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BRIEFING MEMORANDUM

TO: SPCSA Board
FROM: Patrick Gavin, Executive Director
Ryan Herrick, General Counsel
Mark Modrcin, Director of Authorizing
SUBJECT: Agenda Item #5: Recommendation Report regarding Nevada Virtual Academy's
Comprehensive Academic Improvement Plan
DATE: April 27, 2018

Introduction

Nevada Virtual Academy (NVA) is an online school serving grades Kindergarten through 12. The school originally operated under a written charter from 2007 to 2013. In 2013, the charter school applied for renewal, and it now operates under a charter school contract that expires June 30, 2019. The school currently serves over 2,000 students statewide.

Its elementary program (grades K-5) was recently ranked as a 1-Star school under the Department of Education's Nevada School Performance Framework (NSPF). Historically, the academic performance of the elementary school can be summarized as poor, and the school has unsuccessfully attempted to resolve some of these issues and has provided the Board with repeated assurances that it was implementing effective changes to the school program to meet state and Authority expectations. To date, none of these strategies have been successful. The school has also received multiple interventions during the current charter term due to the low academic performance. Pursuant to the contract, Authority staff conducted a high-stakes review in 2016. In particular, the NVA elementary school has persistently underperformed, being rated at a 1 or 2-Star levels since the inception of the Nevada School Performance Framework.

Summary of the Process

Due to this level of underperformance, and pursuant to [NRS 388A.330](#), the SPCSA Board voted unanimously to issue a Notice of Intent to Terminate the NVA charter school contract at the Authority's February 16, 2018 Board Meeting. The Notice was issued on February 21, 2018, beginning the period of at least 30 days the school had to correct the deficiencies identified in the

Notice. To assist the school in providing a comprehensive plan that would address the serious deficiencies, SPCSA staff provided NVA school leadership with a template to aid in submission of the NVA plan. While not required, the template was designed to guide the school in their critical thinking, and encompassed key elements of school planning.

On April 2, 2018, SPCSA staff received the initial submission from the NVA school leadership team. Staff reviewed the submission in less than 72 hours, despite NVA choosing to disregard the template designed to assist them in the development process. In their choice to provide a response outside of the provided template, essential information was omitted including a description of performance data monitoring practices and strategies to ensure programs are implemented with fidelity, both of which are critical to improving performance. Additionally, the initial NVA submission lacked sufficient detail in many other areas, and only a small portion of the submission represented the targeted plan to cure the outlined deficiencies (pages 32 – 35). The description of the academic plan lacked specificity and professional development was discussed at only a basic level.

To afford the school with an opportunity to provide additional detail and resolve these self-inflicted issues, SPCSA staff requested supplementary information and responses to clarifying questions from NVA on April 5, 2018. School leadership subsequently provided responses on April 13, 2018. The supplemental submission did provide some clarity to a few outstanding questions. Nevertheless, the review team found that the submission still lacked sufficient detail in multiple areas, many of which were requested within the initial template provided to NVA. Most importantly, the plan itself did not adequately address the academic deficiencies.

Given the cursory nature of the plan and the historic performance of the school, SPCSA staff is concerned that the NVA team appears to lack a sense of urgency in resolving the many academic issues facing the school. NVA has also stated that producing this plan was onerous and created an undue burden on the school and staff, particularly the administrative team. SPCSA staff does not share this sentiment as the guidance provided to the school was dismissed.

Overall Recommendation

Based upon the review of all submitted information, SPCSA staff recommends that the Authority Board determine that NVA has not corrected the deficiencies as outlined in the Notice, and therefore reject the plan as submitted. The most notable reasons for this are as follows:

- The plan proposes to recycle core programs that were not fully implemented, or were not executed with fidelity in prior years. No specific information was provided to SPCSA staff on how the implementation of these programs has or will improve.
- The plan does not provide enough detail about benchmark and interim performance goals that NVA must reach to achieve at least a 3-star rating. Proposed goals are inconsistent, the plan does not specify the staff responsible, and no detailed steps are outlined to ensure that school-wide progress towards these goals is occurring. Moreover, the school only provides goals for annual assessments despite giving interim assessments quarterly.
- The performance targets themselves do not guarantee that the NVA-ES will achieve a 3-star rating, even with the lack of detail as outlined above. In fact, given their most optimistic

forecast, NVA-ES will not achieve a 3-star rating until after the expiration of their charter school contract.

- The plan provides little positive evidence for the implementation of the proposed student and family support programs. The evidence provided for programs is not supportive of positive student outcomes. Research supporting other proposed programs notes that key implementation factors are critical to successful student outcomes. NVA provides few details as to how these factors will be addressed, leaving many outstanding questions about their effectiveness.

