

**EXHIBIT H**

**EXHIBIT H**

1 Laura K. Granier, Esq. (NSB 7357)  
2 [laura.granier@dgsllaw.com](mailto:laura.granier@dgsllaw.com)  
3 50 W. Liberty Street, Suite 950  
4 Reno, Nevada 89501  
5 (775) 229-4219 (Telephone)  
6 (775) 403-2187 (Fax)

7 *Attorney for Plaintiffs*

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IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR CARSON CITY

DAVID & CARLY HELD individually and on behalf of their minor child N.H.; VERONICA BERRY individually and on behalf of her minor child J.B.; RED AND SHEILA FLORES individually and on behalf of their minor child C.F.; JAOUAD AND NAIMI BENJELLOUN, individually and on behalf of their minor children N.B.1, N.B.2, and N.B.3; KIMBERLY AND CHARLES KING individually and on behalf of their minor children L.K.1 and L.K.2; NEVADA CONNECTIONS ACADEMY,

Plaintiffs,

v.

STATE OF NEVADA, ex rel. STATE PUBLIC CHARTER SCHOOL AUTHORITY, a political subdivision of the State of Nevada, and PATRICK GAVIN, in his official capacity as Director of the State Public Charter School Authority,

Defendants.

Case No. 16 OC 00249 1B

Dept. No. I

**DECLARATION OF JAFETH SANCHEZ IN SUPPORT OF MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION**

I, Jafeth Sanchez, do certify under penalty of perjury as follows:

1. The matters set forth in this declaration are based on my own personal knowledge.

If called upon to testify, I am competent to testify to the matters set forth herein. I make this declaration in support of the Plaintiffs' Motion for Temporary Restraining Order and Preliminary

1 Injunction.

2 2. I am the President of the Board of Directors of Nevada Connections Academy. I  
3 was appointed to the Board on July 14, 2011. At the June 12, 2012 board meeting, I was  
4 appointed as Secretary of the Board. I was appointed President of the Board at the June 18, 2013  
5 board meeting.  
6

7 3. On October 3, 2016, I received an email from our Nevada Charter School  
8 Authority Director, Patrick Gavin, with an attachment that highlighted key characteristics of  
9 boards of high achieving charter schools in Washington, DC. See **Exhibit A**, Charter School  
10 Boards in the Nation's Capital by J. Squire and A. Davis, Sept. 2016. As a reflective and  
11 progressive board chair, I immediately opened the document to identify the key points and  
12 consider how our board at Nevada Connections Academy (NCA) compares.  
13

14 4. In short, the first key finding was, "Board Membership provides a route by which  
15 the 'best and the brightest' of the community have an opportunity to serve" (Ex. A, p. 6). I am  
16 confident our board has worked incredibly hard to recruit members who demonstrate this key  
17 characteristic. Our NCA board members include the following: (a) two individuals who have  
18 attained their doctoral degrees (PhD), with their specializations in educational leadership and  
19 psychology; (b) one individual who completed a master's degree (MA in educational  
20 counseling), is currently completing a dissertation toward a doctoral degree (PhD); (c) two  
21 individuals completed a master's degree (business administration and educational leadership),  
22 and two individuals who have completed their bachelor's degree (business administration and  
23 comparative pathology). Beyond the degrees, their professional backgrounds reflect a wide array  
24 of work settings, context, and professional experiences that shape our board having individuals  
25 who are among the best and the brightest to serve our students, families, and their communities  
26 within our state.  
27  
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1           5.       The second key finding indicated, “Boards (both district and charter) appear to  
2 benefit from training related to school governance” (Ex. A, p. 7). Findings revealed there is a  
3 relationship between participation in professional development and better student achievement  
4 outcomes. While there was a reported need for quality, amount, etc. related to the professional  
5 development, this was a unique and useful finding. Our NCA board members have various  
6 opportunities for professional development each year. These range from attending the National  
7 Charter Schools Conference, the Nevada Association of School Boards Conference, and  
8 individualized governance training provided by the educational management organization  
9 (EMO; Connections Education). Thus, there are multiple avenues from which training is  
10 provided to assure ongoing professional growth by all members.  
11

12           6.       The third key finding revealed that, “Charter boards in D.C. differ from district  
13 boards around the country when it comes to race, age, and ideology” (Ex. A, p. 7). The authors  
14 indicated that boards typically have White members (80%), whereas this was lower for charter  
15 schools in DC (53%). For our NCA Composition, approximately 70% are White, while 30% are  
16 from an underrepresented ethnic group. Similarly, the age distribution demonstrates some  
17 balance. Finally, although, I have not inquired about specific ideologies, there will likely be  
18 some balance in ideologies related to political views, as well.  
19

