

**EXHIBIT DD**

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**NEVADA STATE PUBLIC CHARTER SCHOOL AUTHORITY**

**March 25, 2016**

Legislative Council Bureau  
2135  
Carson City, Nevada

And

Grant Sawyer  
4400  
Las Vegas, Nevada

**MINUTES OF THE MEETING**

**BOARD MEMBERS PRESENT:**

**In Las Vegas:**

Adam Johnson  
Elissa Wahl  
Nora Luna  
Melissa Mackedon  
Kathleen Conaboy  
Robert McCord

**In Carson City:**

**None**

**Teleconference:**

Marc Abelman

**BOARD MEMBERS ABSENT**

**AUTHORITY STAFF PRESENT:**

**In Las Vegas:**

Patrick Gavin, Director, State Public Charter School Authority  
Joan Jurgensen, Education Program Professional, State Public Charter School Authority  
Nya Berry, Education Programs Professional, State Public Charter School Authority  
Traci House, Business Process Analyst, State Public Charter School Authority

**In Carson City:**

Jessica Hoban, Administrative Services Officer 2  
Angela Blair, Education Program Professional, State Public Charter School Authority  
Kathy Robson, Education Program Professional, State Public Charter School Authority  
Danny Peltier, Management Analyst, State Public Charter School Authority  
Tanya Osborne, Administrative Assistant III, State Public Charter School Authority

**LEGAL STAFF PRESENT:****In Las Vegas:**

Mr. Ott, Deputy Attorney General  
Ed McGaw, Deputy Attorney General

**AUDIENCE IN ATTENDANCE:****In Las Vegas:**

Attendance Sheet Attached

**In Carson City:**

Attendance Sheet Attached

**CALL TO ORDER; ROLL CALL; PLEDGE OF ALLEGIANCE; APPROVAL OF AGENDA**

**Member McCord moved for a flexible agenda. Member Conaboy seconded. The motion carried unanimously.**

**Agenda Item 1 – Public Comment #1**

Chair Johnson wants to remind the public of the three minutes rule for discussion.

In the South, Cara Hendricks spoke in support of Nevada Virtual Academy regarding items #5 and #6. Did not feel the high stakes review should happen. She said #6 should not happen because there was not enough notice given. Melissa Bartshe spoke in support of Nevada Virtual Academy. LeeAnn Taylor spoke in support of Nevada Virtual Academy. Lori York spoke in support of Nevada Virtual Academy. Deanna Davis spoke in support of Nevada Virtual Academy. Kaitlyn May spoke in support of Nevada Virtual Academy. Cristabel Guthrie spoke in support of Nevada Virtual Academy. Karen Guthrie spoke in support of Nevada Virtual Academy. Terrasa Robinson spoke in support of Nevada Virtual Academy. Lisa Racine spoke in support of Nevada Virtual Academy. William Morris spoke in support of Nevada Virtual Academy. Samantha Morris spoke in support of Nevada Virtual Academy. Glenn T. Raitt spoke in support of Nevada Virtual Academy. Kimberly King and her daughter spoke in support of Nevada Connections Academy. Rhiannon Bree spoke in support of Nevada Virtual Academy. Kim Fortune spoke in support of Nevada Virtual Academy. Stacy Devoid spoke in support of Nevada Virtual Academy. Mr. Werlein Werlein spoke in support of item #6 for Nevada Connections Academy. Tessa Rivera spoke in support of Nevada Connections Academy. Edward Bevilala spoke in support of all charter schools. Laura Granier spoke in support of Nevada Connections Academy, item #6. Kara Hendricks spoke in support of Nevada Virtual Academy. Kimberly King spoke in support of her two