These outlined deficiencies coupled with the poor historical performance of the school inspire little confidence in the SPCSA review team that this plan can be successful. This is especially true given the multiple parallels to previous NVA improvement plans that have perpetuated these poor academic results, such as the 2016 high-stakes review and evaluation.

Historical Performance

NVA opened as a virtual public charter school during the 2007 - 2008 school year, serving just a few hundred students during its inaugural year. By the end of its initial charter term, NVA was serving nearly 4,500 students across Kindergarten through 12th grade. Academically, the school struggled during its first six-year term. The first two years of the Nevada School Performance Framework (NSPF) results represented the end of the NVA initial charter term. For both the 2011 – 2012 and 2012 – 2013 school years, the NVA-ES, NVA-MS and NVA-HS earned no higher than a 2-star rating. During the past period, NVA also experienced a broad range of financial and organizational issues. Reluctantly, the Authority granted NVA a new charter contract upon certain conditions. These conditions included NVA facing a “high-stakes review” during the Fall of 2015, at which time NVA was to show “substantial progress” to improve its academic performance.

Over the course of the current charter term, NVA-ES has not earned an index score greater than 32, which occurred during the first academic year of the term. Proficiency and student growth rates are consistently below the state averages throughout this charter term, and the ratings highlighted above are indicative of this level of performance, in addition to other key performance metrics such as chronic absenteeism.

As previously mentioned, NVA-ES was rated as a 1-star school according to the 2017 state performance system, earning an index score of 21.11 out of 100 points. This means that NVA-ES was the second lowest rated school within the SPCSA portfolio according to the 2017 ratings. This level of underperformance is not atypical as the elementary school has never earned higher than a two-star rating since the inception of the NSPF the following ratings since the inception of the star rating system:

To add context to the 2017 rating for the NVA elementary school, it is worth noting the following:

- Student growth accounts for 35 percent of the overall elementary school rating. The Adequate Growth Percentile (AGP) metric is part of this growth calculation, and is a criterion-referenced measure which compares individual student growth percentile (SGP) against the percentile needed to become proficient or stay proficient on the state assessment in the next three years or by the end of eighth grade. The latest NVA elementary school numbers reveal the following:

- 28.38% of students in grades 3 – 5 met the AGP standard in math. The SPCSA portfolio average is 44.84%.
 - 36.24% of students in grades 3 – 5 met the AGP standard in English/language arts (ELA). The SPCSA portfolio average is 53.02%.
- Academic Achievement (proficiency) accounts for 25 percent of the overall elementary school rating, and captures the number of students proficient in math and ELA. The latest NVA elementary school numbers reveal the following:
 - 28.95% of students in grades 3 – 5 are considered proficient in math. The overall average for Nevada public schools is 42.1% while the SPCSA portfolio average is 53.3%.
 - 39.25% of students in grades 3 – 5 are considered proficient in ELA. The overall average for Nevada public schools is 59.9% while the SPCSA portfolio average is 48.7%.
- Nevada’s Read-By-Grade Three legislation supports 3rd-grade ELA proficiency. The proficiency rating of third grade students in ELA is 39.7%. The SPCSA portfolio average is 56.4%.
- Chronic absenteeism is defined on pages 48 – 49 of the state’s current ESSA plan¹, and is understood to be a leading indicator of student success. This measure accounts for 10 percent of the overall school rating, and was self-reported by individual schools for the 2016-2017 school year. While this measure was an aggregate calculation for aggregate all grades (K-12), NVA’s self-chronic absenteeism was 21.60%. Stated another way, more than 20% of the entire school’s enrollment missed more than 10% of the school year, failing to earn the school any points within this performance indicator.
- The overall school index score was 21, which was the lowest score of the current charter term. The index score for NVA-ES has dropped 20 points since the first star ratings were issued for the 2011 – 2012 school year.

This data shows that the school has, for some time, been performing below the standards and expectations of a public charter school. SPCSA has intervened in each of the following ways:

- In September of 2013, the Authority issued NVA a Notice of Concern due to academic underperformance. The Notice of Concern acknowledged that NVA’s elementary, middle, and high school had all recently been rated as 2-stars under the Department of Education’s NSPF.
- In December of 2014, the Authority issued NVA a Notice of Breach due to academic underperformance during to the 2013 – 2014 academic school year. While NVA’s middle school was ranked in 2015 as a 3-star school under the NSPF, NVA’s elementary and high school were still ranked as 2-star schools.
- The high-stakes review originally scheduled for the Fall of 2015 was ultimately postponed until 2016. The result was that SPCSA staff recommended to the Authority that NVA’s charter school contract be terminated due to NVA’s consistent academic underperformance. However, the Authority Board elected not to terminate NVA’s charter school contract.

