

BRIAN SANDOVAL
Governor

STATE OF NEVADA

PATRICK GAVIN
Executive Director



STATE PUBLIC CHARTER SCHOOL AUTHORITY

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

BRIEFING MEMORANDUM

TO: SPCSA Board
FROM: Patrick Gavin, Executive Director
Mark Modrcin, Director of Authorizing
SUBJECT: Agenda Item No. 8: Recommendations for Nevada Virtual Academy Based on the
2017 – 2018 Nevada School Performance Framework Results and Participation
Rates
DATE: September 28, 2018

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. The 2017 – 2018 school year is also the first year that high school ratings will be released after the ratings freeze during the 2014 – 2015 school year.

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 (ED)

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.

Lastly, Nevada Virtual Academy has appeared before the Authority Board for a variety of reasons the past several months. The elementary program (grades K-5) was ranked as a 1-star school under the Department of Education’s Nevada School Performance Framework (NSPF) for the 2016 – 2017 school year. This is not an anomaly as the elementary school program has historically earned low marks according to the NSPF, never earning higher than a 2-star rating since the inception of this rating system. Additionally, the school has attempted to resolve this performance issues multiple times, most recently with the submission of an improvement plan in response to the Notice of Intent to Terminate that the Authority board unanimously issued at the February 16, 2018 SPCSA Board meeting. At the May 14, 2018 meeting, the Authority Board unanimously rejected that plan for a number of reasons per staff’s recommendation. Since that time, the Authority and Nevada Virtual have entered into a settlement agreement that includes annual performance metrics with rewards for meeting targets and consequences for failing to do so.

Relatively speaking, the middle school program has performed better than the elementary and high school, earning a 2-star rating in 2012 and 2013, followed by a 3-star rating in 2014 and 2017.

The high school program has also historically underperformed, earning less than 3-stars in the 2012, 2013 and 2014 rating years. For the 2016 – 17 school year, the high school program was not rated. The graduation rates for NVA’s high school are as follows:

<u>Year</u>	<u>Graduation Rate</u>
2012 - 2013	52.3%
2013 - 2014	56.6%
2014 - 2015	63.5%
2015 - 2016	67.4%
2016 - 2017	84.2%

For the 2017-2018 school year, the final ratings and index scores were released on September 14, 2018. Nevada Virtual programs earned the following ratings and/or received a participation warning or penalty due to not meeting the thresholds described above:

<u>Nevada Virtual Program/School</u>	<u>2017 – 2018 Index Score</u>	<u>2017 – 2018 Star Rating</u>	<u>Participation Warning/Penalty</u>
Elementary	21.33	1-star	Yes
Middle	40	2-star	Yes
High School	52	3-star	No

Given the past performance of the Nevada Virtual programs, SPCSA staff recommends that the Authority Board take the following action:

- Notify NVA that its elementary school failed to meet or exceed the NSPF Index Score target of 34 set forth in the Stipulated Agreement. The notice should also state that the school

received a participation penalty due to failing to meet the overall and all subgroup participation thresholds of 95% as stated above.

- Issue a Notice of Concern for the Elementary school due to failing to meet the overall and all subgroup participation thresholds of 95% as stated above.
- Issue a Notice of Concern for the Middle school, noting that the school earned a 2-star rating for the 2017 – 2018 school year according to the NSPF. Issue a Notice of Concern for the Middle school due to failing to meet the overall and all subgroup participation thresholds of 95% as stated above.

Given the 3-star rating that the Nevada Virtual high school earned for the 2017 – 2018 school year, SPCSA staff recommends that the Authority Board take no action in regard to NVA’s high school.

Lastly, per [NRS 388A.367](#), low performing schools are 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 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 the SPCSA Staff Recommendation to notify NVA regarding its failure to meet or exceed the benchmarks and targets included in the Stipulated Agreement in regard to NVA’s elementary school, issue a Notice of Concern to the Middle school in the area of academics, and issue Notices of Concern to the Elementary and Middle schools in the area of organization due to failure to comply with ESSA 1177-35(E), and monitor the implementation of [NRS 388A.367](#) in relation to both the elementary and middle school programs.