daughters for Nevada Connections Academy. Leslie Caldwell spoke in support of Nevada Virtual Connections Academy. Debbie Joseph spoke in support of Nevada Virtual Academy. Sonya Rish spoke in support of all charter schools and how important they are. Hesikya Cogman spoke in support of all charter schools. Chrystal Thompson spoke in support of Nevada Virtual Academy. Tina Zavalza spoke in support of Nevada Virtual Academy. Jennifer Tenney spoke in support of Nevada Connections Academy. Dawn Atkerson spoke in support of Nevada Virtual Academy. Kay Comstock spoke in support of Nevada Virtual Academy. Carrie Anne Harrington spoke in support of Nevada Virtual Academy. Kevin Rodela spoke in support of Nevada Virtual Academy. Elicia Montgomery spoke in support of Nevada Virtual Academy. Jessica Dethmers spoke in support of Nevada Connections. Jordan Torres spoke in support of Nevada Connections. Ruben Murilo spoke in support of Silver State Charter School. Jessica Rivera spoke in support of Nevada Connections Academy. Marnie Pariser spoke in support of Nevada Virtual Academy. Kelly Gaez spoke in support of Nevada Virtual Academy. Anne Schwartz spoke in support of Nevada Virtual Academy. Jonathan Henboy spoke in support of all charter schools. Ben Childs spoke in support of Nevada Virtual Academy. Catherine spoke in support of Nevada Virtual Academy. Naomi Nevers spoke in Support of Nevada Virtual Academy. Vinica Sulezich spoke in support of Nevada Virtual Academy. John Vettle spoke in support of Nevada Virtual Academy. Alicia Crowe spoke in support of Nevada Virtual Academy. Jeffery E. Sanchez spoke in support of Nevada Connections Academy. Mindi Dagerman spoke in support of Nevada Connections Academy. Gerald Schuler spoke in support of Nevada Virtual Academy. Linda Lord spoke in support of Nevada Virtual Academy. Deborah Gehr spoke in support of Silver State Charter School. Marissa Delgado, NCA Board Member for Nevada Connections spoke in behalf of the school to stay open. Board member Tessa Rivera for Nevada Connections Academy spoke in support of Nevada Connections.

**Member Wahl said that the parents are not homeschooling the students. While they are learning from a home environment, homeschooling is a separate law and something she lobbied for to keep separate. She said thank you for coming to talk and please stay involved.**

#### **Agenda Item 4 - Consideration of Settlement of Appeal of Closure of Silver State Charter School**

Deputy Attorney General Greg Ott represented SPCSA staff and Deputy Attorney General Ed McGaw represented the SPCSA board. Mr. Ott began with history of the Silver State matter up to the current meeting. He said the school had been in negotiations with the SPCSA and had come to agreement on the framework of an agreement. He said the SSCS board had conditionally approved the settlement agreement with amendments that had been "red-lined" in document before the Authority today. Mr. Ott said the mechanics for a reconstitution of the SSCS board and the framework for improvement at the school had been discussed between SPCSA staff and the SSCS board and it would be up to the Authority to decide if the changes offered to the settlement agreement by the SSCS board would be accepted, revised, or denied outright. Mr. Ott also explained how the receiver, who would be appointed by the courts, would take over operations of the school. He said the receiver would have the right to review all operations at the school including staffing and leadership until the SSCS board was reconstituted.

Mr. Ott discussed the amendments that had been offered by the SSCS board to the original settlement agreement. He said the SSCS board did not want to be penalized for undisclosed financial issues that may have been undiscovered during the previous investigation and asked for immunity to any and all existing financial problems prior to the date of the signing of the settlement agreement. The school would still be responsible for financial problems moving forward, but would not be penalized for any issues prior to the receiver beginning its work.

Mr. Ott said another change the SSCS made to the agreement was in relation to the targeted graduation rates. SSCS had a reported graduation rate of 0% for the 2014-2015 school year as measured by the Nevada Department of Education. SSCS contends its self-reported graduation rate to be around 25%, which Mr. Ott noted was also far below the graduation standard set by the SPCSA and NDE. In the original settlement agreement offered by the Authority, SSCS would have to raise its graduation rate to 50% in the first two years and exceed 60% in the third year. SSCS felt those targets were too aggressive and didn't want to set the school up for failure with an unattainable goal that would force the school to close after three years. Instead they amended the agreement with graduation rate goals of 35% after two years and 45% after the third year.