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- Following the release of the NSPF ratings in December 2017, the Authority notified a number of its low performing charter schools of their duties and responsibilities under the newly-enacted Assembly Bill 49. Due to the 1-star rating of its elementary school for the 2016 – 2017 academic school year, on January 8, 2018, NVA received one of these “AB 49 notices.” Although accompanied by a cover letter from NVA’s legal counsel, NVA certified to the Authority that it had complied with all of the notification and meeting requirements imposed by AB 49.

As a reminder, the Nevada Virtual charter contract expires on June 30, 2019, meaning the data from this academic year will be the final NSPF results that the Department will release for NVA prior to the SPCSA Board decision for renewal.

Nevada Virtual Academy’s Response to the Notice of Intent to Terminate

As noted above, NVA submitted their initial “Comprehensive Academic Improvement Plan” on April 2, 2018, and provided additional information at the request of SPCSA staff on April 13, 2018 to supplement the original submission. The school outlines four targeted areas to cure their deficiencies: parent and community involvement, curriculum and instructional design, driving for results, and school culture.

Parent and Community Involvement Strategies

The parent and community involvement strand is aimed to increase stakeholder engagement, resources, and wrap-around services to provide support for families that extend past the classroom. One element of this approach is the Family Academic Support Team (FAST), which was piloted at NVA in the 2016 – 2017. This is the first year of full implementation, and involves a team of trained school professionals who work with families to overcome academic, social, emotional, medical, and/or community challenges. The information provided to SPCSA staff indicates that the FAST team strategy has been implemented at another K12 school, Georgia Cyber Academy (GCA). Research from the third and fourth years of program implementation at GCA indicates that, in most cases, those students participating in FAST are making greater growth than comparable students who are on a waiting list to receive FAST services.

SPCSA staff has concerns, however, that the FAST strategy may not provide the academic improvement it purports to achieve for multiple reasons. In its submission, NVA does not provide a detailed plan or steps to monitor the implementation and effectiveness of the FAST program. Instead, NVA only states a commitment to implementation, which is problematic given the current state of academics at the school. This is more troubling when staff considers that the school acknowledges its failure to effectively implement various programs and strategies in the past (*see Curriculum and Instructional Design section*).

Additionally, it is important to contextualize the results of students participating in this same program at GCA. The GCA data that was cited by NVA reflects student performance 2010 – 2011 through 2013 – 2014. According to the Governor’s Office of Student Achievement² that releases state report card information annually, GCA has never earned a rating higher than a D. Additionally, the state reports that GCA’s overall performance is higher than only 20% of the public schools in the state. Even more dismaying, elementary school students at GCA exhibited academic

² <https://schoolgrades.georgia.gov/georgia-cyber-academy>

growth higher than only 5% of the other elementary school students in Georgia. With such low proficiency and growth, it is unsurprising that GCA received a D rating in 2015, an F in 2016, and a D in 2017. SPCSA staff contacted the State Charter School Commission (SCSC) of Georgia to inquire about the school and proposed FAST program and its impact on students. SCSC staff confirmed SPCSA's reservations, indicating that the program appears to be fine on the surface, but is making little positive impact for students.

Thus, while the FAST program appears to be helping students at GCA achieve growth on state tests compared to their peers that are on the waitlist to participate, their improvement is relatively minimal. For example, students who are classified as engaged in the FAST program at GCA scored approximately 5 scaled points higher than their peers on the waitlist in reading, 4 scaled points higher in ELA, and approximately 1 scaled point higher in math. Given this information about the FAST program, the lack of detail provided by NVA on its implementation and program monitoring, and its demonstrated inability to execute on previous plans, SPCSA is not confident that this can be an effective support for students and families.

NVA also identifies the Parent/Learning Coach Support program as a key strategy to improving outcomes. In its first year of implementation during 2017 – 2018, academic advisors are leading the implementation, ensuring that learning coaches³ receive the training and supports necessary to improve student engagement. NVA states that it is committed to evaluating the data and implementation of this program, but no specifics are provided about this process or how success within this program will be defined. Additionally, no information was provided that indicates a similar program has been successful in the past with virtual students. For these reasons, SPCSA staff is not confident that the Parent/Learning Coach Support program can be effective for students and families.

