

DAVIS
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December 2, 2016

Patrick Gavin
Executive Director
State Public Charter School Authority
1749 N. Stewart Street
Carson City, Nevada 89706

Members of the Board of the State Public
Charter School Authority
1749 N. Stewart Street
Carson City, Nevada 89706

Re: Nevada Connections Academy

Dear State Public Charter School Authority Board Members and Staff:

Nevada Connections Academy (“NCA”) submits this correspondence to you, as supported by evidence and information uploaded in Epicenter, to support your decision that NCA has effectively cured the concerns you have identified with respect to the NCA high school four-year cohort graduation rate. You identified the 2015 four year rate as the trigger for the Notice of Closure (the “Notice”) issued on September 30, 2016.

Taking the Notice very seriously, NCA reached out to the Authority’s counsel, Greg Ott, right away by email on October 5, 2016, asking for the Authority’s guidance with respect to what it would consider an acceptable cure. See **Exhibit 1**. NCA followed up again with Mr. Ott on October 6, 2016. When NCA received no response, it again followed up with Mr. Ott on October 24, 2016. Mr. Ott responded on October 25, 2016, that he did not believe the Authority was obligated to “tell the school how the deficiency may be cured.” **Exhibit 2.**¹

Without the benefit of any guidance from the Authority staff, NCA prepared a proposed cure and submitted it to Mr. Ott on November 14, 2016. Unfortunately, we did not receive any response from Mr. Ott about Staff’s feedback on the proposal until November 29, 2016 at which time he stated that Staff did not think it was a cure because it required action by the Authority. On November 30, 2016, we requested a meeting with Authority staff to get some guidance and feedback from the Authority staff on NCA’s proposed cure. Yesterday afternoon, Mr. Ott advised us that Patrick Gavin would not speak with NCA about the cure during the cure period. **Exhibit 3.**² Given the lack of guidance and delay in hearing back from Staff, NCA also requested a one week extension to submit a proposed cure. Regrettably, Mr. Ott indicated that would not be allowed.

¹ Mr. Ott did reference how Beacon Academy cured, by entering into the contract we understand includes a waiver of rights to judicial review but, in addition, we note that the cure for a high school is not applicable to NCA’s K-12 school.

² We are disappointed by Staff’s unwillingness to discuss or collaborate on a possible cure and also believe it is inconsistent with the Charter Agreement with NCA, the covenant of good faith and fair dealing under that agreement, NRS 338A.150 – requiring the Authority “foster a climate in this State in which all charter schools, regardless of sponsor, can flourish”, and the Authority’s State Performance Framework (requiring timely feedback and maximum transparency. Yet, given the school’s strong desire to continue serving its students without interruption and reserving all rights, NCA submits this proposed cure.

Without the benefit of guidance from the Authority Staff, NCA respectfully proposes the following to “cure” the deficiency identified in the Notice of Closure.³

1. NCA’s four-year cohort graduation rate must be calculated consistent with Nevada law, including NRS 385.3485 which prohibits the State from reporting as drop-outs, students who provide proof of successful completion of the high school equivalency assessment selected by the State Board (a “GED”), students who are enrolled in courses approved by the Nevada Department of Education for an adult standard diploma (“Adult Ed”), and students who withdraw from school to attend another school. NAC 389.699(3) further mandates that a “pupil who qualifies for a certificate of attendance must not be counted as a dropout.”

NCA’s 2015 four-year cohort graduation rate as calculated in compliance with Nevada law, excluding those students who received a GED, went on to Adult Education, or enrolled in a 5th year is 63%.

2. NRS 388A.330 does not define “graduation rate” for purposes of the potential closure of a high school. Accordingly, it is appropriate to look to Nevada law as we propose above. In addition, the Federal Department of Education’s (“DOE”) definition of “graduation rate” being applied by the Authority is not mandatory for states to use; rather, reporting of that rate to the DOE is required for states to access Title I funding.⁴ Therefore, it is not appropriate to apply this “graduation rate” when the Nevada legislature could have but did not provide for such use under NRS 388A.330.⁵ Even if that definition is applied, however, given the Federal regulations promulgated under the Every Student Succeeds Act, students enrolled for 50% of the school year or less would be excluded from NCA’s graduation rate. This adopted federal policy recognizes that a school should not be penalized for students the school had inadequate time to impact relative to their academic progress toward graduation. With that calculation, we estimate NCA’s 2015 graduation rate would be **43.91%** -- **an improvement of 8.28%** from the rate reported by the Authority in the Notice of Closure. NCA believes when combining this increase with the increase from excluding students who Nevada law prescribes from being reported as dropouts, NCA’s graduation rate will be even higher and potential within striking distance of the 60% minimum threshold at issue. This is before NCA has even had an opportunity to implement the graduation rate improvement plan. NCA hopes to provide that updated information soon.

This highlights an important point – the DOE has recognized it is improper to hold a high school accountable for students enrolled in a high school for 50% or less of the current school year. This is compelling evidence for you to consider relative to the issue at hand given that the Nevada Legislature did not mandate closure of a high school based on the 60% graduation rate but instead allowed the Authority the discretion to consider closure, in light of all compelling evidence (such as this).

³ Although, as you know, NCA believes there are legal concerns with the Notice and how it was issued, NCA continues to seek a mutually agreeable resolution with the Authority.

⁴ See, e.g., Title I, Part A, Section 1005 of the Every Student Succeeds Act (reauthorizing the Elementary and Secondary Education Act of 1965) provides that failure to file a plan including an accountability system makes a state ineligible for Title I funds.

⁵ See *Holiday Ret. Corp. v. State*, DIR, 274 P.3d 759, 761 (Nev. 2012) (“It is the prerogative of the Legislature, not [the] Court to change or rewrite a statute.”).

3. As some of you know, in March 2016 when the Authority Staff included NCA on an agenda for issuance of a Notice of Closure, NCA submitted evidence through documents and witness testimony to explain the basis for the four-year cohort graduation and why it did not accurately reflect NCA's performance given the credit-deficient and transient students NCA serves. After hearing that evidence, the Authority Board directed NCA to work with Staff to prepare a graduation rate improvement plan. NCA did so and presented that plan at the Authority's May 2016 hearing where the Authority Board members praised the plan:

Vice Chair **Mackedon**: "... **this report is really well done.**" May 20, 2016 Transcript at 196.

Member McCord: "I'd really like to congratulate you on that. . . . I congratulate the school for putting this in there. It speaks to the integrity of the data collection, but it does one other thing. **It actually defines the actionable data.**" *Id.* at 199, 203.

Chair Johnson: "... if you implement this **really stellar plan** that I think we've all been impressed by. . ." *Id.* at 212.

NCA believes the "cure" for the four-year cohort graduation rate issue the Authority has identified is implementation of the graduation rate improvement plan, **Exhibit 4**, which this Authority praised in May 2016.⁶ NCA should be given the chance to demonstrate success under the improvement plan prepared at the Authority's direction and praised by all of the Authority board members in May of this year. Below is an update on the success already seen from the school's implementation of the graduation rate improvement plan.

With respect to measuring the school's progress in implementing that plan, NCA has proposed benchmarks of reaching 45% for 2016, 52% by December 2017, and 60+% by December 2018, but would welcome further discussion and review of those benchmarks in light of the new Federal regulations and the consideration of Nevada law relative to GED and Adult Ed students. Of course, as you know, if at any time during these three years the Authority believed that NCA was not demonstrating adequate improvement or there were another basis for closure, the Authority retains the ability and jurisdiction to again consider closure of the school.

4. Although NCA has a dedicated and highly qualified governing board, given the Authority Staff's repeated references to board reconstitution, in an attempt to respond to those references, as part of the proposed cure, if accepted by the Authority and subject to NCA board approval, NCA will voluntarily reconstitute its board by replacing a board member every 6 months with complete reconstitution by June 30, 2019. This time period allows for a reasonable transition that will not be disruptive to school operations or governance. Although NRS 388A.223(1)(h) requires the Authority adopt regulations for appointing a new governing body of a charter school when a board is reconstituted under NRS 388A.330, we are not aware of the Authority having adopted such regulations; however, we believe NCA's approach is reasonable under the circumstances if the Authority accepts the school's proposed cure. NCA also would amend its bylaws to achieve this voluntary

⁶ Member Mackedon expressed this same view that "It's their responsibility to put forth the plan, which they did, and to get results on it. And it's our responsibility to make a decision when the results come out in a year or six months or whenever it is they come out." May 20, 2016 SPCSA Transcript at 234-235.

reconstitution and provide for term limits so that board members will not serve consecutive terms (if this cure is accepted by the Authority and, subject to NCA board approval).

5. Progress to date of implementation of the graduation rate improvement plan:

ACADEMIC INTERVENTIONS

Thoughtful effort has been given to providing educationally sound opportunities for credit recovery to maximize chances of on-cohort graduation. As part of its pilot program last year, NCA instituted a Tiered system of instructional support and intervention, which grouped students according to credit status and other risk factors. Of the students grouped into Tier I and Tier II (minimal need for intervention and some level of targeted intervention and support, respectively) **nearly 80% of those expected to graduate actually did**. Of the students in Tier III—which is the highest level of intervention and support and was focused on retention and perseverance, approximately 60% of the students remain enrolled, and have a strong chance of graduating this year. NCA is committed to re-evaluating its individualized supports for these students—which we see as being mission-critical given the fact that **over 40% of our high school students were credit deficient when they enrolled with NCA**.

Grad Point Credit Recovery: After the initial piloting of Grad Point, NCA has greatly expanded its use. Roughly 500 students are currently enrolled in one or more Grad Point courses. The format of Grad Point supports individualized learning while not sacrificing exposure to key, standards-driven concepts. This method has proven to be more successful with credit deficient students as seen in the following comparison:

Time Period	Completion Rate
Fall Semester 2015-Traditional "Foundations Courses"	42%
Fall Semester 2016-to date-Grad Point Courses	64%

It should be noted that this rate will likely increase as students retake courses and complete them.

Summer School: NCA offers a robust summer school/completion program. During summer of 2016, there was a higher than 75% pass rate on all original credit courses. Additionally, 12 students were able to complete all requirements for graduation.

Enhanced Synchronous Instruction: Targeted, skill-specific instruction to support students' progress towards graduation is a fundamental component of the graduation rate improvement plan. Both Math and ELA teachers offer such instruction to supplement that which is already offered.

Student mentoring: The mentor pilot, which helped 83% of participants pass all of their courses, is being implemented for two specific sub-groups of students: those still needing to pass one or more HSPE test, and those who are part of the 2017 cohort who are earning a grade of "F" in any core class. After looking at the needs of the students and likelihood of success, it was decided that these two groups were the most high needs.

Every Student Succeeds Academy (ES2) and Greater Accountability: Students who enroll in NCA off-cohort are automatically placed into the ES2 academy and are provided with increased adult interaction, enhanced learning opportunities, and clear guidelines to govern expectations. (see **Exhibit 5**; see also ES2 Academy Success Coach Guide uploaded to Epicenter).

EFFORTS TO LOCATE WITHDRAWN STUDENTS

At the suggestion of Executive Director Gavin in September of 2015, NCA instituted more thorough actions to find students who left NCA – in order to remove them from NCA’s cohort. An analysis of the 2016 cohort supports that NCA’s high school population is highly transient, and students often enroll at the school for short periods of time. When combined, these factors prove to be challenging when it comes to locating students no longer enrolled at the school.

Of the 279 students without a verified “transfer out” status, it should be noted that many were not enrolled at NCA for even a full academic year. **Students whose enrollment lasted from one day to 8 months numbered 160. It should be noted that new federal guidelines under the Every Student Succeeds Act (ESSA) require states to implement a “partial attendance” requirement (see ESSA 1111(c)(4)(f)) to assign accountability to schools who have had the greatest impact on a student’s success or lack thereof in graduating on time. While Nevada has not yet formally adopted such rules, their inclusion in the most recent ESSA advisory group’s recommendations is explicit.**

The following table provides some insight into the characteristics of the 2016 cohort:

Length of Enrollment	Count of Students
1 month or less	21
1-2 months	31
2-3 months	32
3-4 months	24
4-5 months	18
5-6 months	18
6-7 months	9
7-8 months	7

Additional Action Taken By School: To investigate students’ whereabouts and statuses, the school employed the following:

- Members of the school's administration and administrative support team dedicated additional time to employ non-traditional means (social media for example) to locate students—both in and out of state. This approach involved making multiple phone calls—often to students' family members on a regular basis. At a minimum, 7-8 staff members were spending 2-4 hours per week doing such investigations.
- Door to Door canvassing: Students who were not able to be located had their last known residences visited by school personnel.
- Private Investigator: A private investigator was hired, at the school's expense, and employed both physical and electronic methods to locate the families of withdrawn students.

Results: Of the initial group of 279 students, only 35 remain as not having been located and contacted.

Actions Going Forward: In addition to the school's standard withdrawal procedures, these enhanced methods will be used (when needed) BEFORE the student's scheduled cohort graduation year to improve the number. In addition, NCA believes the results of this work will increase its previous years' cohort graduation rates and asks that the Authority allow for that and consider it relevant to these proceedings.

3RD PARTY DATA VALIDATION OF RELEVANT DATA

At the direction of the SPCSA's governing board and staff, NCA entered into a contract with a third party (AdvancED) to conduct analysis of our high school data relevant to taking a "hard look" at the graduation rate and how NCA's enrollment of credit deficient students, for example, impacts that rate. The scope of the work, timeline, deliverables, and cost to the school is detailed in the attached contract. **Exhibit 6.** NCA is actively engaged in conversations with AdvancED staff and is complying with all requests for data. The most recent conversation took place today and specifically addressed the analysis of both the 2015 and 2016 cohorts. NCA needed to wait until the most accurate and complete cohort information was available from the Nevada Department of Education to ensure accurate analysis. This proved to be a challenging process, as throughout the official cohort validation period, there were multiple updates and changes made to NCA's official numbers. AdvancED will have analysis based on officially reported and readily available data that will be shared at the SPCSA's meeting on December 16, 2016. The analysis will continue throughout the school year.

6. NRS 388A.330(1)(e) allows the Authority to consider closure of a **high school** that has a graduation rate for the immediately preceding school year that is less than 60%. As discussed above, we ask that you consider NCA's graduation rate consistent with Nevada law and also in light of the compelling evidence NCA presented at the March 2016 Authority Board meeting (uploaded again to Epicenter for your convenience and access and, incorporated herein by reference) – which demonstrates that NCA is effectively serving its students – with a graduation rate approaching 80% for high school students enrolled for all four years at NCA. The aggregated number of students continuously served by NCA is a number Member Mackedon indicated should be considered relative to NCA's performance. See **Exhibit 7**, Minutes from 2013 Renewal Hearing for NCA at 9. It also is a number that holds NCA accountable for its time and service of these students rather than for other schools' performance with students who are newly enrolled at NCA or enrolled with NCA credit

deficient. This "compelling evidence" is what was promised would be considered if the legislature granted the Authority discretion to consider potential closure of a high school on this basis.⁷

The statute does not allow for the closure or board reconstitution of an entire K-12 school based solely on a high school graduation rate. NRS 388A.330(1)(e).⁸ This makes sense given that NCA, as an example, was last rated by NDE as having a four-star middle school.

The Authority recently did suggest that the school consider bi-furcating its charter to separate out the high school in order to address this issue. If the Authority accepts NCA's proposal to cure as set forth herein, NCA would seek authorization to formally establish under its charter a "school within a school" in which it would serve all of its students who enroll at NCA credit deficient and those students would have separate codes and be included in that school's graduation rate while NCA's general high school population, all students who enroll in NCA on track, would be included in the NCA high school graduation rate. This properly holds NCA accountable for the students it serves who come to the school "on cohort" but allows the school to continue effectively serving students who come to NCA credit deficient without penalizing NCA for enrolling those students by adversely impacting the NCA high school graduation rate. As noted above, NCA anticipates this would mean the school immediately has a graduation rate approaching 80%.

If the school within a school were approved by the Authority as described above, then NCA would apply to the Authority to sever the high school from the K-8 charter as the Authority Staff has requested, in order to resolve the Authority's concern that it cannot, under the statute, close the K-12 school based on the high school graduation rate.

Sincerely,



Laura K. Granier
Partner
for
DAVIS GRAHAM & STUBBS LLP

LKG:js

Encls.: Exhibits 1-8

Cc: Steve Werlein
Jafeth Sanchez

⁷ Testimony of P. Gavin on Senate Bill 509, **Exhibit 8**.

⁸ Where the "language of the statute is plain and unambiguous, and its meaning clear and unmistakable, there is no room for construction." *Erwin v. State of Nevada*, 111 Nev. 1535, 1538-39 (1995).

EXHIBIT 1

EXHIBIT 1

Sparks, Jenny

From: Granier, Laura
Sent: Wednesday, October 05, 2016 5:21 PM
To: 'Greg D. Ott'
Subject: SPSCA - NCA

Greg,

I have attached a complaint for declaratory and injunctive relief filed on August 26th related to the Board's vote to require the conversion to a contract. Please let me know if you will accept service of process. Once we deal with the service, I would propose we stay any deadlines at least temporarily to see if we can find an alternative resolution.

Second, the notice of closure issued to NCA provides for a cure of the identified deficiency. Given that the sole issue is the Authority's interpretation of graduation rate to be the four-year cohort rate please let me know how the Authority believes this can be cured during the period identified and leading up to December of this year. I understood the "cure" was the Graduation Rate Improvement Plan; however, it appeared more recently the Authority's position may be that something else will be considered to constitute a "cure." Please provide me information to share with NCA on this point.

Thank you,
Laura

LAURA K. GRANIER ▪ Partner

P: 775.473.4513 ▪ F: 775.403.2187 ▪ C: 775.750.9295 ▪ [vcard](#)

Davis Graham & Stubbs LLP
50 W. Liberty Street, Suite 950 ▪ Reno, NV 89501

EXHIBIT 2

EXHIBIT 2

Sparks, Jenny

From: Greg D. Ott <GOtt@ag.nv.gov>
Sent: Tuesday, October 25, 2016 11:54 AM
To: Granier, Laura
Subject: RE: SPSCA - NCA

Laura,

The Authority is limited by statute in the amount of time before it must hold a hearing on the deficiencies. This obviously limits the time available for cure as well. The Authority is required to provide a minimum period and the time provided to NCA was well in excess of that minimum required period. I am unaware of any statute or regulation requiring the Authority to tell the school how the deficiency may be cured, if you believe one exists, please let me know and I will review.

As you know the Board will ultimately decide whether any deficiency has been cured. I do not presume to know how the board would react to any particular cure. However, I would note that Beacon Academy recently negotiated and executed a contract agreeing to benchmarks which would be renegotiated upon a school decision to adjust enrollment to enter into the alternative framework. On Friday the SPCSA board approved that contract and dismissed the Notice against that school. I am not telling you that this is something Connections should consider, I am simply apprising you of publicly available information regarding how a similarly situated school chose to deal with its notice and the Board's reaction to it.

If you have a proposal regarding how the school wants to cure the deficiency and would like to know what staff would recommend, please forward me your plan and I can discuss with Patrick.

Thanks, Greg

From: Granier, Laura [<mailto:Laura.Granier@dgslaw.com>]
Sent: Monday, October 24, 2016 12:17 PM
To: Greg D. Ott
Subject: RE: SPSCA - NCA

Greg,

As you know, the Notice of Revocation is of grave concern to NCA. The Authority has provided a very limited period of time for the school to attempt to cure the alleged deficiency. While the school reserves all rights, it is the school's desire to understand how the Authority believes the identified deficiency can be cured.

Please let me know the Authority's response.

Thank you,
Laura

LAURA K. GRANIER ▪ Partner

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Davis Graham & Stubbs LLP
50 W. Liberty Street, Suite 950 ▪ Reno, NV 89501

From: Granier, Laura
Sent: Thursday, October 06, 2016 9:05 AM
To: 'Greg D. Ott'
Subject: RE: SPSCA - NCA

Greg,

Thank you for letting me know. Would you please provide a response to the other questions raised in my email below?

Thank you,
Laura

LAURA K. GRANIER ▪ Partner

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Davis Graham & Stubbs LLP
50 W. Liberty Street, Suite 950 ▪ Reno, NV 89501

From: Greg D. Ott [<mailto:GOtt@ag.nv.gov>]
Sent: Thursday, October 06, 2016 8:37 AM
To: Granier, Laura
Cc: Marissa M. Houk
Subject: RE: SPSCA - NCA

Our office policy does not allow us to accept service.

From: Granier, Laura [<mailto:Laura.Granier@dgsllaw.com>]
Sent: Wednesday, October 05, 2016 5:21 PM
To: Greg D. Ott
Subject: SPSCA - NCA

Greg,

I have attached a complaint for declaratory and injunctive relief filed on August 26th related to the Board's vote to require the conversion to a contract. Please let me know if you will accept service of process. Once we deal with the service, I would propose we stay any deadlines at least temporarily to see if we can find an alternative resolution.

Second, the notice of closure issued to NCA provides for a cure of the identified deficiency. Given that the sole issue is the Authority's interpretation of graduation rate to be the four-year cohort rate please let me know how the Authority believes this can be cured during the period identified and leading up to December of this year. I understood the "cure" was the Graduation Rate Improvement Plan; however, it appeared more recently the Authority's position may be that something else will be considered to constitute a "cure." Please provide me information to share with NCA on this point.

Thank you,
Laura

LAURA K. GRANIER ▪ Partner

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EXHIBIT 3

EXHIBIT 3

Sparks, Jenny

From: Greg D. Ott <GOtt@ag.nv.gov>
Sent: Thursday, December 01, 2016 3:33 PM
To: Granier, Laura; Wayne Howle
Cc: Marissa M. Houk
Subject: RE: SPSCA Follow-up

Laura,

The Authority staff is not agreeable to an extension. The September 30, 2016 notice of intent to revoke charter letter provided 60 days for NCA to correct the issues that prompted the Authority to issue a notice of closure. This time period was double the statutory minimum, 30 days, required by Nevada law. NRS 338A.330(2)(b). Further, NCA has not presented any justification warranting an extension or why it waited until the day before the cure period's expiration to request an extension.

Director Gavin will not engage in telephonic communications regarding NCA's cure of the deficiencies described in the notice of intent to revoke. The Authority looks forward to receiving evidence from your client on December 2 regarding steps that the school and its governing board have taken that have corrected the deficiencies contained in the Notice. The Authority looks forward to NCA's presentation of that evidence on December 16. NCA will at that time have a full and fair opportunity to participate in a hearing as set forth in NRS 388A.330.

You inquired regarding the cite for the "two-step process" I described to Judge Russell. The cite is NRS 338A.330(3). Under Nevada law, if a charter school corrects the deficiencies to the satisfaction of the sponsor within the time period, the sponsor shall not reconstitute or revoke. This is step one. This does not allow the Authority to consider any adverse action against the school until a determination of whether the deficiencies have been corrected has been made. Step two is the sponsor's decision of what to do, if the charter school has not corrected the deficiencies.

Thanks, Greg

-----Original Message-----

From: Granier, Laura [<mailto:Laura.Granier@dgsllaw.com>]
Sent: Thursday, December 01, 2016 11:24 AM
To: Greg D. Ott; Wayne Howle
Subject: RE: SPSCA Follow-up
Importance: High

Greg:

NCA is requesting an extension of time for the cure period by one week. Please let me know if the Authority staff is agreeable.

Thank you,

Laura

From: Granier, Laura
Sent: Thursday, December 01, 2016 9:45 AM
To: gott@ag.nv.gov; Charles W. Howle (whowle@ag.nv.gov)
Subject: SPSCA Follow-up

Greg:

You indicated yesterday you would reach out to Patrick re: NCA's request to discuss possible cures with Patrick ahead of the Dec. 2 deadline to cure. Please let me know the status. As Steve and I indicated, we will move whatever is necessary on our schedules to make a time work for this.