Mr. Ott explained the third amendment offered by SSCS which would allow for the school to be considered under the Nevada Alternative Framework should that framework be established by NDE and the school accepted into it. SSCS reasoning for this addition was it wanted to allow the receiver the freedom to enter the alternative framework if the school felt their model would qualify. Mr. Ott said he didn't believe this was an attempt to evade the graduation rate; instead it was another avenue the school could pursue if that avenue became available.

Ryan Russell, council for SSCS, thanked the Authority for working with SSCS. Bill Petersen, Snell and Wilmer attorney representing SSCS joined Mr. Russell in testimony regarding the settlement agreement. Mr. Russell said he agreed largely with what Mr. Ott said in his presentation, but further clarifications were needed on a few points. Mr. Russell said the receiver would be allowed to have top-down decision making for the school since it was a statutory requirement. He said the school had determined the graduation rates it offered by recognizing that a reorganization of the school wouldn't happen overnight and that it would take time to raise the graduation rates to an acceptable level. Mr. Russell said SSCS fully understood that the rates they had offered were well below what was considered acceptable by the SPCSA and the state, but SSCS felt it would be unable to reach those goals in the timeframe needed and would cause the school to fail before it had a chance to fully implement its corrective actions. Mr. Russell added that consideration for Agenda Item 6 on the agenda should not be heard as long as negotiations continue between the SPCSA and SSCS.

Member Conaboy asked for clarification regarding item 7 in the settlement agreement, specifically the use of the word etcetera in relation to legal requirements of SSCS. Mr. Ott said the reasoning for the use of that term was to include any and all legal requirements for the school that may not have been considered at the time of the settlement agreement. Mr. Russell agreed with Mr. Ott's explanation of the term. Member Conaboy also asked for clarification regarding the receivers ability to make "top-down" employment decisions and how SB 509 affected its role in being able to make those decisions. Mr. Ott said the receiver would be able to make employment decisions, but SB 509 would not supersede existing parameters of employment decisions that had been implemented with individual employees. He said certain individuals have different employment agreements and SB 509 would allow for the receiver to act as the governing board in accordance with existing employment agreements already in place. Mr. Russell added that in the event the board is reconstituted, its first act would be to hire an administrator but up until that point the receiver would have to operate within the employee agreements already in place.

Member Conaboy asked for clarification regarding the alternative school framework. Mr. Ott said that if the school entered into the alternative framework, that would take the place of the three star rating requirement as reported by the Nevada School Performance Framework. Director Gavin said the alternative framework was required to be created by the State Board of Education and the school would need to be serving the students defined in that framework once it has been created and approved by the State Board of Education. Member Conaboy asked if the rating system is statutorily created or if that was

going to be decided by the State Board of Education. Director Gavin said the framework was mandated in statute but the rating system is not included in the statute and the draft language in the framework does not currently contemplate a rating. Member Conaboy said that due to the questions regarding what the alternative framework will actually look like in reality, she would prefer the settlement agreement to say “or” regarding the rating of the Nevada School Performance Framework and the Alternative Framework so it was clear that if the school did not qualify for the alternative framework it would be contemplated in the settlement agreement and there would be clarity about what measure to use.

Member Mackedon asked if the inclusion of the alternative framework language in the settlement agreement would require the SPCSA to recommend SSCS to the alternative framework once it is implemented because she did not want the Authority’s to be obligated to something if it felt SSCS should not be referred for consideration in the alternative framework. Mr. Ott said it was his understanding that there would be no obligation for the Authority to refer SSCS to the alternative framework if it felt SSCS would not meet the qualifications for acceptance, but the Authority would need to operate in good faith and not withhold a reference for the school into the alternative framework if it felt it would be accepted. Member Luna added that she felt the definition of the graduation rate, as approved by NDE, should also be included in the settlement agreement.

