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December 16, 2014

VIA EMAIL AND US MAIL

Patrick Gavin
Director
State Public Charter School Authority
1749 North Stewart Street, Suite 40
Carson City, Nevada 89706-2543
pgavin@spsca.nv.gov

RE: September 13, 2013, Letter of Concern

Dear Director Gavin:

I write regarding the enclosed September 13, 2013, Letter of Concern from former Director Steve Canavero, and the December 15, 2014, Notice of Breach, also enclosed.

Following its receipt of the Letter of Concern, the governing board's counsel engaged in an email exchange with the Authority, which I've also enclosed, as to two concerns. One dealt with the suggestion that a charter school such as Nevada Virtual Academy, which has an elementary, middle and high school, could lose its charter for all three schools even if two of its three schools were performing acceptably. The second focused on the Authority's use of the 2012-2013 school year as the basis for starting the clock on the intervention ladder, even though sweeping charter legislation enacted during the 2013 legislative session specifically codified a three-year academic performance framework scheme commencing with the 2013-2014 school year. Unfortunately, we were never provided a definitive answer to either question.

We have reviewed the Performance Framework incorporated into the Charter Contract. Even it makes reference to the three-year period beginning with the 2013-2014 school year. So you can understand our confusion. Nevada Virtual Academy believes that only the three-year period commencing with the 2013-2014 school year should apply. In fact, we find no basis for using the 2012-2013 school year approach.

Regarding the Notice of Breach, as you know Nevada Virtual Academy continues to improve its academic performance. Yet, as a public school, and what some have called a "school of last resort," Nevada Virtual Academy must enroll virtually every student seeking admission, even if credit deficient and a demonstrated poor performer at his previous school. Naturally, this presents a challenge for Nevada Virtual Academy, especially in light of the Notice of Breach.



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With all this in mind, I would like to suggest that selected members of the Nevada Virtual Academy board meet with you and whoever you think appropriate. The purpose would be to further amplify the board's position that the three-year period commencing with the 2013-2014 school year is the applicable base year, and to discuss how the Authority would address the issue of one charter at risk for three schools when two of those schools are performing admirably. Additionally, we would like to discuss the impact on the school's overall performance of our enrolling credit deficient students while at the same time the Authority is grading our performance without consideration of our taking on those credit deficient students. Please call at your convenience.

Sincerely,

Don Curry
President, Board of Directors

enclosures (3)