Also, you represented to the Judge that the closure hearing is a "two-step process." Would you please provide me the citation or authority that sets out that process? I'd like to be sure we're all on the same page. Similarly, if you believe the school is limited in what it may present at the hearing on 12/16, please provide me the citation for your authority.

Laura

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EXHIBIT 4

EXHIBIT 4



Graduation Rate Improvement Plan

Submitted to:

State Public Charter School Authority

By:

Nevada Connections Academy
Board of Directors¹

May 16, 2016

¹ The final version of this plan is on the NCA Board's agenda for review and possible approval on May 17, 2016. NCA will update the Authority with respect to the action the NCA Board takes on this version of the plan.

Table of Contents

1.	Executive Summary	1
2.	2015-16 School Year Improvements	2
2.1	Internal & External Data Validation.....	2
2.2	Credit Retrieval Courses for Credit Deficient Students	4
2.3	Summer School	5
2.4	Earlier and Increased Intervention	6
2.5	2015-16 Curricular, Education Management System, and Actionable Feedback Revisions	9
2.6	2015-16 Professional Development	10
2.7	2015-16 Learning Coach Support	12
3.	2016-17 School Improvement Plan.....	14
3.1	Internal & External Data Validation.....	14
3.2	Freshman Focus/Senior Success	15
3.3	Every Student Succeeds Academy Program and Plan	15
3.4	Curricular Changes	16
3.5	Professional Development	18
3.6	Board Governance Training.....	20
3.7	Staff and Placement Decisions	20
3.8	Face-to-Face Support	21
3.9	2016-17 Learning Coach Support	21
4.	2017- 18 and Beyond	22
5.	Conclusion	25
	Appendix A: History and Accomplishments	
	Appendix B: NCA’s Federal Four-Year Adjusted Cohort Graduation Rate (2015) Calculated Under NCLB	
	Appendix C: NCA’s Anticipated Four-Year Adjusted Graduation Rate (2016)	
	Appendix D: Policy Recommendations – Application of Existing Law and Potential Regulatory Changes	

List of Figures

Figure 1.	Credits and Final Grade Report Data View	9
Figure 2.	Professional Development Topics in 2015-16	12

1. Executive Summary

The Board of Directors of Nevada Connections Academy (NCA) has taken steps to improve its cohort graduation rate. Specifically, the Board has put in place a set of policies, programs, and interventions (detailed in this plan) starting in the fall of 2015 to significantly improve the four-year cohort graduation rate for the 2015-16 cohort and beyond. The NCA Board also recognizes that graduation rate is one metric among many metrics that need to be examined in order to determine an accurate picture of school performance (See Appendix A).

The Nevada State Public Charter School Authority (the Authority) shared its concerns about NCA's graduation rate at the March 2016 Authority Board meeting and specifically expressed its desire that NCA would work with Authority Staff to develop a comprehensive plan to raise NCA's four-year cohort graduation rate.

In response to the direction received from the Authority during the March Authority meeting, the NCA Board, school leadership, and Authority Staff have held several meetings to discuss improving the NCA four-year cohort graduation rate while continuing to serve a significant population of credit-deficient high school students and helping all NCA students to academically succeed. For the 2015 graduation cohort (334 students), 143 (42.8%) were two or more credits behind when they enrolled; 56 (16.8%) were more than six credits behind when they enrolled. More information is provided in Appendix B. The plan detailed herein is the result of the collaboration between the NCA team and Authority Staff.

This plan builds on the school performance initiatives previously adopted by the NCA Board for implementation during the 2015-2016 school year. Based on current indicators, the NCA Board believes that the programs put in place during the 2015-16 school year will result in a measurable improvement in the graduation rate of the 2015-16 cohort, and thus will provide a solid base upon which to build the further improvements expected from this plan:

- The projected graduation rate for 2016 reflects a significant increase over the prior year.
- The percentage of anticipated graduates that entered behind in credits is 14.2% of the graduates compared to 10.1% for the 2015 graduates. This is an indication that NCA is doing a better job at helping students that enter credit deficient to graduate on-time for the 2015-16 school year.
- When comparing the 2016 anticipated cohort with the 2015 cohort, the percentage of students who enrolled two or more credits behind and the percentage that enrolled six or more credits behind were significantly higher in 2016. Despite having a slightly more challenging population of students this year, the projected graduation rate shows an increase, an indication that the steps taken to improve the graduation rate are showing results (See Appendix C for more details).

The NCA Board thanks the Authority Board and Staff for its collaboration in developing this plan and for its assistance in helping NCA address the four-year cohort graduation rate issue. The NCA Board believes that this plan demonstrates challenging yet achievable goals for improving the four-year cohort graduation rate.

2. 2015-16 School Year Improvements

NCA implemented significant changes during the 2015-16 school year to improve graduation rate. The changes started with a cohort analysis (described in Appendix B) that detailed every student in the 2015-16 four-year cohort with regards to their credit status. As proper academic placement and tracking within a robust, credit earning and recovery program is the foundation for success, credit deficient students were assigned programs, support, and interventions, depending on their credit status (on-track, two or fewer credits deficient, two to six credits deficient, etc), tailored to their individual needs to help them earn a high school diploma. The level of support and type of intervention is based on student need and changes as the student progresses through the program.

We have begun to see success in these improvements and implementations; for example, of all Credit Recovery courses attempted, approximately 80% were passed. Additionally, we anticipate that the 2016 four-year cohort graduation rate calculated under No Child Left Behind (NCLB) that will result from these efforts will increase at least 10% over the 2015 performance (details are included in Appendix C). The following section details the full scope of the supports and interventions implemented during the 2015-16 school year.

2.1 Internal & External Data Validation

Internal Data Validation Efforts

One of the benefits that NCA provides its students is a highly individualized approach to learning through targeted instruction, counseling, and the implementation and monitoring of individualized graduation plans. Each student in the 2015-16 graduation cohort has been individually reviewed and placed into one of three groups. Group 1 students are on track for graduation and based on performance and previous course completion and are anticipated to be counted as graduates in the 2016 cohort. Group 2 students are two to six semester-length courses behind and through remedial coursework can still potentially graduate on-time. Many of these students were credit deficient at the time of their enrollment in NCA, and through NCA's credit recovery program, they have caught up. Group 3 students are severely off cohort and are not likely to graduate on-time because they are more than six semester courses behind. Similar to Group 2 students, many of these students were credit deficient at the time of their enrollment in NCA. Students included in this group are unlikely to graduate as part of the 2016 cohort as it is not possible to graduate them and ensure that academic standards are being met. However, we are confident that with the right programming, support, and monitoring, they will graduate with a high school diploma in future years. Serving these students is an important part of NCA's mission. Because of the initiatives NCA has already implemented, progress is being made with this severely credit deficient population. One of NCA's strengths is its unique position to provide highly targeted and supportive programs which are data based and involve the participation of many school staff. Effectively harnessing that strength for the betterment of all students that NCA serves is a key focus of this plan. Appendix C provides a more detailed analysis and progress.

An important data point and influencing factor on the NCA cohort graduation rate is the high transiency of the NCA high school student population. According to the Nevada Department of Education, the transiency rate based on the 2014-2015 state report cards for NCA is 43.3% vs. the State's 26.5% and Clark County's 28.8% (see Appendix D for more details). NCA's transiency rate is significantly higher than the state and Clark County for a number of reasons. In general, virtual schools have a high transiency rate due to the various factors compelling a student to enroll in a virtual school. Many students chose NCA to solve a problem for a particular period of time such as bullying, medical issues, family situation, pregnancy, or other crisis situation or they join NCA as a "last resort" before dropping out of school. **Over 69% of the anticipated non-graduates for 2016 have been enrolled less than one year – meaning NCA has had very little time to influence their on-time graduation status and that their credit deficiencies do not reflect NCA's performance but the performance of their prior school(s).**

The Authority staff has identified as an objective for NCA to increase its efforts to identify these students and where they go after leaving NCA. As a result, the school has intensified its efforts to locate and confirm the whereabouts and programming of students who withdraw from NCA, even after being enrolled for only a short amount of time. These efforts are led by the school's reporting coordinator and use the state's reporting system, our internal Education Management System (EMS), and other sources of information as needed. A detailed, multi-step process for confirming student enrollment status and locating withdrawn students begins well before the official "validation" period in September. When needed, the school will use the services of carefully selected, experienced third party services to assist in locating students who have withdrawn and could adversely affect the cohort rate.

Ongoing communication is essential to the internal validation efforts and ultimate improvement of the NCA four-year cohort graduation rate. This includes regular tracking and research and increased internal communication about the status of each potential cohort member and his/her status upon exit and entry. Given the transiency rate of our population (referenced previously) this is particularly important. This communication also ensures that currently and newly enrolled students are not only progressing but are receiving pro-active instructional, counseling, and administrative support. We anticipate that additional tracking and data focused on these students during the 2015-16 school year will make a measureable difference in the four-year cohort graduation rate for the 2016 cohort. What is even more encouraging is that these increased data efforts are now occurring immediately after a student withdraws and will have long term impact on the graduation cohorts in future years.

External Data Validation Efforts

Based upon a recommendation by the Authority Executive Director, the NCA Board approved the identification and selection of an external evaluator at its April 2016 Board meeting. NCA seeks to engage an external evaluator by June 2016 to review both the 2015 graduation cohort and the 2016 graduation cohort. This organization (or individual) will look at not only data sources readily available through the Nevada Department of Education, but will also look at internal data to determine if it supports the conclusions regarding student body characteristics and progress that have been previously presented by the school. This resource will also be asked to address whether the graduation rate has been correctly attributed to NCA by the Nevada Department of Education, consistent with NEV. REV. STAT. ANN. § 385.347 (2016) which requires that the Authority prepare an annual report of accountability for each of the charter schools it sponsors and include information prescribed by regulation of the Nevada Department of Education including the graduation and drop out rate of pupils enrolled. NRS 385.347 mandates the dropout rate exclude pupils who provide proof of successful completion of the high school equivalency assessment, are enrolled in courses approved by the NDE as meeting the

requirements for an adult standard diploma, or withdraw from school to attend another school.² This review may identify students who were in the 2015 or perhaps in the 2016 cohort who were incorrectly categorized as dropouts in the 4-year cohort graduation rate being considered by the Authority.

The NCA Board and school leadership team anticipate many benefits of this external evaluation including verification of data, analysis of graduate and non-graduate trends, and recommendations for improvement. The specifics of selecting the third party, their timeline and deliverables, and the scope of their work are being discussed by and will be mutually agreed upon by NCA and the Authority. We are currently in the process of discussing the project's scope and deliverables with a reputable, national organization.

2.2 Credit Retrieval Courses for Credit Deficient Students

In an effort to bring credit deficient students to “on-track” status, NCA initiated a 2015-16 pilot using GradPoint™, a leading high quality credit recovery program used by more than 1,000 school districts in 45 states. In the pilot, the NCA Board purchased 100 licenses. In addition to increasing graduation rate for the 2016 cohort, this effort will provide high school students in other cohorts the opportunity to earn missing credits. During this school year, 150 students have benefitted from participating in credit recovery courses.

Currently, there is an 80% pass rate in the GradPoint Pilot program. This translates to over 200 semester credits being earned by students.

GradPoint offers a diagnostic-prescriptive virtual learning solution. The student-centered philosophy behind GradPoint's courses includes the necessary support features to facilitate and guide customized credit recovery:

- Prescriptive-diagnostic assessment and instructional sequencing tools that tailor and deliver personalized learning for every student.
- Engaging content and interactive, collaborative learning elements to re-engage at-risk students.
- Instruction, activities, and assessments that address diverse learning modalities and enable students to demonstrate content mastery in a variety of ways.
- Robust progress monitoring tools.

GradPoint's prescriptive courses provide a personalized pathway through the course based on needs, saving valuable learning time and increasing student motivation. Students take a pre-test and a post-test with every module. Based on their results, they are assigned lessons in areas in which they did not demonstrate mastery and are exempted from other lessons they have already mastered.

NCA is pleased with these results and looks forward to an even greater number of credits being earned before the end of the school year. NCA plans to increase its usage of credit recovery programs during the summer of 2016 and extend it into the 2016-17 school year and beyond.

² Also, NEV. ADMIN. CODE § 389.699(3) (2015) states, “A pupil who qualifies for a certificate of attendance must not be counted as a dropout.” A certificate of attendance is issued to a student who is over 17 and has completed the required credits to graduate, but has not passed the required proficiency exams.

2.3 Summer School

The four-year cohort graduation rate calculation includes students who complete their high school during the summer of their graduation year. Summer school provides an opportunity for many students to “catch up” and be on track for graduation. In addition, research has shown that by enrolling in academic courses in the summer months, “summer slide” is reduced and can help students achieve academically. Students in NCA’s summer school program will be closely monitored by certified teachers and counselors who will provide targeted, supplemental instruction and maintain regular contact to keep them focused on their goal of graduation. Teachers will work to ensure that students complete pre- and post-tests, progress at a pace that enables successful course completion, and participate in daily instructional and intervention activities. Summer school staff are chosen based on their familiarity with effective instructional and motivational strategies. They are focused on student success and already have relationships with many of the students, a foundation on which to build academic success. When students know that there is an adult that cares about their success, then they are more motivated to be successful.³

The NCA Board is committed to a successful summer school program and efforts were underway earlier this year to leverage the GradPoint and Connections program during the summer months. The NCA Board has dedicated \$68,000 to implementing a summer school program for the summer of 2016 for coursework. In addition, the NCA Board has dedicated staff to support this initiative including supervision and instruction by certified teachers, administrators, and counselors.

Every student in the 2015-16 cohort who does not graduate in June will be encouraged and provided support to continue their school year into the summer, whether it is realistic for them to graduate by the end of summer or not. Summer school plans were underway earlier this year, finalized and approved by the NCA Board on April 12, 2016. It is anticipated that 150 students will be enrolled in the summer of 2016. The number of anticipated enrollments includes students from Group 2, Group 3, and future cohorts who will benefit from a summer program to put them back on track to graduate with their cohort. Students who are credit deficient will take GradPoint courses. Students in Group 2, as described in Section 2.1 of this plan, who complete their summer courses will most likely graduate with their cohort.

It is important to note that not only are we taking care of the current cohort, we are looking into the future and having future cohorts take classes as well to stay on cohort or “catch up” if they’re currently off-track. Summer courses will be offered to students who are behind in their freshman, sophomore, or junior years. This will significantly help accelerate those students in ensuring their on-track graduation plans.

Based upon an analysis of the 2015 non-graduates, we anticipate that the courses most likely to be taken by students for the summer of 2016 will be English, U.S. Government, and Math (specifically Geometry). These three areas were the biggest barriers to graduation and are listed in rank order.

³ Hattie, J. (2009). *Visible Learning: A Synthesis of over 800 Meta-Analyses Relating to Achievement*. Routledge: New York, p. 72.

2.4 Earlier and Increased Intervention

NCA has implemented a systematic Response to Intervention (RTI) program to ensure all students are receiving timely and effective instructional support and that their performance is being actively monitored. As noted by RTI Action Network: A Program of the National Center for Learning Disabilities, RTI is the practice of providing quality instruction and intervention and using student learning in response to that instruction to make instructional and important educational decisions (Batsche et al., 2005)⁴. Research and reviews of the effectiveness of RTI found that it is an effective practice for both systemic (e.g., reductions in special education referrals) and student (e.g., increased reading scores) outcomes⁵.

At NCA, students who struggle with the core Math and English Language Arts curriculum are assigned appropriate instructional interventions targeted to their greatest area of need. Efforts were increased during the 2015-16 school year and are tracked on a weekly basis to ensure adequate support and monitoring is taking place. Many students require behavioral interventions to help motivate them to engage in their coursework. Part of the intervention process involves careful examination of a student's academic and behavioral record and identifying potential factors inhibiting their academic progress and perhaps influencing their decision to exit their last school. A slightly credit deficient student (or one who is on cohort) who shows weakness in math with no other risk factors will not begin with the same behavioral treatment plan that a severely credit deficient student with multiple academic or social/emotional risk factors will.

NCA has a variety of instructional resources to address academic intervention needs and uses synchronous sessions (both individual and small group) to address behavioral, social-emotional, and motivational concerns. Resources are easily accessible to students and individual plans based on student needs are created and monitored. Grade level Professional Learning Communities of teachers meet weekly and electronically communicate about student progress on a daily basis. The Student Support Team is also included when escalation is needed. Currently, approximately 70 high school students are receiving interventions in English Language Arts and 120 are receiving interventions in Math. These students require additional support and resources (described in the following sections) to ensure that they are successful in their online courses and are on-track for graduation. It is important to note that this is a fluid process as students receive interventions at the various tiers and may fluctuate between these interventions and in the regular program, depending upon their academic performance and individual student learning need.

Response to Intervention (RTI)

With this multi-tiered approach to curriculum and instruction, which ensures individual students receive the support they need, data is used throughout the school year to implement, for all students, a Response to Intervention (RTI) model. Students who may not be successful in the standard program, Tier I, receive additional support via the supplemental and alternative programs in Tier II and Tier III as detailed in the following pages.

⁴ Batsche, G., Elliott, J., Graden, J. L., Grimes, J., Kovaleski, J. F., Prasse, D., et al. (2005). *Response to intervention policy considerations and implementation*. Reston, VA: National Association of State Directors of Special Education.

⁵ Burns, M. K., Appleton, J. J., & Stehouwer, J. D. (2005). Meta-analysis of response-to-intervention research: Examining field-based and research-implemented models. *Journal of Psychoeducational Assessment*, 23, 381–394.

Students' responses to interventions are monitored, and adjustments to the type and intensity of support are made as needed. RTI efforts were increased during the 2015-16 school year to more quickly identify students who are struggling. The school began to utilize weekly PLC and Student Support Team meetings to look at student performance and behavioral data, and make programming decisions to support students who are struggling academically or are otherwise challenged. The individualized nature of NCA's program lends itself well to RTI. Through real time progress indicators, additional supports and interventions ranging from supplemental programming to targeted, synchronous instruction and even targeted counseling are assigned and monitored. Regular discussion of student progress is held between content area and specialized instructional staff, advisors, counselors, and administration. Modifications to programs are made and can be implemented quickly.

For example, NCA uses the Assessment Objective Performance Reports (AOPR), which helps teachers easily identify essential skills and standards by subject/grade level; identify how and where these essential skills and standards are assessed within the program; access and analyze real-time data to determine mastery/proficiency; incorporate data-driven decisions throughout instruction; maximize use of the instructional support programs, resources, and data; identify the need for tiered interventions for non-mastered/proficient skills and standards; and identify students' responses to the implemented interventions.

This process is further facilitated by other data from Connexus to help identify students' instructional needs that may require intervention. A teacher's Home Page shows an icon for each student indicating that interventions are needed and have been identified and provided. The teacher can use his or her professional judgment to override these indicators and log the decision and rationale within Connexus. Also, NCA has a Student Support Team (SST) and an on-going process of identifying student intervention needs; assigning those interventions; tracking their success; and escalating, if necessary, from Tier I to Tier II to ultimately Tier III (alternative placement, most of which involves the development of an IEP). Tier III interventions are provided concurrently with a special education evaluation. Data is collected as a part of the RTI process. NCA believes that the intensive focus on these Tier interventions for the 2015-16 school year will increase the graduation rate by providing students the one-on-one support that they need to be successful.

Tier I

Tier I is the first level of a multi-tiered approach to a system of instructional and behavioral supports. Tier I includes Connections' research-based core reading and math curriculum aligned with the Nevada Academic Content Standards. In addition to core coursework, the core curriculum includes teachers' use of differentiated instruction that meets the needs of all students throughout the school year. Differentiation involves thoughtful planning for the following: instructional design used to deliver content to students; lesson content used to support and extend concepts and skills; instructional practice used to provide targeted instruction and actively engage students; assessment used to evaluate student learning; and instructional activities to meet the needs of individual and small groups of students. When Tier I differentiation strategies fail to produce adequate progress, Tier II intervention is considered.

Tier II

Areas where more students struggle and require Tier II support typically include reading fluency, reading comprehension, math fluency, math computation and reasoning, and behavior. Decisions to place students into Tier II are based on formal and informal assessment data, academic progress, and behavioral observations (attendance at live lessons, work completion, etc.) The scope of Tier II interventions has been increased during the 2015-2016 school year to include a greater focus on targeted, synchronous instruction, and providing additional support to students whose behavioral concerns are impeding academic progress. Tier II increases the frequency of the interventions. NCA has implemented a Tier II instructional support program for these students and provides support two to three times a week for 20–30 minutes per session at a minimum. Tier II intervention is explicit, systematic, and targeted to the greatest area of student learning and behavioral needs. Supplemental programs provide teachers with reports for progress monitoring that can be uploaded to Connexus to ensure all student performance data is in one place.

Tier III

NCA has implemented a Tier III intervention where students receive targeted instruction for 20–30 minutes four to five days a week in order to focus more intensively on skill deficits and areas of concern. Tier III includes the most intensive and frequent level of instructional support and is the next step in the multitiered approach for students who have not been successful in the previous interventions. Tier III interventions use direct instruction through the use of LiveLesson sessions and implements other instructional strategies and research-based programs that are explicit, systematic, and targeted to specific student learning needs. Much like the decision to place a student into Tier II, academic progress, assessment data, and behavioral observations which indicate a greater need for intervention guide the placement into Tier III. This is the most intensive level of intervention.

Mentoring Program

NCA also piloted a mentoring program in the 2015-16 school year based on John Hattie's analysis of the impact of student-teacher relationships on student performance. As Hattie identified in *Visible Learning: A Synthesis of over 800 Meta-Analyses Relating to Achievement*, there is a strong correlation between teacher-student relationships and student learning⁶. As a pilot effort, NCA students who had two or more failing grades were assigned 1:1 adult mentors, drawn from NCA faculty and staff. Of those in the pilot, 75% are now passing all of their courses. While the development of a relationship with a caring adult is not the only factor contributing to these students' success, NCA is pleased with the results and will be expanding it to include students with the most profound academic and social emotional needs.

⁶ Hattie, J. (2009). *Visible Learning: A Synthesis of over 800 Meta-Analyses Relating to Achievement*. Routledge: New York, p. 72.

2.5 2015-16 Curricular, Education Management System, and Actionable Feedback Revisions

The 2015-16 school year saw significant revisions in the Connections curriculum and in Connexus®, the school’s Education Management System (EMS), to address student tracking, feedback, and curricular needs for credit deficient students.

- Tracking Credit Accumulation:** Connections recognizes the importance of early identification of credit deficient students. There are fields in Connexus that help NCA staff to identify, track, and intervene with students behind in high school credits. In addition, a new field was added for the 2015-16 school year to the Credits and Final Grade Report Data View (example provided in Figure 1) to assist schools in identifying credit deficient students during the enrollment process. As a result, this data is now readily available to NCA counselors as they assign students their courses in Connexus, and also enables counselors to quickly identify credit deficient students so teachers can quickly design interventions. Interventions may include credit recovery courses, block scheduling of classes, additional support by teachers, and/or summer school planning.

Figure 1. Credits and Final Grade Report Data View

Final Grade 2015-2016: 11

Current grade Level: 11

Grade Level based on credits earned: 11

On track to graduate based on completed credits and cohort year? Graduate On Time

On track to graduate based on potential credits earned at end of year? Graduate On Time

Cohort Grade: 11

Cohort Graduation Year: 2017

Is the student credit deficient based on documentation received prior to enrollment? Yes No

If yes, in what area(s) is the student credit deficient? Electives English

- Math Focus:** Math can be a significant barrier for credit deficient students. In the 2015-16 school year, Connections released significant changes in the area of math. All Kindergarten through Algebra 2 math courses were enhanced for 2015–16 to reflect the targeted learning sciences principles of practice, feedback, and student engagement, as well as the analysis of Connections math performance improvement research and data analytics.

