proceed and with -- the law as we  
17 understand it allows for a good faith -- for good  
18 faith loss of recordings that are outside of your  
19 control.

20 Member Luna?

21 MEMBER LUNA: Do we have a transcript of it?

22 THE CHAIR: Well, we wouldn't have a  
23 transcript because we didn't have the recording and we  
24 didn't have a separate --

1           The third issue was that this matter was  
2 moved to a different room. I don't know that when we  
3 moved it to a different room other than continuing the  
4 hearing, we took any action. So even if there was an  
5 Open Meeting Law violation because there was no  
6 action, I don't know that it substantively changed  
7 anything other than the action to continue the hearing  
8 to another date.

9           Mr. Whitney, did you get a chance to review  
10 that issue?

11           MR. WHITNEY: I did, Mr. Chair -- I'm sorry,  
12 this is Robert Whitney. I couldn't find as much  
13 information on that but I am of the opinion that since  
14 -- it was kind of an interesting issue. The parties  
15 really can't -- actually I'll just -- I wasn't able to  
16 find as much information on it but again, there was no  
17 substantive action, that seems to be the most  
18 important issue here. I know it sounds like there was  
19 some discussion between the parties as far as what  
20 was -- that's something that -- as far as the --  
21 again, since no substantive action was taken, it  
22 doesn't appear that if there would be any issue with  
23 proceeding forward on the matter.

24           MR. CHAIR: The only action we took in this

1 separate room was to let everybody know that we were  
2 going to --

3 MR. WHITNEY: -- there had actually been  
4 substantive action taken even though there's  
5 discussion between the parties, there may have been --  
6 there could have been an issue with Open Meeting Law  
7 violation but it was not.

8 MR. CHAIR: Okay. Thank you.

9 Mr. Herrick, do you want to comment on that  
10 at all?

11 MR. HERRICK: Other than as with the previous  
12 argument, no action was taken by the board. So any  
13 remedy of an Open Meeting Law violation would be to  
14 unwind that vote and no vote was taken. So even if  
15 there were an Open Meeting Law violation on either of  
16 those two events which I don't believe there are,  
17 there's no vote to unwind.

18 The second thing on the room, there's a few  
19 arguments but I certainly don't think Nevada Virtual  
20 can complain about notice since they were actually  
21 there at the second part of the meeting, at the last  
22 meeting.

23 THE CHAIR: I guess my concern would have  
24 been for the public who is wanting to be there at all

1 making sure that they knew where the room was, but we  
2 didn't take any action other than to move the hearing  
3 date. I don't even know that we needed to take any  
4 action to move the hearing date other than just to let  
5 people know -- our meeting and that it was being moved  
6 to May 14th.

7 MR. HERRICK: And in regard to that issue,  
8 the last issue raised in Ms. Hendricks' letter of  
9 continued meeting, something needs to be re-noticed  
10 which it has been for today. So any issue there has  
11 been -- there's no issue there as well.

12 THE CHAIR: Okay.

13 Well, again for purposes of making a good  
14 record and making sure that we've given due  
15 consideration to the letter that you submitted, I  
16 wanted to make sure we addressed those issues. It is  
17 now 10:22. Why don't we go ahead and hear from the  
18 Authority, just a summary of the recommendation.

19 Director Motorson.

20 MR. MOTORSON: Chairman Guinasso and members  
21 of the board, I'm going to do my best to continue the  
22 presentation and summarize everything that occurred on  
23 April 27th.

24 You'll recall that I provided a rather

1 lengthy presentation with regard to the memo before  
2 you again today. This was followed by some questions  
3 to the Authority staff before presentation by Nevada  
4 Virtual leadership and counsel. I believe our --  
5 right after Member Moulton began to ask some questions  
6 prior to the recess.

7           To ensure that everyone is on the same page,  
8 I do, Mr. Chair, want to remind the board what is  
9 actually before you today. The only decision you have  
10 today is to determine -- deficiencies identified in  
11 the notice. Action on this item does not necessarily  
12 mean or require that Nevada Virtual Charter School  
13 contract will be terminated. The only decision you  
14 have today is the following; to determine that the  
15 plan corrects the deficiencies identified in the  
16 notice or to determine -- this item, excuse me.

17           -- Mr. Chair I'm going to quickly recap the  
18 memo -- that was presented on April 27, and then I'm  
19 going to tie them together so you're very clear on the  
20 recommendation. As previously mentioned, you have the  
21 memo before you. You'll recall that staff's  
22 recommendation is to reject the plan submitted. As  
23 outlined on pages two and three of the memo this is  
24 for -- reasons.

1           First, the plan proposes to recycle programs  
2 that were not fully implemented or were not executed  
3 with fidelity in prior years by Nevada Virtual staff  
4 and leadership. No specific information was provided  
5 to Authority staff on how the implementation of these  
6 programs has or will improve. You'll recall during my  
7 presentation on April 27th that Nevada Virtual does  
8 not provide clear details as to where previous  
9 failures occurred. Nevada Virtual did not describe  
10 what is submitted chances of these failures recurring.  
11 Nevada Virtual does not provide any information as to  
12 what other program changes might look like and staff  
13 finds this portion of the plan to be completely  
14 unacceptable.

15           The questions I'm asking and continue to ask  
16 are basic fundamental questions for any school public  
17 or private, and we also would have the same questions  
18 for the board and any input that they were allowed to  
19 give or did contribute to this plan.

20           Secondly, the plan did not provide enough  
21 detail about the benchmark and interim performance  
22 goals that Nevada Virtual -- three-star rating  
23 proposed goals are inconsistent. The plan does not  
24 specify the staff responsible and no detailed steps

1 are outlined to ensure that school wide progress  
2 towards these goals are occurring. Moreover, the  
3 school only provides goals for annual assessments.

4           You heard me state that the goals appear are  
5 only annual and far too vague. Authority staff would  
6 expect a school that is proposing and needing to  
7 sustain its level of growth over the course of  
8 three years to present a detailed plan that leverages  
9 the quarterly assessments. They are implementing and  
10 as such, staff is not confident the school has a well  
11 thought out strategy that includes benchmarks at  
12 various points of the year.

13           The third notable reason as outlined in the  
14 memo for staff rejecting the plan is that the  
15 performance targets themselves do not guarantee that  
16 Nevada Virtual Academy's elementary school will  
17 achieve a three-star rating even with the lack of  
18 detail as previously stated. In fact, given most  
19 optimistic forecasts, the elementary school will not  
20 achieve a three-star rating until after the expiration  
21 of their current charter school contract which as  
22 you'll recall --

23           Staff believes the two to three percentage  
24 point growth is not enough even over a three-year

1 period to earn the school a three-star rating, it is  
2 just not mathematically possible. I stated that the  
3 staff believes that Nevada Virtual Academy's goal  
4 should be much higher to be sure a three-star rating  
5 is achieved.

6 You also heard me state that Nevada Virtual  
7 Academy keeps referring to a three-year period but  
8 their current charter again does not align with that  
9 and moreover, they are inconsistent between the two  
10 submissions or excuse me, April 2nd and April 13.

11 The final reason staff is recommending the  
12 board reject the plan is because it provides little  
13 positive evidence for the implementation of the  
14 proposed student and family support programs. The  
15 evidence provided for the programs is not supportive  
16 of the positive student outcomes Nevada Virtual wishes  
17 to achieve. The research supporting other proposed  
18 programs notes that key implementation factors are  
19 critical to successful student outcomes. Nevada  
20 Virtual Academy provides few details as to how these  
21 factors will be addressed leaving many outstanding  
22 questions about their effectiveness.

23 So to recap very quickly, the FAST or the  
24 Family Academic Support Team which is described on

1 pages five and six of the memo had little detail with  
2 regard to implementation. Nevada Virtual did provide  
3 the Authority with the number of students it plans to  
4 serve through the program, excuse me, did not provide  
5 the Authority staff with the number of students it  
6 plans to serve through the program, how they will be  
7 selected and how they will be monitored for progress.

8 You also heard me provide some context about  
9 this program at Georgia Cyber Academy, and you'll  
10 recall that this program has not been -- and staff  
11 overall is not confident that this wrap-around service  
12 can be effective in improving student outcomes.

13 The second support outlined was parent and  
14 learning coach support program. Staff received little  
15 information from the school on this support. Little  
16 to no detail was provided about what full  
17 implementation means or looks like especially when  
18 compared to the partial implementation of previous  
19 years. This is troubling as we do not fully  
20 understand what changes the school is making and why  
21 they are making them.

22 The last student and family support put forth  
23 by Nevada Virtual was the after-school activities to  
24 be offered for the first time this school year and

1 this program provides continuous or it's ascribed to  
2 provide continuous after school face-to-face academic  
3 activities such as literacy nights, stem nights, book  
4 fairs, family social events to bring families together  
5 for ongoing learning activities.

6           You've heard me that say that Nevada Virtual  
7 plans to implement these programs face-to-face. I'll  
8 remind you this -- around 2000 students across the  
9 state. No detail was provided about how Nevada  
10 Virtual plans to help these students residing outside  
11 of Clark County. Additionally, Nevada Virtual  
12 submitted research supporting the implementation of or  
13 after-school activities to help improve student  
14 outcomes. This research also identifies key factors  
15 and conditions that must be in place for effective  
16 after-school programs to take place. These factors  
17 include easy access to programs, sustained  
18 participation and quality staff providing or  
19 facilitating the programs.

20           So despite the school providing research that  
21 indicates these factors are very important, they did  
22 not directly address how those that their plan will  
23 address these key conditions, it's unclear how the  
24 activities will be organized, how participation will

1 be monitored and who will be leading the proposed  
2 programing.

3 So these are huge gaps in the proposed plan,  
4 and we do not have confidence that the after-school  
5 programs along with the FAST and parent learning coach  
6 supports can be implemented in a manner that will be  
7 effected -- and that summarizes the staff memo, Mr.  
8 Chair. And I'm happy if you would like to continue on  
9 with the April 27th happenings or if you would like me  
10 to stop there and pause and answer any questions that  
11 you have?

12 THE CHAIR: Yeah, let me ask some questions  
13 because I've had an opportunity to go over my notes  
14 from your presentation and I've also had an  
15 opportunity to kind of reflect.

16 I want to -- presentation was comprehensive  
17 and complete but I just want to break down a few  
18 things so that I understand better the basis for the  
19 Authority's recommendation so perhaps the school might  
20 understand a little bit better.

21 Could you outline for us the basic  
22 expectations that the State and the Authority have  
23 regarding the performance of elementary schools in  
24 Nevada? Could you just outline like a list for us so

1 I can kind of understand and everything that you are  
2 recommending. I want to understand your expectations  
3 so that I can align what you've said to what we expect  
4 of schools, elementary schools in particular.

5 MR. MOTORSON: Thank you, Mr. Chair, Mark  
6 Motorson for the record.

7 I believe what we expect is for elementary  
8 schools in the State of Nevada to achieve high  
9 proficiency rates as evidenced by not only state  
10 assessment scores but any other evidence that may  
11 demonstrate that they are performing at a high level.  
12 We also would want them to be able to show that they  
13 are growing. I use that expression as an educator and  
14 former teacher, growing students at a quick enough  
15 rate so that they are able to meet proficiency  
16 standards as they progress kindergarten through 12th  
17 grade.

18 So another way of thinking about that is if  
19 you have a second grade student that is maybe not  
20 proficient at second grade, are you able to get them  
21 back quote-unquote "on grade level" by 4th or 5th  
22 grade so they can be on track to graduate. We monitor  
23 that very closely. Those would be the most striking  
24 academic elements I believe that we would look at but

1 I'm going to see if Director Gavin has anything to add  
2 on that.

3 PATRICK GAVIN: Patrick Gavin for the record.  
4 I believe Director Motorson has summarized  
5 the key points. It is as an agency we look at  
6 proficiency -- assessments and growth on state  
7 mandated assessments, that is what we are charged with  
8 doing as an agency is ensuring that our schools meet  
9 the minimum performance expectations of the state. We  
10 expect that all of our schools are three star or  
11 better in order for them to continue operation at all  
12 levels.

13 THE CHAIR: Thank you.

14 So what I have here is I have achievement,  
15 student achievement and there's some analysis in your  
16 report on achievement. There's one expectation of  
17 both the state and the Authority and then the other is  
18 growth, student growth while they're in the program.

19 I think the other thing that I saw in your  
20 report was something to do with attendance, you know,  
21 that's an important metric. Can you just elaborate on  
22 that, is that a part of the expectation is that there  
23 be attendance?

24 PATRICK GAVIN: Thank you for the question,

1 Mr. Chairman, Patrick Gavin --

2 THE CHAIR: Can you speak right into the mike  
3 there.

4 PATRICK GAVIN: Thank you for the question,  
5 Mr. Chairman. Patrick Gavin for the record.

6 So to be clear, in order for a school to  
7 receive a five-star rating, they have to score  
8 approximately 60 or 65 points out of 100. So only  
9 just that that is -- that's a relatively low bar to  
10 get to that five-star level. A school can reach those  
11 targets entirely based on academic performance.

12 Essentially, the other elements that the  
13 10 points that are related to chronic absenteeism, the  
14 two points related to the survey, the Student Climate  
15 Survey. And frankly, the other areas related to  
16 English language proficiency for students that  
17 actually serve a body of -- enough English language  
18 learner students to reflect the demographic profile of  
19 this community and this state. You can get a zero on  
20 any or all of those and still achieve a five-star  
21 level.

22 So we consistently talk about academic growth  
23 and student proficiency as being the two most  
24 important elements because collectively, they're

1 approximately 60 percent of the total. So you can get  
2 all the points just by getting to that.

3 THE CHAIR: Oh, okay, that's helpful to me  
4 because if -- the term "academic performance" is used  
5 quite a bit and I think there's an assumption that  
6 everybody knows what that means but for me, I wouldn't  
7 have known if you were just talking about that, that  
8 that was -- when you talk about academic performance,  
9 you're talking both student growth as well as  
10 proficiency, so that's very helpful at least to me.

11 Has there ever been a time, in the history of  
12 Nevada Virtual, where the academic performance of the  
13 elementary school could be summarized as something  
14 other than the poor?

15 MR. MOTORSON: Mr. Chair, Mark Motorson for  
16 the record.

17 I believe that it's a fair characterization  
18 given their performance along the Nevada school  
19 performance framework. As I mentioned previously,  
20 I've have experience in authorizing and I have not  
21 seen any evidence to the contrary that would lead me  
22 to believe that the school, the elementary school as a  
23 whole is performing at any other level.

24 THE CHAIR: Has there ever been a time when

1 this elementary school has satisfied the expectations  
2 -- I'm just stating this question a different way  
3 because I want to be clear, the expectations we laid  
4 out with regard to proficiency and growth and to a  
5 lesser extent, attendance and some of the other  
6 factors. Has there ever been a time when this  
7 elementary school in its existence has satisfied those  
8 expectations?

9 MALE SPEAKER: So Mr. Chairman, as I believe  
10 you're aware, this school since the inception of the  
11 star rating, this school has never received a rating  
12 above the two-star level and under the previous  
13 accountability framework, the NCL, the No Child Left  
14 Behind era process, the school every year received a  
15 lower rating because of it's failure to improve.

16 So at no point since the inception of this  
17 school has this school met academic standards.

18 THE CHAIR: Thank you.

19 Now, I want to understand this because this  
20 is before my time and there was some commentary in  
21 your report on the renewal period and maybe the fellow  
22 board members who were here during that period can  
23 help us with this piece of the discussion. But what I  
24 want to understand is when Nevada Virtual requested

1 renewal of its charter, these issues were apparently  
2 present at that time, some of the issues we're talking  
3 about with regard to student growth and student  
4 achievement and attendance. What were some of the  
5 specific attempts to address this deficiency and  
6 academic performance?

7 PATRICK GAVIN: Mr. Chairman, Patrick Gavin  
8 for the record.

9 So to be clear, the renewal of the school  
10 predates my time with the Authority. In fact, we only  
11 have one employee who remains from the time when this  
12 school requested renewal but a review of the record  
13 from that renewal hearing that board conducted I  
14 believe in this very room, reveals that the board had  
15 -- this board had very, very serious concerns  
16 regarding the academic performance of Nevada Virtual  
17 including at its elementary level as well as has been  
18 alluded to high school performance. Those have been  
19 consistent -- has on at least one other occasion had a  
20 very serious discussion with Nevada Virtual regarding  
21 the performance of its elementary school in particular  
22 back in 2016 when this board was actually -- was  
23 recommended at that time that this board issue a  
24 Notice of Termination, and the school requested more

1 time.

2 We are now here two years later and the  
3 performance has not improved, if anything, it has  
4 actually gone down. So I think the trajectory of  
5 under performance here is quite clear. Again, as I  
6 mentioned before, this elementary school has never met  
7 academic standards for the state.

8 THE CHAIR: Member Mackin and Member Luna,  
9 maybe you can just help me understand, you know at the  
10 time of renewal if these were -- the issues we're  
11 confronted with today were similar issues, number one,  
12 were they similar issues and number two, what was the  
13 expectation of the board relative to correcting those  
14 issues?

15 MEMBER LUNA: Well, Chair this is Nora Luna.

16 Yes, they were similar issues and yes, they  
17 were concerns and yes, there was information brought  
18 to us. There were plans brought to us. There were  
19 promises made to us in terms of things that would be  
20 done to improve. We obviously approved renewals and  
21 approved and had high hopes, higher hopes for  
22 improvement.

23 THE CHAIR: And that was based on what was  
24 presented to you in terms of the plan to correct the

1 deficiencies, proficiency and growth?

2 MEMBER LUNA: Correct.

3 MEMBER MACKIN: Member Mackin for the record.

4 I would also add that yes, the issues were  
5 the same low academic performance but it's a repeated  
6 pattern. I can think of at least three different  
7 occasions, maybe four where it was well now we have a  
8 whole new leadership team so give these good people a  
9 chance. And they are good people, that's not the  
10 issue. But this is if not the third great leader  
11 sitting before us, maybe the fourth group of great  
12 leaders and at each stage of the game, it's, well, we  
13 have new leaders and a new plan, give us a chance.

14 THE CHAIR: Director Motorson -- your report  
15 has -- makes reference to quote "multiple  
16 interventions" due to low academic performance. What  
17 Member Mackin alluding to those multiple  
18 interventions?

19 MR. MOTORSON: Mark Motorson for the record,  
20 that definitely could be an intervention that a school  
21 undertakes in order to reverse or improve upon  
22 academic performance.

23 THE CHAIR: So were there other things that  
24 the Authority did after renewal with conditions to

1 intervene to address I think I saw in your report a  
2 few things that you tried -- that this Authority tried  
3 to do to address the academic performance issues?

4 PATRICK GAVIN: Thank you for the question,  
5 Mr. Chairman, Patrick Gavin for the record.

6 As Member Mackedon noted or Vice Chair  
7 Mackadin noted and this is based on my review of the  
8 record, when this school sought renewal in 2013, it  
9 was -- one of the primary arguments was that the  
10 school had a new leader and that they were taking a  
11 different approach to the program. There were  
12 assurances related to greater supports for students,  
13 more parent outreach, in some cases adopting new  
14 programs or implementing new programs.

15 Well, it is clear that there was an  
16 acknowledgement that the programs had not been  
17 implemented consistently up until that time and that  
18 that was one of the reasons why a new leader was  
19 coming into place. There was an understanding that  
20 the school was on the verge of a turnaround and that  
21 we would see substantial improvements as early as that  
22 next year with release of the NSPA data in the fall.

23 Notwithstanding that understanding, the  
24 reality is that the school continued to underperform

1 and the data that was released in the fall of 2013  
2 prompted the agency to issue a notice of concern to  
3 the school based on its performance.

4 A year later, after two years of this  
5 implementation, the school received a second notice of  
6 concern related to its academic performance. As the  
7 board is aware, that fall 2014 was the last time an  
8 NSPF rating was issued until this past fall in 2017.  
9 Notwithstanding that and consistent with the contract,  
10 this agency did two things. One, we recommended that  
11 the high stakes review that was promised in the  
12 contract occur and based on the review we conducted,  
13 we recommended to the board that the school  
14 discontinue operations because it had failed to meet  
15 the terms of the contract.

16 This board ultimately chose to take no  
17 action. Shortly thereafter, this board was also  
18 presented with the option of just starting a  
19 termination process. This board chose to take no  
20 action, one of the many reasons for that was that the  
21 school assured us that it had a new leader in place,  
22 the individual Mr. Dosantos who was referenced in  
23 public comments and there were again commitments to a  
24 stronger implementation of the program, to other

1 changes and that the new data that we would see once  
2 an NSPF rating was released would be sufficient for  
3 this school to continue operation.

4 That didn't happen, the rating for this  
5 school remains unacceptably low. This elementary  
6 school continues to perform a disservice to its  
7 students. And there's no indication based on prior  
8 performance since this is an issue that this school  
9 has known about since it started its contract with the  
10 agency in 2013, there's no indication that they are  
11 able to improve.

12 THE CHAIR: The school has said in its report  
13 that what happened in the past should just be left to  
14 the past that the data some of the data from the past  
15 shouldn't be considered but it appears that in  
16 addition to like the outlined deficiencies in your  
17 report which I want to get some clarity on in a second  
18 but it's not just the deficiencies that are the issue,  
19 it's the historic performance of this school according  
20 to your report.

21 So the reason why I'm asking these questions  
22 is because there seems to be two prongs to the  
23 Authority's recommendation to us today. One has to do  
24 with the deficiencies that we've been presented with

1 that we put this school on notice of in February but  
2 the other really has to do with the historic  
3 performance of this school and the multiple  
4 interventions that appear to have failed.

5 So can you just help me understand like when  
6 you are looking at present deficiencies versus past  
7 performance, how does that history kind of inform your  
8 judgment with regard to current issues?

9 MR. MOTORSON: Thank you, Mr. Chair, Mark  
10 Motorson for the record.

11 I would say that the two definitely are hand  
12 in hand and when you have a school that is performing  
13 at a low level such as this one, you would want the  
14 school to number one recognize what is causing or what  
15 is the root issue for those low performance on metrics  
16 and then you would expect to see a plan that is very  
17 detailed to address those deficiencies.

18 You'll recall, Mr. Chair, that throughout my  
19 presentation on the 27th, I mentioned lack of detail,  
20 lack of clarity and that is for good reasons. We, as  
21 an Authority staff, must be convinced that the school  
22 understands where its issues lie and has a plan that  
23 can then work to quickly address those issues or if it  
24 is not able to correct them, has a secondary plan or

1 at least has the ability to monitor and pivot  
2 accordingly.

3 So I think the answer to your question is  
4 they do work hand in hand and we would expect the  
5 school to understand exactly where its issues are and  
6 it has a plan that attempts to correct them.

7 THE CHAIR: So given that history, it appears  
8 that when after the notice went out, that there was  
9 some interaction between your office and the school  
10 and one of those pieces of interaction had to do  
11 something with a template. Why did you provide a  
12 template for kind of a corrective action plan? What  
13 was your thinking in that?

14 MR. MOTORSON: Mark Motorson for the record.  
15 Thank you, Mr. Chair.

16 The template was provided by Authority staff  
17 to guide the school through the process. I appreciate  
18 the question because I think Nevada Virtual counsel  
19 did raise some issues with this, it's a standard  
20 template provided to schools that face a Notice of  
21 Termination which is why it includes many elements of  
22 school planning that are operational or it includes a  
23 variety of grade levels that the school may not serve.

