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BRIEFING MEMORANDUM

TO: SPCSA Board
FROM: Patrick Gavin, Executive Director
Mark Modrcin, Director of Authorizing
SUBJECT: Agenda Item No. 8: Recommendations to Issue A Notice of Breach to Founders Academy of Las Vegas – Elementary School Based on the 2017 – 2018 Nevada School Performance Framework Results and Participation Rates
DATE: September 28, 2018

At the February 16, 2018 SPCSA Board meeting, the Authority voted to issue Notices of Concern to schools earning a 1 or 2-star rating according to the Nevada School Performance Framework results for the 2016 – 2017 school year. As the Authority is aware, the Nevada Department of Education recently released the Nevada School Performance Framework results for the 2017 – 2018 school year. All public schools in the state of Nevada are issued a star rating when all data points are available.

Additionally, the State of Nevada is required to “annually measure the achievement of not less than 95 percent of all students, and 95 percent of all students in each subgroup of students who are enrolled in public schools...” (ESSA 1177-35(E)). These subgroups are as follows:

<u>State of Nevada ESSA Subgroups</u>	
American Indian/Alaska Native	Two or More Races
Asian	White/Caucasian
Black/African American	IEP
Hispanic/Latino	Economically Disadvantaged (ED)
Pacific Islander	English Learner (EL)

Specifically, ESSA requires 95 percent participation on the state Mathematics and English Language Arts (ELA) assessments. Given the requirement to measure ELA and Mathematics participation for all students and each of the ten subgroups over two content areas, there are twenty-two (22) distinct participation measures (11 Mathematics and 11 ELA) determined for each school. Schools must meet participation requirements for all measures.

Participation on the State assessments is important because it helps ensure equal access to educational opportunity as well as enable meaningful measurement of academic performance. To ensure that this high standard continues, Nevada has established three levels of participation rate penalties for schools that test fewer than 95% of its eligible student population:

<u>Participation Penalties and Impact</u>	
Participation Warning	Schools failing to meet the overall and subgroup participation rate of 95 percent and failing to meet the average calculated participation rate of 95 percent over the most recent two or three years for the first year will be identified as failing this important metric. No points are deducted for a participation warning.
Participation Penalty	If the school fails to meet overall and subgroup participation rate of 95 percent and fails to meet the average calculated participation rate of 95% over the most recent two or three years <u>for a second consecutive year</u> , the Academic Achievement Indicator will be reduced by 9 index points, up to the maximum possible points for the Indicator. The subgroup(s) identified as not meeting the 95% requirement in the year the Participation Penalty is determined do not have to be the same subgroup identified in the previous year.
Continuing Participation Penalty	If a school fails to meet the overall and subgroup participation rate of 95 percent and fails to meet the average calculated participation rate of 95 percent over the most recent two or three years <u>for a third consecutive year</u> , the school will be identified as and subjected to a “Continuing Participation Penalty.” Schools designated as such will earn zero points for the Academic Achievement Indicator. The subgroup(s) identified as not meeting the 95% requirement in the year the school is determined to have a Continuing Participation Penalty do not have to be the same subgroup identified in the previous years.

The following schools earned a 1 or 2-star rating based on the final NSPF ratings released on September 14, 2018. Staff recommends that these schools receive a Notice of Breach due to their second year of receiving a 1 or 2-star NSPF rating, and moving to Level 2 in the SPCSA intervention ladder:

	<u>2017 – 2018 Index Score</u>	<u>2017 – 2018 Star Rating</u>
Founders Academy of Las Vegas Elementary School	42	2-star

Note that Founders Academy began operations in the 2014 – 2015 school year and it will be up for renewal consideration in 2019 – 2020. The elementary school received a two-star rating for the 2016 – 2017 school year, with an index score of 27.78. As is evident, Founders Academy’s elementary school remains a two-star school, but has shown improvement.

Founder’s Academy’s middle and high school continue to perform at the four- and five-star levels. The high school program is one of the highest rated high schools in the SPCSA portfolio with an index score of 96.17.

The Notice of Breach will outline the actions necessary to cure the breach. As a reminder, a school can enter the ladder at Level 2 if it fails to comply with a material term or condition of its charter contract. Once a Notice of Breach is issued, the Authority monitors the school’s implementation of the steps required to cure the breach. Once the school has met the Notice of Breach requirements and has demonstrated that it’s academic performance is three-star or above, they may exit from Level 2 and return to Good Standing.

Per [NRS 388A.367](#), low performing schools are also required to notify the parent or guardian of each pupil enrolled in a qualifying public charter school. Additionally, qualifying schools are required to post written notification of this performance according to the statewide system of accountability on their website, as well as the scores of neighboring zone traditional public schools. Finally, [NRS 388A.367](#) requires the governing body of qualifying public charter schools to hold a public hearing within 30 days of sending out the required notice so as to provide all stakeholders and opportunity to discuss actions and solicit feedback for continued growth and improvement based on the statewide accountability rating system.

Given the above performance deficiencies and the requirements of [NRS 388A.367](#), staff recommends that the SPCSA Board delegate to Staff the authority to monitor the requirements of [NRS 388A.367](#). This includes ensuring that all parents and guardians of Founders Academy are notified, notice is posted on the school’s website, and a public hearing is held by the school within 30 days of the required notice being sent.

Recommendation: *Approve SPCSA Staff Recommendation to Issue a Notice of Breach to Founders Academy of Las Vegas – Elementary School and monitor the implementation of [NRS 388A.367](#).*