These enhancements included the following:

- Reflections engage students in assessing their comfort level with specific skills, rating their math confidence, and reflecting on their math practices and study skills.
- Updated project based portfolio assessments are aligned to math practices and provide hands-on learning opportunities that include flexibility and choice, real-world challenges, collaboration, and application of knowledge in authentic ways.
- Enhanced practice includes instructional support, refined assignments that target skills needing additional support for mastery, and encourage metacognitive questioning and engagement with next generation assessment type activities.

- **Actionable Feedback:** Teacher feedback is one of the most powerful influences on student learning and achievement (Hattie and Timperley, 2007).⁷ However, as noted by Hattie and Timperley, the type of feedback and the way it is given can be differentially effective. Guided by these research findings, during the 2015-16 school year, NCA teachers increased their efforts to provide high quality, timely, and actionable feedback. The new process ensures that teachers provide this feedback and that students and Learning Coaches are aware of the feedback. At the start of the school year, students and Learning Coaches began receiving automatic WebMail notifications that feedback was provided by the teacher, indicating the specific assignments and assessments that contain the feedback. Through a technology-powered feedback loop in Connexus, students receive consistent, timely, tangible, and actionable feedback to guide and impact their learning. In a Connections Education survey conducted in March 2016 of student and Learning Coach response to the new feedback notification system, results indicated the following:
 - **98% indicated that they have received feedback notification messages**
 - **97% indicated that they found feedback notification helpful in keeping them informed about their student’s learning (82% very helpful; 15% somewhat helpful)**
 - **92% indicated that the feedback notification was helpful in keeping their student informed about their learning.**

It is expected that both the math enhancements and the actionable feedback will improve student engagement in their courses and increase the percentage of courses that students complete successfully resulting in increased credits earned and a reduction in the number of credit deficient students, as well as the severity of students’ deficiencies. In the first semester, the improvements are believed to have contributed to the 3% point improvement in successful high school Math course completion rates across Connections-supported schools.

Continued research and formative and summative data analysis will occur at the conclusion of the 2015-2016 school year and into the 2016-2017 school year to confirm these assertions and inform instructional and operational practices at NCA. We do anticipate that these curricular and technological revisions implemented in 2015-16 will make a positive difference in the second semester course completion rates and in NCA’s graduation rate.

2.6 2015-16 Professional Development

NCA has also focused its professional development efforts in 2015-16 on engaging faculty in discussions directly related to the learning science principles and ensuring student success. Our efforts include training on student engagement and mindset as part of a targeted focus on school culture and student perceptions related to learning. A learning environment that promotes student engagement is characterized by connectedness between students, their teachers, and the school community, as well as a growth mindset, personalization, relevance, and the provision of a physically and psychologically safe environment.

⁷ Hattie and Timperley, (2007). **The Power of Feedback:** Review of Educational Research. March: 77: 81-112

The professional development for 2015-16 focuses on student engagement. An engaged student is invested in his or her learning and—as a result—has a growth mindset, perseverance, and relations that support academic success. It's about seeing things in a new way. When people change to a growth mindset, they change from a judge-and-be-judged framework to a learn-and-help-learn framework. Their commitment is to grow, and growth takes time, effort, and mutual support. Focusing professional development efforts on student engagement, mindset, and culture will make a difference for credit deficient students who have had many years of failure in their previous educational environment.

Teacher professional development is critically important in ensuring that the staff is optimally effective at teaching in a virtual environment and addressing the Nevada Academic Content Standards in their daily instructional practice. Each teacher maintains an ePortfolio in Connexus that includes the dates they attended professional learning sessions and their reflection on the session. Professional Learning sessions delivered by the Connections Professional Development Team include a post-session activity that teachers complete and upload to their ePortfolio. This application activity requires teachers to describe how they will apply the information learned during the session to their work with students and to improve their instructional practices. The NCA school leadership team can access a teacher's ePortfolio, review what was submitted as evidence of their learning, and provide teachers with feedback. The review of teacher artifacts and reflective comments have shown an increase in understanding of key concepts such as “knowing your students”. This is supported by observed teacher instructional activities within synchronous instructional sessions and a focus on off-track students.

The *Core Standards for Facilitating Student Learning* are:

- Provide high quality instruction resulting in student learning,
- Personalize student programs,
- Monitor student performance and provide timely feedback and intervention,
- Monitor student participation,
- Communicate frequently,
- Document and review all interactions, and
- Collaborate and develop professionally.

NCA works with the Connections Professional Development team to coordinate, plan, deliver, and continuously support Professional Learning Community activities and other professional learning initiatives through a systematic and comprehensive multi-year professional development plan that is focused on NCA's needs.

Figure 2 lists the professional development programs and initiatives that NCA targeted during the 2015-16 school year that were directly aligned with its goals of increasing student success and graduation rate.

Figure 2. Professional Development Topics in 2015-16

Topic
<ul style="list-style-type: none"> • Students in Distress • Serving Special Education Students Online • Monitoring students with attendance, participation, and contacts • Response to Intervention: Using Intervention Indicators to review, identify, and implement interventions • Assessment Objective Performance Report (AOPR) – real-time data showing student mastery of essential skills and standards • Differentiating learning using resources from the Instructional Support database and Shared Content • Analyzing and making instructional decisions for personalizing instruction • Planning targeted instruction for groups of students • Assessing mastery and providing opportunities for practice • Motivating students to participate • Encouraging Learning Coach training and participation • Reviewing best practices for intervening with students in Approaching Alarm or Alarm status • Helping Students Develop Grit and Take Ownership of Their Learning • Practice > Mastery > Transfer – What Does It Mean? • Feedback vs. Feedforward Roundtable

2.7 2015-16 Learning Coach Support

In addition to this increased focus on student engagement, NCA has recognized the need to provide increased support to Learning Coaches and to help increase their engagement and connectedness with other Learning Coaches.

New resources were provided in the 2015-16 school year to assist Learning Coaches in ensuring student success. As part of a commitment to the entire family and subsequent research, a three-part family support program was created to make the learning experience more engaging and rewarding for students, parents, and Learning Coaches. These Learning Coach Live Lesson sessions are announced in the Learning Coach Link, on Learning Coach Central, in the Monthly Newsletter, and on the Learning Coach Home Pages. The three-part family support program is described in the below sections: Get Started!, Get Coaching!, and Get Connected!

Additionally, NCA uses Facebook social media channels to connect with enrolled and interested families. Facebook is used to support a positive school community and may serve as an alternate, casual, method of communication. There are currently 2,264 people following the NCA Facebook page. The page sees interaction such as: 9 average fan likes per post, 11 average fan actions per post, and 769,962 potential friend impressions. Parents can also join the school’s closed Facebook groups, in Northern and Southern Nevada, to reach out to other families. As of April 2016, more than 200 Nevada families were counted as members.

Club ORANGE is a social club for parents of enrolled students and it provides another online “space” where families can connect. This is not a formal method of communication, but rather an opt-in group for parents to meet their peers and interact. Current membership in the Nevada Club ORANGE community is 172 families (up from 28 families when the club was first established in 2011).

Get Started!

Our **Get Started!** program offers both assistance and reassurance by providing extensive information about online education. The program helps families prepare for a successful school year through the Prepare for Success website, teacher welcome calls, orientation courses for Learning Coaches, in-person orientation gatherings, and Learning Coach Success Series, a series of live webinar-style sessions that start before the beginning of each school year, and are led by currently-enrolled parents who help families prepare for their first days of school. In addition to open Q&A sessions each week, five different topics are addressed: Virtual School Basics, Roles and What to Expect, Schedules and Routines, Getting Acquainted with Connexus, and Tips and Tricks for Success. The website is provided at:

<http://www.connectionsacademy.com/learn-more/events/online-orientation>

Get Coaching!

The **Get Coaching!** program is dedicated to helping Learning Coaches understand their role, providing them with easy access to resources, and ensuring that they are equipped with the tools and strategies needed to motivate and assist their students. Also, Connections provides additional training and support for parents.

Learning Coaches will complete an online orientation designed to familiarize them with the important role they play in supporting their student as a learner. We also support Learning Coaches through:

- **Learning Coach Central** – A convenient one-stop-shop site with access to social networking opportunities, information, and multiple resources to assist Learning Coaches in their role and providing instructional support to their student.
- **Learning Coach Link** – An online monthly communication sent to Learning Coaches with articles on instructional best practices and topics relevant to their families, Connexus updates, tips and strategies supporting students, announcements and reminders. NCA reaches out to Learning Coaches through increased social media, increased communication via message boards, and student outreach activities at school events to share this information.
- **National Learning Coach Resource Sessions** – These online, LiveLesson sessions are designed to assist Learning Coaches with an understanding of their role and responsibilities, and provide strategies for working with and supporting their student. All Learning Coach sessions are recorded and available in the Virtual Library for Learning Coaches to view if they are not able to attend the session live. They are announced on LC Link, LC Central, and LC Home Pages. Topics of specific interest are also shared via direct communication to families from counselors and advisors.

A wide range of topics are offered. Examples of sessions that support Learning Coaches of high school students include:

- College Applications and Your Student: What to Expect and How to Help!
- Understanding Financial Aid and the Importance of Completing the FAFSA
- How You Can Help Your Student Become College and Career Ready!
- Embracing Struggle through a Growth Mindset
- The Adolescent Brain
- Nurturing Student Motivation

Get Connected!

The **Get Connected!** program was developed to assist students and parents who are interested in finding opportunities to connect with other school families. In addition to in-person field trips and online clubs and activities, this program offers socialization tips for online school families, increased opportunities for students to interact online with classmates and teachers, and in some areas, private Facebook groups where parents and Learning Coaches can “meet” to arrange study groups and other informal gatherings.

3. 2016-17 School Improvement Plan

The plan for the 2016-17 school year will be based upon the changes implemented during the 2015-16 school year with increased efforts on the areas of improved graduation rate and academic success, and the results of these efforts. In addition, the following additional improvements will be implemented.

3.1 Internal & External Data Validation

Internal Data Validation Efforts

The school registrar, reporting coordinator, and administrative assistants will maintain accurate and complete records in Connexus and physical files of withdrawn high school students concerning information on their next school of attendance or other educational decision. The school has already taken a more pro-active approach to identifying challenging placements and will continue to dedicate the resources to doing so. NCA is taking an additional step to locate students who withdraw (formally or informally) and, therefore, can potentially negatively impact the school’s current and future four-year cohort rate. At the Authority Executive Director’s suggestion, the school will consider working with an independent, external contractor to attempt to confirm the subsequent educational settings in which students enrolled after withdrawing from NCA. Currently, there are over 200 students who have withdrawn from NCA sometime in the past four years that are not confirmed to have transferred to another public school, private school, or home school. We will actively target this group and focus efforts on locating their current school.

The school will also increase its scrutiny of students enrolled in the school who are truant and those who withdraw or stop attending without providing required evidence that they have withdrawn to another program. Specifically, Nevada provides schools with an avenue to penalize students for habitual truancy—either in the form of written citation issued to the habitually truant student, or suspension of the habitually truant student’s driver’s license. This administrative sanction is pursuant to NEV. REV. STAT. ANN. § 392.148 (2016). This has not been used in the past but plans are in place for the 2016-17 school year. Parents will be clearly notified upon enrollment that this will be pursued if students are habitually truant. This is a mechanism for keeping students engaged and for providing proper incentive to students not remaining engaged to promptly share with the school to what high school program they are transferring. This would minimize “lost” students being counted as dropouts; given the proper information, they could be counted as transfers out, therefore raising NCA’s graduation rate.

As referenced, the school will also carefully review all records to ensure, for example, that any student who qualified for a certificate of attendance or who transferred to an adult education program was not incorrectly coded as a dropout (pursuant to NEV. ADMIN. CODE § 389.699(3) (2015) – and to ensure the same for transfers out-of-state, to private schools, to homeschooling, etc. Data is provided in Appendix B.

Notification will be provided to families and parents when they enroll that this process will be followed – it will be on everyone’s home pages – so that they are fully informed on the consequences of not filling out the withdrawal form.

External Data Validation Efforts

NCA will conduct an external validation study for the Class of 2017 as it did for the Class of 2015 and the Class of 2016 if the Authority finds it necessary. If it does, NCA will pursue the same process for identifying and working with a third party.

3.2 Freshman Focus/Senior Success

The use of a freshman specific initiative was piloted in other schools supported by Connections during the 2015-16 school year and resulted in a positive difference in 9th grade promotion rates between schools. As a result, Connections is building a universal course entitled Freshman Focus for the 2016-17 school year which will be implemented at NCA. The new freshman focus course will orient students to resources available to them, introduce strategies for success in high school course-level work, emphasize the importance of academic integrity and producing authentic work, and build college and career readiness.

Based on the initial positive results of the Freshman Focus Course, a course that addresses needs specific to seniors, Senior Success, will also be offered as a formal part of the program beginning in 2016-17. The NCA Board and school leadership team are very excited about the Freshman Focus course, and the upcoming Senior Success course, and anticipate that both of these approaches will help many students achieve success and graduate on-time.

3.3 Every Student Succeeds Academy Program and Plan

In order to increase the school’s efforts to support off-cohort students, NCA is implementing an academy approach to address the needs of its off-cohort students. Highlights of this mandatory program, to be called the Every Student Succeeds Academy, include:

“Success” seminars for off-cohort students offered synchronously to highlight successful practices, habits, and to help students acclimate to the online environment. Additionally, participation in these sessions upon enrollment will set the foundation to encourage accountability and participation in other required instructional sessions.

- Regularly required attendance at virtual or face-to-face synchronous instructional sessions. The frequency, format, and content will be tailored to student needs and tied to academic outcomes. By requiring attendance, we are still providing the flexibility that a fully virtual model provides while still adding a level of accountability.
- Dedicated instructional, administrative, counseling and advisory staff. Staff that are involved in this program will be selected based on their prior success in engaging with this population and will focus all of their efforts on increasing these students' success under the watch of school administration.
- Lower staff/student ratios. This will further establish accountability, provide support, and ensure that students are in constant contact with the school. As students complete credit recovery courses, it is critical that they are then placed into additional courses to maintain progress towards exiting Group 2 or Group 3 and graduating on time.

To assist the school, an internal Data View field will be added to the Cohort Information Data View and a required timeline. Additionally, the proprietary Connections IssueAware system is used to monitor students, track staff accountability, and document progress. **For 100% of students who have a current final grade of 11th or 12th and are off-cohort (student does not have adequate credits to be in the grade they should be), NCA will outline a plan in their Cohort Information Data View that details efforts to rejoin their correct grade level or graduate on time within the first 45 of days of school or 30 days of enrollment for late enrollees. Overall progress will be tracked through a calculated field in Connexus that monitors whether a student is currently predicted to graduate on time, and students who are "off cohort" will have progress in their courses and other programming tracked weekly.** Another benefit of NCA's program is the ability to adapt programming quickly to match student needs and modifications to programming, supports, and interventions will be made as needed.

3.4 Curricular Changes

GradPoint

Based upon the success of the GradPoint Pilot in 2015-16, it will be expanded and all credit deficient students will be placed into the appropriate courses to recover needed credits and to move closer to an on-time graduation. The targeted, user-centered approach of GradPoint is especially beneficial for transient populations—many of whom have been out of school, are disengaged, and have been unsuccessful in their first attempt at assigned coursework.

Additional Math Instructional Resources

An additional resource in Math has been added into the intervention resource library for 2016-17. Think Through Math helps students develop higher order thinking and problem-solving skills, preparing them for success on state exams, as well as a smooth transition to college or a career. Think Through Math includes instructional support for students in Algebra I, Geometry, and Algebra II, along with foundational math skills, and allows teachers to create customized learning pathways for students based on their individual needs. This additional resource helps motivate students using contests, points, avatars, and games. A pilot was held in other schools supported by Connections and results were very positive and it is expected to result in similar positive outcomes for NCA in 2016-17.

Automatic Feedback

The 2016 plan is to build on the success of the Automatic Feedback feature that was new in 2015. NCA is committed to ensuring that parents and students are fully informed of this feature and how to employ it for student success in the 2016-17 school year by including in webmail messages, welcome calls, and training to parents. This new feature provided an automatic alert that went to both students and Learning Coaches when a teacher left feedback for a student. To support this increased visibility of feedback, teachers ensure that feedback on student work is targeted, meaningful, and includes suggestions for improvement. Teachers received specific training on providing effective, actionable feedback to students (ex. Session 103: Why Do Students Need Feedback?; Session 205: Feedback vs. Feedforward Round Table; and Session 302: The Power of Feedback). A recent survey of Learning Coaches indicated that 97% of Learning Coaches found the notifications helpful in keeping them informed of their student's learning. For example, parents stated that:

- “The feedback helps my student immediately know what he needs to improve on and if he has time to correct his mistakes on assignments. It also gives a confidence boost on a job well done.”
- “We really appreciate the feedback notifications! There were times where my daughter wouldn't see her teacher's feedback requesting correction via webmail for quite some time, but now with the notification, she gets the feedback right away! Very useful upgrade. Thanks!”
- “I just want to take a moment to thank you. Your positive feedback on assessments and (our school's) multiple choice reflections really have made a difference for my child this year. He was having trouble with math last year. I am so thankful for (our school) in general, because it has helped my child take his time and become more confident in his abilities.”

Increased Math Focus

Math is a continued focus at Connections. Targeted activities and discussions will focus on Math in student's day-to-day lives and a growth mindset toward Math, including increased Math awareness in the Connections Speaker Series, Fireside Chats, and Student Clubs and Activities experiences. New student experience opportunities included RobotC, in which students are able to program Lego® Mindstorms® robots virtually, and the James Webb Space Telescope Project, which provided students the opportunity to collaborate virtually and create a project which demonstrates understanding and information about the James Webb Space Telescope.

There are additional Math dedicated resources for Learning Coaches including resource sessions such as Born to Learn – Embracing Struggle through a Growth Mindset and What Was Broken with Math and Why Did They Need to Change It?; Learning Coach Link newsletter articles including math tips and guides; an article on math reflections; and a Learning Coach book study on the book Old Dogs, New Math by Rob Eastaway and Mike Askew.

Course and Connexus Enhancements 2016–17

The curriculum offered to NCA students is updated and enhanced annually. In addition to the updates made to address Math performance, accessibility, and feedback and course ratings received through the StarTrack lesson rating and feedback system, course enhancements are also focused on school-based requests for course unit reranking. Unit reranking requests are in response to a school’s review of the content and sequence of a course. While the content is appropriately aligned to state standards, the sequence of the units may be better aligned to the school’s school year and timing of state assessments. The enhancements for 2016-2017 include the following:

- **Unit Reranking** – Throughout all Connections schools there were 106 school-based requests for unit reranking to optimize alignment of course content and instruction order and pacing to the requirements of state testing. NCA requested four additional reranked courses for 2016-17 and will then have a total of 14 reranked courses in the 2016-17 course catalog. A course that has units reranked enables NCA to cover critical content before state testing dates.
- **Interventions from Prior Year** – Beginning with 2016-2017 school year, teachers will have immediate access to returning student data that indicates whether they were receiving intervention support during the prior school year. This access to historical tier code data, within Connexus, will allow teachers to quickly identify an appropriate intervention for students and provide the student with the type of targeted support that he/she needs at the start of the school year.
- **Math Performance** – Course enhancements focused on Math discourse and students’ oral and written communication of math thinking, reasoning, and problem solving. These efforts will be evidenced in the reflection, discussion, and portfolio activities, and in the new Time to Talk lesson component.
- **Accessibility** – Enhancement efforts continue to focus on replacing or enhancing legacy content and instructional resources to meet the Web Content Accessibility Guidelines (WCAG) 2.0 standards. This work is primarily focused at the middle and high school level for 2016–17.

All of these curricular changes are focused on improving student learning, retention, and graduation rates. These curricular changes are based upon research and efforts from the 2015-16 school year and will make a measurable difference in learning in 2016-17.

3.5 Professional Development

NCA is in the midst of defining its 2016-17 Training and Professional Development Plan, which will be as substantive and robust as the 2015-16 one described previously. An additional focus on standardizing teacher course expectations and grading practices, as well as implementing “relearning” policies to support student academic engagement and success, will be implemented through the training, professional learning sessions, and related Professional Learning Community work. It will also focus on ensuring the success of the Every Students Succeeds Academy designed for off-cohort students and a school-wide focus on graduation rate and tracking students.

Professional learning sessions facilitated by the Connections Professional Development team during the 2016-2017 school year will focus on specific learning themes throughout the year. Whether teachers are participating in the 100 (1st year teachers), 200 (2nd year teachers), or 300 (3+ year teachers) series, the theme will be the same, while the session objectives will increase in level of rigor and application based on teacher experiences. Themes, based on learning science research, include: student reflection, making connections, ownership of learning, effective questioning, feedback, practice/reteaching, and improving student outcomes. This thematic approach will allow all teachers to focus, and build on, the same topics throughout the year and enable PLCs to delve deeper into how learnings from professional development sessions impact teaching practices and student learning.

In addition to the Professional Learning sessions described above, NCA school leadership can recommend or require teachers to participate in any of over 20 additional nationally facilitated professional development sessions that support NCA school goals and/or teacher development goals. School leadership monitors participation and portfolio completion at least monthly, and provides feedback on teacher artifacts. Additionally, observation of teacher instruction includes “look-fors” derived from topics covered within PD. NCA will ensure that active participation in internal professional development is carefully monitored and that topics are reinforced through regular inclusion in PLC meetings and staff meetings, and the rates of participation in professional development will increase from 2015-16 to 2016-17. Additional resources which specifically target working with this population have been identified and will also be included.

Teachers at NCA had the following to say about their experiences participating in professional learning sessions during the 2015-2016 school year, and how the session will help them to improve their instructional practices.

- *I found it extremely helpful to learn about all the different risk factors and to learn how easy they are to locate. I will definitely be taking note of these moving forward when interacting with my students.*
- *In this PD session, we learned about ways to increase the effectiveness of instructional practices. We learned about Gagne's 9 events of instructions and how to implement them in our virtual environment. I learned some new strategies and ways to really engage students in the LL room by using attention grabbing questions, recall, practice, feedback, and retention just to name a few. Using tools like the poll pods, screen shares, breakout rooms, and exit strategy ideas can help assist in pulling students into the instruction and helping them to become more active learners.*
- *I like this idea of grit and teaching students to appreciate improvement in their work when they have taken risks and maybe failed, but then got up and tried again. I can model that myself as I am in my second year teaching in an online environment. Even though there is still a lot I don't know, I have made tremendous progress since last year with the technology.*
- *I really want to focus on self-reflection of my own teaching practices and find my strengths and weaknesses. This will help me to improve as a teacher and also help my students with their own self-reflection process.*
- *I think this session was a good reminder for me that my high-end students need better feedback than what I am providing them. I do a good job of providing detailed feedback for my struggling-learners, but I think I rely on praise too much with the other end of the spectrum. I will spend more time challenging them and encouraging them to go beyond, dig deeper, etc. and provide that in my feedback to them.*

Efforts to assess the impact of professional development efforts are underway. There are several layers of such assessment: Design, Implementation, and Impact. Teacher responses on an annual employee satisfaction survey indicate progress in design and implementation – staff positive responses to 7 professional development related questions increased an average of 3.2% points, and teacher participation in PLCs increased to 100% from 97% last year. Assessment of impact is a work in progress.

3.6 Board Governance Training

The NCA Board is committed to the success of the school. This is demonstrated in their high participation during regular and special Board meetings. The NCA Board meets regularly nine (9) times throughout the school year and calls additional meetings as needed. The Principal reviews performance data and trends with the Board during each meeting, which Board members discuss and make recommendations as appropriate. The Board is focused on strategic planning and increasing the graduation rate at NCA. An external consultant will be engaged to collaboratively work with the Board on strategic planning and implementation for the 2016-2017 school year and subsequent years. The Board will continue to work closely with the Authority to evaluate effectiveness of the improvement strategies and also seek input from external experts in this area.