24 The reason that we provided that was to not

1 only be very clear about the detail staff was looking  
2 for, we also provided it so that the school could  
3 begin to think internally with the board about what  
4 areas they may choose to undertake in order to correct  
5 the issues identified.

6           You heard me on 27th say that, you know,  
7 Authority staff is responsible for evaluating the plan  
8 and that is -- we wanted to set up the school to be  
9 successful to clarify the level of details and  
10 certainly evaluate the plan that they chose to put  
11 forth, not something that the Authority staff worked  
12 with them to put forth.

13           THE CHAIR: Now, the template and I think I  
14 asked you this before but I just want to refresh  
15 everybody's memory. The template wasn't mandatory for  
16 them to use it; right?

17           MR. MOTORSON: That is correct and that was  
18 clarified I believe shortly after it was released to  
19 staff.

20           THE CHAIR: What aspects of the template did  
21 you think would actually help Nevada Virtual in  
22 development of its plan for correction?

23           MR. MOTORSON: We thought that certainly the  
24 Academic Improvement Plan section would be the most

1 helpful and critical to evaluation but again, it would  
2 not be -- the board would feel is the best solution to  
3 put forth but this was clarified during at least one I  
4 believe two conversations with Dr. Hamilton and her  
5 team in late February and early March so that they  
6 understood.

7           If they chose, for instance -- and I believe  
8 this is was referenced in the April 27th meeting, to  
9 not include a plan or vision for safe facilities  
10 because this is a statewide virtual charter school,  
11 then certainly staff would understand that and would  
12 not be I think quote-unquote "retaliated against." We  
13 would not do that ever for any school.

14           So we did have some clarifying questions that  
15 were appropriate on behalf of Nevada Virtual staff and  
16 we answered those the best we could.

17           THE CHAIR: Did those questions include  
18 questions regarding the template and what was being  
19 asked of them? Did they ask -- did they say, "Hey,  
20 you gave us this template, it doesn't appear that  
21 certain sections apply to us, why are you giving it to  
22 us? Why do you think it's pertinent?"

23           Did you get any questions like that?

24           MR. MOTORSON: Yes, Mr. Chair, we did and

1 then as I mentioned with the previous facilities,  
2 conversation we did talk about that section  
3 specifically and they -- I definitely clarified for  
4 the staff that it was up to them as well as their  
5 board as to which areas of the template or their  
6 entire plan were the ones that they wanted to  
7 emphasize and submit to the Authority.

8 THE CHAIR: Thank you for that.

9 Now, on April 2nd, the staff, your staff  
10 received the initial submission from Nevada Virtual  
11 leadership team, do we know who was a part of that  
12 leadership team that made that submission; was that  
13 made clear in the submission?

14 MR. MOTORSON: Mr. Chair. I can tell you  
15 that I received the plan from Dr. Hamilton. I do not  
16 recall reading anywhere within the submission who  
17 specifically from the school authorized the plan.

18 THE CHAIR: Okay. I'll ask that of the  
19 school then.

20 So we don't know if there were any board  
21 members --

22 MR. MOTORSON: Nothing within the submission  
23 reflected that the board members were co-authors or  
24 were involved in the plan.

1 THE CHAIR: Okay. I'll save those questions  
2 then for the school.

3 You had mentioned in your report that there  
4 was quote "essential information" that was omitted  
5 like -- and then you have -- I guess what I want to  
6 understand is like what information was essential in  
7 your view and what was omitted?

8 MR. MOTORSON: Give me one second, Mr. Chair  
9 I'd like to give as specific example as I can.

10 THE CHAIR: So, for example, I see in quotes  
11 here, it says, "Description of performance data  
12 monitoring practices." You know, I'm taking that's  
13 from --

14 MR. MOTORSON: So if I understand the  
15 question correctly, the school was asked on two  
16 occasions to provide what we would call interim  
17 assessment data or data that would help the school and  
18 certainly the board understand where it currently is  
19 performing in relation to the school year and by  
20 interim I'm referring to points in time throughout the  
21 academic school year, not at the end or when annual  
22 assessments occur.

23 So one thing I would expect certainly I think  
24 it's a fair to expect in this plan since they are

1 implementing a nationally known test such as MAP is to  
2 provide the Authority staff with the information that  
3 shows that they are taking an active role in  
4 monitoring interim student performance on a whether  
5 it's monthly, quarterly basis as they progress towards  
6 the high stakes end of year test results so that  
7 that's what I believe --

8 THE CHAIR: Did they ask for any help on that  
9 because we heard from a school today and I think last  
10 month or the month before of schools that are  
11 successfully implementing data and performance  
12 metrics. I was just asking kind of about  
13 accountability, did they ask for any examples of what  
14 that would entail on their part or some successful  
15 programs that they could look at maybe be --

16 MR. MOTORSON: They did not.

17 THE CHAIR: Okay. They also said that  
18 essential information might include strategies to  
19 ensure programs are implemented with fidelity. And  
20 the word "fidelity" seemed like a term of art. I just  
21 want to know what that means to you. Fidelity seems a  
22 little bit ambiguous of a term.

23 So can you tell us what you mean when you're  
24 saying that you want to see strategies and ensure

1 programs are implemented with fidelity, what does that  
2 mean?

3 PATRICK GAVIN: Thank you for the question,  
4 Mr. Chairman, Patrick Gavin for the record.

5 I would note that the term "fidelity" is a  
6 term that was provided to us by the school in their  
7 own evaluation of prior implementations. They stated  
8 that the programs were not implemented with fidelity.  
9 Speaking generally, fidelity we would be looking at  
10 things like consistency of implementation. Did the  
11 school actually do what it said it would do.

12 Fidelity means loyalty, consistency,  
13 dutifulness and the school itself -- of interventions  
14 the school took and I believe -- prior that plans have  
15 historically have not been implemented at this school  
16 with fidelity. They have not been done consistently.  
17 -- for this school to -- by its consistent low  
18 performance.

19 THE CHAIR: Thank you for that.

20 Then your report also says that the initial  
21 submission lacked sufficient detail in many other  
22 areas, but I wasn't quite sure what other areas there  
23 were; were there other areas that you were expecting  
24 detail in that maybe you could help us understand?

1           The reason I'm asking that is because as I'm  
2 going through my list of questions to you, it's  
3 helping me hone in on what my questions to the school  
4 are going to be relative to what your recommendations  
5 are so just bear with me on this. I know I'm being  
6 somewhat mechanical but I want to understand your  
7 recommendations so I can ask precise questions to the  
8 Nevada Virtual team.

9           MR. MOTORSON: Thank you for that question,  
10 Mr. Chair. Mark Motorson for the record.

11           So in the April 2nd submission, I think a  
12 really good example of the level of detail would be  
13 with regard to the FAST program as well as some of the  
14 other wrap-around supports. When you are proposing to  
15 implementing a program at a school, the authorizer  
16 must know how it's going to be implemented, what it  
17 will look like, certainly what stop gap solutions you  
18 have in place in order to pivot out of it if the  
19 implementation goes awry or it's not implemented with  
20 fidelity.

21           In the case of the FAST program in  
22 particular, the school did provide evidence that a  
23 very similar program had been implemented in Georgia  
24 before but we did not really understand or receive any

1 information on given -- on the performance or the  
2 implementation in Georgia how that would translate  
3 over into Nevada and that's -- Georgia results if you  
4 recall were not that impressive.

5 So I would expect as an authorizer to  
6 understand what did not lead to impressive results and  
7 what will the school do differently in order to give  
8 it a higher likelihood of success here in Nevada.

9 THE CHAIR: Now, in your report you said that  
10 after you received Nevada Virtual's initial  
11 submission, that you reviewed it and then had requests  
12 for supplemental information and you had also asked  
13 some questions. I don't know that I saw that in my  
14 board packet but what kinds of requests and questions  
15 were made of Nevada Virtual?

16 MR. MOTORSON: Mark Motorson for the record.

17 The types of questions that we were asking  
18 were simply clarifying questions to the information  
19 that was initially provided.

20 And going back to the line of questioning  
21 from you, Mr. Chair, regarding the template they  
22 paralleled, at least I believe on three of the  
23 four buckets of questions we asked them, they  
24 paralleled exactly what was included in the initial

1 template. I believe we asked another question that  
2 was not included in the template because the school  
3 provided some good baseline information and we wanted  
4 to just clarify what it meant but three of the other  
5 lines of questions were directly asked in the previous  
6 template and we did not get sufficient answers so we  
7 wanted to provide them with another opportunity to  
8 clarify that.

9 THE CHAIR: Okay. And then in addition to  
10 those questions, did Nevada Virtual, did they ask for  
11 a face-to-face meeting to go over each aspect of the  
12 plan they presented to get feedback and direction on  
13 what an acceptable Cure might look like?

14 I mean, I imagine if I had turned in a report  
15 and you had reviewed it and got back to me with a  
16 bunch of detailed questions and I didn't understand  
17 them, that I might be sitting down with you doing what  
18 I'm doing now asking for clarification. Did you ever  
19 get a request for that type of meeting? Did you ever  
20 engage in that kind of meeting with Nevada Virtual?

21 MR. MOTORSON: We engaged in one initial  
22 conversation that was relayed through counsel in late  
23 February or early March when the initial template was  
24 provided to go over, you know, any initial questions

1 the school might have against what they intended to  
2 provided with them within their plan or what  
3 components were relevant to the school after that  
4 initial I believe there were two conversations that  
5 occurred right around late February or early March  
6 after those initial conversations and certainly to and  
7 through the initial submission on April 2nd there was  
8 no communication directed to Authority staff to  
9 provide any further guidance or certainly answer any  
10 clarifying questions or provide technical assistance  
11 to the school.

12 THE CHAIR: Okay. Well, let me move on a  
13 little bit just to your reasons supporting  
14 recommendation to reject this Cure.

15 One of the reasons you provided is that the  
16 plan proposes and I'm just quoting from your -- it  
17 says, "The plan proposes to recycle core programs that  
18 were not fully implemented or not executed with  
19 fidelity in prior years."

20 Can you explain what you mean when you say  
21 recycled core programs?

22 MR. MOTORSON: Yes. What I'm intending to  
23 communicate there is they're saying they're intending  
24 to do the same thing under this plan just better than

1 they did it previously but no detail was provided with  
2 regards to how it well be better or what steps the  
3 school will be taking to ensure that it is done at a  
4 better level with increased fidelity.

5 THE CHAIR: Now, would this idea of full  
6 implementation -- you use these words not fully  
7 implemented. I was wondering when I was reading that  
8 would full implementation have made a difference in  
9 outcomes based on what was presented or would we know  
10 that?

11 PATRICK GAVIN: Thank you, Mr. Chairman,  
12 Patrick Gavin for the record.

13 Again, I would note that I think the term is  
14 full implementation and implementation with fidelity  
15 come from the school's own response. The schools root  
16 cause analysis of why it has failed to meet  
17 expectations for the last 12 years is ultimately that  
18 is their diagnosis of why this isn't working. So when  
19 they were saying that this -- is lack of high fidelity  
20 implementation. I think -- I want to take them at  
21 their word. I don't want to sit here and say that no,  
22 the real problem is the curriculum or the real problem  
23 is the board or whatever other things could  
24 potentially be factors.

1           We have to believe that the individuals that  
2 are the most expertise are those more closest to the  
3 students and teachers. So when they say this, I think  
4 we need to assume that it's true until it is  
5 demonstrated to not be true.

6           THE CHAIR: I see, that helps me a lot  
7 because I wasn't clear on that. I thought you all  
8 were evaluating full implementation but what you're  
9 doing is you're parroting back what has been told to  
10 the Authority from Nevada Virtual and that is one of  
11 the reasons why there's been lack of growth and lack  
12 of proficiency is that the proposed programs that have  
13 been proposed over the years haven't been implemented;  
14 is that right?

15           MR. MOTORSON: That's correct and moreover --  
16 Mr. Chair, Mark Motorson for the record. Moreover I  
17 would add in the information that was submitted both  
18 on April 2nd -- did not define what they interpret  
19 partial implementation, full implementation to mean  
20 even when asked. So you know we need to understand  
21 where the school currently is in terms of a spectrum  
22 of implementation and they did not provide that level  
23 of clarity.

24           THE CHAIR: So that part of the additional

1 details that were omitted that were of concern to you;  
2 correct?

3 MR. MOTORSON: That's right.

4 THE CHAIR: Okay. Another thing you said was  
5 that the plan does not provide enough detail about  
6 benchmark and interim performance goals that Nevada  
7 Virtual must achieve to reach at least a three-star  
8 rating.

9 So when I read that the question that came to  
10 my mind was what kind of details are you expecting in  
11 that regard?

12 MR. MOTORSON: Mark Motorson for the record.

13 I would say that going back to a previously  
14 used example, we would expect -- we know that the  
15 school is implementing NWA MAP assessments. This is a  
16 recognized assessment tool used throughout the country  
17 that many schools use including some of our own. What  
18 I would anticipate is the school to be able to provide  
19 reports that are included within the submission that  
20 show this is how many students we serve. This is  
21 where they're currently at as demonstrated by the  
22 test. This is where they need to go so they can show  
23 us they are in fact tracking those students and then  
24 to go back to the previous -- plans in place to

1 address certain sub groups or certain grade levels, if  
2 you will, that may have significant gaps and they can  
3 address those before the end of the year performance  
4 assessment.

5 THE CHAIR: That makes sense, thank you for  
6 that.

7 Now, you also say here you said quote, "The  
8 plan does not specify the staff responsible and no  
9 detailed steps are outlined to ensure that the school  
10 wide progress towards these goals is occurring."

11 So let me ask you this: Why is naming  
12 specific staff important to achieving goals? Isn't  
13 just stating the goals enough?

14 MR. MOTORSON: Unfortunately, no, I believe  
15 that staff, staff and certainly myself included  
16 believe that we need to know who is charged with  
17 monitoring student performance at a school wide level  
18 so that the school can do an effective job of keeping  
19 that high center and making sure that they are  
20 constantly working with that person assuming that they  
21 are in staff in order to achieve the end of year goal.

22 So I do think it is very critical to the  
23 overall plan and moreover, Mr. Chair, I would add that  
24 that was a question that was initially asked in the --

1 chose to not utilize.

2 THE CHAIR: And a related question I think is  
3 why do we care about detailed steps in order to ensure  
4 progress towards goals, isn't stating the school is  
5 working towards the goals enough? I mean, why do we  
6 care about that?

7 MR. MOTORSON: Mark Motorson for the record.

8 We care about that going back to something  
9 that came up a few minutes ago when you're at this  
10 stage of the charter authorization process and you're  
11 looking at past deficiencies, you cannot ignore the  
12 fact that the school has fallen short of it's -- very,  
13 very clear with what the school is doing to correct  
14 those and that a simple answer like that we will do  
15 something better in the future is not sufficient.

16 THE CHAIR: Okay. You make -- little  
17 positive evidence for the implementation of the  
18 proposed student and family support programs. The  
19 evidence provided for programs is not supportive of  
20 positive student outcomes. Research supporting other  
21 proposed programs notes that the key implementation  
22 factors are critical to successful student outcomes.  
23 Nevada Virtual provides few details as to how these  
24 factors will be addressed leaving many outstanding

1 questions about their effectiveness.

2 That's a mouth full of information, can you  
3 kind of explain what that means?

4 MR. MOTORSON: Mr. Chair, can you give me the  
5 page number that you're referring to on the memo so I  
6 can track along and hopefully answer your question?

7 THE CHAIR: Yeah, that particular -- page 3,  
8 it's the first full paragraph and starts, "The plan  
9 provides a little positive evidence."

10 MR. MOTORSON: Yes, okay. Thank you for that  
11 context.

12 So I think what I'm trying to communicate  
13 within that memo and hopefully within my talking  
14 points on the 27th and today is that the proposed  
15 solutions that are included in this plan are not  
16 detailed enough and the evidence and the research that  
17 the school provided -- that they can be implemented  
18 with effectively excuse me is not sufficient.

19 So to give you one example I believe under  
20 this section -- was after-school activities. Part of  
21 the plan was that the school was going to provide  
22 after school face-to-face -- bring families together  
23 for ongoing learning and as you heard me say before  
24 and I'll say it again, when you are dealing with a

1 full-time virtual public charter school that delivers  
2 instruction primarily through a computer, we have to  
3 know what face-to-face instruction looks like and  
4 moreover we have to know that there is equitable  
5 access for students. They have one physical location  
6 here in Clark County but they serve many, many  
7 students outside of Clark County.

8 So when we were talking about a school whose  
9 motto is "Every Student Every Day," and they serve  
10 about 200 or so -- at least 200 or so students out of  
11 Clark County, we have to know what those students will  
12 be doing to access this additional programming and we  
13 have to know that it's available to them to give you  
14 one example.

15 THE CHAIR: So you and I have just had this  
16 conversation -- about the proposed plan, your response  
17 to that, their supplemental information, and we've  
18 gone through pretty much step by step of everything I  
19 understand serves as a foundation for your  
20 recommendation.

21 At the last meeting before we left, I had  
22 admonished Nevada Virtual and the Authority to have a  
23 conversation about what your report was and their  
24 response. Did you have this kind of conversation with

1 anybody from Nevada Virtual since April 27th?

2 MR. MOTORSON: I'm sorry. Mark Motorson for  
3 the record, I have not.

4 THE CHAIR: To me that's just frustrating to  
5 me because you were given extra time. I was pretty  
6 clear that in many ways, you control your own destiny  
7 and if I were in your seat and I wanted to understand  
8 what the Authority issues were with my plan and I had  
9 an opportunity to sit through that and then I got two  
10 extra weeks, I would be asking a lot of the questions  
11 that I've just asked this staff to respond to.

12 So -- I want you to kind of consider that.  
13 I'm sitting up here as a board member making a high  
14 stakes decision, a high stakes decision that I don't  
15 really want to be in the position of making that I  
16 would prefer that you as school leaders would take  
17 responsibility for and that you would meet with these  
18 folks to go over each aspect of why they didn't think  
19 your plan was sufficient and why historic performance  
20 is kind of -- judgment with regard to whether you can  
21 perform in the future. I would have had this sort of  
22 conversation and modified my plan accordingly because  
23 I would have rather presented a plan that these folks  
24 could have endorsed rather than leaving it to a board

1 to evaluate whether or not the work that they've done  
2 and the recommendations that they're making are right  
3 and what's the word, that they have fidelity.

4 So in any event, that's all really I have, it  
5 really helped me for you to explain each aspect of  
6 your recommendation why you reached those conclusions  
7 and to be fair to Nevada Virtual, I'm going to -- just  
8 so you know, I'm going to be going through a lot of  
9 this information to kind of get a better understanding  
10 what you've proposed vis-a-vis what the criticisms of  
11 what you proposed are but before I let you sum up, Mr.  
12 Motorson, your comments, I've kind of monopolized the  
13 time with my questions but I would like to find out if  
14 any other members have any questions of the Authority  
15 -- here from Nevada Virtual.

16 MEMBER LUNA: This is Nora Luna, so I did  
17 have one question.

18 Obviously the academic results data is  
19 different than that was presented by Nevada Virtual  
20 shows different information that was presented from  
21 you all and in terms of the growth and results. So  
22 was there any -- because it shows more positive or the  
23 growth, was there any type of agreement or discussion  
24 in terms of are they using different students or why

1 are their results different; do you know why there's  
2 such a discrepancy in the data that's presented?

3 MR. MOTORSON: Thank you Member Luna, for  
4 that question.

5 I have asked Dr. Celcheck Osdimere who is up  
6 in the Carson City office to provide a little more  
7 context but we do not -- the information that was  
8 provided to the Authority does not really have a clear  
9 explanation as to why -- that they are providing is  
10 different than ours but I'll see if Dr. Osdimere would  
11 like to better contextualize that for you because I  
12 think it's an important question.

13 MALE SPEAKER: Mr. Chairman, members of the  
14 board, this is Celcheck Osdimere for the record.

15 As you know for Nevada school performance  
16 framework or any academic performance calculation,  
17 there are several federal rules and state rules,  
18 accountability rules you need to follow such as  
19 rounding rules such as -- which students you need to  
20 exclude, which students you need to include. Those  
21 are defined by federal and state you guidelines. We  
22 follow those guidelines whatever the star rating or  
23 academic performance calculations brought us by the  
24 state. We didn't get the same numbers when we

1 followed those numbers.

2 MR. MOTORSON: And Member Luna, I would add  
3 that Dr. Osdimere is going to talk about a couple of  
4 the slides that were presented to the Authority at the  
5 April 27th meeting. So those examples may help but  
6 that may also been a time when the school can help  
7 provide some clarity on that end too.

8 MEMBER LUNA: Thank you.

9 THE CHAIR: Any other questions?

10 Okay. Why don't you go ahead I think you  
11 wanted to talk about a few --

12 MR. MOTORSON: Mr. Chair -- through the memo  
13 and as Mr. Herrick mentioned earlier, the morning of  
14 the board meeting, he received a Power Point that was  
15 presented to you all, it came to us -- came to him  
16 just about 7:30 or about 75 minutes before the board  
17 meeting. My team and staff did not get a direct  
18 submission of this, it was relayed via counsel.

19 So given the short notice, we were unable to  
20 review that information prior to the April 27th  
21 meeting. But over the past two weeks, we have spent  
22 time as a team reviewing the deck as well as the staff  
23 presentation and I'm going to present some of our  
24 findings today. I would note for you, Mr. Chair, and

1 members of the board that there is in fact new  
2 information in that Power Point on April 27th as well  
3 as during the Nevada Virtual presentation that was  
4 presented to you all.

5           So to be very clear, Nevada Virtual submitted  
6 an initial plan on April 2nd. They responded to  
7 clarifying questions on April the 13th and then they  
8 added in some additional details within their  
9 presentation. I'm unclear -- presented to staff in  
10 either the first or second submission in response to  
11 our clarifying questions.

12           I would add before I jump in, that's even  
13 more perplexing that the leadership team of this  
14 school has stated that the turnaround process began  
15 long before this board issued. So given the agreed  
16 upon deadline that the school personnel claims to have  
17 begun this process long before the notice was issued,  
18 my team and I are curious to know why additional  
19 information keeps being added sequentially, it just  
20 doesn't make a lot of sense to both myself as well as  
21 members of the review team.

22           Moreover, I would note that additional  
23 information included in the Power Point seems to be  
24 directly responsive to the memo that was posted on

1 April 20th. I'm going to give you a couple of  
2 examples. For example, on slide 23, it states that  
3 the purpose of the slide is in reference to page  
4 number two of the Agenda Item No. 5 Memo. Another  
5 example of the -- both of which reference the memo  
6 that was posted on April the 20th.

7 So to reiterate once again, my team is  
8 frankly dismayed that the school continues to provide  
9 new information well after the agreed-upon deadline of  
10 April 2nd and again some of this information is  
11 directly responsive to staff's clarifying questions  
12 asked prior to submission but again, we're not  
13 included in this submission.

14 So Dr. Osdimere and I would like to take a  
15 few minutes to -- as well as after the agreed upon  
16 deadline and then give you our analysis. So I'm going  
17 to turn it over to Dr. Osdimere to go over some select  
18 slides mainly around the data. So you know, I'm going  
19 to be operating off of the I think it's 58, 59 page  
20 deck that I believe was posted along with the  
21 materials today and I believe he's going to start near  
22 the beginning. So Dr. Osdimere, I'll turn it over to  
23 you.