The last parent and community involvement strategy identified is the implementation of after-school activities, which will involve face-to-face academic interactions between NVA staff, students and families such as Literacy Nights, Stem Night, Book Fairs and family and social events. These are being implemented for the first time during the 2017 – 2018 school year, and SPCSA staff agrees with NVA and the provided research that these can be helpful to improving student outcomes.

Research shows, however, that various conditions appear to be necessary to achieve positive results within after-school activities. First, students must have access to and sustained participation in the program. It is no surprise that to be effective and to increase the likelihood of positive gains, students must participate regularly in afterschool programs, with greater frequency, and in a sustained manner over a number of years⁴. ***In its plan to provide after-school activities, NVA provides no detail as to how they are currently working to ensure that students, especially those in rural Nevada, have easy access to these programs and how regular participation is monitored.***

NVA also provided research supporting their after-school programming which indicates that structured and focused, well-organized activities foster engagement and facilitate high quality

³ Staff has concerns about the learning coach position, their role, and how the school proposes to leverage these individuals to improve school performance.

⁴ http://www.sedl.org/pubs/sedl-letter/v20n02/afterschool_findings.html

learning opportunities⁵. Not surprisingly, research also indicates that the quality of a program's staff is also critical⁶. *Despite providing research indicating that these factors are critical to the success of after-school programs, NVA provides no detail as to how they are currently working to ensure that their programming exemplifies these characteristics. It is unclear how activities have and will continue to be organized, or how staff will be hired. These gaps, among others, call into question how effective this strategy will be at NVA given the available research. Stated another way, it is insufficient for NVA to propose after-school programming without describing how these critical factors will be addressed. The lack of alignment to evidence-based research leaves SPCSA staff to conclude that this program, as proposed, is likely to be unsuccessful.*

Curriculum and Instructional Design

NVA provides a cursory description of seven key changes within their current curriculum and instruction practices that they anticipate yielding improved student outcomes: enhanced instructional model (On-Line School curriculum), differentiated instruction, a new updated Literacy Plan to be implemented in conjunction with McRel Consulting, general Literacy consulting, changes to the Blended/Pathway program, a revised Response to Intervention (RtI), and Summer programming. Of these seven approaches, SPCSA staff is encouraged that the school will be implementing differentiated instruction. Under this research-based strategy, students are identified with a specific instructional level and subsequently receive appropriate instruction based upon current skills. Differentiated instruction is well-researched, and can be effective. Additionally, SPCSA staff would be optimistic that summer programming can provide students with academic opportunities to prevent the loss of learning over the summer. However, like after-school activities, NVA did not provide any details in either submission about how summer programming would be delivered. Like after-school activities, there are a variety of key factors that research demonstrates are important in the success of extended learning time over the summer. For example, NVA provides no information on who will be providing students with remedial and enrichment instruction. Perhaps even more important, NVA does not describe what type of instruction will be provided to NVA students during this time. Research suggests that these two differentiating factors, among others, are critical in the success of a program⁷. SPCSA staff believes this is especially true given that NVA students predominantly engage with teachers through a virtual platform.

The proposed On-Line School curriculum, the RtI instructional strategy and the updated Literacy Plan to be implemented with McRel Consulting all appear to be robust on the surface. The On-Line School curriculum is described as an enhanced instructional model that includes scaffolded instruction, aligned instructional plans, and cross-curricular teaching. RtI aims to help identify and provide appropriate interventions for struggling students. The updated Literacy Plan outlines important processes aimed to increase the likelihood that students are reading at or above grade

⁵ Gerstenblith, S., Soule, D., Gottfredson, D., Lu, S., Kellstrom, M., Womer, S., et al. (2005). Afterschool programs, antisocial behavior, and positive youth development: An exploration of the relationship between program implementation and changes in youth behavior. In J. Mahoney, J. Eccles, & R. Larson (Eds.), *Organized activities for contexts for development: Extracurricular activities, after-school, and community programs* (pp. 457-477). Mahwah, NJ: Erlbaum.

⁶ Birmingham, J., Pechman, E. M., Russell, C. A., & Mielke, M. (2005). *Shared features of high performing after-school programs: A follow-up to the TASC evaluation*. Washington, D. C.: Policy Studies Associates

⁷ https://ies.ed.gov/ncee/edlabs/regions/appalachia/pdf/REL_2014015.pdf

level by the end of grade three. The Literacy plan also sets two important goals, which will be discussed further in the *Driving for Results* section:

- Students in grades K-3 will increase proficiency levels by 12% each year after the 2018 spring scores; and
- Students will increase proficiency levels by 9% in Reading on the SBAC in Grades 3-8.