Mr. Russell said his understanding of the definition of graduation rate was that it was a term of art and that was how the school considered it when it contemplated it in the settlement agreement. He also added regarding the potential for inclusion into the alternative framework and why it was added in the settlement agreement was for the receiver to have the maximum options it could to improve the school’s performance and if that meant applying for the alternative framework, it should be included in the settlement agreement so it was clear to both the Authority and the SPCSA what, and what not, they receiver could do to turn the school around. He said the language does not guarantee three Authority do anything other than operate in good faith regarding the school’s option to enter the alternative framework.

Member Wahl said she was not satisfied with 35% and 45% graduation rates and felt those were low. Chair Johnson said those targets were significantly lower than what this board would consider acceptable, so he wondered how the school came to agreement on those targets. Mr. Russell said the goal of this agreement was for continued improvement of the school and that would require significant change at the school, which may be more difficult than envisioned. He said the targets were set to allow SSCS to succeed in improvement with the eventual goal of raising the graduation rate to state-accepted levels. Member Mackedon asked if the school considered that students will not have to reach a “cut score” for the next three years of End of Course exams which technically meant all of the students would pass the EOC’s when setting the graduation targets. Christina Saenz, governing board president of SSCS, said the school did not take that into consideration. She said the school wants to make sure the goals and targets the school is expected to make are reasonable and attainable.

Member Conaboy asked Director Gavin how the ESSA waiver and the 4-year cohort rate would affect the school’s graduation targets. Director Gavin said the ESSA defers significant discretion to the states and technically only apply to schools that are eligible for Title I money. So, it was possible that the state would give graduation rates to schools within the ESSA and have a separate calculation for graduation rates for schools outside of it, which should be considered when discussing SSCS’s graduation targets in the settlement agreement.

Member Mackedon reiterated that the school should have a higher graduation rate target since pupils would not have to meet a cut score with their End of Course exams, thus making it easier for the school to achieve a higher graduation rate. She said she would not be able to support the 35% and 45% targets the

school had offered in light of the End of Course exam information she references earlier. Director Gavin said he wanted to emphasize how much he appreciated the thoughtfulness of the SSCS board in regard to the targets in the settlement agreement. He appreciated the school's realistic approach to setting its targets and he felt the school did not set the rates as a way to lower their expectations. He said he would ask the Authority to authorize SPOCSA staff to continue discussions regarding the graduation matter so that both could come to a mutual agreement that would allow for the school to succeed and maintain the Authority's responsibility to ensure students attend high quality charter schools.

Chair Johnson said he appreciated the sentiment but it would be difficult for the Authority to sign off on an agreement where 65% of the students would not graduate. Mr. Russell said he hoped the Authority would approve the agreement with SSCS and allow for SPCSA staff and representatives of the school to continue to work to find a graduation target that was amendable to both sides so that parents of SSCS pupils would have clarity regarding the future of the school. Member McCord said he appreciated the comments made by Mr. Russell and added that he also respected SSCS's honesty and good faith with regard to the partnership between it and the Authority.

Chair Johnson asked Authority members what they would consider to be reasonable graduation rate targets which could be offered to SSCS for consideration. Member Mackedon said she felt it would be reasonable to say the school should meet a target no lower than 60% in the third year. She said it would set a bad precedent to allow a school to have such a low rate and continue operations. She said she would like to see 45% graduation rate after year two and 60% after year three.

Director Gavin, the Authority, and Mr. Russell discussed the timelines for what graduation rates would be considered in the agreement. Director Gavin said the rates for a school year are not typically released until after the start of the next school year which could complicate matters if the school were unable to reach its targets because it may force the school to be closed midyear which would be a burden on parents that he would not like to see happen. He said that is why he wanted to be very clear which years would be considered for the agreement.

**Member Conaboy moved for the Authority to adopt the settlement framework with modifications including adjusting the graduation rate in 5A to 45% and in 5B to 60% and further that the requirement that the graduation rate is calculated and verified by NDE; clarifying the 5A graduation class to be considered would be the 2017-2018 graduation class and/or the 2014 cohort, whichever is deemed appropriate by NDE and the 5B graduation class be the 2018-2019 school year and/or the 2015 cohort; clarification of the option for the school to be considered under the Alternative Framework, but the Authority is under no obligation to recommend the school be considered if the Authority feels the school would not qualify for the Alternative Framework as defined by NDE. Member McCord seconded. There was no further discussion. The motion passed unanimously.**

Mr. Russell would like #6 pulled from discussion today and not considered since council and Authority is working on this together. Director Gavin would like the board to remove #6 on the agenda Notice of Closure.