The NCA Board routinely participates and is committed to Board governance training opportunities throughout the school year, including conferences provided by the National Association of Charter School Authorizers (NACSA), Charter School Association of Nevada (CSAN), National School Boards Association (NSBA), International Association for K-12 Online Learning (iNACOL), National Alliance for Public Charter School (NAPCS) as well as a Board Academy provided by their Education Management Organization (EMO). In addition, materials from previous trainings are made available to all Board members within their online Virtual Library. Also within this Virtual Library, Board members have access to review all governance documents for the school including but not limited to, Bylaws, Charter Agreement and materials from all previous Board meetings. All core foundational documents are reviewed regularly and revised as necessary.

The Board will be actively monitoring the graduation rate and progress and effectiveness of the strategies outlined in this Plan through monthly reports from the school leader detailing the progress made with the strategies outlined in the plan. The Board will be provided detailed updated reports on the cohort to evaluate student growth under this Plan. The Board will continue active involvement in collaborating with the Authority to ensure the Plan is effective or make necessary adjustments as the Board and school leadership work to monitor the success of the strategies outlined.

3.7 Staff and Placement Decisions

The students in the Every Student Succeeds Academy will be taught by a select group of staff who will serve as their teachers and “graduation coaches.” This approach is being piloted now with students in Groups 2 and Group 3 of the current year’s cohort, and it allows teachers the opportunity to work with a small group of students who they “own.” The number of students assigned to each staff member is purposely kept low (less than 10) so the appropriate amount of regular contact and support can be given.

The staff of the Every Student Succeeds Academy (ESSA) will be comprised of teachers who are passionate about and dedicated to working with the population of credit deficient students who often also are also faced with non-academic challenges which further impede their progress towards graduation. By combining high quality, targeted instruction delivered by experienced and caring educators with the appropriate social and emotional supports provided by counselors and advisors, NCA is confident that this will truly be a program in which every student will succeed.

The selection of staff members who understand and embrace the importance of this work is only one step in the overall process. Staff members will be evaluated regularly on outcomes related directly to student success and engagement, and will be held accountable by school administration through the use of tangible, relevant student data. The frequency and quality of contacts with students and the efficacy of instructional practices will be judged on student outcomes.

3.8 Face-to-Face Support

NCA is committed to ensuring that students are successful by creating additional face-to-face opportunities in the 2016-17 school year dedicated to credit-deficient students. Currently, there are field trips and state testing opportunities for face-to-face interaction and many students take advantage of these opportunities. NCA knows that these opportunities provide valuable time for students and teachers to generate a relationship and discussion about coursework and school. It is also an opportunity to develop the success strategies needed to be successful in an online school.

NCA plans to increase these opportunities and pilot an additional series of face-to-face tutoring and intervention opportunities in Clark and Washoe Counties. NCA will use venues already selected for state testing, and will target additional opportunities based on student location, need, and scheduling preferences. Sessions will be focused on targeted academic support. Results will be carefully monitored and if it's determined that these pilots yield significant results, NCA will work to reprioritize its budget to expand this effort in future years with more sessions and a wider geographic reach.

3.9 2016-17 Learning Coach Support

Learning Coach support and training was increased in the 2015-16 school year as outlined previously. However, it is also evident that many of our older high school students have challenging home situations with limited Learning Coach involvement. The school remains committed to increasing Learning Coach involvement through social media, face-to-face events, training, and other individualized supports. In an effort to improve awareness of these sessions to NCA families, including families with limited Learning Coach involvement, NCA is committed to promoting the availability of these support sessions to families for the 2016-17 school year. For example, notifications from the school will be sent by the school leader to invite and encourage participation by families. In addition, the 2016-17 plans include sending the links to recorded sessions to families via the School Counselor or other school leader when it is evident that additional support is needed from a Learning Coach and staff believes that additional training will help increase the expertise of the Learning Coach to more successfully monitor progress and provide support. Counselors also work with Learning Coaches and families to identify and utilize community-based resources to address the many unique situations and challenges presented by this population of students.

4. 2017- 18 and Beyond

Future plans will be developed during the Board's strategic planning session during the summer of 2016 and will be focused on achieving a cohort graduation rate of 60% and ultimately higher. Some ideas under consideration are 1) providing drop-in centers where students who need face-to-face interaction with a teacher in reading or mathematics could receive this support; 2) enhancing curriculum to provide teachers even more flexibility to personalize courses for students; 3) providing specific professional development for teachers and counselors to increase student engagement; and 4) being increasingly persistent with and continuing our deliberate and focused efforts working with credit deficient students.

NCA, in partnership with Connections, has begun the multi-year improvement effort to increase four-year cohort graduation rates, and recognizes that because 9th grade drop-outs have a significant impact on graduation rates four years later, the greatest effect of these multi-year efforts will be seen in the graduation rates for 2020 and beyond. Like the specifics of the plan presented in this document for the coming year, this multi-year improvement effort addresses a number of basic issues, but with steps that take longer to realize.

1. **Onboarding:** Work to ensure that the students who enroll in the high school program fully understand and are prepared to take full advantage of what it offers. The high school program is a rigorous college preparatory program and students often say they initially struggle to rise to the expectations of the curriculum. In addition, full-time online school, while tremendously advantageous for many students trying to adapt their high school experience to their personal needs, does require a level of commitment and discipline to learning a new approach. While NCA is a public school and cannot turn away students who apply, it will continue to make efforts to improve its outreach programs to ensure that students and Learning Coaches are prepared for the rigor and expectations of being a virtual school student.
2. **Connexus[®], the Education Management System, Rebuild:** Connexus, the software and technology platform on which the program is served, is in the middle of significant improvement which is expected to be implemented in the 2018-19 school year. It is anticipated the new platform will allow students who are thinking about enrolling to more directly experience the program. We anticipate that students can be offered trial courses that will give them a better sense of what to expect, and perhaps a legislative or regulatory solution can be found to require successful completion of an orientation or trial course as an enrollment prerequisite. See additional policy recommendations in Appendix D.
3. **Support-Engage-Intervene-Escalate:** Work to ensure that students, once enrolled in the high school program, are fully engaged in the program. Students who experience success and gain momentum in their course of study (e.g., completing requirements in a timely and gratifying way) are more likely to engage, succeed, and graduate on time. Conversely, research shows that overage 9th graders, 9th graders who attend more than one school, and/or 9th graders not earning credits on a pace that would lead to on-time graduation are at highest risk for dropping out. NCA will make fuller use of this information and student-specific data related to it to design support, engagement, intervention, and escalation activities. While the school has made and continues to make substantial efforts in this area, future activities may include:
 - a. **More Robust Freshman Academy Approach:** Building on the Freshman Focus effort in 2016-17, efforts will be furthered to organize teachers across disciplines and around students to help ease the transition to high school and develop the behaviors and habits that will help them successfully complete high school.

- b. **More targeted information.** Again, building on 2015-16 and 2016-17 efforts, information made available to teachers and other school staff will be further refined to enhance their efforts to support, engage, intervene, and escalate. The new Connexus will provide additional improvements to the teacher dashboard, including more automated integration of information about student engagement and success with their curricular and instructional resources. Simple things like the system's ability to monitor when the student is typically active in the system and where the student seems to be getting stuck will help teachers better time and frame their efforts to reach out to support and intervene.
 - c. **Social Platform Integration:** Today's students communicate on social media platforms and Connections does not currently offer NCA a robust and secure platform for communicating with students that mimics the style and availability of social platforms. It is anticipated future improvements to Connections' education management system (Connexus) will support better use of such tools, as well as the potential to more easily automate messages that research has shown will help many students engage, such as automated reminders to complete an assignment or messages of encouragement. In an upcoming update to Connexus, Connections is intending to build a chat feature to enable students to collaborate with each other more organically. The updates will include blogs and wikis that students can create and write. Also, the updated system will allow for project based learning, which allows students and teachers to work collaboratively. Badges can be awarded for progress in the system by their teacher

NCA's Connexus Education Management System provides an internal "closed" email system for students, parents and teachers to connect. The school community also leverages message boards to interact. Although this is not "social media" it does offer a closed online environment for communication. Future versions of Connexus are expected to include chat functionality in addition to email and message boards. Other enhancements to Connexus will be announced.
 - d. **Integration of Additional and External Supports:** Many students have non-academic challenges that interfere with their ability to be successful. It takes time to identify and make available physical-world supports for students and/or to build partnerships with programs that might help them be better prepared to be successful in school. NCA is piloting some efforts in 2016-17, and the results will inform its exploration of a range of options for future school years, including mandating face-to-face instructional time for particular behavioral or academic issues that have been shown to respond to that intervention, as well as deeper partnerships with social welfare related agencies to help students address family situations, chemical addiction, mental health concerns, and other issues that might be interfering with their ability to be successful in school.
4. **Increase Curricular and Instructional Offerings:** Continue to work to strengthen and broaden the curricular and instructional offerings of the high school program to better address the academic and non-academic needs and interests of its students. On a continuing basis, NCA will evaluate the effectiveness of its strategies identified to increase the graduation rate and adjust those strategies in collaboration with the Authority.

- a. While NCA continues to strengthen and increase the breadth and quality of its program (Career and Technical Education and GradPoint credit recovery offerings being recent examples), there is more to do. CTE courses that are offered are based on student interest and demand, and include courses that focus on the following general career areas: health and medicine, general business, and computer programming. Connections will continue to work to find and/or develop the best curricular resources to address the needs of students, and to improve the level of student engagement and the quality of accessibility and various pathways to success that are built into its existing curricular resources. This is a multi-year effort spanning hundreds of course offerings, but it is expected that the roll-out of the new Connexus platform in the 2018-19 school year will significantly accelerate the benefits to students and their learning.
 - b. While training, professional development, and teacher participation in Professional Learning Communities (PLCs) have been underway for some time, the development of teacher beliefs and practices takes time. NCA will continue to develop and refine shared practices for basic practices like student grading to maximize academic integrity without unwittingly alienating or disengaging students. Experience in other schools supported by Connections has shown that full implementation of a relearning policy takes several years but can substantially improve the rate of successful course completion by students without undermining academic integrity.
5. **Increased Data Integrity:** Work to strengthen NCA's ability to track and properly record where students withdraw to when they leave without graduating. As previously noted, the ability of students to quickly and easily access NCA when they have a problem to solve (e.g., enroll because of an insurmountable transportation problem) also makes it easy for students to leave easily and without adequate notice. One student counted as a dropout in 2015 had been enrolled in the school for two weeks several years earlier, and was counted as a dropout largely because the school could not find out where the student went and report that back to Nevada. Similarly, 14 students who dropped out in 2015 were reported by the National Student Clearinghouse to be enrolled in two- or four-year colleges or universities in the fall of 2015. NCA and its board will continue to strengthen their database management to track withdrawals, and its ability to research the whereabouts of students who withdraw and do not adequately report their next steps. NCA will also work with regulators to try and strengthen definitions and technical capabilities around the effort to help ensure, for example, that students enrolled in a legitimate Adult Education option are not counted as non-graduates as they currently are, and that NCA has sufficient access to the data sources maintained by Nevada to "look for" students who have withdrawn without fully reporting their next steps.

5. Conclusion

A school's graduation rate is one of many important school performance measures. NCA wants every student who enrolls to graduate with a Nevada high school diploma. The NCA Board and school leadership team recognize that NCA's four-year graduation rate, using the federal cohort methodology, is not at the desired level. NCA is effectively serving a significant population of credit deficient students and understands that under the current method of calculation this has an adverse effect on its graduation rate, reflecting on the students' experience before enrolling in NCA. NCA is committed to re-engaging these students and graduating them career and college ready. We want higher achievement and as can be seen in the steps outlined in this plan are committed to making it a reality. There is some context around the graduation rate that we have explained in this plan that will also be backed up through the third party validation process. Ultimately, we recognize the concern about the current graduation rate and are working to improve it. Like any organization with a plan for improvement, we need time to faithfully implement improvements, evaluate their efficacy, address any implementation concerns, and address any unintended consequences. We are confident that students will be served well and the graduation rate will improve through an open and collaborative dialogue with the school and the Authority. We also are confident that the many factors that impact graduation will become apparent through this process.

Appendix A

History and Accomplishments

A.1 Overview

There are many areas in which Nevada Connections Academy (NCA) has made great gains. This section will highlight these achievements.

Students benefit from a top-quality curriculum that meets all Nevada Academic Content Standards (Common Core State Standards). Each student has a Personalized Learning Plan and one or more highly qualified Nevada-credentialed teachers working with expert curriculum specialists to tailor the curriculum to meet that student's individual learning needs.

NCA is a virtual learning community that connects students, teachers, and families through unique technology tools as well as synchronous instruction and one-on-one interaction. Students and their families receive sophisticated support for their curriculum, technology, special education, and digital learning platform needs. Students and families use an educational management system that combines learning management, student information, and content management systems. This allows students and families to maintain a focus on achievement.

As a result of its effective and innovative educational approach, NCA is accredited by the Northwest Accreditation Commission (NWAC), an accrediting division of AdvancED.

One of the most significant benefits the school provides is being able to serve students who are underserved or not being served within the larger community. Students benefit from instruction that is individualized, personalized, and flexible. NCA is tailor-made for a diverse array of students who benefit from a quality alternative to the traditional brick-and-mortar classroom. These include:

- Students whose families seek direct involvement in their education,
- Students who are medically homebound due to illness or disability,
- Exceptional students who are far ahead of or far behind their peers in school,
- Students pursuing artistic or athletic careers,
- Students who require a flexible school schedule,
- Students in group homes or institutions,
- Students who have been bullied, and
- Students at risk of academic failure, who may particularly benefit from intensive, personalized instruction.

The Board of Directors partners with Connections Education, a leading virtual school provider for curriculum, technology, and school support services including:

- Curriculum,
- Curriculum support personnel,
- Connexus[®], a comprehensive Educational Management System (EMS),
- Professional development,
- Student, parent, and teacher technical assistance, and
- Additional consulting and support.

In the 2015–2016 school year, Connections is supporting 30 virtual public schools in 26 states, serving over 65,000 students. Connections is accredited by AdvancED¹ and was re-accredited in June of 2015. With the overall scores exceeding AdvancEd’s average score for all of the schools and corporations they accredit, AdvancED reviewers noted that “Connections Education’s quality assurance processes and data-driven culture leads to systemic, systematic, and sustainable continuous improvement.”

The ultimate focus of this “high-tech, high-interaction” instructional model is student achievement. Students master the core subjects of reading/language arts, mathematics, science, and social studies through a challenging curriculum that meets Nevada Academic Content Standards (Common Core State Standards).

The developmentally appropriate curriculum increases its integration of technology as students advance through the grades. Each Connections course includes active learning elements, including online and/or offline activities that address diverse learning styles and preferences, ranging from textual, visual, auditory, and/or hands-on.

Connections’ courses include 1,800 Teachlet[®] proprietary instructional movies and more than 1,000 primary source and instructional videos. Integrated “i-text” electronic textbooks are licensed from a variety of leading publishers including Pearson[®], Perfection Learning, and others, while non-proprietary technology-based content is licensed from “best-of-breed” providers such as Grolier Online[™], Houghton Mifflin Harcourt, and Discovery Education.[®] The instructional design includes interactive LiveLesson[®] sessions and threaded discussions.

The highly trained and experienced teachers are integral to student and school success. Highly qualified, Nevada-credentialed teachers are a key part of the program. Teachers are in regular contact with students via WebMail (Connections’ proprietary, closed-system email program), telephone, LiveLesson[®] sessions, discussion boards, message boards, and other channels. Teachers instruct, motivate, monitor and evaluate student progress, personalize the curriculum, intervene as needed to ensure student success, lead field trips, and clarify the curriculum for the students.

¹ Accreditation agency serving 32,000 public and private schools and districts <http://www.advanc-ed.org/>

NCA provides integral tools to help teachers ensure students are successful including ongoing and comprehensive professional development in online learning pedagogy, curriculum with a focus on Common Core instructional shifts, data-driven instructional decisions, and Connections' own *Core Competencies for Facilitating Student Learning*. Additional Nevada- focused professional learning events are also offered throughout the year.

NCA integrates school, community, and home. A Learning Coach (a parent or guardian) may work with the student to ensure successful engagement in the program by providing motivation, collaboration, scheduling, and record keeping. Other links between home, school, and the community are created via both asynchronous and synchronous online activities. In addition, school staff members or Community Coordinators facilitate enriching in-person community activities and field trips to round out the comprehensive learning experience.

Students also have access to more than 25 clubs and activities that encourage students to explore interests beyond the classroom, develop leadership skills, and make friends within their school and with students from other schools supported by Connections. The school has also established chapters of the National Honor Society and National Junior Honor Society, providing students with additional opportunities for developing social, leadership, and community involvement skills.

A.2 History

NCA was launched in the fall of 2007 to provide a complete virtual school program to Nevada public school students. NCA has worked hard to fulfill its mission and original charter goals. NCA has experienced significant growth during the term of the charter, which speaks to the demand for this option, and also to NCA's overall success in fulfilling the mission and vision described in the charter.

The school was originally chartered by the Nevada State Board of Education. The charter was renewed unanimously in 2013 by the State Public Charter School Authority. It was supported for renewal by then SPCSA Director Dr. Steve Canaverro. In Dr. Canavero's words, at the charter renewal hearing in 2013, the school was a success. It appears that at that time the Authority recognized the school was effectively serving its students, perhaps giving careful consideration to the challenges faced in serving a mobile population. There have been minor amendments over the years such as charter facility relocation, grades offered, and Governing Board by-laws. Overall the school is still focused on its mission: *to help each student maximize his or her potential and meet the highest performance standards through a uniquely individualized learning program.*

The last official communication from the State Public Charter School Authority stated that Nevada Connections Academy was in "Good Standing" for its performance in 2013-14.

Enrollment and Demographics

Since opening, the school has drawn students from throughout Nevada. NCA has experienced a steady increase in enrollment almost every year. NCA now serves slightly over 3200 students in grades K-12. Figure 1 demonstrates the growth trends since its inception.

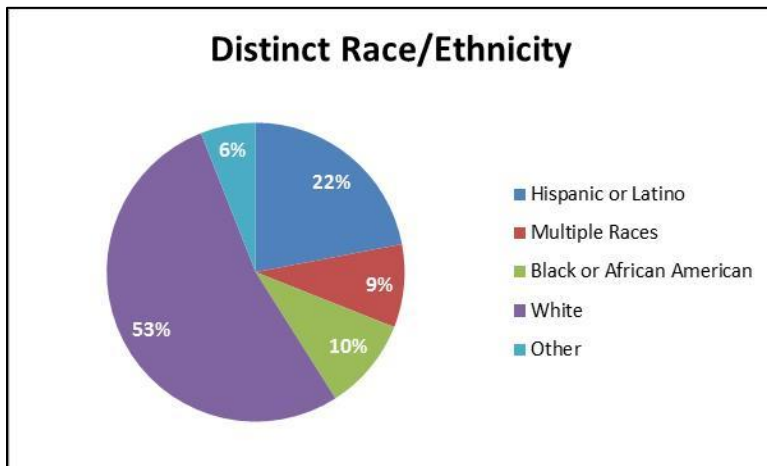
Figure 1. Enrollment Growth

School Year	Count Day Enrollment
2015-16	2,702*
2014-15	2,593
2013-14	1,945
2012-13	1,599
2011-12	1,715
2010-11	1,563
2009-10	1,322
2008-09	873
2007-08	420

* As of the 2015-16 school year, enrollment is not reported as a Count Day. The number reported is the enrollment as of September 30, 2015 and will be reported four times throughout the year. At the time of this report, NCA is serving over 3,000 students.

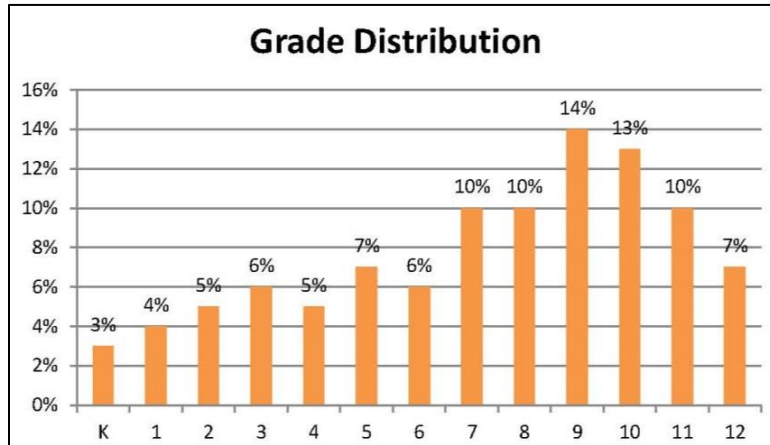
NCA serves a diverse population. Figure 2 provides information on the composition of the student body in January 2016.

Figure 2. Student Body Composition of NCA –January 2016



The students are currently 46% male and 54% female. Figure 3 illustrates the grade distribution as of January 2016. Students in 9th and 10th grades represent the largest percentage of students.

Figure 3. Grade Distribution as of January 2016



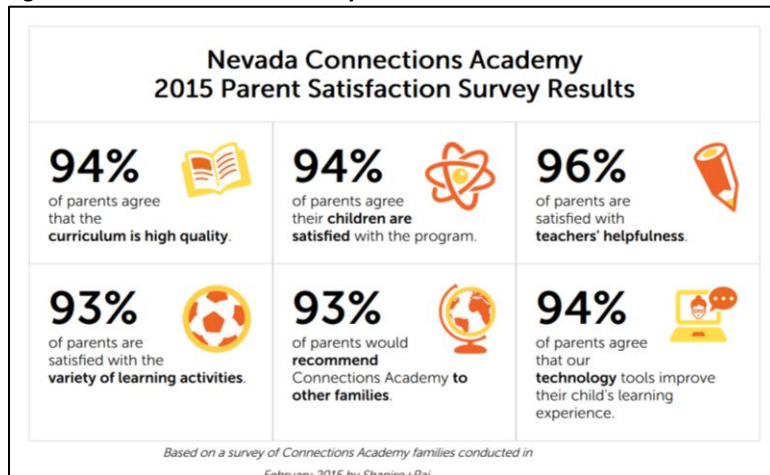
As of January 2016, **approximately 41% of the students served are socioeconomically disadvantaged**, measured by family income eligibility meeting federal guidelines for free or reduced lunch.

NCA also serves special populations through Individual Educational Plans (IEP), Section 504 plans, and gifted programs. The Special Education/504 population is approximately 12% of the total student population. The Gifted population is approximately 3% of the total student population.

Parent Satisfaction

NCA has consistently received high ratings on annual parent surveys. Parents are surveyed annually; the results are compiled by an independent third-party research firm, and presented to the school staff and Governing Board. Parent surveys provide quantifiable data by which the school leadership can work towards improving various aspects of the school. Over the past several years, the percent of parents who have responded to the survey has varied from 35% to 50%. Therefore, these results are considered reflective of the overall experience of the NCA families. More detailed results from parent surveys are included in annual reports to the Governing Board and are always available upon request.

Figure 4. Parent Satisfaction Survey Results for NCA for 2014-2015



The following testimonials are from NCA students and their parents. The testimonials were unsolicited and represent a sample of the kudos that the teachers and school receive on an ongoing basis.