Despite the promise of these programmatic changes, SPCSA staff is not convinced that these changes can be effective based on the information provided. In its supplemental submission, NVA notes that each of the above programs has been previously implemented at the school. ***Each was not successful, however, because the appropriate scope and sequence was not followed, the program was not fully implemented, or the program was not implemented with fidelity across grade levels. Stated another way, the school failed to implement the program or instructional strategy as designed.*** This admission is particularly problematic. NVA does not provide a thorough analysis and plan for avoiding these problems moving forward. Without a detailed plan to correct previous mistakes, and recognizing the historically poor performance of the school, staff doubts that these programs can be successfully implemented to yield improved outcomes.

The two remaining proposed changes within the curriculum and instructional design of the school, Revised Blended Guidelines to the Pathways program and Literacy Consulting with McRel, cannot be evaluated based on the level of detail provided. NVA does not specify what guidelines were changed within the Pathways program, or the rationale for each modification. NVA also fails to describe the scope of their partnership with McRel Consulting outside of the Literacy plan. SPCSA staff requested additional information for both of these proposals on April 5, but no additional information was provided by NVA. As such, SPCSA staff cannot positively support the implementation of these two proposed changes.

Driving for Results

To evaluate the quality of NVAs programmatic changes and the ability of the school to meet or exceed SPCSA and state expectations, the school was asked to demonstrate how they would measure and evaluate student academic progress. NVA indicated that three tools and/or methods would be leveraged: quarterly MAP and Summit Math interim assessments, weekly data discussions and enhancements to the NVA attendance tracking system.

In its supplementary submission, the school provided the following annual progress metrics to reach a 3-star ranking within three years.

<u>Pooled Proficiency = 34%</u>	<u>2017 – 18</u>	<u>2018 – 19</u>	<u>2019 – 20</u>	<u>NSPF Points</u>
4/20 points				
2 percentage points/year	36%	38%	40%	7/20 points
3 percentage points/year	39%	42%	45%	9/20 points

<u>Read by Grade 3 ELA SBAC = 39.7%</u>	<u>2017 – 18</u>	<u>2018 – 19</u>	<u>2019 – 20</u>	<u>NSPF Points</u>
3/5 points				
2 percentage points/year	42%	44%	46%	3/5 points
3 percentage points/year	43%	46%	49%	3/5 points

<u>Math SBAC MGP = 41.5%</u>	<u>2017 – 18</u>	<u>2018 – 19</u>	<u>2019 – 20</u>	<u>NSPF Points</u>
3/10 points				
2 percentage points/year	43.5%	45.5%	47.5%	4/10 points
3 percentage points/year	44.5%	47.5%	50.5%	5/10 points

<u>ELA SBAC MGP = 37%</u>	<u>2017 – 18</u>	<u>2018 – 19</u>	<u>2019 – 20</u>	<u>NSPF Points</u>
2/10 points				
2 percentage points/year	39%	41%	43%	3/10 points
3 percentage points/year	40%	43%	46%	4/10 points

<u>Math SBAC AGP = 28.3%</u>	<u>2017 – 18</u>	<u>2018 – 19</u>	<u>2019 – 20</u>	<u>NSPF Points</u>
2/7.5 points				
2 percentage points/year	30%	32%	34%	3.5/7.5 points
3 percentage points/year	31%	34%	37%	4.5/7.5 points

<u>ELA SBAC AGP = 36.2%</u>	<u>2017 – 18</u>	<u>2018 – 19</u>	<u>2019 – 20</u>	<u>NSPF Points</u>
1/7.5 points				
2 percentage points/year	38%	40%	42%	2/7.5 points
3 percentage points/year	39%	42%	45%	3/7.5 points

<u>ELPA = NA</u>	<u>2017 – 18</u>	<u>2018 – 19</u>	<u>2019 – 20</u>	<u>NSPF Points</u>
NA				
2 percentage points/year	NA	NA	NA	NA
3 percentage points/year	NA	NA	NA	NA

<u>Prior Non-Math SBAC AGP = 21.8%</u>	<u>2017 – 18</u>	<u>2018 – 19</u>	<u>2019 – 20</u>	<u>NSPF Points</u>
3/10 points				
2 percentage points/year	24%	26%	28%	5/10 points
3 percentage points/year	25%	28%	31%	6/10 points

<u>Prior Non-ELA SBAC AGP = 23.9%</u>	<u>2017 – 18</u>	<u>2018 – 19</u>	<u>2019 – 20</u>	<u>NSPF Points</u>
1/10 points				
2 percentage points/year	26%	28%	30%	2/10 points
3 percentage points/year	27%	30%	33%	3/10 points