**Chair Johnson moved for the board to remove item #6 from the agenda, Member Mackedon seconded. The motion passed unanimously.**

At 12:43 Chair Johnson asked for a lunch break.

The meeting reconvened at 1:38 pm

**Agenda Item 6 - Consideration and possible action to direct Authority staff to issue Notices of Closure pursuant to NRS 386.535**

Laura Granier and Steve Werlein, principal, spoke on behalf of Nevada Connections Academy. Chair Johnson said the board received a continuance on agenda item 6. Director Gavin said this was a previous continuance for Nevada Virtual Academy and also to Nevada Connections Academy. He would like to have more conversations with the schools that are on the agenda and work on making sure kids are getting what they need.

Mr. Werlein showed slides to the authority regarding the educational success NCA had achieved during the course of its charter. Ms. Granier added the school was requesting that before the Authority places an item regarding its intent to issue a Notice of Closure on the agenda, the schools be allowed to meet with Authority staff to present the data, before having it become public in an open meeting setting. Mr. Werlein said their school had a high mobile population in 2013 -2014. 59% of students were new to the school and 68% enrolled after 9<sup>th</sup> grade. Within the 2015 graduating class, NCA found that 90% of the student population was on track to graduate; 10% were off track to graduate. 60% of students enrolled only enrolled for one year or less. Member McCord said it would be useful for the school to include the N number and the range when presenting the graduation rates so observers of the data would be able to better understand the central tendency of the data and provide a full picture of the students who may come to the school as credit deficient. Director Gavin said it may be useful for the school to breakout the number of students who were credit deficient by amount of credits missing as to better understand how far behind each student was as opposed to lumping them all in the same group. Member Conaboy added she felt Director Gavin's request of the school confirmed Ms. Granier's earlier point that these discussions should take place prior to a public meeting so both sides would be able to determine what data would be considered.

Ms. Granier said the school would like to be notified if it's on the agenda in the future and for it not to be a surprise and she also asked how the Authority can rely on one set of data validated by NDE when the authority is saying the school is not valid with their data.

Director Gavin said the Authority is not aware of a report from NDE or analysis with this information. Ms. Granier said the school has used the information validated by NDE and that is what Mr. Werlein is using today. Mr. Werlein said the school uses the Nevada Department of Education's Big Horn portal for the cohort rate. Director Gavin asked if there was a validation by NDE stating this information is available. Mr. Werlein said he is not familiar with that kind of report but not opposed to 3<sup>rd</sup> party validation. Mr. Werlein said when students enter in 9<sup>th</sup> grade they had a 79% rate of graduating on time and that 77% of full year academic 12<sup>th</sup> graders graduated in 2015. He said the current state accountability frameworks are poor barometers of virtual school performance. Virtual schools should be held accountable for their actual performance rather than for the performance of the school from which their students came. The 4 year cohort graduation rate is not a comparison of how other schools perform. Mr. Werlein said a student who came to the school 14 days before graduation should not be taken into consideration for the cohort graduation rate because the school has no opportunity to make a difference in their life. He said the board and authority needs to make judicious and thoughtful decisions for the school and make compelling evidence. Mr. Werlein said the school looked at 2015 data for the graduating class, the cohort rate was 36%, ESSA 44%.

Member McCord commented that when a school works with challenging populations it can be challenging but he said he was an advocate of no child left behind and the school needs to work on the graduation rate because it was in the best interest of the pupils.