24 MEMBER MACKEDON: This is Member Mackedon, a

1 real quick question, is it the Nevada N V A Power  
2 Point presentation -- Nevada Power Point Presentation  
3 number two?

4 MR. MOTORSON: Great question, it is Nevada  
5 Virtual Academy initial power point and it is titled  
6 Comprehensive Academic Improvement Plan and looks like  
7 this.

8 All right, Dr. Osdimere, I think we're ready  
9 to turn it over to you.

10 MALE SPEAKER: Thank you. Mr. Chairman,  
11 members of the board, this is Celcheck Osdimere for  
12 the record.

13 I'd like to underline a couple of issues with  
14 the original Power Point posted on April 27. The  
15 first one is slide number two. When we look at that  
16 the N V A reported free reduced lunch and IEP numbers.  
17 When we look at that, we see the N V A reporting  
18 2017/18 numbers and comparing that with the SPCSA  
19 2016/17. As you know, the first rule of  
20 accountability when you do any comparison, it should  
21 be within the same year. So just to compare apples to  
22 apples, it should be 2016/17 NVA numbers versus 16/17  
23 SPCSA numbers.

24 As Mr. Motorson and Mr. Gavin mentioned,

1 basically when we look at academic performance, we  
2 look at the current year performance and then also we  
3 look at the growth. When we look at the current year  
4 performance for the same year, the same measurements  
5 NVA pulled proficiencies 34 percent. When we compared  
6 that with the SPCSA elementary schools, it's  
7 56.6 percent. Even historically, as my colleagues  
8 mentioned, from 2010 it was in need of improvement  
9 year one, 2011 there's a list in front of me. 2011 in  
10 need of improvement year two. 2012, it's year three.  
11 When we came to this year, it's just a one-star  
12 school.

13 I just want to mention when the state  
14 calculate the star rating, they used the index score  
15 and when we look at the current index score, the total  
16 of 17 elementary schools received star rating in SPCSA  
17 portfolio. Nevada Virtual is the second lowest when  
18 we compare the index score. So again, when we compare  
19 any data, it should be within the same year.

20 I would also like to mention the slide number  
21 five. In slide number five on April 27th, NVA  
22 reported basically 24 percent of NVA students who were  
23 not proficient in math. They were proficient in  
24 2016/17. This is another -- in other words, basically

1 the adequate growth percentile which is it's really  
2 important for Nevada school performance framework but  
3 when you look at the numbers, if 24 percent of the  
4 students were not proficient in 2016/15, they were  
5 proficient in 16/17, it means 76 percent of students  
6 still not proficient. In the same token, if  
7 20 percent of NVA school were not proficient in E L A,  
8 English Language Arts in 15/16, were proficient in  
9 16/17, just look at the other side it means 80 percent  
10 of the students were not proficient and they're still  
11 not proficient. So these numbers are really low when  
12 you compare to catch up because as I said when we look  
13 at the current year, the students are performing low.

14 So the second thing we look at for the growth  
15 which is adequate growth percentile, the students are  
16 also not catching up to become a proficient. Those  
17 are the two main points I would like to mention, and I  
18 would like to answer if there's any questions, Thank  
19 you.

20 THE CHAIR: Any questions on the points about  
21 those slides and the data contained therein? Member  
22 Moulton, I know we've been talking here and it's  
23 sometimes difficult to engage by phone, is there  
24 anything that you would like to ask at this point?

1 MEMBER MOULTON: Member Moulton for the  
2 record.

3 I think you, chairman, incorporated many of  
4 the questions I have. I have been -- let me just ask  
5 a quick question. Am I necessary for a quorum at this  
6 point in time because I can see this is going to go on  
7 for a bit longer and I do have to pick up  
8 grandchildren at 3:00?

9 THE CHAIR: We have a quorum if and when you  
10 excuse yourself.

11 MEMBER MOULTON: All right. Thank you, I'll  
12 let you know. No, I'm fine on questions. Thank you  
13 for asking.

14 THE CHAIR: Thank you Member Moulton. All  
15 right, please proceed Director Motorson.

16 MR. MOTORSON: All right. Thank you chairman  
17 and members of the board.

18 So I'm going to go through some of the  
19 additional new information that was provided by Nevada  
20 Virtual as well as some short analysis. So I'm going  
21 to start on page or slide 18, the same slide show I  
22 apologize, yes, it will be the same slide show. Some  
23 additional information was provided by the school with  
24 regard to ongoing monitoring course progress. This is

1 fairly inconsequential and does not change the  
2 recommendation but I do want to bring it to your  
3 attention.

4           Moving to slide 20, on this slide, new  
5 details on summer programing are provided. This slide  
6 actually is helpful for Authority staff in  
7 understanding a little bit more about what's being  
8 proposed. The school states that the most effective  
9 kindergarten through 5th grade teachers -- not  
10 included in the two initial submissions by a school.  
11 Primary focus of the summer program will be  
12 remediating -- the 5th grade students particularly  
13 those scoring low the 40 percent threshold. Again,  
14 new information and this is an improvement obviously  
15 over the prior submissions, although staff still has  
16 questions about this particular support.

17           For example, as Nevada Virtual pointed out in  
18 its research, the type of instruction delivered is  
19 critical to the success of the program and no  
20 information is provided on that front. So staff does  
21 still have a couple of questions there but there are  
22 some marked improvements at least in that one specific  
23 narrowly defined area.

24           THE CHAIR: Mr. Motorson, I apologize for

1 interrupting but on this slide, it's 19, right?

2 You're on 19?

3 MR. MOTORSON: I'm on slide 20.

4 THE CHAIR: Slide 20. Did you see in slide  
5 19 when they had said that there was an increase of  
6 650 percent of teacher-led instruction or something to  
7 that effect; do you recall that statement being made?

8 MR. MOTORSON: That I do not recall being  
9 made. I'll double check with Dr. Osdimere but I don't  
10 think we have an idea of what that baseline looked  
11 like and what it is in reference to.

12 Dr. Osdimere, would you like to weigh in on  
13 that?

14 MALE SPEAKER: I believe this is one of the  
15 schools programs that we don't have any access to  
16 verify the data and this FAST program increasing  
17 650 percent in teacher-led instruction even if we  
18 verify, I believe from the technical perspective how  
19 can we tie this to state assessment results, that's my  
20 question.

21 THE CHAIR: I see. And I guess what the  
22 point is I'm just reading my notes on these slides is  
23 that teaching and learning where the focus, not  
24 necessarily the program.

1           So I think the premise was if we spend  
2 650 percent more time with the kids that we will  
3 provide instructions and as a result of that  
4 instruction, learning will take place and not  
5 necessarily the FAST program as it's been outlined as  
6 being the thing that's going to cure the issues but  
7 it's the instruction and the learning that's taking  
8 place within that umbrella; how do you respond to  
9 that?

10           MR. MOTORSON: So Mr. Chairman, I would note  
11 that what is provided in Appendix C here is an  
12 overview of the FAST program which is an intervention  
13 that appears to be primarily about -- well, what we've  
14 seen from the implementation in Georgia is that it was  
15 unsuccessful. The school in Georgia -- underperform  
16 the state as a whole and there's just not a lot of  
17 evidence that this program worked to meet those needs.

18           So absent any other contextual data to  
19 understand what this 650 percent means, what is very  
20 clear is that from prior implementations, it doesn't  
21 seem to matter. It does not result in the school  
22 improving sufficiently to be considered anything other  
23 than willfully underperforming.

24           Members of the board moving on to the next

1 slide 21. On this slide, the school has now provided  
2 critical monitoring details. When my staff and I  
3 looked at this, we now know how each program will be  
4 monitored. This was omitted and not included in the  
5 previous two submissions. We know who is providing  
6 oversight and how frequently they are doing so.

7 I would say that this is probably the most  
8 significant improvement between the initial  
9 recommendation put forth by staff and comparing it to  
10 the information that's included within this deck and  
11 again, we would expect that this information would  
12 have been provided either on April 2nd or April 13th,  
13 but we did not receive it at that time.

14 On slide 23 --

15 THE CHAIR: Let me stop you there because I  
16 just want to be clear. This goes to a question I  
17 asked earlier about -- because in your report you said  
18 the plan does not specify the staff responsible and no  
19 detailed steps are outlined to ensure that progress  
20 towards these goals is occurring.

21 So this slide, slide 21 actually provides the  
22 who that you were looking for, right?

23 MR. MOTORSON: Correct.

24 THE CHAIR: And does that change your overall

1 opinion with regard to the fidelity of the plan  
2 presented?

3 MR. MOTORSON: Thank you for that question,  
4 Mr. Chair, it does not change staff's overall opinion,  
5 it certainly does shore up a glaring concern --

6 Moving to slide 23, staff also received a bit  
7 more information on data tracking within the slide. I  
8 would note that we can't see specifically what these  
9 numbers mean as the titles of the columns are missing,  
10 but there does appear to be a mechanism for Nevada  
11 Virtual staff to monitor data.

12 Coincidentally, Mr. Chair, going to be back  
13 to what's been previously stated, if this level of  
14 detail had been provided at the onset by the school  
15 you know asking the school what the titles of these  
16 columns mean is a perfect example of a clarifying  
17 question my staff and I would have reached out to  
18 Nevada Virtual about, and I believe Dr. Denson during  
19 his presentation did describe how this specific --  
20 does fit into their overall plan.

21 THE CHAIR: This is on slide 22; right?

22 MR. MOTORSON: 23.

23 THE CHAIR: Okay.

24 MR. MOTORSON: Moving to the next slide

1 Number 24, we have more new information here on the  
2 FAST team process and how student monitoring occurs.  
3 While we don't know how many students Nevada Virtual  
4 can serve in the program or how many they are serving  
5 now, it does appear, based on this information that's  
6 provided, that there's a process to monitor student  
7 progress and this helps to address FAST questions  
8 about the program but does not completely resolve the  
9 overall concern about the FAST implementation.

10 THE CHAIR: One question that occurs to me as  
11 we're going through these slides and remembering the  
12 timing in which we got these, seems to me our staff's  
13 written report was provided probably the week before  
14 the meeting; is that right?

15 MR. MOTORSON: That is correct, Mr. Chair.

16 THE CHAIR: And so ostensibly, some of the  
17 adjustments that were made were after reading your --  
18 I can't speak for the school but I would think that  
19 they probably read your report and made some tweaks  
20 along the way; did they give you any indication that  
21 that's what they were attempting to do?

22 MR. MOTORSON: I did not receive any  
23 communication from the school that that's what they  
24 did. I would note to your point, Mr. Chair, that

1 there are multiple slides including the next one which  
2 I'm going to go over, slide 25, that makes -- the  
3 bottom right-hand corner references to the page number  
4 that my -- concern so as to presumably provide more  
5 information that helps clarify what the school  
6 intended to communicate early on.

7 THE CHAIR: I just think this is interesting  
8 because this would have been a nice springboard for  
9 further conversation like I recommended before, right?

10 I mean, I really -- I really don't understand  
11 why there wasn't more engagement on behalf of the  
12 school if it's reading your report making adjustments  
13 based on your report the day of the meeting and then  
14 getting two extra weeks to work out something, just  
15 seems to me -- I mean, would you -- I guess maybe I  
16 want to ask you this, would you have objected to a  
17 phone call or a conversation that could have kind of  
18 addressed all these concerns?

19 MR. MOTORSON: I'm going to let general  
20 counsel Herrick replay to that.

21 MR. HERRICK: Ryan Herrick, general counsel.

22 Following the meeting on the 27th, Friday the  
23 27th. I reached out to counsel for N V A early  
24 that -- number of issues one of which is if they had

1 any concerns or questions that we needed to discuss.  
2 I didn't hear anything back from them until late that  
3 week. We set up a conference call on the afternoon of  
4 the 7th where we discussed a number of legal issues.  
5 Then I made clear in that call that I would discuss  
6 anything and everything that the school wanted to  
7 discuss. The only question that was asked of me on  
8 this point was whether Director Motorson and his  
9 review team needed anything else.

10 I reached out to Director Motorson and his  
11 team, and I was informed they did not need anything  
12 else to understand or review the submission and that  
13 was relayed to Nevada Virtual. Nevada Virtual also  
14 asked me whether it would be worthwhile for the school  
15 and Director Motorson to have a conversation. I spoke  
16 with Director Motorson and Director Motorson  
17 determined that there was no conversation needed to  
18 either understand or evaluate the plan that had been  
19 submitted.

20 THE CHAIR: Thank you for that.

21 I also made myself available to meet, you  
22 know, as a board member to go over these things, and I  
23 let your people know that I was available for that  
24 kind of conversation and no meeting took place.

1 There's a lot of things that seems like there was some  
2 engagement on that probably should have been discussed  
3 but wasn't discussed. I don't know that it's staff's  
4 burden or this board's burden to come to you and walk  
5 through these issues with you, it's your school.  
6 You've been given autonomy. You've been given the  
7 ability to innovate.

8 Our role is simply accountability. There's  
9 been two additional weeks, and we have had no further  
10 discussion and I find that frustrating given the fact  
11 that I know that based on what staff is telling me  
12 here that there's been -- and I know overtures on my  
13 part to try to move this along in a way that would  
14 keep your school -- would allow for this proposed cure  
15 to be refined in such a way where it might be  
16 acceptable to the board but be that as it may, please  
17 proceed, Mr. Motorson.

18 MR. MOTORSON: Certainly, Mr. Chair.

19 So I'm going to move to slide 25. The  
20 information on that slide shows that -- to staff that  
21 there is data available from the monitoring process  
22 of that program. You'll recall that that was a  
23 weakness identified by the staff's review team  
24 previously. At a minimum, it's helpful to know that

1 data is being put to use but it was not provided to us  
2 previously.

3           On slide 26, some after school questions are  
4 answered on this slide. For example, staff can see  
5 that Nevada Virtual plans to vet employees prior to  
6 staffing the after school activities. We also can see  
7 that these opportunities are provided to both northern  
8 and southern Nevada students, however, staff still  
9 after review has concerns about how student access  
10 will be guaranteed throughout the state. There are no  
11 details both in the previous two submissions as well  
12 as this slide that really comments on that other than  
13 that quote-unquote "opportunities will be available."

14           We also don't know how student participation  
15 will be sustained and perhaps most importantly Nevada  
16 Virtual leadership presented that on this slide that  
17 243 students are participating in the clubs in grades  
18 kindergarten through 12th grade. Authority staff  
19 doesn't know the performance of these students and  
20 students -- those that are most at risk. Moreover, I  
21 don't know that the school knows which students these  
22 are and if they are the ones that are most at risk. I  
23 also don't if they are the ones that fall outside of  
24 the K through 5-grade spectrum -- information simply

1 to have all of our concerns -- we encourage -- their  
2 favorite clubs.

3           So let's be clear here that means that if a  
4 student elected four clubs and met one to two times a  
5 month -- we're talking about a total of by my math  
6 eight hours in toto of after school enrichment  
7 programing, that doesn't strike me as a particularly  
8 robust intervention to support students especially  
9 given that there's no evidence here that in any way  
10 that these clubs are targeted to actual academic needs  
11 versus interests. While interests are certainly  
12 important, given that the level of under performance  
13 that this school has historically evidenced, while  
14 programs some wonderful like caring for animals are  
15 potentially a really good thing for kids to know  
16 about, it's unclear how that will actually improve  
17 academic performance.

18           I would note that some of the things that are  
19 more academically oriented are intended to students at  
20 older grade levels like mind craft which certainly has  
21 substantial mathematics and computer coding and let's  
22 assume for the sake of argument things like film  
23 makers are or art and sketching -- English, Language  
24 Arts performance but those are programs that are

1 reserved for older students. So it's just unclear  
2 what if any value these provide.

3 THE CHAIR: I think in fairness though, I  
4 don't know that there's any one thing that would be a  
5 silver bullet to correct the different issues that  
6 have been raised. I would imagine that you would try  
7 to point out together a portfolio of offerings that  
8 would move toward the -- is it still your opinion that  
9 the school will not achieve that expectation within  
10 the next year?

11 MR. MOTORSON: Thank you, Mr. Chair, for that  
12 question.

13 Staff does maintain, based on the  
14 information -- information that the deficiencies are  
15 not cured even with like I mentioned the additional  
16 information provided. Specifically, we still do not  
17 know what Nevada leadership and staff and teams are  
18 doing differently when re-implementing, recycling  
19 programs. We still do not have any interim goals on  
20 assessments throughout the year, only annual and  
21 long-term benchmarks.

22 You'll recall actually in the presentation on  
23 April 27th, I believe Dr. Denson mentioned that he  
24 wasn't sure about the results or data being available

1 for interim assessments. My staff and I could not  
2 find any. So this is concerning and remains a reason  
3 why we stand behind our recommendation. We obviously  
4 firmly assert that the performance targets will not  
5 guarantee that the elementary school achieve a  
6 three-star rating even under the most optimistic  
7 approach.

8 And lastly, staff feels that little positive  
9 evidence for the implementation of the proposed  
10 student and family support program was provided, this  
11 was the one going back a few minutes ago that the  
12 Power Point probably shored up a little bit but does  
13 not completely resolve all of our concerns.

14 So in conclusion, we cannot endorse this plan  
15 even with the late additions and as such, we are  
16 recommending to the Authority Board that the Authority  
17 Board determine that Nevada Virtual has not corrected  
18 the deficiencies as outlined in the Notice and  
19 therefore, should reject the plan.

20 THE CHAIR: Thank you Mr. Motorson. Are  
21 there any other questions from any other board members  
22 regarding the presentation of the Authority?

23 All right. Well, we'll go ahead and turn it  
24 over then to Nevada Virtual. I think what we want to

1 hear is a summary of your Cure. You've had an  
2 opportunity to hear some questions that we've asked up  
3 here as well as some of the responses of the  
4 Authority. You've also had an opportunity to kind of  
5 hear their commentary on your slides.

6 So as you're going through your summaries, it  
7 might be helpful to just engage on some of those  
8 points and then after we hear your summary, then we'll  
9 go to legal counsel with some of the things that she  
10 wanted to present to the board. Then we'll come back  
11 to your team with his questions from the board.

12 MS. HENDRICKS: Mr. Chairman, if we may, can  
13 we take a personal convenience five-minute recess?

14 THE CHAIR: Yes, that would be great. Let's  
15 come back -- by the way, we're going to take a late  
16 lunch. We probably won't take lunch until 1:00ish  
17 because I want to get through the questioning for you  
18 all before we take an extended break because I think  
19 we're in a place where all the information is fresh in  
20 our head.

21 So five-minute break, be back here at 11:50.

22 MEMBER MOULTON: Mr. Chairman, this is Member  
23 Moulton. Like I said, I just have 15 more minutes but  
24 I'm traveling around the military base to pick up

1 students so I may be cut off at any point. So before  
2 you go to a vote or anything, make sure that I'm on  
3 the line if you would.

4 THE CHAIR: Oh, thank you Member Moulton, I  
5 apologize for the inconvenience of all this but I  
6 appreciate you making an effort to participate.

7 MEMBER MOULTON: I'll try to reconnect but  
8 again, it's around a military base. I'm not sure what  
9 the coverage will be. So just make sure that you  
10 think I'm on the line when you begin to vote. Thank  
11 you.

12 THE CHAIR: Okay. No problem, I'll continue  
13 to check in.

14 MEMBER MOULTON: Thank you.

15 (A recess was taken.)

16 THE CHAIR: All right. Let's go ahead and  
17 call the meeting back to order. Okay. Please  
18 proceed.

19 MS. HENDRICKS: Good morning Chairman  
20 Guinasso and board members. For the record, my name  
21 is Cara Hendricks. I'm going to make just some very  
22 brief comments. I had intended to do my legal issues  
23 at the beginning so you didn't have to just keep  
24 hearing from me but I wanted to respect Chairman

1 Guinasso's request and I'll turn the time over to the  
2 school to address their plan.

3           Let me start by just thanking you for  
4 considering the procedural issues. I want to assure  
5 you that the letter that was sent was brought in good  
6 faith. Nevada Virtual Academy has been faced with  
7 procedural challenges throughout this process, and we  
8 just want to make sure that we're being treated fairly  
9 and although we may respectfully disagree with the  
10 conclusions that you reached, we are here in good  
11 faith and want you to understand the plan that the  
12 school has submitted and the programs that have been  
13 implemented. Sorry, we don't have a gift for you like  
14 Durrell did, we'll work on that for next time but --  
15 show you and explain the plan.

16           Before I turn it over to the school, I do  
17 feel like it's necessary for me to address a couple of  
18 issues, one of those being my discussions with Mr.  
19 Herrick. You know, Chair Guinasso, you talked about  
20 speaking together and having a dialogue and we've had  
21 that. When we talked about the initial plan submittal  
22 on April 2nd, I was the one who requested can we get  
23 some feedback from that plan. Is there some time that  
24 we can have some discussion about the plan and that's

1 when the process came about for clarifying questions  
2 to be asked and we then responded to those clarifying  
3 questions.

4           You know, I think that one of the points made  
5 earlier is right on. When the school -- that was  
6 provided by Authority staff in relation to the  
7 April 27th meeting, absolutely the Power Point they  
8 prepared was to address some of those questions. A  
9 lot of that information and the detail requested and  
10 the criticisms of the school had not been articulated  
11 to the school until they saw that meeting -- excuse  
12 me, it's unfortunate that we didn't fully understand  
13 those questions earlier because we certainly could  
14 have provided the information.

15           I think you saw through the Power Point and I  
16 appreciate the acknowledgements that a lot of that  
17 information is there and that these are things that  
18 school was already doing. Again, I think I mentioned  
19 at the April 27th meeting, our school administrative  
20 team is committed to the school. They're not  
21 professional report writers, they're running a school.  
22 So if something wasn't in the right format or forum,  
23 it certainly wasn't intentional. There's always been  
24 a desire to work with the Authority and provide them

1 the information they needed.

2 In that vein when I spoke with Mr. Herrick  
3 last week in regards to the upcoming meeting what it  
4 was going to look like, what we wanted to do, we did  
5 have a discussion like would a discussion with the  
6 school staff and Authority staff be helpful not --  
7 these folks are the experts. They're the ones that  
8 are going to tell you about the school program. So I  
9 suggested that occur and that's when Mr. Herrick said  
10 he would go back to his staff and see, and the  
11 response we got was no information was needed.

12 So could we have followed up more, maybe we  
13 could have but I think it does go both ways and  
14 Chairman, Guinasso if I would have known the door was  
15 open to come and talk to you, I would have picked up  
16 the phone and called you. I didn't know that that was  
17 on the table and trying to be respectful throughout  
18 this process.

19 Since 17 days ago when we were together, you  
20 heard Authority staff tell you that the school did not  
21 do enough in its Comprehensive and Academic  
22 Improvement Plan or in responding to questions from  
23 staff, and we've heard a lot of that in the last hour  
24 or so. -- reset to the detailed presentation that you

1 heard from the incredible able school administration  
2 that Nevada Virtual has. They explained their efforts  
3 and the efforts that have been taken since last fall  
4 to improve the elementary school program at the school  
5 and they detailed why we believe that Nevada Virtual  
6 has corrected the deficiencies that were identified in  
7 the Notice of Intent.