- *My son LOVES you! We love NCA and will be moving our other child here because NCA "has it together!" We love NCA because of the teacher interactions.*
- *I am very happy with Melissa Pugh. She has really helped my daughter and she has brought her grades up. I would like to say Thank You.²*
- *Our family is new to NCA but so far we are having a positive experience. I find all of my questions and concerns are addressed in a timely and thorough fashion. We are very excited to start in a few days!*
- *Tiffany Grant has done great work with my son. Thank you.*
- *Thank you very much Ms. Lapidus. I'm so grateful. I have been working hard on this for at least three days.*
- *Fantastic. Way better than traditional institutions for numerous reasons. Love the brand new UPS'd textbooks, too!!!! Yet another plus! Thanks for accommodating to 2015!*
- *Over all this is a great school. Love the set up and everything.*
- *Ms. Murphy, You are our favorite teacher and the best thing about NCA. You are always in contact and it is so appreciated.*

A.3 Accomplishments

Academic and Educational Achievements

- In 2014-2015, NCA's composite ACT and SAT score averages were higher than both the state and national average scores.
- The class of 2015 valedictorian was awarded a prestigious U.S. Army pre-med/medical school combined program scholarship.
- The 119 graduates in the class of 2015 earned a total of \$562,065 in scholarship money.
- Two 8th grade students both won 1st place at the Western Nevada Regional Science Fair.
- Students who graduated from NCA in 2015 were accepted at colleges such as:
 - Antioch University McGregor
 - Arizona State University
 - Arkansas State University
 - Art Institute of Las Vegas
 - Art Institute of Portland
 - Berea College
 - Biola University
 - Brigham Young University-Idaho
 - California Institute of the Arts
 - Central Bible College
 - Seattle Pacific University
 - Southern Oregon University
 - St. Mary's College of California
 - Suffolk University
 - University of Hawaii at Manoa
 - University of Idaho
 - University of Mobile
 - University of Nevada: Las Vegas
 - University of Nevada: Reno
 - University of North Texas

² Melissa Pugh is an NCA graduate who went onto graduate from the University of Nevada, Las Vegas.

- Chapman University
- Colorado Christian University
- Corban University
- Dominican University
- Drake University
- George Fox University
- Gonzaga University
- Lake Forest College
- Nevada State College
- Northern Arizona University
- Oregon State University
- Saint Peter's College
- Santa Clara University
- University of Oregon
- University of Portland
- University of San Diego
- University of Southern Mississippi
- University of the Pacific
- University of Utah
- Utah State University
- Utah Valley University
- Westmont College
- Whitworth University
- Willamette University
- William Jewell College

Other Achievements

- NCA is accredited by the Northwest Accreditation Commission (NWAC), an accrediting division of AdvancED.
- In 2015, an NCA High School Student was national Runner-up for the national Prudential Community Spirit Award.
- NCA has ongoing community service programs with the Foodbank of Northern Nevada and other regionally recognized agencies.
- A 9th grade student was recently chosen to serve on the global Pearson Student Council and will have the opportunity to represent his school and interact with peers from around the world.
- Our school counseling program presented some of its successes at the recent Nevada Association of School Counselors conference.
- Principal Steve Werlein participated in a business leaders' roundtable with the presidents of three state universities and other educational leaders in 2014.
- NCA recently hosted a "Read for the Record" event which included participation from US Congresswoman Dina Titus (virtually from Washington, DC) and Reno's Chief of Police. Approximately 900 people attended "live" at one of the in-person venues or virtually.
- NCA hosts career and college fairs in both southern and northern Nevada. This year's events included participation from a variety of public safety, post-secondary, and vocational agencies and had record numbers of attendees.

A.4 Academic Accountability

It is important to note that scores may fluctuate from year to year. Student mobility and growth rate are important factors in analyzing academic performance. Many students and families choose a virtual school program to serve a unique need for a particular period of time, i.e. medical reasons, sports or performing arts/acting, family move, bullying, and so forth. Their intent is to solve a family issue and enroll in a virtual school for a limited time. As a result, virtual schools experience student turnover both during the year as well as from year to year. As such NCA is particularly susceptible to enrollment fluctuations and the subsequent impact on academic performance data.

Student academic achievement is the highest priority for NCA. Over the last year, NCA has put in place several significant interventions and enhancements to ensure that student performance exceeds the growth targets, especially among the subgroup populations. These include:

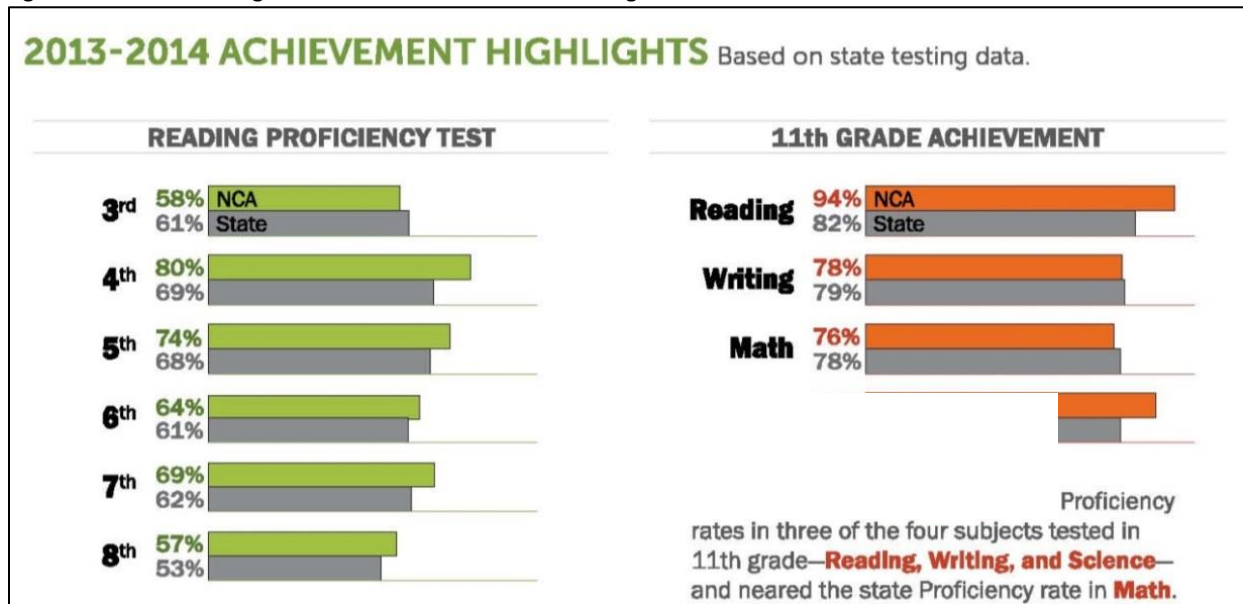
- Ongoing in-depth assessment and performance data on individual students, which is available to teachers and administration in “real time” and used to modify and individualize programming;
- Targeted , individualized remedial courses for students who are underperforming, and a wide selection of Gifted, Honors, and Advanced Placement (AP) courses for advanced students;
- Addition of staff who specialize in working with at-risk, credit deficient students in core areas, and a literacy specialist dedicated to providing intervention type instruction;
- Addition of highly qualified and trained teaching staff to teach AP courses;
- Expansion of existing counseling and support programs to address the diverse and often profound social emotional needs of our students;
- Expansion of teacher-led Professional Learning Communities (PLCs) that establish goals, meet regularly, and focus on student data to guide their actions. These are tracked and monitored by school leadership;
- Additional internal and external targeted professional development for teachers in critical areas such as mathematics instruction and student engagement;
- Identification and targeted use of supplemental resources and strategies to support struggling students in the areas of literacy, mathematics, and study skills.

The regular evaluation of the academic performance of students, the use of student performance data to drive changes and improvements to the school program, the increasing use of PLC’s, and the development of annual goals and plans to increase student academic achievement all demonstrate a dedication and focus on student performance.

The following represents NCA’s most recent performance on state assessments in 2013-14 as the 2014-15 data was not publicly reported. NCA is proud of its performance on the 11th grade proficiency test. NCA significantly exceeded the state performance in Reading and Science and was within 1-2% points from the state proficiency average in math and writing. There is still room to improve but NCA’s performance on the state proficiency test demonstrates that it is successfully teaching students in the key content areas. Figure 5 provides more detailed information on NCA’s performance on state assessments.

NCA receives separate ratings on the School Performance Report for elementary, middle school, and high school. Nevada did not compute new ratings for 2014-15, but instead carried over the 2013-14 ratings. NCA’s middle school rating was 4 out of 5 stars for both 2013-14 and 2012-13, while the elementary and high school received a rating of 2 stars in 2013-14. Both the elementary and high school fell two points short of receiving a 3 star rating, which both had achieved in 2012-13.

Figure 5. 2013-14 Reading and Math Scores versus State Average



For the elementary school, the strongest ratings were for English Language Arts (ELA) for proficiency and even stronger performance in growth, receiving 80% of the possible points for ELA growth. The middle school had solid performance with all indicators, but also excelled in ELA proficiency and growth, earning 80% of the possible points for both measurements. **The high school performance was strongest in closing achievement gaps, earning 90% of the possible points in this area.** All grade spans met the minimum testing participation rates and also had very strong performance on Average Daily Attendance.

A.5 NCA Board of Directors

Governing Board

The Governing Board is a knowledgeable, well-educated, and active Board. The Board has been successful in maintaining a prominent role in the direction of the school via policy and oversight. The Board receives regular reports at Board meetings from the school leadership on all aspects of the school’s operations, including budgets, funding, staffing, enrollment, and growth. In addition, the Board is apprised of school-wide state test and other assessment results, and the results of the annual parent and staff surveys. The Board is therefore able to engage in ongoing evaluation of the school’s effectiveness and able to participate in the review and refinement of the school's vision, purpose, and goals. School leadership works with school staff and stakeholders to develop specific annual goals. These goals are then presented to the Board for final approval prior to implementation. School-specific goals align with the Board goals outlined in the charter and mission/vision for the school. The Board has been actively engaged in efforts to improve the graduation rate, cognizant of the challenges given the high mobility of students and significant credit deficient population. The Board has shown a commitment to both continuous improvement in the high school program and working with the State on policy to ensure schools are incentivized —not punished— for serving the most at-risk students who come to NCA as a last resort before dropping out.

The Board successfully provides oversight by reviewing and approving the school's policies and procedures. All Board members are invited to provide feedback on new programs, such as webinars with curriculum experts and designers, and content that will be provided to students including providing a designee to participate in an in-depth study of the curriculum to be offered by the school. Board members have attended several trainings and conferences to fully understand their roles as Board members and maintain their knowledge of charter school governance best practices and trends. These trainings include a Connections-hosted all-Board member training in Nevada, as well as the annual Board Academy offered by Connections. Board members have also been able to attend conferences such as the iNACOL conference, the National Charter School conference, and other training opportunities and conferences held by the Nevada Department of Education. The Board has consistently maintained all required regulatory parameters of the governing body's membership. The following members currently serve on the Board:

- **Dr. Jafeth Sanchez, Board President**

Dr. Jafeth Sanchez earned a Ph.D. from the University of Nevada, Reno's College of Education in Educational Leadership, with an emphasis on Higher Education Administration. She is an assistant professor and focuses on developing high quality school leaders in K12 education. Her research agenda is on educational leadership practices, organizational change efforts, diversity initiatives, outreach, student resiliency, P16 alignment, and GEAR UP outcomes. She has actively managed and attained grant funding as a principal investigator or co-investigator for approximately \$1.6 million since the fall of 2012. She also serves as a cost-share match for the Nevada State GEAR UP project, which has approximately 5,500 students and has served 36 middle and high schools in Nevada; GEAR UP is a competitive U.S. Department of Education grant program that increases the number of low-income students who are prepared to enter and succeed in postsecondary education by providing states and local community-education partnerships with six- to seven-year grants to offer support services to high-poverty, middle and high schools. Sanchez previously taught mathematics and was awarded Northern Nevada Math Teacher of the Year 2012 by the Northern Nevada Math Council. She was also a Bill and Melinda Gates Millennium Scholar and serves as a mentor for its current scholars throughout the country. Her passion for educational improvement and access to higher education are embedded in all aspects of her work in teaching, research, and service.

She has been a part of NCA since 2011 and currently serves as President of the Board.

- **Dr. Scott Harrington, Board Vice President**

Dr. Scott Harrington is currently the Clinical Supervisor for Mosaic Rehabilitation-Blueprints Division. He has been working with people with disabilities since 1990, when he earned his Bachelor's degree in Psychology at CSU Long Beach. He earned his Master's degree in Psychology (Behavior Analysis) at the University of the Pacific in Stockton, California, and his Doctorate, also in Psychology (Behavior Analysis), at the University of Nevada, Reno (UNR). Dr. Harrington has written and directed multiple projects to help individuals with disabilities live more independent lives. He is a founder of the first elementary charter school in Nevada, Sierra Nevada Academy, and a former middle school mathematics teacher. He has presented over 40 papers on data-based interventions to assist persons with disabilities, has several publications across multiple areas, and currently teaches at UNR. His research interests include inclusion, integrated employment, transition, intrinsic motivation, attitudes about disabilities, and interagency collaboration. Dr. Harrington is a Board Certified Behavior Analyst (BCBA-D), a member of the Association for Behavior Analysis (ABA), and on several advisory boards.

He has been a Board member since 2010 and currently serves as Vice President of the Board.

- **Kelly McGlynn, Board Treasurer**

Kelly McGlynn graduated from the University of Nevada, Reno, in 1998, with a Bachelor of Science degree in Business Administration. She is a Certified Public Accountant with more than 14 years of experience in public accounting. Ms. McGlynn is currently president of her own company specializing in tax preparation and bookkeeping services. She is a member of the American Institute of Certified Public Accountants and a member of the Nevada Society of Certified Public Accountants. Ms. McGlynn became involved with Connections in 2011 while searching for an alternative to public school for her then eight-year-old daughter. She feels that education is extremely important but that all children learn in different ways. She is happy to serve on a Board that provides children alternatives to brick-and-mortar schools.

McGlynn has been on the Board since 2013 and currently serves as Board Treasurer.

- **Marisa Delgado, Board Secretary**

Marisa Delgado earned her Master's degree in Educational Leadership from the University of Cincinnati, and currently holds her administrative certification with the state of Nevada. She is currently the Math Department Chair at Bishop Gorman High School. Ms. Delgado has spearheaded the new 1:1 iPad program at Bishop Gorman High School. Integrating technology into the classroom and having students use technology for higher levels of thinking is one of her goals. She also runs the senior internship program where she places around 20 high school seniors each year with different companies around the Las Vegas Valley, allowing them to get real life work experience prior to leaving for college. Ms. Delgado co-chaired the teacher mentor program for new and transitioning teachers into Bishop Gorman High School, to assure an easy transition focusing on teacher retention. Ms. Delgado is currently the chair of the Teaching and Learning Leadership committee for accreditation through WCEA. Ms. Delgado is involved in the student leadership program on her campus running the Link Crew freshman orientation where students are greeted by upperclassman that she has trained to run small group activities that will prepare students for life in high school. Continual education and building a better future for children today motivates her to remain engaged in providing new opportunities for children.

Ms. Delgado has been a part of NCA since 2013 and currently serves as Board Secretary.

- **Mindi Dagerman, PE, Board Member**

Mindi Dagerman, PE, earned her Master's in Business Administration from the University of Nevada Reno. She also holds her Professional Engineering License in Mechanical Engineering in Nevada. Ms. Dagerman is the Engineering Supervisor/Design at Southwest Gas for the Northern Nevada Division. Her department manages new business, replacement, system improvement, and meter set projects for natural gas distribution to customers throughout the division.

Ms. Dagerman is passionate about all children having access to high quality education. She loves to see more school choice available for parents and wants to see students find a school program that supports their learning style.

Ms. Dagerman has been on the Board since 2008, and she currently serves as the business sector representative on the Board.

- **Tessa Rivera, Board Member**

Tessa Rivera earned her Master of Arts in Educational Counseling from San Jose State University following her Bachelor of Arts studies in Communication from San Diego State University. She was an AVID (Advancement Via Individual Determination) Program English teacher, Student Advisor, and varsity athletic coach in California from 2000 through 2010. Additionally, Mrs. Rivera enjoyed her work with San Jose State University as a mentor teacher collaborating with the school's teacher credential program while also employed as a GEAR UP and Upward Bound Pre-College programs counselor and test preparation instructor. Currently, Mrs. Rivera serves as the Dean of Students for the freshman class, moderator of the Dance Team, and Jewelry Club advisor at Bishop Gorman High School all the while diligently pursuing an Ed.D at Northcentral University engaged in researching the impact of organizational leadership on new teacher attrition rates throughout the United States. Mrs. Rivera's educational philosophy is dedicated to promoting life-long learning in addition to supporting and motivating all students to reach their full potential, specifically utilizing the elements of Bishop Gorman High School's Freshman PRIDE (Prepared for class, Respect for self and others, Integrity in Academics, Determination to do well, Effort in all pursuits) Program.

Mrs. Rivera has been on the Board since 2015.

- **Gene Stewart, Board Member**

Gene Stewart is a seasoned business professional and entrepreneur. He received his MSc in Comparative Pathology from the University of California, Davis in 1983. He has held positions in global marketing with SmithKline Beckman and others commercializing new technologies in bioinstrumentation. In 1996, Mr. Stewart launched Knotty Bear Development building and selling luxury resort mountain homes. In 2005, he founded a new company, Biophoretics, Inc. focused on the research and development of a new automated technology for the discovery of biomarkers. In 2010, he commercialized Biophoretics for the global distribution, marketing, and sales of high value tools for life science research. He has also served on the Board for Center Street Mission helping the homeless regain their foothold in life. He believes in the triad of family, education and the desire to help every child reach for the sky.

Mr. Stewart has been on the Board since 2015.

School Leadership

- **Steve Werlein, Principal**

Steve Werlein's career as an educational leader has taken him not only across the geographic spectrum of the country, but across the diverse public and private educational landscape as well. Mr. Werlein has proven that when given a rigorous and relevant curriculum, high expectations, and caring, nurturing adults, all students can find success.

As a high school world language teacher, he created a home study program for non-native speakers of Spanish in Mexico, and an intensive Spanish course for native speakers. While teaching, he was also the leader of one of the first one-on-one technology initiatives in the state of Illinois. As a school administrator, Mr. Werlein has served as Assistant Principal of a large, urban middle school near Chicago where he and his team successfully rebuilt the school culture and created an inclusive, positive environment.

After leaving this role, Steve assumed his first principalship which entailed leading a vocational school for students with severe behavioral challenges. His efforts there led to the creation of a unique, blended curriculum which fused practical vocational skills with core academic content and led to many students entering skilled trades and other post-secondary options.

Next, Mr. Werlein was privileged to serve as the Director of Curriculum and Instruction and Principal at Henry Ford Academy in Chicago, which is housed in part of the original Sears Headquarters on the city's west side.

Mr. Werlein moved to suburban Austin, Texas where he started a charter high school with 35 students that has since grown to an exemplary rated, K–12 campus with 1,000 students.

Throughout his career, he has been passionate about finding creative, engaging ways to hold students to high standards and feel connected to their learning communities.

Education:

- Bachelor of Arts Degree in international political economy and Spanish from DePaul University
- Master of Education Degree in secondary teaching and curriculum from DePaul University
- Certificate of advanced study in school leadership from National Louis University
- Currently a doctoral candidate at the American College of Education

Appendix B

NCA's Federal Four-Year Adjusted Cohort Graduation Rate (2015) Calculated Under NCLB

Nevada Connections Academy (NCA) is committed to the students it serves. At least weekly, we review and analyze data down to the individual student level and use the data to make informed decisions to maximize each student's chance of success. NCA's 2015 Cohort Graduation Rate identifies a percentage of students who did not graduate. NCA leadership is learning from these students and applying lessons learned to the graduation improvement plan. However, there are also lessons still to be learned about:

- How to identify students at risk to not graduate and how to best address risk factors.
- How schools with higher than average mobility rates are impacted by the current four-year cohort method of calculating graduation rate.
- Factors outside of the school's control which often lead to students being counted as non-graduates, even when they continue their education.

NCA is confident that through its ongoing analysis of data and implementation of targeted, individualized programming, its graduation rate will improve.

B.1 Detailed Look at the 2015 Graduation Cohort

In an effort to fully understand the challenges that NCA faces relative to the current NCLB four-year cohort calculation of the graduation rate and to gain insights on areas to target for improvement, an analysis was conducted of the 2015 graduation cohort. The final cohort consisted of 334 students – 119 graduates and 215 non-graduates - for a four-year cohort graduation rate under NCLB of 35.6%. For the entire cohort (334 students), 143 (42.8%) were two or more credits behind when they enrolled; 56 (16.8%) were more than 6 credits behind when they enrolled.

When looking at this cohort at the individual student level, some interesting patterns became apparent. For the non-graduates in the cohort (215 students), 137 of them (63.7%) were behind two or more credits when they enrolled. Figure 1 provides a breakdown of the grade level at which these non-graduating students enrolled and their level of credit deficiency.

Figure 1. Non-Graduates Grade Level Upon Enrollment

Credit Status	Non-Graduates' Grade Level upon Enrollment			
	9 th grade	10 th grade	11 th grade	12 th grade
0 – 2 Deficient	30	10	18	20
2 – 6 Deficient	1	20	24	36
> 6 Deficient	0	2	22	32

As the data shows, non-graduates were likely to enroll later in their high school career, thus providing a shorter period for NCA to catch them up to graduate in their cohort: 152 or 70.7% of the 215 non-graduates enrolled in the 3rd or 4th year of high school, and 114 or 75% of these students were two or more credits behind when they enrolled.

Of the students who graduated on time in the 2015 cohort, a much different picture emerges, as illustrated in Figure 2. Graduating students tended to enroll earlier and with significantly less credit deficiency.

Figure 2. Graduates Grade level Age Upon Enrollment

Credit Status	Graduates' Grade Level Age upon Enrollment			
	9 th grade	10 th grade	11 th grade	12 th grade
0 -2 Deficient	30	17	26	40
2 – 6 Deficient	0	2	2	2
> 6 Deficient	0	0	0	0

Of the students who graduated, 59% enrolled in the 11th or 12th grade, and 6% of them were two or more credits behind when they enrolled.

Another important consideration is the group of students enrolled in an institution of higher education but were not counted as graduates for NCA. In this cohort, seven students enrolled in 12th grade, were not counted as graduates from NCA, but have enrolled in college. Additionally, eight students enrolled as seniors who were expected to graduate on-time with their class but did not graduate. The story behind each of the students warrants further analysis. The overall graduation rate improvement plan also focuses on maintaining the progress of our students who enroll in the school and should graduate on-time with their class.

B.2 Concentration of Credit Deficient Students

It is also interesting to view the data for the concentration of students in the graduation cohort that arrived at NCA credit deficient. In Figure 3, Credit Deficient is defined as having fewer credits than expected at the time of enrollment. For example, a student enrolling at the beginning of 10th grade would be expected to have earned 5.0 credits during the student's freshman year. If a student enrolled with less than 5.0 credits, the student would be considered credit deficient. Figure 3 provides this information about students enrolling as 10th-12th graders at NCA.

Figure 3. Percentage of Students Enrolling Credit Deficient

Grade Upon Enrollment	# of Students in Cohort	# Credit Deficient	NCA % Credit Deficient
10 th grade	51	28	54.9%
11 th grade	92	58	63.0%
12 th grade	130	79	60.8%

Clearly, the percentage of credit deficient students enrolling at NCA is significant. This includes 60% of the students enrolling as 12th graders when NCA only has one year or less to catch the student up for on-time graduation. NCA is fulfilling a unique niche in serving students who are struggling.

B.3 Where Did the Non-Graduates Go?