Mr. Werlein said NCA had implemented mentoring and some other initiatives to help increase the graduation rate. Member Conaboy asked Deputy Attorney General McGaw if she were permitted to comment on NCA because of her representation of K-12 Inc., which is the contracted EMO for Nevada Virtual Academy. Mr. McGaw said that was fine as long as it's not related to anything regarding Nevada Virtual Academy. Member Wahl asked if NCA only addressed the graduation issues because they received the Notice of Closure or when they saw the graduation rate was low. Mr. Werlein said they have been making changes before the Notice of Closure. Member Mackedon asked Director Gavin if the performance framework calls for a comparison of schools. Director Gavin said the standard performance framework, which includes schools who have not had a recently approved amendment request where the comparison is added into their framework, does not have comparison data and there is no student growth comparison either. Mr. Werlein said NCA looks closely at where the student was located when they enroll in the school. Ms. Granier said NCA had been looking to improve prior to the implantation of SB509.

Director Gavin asked Mr. Ott if there is currently regulation regarding whether or not a sponsor is to conduct the process of revocation or terminating a contract. Referring to NAC 386.330, Mr. Ott said yes there is a regulation regarding the question from Director Gavin. Director Gavin confirmed this was the process the Authority was following which is referenced in R035-14A section 44.

Member Wahl said two attorneys earlier agreed that the graduation rate is confirmed by NDE. She then asked what Nevada Connections graduation rates were in years 2012, 2013, and 2014. Ms. Granier said Mr. Werlein would be able to answer that question but it would not be based on a single 4 year cohort graduation calculated under the NCLB.

Director Gavin read from his notes of the testimony he gave regarding SB509 before the Assembly Committee on Education during the 2015 Legislative session. He said there was voluminous public comment and Ms. Granier was one of the participants who testified in neutrality to SB509 as appeared before the committee. He said Ms. Granier testified that the graduation rate was not reliable because it did not consider credit deficiency in the rating.

Director Gavin then read his testimony from that hearing: "I want to thank this body for your indulgence in this conversation. I appreciate the thoughtful questions and feedback. We think this is a really strong bill. I want to emphasize that Senate Bill 460 deals with the question of how to hold a school that is serving a large alternative population accountable. We have taken pains in working with sponsor of that bill, Senator Harris, Chair of the Senate Committee on Education, to ensure that these elements are aligned. To the degree that we did have a school that was serving an alternative population, they would not be subject to an arbitrary catch-22 situation. We do not want to do that; we want to make sure that we are making thoughtful and judicious decisions. To that end, we have also endeavored to make sure that anything above that "three strikes and you are out" level is discretionary on the part of the Authority or sponsor board so that we can take into account those kinds of nuances. I would submit, however, that in cases where a school has a 27 or a 37 percent graduation rate and is not classified as an alternative school, that is the kind of thing I think we would all agree is not acceptable and that we need to ensure that we are looking very carefully at why that is and if there is some kind of compelling explanation, certainly taking that into account, but also holding any school that is at that level accountable."

Member Wahl asked Mr. McGaw if she could find Director Gavin's testimony as compelling evidence. Mr. McGaw said yes, it could be considered compelling evidence. Ms. Granier said the context of the testimony regarded using a calculation under NCLB which the Legislature gave discretion to agencies. Ms. Granier then asked if Jafeth Sanchez, governing board president of NCA, if she could be permitted to speak via teleconference.

Ms. Sanchez said she was very concerned about what the Authority had said about the Notice of Closure. She said there had not been an opportunity to discuss all the problems that the Authority had with the schools regarding the data and graduation rates. Ms. Sanchez took issue with Authority members asking questions regarding the Nevada School Performance Framework and wondered how an Authority member would be unclear about the very tool that measures the school's successes or failures.

Ms. Granier said the application of SB509 was being applied retroactively and should not be applied retrospectively unless such intent is clearly manifested by the Legislature as determined by the United States Supreme Court. She said NCA has been open for nine years and have complied with legal requirements and have actively participated in meeting the accountability standards set by the state. She also noted there was no notice for the 60 day Notice of Closure and the Authority did not give a trigger for the 60% graduation rate. She said upon the completion of the last meeting between the Authority and NCA, the school was left with the understanding that it was in good standing. She would like the Authority to give the school some time to improve on the graduation rate and compromise to come up with a reasonable amount of time in order to not receive a Notice of Closure.