8           There's been a lot that has happened in those  
9 17 days and -- and better understand what the school  
10 had on the table in the first place. I believe that  
11 the Power Point that was presented did provide further  
12 explanations and details of what you already had in  
13 front of you, maybe just in a different format but  
14 sounds like it was a little better and easier to  
15 understand.

16           NVVA is here today in good faith and wants to  
17 answer your questions so that you understand the Cure  
18 and what is actually going on at the school. I need  
19 to be honest with you that there are concerns that  
20 there's been preconceived ideas about the school and  
21 that a decision has been made to try to shut down the  
22 school before the Cure was even submitted and I really  
23 hope that's not the case and that you will listen to  
24 what the school has to say.

1           This is not about a template. This is not  
2 about a Power Point. This is not about pre-conceived  
3 ideas about the school. This is about a school that  
4 serves 2000 students, an entire K through 12 school  
5 that is being threatened with being shut down because  
6 of the performance of really two grade levels, 4th and  
7 5th grade on the state testing data.

8           I will reserve time to talk about the legal  
9 issues and the problems that we think with even being  
10 here today, but I wanted you to know that the school  
11 is committed to improving and working with the  
12 Authority and with that, I'll turn the time over to  
13 Dr. Hamilton and the incredible staff at Nevada  
14 Virtual Academy and their administration team to talk  
15 about the plan.

16           THE CHAIR: Ms. Hendricks, before I have you  
17 yield the mike there, you said that -- I just want to  
18 understand what you meant by what you said that  
19 there's been some predetermined decision on the Cure  
20 or on shutting this school down; can you explain that  
21 for a second?

22           MS. HENDRICKS: I didn't mean to say that  
23 that was on the part of the board but staff we feel  
24 has predetermined what's going to happen -- when we

1 got a phone call saying, "Hey, your elementary is in  
2 trouble." And we said, "We're already working on it."  
3 The board had already, at that point in January, had a  
4 presentation from the school on what to do to improve  
5 the elementary school program.

6 So something was in the works even prior to  
7 Authority staff reaching out to the school and it just  
8 seems like whatever the school does, is just not  
9 enough. We've tried, we gave you the initial Power  
10 Point. We did our April 2nd plan. We acted in good  
11 faith and responded to clarifying questions. We saw  
12 the memo that was presented related to the April 27th  
13 meeting and further tried to address those issues in  
14 the Power Point and again, we're criticized today for  
15 doing that because we didn't do it sooner and it seems  
16 like a no win situation for this school and I hope  
17 that's not the case. I hope everybody has an open  
18 mind and that this school is afforded a fair a chance  
19 to explain what it's done because this team is an  
20 incredible team. They've been working very hard to  
21 get to this point and to improve the lives of all of  
22 their students and I want you to understand that.

23 THE CHAIR: Have you followed this board over  
24 the last couple of years?

1 MS. HENDRICKS: I have.

2 THE CHAIR: Okay. We've had a couple of  
3 virtuals before. We've had Beacon. We've also had  
4 Connections Academy.

5 I gave an admonition a couple of weeks ago  
6 saying probably good to have a conversation, probably  
7 be better to have you all in control of your destiny  
8 than a board. I said that with the idea that you  
9 probably knew about how we were able to resolve  
10 complicated issues involving schools in similar  
11 circumstances and understanding that this chair, as  
12 long as I've been chair, I've made myself available to  
13 try to get -- understand the issues that they're  
14 facing and -- work out some sort of -- into a position  
15 where you could present an appropriate cure.

16 With Beacon, we helped them transition to an  
17 alternative position framework and they're doing  
18 pretty well. We work with Connections after a long  
19 litigious process probably unnecessary to be that  
20 litigious but nevertheless when we finally got to the  
21 table, we had a conversation -- we had several  
22 conversations actually, probably three or four that  
23 were difficult but nevertheless necessary and those  
24 conversations resulted in an opportunity for that

1 school.

2           So my frustration really is with regard to  
3 the posture of this case and where we're at right now.  
4 I've tried to give you all every opportunity to  
5 control your own destiny. I'm going to listen to  
6 everything that you all have to say and I know that  
7 you're working very hard to correct a lot of the  
8 issues with regard to academic performance, but you  
9 need to understand that I've tried to establish a  
10 clear track record on how we engage schools that are  
11 having issues like your school is having and how those  
12 issues can be solved. I don't think that that message  
13 has come -- either you're not understanding that  
14 message or you're just refusing to engage. I don't  
15 know which is which -- when you guys have your private  
16 conversations. I'm just saying I've made it clear  
17 that we're here to at least give you an opportunity to  
18 turn this thing around without us having to intervene.

19           And so I -- my expectation when you're  
20 talking to Ryan isn't that, "Hey Ryan, does staff  
21 need anything more from us?" It's, "Hey, Ryan I know  
22 that in the past you all have come to the table to  
23 talk these things through, can we have that simple  
24 opportunity." That's what I invited you all to do

1 two weeks ago. I don't know, Mr. Herrick, did that  
2 request ever come to you?

3 MR. HERRICK: No, it didn't and again -- I  
4 make the actual initial outreach.

5 THE CHAIR: All right.

6 MS. HENDRICKS: I don't want to get into a  
7 big back and forth about this. I don't think that's a  
8 fair characterization and I think --

9 THE CHAIR: Do you think my characterization  
10 of kind of our posture as a board is inaccurate?

11 MS. HENDRICKS: I think there has been some  
12 misunderstandings because I will tell you even before  
13 a plan was submitted, I talked about well is there  
14 room for a discussion. What do we need to do and I've  
15 been told well, we'll see if the board makes a  
16 decision to move forward with termination, then  
17 we'll --

18 THE CHAIR: By this board?

19 MS. HENDRICKS: By Mr. Herrick. That once  
20 this board made a decision and that they were going to  
21 move forward with termination, then we would have a  
22 meeting to sit down and discuss other options.

23 So if that's a misunderstanding, that's on my  
24 part but the board and the school in my opinion has

1 tried to engaged and maybe we've misunderstood the  
2 process, it has definitely been a bumpy road but --  
3 school and the plan was submitted because I think you  
4 have something very good and viable on the table.

5 I think it's also important to take into  
6 account and this has been referenced before that the  
7 school is up for renewal -- and so I think that will  
8 be another opportunity for us to engage and I want to  
9 take you up on your invitation to do that and to  
10 engage and let's have a discussion. I think  
11 ironically the process and the Q and A that's happened  
12 on April 27th and even today has been more beneficial  
13 than the written back and forth and the plan  
14 submittal. I think those discussions can be very  
15 important and very fruitful. We are definitely happy  
16 to engage, and I don't want to suggest to you anything  
17 otherwise.

18 THE CHAIR: Thank you. I'm just being hard  
19 on you on this point to make my message clear in terms  
20 of what this board's posture is and what we're trying  
21 to do. You know, I know parents have come here  
22 thinking that somehow we've predetermined what's going  
23 to happen. I can assure you that's not the case.

24 My disposition personally is to want to see

1 you succeed because shutting you down or having you  
2 fail is a failure for all of us is the kind of the way  
3 look at it. So if there's a way to see you succeed, I  
4 want to find that way.

5 But why don't we just go ahead and proceed  
6 with the presentation from the school leaders. Again,  
7 you've heard what the Authority has had to say in  
8 response to questions and either to hear you sum up  
9 kind of where we stand and then we'll proceed from  
10 there.

11 MS. HAMILTON: Thank you, Chair. Good  
12 afternoon now.

13 I took a few notes, as I was listening to  
14 everyone and I think perhaps -- I don't know there has  
15 been misunderstanding and confusion. You know, we  
16 received the notice in February about coming up with a  
17 Cure for under performance based on the 16/17 school  
18 year data which we received in February and it was  
19 based on SPF of course that schools received data on  
20 in December and that's how we tried to approach the  
21 Chair is using those areas in order to kind of come up  
22 with a fix.

23 You know, we had to present a plan by  
24 April 2nd. We received clarifying questions that they

1 asked for us to have in by the 13th, and I really feel  
2 like at least on my leadership teams' part, that we  
3 have been cooperative. I know initially when we first  
4 began this endeavor, we were told that this was not  
5 collaborative that it was kind of you turn this in and  
6 we'll give you feedback.

7 I know that I've heard lots of times today  
8 that you guys have received information that you  
9 didn't have prior to our -- impression that we would  
10 get feedback on that April 2nd one. We received the  
11 clarifying questions and then the next information we  
12 received was when we went online on perhaps the 20th  
13 when we found staff's recommendations. So you know, I  
14 at least thought maybe we would be given I don't know,  
15 maybe an e-mail or something saying, "Hey, we looked  
16 at this. Here are the clarifying questions, here are  
17 others," but we didn't.

18 So our presentation on the 27th wasn't to  
19 provide information that we didn't want to share, it  
20 was just that we hadn't gotten a chance to respond to  
21 the feedback that we received on the 20th. So it  
22 wasn't to cover up or to uncover or anything, it was  
23 just that was the first time that we had received that  
24 detailed kind of feedback and we wanted to be sure to

1 address it for the board, and so I just wanted to kind  
2 of clarify that.

3 THE CHAIR: And you only had seven days;  
4 right?

5 MS. HAMILTON: I believe it may have been  
6 Friday the 20th, it was just a week before.

7 So like I said, we received clarifying  
8 questions. We did our best to answer those and then  
9 when we saw the posting on the Website with the  
10 recommendations, we wanted to be sure to respond to  
11 that as well via our presentation. So again, no  
12 ulterior motive on our part to provide more at the  
13 last minute or anything like that.

14 I agree with counsel in that the discussion  
15 that we had today and part of the last time we met has  
16 been really fruitful. I heard staff saying there  
17 wasn't the detail and perhaps shame on us for not  
18 knowing what kind of detail they were looking for but  
19 we actually took that Amendment Charter Plan and if  
20 you look at it, our subtitles are actually taken  
21 exactly relative from that document.

22 Again, I think we could have provided the  
23 feedback they wanted had we known the extent of the  
24 details. So we did take parts of the plans that we

1 thought were pertinent which we were advised to do and  
2 we tried to address that and answer questions. So  
3 just kind of that general overview on a few things --  
4 with that, if you guys don't mind, I would just like  
5 to give a brief summary of what we showed you the last  
6 time we met just to refresh your memory.

7 MEMBER MOULTON: Mr. Chairman, this is Member  
8 Moulton, who is speaking at this time; could they  
9 identify themselves I missed it, I'm sorry? Who has  
10 just spoken?

11 MS. HAMILTON: My apologies, Yolanda Hamilton  
12 for the record.

13 So last month, we demonstrated how we felt  
14 our school corrected the Authority's noted  
15 deficiencies. If you look at this slide here, you can  
16 see that a review of -- I'm sorry, in the staff's  
17 recommendations for the board, they suggested that  
18 four major areas that we had not responded to.

19 So specifically we feel like we provided --  
20 demonstration of how we were monitoring and the  
21 resultant improvements for implementation of our Cure.  
22 We shared data from programs like FAST that -- this  
23 year's implementation isn't that being productive in  
24 giving results. We also demonstrated multiple uses of

1 our interim and benchmark assessments in the form of  
2 our individual student longitudinal data, best use  
3 instruction as part of our overall plan to reach a  
4 school wide three-star rating. We affirmed our  
5 benchmark targets and our commitment to maintaining  
6 our schools' growth trajectory. And then finally, we  
7 provided evidence that student and family -- areas of  
8 reduced chronic absenteeism which is on the framework  
9 and increased participation in teacher-led instruction  
10 and improved engagement which is also on the  
11 framework.

12           And I'll let Dr. Denson speak a little bit  
13 about -- that we suggested.

14           DR. DENSON: Good afternoon, Andre Denson for  
15 the record. I'm just going to summarize the Cure as  
16 was presented on the 27th when we met.

17           A couple of areas that we wanted to address.  
18 The first one was enhanced instructional model and how  
19 we wanted to use that, the online school curriculum  
20 consistently and with fidelity and we had a long  
21 discussion this morning about fidelity. I appreciate  
22 that definition because that's what we're talking  
23 about consistency -- constant. Teacher-led  
24 instruction with full comprehensive coverage of the

1 standards. There's a question about 650 percent in  
2 the teacher-led instructions that came up and that is  
3 the number of times that we want students -- that was  
4 an increase I should say in the number of times we  
5 directed students to be a part of the teacher-led  
6 instruction.

7           Being an online school, students can access  
8 the curriculum 24 hours a day, 7 days a week. The  
9 improvement that we made over the last six or  
10 seven months is the number of times that teachers lead  
11 that instruction and the number of times that teachers  
12 are part of that conversation. That includes of  
13 virtual and blended face-to-face time as well and most  
14 definitely participating and reviewing the data that  
15 we do throughout the school year, throughout the  
16 weekend in routine observations. We'll go to the next  
17 slide.

18           On the next slide, we talked about the  
19 changes that occurred in the summary we put in place  
20 with our pathway and how students are aligned for  
21 instruction for their instructional levels and making  
22 sure that we meet the students where they are and move  
23 them fast and quicker, if you will, if they're below  
24 basic or make sure they're on target and make sure we

1 take care of our advanced students as well and looking  
2 at the pathways they belong to, instructional pathways  
3 they belong to and how we provide that ongoing support  
4 with our blended model, both face-to-face blended and  
5 our virtual blended model.

6 The response to instruction is what we  
7 utilize to address our students' needs based on  
8 whether -- classroom but most definitely how they're  
9 performing on the Interim Benchmark Assessments that  
10 we do on a continuous basis and we use that to revise  
11 our instruction and to inform our instruction and make  
12 sure we have intervention programs in place for our  
13 students as well to help them move faster along the  
14 trajectory of success. Next slide.

15 Students supports which was a long  
16 conversation today regarding what do we do to continue  
17 to remediate and enhance our students' instruction and  
18 make sure they have what they need on a daily basis.  
19 So here we just summarize our summer school program  
20 which was talked about earlier today with Director  
21 Motorson going over the summer programing and looking  
22 at the additional information we provided.

23 With that being said, we want to make sure  
24 that our students are taking -- have what they need on

1 an instructional basis, not only throughout the school  
2 day but beyond the school day, hence the summer  
3 programing and the after-school activities which I'll  
4 address in a minute. We'll go to the next slide  
5 please.

6 Part of that is engaging students. There  
7 were conversations about after school programing. The  
8 way we look at after school programing is looking at  
9 an opportunity for our students to be engaged.

10 There's two types of after school programing and I  
11 think that may be some of the disconnect in the  
12 conversation because after school programing where you  
13 bring students in and they have lessons and there's an  
14 assignment and they go over a mathematics or E L A or  
15 science or what have you. Those after school  
16 programing are academic after school programs which we  
17 all understand and are aware of.

18 There's an after school programing, as we  
19 discussed earlier, clubs and activities -- engaged and  
20 excited to be at school like most schools have and  
21 those are the after school programs that we were  
22 talking about, making sure our students are engaged.  
23 We want to make sure our students feel a part of the  
24 school especially because they are virtual. They're

1 not in the classroom ever -- seeing students  
2 face-to-face. So engagement is a big part of it.  
3 Part of that engagement is using our FAST team to make  
4 sure that we reengage students if they became  
5 unengaged. So we provided data that was discussed  
6 here today how the FAST team or any -- activity takes  
7 place to bring students back in. Our numbers show  
8 that it has been successful this year especially for  
9 our elementary school student. In the summary is a  
10 37.5 percent increase for those students who have what  
11 we call a Back On Track plan. We put every student  
12 who becomes disengaged or not attending on a regular  
13 basis on a plan and get them back engaged with their  
14 family. Go to the next slide.

15 MS. HAMILTON: This brings us to our data --  
16 sorry. This brings us to our data and I know that  
17 staff said that they didn't know where we got the data  
18 from but I'd like to close just as a summary with a  
19 review of our students' successes that demonstrates  
20 that Nevada Virtual Academy elementary program is  
21 improving. Our students improvement on state  
22 assessments you can see right here. I think it shows  
23 that our model is working for students.

24 Specifically if you guys look at the

1 comparison, you can see that our students more than  
2 doubled the improvement the state made and tripled the  
3 improvement -- I'm sorry doubled it in math and  
4 tripled it in E L A.

5 So I know we're looking at the -- our  
6 students are in fact growing. So I just want to be  
7 sure that you guys see and recognize that this is data  
8 that's available, from my understanding -- make sure  
9 that we showed that slide again.

10 Next slide and then we broke it down just per  
11 grade level so that you can guys could see that --

12 THE CHAIR: As you're going through the  
13 slide, I just want to understand what I'm looking at.

14 The blue bars and the red bars, are the blue  
15 bars the state and the red bars the school or is it  
16 vice versa?

17 MS. HAMILTON: Oh, are you --

18 THE CHAIR: I'm on the previous slide.

19 MS. HAMILTON: Let me go back.

20 MR. GEARHART: I can answer that one. For  
21 the record, Ben Gearhart.

22 The blue bars are the Nevada Virtual Academy.  
23 So during the 15/16 school year, third through 5th  
24 grade had a 22.5 percent proficiency rate in math and

1 it jumped to 28.9 percent after the 16/17 school year.  
2 The red or maroon next to it are the states. So what  
3 it's showing is that although yes, we know we are  
4 behind, we are not decreasing at every level, as was  
5 stated in a previous or not the specific fears were  
6 there were no increases at the school academically.

7 THE CHAIR: How does this effect your index;  
8 do you know?

9 MR. GEARHART: For the current framework?

10 THE CHAIR: Yes.

11 MR. GEARHART: So for the current framework,  
12 pooled proficiency is overall proficiency of third  
13 through 5th graders in math and E L A put together and  
14 then this year will be the inclusion of fifth grade  
15 science at the elementary level.

16 So last year what they did was they took the  
17 proficiency percentages of every student third through  
18 5th grade that was validated, pooled it all together  
19 and gave us one. So you know, even though we were at  
20 20.9 percent in math and 39.2 percent, those are all  
21 there to give us a score. So in the pool for  
22 proficiency, you may not see as big of an increase in  
23 the individual class levels. So we broke it out to  
24 show you that we did increase in math and E L A even

1 if there wasn't -- well, there was no increase because  
2 it was the first year of pooled proficiency.

3 THE CHAIR: I guess my concern is that the  
4 index drives the star rating, right, so how you score  
5 on that index determines how many stars you are,  
6 right?

7 MR. GEARHART: Correct.

8 THE CHAIR: So when we're looking at this,  
9 I'm just trying to get an idea of how this reported  
10 improvement helps drive your index score.

11 MR. GEARHART: Ben Gearhart for the record.

12 So the thought process is that you increase  
13 in math every year and you increase in E L A every  
14 year and then when you increase in science every year,  
15 those little incremental increases will add to an  
16 overall index score increase -- increase a lot in  
17 one area but do not increase in another area, you may  
18 not see your index score increase as much.

19 So what the framework is trying to get you is  
20 to get an added emphasis on all three areas so that  
21 you're not just saying oh, we're lower in math so we  
22 need to just focus on math this year and we need to  
23 push E L A and science to the side. They're adding it  
24 all together to make sure that if there is one

1 struggling area or if there is one ever increasing  
2 area, that it is all kind of put together into one  
3 index score.

4 THE CHAIR: So how long would it take to get  
5 to a significant increases in your index score because  
6 you don't have a lot of time. So are you projecting  
7 that these improvements will result in the index  
8 necessary to get to a three-star rating by next year?

9 MR. GEARHART: Ben Gearhart for the record.

10 So as a data refresher, currently the data is  
11 inconclusive because we've never received science data  
12 on the index scores. I don't know if the overall  
13 framework index scores -- you know, the point level  
14 index scores will change once science is implemented  
15 and added into this year or if -- the goal is yes, if  
16 we make incremental increases to every single level  
17 math, E L A and one science, that our index scores  
18 should increase. How fast it will increase, I don't  
19 know because I do not have all the of the data. I  
20 don't believe any school has the current data.

21 MEMBER MACKDEON: Chair Guinasso?

22 THE CHAIR: Please.

23 MEMBER MACKDEON: Member Mackedon for the  
24 record.

1 I don't think anyone is disputing that there  
2 are some students who are proficient and there are  
3 some students who are growing but when you and this  
4 slide is trying to make the point that our students  
5 are growing. Well, when you look at nevadareportcard,  
6 the school received eight out of 35 points for student  
7 growth and right over to the side it shows that the  
8 growth -- neither the growth in math or E L A is even  
9 typical growth for the state.

10 So yes, it is true that some kids are growing  
11 but when you're getting eight out of 35 points and  
12 you're not even having typical growth compared to the  
13 rest of the state, it's not enough growth I think is  
14 the bottom line.

15 MR. GEARHART: So Ben Gearhart, to answer  
16 that question. We're discussing growth in proficiency  
17 not growth in growth percentiles with this slide, that  
18 was specifically for that growth in growth  
19 percentiles. This was our first every year growth  
20 percentiles. So what we did was -- and we took the  
21 growth -- previous to SBAC scores and longitudinal  
22 data tracker as to not have the headings on top of it,  
23 making sure there were no FERPA violations it was like  
24 Wednesday and it was due Friday.

1           So with that being said, what we're taking a  
2 look at is if a student -- who are the students that  
3 we have that are growing faster in SBAC than the  
4 students who are not -- that's not in this deck which  
5 deals with students. What we found was students who  
6 are here longer with the school grow at a faster rate  
7 and sometimes grow faster than the state average have  
8 an individual growth percentile of 50 or more than  
9 students who are new with us who 16/17 school year was  
10 their first year with us.

11           So then what we're doing is in that  
12 individual longitudinal data tracker is we're tracking  
13 what are they doing on their MAP assessments. The new  
14 students compared to the students who have been with  
15 us for two or three or more years and what are we  
16 seeing that we can -- part of the Cure show that they  
17 needed more instructional support and -- we went the  
18 Cure based on that data; does that make sense or I'm  
19 in going off the rails?

20           THE CHAIR: I'm sorry, I just want to  
21 understand this. You understand my line of  
22 questioning though because I'm looking at your Cure,  
23 and these are some results that you're saying are  
24 coming from the efforts you're making but I'm trying

1 to understand in my mind, how over the time that you  
2 have allotted to how you get to what the stated  
3 expectation is and at this point, it appears that that  
4 is inconclusive whether you'll be able to get the  
5 three stars base on what you're doing now is  
6 inconclusive.

7 MR. GEARHART: Yes, Ben Gearhart for the  
8 record.

9 I like the way you phrase that because there  
10 is not -- with the old framework, we had three years  
11 worth of evidence. So a lot of the one-star and  
12 two-star schools like our high school had, therefore,  
13 like a couple of years worth of data to really dig in  
14 because as a researcher, you should have more than  
15 one year of data to draw conclusions with proficiency  
16 but not with growth.

17 -- for the last year of the old framework,  
18 there were 17 one-star elementary schools. Under this  
19 current framework the first year, there are 49  
20 one-star elementary schools. So we have to decide why  
21 is there such a bigger increase in -- more than  
22 doubling of elementary schools who are receiving one  
23 star, what are the pressure points other than the SBAC  
24 that we can work at on a daily basis with the data to

1 try to get those SBAC proficiency and growth scores up  
2 in one year so that we can be one of the 49 schools  
3 that can try to become a three-star school fast  
4 enough.