20           7.       The fourth finding in regard to, “Not having elections allows the charter sector to  
21 tap a deeper pool of talent for board members,” also demonstrates the practice related to board  
22 membership for NCA (Ex. A, p. 8). In particular, no elections take place to identify members.  
23 Consequently, recruitment efforts help to narrow in on talented individuals who are not only  
24 capable but very willing to provide their time, commitment, and dedication to support school  
25 improvement efforts.  
26

27           8.       Finally, the fifth finding addresses that, “One way to recruit and keep talented,  
28

1 busy professionals on charter school boards is to make the job doable” (Ex. A, p. 8). It is well-  
2 understood that our board members’ time is precious and valued. We work hard to ensure that  
3 our meetings are effective and efficient. Meetings are held once per month, and members receive  
4 materials (by email or hardcopy preference) in a timely manner. Efforts toward improvement are  
5 strategic and a close relationship with our EMO is a major part in ensuring that efforts are  
6 streamlined and strategic. This is critical in light of accountability needs. Our talented NCA  
7 board is very reflective and works to make valid data-based decisions to support school  
8 improvement efforts toward student achievement outcomes.

9  
10 9. Thus, the five key characteristics identified by Squire and Davis (2016) can serve  
11 as a guide for the development of effective charter school board membership. This report  
12 provided a strong lens to reflect on board membership for Nevada Connections Academy. More  
13 specifically, it revealed that these key characteristics, which have demonstrated a positive impact  
14 on student achievement, are present within the board composition for Nevada Connections  
15 Academy.

16  
17 10. Our board has been very engaged on an ongoing basis and very concerned about  
18 the recent issues this year with the State Public Charter School Authority and its Director, Patrick  
19 Gavin. We have worked diligently to try to address the concern about the four-year cohort  
20 graduation rate by dedicating significant resources to providing data on every student within the  
21 cohort, providing information about the school’s performance serving credit-deficient and a wide  
22 array of students across the State of Nevada, and attempting to work with the agency to identify  
23 valid accountability measures on the school’s performance. In the discussions we have had with  
24 Mr. Gavin he has seemed dismissive of the substantive information about the school’s  
25 performance and repeatedly indicated that it is just all about the “numbers” referencing the single  
26 data point of the four-year cohort graduation rate which we have demonstrated and many  
27  
28

1 education experts have acknowledged is not always an accurate measure of the school's  
2 performance or student achievement.

3 11. In fact, we initiated a meeting with Mr. Gavin, which took place on September 1,  
4 2015 at 1:00 PM. I attended the meeting along with our school principal, Steve Werlein, and our  
5 board's counsel, Laura Granier to discuss the new "trigger" the Nevada legislature identified for  
6 consideration of possible closure of charter high schools based on a high school graduation rate  
7 below 60%. We wanted to have a substantive dialogue with Mr. Gavin to see how best to get  
8 ahead of any concerns and share data, policies, have him visit the school and truly understand the  
9 student population we serve. Unfortunately, he spent much of the meeting talking about a  
10 different topic and then told us with respect to the graduation rate issue he "had bigger fish to  
11 fry." This was the last we heard from Mr. Gavin before receiving a public agenda in February  
12 2016 on which NCA was listed for consideration of issuance of a notice of closure to the school  
13 based on this 60% graduation rate trigger.  
14  
15

16 I declare under penalty of perjury under the laws of the State of Nevada that the  
17 foregoing is true and corrected and was executed this 2<sup>nd</sup> day of November, 2016, in  
18 Sparks, Nevada.  
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21   
22 JAFETH SANCHEZ  
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**EXHIBIT A**

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September 2016

# Charter School Boards in the Nation's Capital

By Juliet Squire and Allison Crean Davis

Foreword by Amber M. Northern  
and Michael J. Petrilli

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By Amber M. Northern and Michael J. Petrilli

It's often said that adding the word "charter" to a school's name doesn't prove that it is better or even different from district schools in the vicinity. The variation in quality within sectors is much larger than between them. What matters most for student learning and other important education outcomes is what happens inside the classroom—and any given curriculum, instructional strategy, or innovation could as easily be found in many a traditional public school as in a chartered one.

All that is true. Yet there is one important distinction between charter schools and those run by districts: their governance. Districts are almost everywhere overseen by elected school boards and operated as governmental agencies, while charter schools (like other nonprofit entities) are independently operated and overseen by a self-appointed, self-perpetuating board.