Member Wahl contended the school's use of the term retroactively because all data is retroactive. Mr. Ott asked Ms. Granier if she believed the graduation rate is not clear and Ms. Granier agreed with the observation. Mr. Ott asked if Ms. Granier felt the hearing to determine whether or not to issue a notice of closure is a contested case and requires a hearing under NRS 233b.032 and administrative penalty. Ms. Granier felt that was not a need for a 233b hearing for this item, but that the Authority should present the information in a consistent manner with enough time for the school to have discussions with SPCSA staff regarding the data used.

Member Conaboy felt it would be good practice to pick up the phone and talk with someone about the problems in their school and the Authority should give the schools prior notice before affecting the lives of over 6000 kids and their families. She said most of this conversation could have happened before today.

Member Conaboy said she would abstain on all four votes for this agenda item. The Authority discussed continuing the agenda item at another meeting. Member Conaboy asked what the benefit of a continuation would be since council will come back with the exact same information that was heard today. Mr. McGaw said if there was substantial evidence the Authority would still be able to move forward with issuance of the notice of intent of closure at a future meeting. Member Conaboy said the Authority doesn't have rules in place yet and the Authority in the process getting the regulation approved and should continue with that prior to issuing notices of closure.

Member Wahl said the Authority does have laws and contracts in place and that it needs to do right by the students and the parents since the graduation rate was below what was considered acceptable. Chair Johnson said he felt there should be some form of closure so the school and SPCSA staff would understand how to move forward. He said he would be willing to entertain a motion that would be a denial of the issuance of notice of closure or a motion for a continuance. Ms. Granier said she understands what Member Wahl is saying and the school wants to work with staff to reach a reasonable

end that would do right by the students of Nevada Connections Academy. Director Gavin said staff contends with the idea that there were no rules governing the process that was being implemented. He said if the Authority were to delay this decision, there would always be another opportunity for a school to raise concerns regarding “rule making” thus the Authority would never be able to make high stakes decisions in which they have been statutorily mandated to do.

**Member Wahl moved for continuance of the Notice of Closure for Nevada Connections. Member Abelman seconded the motion. Chair Johnson asked for a roll call vote:**

**Member McCord – Nay**

**Member Conaboy – Abstaining in protest to this process**

**Member Mackedon – Aye**

**Member Luna – Nay**

**Member Abelman – Aye**

**Member Wahl – Aye**

**Chair Johnson – Nay**

**The vote was tied 3 - 3**

**Chair Johnson asked if there was a different motion that could be considered**

Member Conaboy asked Member Wahl what she felt would be accomplished by continuing the item. Member Wahl said she did not want to offer a no vote on that record that would give permission to the schools for low graduation rates. Member Conaboy asked what should be said to parents who were waiting for action before enrolling their children for the upcoming school year. Member Wahl said NCA should say that they are sorry for their school’s poor performance. Chair Johnson asked if there was a different motion that could be offered. Member McCord asked if no action was taken, would the agenda item die. Mr. Ott said without a motion the item would be dead, but the Authority did have the option to remove the item from the agenda. Member McCord said he felt it would be best to remove the item from the agenda.

Chair Johnson said the Authority would remove this from the agenda. Director Gavin asked if it was the Authority’s intent to take no action on only NCA or all Notices of Closure listed on the agenda. Member Conaboy asked if she could vote on items individually or would she have to abstain from the whole agenda item since she was a representative of K-12 Inc. Mr. McGaw recommended that she should abstain from voting on the measure. Member Mackedon felt this conversation would continue at more meetings in the future and would like to make a motion to postpone the entire agenda item 6. Director Gavin said it would be difficult to place the item on the April agenda. Director Gavin said the May agenda would be a more appropriate timeline. Member McCord said he felt the Authority should not have this on the agenda again and recommended removing the item with no future date of hearing and request that all parties continue discussion regarding this matter. Chair Johnson asked Member McCord if he would like the agenda item to be removed for all four schools. Member McCord said he felt all four should be removed from the agenda.