5 THE CHAIR: But isn't it true that whether it  
6 was under the old framework or the current framework,  
7 Nevada Virtual was a one-star school?

8 MR. GEARHART: The elementary, no. The high  
9 school was one star for one year under the 11/12  
10 framework, that was the only one star. The elementary  
11 was a two star every year with declining numbers due  
12 to -- the data is out there.

13 THE CHAIR: Thank you.

14 MS. HAMILTON: Then we'll go back to the  
15 grade growth. Chair Guinasso, did you have a question  
16 about this because what we did with this one is just  
17 break it down by grade level so that the board can see  
18 that we have year over year improvement in every grade  
19 level in both E L A with --there and you can say the  
20 comparison there.

21 So I believe what this data shows is that our  
22 programing is working for students. You can see that  
23 in fourth grade E L A, NVVA students improved by  
24 nine points compared to a one-point decline by state.

1 So I won't read those stats to you again. We  
2 presented them, I'm sorry, in our last meeting but you  
3 can see that our students -- as well as are improving  
4 as well.

5 I know Ben talked a little but you can see  
6 that the longer our students are with us, the better  
7 they are doing. So student growth percentiles  
8 improved between 34 and 45percent when comparing  
9 students in their first year and their third year with  
10 our school. The significant growth is seen in both E  
11 L A and math and in 4th and 5th grade which are really  
12 the only two grade levels that we're looking at here  
13 since there's no student growth percentile in third  
14 grade because it's the first year that they take the  
15 assessments and again, this shows that, you know, our  
16 program is working for hundreds of our elementary  
17 students based on this.

18 And that's kind of the refresher we wanted to  
19 just show you a few of the slides to kind of summarize  
20 in a big picture what we presented to you the last  
21 time we were before you.

22 THE CHAIR: Thank you for that summary and  
23 for the explanation on some of the slides and what  
24 they represent. I have a lot of questions so I don't

1 want to monopolize the time before allowing my  
2 colleagues the opportunity to ask maybe questions they  
3 have.

4           So let me ask are there any members of the  
5 board that have questions for Nevada Virtual with  
6 respect to their presentation and their proposed Cure?

7           FEMALE SPEAKER: I just have one. Oh, I'm  
8 sorry, is someone else going to go?

9           THE CHAIR: Go ahead.

10           FEMALE SPEAKER: I had a question about the  
11 FAST program. I can't find it today but correct me if  
12 I'm wrong, did I read something in the last -- for our  
13 last meeting about a waiting list for that program,  
14 students were -- who were waiting to get into it?

15           MS. HAMILTON: The way our program works is  
16 that I know that staff had some questions as well on  
17 how many students we can serve. Students are referred  
18 to FAST as a result of them being unengaged in our  
19 program. So there has to be certain triggers.

20           So we don't have a predetermined amount of  
21 students but if students -- if we see that students  
22 are not attending class sessions, that their grades  
23 are falling down, then it triggers the classroom  
24 teacher to reach out to parents and to try to bring

1 them in. Then we go up the tier process that you saw.

2 So as far as a waiting list, you know, we  
3 have about eight members of that team who work to meet  
4 the needs of those students. So off the top of my  
5 head, I don't remember us mentioning a wait list but  
6 if we were serving an extraordinary amount of students  
7 who we saw becoming unengaged, there might be a point  
8 when we have to have a wait list just so that we could  
9 be sure to address the current students we have in the  
10 program before bringing the other ones in. I don't  
11 think that we have done that this year.

12 FEMALE SPEAKER: So you're saying any  
13 students who qualifies for the FAST program is in the  
14 FAST program?

15 MS. HAMILTON: Correct.

16 MEMBER MOULTON: This is Member Moulton and I  
17 do have a question, it's on the students -- the  
18 average student growth percentiles with the 4th and  
19 5th grade. You have there your three plus years and  
20 your one year. Of your total number of students in  
21 the 4th and 5th grade, how many would fall in the  
22 three plus years and how many would fall in the  
23 one year?

24 MR. GEARHART: For the record, Ben Gearhart.

1           The -- are on there for our validated  
2 students like for instance the 5th grade math slide,  
3 there were 37 validated students who were at three  
4 plus years and there were 42 students this is their  
5 first year, 2016/2017 was their first year as a 5th  
6 grader at Nevada Virtual Academy. This is an internal  
7 metrics, it's not internal metrics -- this was  
8 calculated by us. So if you feel like -- if you want  
9 this verified, we can get it verified through any  
10 source.

11           FEMALE SPEAKER: I'm sorry, we kind of missed  
12 part of the answer. How many did you say were first  
13 year and how many were three plus years?

14           MR. GEARHART: Fifth grade -- for instance  
15 where it says fifth grade and equals 42.

16           FEMALE SPEAKER: Okay, that number given.  
17 Okay, that clarifies it for me. Thank you.

18           And so just to clarify in fourth grade, then  
19 you had 40 that were three plus years and 16 in their  
20 first year. Thank you.

21           MR. GEARHART: That's correct that were  
22 validated at the beginning of the school year.

23           FEMALE SPEAKER: Thank you.

24           MR. GEARHART: So this doesn't include

1 students who came in in like March and took the test  
2 because they weren't a full year student.

3 THE CHAIR: Anything else, Member Moulton?

4 Okay. Let me ask this, who prepared this  
5 plan? Who prepared what has been submitted to us?

6 MS. HAMILTON: We worked with the leadership  
7 team doctor, Dr. Andre Denson, our Assistant  
8 Principal, Ben Gearhart, Samantha Morris, with our  
9 board members. We sat down on multiple occasions with  
10 other support personnel in order to come up with this  
11 plan.

12 THE CHAIR: So you had members of your  
13 administration participate, you had a couple of those,  
14 right?

15 MS. HAMILTON: Correct.

16 THE CHAIR: And then who from your board  
17 participated?

18 MS. HAMILTON: Samantha Morris and we  
19 actually I believe brought this before -- our  
20 increment plan before the board as well.

21 THE CHAIR: Okay.

22 Did you -- I only recently learned of a  
23 virtual school that is meeting the various performance  
24 metrics of a state. I think it's out of Idaho. Did

1 you all, in your process, take into account what other  
2 virtual schools are doing to successfully meet the  
3 expectations of the jurisdictions in which they're  
4 operating?

5 MS. HAMILTON: I mentioned that we sat down  
6 with a team of other personnel. Some of those members  
7 were the academic advisors, if you will, for other  
8 schools in our western region, one of which was from  
9 IDVA which is who I think you're referring to.

10 So, yes, they were actually a part of our  
11 consultation when we had this endeavor to come up with  
12 this Cure.

13 THE CHAIR: How many hours would you say went  
14 into the preparation of this Cure?

15 MS. HAMILTON: Gosh, I don't know how to  
16 quantify that. I would say there wasn't a day that  
17 went by where we didn't sit down and work on parts of  
18 this. We had multiple sessions that lasted for three  
19 or more hours just continuous with people virtually  
20 with a team in our office in order to work on it so.

21 THE CHAIR: Okay.

22 MS. HAMILTON: So a lot of hours.

23 THE CHAIR: It was said earlier that you all  
24 aren't professional report writers. I don't think I

1 was expecting that, but I did hear in your  
2 presentation last time that you knew the situation you  
3 were coming into. So I would imagine that a lot of  
4 what made it into your report to us were things you  
5 were already working on; is that a fair  
6 characterization?

7 MS. HAMILTON: I think that is. I heard  
8 today, you know, about our inability to kind of cure  
9 the last ten to 13 years of deficiencies and that was  
10 one reason I brought up when we received the -- cure  
11 for this school year based on last year's data, those  
12 were kind of our goals. Those were the parameters  
13 under which I thought we were working.

14 But sure as Andre and I Dr. Denson and I came  
15 on, we looked historically at what the school had  
16 done. You know, we looked at student level data and  
17 we tried to come up with a plan to address what we  
18 saw, what we were able to surmise and some of the  
19 difficulties. So I can't say that I was looking back  
20 to 10, 11, 12, 2000 -- so I felt like it was fair to  
21 say that we were unable to come up with a cure for  
22 13 years that staff believes we've been under  
23 performing. But we certainly tried to address those  
24 things. We came in, took stock of and said we need to

1 do something about these things.

2 THE CHAIR: Who are the people on your  
3 leadership team -- who is the person that's been with  
4 this school in Nevada the longest?

5 MS. HAMILTON: I'm going to say probably Ben  
6 Gearhart, our Data Assessment Coordinator. If you're  
7 asking school wide, our high school principal has been  
8 there.

9 THE CHAIR: How long?

10 MALE SPEAKER: I started as a teacher in  
11 2011.

12 THE CHAIR: Okay.

13 So it would be safe to say you're familiar  
14 with the history of this school then; right?

15 MALE SPEAKER: From 2011 on, yes.

16 THE CHAIR: Okay. I want to spend some time  
17 talking about history.

18 I know when you initially came with your  
19 presentation, you said to me we don't want to look to  
20 the past, we want to look to the future but as you  
21 heard from my questioning earlier, a lot of the  
22 credibility of what you're currently proposing hinges  
23 on what's happened in the past.

24 So I'm going to ask some questions just about

1 your historic performance not because I'm trying to  
2 air dirty laundry per se but I think it's important  
3 for me to understand how you understand your  
4 performance because if I can understand how you  
5 understand historic performance, I might be able to  
6 understand why you think what you're proposing now is  
7 a departure from what's been proposed in the past.

8           So just bear with me as I ask probably some  
9 basic questions but I want to -- some of my questions  
10 are going to try to get some agreement on what's  
11 happened and then part of my questioning will be  
12 what's different about what you've provided now. So  
13 why don't we start here -- rating your elementary  
14 school has achieved?

15           MALE SPEAKER: Inaudible.

16           THE CHAIR: Okay and does anybody at your  
17 school dispute that you've never received higher than  
18 a two star rating? Is there any dispute as to that?

19           So let me ask this: What are the specific  
20 actions that your school has done over the years to  
21 improve this star rating? What are some specific  
22 things that have been done?

23           MS. HAMILTON: I'm just trying to answer this  
24 appropriately. I heard the staff say mentioning other

1 plans. As I did my research about the kind of  
2 historical history with the board, I wasn't able to  
3 find any formal plans that had been submitted to you  
4 guys. So I'm not sure what plans have been presented  
5 to you as far as what they would or wouldn't do moving  
6 forward.

7 To my knowledge, we have presented the first  
8 plan that you guys have required of the school as far  
9 as what we will do. So -- and I can tell you that we  
10 created this plan again based on what we were able to  
11 surmise when we got here. So if there is another  
12 plan, I wasn't able to find it during my research of  
13 the history.

14 THE CHAIR: Let me approach it a different  
15 way because what you're going to see is this pattern  
16 where I'm going to talk about where we agree about  
17 historic performance. I'm going to ask about what's  
18 been done to improve and then I'm going to ask about  
19 kind of your assessment of what went wrong because  
20 we're here for a reason, right? Then if I can  
21 understand those pieces to the puzzle, then my next  
22 question will be what are you proposing today that's  
23 different that won't yield the same result that we've  
24 gotten from previous plans.

1           So that's kind of my analysis as I go through  
2 each of these kind of more broad questions and again,  
3 it's not to trap you or anything. I want to  
4 understand because I would imagine if I was a part of  
5 your team or I would imagine other members of your  
6 team who have had a history with the school probably  
7 ask similar questions. So I'm trying to get into the  
8 psychology of your team as you're looking at where  
9 you've been, what you've done and how is what you're  
10 proposing now appreciably different than what's been  
11 proposed previously and if nothing has been proposed  
12 previously, that would be news to me because I can't  
13 imagine that we have had performance at two star or  
14 lower without any efforts to try to improve that,  
15 right? Knowing that they're trying to achieve a  
16 higher rating.

17           So let's kind of return to this and say what  
18 are -- if you know, what are some of the specific  
19 actions that have been taken in the past that you  
20 evaluated, let's start there?

21           MS. HAMILTON: I think one of the biggest  
22 ones and Dr. Denson and Ben feel free to jump in here  
23 was our blended -- I think that was a great response  
24 to some of the underachievement that the school was

1 seeing.

2 So if you had to ask me what the biggest or  
3 yeah improvement or yeah, it would have been the  
4 blended aspect of our school.

5 THE CHAIR: Okay.

6 And so there was an attempt to go from a pure  
7 Virtual to more of a blended model but for one reason  
8 or another, that didn't succeed. What was your  
9 assessment in -- well, let me ask you this: Did  
10 moving to a blended model yield you success?

11 MS. HAMILTON: I think we did see  
12 improvements and then correct me if I'm wrong, last  
13 year was our first year of full implementation of  
14 blended. So I think this year what we tried to do was  
15 to have more accounting, if you will, more ways to be  
16 accountable, more ways to tighten it, the offering of  
17 our virtual blended to reach those students that are  
18 not within our radius to attend.

19 So I think we did see some improvement from  
20 our blended program, so we have chosen to tighten that  
21 up and to improve it and to make sure that there  
22 are -- and ways to see whether or not that's working  
23 whether it be engagement, whether it be on our MAPS  
24 assessments interim to see if we can see a pattern of

1 it. Hopefully after your -- we can compare kind of  
2 the first year and the second year.

3 THE CHAIR: So how long has the blended model  
4 been implemented?

5 MR. GEARHART: Ben Gearhart for the record.

6 During the summer of 2015 is when we brought  
7 the amendment to the board and it was approved.  
8 During the 2015/2016 school year, we were still on our  
9 eastern campus which is why we wanted to move to the  
10 Sandhill campus which actually is a school. The  
11 eastern campus that we were at was not conducive to a  
12 blended environment.

13 So it took a little time. We moved into the  
14 Sandhill environment right during testing. We didn't  
15 but I did March of 2016 and so last year the 2016/2017  
16 school year was the first full year that we had, you  
17 know, a specific structure at the Sandhill environment  
18 for the majority of our Clark County kids. We always  
19 had -- we started implementing the virtual blended  
20 environment while we were what's the word modifying  
21 the Sandhill campus to get more classrooms for --

22 THE CHAIR: So blended has been in place for  
23 2015/2016?

24 MR. GEARHART: Yes, the origins of it were at

1 the beginning of 2015/2016 and then the full  
2 implementation of it was the 2016/2017.

3 THE CHAIR: Okay. And then we still have a  
4 one star or actually went from two star to one star  
5 after that?

6 MR. GEARHART: The last time we received a  
7 two star was 2013/2014 school year. 2014/2015 was the  
8 whole SBAC testing regularity.

9 THE CHAIR: Okay. But this last academic --  
10 earned by Nevada Virtual during the charter term?

11 MR. GEARHART: Last year.

12 THE CHAIR: --

13 MR. GEARHART: Sorry I want to make sure.

14 THE CHAIR: Because I have it at as your 2017  
15 was 21,11 -- because I have your highest index score  
16 being 32 and then your score from last year being 21.

17 MR. GEARHART: Oh, okay, I thought you were  
18 talking about the new framework. Over the old  
19 framework, our highest was in the 40's during the 2012  
20 school year.

21 MR. GAVIN: Sorry to give a number it was 41  
22 in the 2012 accountability year.

23 MR. GEARHART: Thank you Patrick, Mr. Gavin,  
24 sorry.

1 THE CHAIR: So it's no real dispute or is  
2 there a dispute that proficiency in student growth  
3 rates are consistently below state averages throughout  
4 that charter term when these index numbers are being  
5 calculated?

6 MR. GEARHART: For the full index score,  
7 that's correct, we've never been above 50.

8 THE CHAIR: Okay. Is there any dispute that  
9 the index score for Nevada Virtual has dropped  
10 20 points since the first year ratings were issued in  
11 2011/2012?

12 MR. GEARHART: Ben Gearhart. Are you  
13 referring to from 2012 to 2014 or are you referring  
14 2012 to 2017?

15 THE CHAIR: Let's see star ratings were first  
16 issued in 2011 to 2012, and staff's report says that  
17 there's been a drop in your index score of 20 points  
18 since that time; how do you respond to that?

19 MR. GEARHART: Speaking personally for just  
20 myself once again, you're comparing two totally  
21 different frameworks but yes, if that's what we are  
22 doing then yes, we have dropped.

23 THE CHAIR: Staff, what do you say to that,  
24 are we comparing apples to oranges? Is it fair

1 because in your report, you say there's a 20 point  
2 drop, that jumped out to me in your report and is it  
3 because we're using a different framework or is it or  
4 is there a larger story to be told here?

5 PATRICK GAVIN: So Patrick Gavin for the  
6 record. So I would say that like all other public  
7 schools in the state, traditional public or public  
8 charter, Nevada Virtual is subject to the statewide  
9 system of accountability that is a creature of statute  
10 regulation and federal approval -- there is some kind  
11 of substantial change to law or regulation. Most  
12 recently, for example, the decision by the legislature  
13 to phase out the end of course exams that had  
14 initially -- state accountability is a creature of  
15 statute and regulation, it changes and evolves. This  
16 school is being held to no different standard than  
17 anyone else and interventions are being put forth for  
18 district schools and charters on an equal foot again  
19 including but not limited to placing schools in the  
20 achievement school district or opening up new schools  
21 to siphon off students to schools that are eligible  
22 for the achieving school district.

23 THE CHAIR: All public schools are basically  
24 held to the same standard, if I understand you

1 correctly, and that as a standards change, schools are  
2 expected to adjust to those changes; is that correct?

3 MR. GAVIN: Mr. Chairman, that is accurate.  
4 Patrick Gavin for the record.

5 THE CHAIR: Okay.

6 So what are some of the specific actions that  
7 Nevada Virtual has taken to improve its index score?  
8 I mean, that seems like something that would be on a  
9 dashboard somewhere, right? And I know some of this  
10 again precedes you but as you heard from staff earlier  
11 and I was deliberate in asking about history because  
12 they said in their recommendations to us that it was  
13 both current deficiencies and history that lends to  
14 which they were evaluating your plan and ultimately  
15 resulted in the recommendation they gave us.

16 So again, I just want to understand kind of  
17 what's been done up to this point before you submitted  
18 your Cure, what was done to improve your index scores.

19 MS. HAMILTON: Again, I'm not sure -- again,  
20 I mentioned to you before I'm not sure of what plans  
21 were submitted -- kind of took an analysis of where we  
22 were, and the Cure that we presented this year was  
23 supposed to be based on last year's scores that we  
24 received. So I'm not sure I can answer that.

1 THE CHAIR: Okay, fair enough.

2 Let me ask it this way, do you agree that  
3 students -- to kind of the expectations and one of  
4 those factors was student growth. Does your school  
5 agree that student growth is an important metric for  
6 an elementary school?

7 MS. HAMILTON: Absolutely.

8 THE CHAIR: Okay. And you are aware that  
9 student growth accounts for 35 percent of your overall  
10 rating; is that right?

11 MS. HAMILTON: Yes.

12 THE CHAIR: Okay. Do you agree that only  
13 28.38 percent of students in grades three through five  
14 met the what staff called the Adequate Growth  
15 Percentile Standard in math?

16 MS. HAMILTON: Yes.

17 THE CHAIR: Okay -- Authority's portfolio  
18 significantly right, you understand that; right?

19 MS. HAMILTON: I don't have that data in  
20 front of me but yes, we understand that we definitely  
21 have room to improve in our students' performance,  
22 absolutely.

23 THE CHAIR: And that was with regard to math.  
24 I think with regard to English, the report we have is

1 that 36 -- four percent of students in grades three  
2 through five met the adequate growth percentile; is  
3 that right?

4 MS. HAMILTON: That's correct.

5 THE CHAIR: Okay. So that's some current  
6 data kind of looking at -- I want to understand and  
7 maybe this is the same answer as before but what  
8 specific actions have you taken previously to improve  
9 student growth, student growth with regard to math and  
10 with regard to English?

11 MS. HAMILTON: And you're asking prior to  
12 this current Cure that we submitted?

13 THE CHAIR: Uh-huh.

14 MS. HAMILTON: So once again, I would say  
15 that probably the biggest cure would be the addition  
16 of our blended programing, to my knowledge.

17 THE CHAIR: Okay.

18 MR. GEARHART: To piggyback off of that, Ben  
19 Gearhart for the record. One of the reasons why we  
20 include the individual growth percentiles into the  
21 longitudinal data tracker is so that every teacher is  
22 aware of the student's past year growth especially if  
23 they were with us. If they weren't with us, we don't  
24 know if we received it.

1           So our -- in the past, the last time we  
2 received growth percentiles was 2013/2014. What we  
3 wanted, of course, was to increase to that next point  
4 total whatever it was. So like, for instance, in 2014  
5 our elementary math meeting growth percentile was 29,  
6 not good. I mean, as a school, it would be a three  
7 star, you want to be 50 -- state average -- the goal  
8 was going to be to move into that next point total,  
9 the incremental increase in every single point total.

10           So I mean, this year we were 41.5 so we  
11 increased from 29 to a 41.5. So it's an increase even  
12 though that's a C R T to SBAC. So our goal this year,  
13 of course, is to improve off of the 41.5  
14 incrementally, no big -- I mean, we would love big,  
15 big jumps but as has been stated before, what we don't  
16 want to see is a -- where we see one big jump one year  
17 and then we go right back down. So we want to make  
18 sure that we have incremental increases every single  
19 year which is what we've done with the high school  
20 graduation rate, that is the number one --

21           THE CHAIR: Because I understand the goal.

22           I guess what I'm trying to drill down on  
23 because you've been accused of recycling past  
24 programs, right? I mean, that goes to the history and

1 the fidelity of what you're currently proposing. So  
2 you stated the goals over the years, as you understood  
3 them, was just to incrementally increase. So what was  
4 the mechanism or what was the program or plan to  
5 improve over those years to achieve that increment or  
6 improvement that you're talking about?

7 MR. GEARHART: I hate taking up all the time  
8 but since I'm -- Ben Gearhart for the record.

9 It's interim and interim assessments and  
10 benchmarking, it's the same thing that we have to do  
11 for MAP since we only get one test a year, we don't  
12 get the SBAC's in the fall and in the winter which I  
13 would love personally from a data standpoint to have  
14 we have to take the MAP. We have to, at the  
15 beginning, take a diagnostic or whatever you were  
16 using back in 2011/2012. Take the diagnostic, take a  
17 look where the student was at, take a look at their  
18 levels and then see all right, this so is where the  
19 student is at, place them specifically which is I  
20 Ready in previous years and see if we could grow them  
21 towards the I Ready growth totals. Just like  
22 currently we are growing them towards their MAP growth  
23 totals.

24 So if a student takes the MAP in the fall and

1 gets a score in math, they receive a growth projectile  
2 which is like if you scored a 200, we want you to be a  
3 212 by the end of the year. And of course, the  
4 teacher's goal is to see where they're deficient,  
5 remediate and then hit that 212 and that 212 does not  
6 correlate into SBAC deficiencies. There's only a .7  
7 maybe a .8 correlation to MAP proficiency and SBAC  
8 proficiency and they're different percentiles.

9 THE CHAIR: So you think that's maybe where  
10 you've gone wrong in past plans is that you've had a  
11 system I Ready -- translate to the SBAC which is  
12 really the proficiency measure for these numbers that  
13 we're talking about?

14 MR. GEARHART: I don't want to blame I Ready  
15 or I think it's a combination of many small aspects,  
16 it could be teacher-led instruction, it could be not  
17 enough remediation which was the inclusion of the  
18 blended program, it could be not using I Ready with  
19 fidelity and going through all the information that's  
20 provided to them.