Charter opponents regularly make much of this difference, playing up the fact that charter boards are "private" entities rather than democratically controlled ones. Never mind that charter boards are accountable to public entities—the schools' authorizers—or that they must demonstrate key public outcomes (student learning, graduation, and so forth) and that they're open to the public (no picking and choosing of students allowed and no tuition charged).

Charter supporters sometimes find it difficult to counter the "lack of democracy" charge because their schools are, in fact, governed more like nonprofits than like municipal agencies with elected boards (just like many cherished organizations, including our universities and cultural institutions). But what if this turns out to be an asset rather than a liability? What if the boards that run charter schools are better run and more committed to academic excellence?

To determine whether that might be so, we went in search of empirical information on charter boards. Who serves on them? What are their qualifications and backgrounds? How do they spend their time, view their role, and potentially influence school quality?

These are important questions, to be sure, yet we found almost no information. Search for yourself. Aside from a handful of "best-practice" documents based on experience, anecdote, and conventional wisdom, there's a huge void in the research literature when it comes to board governance in schools of choice.<sup>1</sup> Along with special education, it is among the most neglected domains of education research.

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To be fair, there's not a whole lot more on elected school boards. We tried to help rectify that problem with *School Boards Circa 2010: Governance in the Accountability Era*, a report on a survey of district board members that we undertook in partnership with the National School Boards Association and Iowa School Boards Foundation. Our friend Rick Hess, director of education policy studies at the American Enterprise Institute, penned that analysis; he rightly noted then that "little empirical research on national board practices has been conducted since the passage of the No Child Left Behind Act in 2001." Sadly, that's still largely the case.

That 2010 survey did, however, supply a peek at the characteristics and perceptions of school board members, how they approach their work, and the training they receive, among other topics.

A few years later (in 2014), we asked Arnold Schober and Michael Hartney (of Lawrence University and Lake Forest College, respectively) to match the 2010 school-board results with demographic and student-achievement data for those same districts. Their key (and, one might say, entirely appropriate) finding, as set forth in *Does School Board Leadership Matter?:* districts that are more academically successful have board members who assign high priority to improving student learning.

That got us wondering whether charter school boards matter too. Do the types of individuals who serve, the views they hold, and the practices they adopt have any bearing on school quality?

To help answer this critical question, we turned to Bellwether Education Partners, a smart ed-policy research shop led by über-reformer Andy Rotherham. We were fortunate to land two of Bellwether's savviest analysts to lead the study: Juliet Squire and Allison Crean Davis, both of whom serve on charter school boards.

Ultimately, we and our Bellwether colleagues chose Washington, D.C., as a case study. As explained more fully in the report, the nation's capital is a good place to study charter board governance, as it operates under a single set of laws and regulations, a single authorizer, and a uniform set of school-quality metrics. Further, its scale (sixty-two boards overseeing 112 campuses) provides a number sufficient for comparisons. What's more, not only do D.C. charters answer to a single authorizer, but it is an authorizer that values transparency; the accountability framework designed by the D.C. Public Charter School Board (DC PCSB) can be readily understood and leveraged for additional analyses.

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That said, the D.C. charter sector is not typical of much else. It is relatively large—enrolling nearly half of the city's public school students—and well regarded for its quality. Stanford University's CREDO has found that students in D.C. charters gained an extra 101 days in math and an extra seventy-two days in reading over the course of a year, as compared to their counterparts in the D.C. Public Schools (DCPS)—this even as DCPS is itself rapidly improving. A mature and high-performing charter sector, such as we find in the District of Columbia, also surely differs in other ways, both observable and not, from those that are less established and perhaps more fragile. We're mindful too that all charter schools in D.C. are urban and that suburban and rural charter schools—of which the country has thousands—are apt to have fundamental differences.

So we cannot and do not claim that our findings are generalizable beyond the nation's capital. Yet they paint a detailed and revealing portrait of what is occurring there—and that may be, could be, or should be occurring elsewhere. Our survey response rate was strong (over 50 percent), and although this work is descriptive (not causal), it reveals some tantalizing differences between board members of higher- and lower-performing schools, as well as a number of notable similarities—all of which raise questions and hypotheses worth exploring elsewhere.

You'll find much more in the executive summary and full report that follow. But here are five observations that struck us hard. The first two reflect commonalities across both of the board sectors.

### **1. Board membership provides a route by which the “best and the brightest” of the community have an opportunity to serve.**

We see in these data a picture of board members who are highly educated, successful, selfless, and civic-minded and who care enough about the education of children other than their own to devote themselves to trying to make schools better. (Indeed, the social capital on these boards would make James Coleman smile.) Earlier research found that some of these same characteristics are shared by many district board members as well. (Yet keep in mind these studies are vastly different in scope and sample.)