When hearing the term “non-graduate” it is easy to assume that these students are no longer in school. However, that isn’t the case for many of the non-graduates included in the NCLB calculation of the NCA 2015 cohort. Of the 215 students in the 2015 cohort who are included in the calculation as “non-graduates” , 146 of them either enrolled for a 5th year of high school or continued their education after withdrawing from high school:

- 63 transferred to an adult education program (and, therefore, would have been excluded from the State’s calculation of drop-outs for annual accountability reporting but are still considered non-graduates)
- 59 re-enrolled for a 5th year at NCA. Based on current achievement, it is likely that between 20 and 25 will graduate by July of 2016, in addition to the 8 already who have graduated.
- 24 transferred to a GED program (and, therefore, would have been excluded from the State’s calculation of drop-outs for annual accountability reporting but are still considered non-graduates)

Unfortunately these students while still enrolled in school are counted as non-graduates according to the NCLB four-year cohort calculation currently being considered by the Authority. Appendix D provides policy recommendations to address this issue, and NCA is seeking further evaluation of this calculation in light of Nevada statutory requirements for annual accountability reports to exclude some of these students from the drop-out rate. If a student is not considered in the drop-out rate calculation, they should not be considered a non-graduate in the four-year cohort calculation. **NCA estimates that if the students who entered a GED program and transferred to an adult education program were not counted as drop-outs in NCA’s 2015 four-year cohort graduation rate, that rate would be 48.18%.**

If students who enrolled for a 5th year, go into Adult Ed, or entered a GED program are removed from the cohort, then the graduation rate for NCA would be 63.3% for 2015.

B.4 Lessons from the Data

Although NCA is not officially designated as a credit recovery/alternative school, many students enroll in the school after falling behind in credits during their prior schooling. Discussions of NCA's graduation rate and NCA's performance should consider that NCA is not responsible for the student's experience prior to enrolling in NCA and that NCA often times helps students who have struggled in other schools re-engage and find a path to graduation. NCA has shown that it helps some students recover credits (10.1% of the students who graduated in 2015 were credit deficient when they enrolled), but the school continues to diligently strive to improve its efforts and bring more urgency in the task of credit recovery for credit deficient students, while continuing to provide a rigorous academic program.

Conversely, for those students who enroll in their 11th or 12th grade and are severely behind in credits, it is simply not realistic to expect that many of them will catch up by the end of their 12th grade year. In the 2015 cohort, 54 students entered in the 11th or 12th grade more than six credits behind. NCA welcomes these students even though it is highly unlikely they will graduate on cohort. NCA's job is not done with these students after their cohort graduates; it works hard to encourage them to continue their schooling. NCA's success with these students is not reflected in the four-year cohort calculation of the graduation rate under NCLB but clearly it is in the student's, the State's and the school's best interest to continuing enrolling and effectively serving these students.

Short of turning away these students (which NCA has no desire to do, and is not statutorily allowed) serving these students in the 2015 cohort created a **16 percentage point handicap for NCA**. That is, regardless of how effective NCA is with every other student including these students who enrolled two to six credits behind, the school's graduation rate for those students will still be reduced by **16 percentage points**.

In the 2015 cohort, more than two-thirds of NCA's non-graduating students continued to pursue an educational certificate of some kind. The state should consider monitoring these students' progress through robust data systems to see how many completed their certificate, whether it is a GED, diploma, or an adult education certificate, because such certificates are important demonstrations of college and career readiness. This is consistent with existing State law which excludes students who continue on to adult education or receive a GED from calculation of the drop-out rate for the State's annual accountability reporting requirements. Given the State's recognition that these students should not be considered dropouts, the State data systems may want to consider adjusting accounting for these stories as success versus failure to graduate. **As stated earlier, the graduation rate for NCA would be 63.3% for 2015 which exceeds the threshold of the State Public Charter Authority if students who enrolled in a 5th year, go into Adult Ed or entered a GED program are removed from the cohort.**

Appendix C

NCA's Anticipated Four-Year Adjusted Graduation Rate (2016)

NCA is actively monitoring the progress of the students who are anticipated to be part of the federal four-year adjust cohort for the class of 2016. Students from the anticipated cohort have been placed in one of five categories:

- **Group 1:** Those students that are currently enrolled at NCA and on-track for an on-time graduation.
- **Group 2:** Those students that are currently enrolled at NCA and with additional support and completion of credit recovery courses are anticipated to graduate either at the end of the school year or after a summer term and counted as an on-time graduate.
- **Group 3:** Those students that are currently enrolled at NCA but are not anticipated to graduate on-time. Students are typically placed in this category because they are significantly credit deficient. However, there are other possibilities such as a student that enrolled as a second-semester Senior that while on-track credit-wise, still is unable to graduate on-time because accreditation standards require a student to earn at least five credits from NCA.
- **Early Graduates:** Students that have already graduated from NCA, either after three years of high school or after the first semester of their Senior year.
- **Withdrawn Students:** Students that have withdrawn from NCA and have not yet been verified to have transferred to another school or meet other criteria that would remove these students from the cohort.

C.1 Detailed Look at the Anticipated 2016 Graduation Cohort

When analyzing the data about the anticipated 2016 graduation cohort, there are many similarities to the 2015 graduation cohort. The anticipated cohort size is larger (518 compared to 334), but the percentage of students that were two or more credits behind at the time of enrollment is very similar (43.1% compared to 42.8%) and the percentage of students that were more than six credits behind at the time of enrollment is slightly larger (20.3% compared to 16.8%).

Figure 1 shows a breakdown of the anticipated graduates and non-graduates as far as credit status upon initial enrollment, based on the grade level at the time of enrollment.

Figure 1. Anticipated Non-Graduates Credit Status by Grade Level Upon Enrollment

Credit Status	Anticipated Non-Graduates' Grade Level upon Enrollment			
	9 th grade	10 th grade	11 th grade	12 th grade
0 – 2 Deficient	27	20	27	19
2 – 6 Deficient	6	23	43	37
> 6 Deficient	0	0	65	40

Similar to the 2015 graduation cohort, where 70.7% of the non-graduates enrolled in the last two years of high school, 75.2% of the anticipated 2016 non-graduates enrolled in the last two years, as well, thus providing a shorter period for NCA to catch them up to graduate. Of these students, 80% were two or more credits behind when they enrolled (compared to 75% for the 2015 non-graduates). This is a significant increase in the percentage of students who are two or more credits behind and creates questions about why this is the case. Are more students not meeting Nevada’s standards and are looking for additional options? Are students being referred to NCA because of its open enrollment policy?

Of the students who are anticipated to graduate on time for the 2016 cohort, the data is also similar to the graduates from the 2015 cohort which again shows a stark difference from the anticipated non-graduates. Slightly over one-third of these students enrolled in 9th or 10th grade, and just 5% of the students arriving in the last two years were two or more credits deficient when they enrolled (2015 comparison is 41% enrolled in 9th or 10th grade and 6% of the students that enrolled in the last two years were two or more credits deficient upon enrollment.)

Figure 2. Anticipated Graduates Grade level Age Upon Enrollment

Credit Status	Anticipated Graduates' Grade Level Age upon Enrollment			
	9 th grade	10 th grade	11 th grade	12 th grade
0 -2 Deficient	34	37	62	69
2 – 6 Deficient	0	2	5	2
> 6 Deficient	0	0	0	0

C.2 Additional Information Regarding Withdrawn Students

The students who have already withdrawn make up the largest segment (44.6%) of the projected 2016 cohort. Of the 231 students in this category, 141 (61%) of them withdrew prior to the current school year. Thus one of the largest impacts on the eventual final graduation rate had already been determined prior to when the efforts began in 2015-16 to improve graduation rate. However, increased data reporting efforts instituted during the 2015-16 school year will have long term positive effects in ensuring that increasing immediate efforts are made to identify where students transferred.

It is possible that some of these withdrawn students will be documented as having transferred to another school and thus removed from the final cohort. However, the majority of these students appear to have transferred either to an adult education program (39.4% of the current withdrawals) or a GED program (13.4% of the current withdrawals). Thus the fate of 122 students as “non-graduates” appears to already be determined according to the cohort graduation rate calculation even though these students are persisting in school and receiving other academic credentials that better meet their needs. Under current Nevada law, these students must not be counted as drop-outs for purposes of annual accountability reporting and, therefore, should not be included in the calculation of the graduation rate for the school relative to the Authority’s consideration of potential closure under SB 509. *See NRS 385.347.*

C.3 Improvements Made This Year

There are positive signs that the school is on the right track:

- The projected graduation rate reflects a significant increase over the prior year.
- The percentage of anticipated graduates that entered behind in credits is 14.2% of the graduates compared to 10.1% for the 2015 graduates. This is an indication that NCA is doing a better job at helping students that enter credit deficient to graduate on-time.
- When comparing the 2016 anticipated cohort with the 2015 cohort, the percentage of students who enrolled two or more credits behind and the percentage that enrolled six or more credits behind were significantly higher in 2016. Despite having a slightly more challenging population of students this year, the projected graduation rate shows an increase, an indication that the steps taken to improve the graduation rate are showing results.

The initial indications are that the school is headed in the correct direction. With the additional actions outlined in this plan, we are confident that the improvement in graduation rate will accelerate.

Appendix D

Policy Considerations – Application of Existing Law and Potential Regulatory Changes

The federal four-year adjusted cohort graduation rate was created to provide a consistent way for the graduation rate to be calculated across all schools and states. A cohort includes the students that start in the school in 9th grade, plus all that transfer into the school in later years, minus the students who leave for another school (unless confirming documentation of where the students went is unavailable, in which case the students remain in the cohort under the current method of calculation as discussed in Appendix C). After four years, the number of graduating students from the cohort is divided by the total number remaining in the cohort to get the four-year adjusted cohort graduation rate.

In practice, consistency has not been achieved, due to differences among states in the way they gather, code, and validate the data provided by schools. But more importantly, the cohort graduation rate calculation was designed with traditional schools in mind – schools with low mobility and a fairly consistent student population. This way of calculating the graduation cohort is not a very accurate measure of the performance of a school that has a high percentage of students who were credit deficient when they enrolled in the school or of a school with high student mobility.

To understand why this is so, consider the following example:

Imagine a school in which half the students enrolled as 11th graders and were severely credit deficient when they enrolled. Assume that from the date they enrolled, every single student in the school accumulated credits at a normal on-track pace of three to four credits per semester. Would anyone say this school is a failure? Of course not – every student in the school is accumulating credits on pace.

But its four-year cohort graduation rate could not be higher than 50%.

For most high schools, a significant majority of students remain enrolled during all four years, and so the four-year cohort graduation rate is a more accurate measure of these schools' performance.

But for high schools that are characterized by high mobility rates and a high percentage of students who are deficient in credits when they enroll, the four-year cohort graduation rate is heavily reflective of these students' prior high school experience where they became credit deficient, and not reflective of the performance of the school into which they transferred.

This is true for any school that has a high percentage of incoming students who are credit deficient – whether it is a virtual school, a brick-and-mortar charter school, an alternative school, or a traditional district school. For these schools, further analysis beyond the four-year cohort graduation rate, such as the actual credit accumulation rate of the students, is necessary to reveal how the school has performed.

This is the reason why alternative high schools are typically measured by different criteria. They have high percentage of credit deficient enrollees by design.

D.1 Transiency Rate and Impact on Learning

According to the Nevada Department of Education, transiency is defined as “the percentage of students who do not finish the school year at the same school they started.”¹ Figure 1 represents transiency rates for the state, Clark County, Washoe, the State Charter Authority, and Nevada Connections Academy (NCA) from the Nevada Department of Education.

Figure 1. Transiency Rates

District/School ²	Transiency Rate
State	26.5%
Clark County	28.8%
Nevada Connections Academy (NCA)	43.3%
State Public Charter School Authority	22.6%
Washoe County	22.0%

Virtual schools have a high mobility rate due to the various factors that lead students to choose to enroll in a virtual school. As is illustrated in Figure 1, NCA has a significantly higher mobility rate than the state average as well as the average of the State Public Charter School Authority – over 20 percentage points higher.

Many students choose NCA to solve a problem for a particular period of time such as bullying, medical issues, family situation, pregnancy, or other crisis situation.³ According to a report by Nevada Kids Count Children on the Move (2005)⁴, transiency has an adverse effect on student learning and “student mobility decreased the chance of students completing high school.” They also reported that “students’ school performance declined when they moved during the later years of high school” and that “educators believe it takes children four to six months to adjust academically after a school change” (NAEHCY, 2002).

Arizona recognizes the effect of transiency on student learning and created a policy that values a “persistence” factor in calculating school performance for alternative and virtual schools. An academically persistent student is “any student who is eligible to re-enroll at the end of the previous fiscal year and re-enrolls in any Arizona public school by October 1 of the current fiscal year. Students in grades 6 through 12 are included in the persistence rate calculation.”⁵ If students “persist” in learning, then schools receive points for student persistence in school. The Persistence Rate is equal to the

¹ <http://www.nevadareportcard.com/DI/Help/Glossary#PT>

² <http://nevadareportcard.com/PDF/2015/00.E.pdf>

³ http://kidscount.unlv.edu/newsletters/Feb_2016KCNewsletter.pdf

⁴ <http://kidscount.unlv.edu/newsletters/childrenonthemove.pdf>

⁵ <http://www.azed.gov/accountability/files/2014/11/grad-do-persistence-rate-tech-manual-nov26.pdf>

number of students who re-enroll in the current year divided by the number of students eligible to re-enroll based on prior year. Nevada may want to consider a similar policy for recognizing that students who persist in their educational endeavors are important for the economic and long term future of Nevada.

NCA is committed to helping all students when they enter the school and to providing additional support and interventions when necessary. It is important to identify the issues facing enrolling students and examine the data. We know that many students enroll in NCA because of a temporary crisis or a family issue for which virtual schooling is the only solution, and when the situation is resolved, they return to their traditional school and graduate. The success that these students achieve during their time at NCA is not reflected in NCA's graduation rate calculation. In addition, many students in NCA enroll credit deficient especially in 11th and 12th grade. Therefore, the four-year cohort model is not an accurate measure of school performance.

Mobility is a challenge for state data systems to accurately track student enrollment. Accurate data reporting is the foundation by which metrics like graduation rate are built and it is imperative that state reporting systems accurately identify and report this population of students. Nevada may want to consider ensuring more robust state reporting mechanisms and resources that not only track transiency but assist schools in locating and properly reporting this highly mobile and transient population.

D.2 ESSA Changes to Four-Year Cohort Calculation

The Every Student Succeeds Act (ESSA) signed into law this past December changed how the four-year adjusted cohort graduation rate is calculated. A withdrawn student must have been enrolled "at least a half year" in the school (states are free to make this minimum attendance period longer) in order to be counted in the school's four-year cohort. Students who withdraw from a school prior to meeting the minimum attendance period are assigned either to the cohort of the school where the student spent the majority of grades 9-12 or to that of the previous school attended.

This solved the common problem of students dropping out after spending only a short time at a school and being counted in that school's cohort. ESSA recognizes transiency as an important factor in attributing a student's cohort graduation statistic to the appropriate school.

Under the new ESSA calculation, NCA's four-year cohort graduation rate will improve because many students enroll for short periods of time. As mentioned, states can define the minimum attendance period for inclusion in a schools cohort to be longer than half a year.

If this provision had been in place for the NCA 2015 graduation cohort, the effect on NCA's measured four-year cohort grad rate at different minimum attendance period levels is as follows:

- **If minimum enrollment period was set to the lowest allowed, which is 50% of a year: 63 non-graduates would be removed from NCA's cohort and the graduation rate would increase 8 percentage points.**
- **If minimum enrollment period was set to 75% of a year: 86 non-graduates would be removed from NCA's cohort and the graduation rate would increase 12 percentage points.**

This illustrates how volatile a measurement like four-year cohort graduation rate is dependent on simple definitions and calculation methods.

D.3 Pupil Accounting Policies

Under No Child Left Behind, states had some flexibility defining how pupils were to be accounted for in state accountability systems. Some states used this flexibility to lessen any disincentive to serve at-risk students. Under ESSA, states have even more flexibility to ensure schools are held accountable for student success while at the same time not penalizing those who serve challenging or at-risk populations.

North Carolina has for many years had a program for students with disabilities that led to a standard high school diploma. Nevada should consider adding such a pathway so these students will have every opportunity to gain the knowledge and skills necessary to be self-sustaining adults in their communities and earn a diploma which counts as a graduate for the cohort rate calculation.

In Nevada, the adult education program has three options, only one of which can be considered as a diploma. For purposes of calculating the four-year cohort graduation rate, students are automatically coded as dropouts when in fact all of them may not be, as they might have received a diploma. Nevada should consider a more accurate reporting method to properly account for these graduates. Nevada has an opportunity both to strengthen its adult education program to increase the percentage of students earning a diploma, and adjust the calculation to limit the number of students counted as dropouts and properly record students who earn a diploma.

D.4 Full Academic Year Definition

Each state has the ability to define a full academic year (FAY) student for purposes of state accountability. Recent trends, possibly due to the expansion of educator evaluation systems that incorporate student performance measures, have included expanding the definition of FAY out of sense of fairness to education professionals and schools. This year Georgia passed legislation requiring a student to be enrolled 90% of the school year to be used in educator evaluations, which may become the standard for school accountability in that state under new provisions of ESSA. Vermont also uses a very simple definition: students must be continuously enrolled from the first day of school until the last day of the school year. Closer to Nevada, Utah established a standard of 160 days of continuous enrollment; Indiana uses 162 days that represents 90% of the school year. As Nevada considers its new flexibility under ESSA, it should revisit the definition of a FAY student to ensure fairness in the system and remove some of the effects of transient students in a fast-growing state and ensure the proper schools are held accountable for a particular student’s performance. The following represents a sample of policies in other states that define FAY in a way that properly allocates performance with the school who served the student for the majority of the school year.

Figure 2.State Definitions of FAY

State	Statutory Language
Georgia	Continuous enrollment from the fall FTE count through the spring testing window.
Vermont	Continuously enrolled from the first day of school to the last.
Utah	Continuous enrollment for no less than 160
Indiana	October 1, for 162 days

D.5 Alternative School or Virtual School Classification

As the state considers policies for accountability, Nevada may also want to increase its efforts to develop a separate accountability system for alternative schools and/or virtual schools. Arizona, for example, created a separate virtual school accountability system in 2015 and also has an alternative school accountability system.

According to the National Association of Charter School Authorizers (NACSA), states should include “clear, measurable performance standards to judge the effectiveness of alternative schools, if applicable—requiring and appropriately weighting rigorous mission-specific performance measures and metrics that credibly demonstrate each school’s success in fulfilling its mission and serving its special population.” Alternative and virtual schools want to be held accountable for their performance but on metrics that recognize where students come from and their growth over time enrolled in the school.

Just like district schools establish alternative schools within a district, charter schools and authorizers may want to consider allowing charter schools that serve highly mobile and credit deficient students to establish an alternative school within, or separate from, an existing charter where students who meet identifiable criteria are placed. The 2015 Nevada Legislature adopted an alternative performance framework for schools that meet a minimum 75% student population requirement for serving at-risk students. NCA does not qualify for this alternative framework, in part, because it is not just a high school but a K-12 school. The intent of SB 509 in providing the Authority discretion in the “may” provision for closure was to ensure that this discretion was reasonably exercised and that compelling evidence, such as that discussed herein, would be considered relative to the graduation rate considered for a school’s performance. This allows a concerted effort and focus on a specific subset of a population, creates accountability metrics that accurately and fairly measure student performance, and creates a program targeted to student needs.

D.6 Multiple Accountability Measures

Graduation rate is one metric among many metrics that determine a success of a school. State proficiency, student growth, and college and career readiness are some measures that states are using to determine school performance. ESSA allows for additional flexibility in determining school quality such as a qualitative measures including parent satisfaction. Policies should consider multiple measures of student performance when considering quality of schools.

According to the Association Supervision Curriculum and Development (ASCD) “any comprehensive determination of student proficiency, educator effectiveness, or school quality must be based on more than just standardized test scores and should use a variety of measures appropriate to the individual or entity being measured.”⁶

⁶ <http://www.ascd.org/ASCD/pdf/siteASCD/publications/policypoints/Multiple-Measures-of-Accountability.pdf>

Nevada is currently in a transition period and has stated that multiple measures will be considered in a new accountability system including growth, science proficiency and other measures of student achievement. A circular from the Nevada Department of Education stated “A new school rating system is being developed and is expected to be in place after the 2016-2017 school year. Academic growth is an important factor when determining school ratings. Based on input from Nevada Stakeholders, growth will remain a measure in the next rating system. Other measures of student achievement from the current rating system are under review. Needed and exciting improvements are to come for Nevada’s school ratings and will include the addition of measuring science proficiency.”⁷

One recommendation presented to the Legislative Education Committee in April 2016 by an alternative school principal proposed that Nevada’s Graduation metric include two measures of accountability so schools could be compared. One measure would be the federal cohort calculation and the other would be a four year continuously enrolled measure that would capture the graduation rate of students who are enrolled in a school for all four years. **For example, 79% of the students graduate at NCA who entered in 9th grade and stayed all four years in the 2013 and 2014 graduation cohorts.** Since mobility and transiency are significantly above the state average for NCA, this is a more accurate measure that demonstrates the effectiveness of NCA. Nevada could consider a policy that reports both measurements. Consideration of this is critical and essential under any proceedings, considering the potential for closure under SB 509 and the exercise of discretion based solely on the school’s graduation rate. Additionally, the Authority held a regulation workshop in December 2015 and discussed drafting regulations to implement SB 509 relative to, among other things, closure proceedings and reconstitution. This regulation workshop should be completed to ensure the Authority has clear procedures and standards adopted in accordance with the Nevada Administrative Procedures Act, NRS Chapter 233B, and that all schools understood those procedures. In proper regulatory workshops and hearings, issues such as those raised herein could be considered.

Charter-authorizing best practices also value multiple measures in evaluating charter school performance. According to NACSA, “A quality authorizer designs and implements a transparent and rigorous process that uses comprehensive academic, financial, and operational performance data to make merit-based renewal decisions.”⁸ NACSA defines the academic data, which should include: “state-mandated and other standardized assessments, student academic growth measures, internal assessments, qualitative reviews, and performance comparisons with other public schools in the district and state.” Ranking schools in the state based solely on the four-year cohort graduation rate, calculated under NCLB with no accounting for transient rates or mobility, penalizes schools such as NCA for a student’s experience in the system for years prior to entering. It can be viewed as an unreliable metric and should not be used as the sole reason to suggest that NCA should be considered for closure, despite all of its success in student growth rates and re-engagement of students who otherwise would dropout and never graduate. Multiple measurements should be considered to fully evaluate quality of a charter school which is a key best practice in charter school authorizing.

⁷ <http://nspf.doe.nv.gov/Content/PDF/six%20things.pdf>

⁸ <http://www.qualitycharters.org/for-authorizers/principles-and-standards/>

EXHIBIT 5

EXHIBIT 5



Every Student Succeeds Academy

2016-2017 Student Contract

Student Name: _____ Date: _____

Learning Coach(es): _____

At Nevada Connections Academy, we believe that every student has the ability to achieve success in school. To help students who are credit deficient, we have developed the Every Student Succeeds Academy (ES2 Academy) which provides support to help students recover credit and increase their chances of graduating on time. Based on your academic record, you have been placed into this program to help you succeed. Your Success Coach, teachers, administration, and learning coach(es), will regularly monitor your progress to ensure your success here at Nevada Connections Academy. As a student, you are expected to adhere to the terms of the contract which is explained in detail below. Please note that your adherence is REQUIRED and failure to do so may result in your removal from any and all of NCA's academic programs. Also, please note that all requirements in NCA's Student Handbook still apply.

In order for a student to be successful in the ES2 Academy, the following expectations **must be met each week**:

1. Lesson Completion:

Student must complete all of their daily lessons in their planner each week. Lack of lesson completion is equivalent to truancy in the online environment.

- Students who fall behind will be contacted and goals set to get back on track.
- Repeated truancy may be grounds for referral to the administration.