21 I mean, there could be numerous reasons  
22 behind it. The only thought process is what Dr.  
23 Hamilton and Dr. Denson are doing going forward is  
24 they're using the data that we're now given through

1 the two years of SBAC, one year of SBAC growth, the  
2 MAP information, the growth percentiles on the  
3 students and the formative assessments that the  
4 teachers give and the students grade at the semester,  
5 try to compile it up and see is that student growing  
6 enough in those two major areas that we feel confident  
7 that come spring, that that student will perform up to  
8 his or her capability.

9 THE CHAIR: Do you see -- I mean, I'm trying  
10 to understand -- I'm trying to understand how your  
11 team arrived at what you've proposed to us relative to  
12 what your historic performance has been because we've  
13 heard from staff earlier that historic performance is  
14 a big part of how they're evaluating your current plan  
15 and what's a little bit disconcerting is that there  
16 doesn't seem to be a strong appreciation of what was  
17 done in the past to address that historic performance  
18 and an evaluation of what has succeeded and what has  
19 failed so you can build upon your past successes and  
20 so you can kind of be introspective about what's  
21 failed in the past and tell us, you know, we know that  
22 that failed and now we're doing this new thing that's  
23 better.

24 But without an appreciation of what has

1 succeeded and failed to get here, I'm really  
2 struggling to understand -- analysis that went into  
3 what has been prepared here. I know a lot of time and  
4 effort went to it but it feels to me like the  
5 questions that I'm asking are basic questions to  
6 assessing the situation your school is in and where  
7 you ultimately want to try to be; does that make  
8 sense?

9 MS. HAMILTON: I think it does.

10 So I don't know if it would benefit the board  
11 to kind of see how -- we came in and we started  
12 observing teachers and observing teachers across grade  
13 levels. We saw an inconsistency about within let's  
14 just say the third grade level what X teacher was  
15 doing versus Y teacher versus Z. So we looked at that  
16 and we did that for our entire staff and we knew the  
17 inconsistencies that we observed there.

18 In addition, to that we looked at the student  
19 data and we look at the MAP interim assessments. We  
20 looked at our RTI process. We sat in those meetings,  
21 observed it and noticed that there were some things  
22 missing that were pertinent to giving students who  
23 were our most at risk that additional instruction that  
24 we needed. We noticed some deficiencies in

1 identifying and tracking students as well. We looked  
2 at our students progress as far as literacy  
3 initiatives that have been set by the state and  
4 noticed that there were some things that we felt were  
5 pertinent that were not there.

6 So as we came in that first year that I was  
7 there and then when Dr. Denson came on, those are the  
8 things that we took stock of and said, hey, best  
9 practices calls for X, Y and Z, and we did not see  
10 those items. So when you ask how did we come up with  
11 a plan, that is what we did. We observed every  
12 teacher. We looked at student level data, school  
13 level data. We joined in those RTI meetings and those  
14 literacy meetings in order to see, in our best  
15 approximation, how the school was where it was and  
16 then how to move it further.

17 I'm not sure if that helps or not but that's  
18 kind of the process.

19 THE CHAIR: No, actually it does. I  
20 appreciate the insight into how you arrived at your  
21 cure.

22 MS. HENDRICKS: Chairman Guinasso if I may  
23 add just a little bit -- I've been working with Nevada  
24 Virtual since about 2015 so I don't have the way back

1 historical performance information but I was with them  
2 when we submitted the amendment and the blended  
3 learning program to the Authority for approval. You  
4 know, I'll talk a little bit later about some of the  
5 historical issues that I think are important and I do  
6 want to point out that the framework that the school  
7 was required to comply with, it was attached to the  
8 initial charter contract in 2013, it was attached  
9 again in 2013, it's different than what you have  
10 today.

11           You know, Director Gavin acknowledge that  
12 there have been a lot of changes in testing. There's  
13 been changes in requirements from the state and the  
14 legislature on what they want. I don't mean to say  
15 that as an excuse because obviously the school needs  
16 to do better but there have been a lot of changes that  
17 have happened along the way that I think need to be  
18 factored in.

19           So even as we were looking at the letter that  
20 the school received from you in February and the  
21 correspondence that we had earlier than that from the  
22 Authority, what the school focused on was alright, we  
23 have a brand new testing and framework that has  
24 recently been adopted and in fact, I'll explain later

1 the state has actually said you shouldn't even be  
2 looking at data from 2016/2017 because it's a new  
3 testing standard.

4 Mr. Gearhart explained that -- schools that  
5 were rated a one-star rating jump dramatically when  
6 the new framework and the star rating system was put  
7 into place. So because there's a new system in place  
8 now, new testing data now, that's what the school  
9 administration you're talking to focused on. They  
10 didn't go back and look historically and compare it.  
11 We didn't think that was going to be really  
12 beneficial. If you would like an analysis, that's  
13 certainly something I can supplement and provide but  
14 we were focusing on what happened, what data you have,  
15 what initiated these proceedings now. We didn't go  
16 back historically to look at that and that's not how  
17 was interpreted the Notice of Intent to Terminate.  
18 We were focusing on the data that was referenced in  
19 the new testing framework.

20 THE CHAIR: I appreciate that additional  
21 explanation. I think you just have to kind of  
22 understand the spirit in which I'm asking these  
23 questions.

24 You've presented a proposed a Cure and this

1 proposed Cure purports to -- outlined in our notice  
2 from February. Staff has evaluated that and said that  
3 it's not adequate and the foundation for that opinion  
4 is that -- the historic performance of this school  
5 coupled with or -- lack of certain details and things  
6 that were presented into your plan doesn't give staff  
7 the confidence that's been proposed is going to work.

8           So as a board member, I'm trying to make  
9 sense of what that means and understanding that if I  
10 -- understanding that history matters and that  
11 understanding what's succeeded and failed in the past  
12 matters to future success or failure. Irrespective  
13 of the standards, I think that the standards are being  
14 held to if they were adjusted from year to year, it  
15 would seem to me that there would be a basic  
16 recognition that whatever the framework -- what your  
17 proposing today would not only address the  
18 deficiencies but would give us confidence as a board  
19 that what you're proposing is going to actually yield  
20 the results that you're hoping that they will because  
21 if they don't, then we all fail and we're really  
22 failing the kids and these families, right?

23           So that's really the stakes here, it's not  
24 just holding you all to arbitrary standards because

1 that's our role but understanding that there are kids  
2 suffering because of not getting the education that's  
3 been promised. So I'll just leave it there. I had a  
4 whole other series of questions on that but if there's  
5 no real analysis of kind of what's happened in the  
6 past and what's worked and what hasn't worked, then  
7 I'll just leave that lie for now and just take what  
8 you've presented at face value.

9 But I do want to kind of go back to the issue  
10 of your board involvement. What role did your board  
11 have in identifying the problems that needed to be  
12 addressed?

13 MS. HAMILTON: I think as we informed the  
14 board of our progress, you know, and we sat down and  
15 we looked at it, you know, they certainly had  
16 questions about what we were doing to address those  
17 concerns as far as how our students were doing and  
18 so -- Samantha Morris in particular -- sit down with  
19 all of them.

20 But so again, looking at the data of how our  
21 schools were doing, we were able to sit down and come  
22 up with a plan that we thought would work in order to  
23 address those deficiencies.

24 THE CHAIR: Did your board express concerns

1 about, you know, any of the drafts that were presented  
2 to you? I mean, I imagine what we have now is not the  
3 first draft. So I imagine there was an earlier draft  
4 where there was some back and forth between you and  
5 your board. Did your board provide input that  
6 ultimately resulted in material changes to your plan?

7 MS. HAMILTON: I think certainly -- like I  
8 said, we didn't sit down with our board in its  
9 entirety, but we certainly got feedback based on it  
10 from our initial plan, you know the one that was what  
11 we kind of put forth prior to all of this to the --

12 THE CHAIR: -- options did the board to  
13 consider to address the problems with the school's  
14 performance? Were there a menu of options that they  
15 considered and ultimately approved or did they just  
16 take the plan that you had all developed and ratified  
17 it after it was presented?

18 MS. HAMILTON: Well, I think that as the  
19 leaders with the educational -- our board and we  
20 talked about them and we discussed what would yield  
21 the best results. So I think that, you know, while  
22 they didn't tell us what to do per se, they left it up  
23 to us to present them with the data and our options  
24 and then we decided, as a team creating this plan, on

1 what would be the best course.

2 THE CHAIR: Okay.

3 And then with regard to parent engagement,  
4 what steps have you taken to inform parents whose  
5 students attend your school about these deficiencies  
6 that we're addressing today?

7 MS. HAMILTON: Well, we -- probably back in  
8 November when we first -- results of how we were doing  
9 with the performance rating, we started informing them  
10 of how we were doing. We invited them to our board  
11 meetings. We had specific meetings that we, of  
12 course, had to get the feedback from the parents for.

13 So probably from November on there has been a  
14 continuous involvement of parents. We have family  
15 post checks that we send out regularly. I think about  
16 six times a year where we ask for feedback based on  
17 our programing from our families as well.

18 THE CHAIR: With regard to the parent  
19 deficiencies that we're addressing today, did you ask  
20 for feedback from parents regarding maybe some  
21 suggestions they may have on how you might improve?

22 MS. HAMILTON: We did on at least two  
23 specific occasions that I can think of.

24 THE CHAIR: Did you ask any parents to

1 participate in the development of your improvement  
2 plan?

3 MS. HAMILTON: We did not specifically ask  
4 for parent participation in the improvement plan as we  
5 crafted it but again, we invited them to meetings in  
6 which they could give their input on how to improve  
7 our programing.

8 THE CHAIR: Okay.

9 There is a term that's been used by several  
10 folks that have come up and given public comment and I  
11 think I've seen it in your literature too but they  
12 refer to themselves as "learning coaches." What's a  
13 learning coach?

14 MS. HAMILTON: The learning coach is the  
15 parent who must be involved in the student's schooling  
16 and so just like parents help with homework when they  
17 go to a brick and mortar, they help the kids get  
18 organized. They make sure that the students are in  
19 school. Learning coaches are responsible for making  
20 sure the kids are logging on, for making sure they are  
21 attending those teacher-led classes, for making sure  
22 -- homework. So that is the role of the learning  
23 coach as it pertains to our program.

24 THE CHAIR: How much training does a learning

1 coach get to do what's expected of them?

2 MS. HAMILTON: We have an initial training,  
3 if you will, orientation on board for parents. Our  
4 FAST team provides continuous support for our families  
5 as far as -- ongoing. There's initial training and  
6 then there's ongoing support for parents.

7 THE CHAIR: How long is the initial training;  
8 how many hours is it?

9 MS. HAMILTON: It's about three and a half  
10 hours. We spend half of our day depending on the  
11 grade it might be in the morning and afternoon  
12 depending on how many people we have coming on at that  
13 particular orientation.

14 THE CHAIR: It's my understanding that being  
15 a student in a virtual school is a lot of work and  
16 that's probably something that people may not know  
17 until they actually enroll in one of your schools; is  
18 there any -- required not only of the student but also  
19 of the parents in your model of delivery?

20 MS. HAMILTON: Well, we were unable to kind  
21 of orient them before they're enrolled. So I think as  
22 parents enroll in our school, we answer questions to  
23 the best of our ability of about what the program  
24 looks like. So there is no initial kind of these are

1 the requirements before students are enrolled. I  
2 mean, parents can enroll in our school and then we do  
3 the best to make sure they understand expectations and  
4 what's expected and then we try to support them so  
5 they are able to be successful.

6 THE CHAIR: So that happens after they  
7 enroll?

8 MS. HAMILTON: That orientation process, yes.

9 THE CHAIR: Okay. Member Mackedon?

10 MEMBER MACKDEON: I was just going to say to  
11 her point, it really has to happen after because  
12 otherwise it can really be perceived as like we  
13 counseled you out of enrolling. So I think that's why  
14 they're following this chain of events, it's a very  
15 fine line right there.

16 THE CHAIR: Yeah, it just seemed to me that  
17 you wouldn't want to counsel people out but you would  
18 also want to make sure that the model of education  
19 delivery that you're offering which is unique among  
20 other educational offerings is a right fit. I often  
21 wonder, when I'm looking at your numbers, if enough  
22 work has been done to assess fit. My family assesses  
23 whether to send my child to school X or to school Y or  
24 to home school. We're looking at my child's

1 knowledge, skills, ability kind of temperament and  
2 then weighing it against the education options that  
3 are out there so we're asking questions.

4 I mean, I would want to know if my kid were  
5 going to be in a virtual school before I enrolled that  
6 I was going to have to work like eight hours a day  
7 like a teacher would to make sure that my kids stay on  
8 track. I would imagine there's a time to log in and a  
9 time to log out that the kids are going to need --  
10 especially at the elementary level you're dealing with  
11 kindergartners and first graders. So the amount of  
12 parent involvement I'm assuming is pretty significant.

13 So I think -- I don't know, I guess I'm just  
14 coming back to the original question is there any work  
15 done to make sure that families understand the  
16 enormous amount of work that's being required of them  
17 so that they can succeed in your program?

18 MS. HAMILTON: And again, without crossing  
19 that fine line that Member Mackedon just kind of  
20 explained, you know, if they call us just with general  
21 questions, we are happy to answer them but aside from  
22 that -- aside from that from them reaching out and  
23 asking questions, when we get them in and are enrolled  
24 are in orientation, we definitely try to make sure

1 that they understand the expectations and that it is  
2 important for that parental particularly in K 1, 2  
3 like you just described is there.

4 Dr. Denson, would you add something to that.

5 DR. DENSON: We talk about that at  
6 orientation. What's their role, that's when we have a  
7 lengthy conversation with them and since I do the  
8 elementary orientation along with our FAST team, we  
9 talk about that the learning coach's role. The have  
10 to have -- the consistency they have to have  
11 especially in the K through 4 or 5 grade levels.

12 So it is discussed at that time and at that  
13 point in time, parents can make a decision like this  
14 is a little bit more than I thought this would be.  
15 This is a little bit more extensive, then they can  
16 withdraw at that point in time. We don't encourage  
17 that and then we talk about providing support as they  
18 continue after they're enrolled.

19 THE CHAIR: Now, I'm going to bring it  
20 together now.

21 With the learning coaches, I would imagine  
22 that especially at the elementary level that  
23 implementing this kind of plan is really going to rest  
24 on the effectiveness of your learning coaches. So

1 have your learning coaches been oriented on this  
2 proposed plan and are they ready to kind of help  
3 share --

4 MS. HAMILTON: I think I would disagree in  
5 that I think the effectiveness of this plan lies with  
6 our teachers and our admin team and us as opposed to  
7 the learning coaches. We have licensed teachers,  
8 Nevada teachers who are in charge of teaching these  
9 children in our sessions, in our live classes. So I  
10 don't think it lies on the shoulders of the learning  
11 coaches.

12 Again, those learning coaches are there to  
13 facilitate their children's progression through our  
14 program to make sure that they have a computer, that  
15 they're logged in, that they have looked at the list  
16 of assignments, it's kind of more of a time management  
17 kind of role as far as the little ones are concerned  
18 at least.

19 THE CHAIR: Okay.

20 DR. DENSON: Again, just like any parent  
21 would with a child in brick and mortar it's just to be  
22 there for support for there for support for their kid,  
23 to help them organize, to help them do homework, to  
24 answer questions that they might have -- who are on

1 the front lines of implementing this with the  
2 monitoring coming from Dr. Denson, from Mr. Gearhart,  
3 myself and all the other supports, the FAST team that  
4 we have in place.

5 THE CHAIR: That's helpful to know.

6 So there's a distinction between the teachers  
7 that provide instruction and the role of a learning  
8 coach?

9 MS. HAMILTON: Absolutely.

10 THE CHAIR: Okay, fair enough.

11 And then with regard to special education, I  
12 was wondering what support does Nevada Virtual provide  
13 to its SPED department?

14 MS. HAMILTON: Our special education students  
15 get the full support that they would anywhere else.  
16 We have a special education team led by a program  
17 director. We have special education facilitators and  
18 special education teachers. So our students are able  
19 to get whatever they are entitled to via their IEP's  
20 just like in any brick and mortar school. They have  
21 their required minutes and E L A or math or behavior  
22 support or organizations, related services and we're  
23 able to carry those out just like in any other school.

24 THE CHAIR: How much money is spent to

1 provide that support relative to other students who  
2 aren't SPED students; do you know that?

3 MS. HAMILTON: I'm not sure -- if you're  
4 asking like what the state kind of --

5 THE CHAIR: I would imagine it would be more  
6 expensive to -- because I know in brick and mortars,  
7 it's a little more expensive to deliver education to  
8 SPED students versus traditional students, for lack of  
9 a better word.

10 So my assumption is that it's the same --  
11 more expensive to educate a student with special needs  
12 from an education delivery perspective than it would  
13 be for a student without special needs.

14 DR. DENSON: And I know the state accounts  
15 for that and for funding and so --

16 THE CHAIR: I guess I'm just wondering about  
17 your specific budget, are you spending more resources  
18 on special ed students?

19 DR. DENSON: So if they have related services  
20 or anything, so we don't have any additional funding  
21 in which to fund them that any other school is  
22 getting, if I'm understanding your question.

23 THE CHAIR: My question is: Is the funding  
24 actually getting to those students because what I

1 understand is that special ed students get a higher  
2 amount of funding than other students but what's not  
3 clear to me is whether or not in the virtual  
4 environment that extra funding is actually getting to  
5 the special ed kids to deliver a whole set of  
6 wrap-around services that they would need over other  
7 traditional kids?

8 DR. DENSON: We offer all of the related  
9 services that I mentioned before whether it's speech,  
10 O T, P T, occupational. Whatever their IEP calls for,  
11 we're providing for our students.

12 THE CHAIR: Okay but we don't really know  
13 relative to the money that's designated for them,  
14 whether all that money is actually getting to them to  
15 help them in their performance and with regard to  
16 their needs as a student?

17 MS. HAMILTON: I would say that all the money  
18 is getting to the students in order to provide the  
19 services according to their IEP.

20 THE CHAIR: Okay. Do you have a resource  
21 classes built into the school's overall course  
22 schedule?

23 MS. HAMILTON: We do.

24 THE CHAIR: Okay. Do you have information

1 regarding the performance of SPED students when they  
2 arrive at your school and performance at the time they  
3 leave; do you have any of that data?

4 MS. HAMILTON: The set group that are  
5 reported on is broken down. SPED off the top of my  
6 head I believe whatever sub groups that the state  
7 breaks it down for, we have all of that information as  
8 well.

9 THE CHAIR: Do you have that information?

10 MALE SPEAKER: For what level, graduation  
11 rates, proficiency rates, attendance rates?

12 THE CHAIR: Let's look at proficiency.

13 MALE SPEAKER: Give me a moment please.

14 Alright, so I have nevadareportcard.com  
15 open --

16 FEMALE SPEAKER: I don't think that  
17 Nevadareportcard is going to answer the question you  
18 asked because you're wanting to know when they entered  
19 -- were they in when they exited what level were they  
20 and nevadareportcard isn't going to tell you.

21 THE CHAIR: Fair enough.

22 MALE SPEAKER: I mean -- sorry not to  
23 interrupt but as far as like individual student  
24 performance, our longitudinal data trackers tell all

1 the information about where they came, if the school  
2 which now schools are doing a much better job, sends  
3 us previous information on SBAC or EOC or anything  
4 like that and then the growth percentiles. Then we  
5 take a look at those for those full year students, how  
6 they're growing through MAP just like any other  
7 student FRL student, we break that down but the only  
8 information that's sent out to the state are students  
9 who are with us for a full year.

10 If you want -- if it's something that you're  
11 very interested in as far as MAP data throughout the  
12 school year for brand new students with us, we can do  
13 that.

14 MR. CHAIR: No, that's not necessary. I'm  
15 just trying to understand -- student experience from  
16 different perspectives. So I chose to understand kind  
17 of the student experience from a child with a  
18 disability. In public comment, we've heard from a lot  
19 of families with disabilities who come before the  
20 board to talk about how their families benefit from  
21 your program.

22 So I'm just trying to understand how that's  
23 re sourced, what kind of supports they're getting and  
24 how that compares. When they start in your program,

1 if they're leaving your program, performing better  
2 than when they started.

3 MALE SPEAKER: Got you -- I don't like giving  
4 anecdotal events but I do believe that -- are coming  
5 for a reason are dissatisfied with their previous  
6 school and then they are looking to us to see if we  
7 provide a better environment that we want to be  
8 academically. Sometimes it's over crowding of not  
9 getting their resources so whatever in their previous  
10 school and they see that we provide -- I mean, I'm  
11 very proud of the way that we are able to provide  
12 resources that people don't think could be provided in  
13 a -- environment. We do have a blended campus so if  
14 students need specific face-to-face but we -- provide  
15 for them by --

16 THE CHAIR: Thank you.

17 MR. GAVIN: Patrick Gavin here.

18 The information on both overall student  
19 growth and growth of non proficient students who met  
20 the adequate growth percentiles set by the state is  
21 available on the second and third pages of the  
22 school's report card that was issued on  
23 nevadareportcard.com.

24 THE CHAIR: Thank you, Direct Gavin, I

1 appreciate that.

2 Well, that concludes my questions, do any  
3 other board members have any questions for Nevada  
4 Virtual? All right. Member Moulton, are you still  
5 with us?

6 MEMBER MOULTON: Yes, I am. Thank you.

7 THE CHAIR: Thank you.

8 Okay, Member Mackedon?

9 MEMBER MACKDEON: No more questions.

10 THE CHAIR: Okay, great.

11 Well, thank you for your presentation and  
12 thank you for the engaging discussion on the  
13 discussions that we had.

14 MS. HENDRICKS: Chairman Guinasso, would you  
15 like me to go ahead and do my legal presentation now?

16 THE CHAIR: Sure.

17 MS. HENDRICKS: As you indicated earlier, I  
18 think it's important for us to create a record of the  
19 legal issues and legal concerns that Nevada Virtual  
20 Academy has regarding this process. For potential  
21 future leading proceedings and more importantly, I'm  
22 hoping to make sure that you're fully aware of the  
23 legal issues in hopes that we can -- certainly not the  
24 goal of the school.

1           You heard at the April 27th meeting a little  
2 bit from Mr. Herrick regarding the pending lawsuit.  
3 I want to just touch on that briefly. Nevada Virtual  
4 Academy filed a lawsuit to protect its legal rights.  
5 The lawsuit was filed after the February Authority  
6 Board meeting. At that meeting, I attempted to raise  
7 some legal concerns and it was suggested that those  
8 concerns may ultimately need to be decided by a court.  
9 The lawsuit is still pending and not all of the relief  
10 has been denied. In fact, no decision has been made  
11 regarding the legality of this process.

12           Because Nevada Virtual believe that the  
13 process is unlawful if these proceedings continue and  
14 a decision is made to terminate Nevada Virtual  
15 Academy's charter, there will be an appeal that will  
16 likely delay the shut down of the school. I'm not  
17 just saying this as a threat and I'm not saying this  
18 to be disrespectful but I think it's pretty important  
19 for you to understand the reality of the situation.