<u>Chronic Absenteeism = 21.6%</u>	<u>2017 – 18</u>	<u>2018 – 19</u>	<u>2019 – 20</u>	<u>NSPF Points</u>
0/10 points				
4 percentage points/year	18%	14%	10%	7/10 points
5 percentage points/year	17%	12%	7%	8/10 points

<u>Climate Survey = No</u>	<u>2017 – 18</u>	<u>2018 – 19</u>	<u>2019 – 20</u>	<u>NSPF Points</u>
0/2 points				
YES	YES	YES	YES	2/2 points

Within the above chart, the school provides annual goals under each category within the NSPF that they believe will lead them to a 3-star rating. The school outlines each performance metric under

the current NSPF, and maps out what their proficiency and growth targets are over the next three years. It is noteworthy that the submission states that the annual goals mirror the state's annual ESSA goal of 2 to 3 percentage point growth targets for growth each year. Furthermore, the submission goes on to say that there are many options to achieving a 3-star ranking within three years.

SPCSA staff has serious concerns about whether these performance targets are sufficient for the school to achieve a 3-star rating by 2020. NVA is currently at 39.2% in ELA and 28.9% in math, making the 2 to 3 percentage point goal wholly inadequate as it is insufficient to ensure NVA-ES earns a 3-star rating⁸. As the Board is aware, NVA does not serve enough students that are English language learners to meet the minimum threshold to register a score. Consequently, a traditional school of the same size would achieve an index score based on the total number of points divided by 100, NVA-ES instead receives an index score with a denominator of 90. An index score of 38.5, or the target that NVA has outlined, would equate to an index score of 42.8 for the 2019 – 2020 school year. The minimum index score for a Nevada public school to achieve a 3-star rating is 50.

Moreover, it is important to note that the state's ESSA goal of 2 to 3 percentage point growth is meant as a barometer for schools that are achieving at or around the state average (54.7% proficiency in ELA and 45.8% proficiency in math in 2018). To increase proficiency, SPCSA staff would expect that the school's growth goals under this plan to be higher than the 2 to 3 percentage points that are assumed for a typical, 3-star public school. Mathematically, their goals must be far higher given the current proficiency levels of NVA-ES students. Stated another way, sustained proficiency improvement is impossible without an increase that is far more dramatic than the 6 to 9 percentage point increase that this school seeks to achieve over the next three years.

SPCSA staff has also discovered that the goals outlined in the first submission (pg. 41) are inconsistent with those submitted on April 13.

- Students in K – 3 will increase proficiency levels by 12% each year after 2018 spring scores; and
- Students will increase proficiency levels in [sic] 9% in reading on the SBAC in grades 3 – 8.

These goals are far too vague, contradict those provided in the supplemental submission, and are unacceptably ambiguous due to the multiple proficiency measures within the NSPF. Given all of these problems, SPCSA staff cannot endorse any of these metrics. Lastly, as stated previously in the *Curriculum and Instructional Design* section, NVA has acknowledged that it has previously failed to implement programs effectively with fidelity and the appropriate scope and sequence. This adds to SPCSA staff's deep skepticism that these goals will result in the school achieving a 3-star rating.

It is noteworthy that the school plans to implement weekly data discussions led by school administrators to continue to improve upon results. Discussions will focus on student attendance, academic progress and other data within the NVA Data tracker. Included in this process will be conversations between teachers and administrators about how to best support struggling students.

⁸ <http://nevadareportcard.com/DI/Content/pdf/schoolratingguide.pdf>

Approaches detailed include: RtI (see *Curriculum and Design* section), enrollment into the Blended Pathways program, and/or adjusting the students instructional level.

While SPCSA staff trusts that weekly, data discussions can be a positive step for teachers and students, interim goals on the NWEA-MAP assessment are an essential precondition for data-driven decision-making in a chronically underperforming elementary school. NVA plans to implement this tool on a quarterly basis for students in Kindergarten through grade 3, the same students the school is required to assess as part the Read by Grade 3 initiative. This leaves students in only one of the tested grades—3rd—also participating in MAP testing. Despite the school proposing to increase proficiency levels by 12% each year for these students, no annual initial, mid-point, and end-of-year targets have been established. The school also does not propose any progress monitoring for students at any grade level making it unclear if any objective and reliable data will be utilized during the weekly data discussions. Absent quarterly achievement targets, school leadership and faculty are likely to be uninformed of serious student achievement issues until after the school year is over.