2. Live Lesson Attendance:

Student must attend a minimum of TWO core class LiveLessons per week.

- If attending a LiveLesson synchronously is not possible, student must **obtain prior approval** from his/her success coach, **watch the LiveLesson recording**, then **send a webmail message including a lesson summary** to the Success Coach.

Student must attend bi-weekly check in meetings on Mondays with Success Coach.

- These are short meetings designed to help students develop skills for their personal and academic success.
- The schedule for bi-weekly check ins will be webmailed to students and caretakers as well as placed as ongoing appointments on student planners.

3. Communication:

Student is required to complete a bi-weekly call with his/her success coach. Bi-weekly call schedules will be set up between students, caretakers, and their success coaches.

- Student will communicate with teachers by replying to all webmails and returning all phone calls within 24 hours.



-Student will webmail teachers or telephone when a question about coursework arises.

4. School Honor Code:

Student will abide by the school honor code on all assignments.

-Student will not use other work from the Internet, a friend, a family member, or any other outside source and present it as his/her own.

-Student will contact teachers if questions about tests, essays, or other school assignments arise rather than looking to the Internet for answers.

5. Set Schedule:

Students are required to submit a schedule indicating hours they will be working on lessons (minimum of 6 hours per day as per state requirements for attendance).

-These schedules should overlap at least part of their day with teacher availability.

-The Success Coach will keep all schedules and any changes must be submitted to Success Coach in writing. (Students may opt to post their schedule as blocks of time on the planner.)

6. Caretaker Requirements:

The caretaker/learning coach will ensure that the following items are completed a minimum of once per week:

-Mark student attendance (28 hours minimum required per week)

-Check student gradebook and progress

-Discuss overdue lessons that appear on the Learning Coach home page with student

-Return contacts from school staff within 24 hours

Nevada Connections Academy teachers are committed to creating a learning environment in which a student can succeed; however, it is up to the student to commit to this learning environment with a sense of ownership and responsibility in order to achieve success.

Failure to abide by this contract may result in removal from the Every Student Succeeds Academy, referral to administration, and/or potential withdrawal from the school.

This contract is sent by the Success Coach Advisor to both the student and learning coach(es). The read receipt, received by the Success Coach upon the opening of the webmail in which this contract was sent, acts as an electronic signature that all parties agree to the contents of this contract unless otherwise noted with written documentation from the learning coach.

EXHIBIT 6

EXHIBIT 6



**Agreement between
Nevada Connections Academy for Consulting Services**

This Agreement ("Agreement") is entered into on **September 28, 2016** ("Effective Date") between **Advance Education, Inc. ("AdvancED®")**, a 501(c)(3) non-profit organization incorporated under the laws of the state of Georgia, United States of America and **Nevada Connections Academy** an education provider ("Education Provider") (hereinafter referred to individually as "Party" and collectively as "Parties").

NOW THEREFORE, FOR AND IN CONSIDERATION of the mutual promises, covenants and agreements contained herein, the Parties agree as follows:

1. **Scope of Work.** AdvancED shall provide services ("Services") as described in the Statement of Services ("Statement of Services" or "SOS") which is attached hereto and incorporated by reference herein as **Exhibit "A."**
2. **Changes to Statement of Services.** If either Party wants to make changes to the Statement of Services, the Parties must agree on the terms for such changes through the completion and the signing of a Change Request Form ("Change Request Form") to be provided by AdvancED. Any change may impact terms for the Services, such as extend the time for the Services to be delivered and/or result in higher costs. If the changes are significant, as determined by AdvancED, AdvancED may require the Parties to enter into a written amendment to the affected SOS or a separate and new SOS in addition to the signed Change Request Form. No work on the changes to the Services shall commence until the signed Change Request Form and any amendment or new SOS required by AdvancED has been signed by both Parties.
3. **Obligations of Education Provider.** AdvancED's completion of some or all of the Services is subject to Education Provider providing certain content, data, specifications and/or other items as identified by AdvancED. The timeline and AdvancED's allocation of its resources assume that the Education Provider will provide, at or before the time that it is needed, anything required for AdvancED to perform the Services. The timing for the delivery of Services also assumes that none of the applicable specifications or requirements will change and that information provided by Education Provider is accurate. Education Provider acknowledges that any change in data or specifications may result in delays that may jeopardize the meeting of deadlines. AdvancED will not be in breach of the Agreement due to any deadlines missed due to changes in data or specifications requested by Education Provider.
4. **License; Intellectual Property Rights**
 - a. AdvancED hereby grants a non-exclusive and non-transferable, limited license for the use of the AdvancED Standards for Quality Schools and Systems ("Standards") and any other

improvement tools, materials, and products deemed necessary by AdvancED to accomplish the goals and meet the requirements of this Agreement which may include the Adaptive System of School Improvement Support Tools® ("ASSIST®") and eProve™ (collectively, "AdvancED Products") to Education Provider. The license for AdvancED Products shall be used solely for the purposes of this Agreement and in collaboration with AdvancED to provide the Services. Said license shall expire upon the termination or expiration of this Agreement whichever is earlier. Notwithstanding the foregoing, if Education Provider is accredited by AdvancED, its license to use AdvancED Products shall continue as long it remains accredited by AdvancED and any and all fees or charges owed to AdvancED are fully paid.

- b. Except as set forth in Section 4(c), neither Party to the Agreement will have any claim to the ownership of any intellectual property rights that belong to the other Party at the date of the execution of the Agreement or that the other party creates or develops pursuant to the Agreement, and nothing in the Agreement will transfer or assign, or obligate a Party to transfer or assign, any intellectual property right now or in the future to any other party to the Agreement or third party.
 - c. All intangible property, inventions, improvements, discoveries, trade secrets, know how, copyrightable work, and any other intellectual property, including any patent, copyright registration, or application therefor, that may be created or developed pursuant to the Agreement, whether or not patentable or copyrightable, which relate to any AdvancED Products, services, systems, tools, or proprietary information or processes, shall be and remain the sole property of AdvancED and no rights in such intellectual property shall be conferred to or upon or be granted or otherwise vested in any other party, and Parties further agree to execute any and all documents or to take any additional actions that may be necessary in the future to fully effectuate this provision. AdvancED shall retain any and all property rights to any and all equipment, supplies, files, accreditation materials and intellectual property produced, supplied or paid for by AdvancED. Any modification or enhancements to AdvancED Products necessary to meet the requirements of this Agreement are and shall remain the property of AdvancED.
5. Term. This Agreement shall commence on the Effective Date and shall continue until June 30, 2017 ("Term") unless renewed in writing by both Parties. The Agreement may be terminated (a) without cause by either Party with a minimum of thirty (30) calendar days written notice or terminated; (b) with cause upon ten (10) calendar days' written notice by either Party due to the breach of any of the terms and conditions of this Agreement by the other Party; or (c) until it is terminated by mutual agreement of the parties. Notwithstanding the foregoing, each Party agrees to provide the other with ten (10) business days to cure any cause prior to termination of the Agreement for cause. In all circumstances, AdvancED shall be paid for all Services and work performed up to the date of termination including all expenses incurred.
6. Payment. Education Provider shall pay AdvancED a fee of Nine Thousand Five Hundred Dollars (\$9,500) ("Fee") for Services. AdvancED shall invoice Education Provider according to the below schedule for Services provided through the date of such invoice. Education Provider shall pay any and all costs of collection, including court costs and reasonable attorney's fees if AdvancED places Education Provider's payment obligations for collection. Any amount not paid when due may be subject to interest at the rate of one and one half percent (1.5%) per month or the maximum rate permitted by law, whichever is less, determined and compounded on a daily basis from the date due until the date paid.

Amount Due	Due Date
\$4,750	Full execution of Agreement
\$4,750	June 30, 2017

Payments shall be due and payable within thirty (30) days' receipt of an invoice. Invoices shall be sent to:

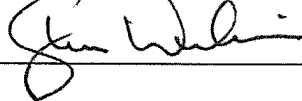
Amy Taylor
aataylor@nca.connectionsacademy.org
 775-826-4200

7. Expenses. Fee includes travel related expenses, including without limitation, any airfare, lodging, meals, etc. Notwithstanding the foregoing, in the event that there are unanticipated expenses, Education Provider shall reimburse AdvancED for expenses that have been approved in writing in advance by Education Provider. AdvancED shall submit receipts for all such approved expenses. Payment for expenses shall be due and payable within thirty (30) days' receipt of an invoice.
8. Confidentiality Requirements. Each Party shall treat all information obtained by it from the other Party through its performance under the Agreement as confidential information, and shall not use any information so obtained in any manner except as necessary for the proper discharge of its obligations hereunder. Parties agree to be bound by the Confidentiality and Non-Disclosure Agreement ("Confidentiality Agreement") entered into between the Parties contemporaneously with the execution of this Agreement. A copy of the Confidentiality Agreement is attached hereto and made a part herewith as **Exhibit "B."**
9. Entire Agreement. This Agreement entered into between the Parties constitutes the entire understanding between the Parties concerning the subject matter hereof and supersedes and merges all prior and contemporaneous agreements, oral or written, with respect thereto. This Agreement may not be changed, modified or altered, nor any of its provisions waived, except by an agreement in writing signed by both Parties hereto.
10. Relationship of Parties. Each Party acknowledges that it has no authority to bind or commit the other Party to any further contractual liability except as may be otherwise agreed in writing. The Parties further agree that there is no intention to form or for the Parties' relationship to be construed as a partnership or joint venture under the laws of any jurisdiction.
11. Applicable Law. This Agreement shall be governed by, interpreted, and construed in all respects in accordance with the laws of the state of Georgia. Any dispute arising under this Agreement shall be submitted to binding arbitration in accordance with the rules and procedures of the American Arbitration Association.
12. Force Majeure. Neither Party to this Agreement shall be responsible for delays or failures in performance resulting from acts beyond the control of such Party. Such acts shall include but not be limited to acts of God, strikes, riots, lock-outs, acts of war, epidemics, fire, earthquakes, or other disasters.

Signatures on Next Page

IN WITNESS WHEREOF, the Parties hereto have agreed by their authorized officers as of the day and year indicated by signing below.

Nevada Connections Academy

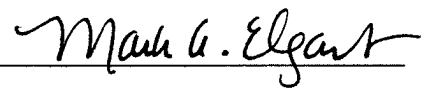
By: 

Printed Name: Steven Werlein

Title: School Leader

Date: Sept. 27, 2016

Advance Education, Inc.

By: 

Printed Name: Mark A. Elgart, Ed.D.

Title: President/CEO

Date: 9/28/16

Exhibit A

Statement of Services

AdvancED – Nevada Connections Academy

Executive Summary

Nevada Connections Academy (NCA) is seeking external validation of its data in order to more holistically understand the impact NCA has on graduation. AdvancED will implement an independent Data Validation Review to fulfill the requirements of the Graduation Rate Improvement Plan for NCA while simultaneously examining NCA's ability to provide quality education to all students enrolled in the Academy. AdvancED will conduct a comprehensive treatment of all the conceptual and technical considerations involved in the measurement of graduation rates; taking into consideration relative information regarding students' enrollment status, dropout experiences, and high school completion outcomes. It is AdvancED's understanding that NCA will require data validation for all data associated with both the 2015 graduation cohort and the 2016 graduation cohort.

An overview of AdvancED services, as well as a detailed description of deliverables is provided below.

AdvancED will provide the personnel and resources necessary to deliver the services as outlined below.

Overview

In comparison to the complexities involved in measuring student achievement, the challenges associated with counting the number of students who complete high school in a given institution may at first appear trivial. However, the struggle of calculating high school graduation rates with an acceptable degree of validity and reliability is not without its own challenges. Certain issues such as data sources, methods of calculations and who counts as a graduate may cause bias in reporting graduation rates.

For example, a single indicator capturing the percent of students who had received a high school diploma from any institution would arguably be too confining an instrument for measuring the performance and effectiveness of that institution. This would be particularly true of virtual academies where many students who enroll in these institutions are two to six semester-length courses behind, severely off cohort and where mobility rates are extremely high. Evaluation criteria of students who fall under these areas generally are not, and cannot be, established in advance. These types of institutions tend to have lower completion rates for a variety of other reasons related to actual educational conditions rather than methodological considerations. For these reasons, it has been suggested a data validation review taking into consideration indicators based on group-level data from student cohorts (rather than individuals) tracked over time may be more statistically sound.

Data Validation Review

Graduation rates are affected by a variety of interrelated data, and a comprehensive analysis of those data is an effective way to evaluate the different factors that may have contributed to an institution's low graduation rate. The purpose of this Data Validation Review (DVR) is to ensure the data used to measure the true graduation rate for Nevada Connections Academy is accurate and reliable. Confirming the accuracy of data is a critical part of the process necessary to validate the effectiveness of the overall institution.

The process of validation will include the review of obtained statistical data provided by NCA and the Nevada Department of Education and will provide clean and coherent allocation of actions and responsibilities to ensure the highest performance, while reducing the possibility of mistakes. The process will identify qualities that characterize good measures and describe the process of selecting and evaluating

appropriate measures that will result in data of the highest quality – data that provide useful, timely, accurate, and comparable information.

The DVR will consist of an in-depth comprehensive review of the policies, procedures, and documentation that support the compilation of the graduation rate measures. This will include, but is not limited to; a hands-on appraisal of every facet of the institution's learning environment, performance, and organizational effectiveness. Information will be gathered, synthesized, and shared in a manner that provides a clear picture of how the institution is performing, what students are learning, and the capacity of the institution to maintain the *AdvancED Standards for Quality Schools*.

AdvancED data validation review experts will examine the extent to which the institution's policies, practices, and conditions support continuous improvement in student performance and school-wide effectiveness. The analysis and evaluation will be based on multiple sources of data and information. Sources of information may include on-site visits, documents, questionnaires/surveys, existing databases and other relevant artifacts. All data will be verified and validated for completeness, correctness and conformance against specified methods, and procedural or contractual requirements. Data will be analyzed to determine what performance indicators may be necessary to identify trends over time that may have contributed to low graduation rates. This process will be a decisional procedure establishing the criteria for accepting, rejecting, or qualifying data. Also, to support the premise that the reported data used to develop plan performance measures are credible to other stakeholders, and that information used to respond to public inquiries are reliable.

The list below identifies key components that may be analyzed during this review.

1. For the time periods 2014 to 2015 and 2015 to 2016:
 - The institution's change in Grades 7-12 annual dropout rates;
 - The institution's change in total leavers (i.e., dropouts, graduates, and other leavers) in relation to Grades 7 – 12 attendance;
 - The institution's change in the numbers and rates of graduates in relation to total leavers;
 - The institution's change in numbers and rates of other leavers in relation to total leavers, and;
 - The institution's change in numbers and rates of dropouts in relation to total leavers.

The results of the comprehensive review process will be helpful in building capacity and sustainability within the institution. NCA can use the results to prioritize areas in need of improvement and establish goals, set measureable objectives, and identify strategies to address root causes of low graduation rates.

AdvancED Deliverables	
1. Data Validation Review:	
<ul style="list-style-type: none"> • Conduct a comprehensive review of policies, procedures, and documents provided by NCA and the Nevada Department of Education; • Conduct transcript audits for 9th graders to determine on-track status for graduation; • Conduct transcript audits for 12th graders to verify fulfillment of graduation requirements stated in the schools policies and procedures; • Analyze the process used to measure fidelity of data gathering procedure <ul style="list-style-type: none"> - Provide actionable information for improving procedure, - Discuss the analysis with the institution's Administrator and Leadership Team; • Conduct an analysis of graduate and non-graduate trends; • Evaluate the process of monitoring the tracking efforts for withdrawn students; • Evaluate the effectiveness of existing programs designed to deliver personalized learning for every student <ul style="list-style-type: none"> - Administer stakeholder surveys to determine level of satisfaction in programs implemented, - Review, and analyze stakeholder perception and student performance results; and • Identify specific Improvement Priorities aligned within the <i>AdvancED Standards for Quality</i> and the Nevada State guidelines for determining graduation rate. 	
2. Complete written summative evaluation and present to Administrator and Leadership Team.	
3. Provide Post-Review Consulting Services (as requested for additional cost.)	

Itemized Budget

Service	Description	Cost	Qty	Total
Data Validation Review	Surveys	\$500.00		\$500.00
	Report Review/Edit	\$1,500.00	1	\$1,500.00
	AdvancED Data Review Team	\$1,800.00	2	\$3,600.00
	Member Travel			
	AdvancED Process Coach Travel	\$1,400.00	1	\$1,400.00
Data Validation Review Subtotal				\$7,000.00
Additional Services	Consulting Services	\$0.00		\$0.00
Project Management		\$2,500.00		\$2,500.00
Additional Services Subtotal				\$2,500.00
TOTAL				\$9,500.00

Exhibit B
Confidentiality and Non-Disclosure Agreement

This Confidentiality and Non-Disclosure Agreement (“Agreement”) is made as of **August 31, 2016** between **Advance Education, Inc.** and/or any of its affiliated companies (“AdvancED[®]”) and **Nevada Connections Academy** (“Education Provider”) (hereinafter referred to collectively as “Parties”). In connection with the Education Provider (whether paid for or voluntary) using, employing, or receiving training in the use of the AdvancED ASSIST[®], AdvancED Accreditation and/or School Improvement Services, Diagnostics, Standards, and /or any other AdvancED owned proprietary materials or processes (“Approved Purpose”), AdvancED may be disclosing to Education Provider Confidential Information. As a condition of the release by AdvancED of Confidential Information, both Parties agree as follows with respect to said Confidential Information:

1. **CONFIDENTIAL INFORMATION.** As used herein, the term “Confidential Information” shall include any proprietary information or materials created by or on behalf of AdvancED, whether or not marked or otherwise designated as confidential, relating to the business (present or contemplated) and/or customers of AdvancED that Education Provider obtains from AdvancED in connection with the Approved Purpose, including the terms of this Agreement, any and all information concerning techniques, processes, formulas, trade secrets, innovations, inventions, discoveries, research or development and test results, specifications, data, formats, marketing plans and programs, business plans, computer systems and programming, strategies, forecasts, financial information, budgets, projections, customer and supplier identities, addresses or characteristics, agreements between AdvancED and third parties, and the nature and status of discussions or negotiations between Education Provider and AdvancED. Confidential Information shall not include information, if any, which was or becomes generally available to the public other than as a result of a disclosure by Education Provider or by other persons, including Education Provider’s agents, to whom Education Provider has disclosed such information.

2. **RESTRICTIONS ON DISCLOSURE.** All Confidential Information shall be held by Education Provider in trust and confidence on behalf of AdvancED. Education Provider shall not disclose or permit access to nor shall Education Provider authorize or permit any other person or entity (collectively, “Person”) to disclose or permit access to all or any part of the Confidential Information without the prior written consent of AdvancED. In addition, Education Provider shall use the Confidential Information only for the Approved Purpose, and not in any other manner or for any other reason, including any manner or reason that may be detrimental to AdvancED or any of its affiliated entities. Further, Education Provider shall take such action, legal or otherwise, to the extent necessary to ensure that only those persons who, pursuant to this Agreement, would be permitted access to the Confidential Information are able to obtain such access.

3. **EXEMPTIONS FROM RESTRICTIONS ON DISCLOSURE.** Education Provider may disclose the Confidential Information to comply with applicable law, administrative or court order; provided, however, that in each such instance Education Provider shall notify AdvancED prior to such disclosure and Education Provider shall use reasonable efforts to seek confidential treatment of the Confidential Information. Education Provider may also disclose the Confidential Information to Education Provider’s agents on a “need to know” basis. Prior to any disclosure, Education Provider must obtain written approval for the disclosure and the agent must execute a copy of this agreement and agree to be bound by this Agreement’s terms. Education Provider and said agent shall be responsible for any breach of this Agreement by agent.

4. **REMEDIES.** Education Provider acknowledges and agrees that the Confidential Information derives independent economic value from not being generally known to the public or to other Persons who can obtain economic value from the disclosure or use of the Confidential Information. Education Provider further acknowledges and agrees that any breach of this Agreement shall constitute a material breach of this Agreement that will cause irreparable injury to AdvancED, not readily measurable in money, and for which AdvancED, without waiving any other rights or remedies at law or in equity, shall be entitled to injunctive relief, if allowed in the jurisdiction.

5. CHOICE OF LAW. The Parties agree that any dispute in any way arising out of or relating to this Agreement will be resolved by arbitration before the American Arbitration Association pursuant to the organization's rules in the state of Georgia and pursuant to Georgia's law as the governing law. The Parties agree that any arbitration award will be enforceable in state or federal court. The prevailing Party in any arbitration proceeding will be entitled to an award of its reasonable costs and attorney fees.

6. MISCELLANEOUS. No assignment, amendment, alteration or modification of this Agreement shall be effective without the prior written consent of all Parties. Whenever examples are used in this Agreement they are intended to be illustrative only and shall not limit the generality of the examples. This Agreement shall continue in full force and effect for a period of five (5) years from the date hereof

IN WITNESS WHEREOF, the Parties hereto have agreed by their authorized officers as of the day and year indicated.

Nevada Connections Academy

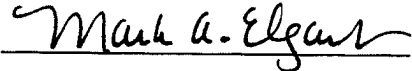
By: 

Printed Name: Steven Werlein

Title: School Leader

Date: 9-27-16

Advance Education, Inc.

By: 

Printed Name: Mark Elgart

Title: President/CEO

Date: 9/28/16

EXHIBIT 7

EXHIBIT 7

asked why there was such a precipitous decrease between 10 and 11 grade. Ms. Dukek said there were a few factors that go into the drop. First, they just started offering 12 grade, and they also tend to see a higher percentage of middle schools students enrolling into their program, but then going back to the high school they were zoned for. Member Mackedon suggested segregating out students who had been continuously enrolled at the school in order to determine how the school is educating those children. The Authority continued their discussion on reasons for enrollment decrease from 10 to 11 grade.

Member Abelman said he was having reservations regarding the renewal of Nevada Connections Academy and asked Director Canavero if the school was serving a specific need. Director Canavero said it was the recommendation of the SPCSA staff to renew the charter and with that believed was serving an educational need. Member Abelman asked Nevada Connections Academy what their goals for graduation rates would be in the future. Ms. Dukek said it is the goal of the school to meet or exceed the average graduation rates for the state. Member Wahl also stressed the importance of inputting data correctly when reporting on different metrics in the school. Dr. Rohrer added that she believed the data would be cleaner in subsequent years and with that the graduation rate would improve.

Member McCord motioned for the approval for the term specified under statute with provisions that Nevada Connections Academy must create a clear plan for math proficiency improvements and high school graduation rates. Member Abelman seconded. The motion carried unanimously.

Agenda Item 13 - Charter Schools Association of Nevada Update

Jim LaBuda introduced himself to the Authority as the new director of the Charter School Association of Nevada. Mr. Labuda explained his vision for charter schools in Nevada and the reasons that attracted him to the state. He believes innovation is one of the best ways to improve education and that charter schools are a great way to implement these innovations. He also announced the dates and location for the 2013 Charter Schools Association of Nevada conference that is planned for late June in northern Nevada.

Agenda Item 9 – Presentation concerning the Authority’s proposed Performance Framework

Director Canavero began by giving background on the development of the frameworks for measuring outcomes at SPCSA-sponsored charter schools. He said there are three frameworks, Academic, Financial, and Organizational, and he believed the Organizational and Financial frameworks were ready for Authority approval now. He said the Academic Framework is more complicated and needs more input from parties. Director Canavero said these frameworks will be in addition to the Nevada School Performance framework and will do a better job monitoring and showing outcomes of the charter schools in Nevada. He said one of the things that had been disagreed upon with regard to the Academic Framework was the mission-specific goals being included in the Academic Framework’s measurement. Director Canavero said that he and SPCSA staff believed these goals should not be included in the Academic Framework.