20       -- school by Authority staff to address the appeal  
21 process. As I mentioned earlier, we really see no  
22 need to terminate now when you have a good plan in  
23 front of you and you have the ability to further  
24 evaluate the plan as part of Nevada Virtual Academy's

1 charter renewal process which I understand you will  
2 start in the next few months or actually next month.

3           Getting to the legality of the process,  
4 Nevada Virtual Academy operates under a charter  
5 contract. That contract -- 2013 and was renewed in  
6 2016. That contract governs the rights and obligation  
7 of both parties, both the school and the charter  
8 school Authority. Attached to the contract is a  
9 framework that governs that the school and Authority  
10 as well and the framework provides very specific  
11 standards -- since we're in a proceeding now for  
12 possible contract termination. If you look at the  
13 charter school framework that is included in the  
14 contract and provides obligations like I said, for  
15 both the school and the Authority, there are contract  
16 termination proceedings and that's on page seven of  
17 the framework and it says that, "The following  
18 performance outcomes may be cause for relocation or  
19 termination of the school's charter."

20           It then says, "Persistent under performance  
21 and it defines that as a school with any combination  
22 of unsatisfactory or critical designations on the  
23 authority framework and a two star or one-star ranking  
24 on the Nevada School Performance Framework for three

1 consecutive academic reporting cycles."

2           So I want to be clear that there are two  
3 things required before Nevada Virtual Academy's  
4 charter contract can be terminated and that is an  
5 unsatisfactory or critical designation on the  
6 authority framework. Guess what, we don't have that.  
7 In fact, the authority framework doesn't have any  
8 ratings on the school right now and secondly, a two  
9 star or one-star ranking on the Nevada School  
10 Performance Framework or -- easier to say and that has  
11 to be for three consecutive years pursuant to the  
12 charter contract that this Authority signed.

13           The termination proceedings in the framework  
14 also -- but again, you have to look at any combination  
15 of one or two stars and any combination of  
16 unsatisfactory and critical on the authority framework  
17 and again, it has to be for three consecutive years  
18 and I emphasize that because when you talk to staff,  
19 they will tell you they do not have three consecutive  
20 years of data. I know it's frustrating to you and  
21 believe me when I tell you that it's frustrating to  
22 this school as well that there has not been  
23 consecutive reporting data available and that has been  
24 -- so let's step back a little bit and let's talk about

1 the ratings because Nevada Virtual Academy has one  
2 contract with you and that's to operate a school that  
3 is a K through 12 school. Since the inception of the  
4 school, it has only received twice a rating for the  
5 entire school. The state does not rate a school,  
6 Nevada Virtual as an entire school and the Authority  
7 like I said, did it twice.

8 So the data you've been asked to move on is  
9 data related to the elementary school for one year,  
10 last year and then we'll talk a little bit about the  
11 older data that staff mentioned but you don't have a  
12 ranking for --

13 THE CHAIR: -- consider shutting down the  
14 elementary school --

15 MS. HENDRICKS: Under a clear reading of the  
16 contract, yes.

17 THE CHAIR: But what about the changes in  
18 statute recently?

19 MS. HENDRICKS: I think there's a question on  
20 if those are the retroactive or not and I think there  
21 are certainly some concerns regarding that --

22 So let's talk a little bit about the data.  
23 You know, besides the ratings and the concerns that we  
24 have regarding how the ratings are done and the

1 breakdown of the elementary school versus middle  
2 school, high school and availability of any data  
3 ranking Nevada Virtual in his entirety as its  
4 performance.

5           The data that you are being asked to rely on  
6 is bad. In fact, the legislature indicated that and  
7 this is in NRS 388 A -- through it actually indicates  
8 that a charter annual school rating pursuant to the  
9 state framework of the charter school must not be  
10 included in the count of annual ratings for any school  
11 year before the 15/16 school year and the 2016 through  
12 2018 school year. Your staff has indicated that  
13 that's a typo and it should be the 2016/2017 school  
14 year and that may be a legislative change but  
15 regardless, the statute says you can't look at the  
16 data from the 16/17 school year. The only data you  
17 can look at is the 15/16 school year data and that's  
18 not what's in front of you.

19           This means that -- I understand staff's  
20 arguments and they're trying to come up with -- I  
21 understand the need and desire of this body to hold  
22 schools accountable but in doing so, you have to be  
23 respectful of the law and respectful of the charter  
24 contract that you signed. The data that you're

1 looking at isn't -- without historical under  
2 performance. What does that mean. How does that  
3 work.

4 You know, I think there are a couple of  
5 issues that you need to consider, it's not historical  
6 under performance, it's persistent under performance  
7 and that's a defined term in the contract that hasn't  
8 been met. The other thing --

9 THE CHAIR: What would be the material  
10 difference between historic and persistent under  
11 performance?

12 MS. HENDRICKS: Well, persistent under  
13 performance has the specific requirements that I  
14 talked about earlier, it asks you to look at the  
15 authority framework and the state framework and look  
16 at consecutive data so it's a defined term.

17 THE CHAIR: Over the course of time though,  
18 right?

19 MS. HENDRICKS: Over the course of time, yes.

20 THE CHAIR: So that would fit the historic  
21 point?

22 MS. HENDRICKS: Yes --

23 THE CHAIR: And they're not interchangeable  
24 but they're complimentary terms when you're talking

1 percent --

2 MS. HENDRICKS: I guess I would have a  
3 question on how you're defining historical under  
4 performance because I'm looking at the contract and it  
5 says --

6 THE CHAIR: Year over year basically; right?

7 MS. HENDRICKS: Well, I guess, yes, I  
8 understand your point. Historically, I don't think  
9 the school is going to tell you it's ever been a  
10 five-star school. You haven't heard that today,  
11 though what the contract requires and what the statute  
12 requires and what the expectation and the reason for  
13 signing a contract is so the school has clear  
14 expectations going forward of what it must do, what it  
15 needs to do and when it can terminate.

16 When it entered into this contract in 2013  
17 and when it was renewed in 2016, it understood that  
18 contract termination would only occur if certain  
19 instances and certain standards were met and those are  
20 under the under persistent under performance standards  
21 what we talked about. The authority framework rating  
22 which you don't have -- two star or one-star rating  
23 from the Nevada School Performance Framework which  
24 again you don't have.

1           So I know it puts you in a hard position  
2 because if you look historically, the school would  
3 have liked to have done better but it does not meet  
4 the standard set forth in the contract to proceed with  
5 termination today, it just does not do it from a legal  
6 standpoint. Now, that doesn't mean the school is not  
7 willing to work with you and to work with staff. I  
8 think you've seen today that they are and they're  
9 committed to improving the elementary school. I'm  
10 just saying from a contractual standpoint and even if  
11 you look at the relative statutes you don't have the  
12 data that you need to move forward with termination.

13           The consecutive year data is something that  
14 is in the contract. I understand that that was also a  
15 change in the recent legislation so they took out the  
16 word "consecutive" but again, I would argue that you  
17 have a hard time with any kind of retroactive  
18 application of that kind of language in the statute  
19 when you have clear terms under a contract that say  
20 otherwise -- include contractual guidelines and  
21 standards that have not been met here.

22           I did want to touch on the references to  
23 2012/2013 data and 2013/2014 data. Director Gavin  
24 mentioned that I think when he was asked what have you

1 done to gauge the school or talk to the school or work  
2 with the school historically, and he mentioned these  
3 letters.

4           If you will recall and it's part of the board  
5 materials that were submitted to you on April 27th and  
6 I think they were included in today's packet as well,  
7 I sent correspondence dated April 26, 2018, where --  
8 some of the historical and other issues that I had  
9 with the memo that staff put together and attached to  
10 that is a letter that I sent to Director Gavin in July  
11 of 2015 revisiting issues that the school had  
12 addressed with the Authority even prior to that  
13 relating to the initial notice of concern that the  
14 school received. They received that notice -- based  
15 on data from the 2012/2013 school year, however, data  
16 from the 12/13 school year was prohibited from being  
17 relied on pursuant to the charter contract.

18           So again we're going back to the contract and  
19 what the contract required --

20           THE CHAIR: I just want to understand your  
21 argument here though. So you're arguing that we  
22 should consider any data at all relative to your  
23 performance because that's what it sounds like?

24           MS. HENDRICKS: I'm saying when you comply

1 with the contract and --

2 THE CHAIR: And the contract says don't  
3 ignore all the data?

4 MS. HENDRICKS: The contract says there's  
5 certain data that you can look at and what the  
6 legislature has told us -- look at to move forward to  
7 close the school and you don't have the data in front  
8 of you --

9 THE CHAIR: We're not talking about closure  
10 right now, we're talking about cure. We're not  
11 talking about closure. So what we're trying to  
12 understand -- what we're trying to do here is evaluate  
13 a cure. So I don't think we're at the closure stage  
14 of the argument. You'll have plenty of time to argue  
15 about closure but let's focus on data as it pertains  
16 to your proposed cure.

17 MS. HENDRICKS: Okay. And I'm happy to do  
18 that because although we're not at the closure stage,  
19 what your Notice Of Intent to do is a Notice Of Intent  
20 To Terminate and that's the language in the contract  
21 is if you're going to move forward to terminate the  
22 contract, then you have to look at specific data  
23 points to do so, and our position is you don't have  
24 the data points to do that.

1 I understand historically and, you know, the  
2 school hasn't performed well and you have a right to  
3 talk to the school and let's have communication about  
4 what are you guys going to do. You need to get your  
5 act together. Let's make sure this elementary school  
6 as high performing school. I'm not opposed to those  
7 discussions.

8 THE CHAIR: But we've had discussions and  
9 it's well documented. We've had those discussions  
10 with your school on a number of occasions over the  
11 last six or seven years. So to suggest that those  
12 discussions have not occurred, is really disingenuous,  
13 Ms. Hendricks, it really is.

14 MS. HENDRICKS: And that's not what I'm  
15 suggesting, sir.

16 THE CHAIR: Alright -- well, what's some  
17 other arguments that you'd like to make before we  
18 close out.

19 MS. HENDRICKS: Certainly. I wanted to also  
20 point out and again I'll refer to the April 26th  
21 letter that I sent to Mr. Herrick so we don't have to  
22 spend unnecessary time -- concerns that we had  
23 regarding the staff memo. Again, we expressed  
24 concerns over substance and arguing about the

1 template. We were told we didn't need to use a  
2 template that the school went ahead and used the  
3 categories identified in the template and what they  
4 submitted and that should be sufficient.

5 Also again and I had it in my notes and we  
6 talked about it a lot here so I don't want to beat a  
7 dead horse but if the data you're asking to rely on  
8 goes back to 2012/2013 and isn't consecutive, I don't  
9 believe you have a legal right to rely on it for the  
10 purpose for which you are relying on it today.

11 Then I also wanted to reference that the  
12 change in standards and the end requirements have  
13 affected all charter schools and I think for a school  
14 that has struggled, those changes are even more  
15 difficult and changes in testing data because you  
16 don't have a baseline to compare it to year after  
17 year.

18 I also wanted to just discuss briefly the  
19 Nevada Virtual Academy's board because they've been --  
20 issues have been raised several times about them, and  
21 I think there were some references made in the last  
22 meeting that the meeting on April 27th, they're just  
23 incorrect. You know, we have an active board  
24 mentioned -- to Samantha Morris, the board president,

1 who is here today. She used her own money to fly back  
2 to be at the hearing on 4/27 and left her kids at  
3 Disneyland to participate. She has another a number  
4 of children that have seen great success in Nevada  
5 Virtual Academy including a daughter that -- I hope  
6 she's okay with me sharing this story with you. A  
7 daughter who's struggled with reading in a brick and  
8 mortar school and then was basically told had no hope  
9 and she went to Nevada Virtual Academy and it worked  
10 fabulously, and her daughter is now pursuing a medical  
11 career -- and that's attributed to the program at  
12 Nevada Virtual Academy.

13 THE CHAIR: Ms. Hendricks, who's the contract  
14 with between the Authority and Nevada Virtual? Who  
15 signs the contract on behalf of Nevada Virtual?

16 MS. HENDRICKS: The board does.

17 THE CHAIR: Okay. Do the current board  
18 members -- are the board members that are currently  
19 serving on the board, are they the original  
20 signatories to the contract?

21 MS. HENDRICKS: They are not.

22 THE CHAIR: Who's your longest standing board  
23 member?

24 MS. HENDRICKS: Our longest standing board

1 member right now, I would have to go back and look  
2 it's probably Dr. Mendenhall. She was a former  
3 president of the board and a served for several years  
4 before that.

5 THE CHAIR: Okay. So she's been with the  
6 school for how long; do you know?

7 MS. HENDRICKS: I don't know precisely, I  
8 would guess about three or four years.

9 THE CHAIR: All right.

10 MS. HENDRICKS: But and -- I have Samantha  
11 Morris and also one of our other board members that  
12 has students in the school and have seen the platform  
13 work and believe in the platform.

14 In conclusion, I would just like to say that  
15 Nevada Virtual Academy has demonstrated their  
16 presentation on April 27th as well as today that  
17 there's a reasonable rationale for the methods and  
18 that they are monitoring their approaches for  
19 effectiveness and in fact, have already seen some good  
20 results. There's no reason to believe that they will  
21 not continue on that trajectory.

22 The school, as a whole, has made great  
23 strides over the last few years especially in--  
24 programs. I know we've talked about a lot about other

1 proceedings, and I will tell you that other  
2 proceedings that I've been a part of, it's really been  
3 the high school and the graduation rate that have  
4 really been the focus, not the elementary school like  
5 we have today. They are committed to focusing on  
6 improving the elementary school program and have  
7 demonstrated a plan that will work to do so. Over the  
8 last few meetings, you've heard from some of the  
9 families I believe in Nevada Virtual Academy --

10 THE CHAIR: Can I stop you on that point  
11 there, how do we know what will work?

12 MS. HENDRICKS: You know what, I wish I had a  
13 crystal ball to tell you what would work, but I think  
14 that the information that you've been provided and  
15 it's a multi-faceted approach, it's not just, hey,  
16 we're going to do one little thing to change it.  
17 They've incorporated the FAST program. They've added  
18 additional services -- how do we know it won't work.  
19 They have a lot of information there and a lot of -- a  
20 lot of things that have worked other places that  
21 they're -- fresh approaches to. There's no reason to  
22 assume the worst in this case.

23 You know, we've talked a lot today about  
24 historical issues with this school that we do have. I

1 know Member Mackedon doesn't like this argument but we  
2 have a new team that's committed and committed and  
3 sort of looking into changes at the school even before  
4 we heard from the Authority earlier this year.

5 Let me just end by saying that Nevada  
6 Virtual Academy -- to work with the Authority and is  
7 committed to finding ways to be even more effective in  
8 delivering this educational option to Nevada families,  
9 however, if this action against Nevada Virtual Academy  
10 is not supported by the law and is contrary to the  
11 charter contract, then we firmly believe these  
12 proceedings should not continue.

13 Thank you for your time.

14 THE CHAIR: Thank you, Ms. Hendricks, don't  
15 go anywhere yet.

16 Mr. Herrick, I just want to understand a few  
17 things based on what was presented. One with regard  
18 to the lawsuit, it's my understanding there was an  
19 action taken to stop us from engaging in these  
20 proceedings and that the court ruled that we could  
21 proceed; is that right?

22 MR. HERRICK: Nevada Virtual actually filed  
23 two lawsuits. The first they voluntarily dismissed  
24 and they refiled the second action. There were

1 two pieces to that second -- there's a request for  
2 restraining order and other injunctive relief to stop  
3 these proceedings. Then there was the underlying  
4 lawsuit based on the same actual premise.

5 The second part that lawsuit is still out  
6 there. Staff anticipates moving to dismiss that case  
7 in its entirety at some point --

8 THE CHAIR: Let me stop you there just for a  
9 second.

10 So the remedy for Nevada Virtual would be  
11 something like a Petition For Judicial Review rather  
12 than this action. So that would be like the basis for  
13 our motion to dismiss?

14 MR. HERRICK: As well as a number of  
15 procedural defects and whatnot because so in regard to  
16 the request for the restraining order and other  
17 injunctive reliefs, we filed briefs on that. We had a  
18 hearing and the judge dismissed that, summarily  
19 rejected every one of Nevada Virtual's arguments.

20 So that request for a restraining ordered and  
21 other injunctive relief was to stop these proceedings.  
22 Essentially what the court said is Nevada Virtual  
23 would be given an opportunity to make their arguments,  
24 as they have today, that administrative process would

1 run its course and then, yes a petition for judicial  
2 -- or what could be filed.

3 So again that would be part of the underlying  
4 basis of the motion to dismiss and since we're talking  
5 about that, I will note I'm unclear what Ms. Hendricks  
6 was talking about appeal whether that's an appeal of  
7 the -- what that meant.

8 THE CHAIR: I'm sure just some appeal. I  
9 think her point was that there would be extended  
10 litigation and wouldn't our time be better served  
11 trying to work something out, if I understood the  
12 argument, right, whatever was being appealed?

13 MS. HENDRICKS: Close enough.

14 THE CHAIR: Okay. Help me understand or help  
15 the board understand the contract arguments.

16 I did notice that there is a performance  
17 framework in that there's this term "persistent under  
18 performance" that's used. We have some state data but  
19 we have no Authority data, and the language in the  
20 contract is "and" not "or". So what's our position on  
21 that?

22 MR. HERRICK: There's a couple of issues. I  
23 mean, I'm happy to walk through each of Ms. Hendricks'  
24 arguments but again, this issue of whether the --

1 THE CHAIR: That one is particularly  
2 concerning. So I just want to make we understand  
3 what's going on there. We're here because we're using  
4 data. One, I want to make sure the data we're using  
5 is we can use it both as a matter of law and a matter  
6 of contract.

7 Number two, I want to make sure that we're  
8 complying with the contract relative to what they're  
9 being held accountable to. So you don't have to go  
10 through all the arguments, I just want to have a  
11 comfort level on that.

12 MR. HERRICK: I do want to make the point  
13 though those issues all go to potential termination of  
14 the contract. Neither of the agenda items today go to  
15 either of those issues. So -- and those will all be  
16 addressed if the board --

17 Now, having said that, Nevada Virtual has  
18 raised a number of issues and it was interesting that  
19 the NAC 386.388 argument -- 300 argument in regard to  
20 the statutory cap looking back on data, that provision  
21 the 388 A.300 relates to the mandatory termination,  
22 not the discretionary termination that the board is  
23 proceeding under. So I'm unsure why Nevada Virtual  
24 continues to raise that issue.

1           But in regard to the consecutive years, in  
2 regard to the charter school versus the elementary  
3 school, middle school, high school, in regard to the  
4 Authority rankings versus the state ratings, I'm  
5 sorry, the Authority ratings, there are some arguments  
6 there. I believe the Authority is well placed to move  
7 forward with these proceedings. I believe again, that  
8 we've -- there's been a lot of case law on these  
9 issues. These proceedings are new in Nevada. They're  
10 new elsewhere that -- all of those issues that the  
11 Authority is on strong footings moving forward and  
12 again, if the Authority even gets to -- if the board  
13 ever gets to termination proceedings, those issues can  
14 be briefed argued and perhaps in Ms. Hendricks' words  
15 appeal their petition for judicial review filed at  
16 that point.

17           THE CHAIR: So today we're just looking at  
18 whether or not this proposed Cure is sufficient.

19           MR. HERRICK: Particularly in regard to this  
20 -- and my only question as Director Motorson  
21 emphasized both today and at the last meeting, the  
22 only question in regard to this agenda item is whether  
23 the board believes that the April 2nd submission and  
24 related documents correct the deficiencies identified

1 in the notice, that's the only issue in front of the  
2 board on this item.

3 If we get to Agenda Item No. 6, the board can  
4 make a determination on moving forward how it would  
5 happen or if that happened but again, for this agenda  
6 item, the only issue -- identified in the notice.

7 THE CHAIR: Are we barred from using data in  
8 reaching that determination?

9 MR. HERRICK: Absolutely not.

10 THE CHAIR: Are we barred from considering  
11 historic performance in reaching a conclusion on --

12 MR. HERRICK: That's a tougher question. I  
13 think where your questions were going today and I  
14 think what Director Motorson's report was directed at  
15 and again, I don't know --

16 THE CHAIR: How can you have persistent under  
17 performance if you don't have historic under  
18 performance?

19 MR. HERRICK: But that's a legal issue.  
20 Those are legal questions. Those are statutory and  
21 contractual interpretation questions.

22 I think your questions and where Director  
23 Motorson was going today is the school submission plan  
24 if you're looking at a school that's under performing,

1    however you define that not in the legal sense or  
2    whatever, but it's never been a three-star school  
3    since inception in 2006, how do you correct that  
4    problem. I think that's where -- and Director  
5    Motorson can speak for himself but I think that's the  
6    lense that you kept talking about when you're talking  
7    about a corrective action plan or an academic -- start  
8    of the elementary school has been a one or two-star  
9    school under whatever metric and whatever measurement  
10   since '07. So to correct that, I think you have to  
11   look at that performance.

12           THE CHAIR: Okay. Thank you for answering  
13   those questions.

14           Do any other board members have any questions  
15   or lead counsel with regard to the legal arguments  
16   that we've made or any questions of Nevada Virtual's  
17   legal counsel?

18           MS. HENDRICKS: If I may just to clarify one  
19   thing very quickly?

20           THE CHAIR: All right. Let me find out if  
21   there are any questions. Anybody? Member Moulton,  
22   any questions?

23           MEMBER MOULTON: No. Thank you for asking.

24           THE CHAIR: Thank you. Okay. Go ahead.

1 MS. HENDRICKS: I'll be brief.

2 I just wanted to go back to something Mr.  
3 Herrick emphasized that the only issue before you is  
4 the Cure, and our point is but if the Cure process  
5 started on a false premise based on an idea you can't  
6 rely on, it should not be considered today.

7 THE CHAIR: So the crux of the disagreement,  
8 if I understand it, is one side is saying we can't use  
9 data and the other side is saying we can; is that a  
10 correct understanding of the dispute?

11 MR. HERRICK: Staff's position is that a  
12 court of competent jurisdiction has already ruled  
13 against Nevada Virtual and said that this board can  
14 move forward with these proceedings.

15 THE CHAIR: Okay, fine.

16 MS. HENDRICKS: And our point is that the  
17 court has not ruled on the legality of these  
18 proceedings and if the notice was correct in the first  
19 place.

20 THE CHAIR: If these proceedings weren't  
21 legal, how are we able to proceed? You would have a  
22 court order saying we couldn't; is that right?

23 MS. HENDRICKS: The court said it's up to you  
24 to determine if the data you're relying on is

1 sufficient enough to move forward and then if I don't  
2 believe you are correct, then I have an opportunity to  
3 take that to a judge.

4 THE CHAIR: Under a Petition For Judicial  
5 Review?

6 MS. HENDRICKS: That is correct.

7 THE CHAIR: So that would be like and abuse  
8 of discretion or error of law on our part?

9 MS. HENDRICKS: Correct.

10 THE CHAIR: Got you.

11 MS. HENDRICKS: -- in hopes of avoiding  
12 further litigation on that issue.

13 THE CHAIR: Thanks for the clarification,  
14 that helps. Anything else?

15 Okay. I've been really pressing through all  
16 this. I'm glad we still have Member Moulton here and  
17 out of respect for her time, what I would like to do  
18 is maybe finish our work and bring this whole thing  
19 back to the board and if there's a motion that anybody  
20 wants to make, I'm willing to entertain a motion, if  
21 there's additional questions, I'm sure we've got  
22 everybody here to ask those questions but we're now at  
23 a place where I think we're ready to make a decision.