SPCSA staff has concluded that the NVA plan has other problems with regard to interim assessments, including but not limited to the percentage of students who will participate in this assessment and whether that is aligned with the minimum 95% participation target for mandated assessments. NVA also proposes to use another interim assessment tool, Summit Math. When probed for further detail, the school contradicted its previous submission and stated that the tool is not used for elementary students. The school also failed to provide ample information about the proposed approach to assessment and supporting evidence about the math assessment regimen being predictive of future performance on the SBAC. As a result, it is unclear how the school will monitor math performance, and this omission is of grave concern as current math proficiency levels are even lower than those of ELA.

Lastly, as a part of the *Driving for Results* section, NVA provides information on the frequency of the expanded professional development to support the revised literacy program (see *Curriculum and Design* section). During the 2017 – 2018 school year, face-to-face professional development trainings have been offered three times during the school year for teachers. Furthermore, monthly school professional development sessions along with weekly professional development hours facilitated by NVA Academic Coaches have been ongoing. NVA has also partnered with McRel Consulting to provide quarterly face-to-face professional development as part of the Literacy Task Force. The plan submitted by NVA implies that these offerings will continue into the 2018-2019 school year. While the amount of professional development outlined is encouraging, no information on the content of the professional development was included in either submission by NVA. Furthermore, the school did not include any information about current staff opportunities for growth, the results from professional development sessions from this school year, or evidence that demonstrates that the professional development to be provided is likely to have a positive impact on student outcomes.

Overall, this section has little merit. There are many problems with the performance targets outlined in both submissions, namely that it does not appear plausible to achieve the projected proficiency rates without sustaining higher student growth scores. Moreover, if the school would sustain 2% growth across all metrics, that would still not yield a 3-star rating. NVA also only provides annual goals against the performance targets of the NSPF. Despite implementing the MAP assessment, there is no mention of how that valuable tool will be maximized in creating interim goals. SPCSA staff believes that for a school performing at this level, more information is

necessary to confirm that the school is on-track to meet annual goals. SPCSA staff also was alarmed at the lack of information provided about professional development. NVA does provide specific information on the timing and frequency, but no description of the specific topics professional development that will occur at NVA.

School Culture

Lastly, NVA notes in its plan that the school has worked hard this year to emphasize the need for high expectations for all stakeholders while creating a positive, supportive academic environment in which all students have the opportunity to thrive. While outlined above, NVA notes that the professional development regime helps support a positive school culture. This includes the use of K12 professional development opportunities and the Association for Supervision and Curriculum Development (ASCD). NVA also highlights that new staff positions have been added to address the needs of elementary school students. These new positions include Literacy Specialists, RtI Interventionists, and Academic Advisors. There is insufficient information for SPCSA staff to determine if these additional staff members can increase student outcomes at NVA. It is worth noting, again, that the school failed to provide any details as to how each of these positions will be monitored for their effectiveness. Outside of the RtI Case Manager, SPCSA staff could find no information on the qualifications, performance expectations or caseload requirements for each of these individuals or why they were chosen. It is also troubling that the school provides no information on the costs associated with these staff members.

In summary, SPCSA staff has determined there are significant shortcomings outlined in the NVA submission. First, the plan intends to continue implementing many of the same programs and strategies already in place, but with assurances to do so more effectively moving forward. SPCSA staff has serious reservations about this piece of the proposal given the school's historical struggles to adequately implement programs and strategies, and no specific information about how previous missteps will be corrected. Second, NVA does not provide sufficient information on performance targets, and one of the suggested performance trajectories will not yield a 3-star rating, even after three years. Lastly, the proposed student and family support programs have either not been successful at other schools, or NVA has not provided enough detail in its proposal to confirm alignment with research. Based upon the review of all submitted information, SPCSA staff recommends that the Authority Board determine that NVA has not corrected the deficiencies as outlined in the Notice, and therefore should reject the plan as submitted.

Legal Framework

On February 16, 2018, this Board unanimously voted to issue Nevada Virtual Academy a Notice of Intent to Terminate NVA's charter school contract ("the Notice"). The Notice is attached to this Memorandum as Exhibit 1.

Notably, both the Authority Board and SPCSA staff were clear at the February 16, 2018 Authority Board meeting that the issuance of the Notice did not necessarily mean that NVA's charter school contract would be terminated, or that NVA would close at the end of this school year. Instead, the Authority Board and SPCSA staff were clear at the February 16, 2018 Authority Board meeting that the issuance of the Notice started a statutory process, part of which was the submission by NVA of an academic improvement plan demonstrating to the Authority how NVA would turn around its elementary school's historically poor academic performance.