**Member McCord moved to remove the agenda item for all four schools in question, Member Mackedon seconded. There was no further discussion and a roll call vote was taken:**

- **Member McCord – Aye**
- **Member Conaboy – Abstain**

- Member Mackedon – Aye
- Member Wahl – Nay
- Member Luna – Aye
- Member Ableman – Absent
- Member Johnson - Aye

**Vote: 4 Aye, 1 Nay, 1 abstention, Member Abelman was absent**

**Agenda Item 3 - Consideration of Beacon Academy's July 13, 2015 amendment request pursuant to NAC 386.325**

Mr. Ott noted the item being brought before the Authority was through communications he had with council for Beacon Academy. He then gave background information that detailed past Authority hearings for Beacon Academy which subsequently led to the agreement that was being heard now. Beacon Academy had maintained that the school should not be included in a high stakes review because it was not included in the charter contract they had signed.

Discussion between the Authority and Beacon led to the agenda item that was currently being heard. It was decided that the SPCSA staff recommendation for the Authority be for approval of the Authority's academic Framework in relation to Beacon Academy, approve Beacon's amendment request from July 2015 as long the school accepted an amended and restated contract which included the High Stakes Review that they Authority had approved during Beacon's renewal hearing. Staff would then recommend no high stakes review be implemented because STAFF'S REVIEW OF Beacon Academy showed they would pass all term and conditions the High Stakes review required.

Africa Sanchez, attorney representing Beacon Academy, spoke in support of the agreement and said she was very appreciative of the SPCSA's willingness to work with Beacon Academy on this matter.

**Member Mackedon motioned to approve staff recommendation for Beacon Academy in light of the school being in good standing as deemed by the Authority and approve the three linked amendment requests of Beacon Academy which were submitted for consideration the July 2015 meeting be approved, contingent upon the school accepting the following condition: The school will execute an amended and restated contract that incorporates language aligning the charter contract and, as counsel deems necessary, the Performance Framework, with the requirements of SB509 and other 2015 bills defining a low-performing charter or traditional public school and clarifying that a school can be placed into breach of contract or served with notice of closure based on persistent underperformance pursuant to those definitions. Member Wahl seconded. There was no further discussion. The motion carried unanimously with Member McCord absent.**

**Agenda Item 5 - High Stakes Review of Nevada Virtual Academy based on Nevada Virtual's performance, against the Authority's expectations. Possible actions may include contract termination due to persistent underperformance or material breach of the terms and conditions of the charter contract, or a return to good standing. Nevada Virtual must demonstrate substantial progress towards meeting the Authority's academic performance expectations. Substantial progress will be based on the school's aggregate academic performance based on the Authority's academic indicators that will result in closing the gap between baseline (SY12/13) performance and "Adequate," as described in the performance framework within three years.**

**Member Mackedon motioned for a continuance for item #5, Member Luna seconded. There was no further discussion. The motion passed unanimously and Member Conaboy abstained and Member McCord was absent.**

**Agenda Item 2 - Approval of the February 26, 2016 and March 9, 2016 SPCSA Board Meeting Minutes**

Chair Johnson asked that agenda Item 2 be moved to the April 29<sup>th</sup> meeting.

**Member Conaboy moved for approval of the February 26, 2016 and March 9, 2016 SPCSA Board Meeting Minutes with changes that will be sent to Mr. Peltier upon completion of the meeting and the Authority reserved the right to rehear the minutes at the April 29, 2016 meeting. Member Luna seconded. There was nbo further discussion. The motion carried unanimously.**

Member Conaboy asked if there were proposed date for the board retreat. Mr. Gavin said that Mr. Peltier was working on putting together the itinerary including dates and locations and would have information to the Authority as soon as it was available.

**Agenda Item 9 - Public Comment #2**

Carrie Hendricks council for Nevada Virtual Academy said the school would like more collaboration and more conversations in the future with Authority staff in the future.

**Chair Johnson called for a motion to adjourn. Member Mackedon seconded.**

The meeting adjourned at 4:06 pm.