24 FEMALE SPEAKER: I just want to go on the

1 record to say, kind of goes back to your whole point  
2 of controlling your own destiny. I'm super tired of  
3 schools coming before this board and saying we have  
4 one grade level that's not doing well and you're  
5 threatening entire K-12 charter.

6 We're not doing that, that's not our problem,  
7 it's not our responsibility. My school opened a high  
8 school three years ago and I can tell you right now if  
9 we were getting one or two-star ratings on that  
10 school, our board would shut that high school down and  
11 we wouldn't jeopardize the entire K-12 charter, that  
12 would be a decision we made do not jeopardize it.

13 So don't come before us and say it's our  
14 problem and our responsibility that we're going to  
15 absolute down. You had a decision point to make and  
16 I'm assuming at some point, you made the decision that  
17 you weren't going to close that elementary school but  
18 that's not our responsibility or our problem.

19 I really honestly feel like a lot of the  
20 things that, you know, were outlined, the after-school  
21 program, we do know what makes a successful school  
22 program and we know it's intense, it's led by licensed  
23 teachers. Those things were not super specific, as  
24 staff pointed out, and I really feel like the majority

1 of the things that were outlined in this plan and were  
2 reiterated in the slides today are basic education  
3 101. Follow the curriculum. Meet students where they  
4 are or otherwise known as differentiated instruction.  
5 Complete R T I, that's the law, you have to do that  
6 anyway. I mean, these are very basic things.

7 My point is they have had a lot of great  
8 leadership. They had a leader who led one of the most  
9 successful rural charter schools in this state and if  
10 that person couldn't get it -- 101 educational ideas,  
11 then I fear that no one can get it done. You've had  
12 four great dynamic leaders just like these two leaders  
13 are but it hasn't happened. So there is not a  
14 demonstration -- has not been successful in Georgia,  
15 we know that.

16 So I would be prepared to make a motion to  
17 approve staff's recommendation that Nevada Virtual  
18 Academy has not corrected the deficiencies as outlined  
19 in the notices and therefore reject the plan as  
20 submitted.

21 THE CHAIR: There's been a motion; is there a  
22 second?

23 MALE SPEAKER: Member Hinton, I second.

24 THE CHAIR: Okay. There's a motion and is

1 there any discussion on the motion?

2 FEMALE SPEAKER: I mean, I just want to add  
3 that I was here in 2013 when the school was before us  
4 and I voted to renew the charter. Melissa, you did  
5 not, you and Bob did not. I just really had faith  
6 this school would improve back then, it was five years  
7 of data and only one year the school had made AYP. I  
8 think it had been like only one year -- just from --  
9 it had like a two-star rating in those five years and  
10 again, I just had faith.

11 We had heard from lots of parents. There  
12 were lots of stories and you know, lots of data of  
13 some growth. I just had faith back then -- I listened  
14 to you and I understand some of those but there's a  
15 lot of kids that this school is not working for, and I  
16 think it's our responsibility to look out for all of  
17 the students. So I would be also voting with my  
18 colleagues today to agree with staff's recommendation.

19 THE CHAIR: Any other comments from any other  
20 board members?

21 MEMBER MOULTON: This is Member Moulton.  
22 Thank you.

23 I so appreciate the discussions and the  
24 questions and the tenacity with which both sides have

1 presented this case. As an educator working in  
2 education here in Nevada for almost 40 years, I  
3 believe that we have an obligation to the over 2000  
4 students. We heard from wonderful parents and  
5 students that have been successful but for the most  
6 part, there's many, many that are not.

7 Also, we have to take into account I think  
8 it's close to \$10 million that this school receives in  
9 the future if they continue. I also look at the fact  
10 that this renewal of contract is up in 2019, and  
11 there's concerns that it would continue for a whole  
12 other year. So I don't know what we'll do but I do  
13 not believe that this Cure is the way that we will  
14 change student achievement for this school.

15 So in appreciation of the staff and also the  
16 parents, I will be in support of the motion. Thank  
17 you.

18 THE CHAIR: Thank you, Member Moulton.

19 Alright, if there's no further discussion,  
20 I've certainly made my point of view clear. I want to  
21 see your school succeed. I don't see -- as presented.  
22 I really pressed on some questions to kind of  
23 understand, you know, your confidence and why you  
24 thought the plan would work. There just wasn't a lot

1 in terms of -- there's a lot of hope but not a lot of  
2 foundation for that hope.

3 So with that, I'll go ahead and call the  
4 question. All those in favor of the motion on the  
5 table please signify by saying "aye."

6 THE BOARD: "Aye."

7 THE CHAIR: Okay. So the motion carries  
8 unanimously. That will conclude Agenda Item Number 5.

9 Moving to Agenda Item No. 6, Nevada Virtual  
10 Academy. Again, the Authority will review and discuss  
11 staff's report and recommendation and possibly take  
12 action in regard to procedures and deadlines related  
13 to potential future proceedings related to the Notice  
14 Of Intent to terminate Nevada Virtual Academy's  
15 charter school contract dated February 21, 2018.

16 Before we jump into this, what I think I'll  
17 do --

18 (A recess was taken.)

19 THE CHAIR: Alright Carson City, are you  
20 ready to proceed?

21 MALE SPEAKER: Yes, we are ready.

22 THE CHAIR: Okay. We'll call the meeting  
23 back to order. It's 10 minutes after 3:00, and we're  
24 going to go into Agenda Item No. 6 Nevada Virtual

1 Authority -- is going to review and discuss staff's  
2 report and recommendation and possibly take action in  
3 regarding to procedures and deadlines related to  
4 potential future proceedings related to Notice of  
5 Intent to Terminate Nevada Virtual Academy's Charter  
6 School contract dated February 21st, 2018. Possible  
7 actions include approving any proposed procedure  
8 related to potential future proceedings or taking no  
9 further action -- charter school contract. The  
10 Authority will not hear this agenda item if the  
11 Authority determines the previous agenda item at the  
12 Nevada Virtual Academy has corrected the deficiencies  
13 identified in Notice of Intent to Terminate.

14 Since we did make the determination that the  
15 proposed Cure was insufficient, now essentially what  
16 we're deciding is what to do next. So Mr. Herrick,  
17 why don't you kick off the discussion.

18 MR. HERRICK: Good afternoon.

19 The -- Ryan Herrick, general counsel. The  
20 Notice of Intent that the board issued on  
21 February 21st set forth a number of dates and  
22 deadlines and essentially -- the statutory process  
23 once that notice is issued. The first deadline was  
24 for the submission of the school's Academic

1 Improvement Plan -- Academic Improvement Plan and  
2 related documents.

3           The next deadline or the next event under the  
4 Notice Of Intent was the board to make a determination  
5 regarding whether that Academic Improvement Plan  
6 corrected the deficiencies identified in the Notice.  
7 In the earlier agenda item this morning, the board  
8 determined that the Nevada Virtual Academy's Academic  
9 Improvement Plan did not -- the deficiency.

10           Again, the Notice of Intent that's attached  
11 to the staff's recommendation -- final deadline which  
12 is the -- or final event which is the public hearing  
13 to determine whether to terminate Nevada Virtual  
14 Academy's charter school contract. Previously through  
15 -- following the Notice of Intent to Terminate, I had  
16 a number of discussions with Ms. Hendricks, legal  
17 counsels for Nevada Virtual Academy, regarding what  
18 may happen in the event that this board rejected  
19 Nevada Virtual Academy's Academic Improvement Plan.  
20 We were unable to come to an agreement regarding  
21 procedures.

22           My letter dated -- sorry, the letter is not  
23 attached. I previously sent a letter to Ms. Hendricks  
24 with essentially the same outline that's attached to

1 the recommendation report asking for agreement on  
2 that. Again, we were unable to come to an agreement  
3 regarding the procedure. What we were able to  
4 tentatively come to an agreement on is a June 25th  
5 tentative date for any potential public hearing that  
6 may take place in regard to termination proceedings.

7 So in the event the board wishes to take  
8 action on this item, two things are sought from staff.  
9 First is to set a date for the public hearing to  
10 determine whether to terminate Nevada Virtual's  
11 charter contract or eliminate grade levels. The  
12 second thing is to set up a pre-hearing procedure and  
13 you can see I've outlined that in the attachment to  
14 the Recommendation Report.

15 What I would suggest is when I came up with  
16 this, when staff came up with this procedure, I just  
17 laid out dates but what I would suggest if this  
18 procedure is acceptable to the board in terms of  
19 exchanging written briefs with both factual and legal  
20 arguments, potential lists of witnesses and any  
21 document evidence, then there would be -- the school  
22 and staff would exchange responses. All of those  
23 documents would be compiled and provided to the board.  
24 Both staff's brief, the school's briefs, joint list of

1 exhibits and witnesses and any exhibits that we  
2 weren't able to agree upon.

3           The second part of the attachment details or  
4 sets forth at least an outline of how that hearing  
5 would take place. So again, with the pre-hearing  
6 procedures, I would request that the board if that's  
7 acceptable, we just pick dates to back out in terms of  
8 10 days before the hearing. Everything would be  
9 provided to the board. 20 days before that would be  
10 the responses. You see how that would work and then  
11 again, the process and procedure for the actual  
12 hearing.

13           With that, I'll take any questions or if you  
14 would like to hear from Ms. Hendricks.

15           THE CHAIR: Any questions from the board?

16           FEMALE SPEAKER: I just want to make sure I  
17 understand correctly because this was all based on the  
18 April 27th. So you're just saying we back the dates  
19 up based on today's date, right? That's what you're  
20 saying?

21           MR. HERRICK: And the date's were all  
22 perspective. What I would like to do is actually if  
23 the June 25th date, if you polled the board and that  
24 date actually works and that date my understanding

1 it's acceptable to the school and counsel for the  
2 school if we pick that date, you could either direct  
3 staff and counsel for N V A to back those dates up or  
4 we could do that today.

5 THE CHAIR: Alright and then with regard to  
6 the issues that we would be considering at the  
7 hearing, we wouldn't be reconsidering--

8 MR. HERRICK: No. What the statute talks  
9 about is is at that public hearing, the board makes a  
10 determination whether to terminate the charter  
11 contract or not and under the statute, the board has  
12 the option to eliminate grade levels.

13 THE CHAIR: So we can consider other  
14 proposals --

15 MR. HERRICK: Certainly.

16 Then so that would be based -- so the board  
17 is taking a look at the proposed academic turn around  
18 plan, has rejected it but that hearing would be based  
19 on both the academic, organizational and financial  
20 performance of the school from inception or  
21 potentially renewal to now, so the board can make a  
22 determination whether to eliminate grade levels or the  
23 entire charter contract.

24 THE CHAIR: One of the issues I'd like to see

1 the two of you address that could be helpful to us is  
2 this issue of renewal is before us, will be before us  
3 soon. I think the process begins in June and it would  
4 be helpful to have some argument as to what we could  
5 do, short of termination, but what would -- raised in  
6 our Notice Of Intent, what we could do to wrap our  
7 final conclusion into the renewal process, if  
8 anything.

9 So I guess stated another way, do we have to  
10 come to a conclusion on termination or not or can we  
11 make some finding -- consider that finding in the  
12 process of coming to a decision of whether to renew or  
13 not. So that we're looking just not at the elementary  
14 school but the school as a whole before making an  
15 ultimate decision; is that possible?

16 MR. HERRICK: Certainly.

17 THE CHAIR: Okay and then --

18 MS. HENDRICKS: If I may be heard briefly on  
19 the issue, Cara Hendricks on behalf of Nevada Virtual  
20 Academy.

21 I don't want to read through the arguments  
22 that we did previously on Agenda Item No. 5 but I  
23 think for the record, I just did want to again express  
24 my concerns regarding the legality of this process.

1 We talked before about the school's belief that it's  
2 contrary to the contract and that this process and the  
3 data being utilized is unfit for this process and that  
4 the statutory standards have not been met.

5 So if I could just adopt by reference my  
6 prior arguments, I won't bother you with them today as  
7 well as the letters that outline April 2nd and  
8 April 26th of this year which are already part of the  
9 record.

10 THE CHAIR: You can renew those arguments too  
11 in your briefing before us I imagine so don't feel  
12 like your forfeiting any arguments by not raising  
13 them.

14 MS. HENDRICKS: I appreciate that.

15 In regards to your questions regarding next  
16 steps, I think one of the options that is on the  
17 agenda is that no action be taken and I think given  
18 what has occurred given the renewal process, that it  
19 is my recommendation and I know my recommendation  
20 doesn't matter but I guess my argument is to what I  
21 would like to see happen is no action be taken on Item  
22 No. 6.

23 With that said, I can tell you that this  
24 school will continue to work on the Improvement Plan.

1 We know renewal is around the corner and that's  
2 something that we hope by the time the new process is  
3 complete that we can have some more answers for you,  
4 show what's there or if necessary, come up with some  
5 alternatives but I think that extra time would be both  
6 beneficial to the school and staff given what you've  
7 heard today and I think that would be the best  
8 interests of all involved.

9 THE CHAIR: Thank you for that.

10 I think I'd just like to see us proceed  
11 forward with the understanding that the conversation  
12 is still ongoing and that there are a number of  
13 options still at our disposal between now and the time  
14 we make the ultimate -- by the time we come together  
15 to consider an ultimate conclusion.

16 So you know, I don't think that prejudices  
17 the school relative to what's already in front of it,  
18 and I think it holds us all accountable to making sure  
19 we're continuing to talk when there's a process and  
20 framework and places more likelihood of conversation  
21 than when there's no process or framework in place.

22 So I think my recommendation or my  
23 disposition would be that we set a date. I think the  
24 date that's been proposed is June 25th?

1 MR. HERRICK: Yes, and I just asked Ms.  
2 Hendricks if that's still acceptable to the counsel  
3 and school.

4 MS. HENDRICKS: I believe that date is still  
5 acceptable. What I would suggest is if we schedule  
6 that date that Mr. Herrick and I have until the end of  
7 the week at least to kind of go back and look at these  
8 deadlines -- just arbitrary dates for the briefs and  
9 things. I would prefer to be able to look at my  
10 calendar and make sure they're acceptable to all  
11 parties.

12 Also, I would think it's important to note  
13 that the proposed procedures outlined don't include  
14 comments or a response for legal argument. I think  
15 that should be included, and I think that's something  
16 that Mr. Herrick and I can work through.

17 The other concern that I had about the  
18 procedure and just to put it on the record now is if  
19 we can really get it done in a single day. I think  
20 everybody would like to do that but given the scope of  
21 what's at issue, that may not be possible.

22 THE CHAIR: That's our experience as well,  
23 although what we've been able to do in this process is  
24 break up the pieces of the decision making into three

1 parts. If our day is just dedicated to this issue, I  
2 can see us getting done in one day but maybe we can  
3 look at is it possible to do two consecutive days, the  
4 25th and 26th?

5 MR. HERRICK: So Ms. Hendricks and I have not  
6 talked about number of witnesses, exhibits or anything  
7 like that. I'm confident it can be done in less than  
8 a day.

9 THE CHAIR: Okay.

10 MR. HERRICK: But I think one, it was helpful  
11 for me to hear a few of the school's issues or  
12 concerns regarding the procedure.

13 So a couple of things, in regard to the date,  
14 I think if June 25th -- we can do June 25th and  
15 continue day-to-day just like any other hearing would  
16 be. Then in regard to the procedure that I've talked  
17 to Ms. Hendricks about this extensively, I do not want  
18 to get in a place where at our June meeting, I'm  
19 having this agenda item up again. So if Ms. Hendricks  
20 proposes middle to the end of the week or whatever, I  
21 just want to be sure that I'm aware of what --

22 THE CHAIR: Here's what I'll have you do to  
23 solve that problem because last time we had one of  
24 these proceedings, I intervened and prepared orders

1 after the hearing.

2 So I guess what I would like to see is you to  
3 come to an agreement on what the -- knowing when  
4 you're going to have certain items to us would be  
5 important. Then maybe you prepare a proposed order  
6 that comes from the board as a whole; can you do it  
7 that way or comes from me as the chair into a proposed  
8 order that comes from me as the chair that lays out  
9 what has been agreed to and then you have a deadline  
10 like by Friday to get that done?

11 MR. HERRICK: I think we can do that. I just  
12 want to be sure that legal counsel for Nevada Virtual  
13 is at least tentatively on board with the general  
14 framework that's proposed that we're not going to  
15 start from scratch, that we may need to make some  
16 changes. Picking the dates is the easy part, but I  
17 just don't want to find out tomorrow or Wednesday that  
18 the entire proposed procedure is out the window --

19 THE CHAIR: As a board, maybe we take some  
20 action to approve the framework but -- then you two  
21 work out the details and then we codify that in a  
22 proposed order that would come from me.

23 MR. HERRICK: -- I think it's fine. I don't  
24 know if it's appropriate for me to ask Ms. Hendricks a

1 question but is the general framework acceptable to  
2 Nevada Virtual?

3 THE CHAIR: Okay, yeah, let me ask that.

4 The framework, as you observed it, is it  
5 generally acceptable?

6 MS. HENDRICKS: And I had this discussion  
7 with Mr. Herrick before, I believe that it is. I'd  
8 like some chance to, you know, further evaluate it  
9 after hearing the issues that have been raised today.  
10 I raised three issues now that I think need to be on  
11 it that aren't here as far as the procedure, that  
12 being public comment needs to be on here.

13 THE CHAIR: Oh, yeah, we have to comply with  
14 the Open Meeting Law.

15 MS. HENDRICKS: So that would need to be on  
16 there. There's not a current spot on this procedure  
17 list for legal argument and that also needs to be  
18 included. I may have some other comments as well.

19 Generally speaking, I think in general terms,  
20 yes but again, I want the chance to go back and to  
21 think about it and when we could possibly do it is if  
22 we can do a stipulation and order regarding dates,  
23 that would make it very easy so that we can be a part  
24 of it and if we aren't able to reach an agreement and

1 Mr. Herrick wants to submit an order to you  
2 separately, that's fine but we're willing to work with  
3 you through this process.

4 MR. HERRICK: I'm just unsure on what the  
5 legal argument that's -- would consist of legal  
6 argument.

7 THE CHAIR: That's kind of what it looked  
8 like to me.

9 Just correct me if I'm wrong, what we would  
10 have at the actual hearing would be opening  
11 statements. Both sides would get an opportunity to  
12 lay out their opening argument, let us know what they  
13 believe the evidence is going to show. Then evidence  
14 would be presented in the form of witnesses and  
15 documents and that sort of thing and then closing  
16 arguments would come after evidence. So seems to me  
17 the argument is concluded but what am I missing, Ms.  
18 Hendricks?

19 MS. HENDRICKS: If the attention is being the  
20 legal arguments incorporated into the opening  
21 statements --

22 THE CHAIR: Closing arguments.

23 MS. HENDRICKS: And the closing arguments,  
24 that makes me feel a little bit better but again, I

1 would appreciate having a little bit of time to confer  
2 with others. You know, again, I think it's something  
3 we should be able to agree upon by the end of the  
4 week.

5 THE CHAIR: Okay.

6 So we can do a -- this board can approve the  
7 date, approve the framework with direction for Mr.  
8 Herrick to submit a proposed order consistent with  
9 what -- determined here today and consistent with  
10 whatever modifications that Ms. Hendricks proposes, so  
11 long as they're not objected to by the Authority and  
12 if there are objections, then I would resolve those  
13 objections as the presiding officer over what would  
14 otherwise be a hearing I would imagine; right?

15 MR. HERRICK: And I would propose it work  
16 just like any other order of we'll either submit a  
17 joint order that we've both signed off on or we'll  
18 submit competing orders and then you can issue your  
19 own.

20 THE CHAIR: So my role is changing a little  
21 bit in terms of now we're moving from kind of forward  
22 action at the public meeting to a more formal hearing  
23 though in that regard as far as -- we'll go ahead and  
24 proceed along those lines then.

1           You'll have a proposed order, it will either  
2 be jointly agreed upon or there will be some dispute  
3 that you'll want me to resolve and we can resolve that  
4 together. I'll make a decision and then that will be  
5 a part of the record. Whatever decision is ultimately  
6 made, that will be a decision that we'll make a part  
7 of the ongoing record that we're creating here. So if  
8 this is ever challenged in a Petition for Judicial  
9 Review, everybody's rights will be preserved so.

10           MS. HENDRICKS: That's fine.

11           THE CHAIR: Okay.

12           MR. HERRICK: Are you going to take a motion?

13           THE CHAIR: Yeah, yeah so here's what I'd  
14 like to have a motion on or maybe I'll make the  
15 motion. I'll move to accept staff's recommendation  
16 that we set June 25, 2018, as the date where we will  
17 have a hearing to determine whether termination of  
18 Nevada Virtual Academy's charter contract is  
19 appropriate or any other remedies related thereto.

20           Further, I'll direct -- I'd like to move that  
21 Mr. Herrick present a proposed order with a process  
22 and a procedure for marking exhibits, taking evidence,  
23 receiving briefing and for the process and procedure  
24 for the hearing itself. If that proposed order could

1 be to be by 5:00 on Friday, then I would be able to  
2 issue that on Monday and then if there are any  
3 disputes as to the process and procedure, those  
4 disputes can be resolved by me after a phone  
5 conference with both Mr. Herrick and Ms. Hendricks;  
6 can I have a second?

7 MEMBER MACKDEON: Member Mackedon, second.

8 THE CHAIR: All right. I know that was a  
9 long motion and whoever is recording that, I apologize  
10 ahead of time but I think we covered everything that  
11 we needed to cover -- discussion on the issue.

12 Member Moulton, are you with us? I don't  
13 think she is, okay. So hearing no discussion, I will  
14 go ahead and call the question. All those in favor?

15 THE BOARD: "Aye".

16 Any opposed? Okay, motion carries  
17 unanimously.

18 Any other housekeeping issues or issues?

19 MR. HERRICK: 5:00 P M on Friday?

20 THE CHAIR: By 5:00 P M on Friday. So that  
21 gives you the whole week to kind of work things out  
22 and then again, if there's any problems, you both  
23 should have my number, just call me and we can try to  
24 figure things out.

1           I guess my hope would be that whatever we do,  
2 we come up with a process that everybody can agree to  
3 and gives everybody an opportunity to make their best  
4 case whatever that looks like. I think we have the  
5 basic framework so with a few minor tweaks and some  
6 input from you, Ms. Hendricks, I'm sure we can make  
7 it -- okay. Thank you.

8           Alright, that will close Agenda Item No. 6.

9  
10  
11           (The proceedings were concluded.)  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

1 STATE OF NEVADA )  
2 ) SS.  
3 COUNTY OF WASHOE )  
4  
5

6 I, GAIL R. WILLSEY, do hereby certify:

7 That I was provided a recording and that  
8 said recording was transcribed by me, a Certified  
9 Shorthand Reporter, in the matter entitled herein;

10 That said transcript which appears  
11 hereinbefore was taken in stenotype notes by me from  
12 the CD and thereafter transcribed into typewriting as  
13 herein appears to the best of my knowledge, skill and  
14 ability and is a true record thereof.

15  
16  
17  
18 \_\_\_\_\_  
19 GAIL R. WILLSEY, CSR #359  
20  
21  
22  
23  
24