In both sectors, board members tend to be academically accomplished. In large school districts, 85 percent of board members hold a bachelor's degree and more than half have an advanced degree. In the D.C. charter sector, only 4 percent of board members have not graduated from a four-year institution, and a whopping 79 percent have advanced degrees.

Both groups are mostly well off financially. In large school districts in 2011, a majority of board members (54 percent) reported an annual household income of \$100,000 or more. The D.C. charter sector is wealthier still: 51 percent report household income greater than \$200,000 per year, and an additional 37 percent report between \$100,000 and \$200,000. Just 2 percent report income below \$50,000. (For comparison, the median household income in 2014 was \$54,000 annually; in D.C., it was \$91,000.)

Both groups are also reasonably informed about the schools they govern. Traditional board members possess accurate information about their districts, especially when it comes to school finance, teacher pay, class size, and collective bargaining. A similar pattern plays out with D.C. charter board members, who are equally well informed about the characteristics of their schools.

Finally, the same majority of both district and board members responded that they do not have school-aged children (62 percent).<sup>2</sup>

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”

By most observable characteristics, we see that citizens who choose to govern public schools, whether district or charter, are affluent, selfless, successful, civic-minded individuals. Board membership provides these “best and brightest” an opportunity to improve education in their local communities.

## **2. Boards (both district and charter) appear to benefit from training related to school governance.**

We’re well aware of the pitiful state of teacher professional development that educators often report (and that research tends to corroborate<sup>3</sup>) is a waste of time. So we were surprised to find a relationship between board training and school quality for both district and charter sectors. Could it be that boards benefit more from their professional development than teachers?

Our prior research shows that district boards with members who report particular work practices (including participating in professional development) are linked to better student-achievement outcomes than would be expected given the circumstances of their districts (that is, they “beat the odds”). The current study shows that charter board members of higher-quality schools are also more likely to participate in specific kinds of training. Unfortunately, we don’t know anything about the quality of that training—though we have an inkling of its content. We know, for instance, that most district boards overall and charter boards in higher-quality schools (versus lower-quality schools) tend to participate in training about developing and approving a school budget, as well as in how to comply with relevant legal and policy issues.

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Could it be that boards  
benefit more from their  
professional development  
than teachers?  
”

Clearly we need to learn more about the quality, ideal amount, and substance of this training, given its association with school quality.

Now on to the differences . . .

## **3. Charter boards in D.C. differ from district boards around the country when it comes to race, age and ideology.**

In general, district school boards tend to have more white members (80 percent), though the largest districts (15,000-plus students) are comprised of boards that are 67 percent white, 22 percent black, and 6 percent Latino. D.C. charter board members are 53 percent white, 33 percent black, and 5 percent Hispanic.

The board-member population of the District’s charter schools is also more balanced in age than traditional boards, with 30 percent between the ages of thirty-one and forty, 33 percent between ages forty-one and fifty, and 35 percent over the age of fifty. Our 2011 data for traditional boards show just 4 percent under the age of forty, 62 percent between forty and fifty-nine, and 34 percent sixty or older.

Finally, and perhaps most interestingly, district board members across the nation are much more likely to describe themselves as political moderates (47 percent) or conservatives (32 percent). The District’s charter board membership skews much more to the left: 56 percent are liberal, 34 percent moderate, and just 7 percent conservative. (Of course, the District of Columbia is among the bluest political jurisdictions in the country.)<sup>4</sup>

Another big difference is that charter board members do not have to run for election, which brings us to our next point.

#### **4. Not having elections allows the charter sector to tap a deeper pool of talent for board members.**

We can’t help but think that needing to run for election might discourage otherwise willing and capable individuals from serving on a board. Campaigning in today’s fraught political environment is no picnic, especially when your plate is already brimming with a full-time job and family. Besides the cost in dollars and effort, “pro-reform” board candidates often get skewered by local unions.

It’s not hard to see how serving on an appointed board of a nonunion school could be more appealing and perhaps more effectual, especially as members are free of the headaches of collective bargaining. There’s also a higher chance that principals and board members are likeminded and supportive of one another because, unlike superintendents and district school boards, their working relationship is not subject to the vagaries of the latest election returns.

“  
We can’t help but think that needing to run for election might discourage otherwise willing, capable individuals from serving on a board.  
”

Finally, there are differences in how the two types of boards approach their work (below), which has implications for the types of individuals who are attracted to board service.