The Notice was issued on February 21, 2018. The Notice informed NVA of several deadlines and upcoming dates. First, the Notice stated that NVA shall have up to and including April 2, 2018 to submit documentation to the Authority “demonstrat[ing] that it has corrected the deficiencies” identified in the Notice. Next, the Notice states that the Authority Board “will determine whether NVA has corrected the deficiencies identified [in the Notice] to the satisfaction of the Authority at [the Authority’s] April 27, 2018 Board meeting. Finally, the Notice specifies that “*in the event* that the SPCSA Board determines at its April 27, 2018 Board meeting that NVA has not corrected the deficiencies identified [in the Notice] a public hearing will be held on May 14, 2018 for the SPCSA Board to determine whether to terminate NVA’s charter school contract.” (Emphasis added.)

As a result, the *sole* issue before the Authority Board at this juncture is for the Authority Board to “determine whether NVA has corrected the deficiencies identified [in the Notice] to the satisfaction of the Authority....” In short, no other decision or determination is requested or required from the Authority Board in regard to this Agenda Item, other than whether the Comprehensive Academic Improvement Plan and related documents submitted to SPCSA staff on April 2, 2018, and April 13, 2018 “correct[] the deficiencies identified [in the Notice] to the satisfaction of the Authority....”

To be clear, and in regard to this Agenda Item, the Authority Board may (1) determine that NVA’s Comprehensive Academic Improvement Plan and related documents corrects the deficiencies identified in the Notice, or (2) determine that NVA’s Comprehensive Academic Improvement Plan and related documents do not correct the deficiencies identified in the Notice. However, neither of these determinations necessarily require or otherwise mean that NVA’s charter school contract may or will be terminated. The sole and exclusive issue before the Authority Board at this point is whether NVA’s Comprehensive Academic Improvement Plan is acceptable or not.

STATE OF NEVADA

BRIAN SANDOVAL
Governor

PATRICK GAVIN
Executive Director



STATE PUBLIC CHARTER SCHOOL AUTHORITY

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**VIA ELECTRONIC MAIL AND
CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

February 21, 2018

Mrs. Samantha Morris
Board President
Nevada Virtual Academy
4801 S. Sandhill
Las Vegas, Nevada 89121

Re: Notice of Intent to Terminate Nevada Virtual Academy's Charter School Contract

Mrs. Morris,

Pursuant to NRS 388A.330, this correspondence constitutes the State Public Charter School Authority's Notice of Intent to Terminate Nevada Virtual Academy's charter school contract. As you are aware, at the February 16, 2018 SPCSA Board meeting, the SPCSA Board voted to issue this Notice.

This Notice is based on NRS 388A.330(1)(a)(4), which states that the sponsor of a charter school may revoke or terminate a charter contract if the charter school has persistently underperformed. Nevada Virtual Academy's elementary school was rated as a 1-star school in the 2017 Nevada School Performance framework, and has persistently underperformed as defined in NAC 386.332 as it was rated below the three-star level during the last three ratings.

Now that the SPCSA Board has voted to issue this Notice, pursuant to NRS 388A.330, the following will occur:

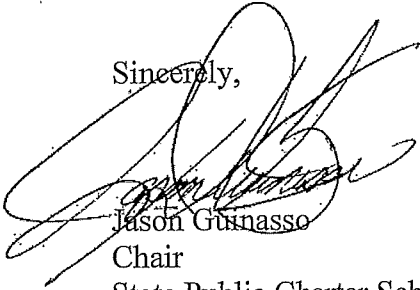
1. NVA will be provided with at least 30 days to correct the deficiencies identified above. This period begins as of the date of this Notice, February 21, 2018, and ends on April 2, 2018. The transmitting correspondence, written legal argument, evidence, and supporting materials that the charter school chooses to provide to demonstrate that it has corrected the deficiencies must be uploaded into Epicenter by close of business on April 2, 2018. The Authority cannot consider materials submitted following this deadline.

2. The SPCSA Board will determine whether NVA has corrected the deficiencies identified above to the satisfaction of the Authority at its April 27, 2018 Board meeting.
3. In the event that the SPCSA Board determines at its April 27, 2018 Board meeting that NVA has not corrected the deficiencies identified above, a public hearing will be held on May 14, 2018 for the SPCSA Board to determine whether to terminate NVA's charter school contract.

Note that the Authority and NVA may agree in writing to different time periods than those prescribed by NRS 388A.330.

Finally, no action by the SPCSA Board to terminate NVA's charter school contract would be effective until the end of the 2017-2018 school year.

Sincerely,



Jason Guinasso
Chair
State Public Charter School Authority

cc: Patrick Gavin; Executive Director, State Public Charter School Authority
(via *electronic mail only*)