#### **5. One way to recruit and keep talented, busy professionals on charter school boards is to make the job doable.**

Part of the reason that D.C. charter boards can attract the best and brightest (other than the fact that there are lots of high-achieving professionals in D.C.) is that their workload on those boards is manageable. Many charter boards meet every six to eight weeks, and members spend an average of six hours per month on board service. Contrast that with district board members—42 percent of whom report spending twenty-five hours or more on board business a month and just 7 percent of whom report spending fewer than seven hours per month. They typically meet at least once, and often twice, per month.

Time is a precious commodity that charter boards tend to maximize, in part by approaching their work more strategically. Fully three-quarters of them say that their first or second top goal as a board member is ensuring that students achieve strong academic outcomes. Contrast that with district board members, who in 2011 showed little consensus on priorities in their districts. When queried about the most important objective of

schooling, most replied, “Preparing students for a satisfying and productive life and helping students fulfill their potential.” There’s nothing wrong with that, but figuring out what it means as well as how board members can hold themselves and the school leadership accountable for attaining it is nearly impossible.

When charter boards set for themselves a focused and measurable goal, it’s easy to see how that increases the odds of attaining it, especially as everyone pursues a shared purpose.

We should also acknowledge the importance of external organizations in recruiting talented professionals and providing training that helps them structure their jobs to maximize efficiency. Outfits like Charter Board Partners, BoardSource, and BoardOnTrack help build strong boards by assembling rosters of talented individuals whose skillsets are matched to particular schools and boards in need of them. They figure out who might best contribute to and mesh with existing school and board leadership and provide them with ongoing professional development. It appears that to a considerable extent they are succeeding in D.C.

Charter supporters and reform “harbormasters” in other cities should take note. Although such folks already have a lot on their hands, they should add “developing great charter boards” to their to-do lists and consider recruiting organizations such as those above to help them do it.



As you can see, our work on board governance paints a somewhat complicated picture of the similarities and differences between district boards around the country and charter board members in the District. Combined with other key findings (below), however, a more concrete narrative emerges.

Our research on both sectors shows that almost all D.C. charter board members give top priority to student achievement, and that’s also generally the case with district board members in high-performing districts.

Within the D.C. charter sector, stronger schools tend to have board members who also are more knowledgeable about their schools, particularly relative to their school’s performance rating, demographics, and financial outlook. Those board members are also more likely to participate in training, engage in strategic planning, and meet monthly (rather than more or less frequently). They’re also more apt to evaluate their school’s leader and use staff satisfaction as a factor in such evaluations.

We’re left with the impression that good board members are good board members in any sector of education—and in other organizations, too. They set the right priorities, they do their homework, they monitor performance, and they evaluate the organization’s leadership.

But the opportunity to be a good board member is so much greater in the charter sector; therefore, it seems likely that the kinds of people who are apt to be good board members will find service on charter boards more appealing and perhaps more rewarding than service on district boards. You don’t have to run for election. You don’t have to bargain with an antagonistic union. You have much greater say about budgets and personnel. You

————— “ —————  
**Time is a precious commodity that charter boards tend to maximize, in part by approaching their work more strategically.**  
————— ” —————

don't spend endless hours every week on school business. We can't be sure that charters beyond D.C. also do a great job of attracting top-notch talent; this is important to investigate going forward. But based on what we've been able to learn from this study and comparing it with national analyses of district board members—which, we reiterate, are not fully comparable—we conclude that education-minded, child-centered civic leaders who want to engage directly with public education may find service on charter boards to be a terrific option.



One final thought: we're compelled to put in a plug for the oft-derided "Washington elite." According to today's populist politics, those of us who inhabit the nation's capital are mostly self-serving and possibly corrupt careerists. Maybe that's true in some corners, but the fine men and women who have volunteered to serve on the city's charter boards don't fit that stereotype. They are selfless, committed, and competent—and are likely one part, perhaps a vital part, of the reason why D.C.'s charter sector is so high-performing.

In fact, Washington's charter boards appear to mirror the vision that progressive reformers had for elected school boards over a century ago—that they be filled by the best and brightest of the community, who stand for the common good and place the interests of children ahead of their own interests or those of adult groups.

Such civic-minded citizens can be found on elected boards as well. So to opponents of charter schools and their "unelected" boards, we ask this: Do you want our schools to rise above crass politics, as the progressives of a century ago sought for public education? If so, we respectfully suggest that you embrace charter schools and applaud those who serve on their boards.

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**In fact, Washington's charter boards appear to mirror the vision that progressive reformers had for elected school boards over a century ago....**  
————— ” —————