Katherine Rohrer, Education Program Professional then detailed the Academic Framework and the differences between it and the Nevada School Performance Framework (NSPF). The NSPF does not include all the charter schools in its measurements because some of the schools are too small for data to be used. Dr. Rohrer said that these schools then would not receive a rating in the system and the SPCSA needs a framework that consistently measures charter schools performance across all spectrums. She then detailed the values used to shape the Academic Framework. Dr. Rohrer than explained the indicators and measures the Academic Framework would be using to monitor the schools.

Member McCord asked if requiring schools to use certain tests would be an infringement on their autonomy. Dr. Rohrer said that they had chosen the Explore ACT plan so there would be standardized data for measurement across all the schools. Director Canavero also added that it is not uncommon for a sponsor, when developing or implementing frameworks require schools to use certain tests as a condition of sponsorship. Chair Conaboy also added that during legislative hearings a constant balance that is debated is autonomy

EXHIBIT 8

EXHIBIT 8

Patrick Gavin:

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.

Chair Woodbury:

I will close the hearing on S.B. 509 (R2). Is there anyone here for public comment?

Peggy Lear Bowen, Private Citizen, Carson City, Nevada:

From yesterday's *Reno Gazette-Journal*, this is a letter to the editor that was titled "Tax drama over schools not warranted." It is from David Barrett of Reno.

What is all this hoopla about Nevada's education being among the worst in the nation? Not so, says the "Report Card on American Education, 19th Edition" published by the American Legislative Exchange Council, dated 2014. Have we all been misled? So what is all this drama about raising taxes because Nevada is supposedly among the worst in education in the nation? Nevada is ranked number 12.

In 2011, you all worked very hard to create a better situation than you had found. You gave all sorts of direction. Yesterday during testimony we heard that the Washoe County School District only has one school that is a one-star school left in its entire system. Let the corrections you have made come to fruition in their complexity. If you want to have public charter schools play a more definitive role, please keep them in terms of being embraced by the school districts that want to embrace them to give additional schools with

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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
28

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 2nd day of November, 2016, in
18 Sparks, Nevada.
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20


21 
22 JAFETH SANCHEZ
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EXHIBIT A

EXHIBIT A

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

THOMAS B.
FORDHAM
INSTITUTE
ADVANCING EDUCATIONAL EXCELLENCE


BELLWETHER
EDUCATION PARTNERS



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Contents

Foreword	4
Acknowledgments.....	11
Executive Summary	12
Who serves on D.C.'s charter school boards?.....	12
Which board characteristics and practices are linked to school quality?.....	13
Introduction	15
Conventional wisdom on charter school board practices.....	17
Methods	19
Findings	21
Question 1: Who serves on charter school boards?.....	21
Question 2: What board characteristics and practices are associated with school quality?	24
Implications and Conclusions	39
Appendix A	41
Survey design and administration.....	41
School-quality data	41
Sampling methods.....	44
Appendix B	46
Complete Survey Data.....	46
About the Authors	60
Endnotes	61

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.¹ 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).²

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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 corroborate³) 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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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.)⁴

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.

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

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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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EXHIBIT 16

EXHIBIT 16

**MINUTES OF THE
SENATE COMMITTEE ON EDUCATION**

**Seventy-Eighth Session
April 3, 2015**

The Senate Committee on Education was called to order by Vice Chair Scott Hammond at 4:09 p.m. on Friday, April 3, 2015, in Room 2149 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Exhibit A is the Agenda. Exhibit B is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Becky Harris, Chair
Senator Scott Hammond, Vice Chair
Senator Don Gustavson
Senator Mark Lipparelli
Senator Joyce Woodhouse
Senator Moises (Mo) Denis
Senator Tick Segerblom

STAFF MEMBERS PRESENT:

Todd Butterworth, Policy Analyst
Risa Lang, Counsel
Jan Brase, Committee Secretary

OTHERS PRESENT:

Kathleen Vokits, President elect, Nevada State Association of School Nurses
Deborah Pontius, Nevada State Association of School Nurses
Virginia Williamson
Sheila Story
Mary-Sarah Kinner, Las Vegas Sands
Leslie Pittman, American Federation for Children
Michael Chartier, The Friedman Foundation for Educational Choice
Jennifer Hammond, Advocates for Choice in Education of Nevada
Rebecca Franks, Advocates for Choice in Education of Nevada
Tiecha Ashcroft

Ms. Durish:

A cohesive plan is meant to address statewide initiatives and allow for a wide range of providers. Any plan would be aligned with statewide goals to ensure teachers and leaders who are most in need of professional development are guaranteed opportunities.

Chair Harris:

I will close the hearing on S.B. 474.

Senator Hammond:

I will open the hearing on S.B. 460.

SENATE BILL 460: Revises provisions related to the statewide system of accountability for public schools. (BDR 34-1108)

Senator Becky Harris (Senatorial District No. 9):

Senate Bill 460 addresses an alternative school performance framework and can be considered a companion bill to S.B. 461, which proposes individual graduation plans. Many charter schools have expressed concerns about their charter contracts. The contracts may be automatically revoked as provided by statute. While I believe this automatic-closure provision is an important safeguard to ensure we have high quality charter schools in Nevada, it is evident this policy does not account for the big picture in all circumstances.

SENATE BILL 461: Provides for an individual graduation plan to allow certain pupils enrolled in a public high school to remain enrolled in high school for an additional period to work towards graduation. (BDR 34-1091)

Senator Harris:

The NDE and others are aware of the plight of schools serving at-risk children. In fact, this past year the NDE convened a work group to examine the issue and make policy recommendations. As I understand it, the work group has recommended the creation of an alternative framework to measure the performance of schools serving at-risk kids. However, it is limiting their definition of these schools to very specific entities. They are adjudicated youth schools, credit recovery schools, and behavior continuation schools. While I agree that all these schools should be considered at-risk, I believe the door should be opened for the inclusion of additional, but narrowly defined, public schools. For example, there are charter schools specifically targeting their

services to students who have washed out of the local school district. These are students who have dropped out, been expelled, been declared habitual disciplinary problems or others with similarly difficult situations. Reaching out to and embracing these kids is critical. It is tough; it is often unsuccessful, but it sometimes works. Moreover, when it does work, lives are changed.

The problem for these schools is that the Nevada School Performance Framework and the charter school automatic-closure provision do not recognize the circumstances of these students adequately. If a high school has a student population made up entirely of students who have washed out of the school district and if that high school is able to get a third of its students through to graduation, even if it takes an extra year or two, should we close that school, or should we celebrate its good work?

At the very least, the work should be given a further look, and the measuring stick we use to assess these schools should consider the larger circumstances of their students and missions.

Language on page 2, section 2 of S.B. 460 requires the State Board of Education to adopt regulations prescribing an alternative performance framework for the evaluation of schools serving certain populations, as well as the manner in which those schools will be included in the statewide accountability system. Section 3 requires a public school wishing to be rated under the alternative framework to work with the local school board, or the charter school sponsor, to apply to the State Board for approval. Section 3 also prescribes eligibility requirements for the applicant schools. In short, 75 percent of the school's students must fall into one of five at-risk categories.

It is important to note these categories do not include students we traditionally think of as at-risk, English Language Learners, special education students and those living in poverty. To be considered at-risk for the purpose of changing a school's performance framework, a student must have been expelled, formally deemed a habitual disciplinary problem, an adjudicated delinquent, held back at least twice or subject to other very serious issues.

Section 4 amends the automatic-closure provision. Currently, a charter school is automatically closed if it receives three consecutive annual ratings at the lowest possible level. Senate Bill 460 changes this to any 3 years during the 6-year term of a charter contract. However, the school's sponsor may take other

action if the school has shown ongoing improvement. These actions could include extending the period of evaluation, creating or continuing a plan for improvement, or changing terms of the charter contract. Section 4 also authorizes an underperforming charter school to request assistance from its sponsor and requires the sponsor to provide such assistance.

Section 5 is responsive to a recommendation made by the NDE work group on the alternative framework. Because of the implementation of new criterion-referenced tests this school year, it prohibits the NDE from considering a school's rating for the 2014-2015 school year only.

Rather than punish, we need to encourage schools that take on our most difficult-to-educate students. This will not happen as long as our school performance framework provides no consideration to schools drawing three-quarters of their student bodies from the ranks of those who could not be educated elsewhere.

Senator Denis:

How many schools would fit these criteria?

Steve Canavero, Ph.D. (Deputy Superintendent for Student Achievement, Department of Education):

It would be difficult to provide a definite number, approximately 20 schools would immediately qualify, based on students' behavioral profiles.

Senator Harris:

We are in discussions with groups who have concerns about section 4 of S.B. 460, and we will hear from some of them today.

Dr. Canavero:

The NDE can create, through regulation if necessary, a flexible graduation rate requirement.

Senator Hammond:

One of the strengths of the American education system is the ability to give students many opportunities to succeed.

EXHIBIT 17

EXHIBIT 17

March 24, 2016

Via Email

Patrick Gavin
Director, State Public Charter School Authority
1749 N. Stewart Street
Carson City, Nevada 89706

Members of the Board of the State Public
Charter School Authority
1749 N. Stewart Street
Carson City, Nevada 89706

Re: Nevada Connections Academy

Dear Mr. Gavin and Members of the Board,

Nevada Connections Academy (“NCA”) is an accredited, comprehensive, online public charter school serving approximately 3,000 students from across our great state. NCA provides highly individualized learning opportunities for students and provides Nevada youth an important and innovative option. Its innovative nature was an important factor in the Authority’s decision to grant the school a charter and more recently to renew its charter and has been recognized as an important tool in the State’s ongoing efforts to improve educational outcomes of at-risk youth. Over the past years, the Authority and legislature have recognized the important role NCA plays in providing educational opportunities for Nevada’s most important resource, its youth. However, the positive impact NCA has on families seems to have been masked by the State Public Charter School Authority’s (“Authority”) recent singular focus on NCA’s 4-year cohort graduation rate, as calculated under current methodology under the No Child Left Behind (“NCLB”) waiver.

We are submitting this letter to you to request that you not put this school in jeopardy, and elevate concern among parents without engaging with NCA to understand all of the relevant data and to carefully consider the important role NCA plays in the State’s efforts to provide effective and meaningful education opportunities for its youth, especially those who are at risk of giving up on earning a high school diploma or equivalent alternative high school credential. Although we are providing some of the pertinent information in this letter, this is not a comprehensive discussion on the issues and cannot be a substitute for meaningful dialogue between a school and its authorizer which has never occurred to consider the students, their growth, and success at NCA.

A. Communications with NCA Would Inform the Authority of Compelling Evidence Material to the Issue of the Notice of Intent to Close

NCA is effectively serving students in Nevada and a meaningful look at NCA’s student population and graduation information reflects that. An arbitrary citation to a single data point such as the 4-year cohort graduation rate as calculated under current methodology under the NCLB waiver does not.

Virtual schools have a high mobility rate due to the various factors that lead a student to choose to enroll in a virtual school. Many students chose NCA to solve a problem for a particular period of time such as bullying, medical issues, family situation, pregnancy, or other crisis situation. It is well known that a person who does not complete high school, or obtain on an equivalent high school credential is at greater risk of falling below the poverty level.¹ This population of Nevada youth that NCA serves are some of the most at risk of giving up on completing high school. The alternative education opportunity NCA provides for hundreds of these students has allowed them to leave the traditional brick and mortar school during the period of crisis, while remaining engaged in their academic pursuits, and then re-enroll in their traditional school when the crisis has ebbed. For some students who choose not to return to their traditional school, it has meant the ability to gain the education foundation they need to be successful pursuing their GED or other equivalent alternative high school credential. The success that NCA achieves during that time is not reflected in future graduation success if students transfer to a new school or other education program once their crisis situation is over, but the bridge NCA plays is often the difference between a student becoming a dropout statistic or a success story. In addition, mobility can be a challenge for state data systems to accurately reflect a mobile student population. Finally, many students come to a virtual school academically behind. It takes time for these students to catch up and they may need more than four years to graduate. Nevada does not include extended year graduation success into the cohort rate. NCA 2013-14 Cohort (started 9th grade in 2010-11 and expected to graduate in 2013-14):

- **77%** of full academic year 12th graders graduated in 2015 (enrolled by October 1st and continuously enrolled until graduation or end of the school year including summer);
- **83%** of students graduated who enrolled on cohort and stayed through the end of the Senior year regardless of grade level in the 2013 and 2014 graduation cohorts (126/151);
- **79%** of students graduated who entered in 9th grade and stayed all four years in the 2013 and 2014 graduation cohorts (41/52);
- **48%** of students enrolled were behind in credits at the time they entered NCA;
- **47%** of the students enrolled for the 2013-2014 school year qualified for the free or reduced lunch program.

NCA is focused on increasing the four-year cohort graduation rate as calculated under current methodology under the NCLB waiver (or as modified by the NDE under the ESSA); however, NCA would like to stress the importance of looking at multiple measures of evaluating schools and point out a few issues with the four-year cohort graduation rate as calculated under the NCLB waiver being such a high-stakes indicator of a school's quality.

¹ Among those between the ages of 18 and 24, high school dropouts were more than twice as likely as college graduates to live in poverty according to the Department of Education. They are more likely to be unemployed and are at greater risk of incarceration. See The Consequences of Dropping Out of High School at [http://www.northeastern.edu/clms/wp-content/uploads/The Consequences of Dropping Out of High School.pdf](http://www.northeastern.edu/clms/wp-content/uploads/The_Consequences_of_Dropping_Out_of_High_School.pdf)

Almost half of our students are credit deficient when they enroll in our school. That means even if every single one of our kids accumulated credits at a normal on-track rate from the moment they enrolled, our graduation rate would still be barely over 50%. Arbitrary graduation rate thresholds, especially a threshold based on a calculation methodology that is soon to be significantly changed under ESSA, are not a fair way to evaluate schools that serve a high percentage of credit deficient students.

For such schools there should be other metrics, such as rate of credit accumulation. Otherwise who will serve the credit deficient students when the schools doing so, but not reaching the 75% requirement to qualify for the alternative framework, are closed? This is precisely the reason why Senate Bill ("SB") 509 was amended to remove the automatic trigger of closing a school for sub 60% graduation rate, and instead to give the Authority discretion. That discretion should not be exercised in an arbitrary and capricious manner or without meaningful dialogue between the Authority and a school.

Including NCA on an agenda item for consideration of possible issuance of a Notice of Closure without first working with the school to evaluate this type of material information, relevant data and the students behind a single data point or understand NCA's progress and plans for change is arbitrary and capricious and in violation of Nevada law. It would be an abuse of discretion to issue a Notice of Intent to Close under these circumstances.

The recent NACSCA evaluation of the Authority reported that the Authority "is not effectively communicating with schools about their performance" on the frameworks. The only request NCA is making of this agency is precisely what NACSA recommended: "the opportunity for schools to meet with staff to discuss the underlying data and how this data is used to calculate their ratings."

As the NACSCA report suggested, NCA requests the Authority (i) "focus on preserving the school autonomies when considering new regulations or requirements"; (ii) develop "a plan for differentiated oversight" which would squarely address the concerns NCA is raising about being considered under a potential notice of closure for a single and misleading data point; and (iii) "[r]evise the organizational performance framework so that it describes what information the Authority will review and how the Authority will verify schools' compliance with the requirements." **Exhibit 2**, Minutes from Jan. 2015 Board Meeting (summarizing NACSCA findings and report).

B. The Failure to Provide NCA An Opportunity for Meaningful Dialogue and Notice and Opportunity to be Heard Prior to Issuing a Notice of Closure Violates Nevada Law & Policy

On February 22, 2016 we received a copy of the publicly posted amended agenda for the Authority's February 26, 2016 meeting which included an item for "[c]onsideration and possible action to direct Authority staff to issue Notices of Closure to Beacon Academy of Nevada, Nevada Connections Academy and Nevada Virtual Academy pursuant to NRS 386.535." You can imagine the confusion and concerns this raised for NCA, which had received no notice of the agenda item, any concerns from the Authority about its performance and, according to the Authority's last formal written communication to the school, was in Good Standing. **Exhibit 1**, (Letter from P. Gavin stating that for the 2013-14 school year NCA was "considered to be in Good Standing.")

Even more troubling was that the last in-person communication in a meeting with Mr. Gavin, Deputy Attorney General Greg Ott, NCA's Board President, Dr. Jafeth Sanchez, NCA school leader, Steve

Werlein, and me occurred on September 1, 2015 at NCA's request. The purpose of that meeting was to follow-up on issues discussed during the 2015 legislative session, explained below, relevant to the State's calculation of the graduation rate in a manner that would recognize and account for a school's effective service to credit deficient and highly mobile students.

During that meeting NCA expressed a desire to work with the Authority and the Nevada Department of Education ("NDE") on these issues to ensure the school was not blindsided by any attempts under Senate Bill 509 to rigidly or suddenly assert compliance issues related to the graduation rate. NCA expressed its desire to understand any concerns the Authority had and work cooperatively to address those concerns head-on in a transparent and collaborative manner. NCA explained that it served a significant population of credit deficient students and was receiving more and more enrollees with increasing credit deficiency issues. We also discussed student mobility issues and the school's exhaustive efforts to track where students go if they withdraw from NCA which, sometimes despite the school's best efforts, are unsuccessful.

Mr. Gavin's response was that the school could hire a private investigator to show it really tried to keep track of students who withdrew but also that he understood the concern about academic performance and the graduation rate issue. It was very clear from the September 2015 meeting that Nevada Connections Academy was still in "good standing" and that the Authority, at least for the upcoming year, had "bigger fish to fry" according to Mr. Gavin. It is troubling that the next communication from the Authority on this issue was NCA's receipt of the public agenda for the Authority's February 2016 meeting including the Notice of Closure item.

Last Friday during a telephone call with Mr. Gavin and Mr. Ott, NCA requested the Authority not include consideration of a notice of closure against NCA on the March agenda but instead work with NCA to meet and hear about NCA's students behind the single graduation rate data point, other critically relevant information about student growth, NCA's progress and expectations for graduation rates for the 2015-16 school year and discussion of continuing plans to increase the 4-year cohort graduation rate currently calculated under the NCLB waiver according to the Authority and NDE. Mr. Gavin insisted that a notice of closure would be considered by the Authority but did express a willingness to consider supporting a request by NCA for the Authority to continue consideration of the agenda item to allow collaboration between the Authority staff and the school.

While we appreciate the potential support of continuance of the item, we are concerned about the uncertainty that will have for families who are looking for certainty as to the availability of this important education option for their students for the 2016-2017 academic year and beyond and for NCA staff who want certainty that their teaching position is not at risk of being eliminated. NCA feels compelled to be responsive to these legitimate concerns and anxieties of its families and staff and move forward without further delay to demonstrate to the Authority why NCA should not be subjected to closure proceedings. Accordingly, NCA hereby requests that you vote down the Notice of Closure and direct Staff to work with NCA on a three year plan for increasing the graduation rate while continuing to effectively serve a significant population of credit deficient students and work with NDE to ensure accountability measures provide adequate consideration of such issues. This opportunity to provide meaningful information relevant to your consideration of issuing such a notice is required under the Nevada Open Meeting Law, Nevada Charter School Law, fundamental principles of due process and the Nevada Administrative Procedures Act. It is fundamental to the stewardship role this Authority plays in

providing and preserving meaningful alternative education opportunities for Nevada's youth. It also is consistent with Mr. Gavin's and Dr. Canavero's representations to the Nevada Legislature, as explained below.

C. Issuing a Notice of Closure with NCA Having Had No Opportunity to Discuss its Successes, Provide Information Relevant to the 4-Year Cohort Graduation Rate Calculated under the NCLB, Anticipated Increased Graduation Rate for 2015-16, and Plans for 2017 with the Authority Violates Nevada Law and Causes Irreparable Harm

The 2014-2015 graduation cohort was made up of 334 students and resulted in a graduation rate of 35.63% as calculated under the 4-year cohort rate under the NCLB. Respectfully, that does not provide a meaningful data point without consideration of all of the relevant information which is required under Nevada law and assurances made to legislators by the Authority in considering the relevant provision of SB 509. NCA's 119 graduates included 12 students who enrolled off-track and caught up and another 5% of students who graduated in less than four years. Our graduation rate for students enrolled with NCA all four years of high school exceeds 70%.

NCA's non-graduates for 2015 included **74.9% who were off-track when they enrolled**. 59 of the non-graduates (27.4%) have enrolled for a 5th year to attempt to graduate and a total of 67.9% of non-graduates are continuing in education (i.e. re-enrolled for 5th year, adult education, or GED program). Of the non-graduates for 2015, **44.7% enrolled with NCA in 12th grade**, 33.5% started with NCA in 11th grade, 16.1% started in 10th grade and only 5.6% started with NCA in 9th grade meaning NCA had less of an opportunity and less time to help these students "catch up." **Six of the non-graduates were enrolled at NCA for one month or less and one student was enrolled at NCA for only 14 days**. In addition, 14 of the students classified as "non-graduates" have enrolled in a post-secondary institution, calling into question if these students are really non-graduates: 12 of these students have enrolled in 4-year college and the other 2 in a 2-year college. Clearly, a single metric such as 4-year cohort graduation rate as calculated under current methodology under NCLB does not come close to providing a full picture of the academic results of NCA or justify closure of a school. The proposed application of this provision of SB 509 in this retroactive manner based on last year's graduation rate is unreasonable and does not have the best interests of Nevada's youth, whom this Authority ultimately serves, as its main focus.²

² The retroactive effect of the Authority's proposed application of SB 509 is also unlawful and should be rejected on that basis alone. "[A] statute has retroactive effect when it takes away or impairs vested rights acquired under existing laws, or creates a new obligation, imposes a new duty, or attaches a new disability, in respect to transactions or considerations already past." *Corp. Bishop, LDS v. Seventh Jud. Dist. Ct.* (2016 WL 348038). "Substantive statutes are presumed to only operate prospectively, unless it is clear that the drafters intended the statute to be applied retroactively. *Sandpointe Apartments v. Eighth Jud. Dist.*, 129 Nev., Adv. Op. 87, 313 P.3d at 853. As the Supreme Court has instructed, "[e]lementary considerations of fairness dictate that individuals should have an opportunity to know what the law is and to conform their conduct accordingly; settled expectations should not be lightly disrupted." *Id.* at 265, 114 S.Ct. 1483. "Courts will take a 'commonsense, functional' approach' in analyzing whether applying a new statute would constitute retroactive operation. *PEBP*, 124 Nev. at 155, 179 P.3d at 553 (quoting *Immigration & Naturalization Serv. v. St. Cyr*, 533 U.S. 289, 321, 121 S.Ct. 2271, 150 L.Ed.2d 347 (2001)). "Central to this inquiry [is] 'fundamental notions of fair notice, reasonable reliance, and settled expectations.'" *Id.* at 155, 179 P.3d at 554. The Authority's threat to consider issuance of a notice of intent to close a high school having provided NCA no opportunity for any meaningful dialogue or consideration of relevant and material information and based

NCA is engaging some of our most at-risk youth in Nevada, who come to NCA behind in credits, sometimes significantly behind and in the middle of what should be their senior year. NCA knows that based on the way the State of Nevada currently calculates the 4- year cohort graduation rate under NCLB, accepting these students means NCA's graduation rate will be considerably lowered.

Yet NCA accepts these students, re-engages them, helps many of them achieve graduation and others of them to be able to successfully pursue their GED or other equivalent alternative high school credential. To paraphrase Senate Education Committee Chair, Senator Becky Harris, in the 2015 Legislative Session, **we should be celebrating their work** not threatening to shut down schools serving these students. NCA submits that the Authority staff did not consider any of this information when it proposed adding NCA to the agenda for a possible notice of closure.³ NCA sees its mission as helping the students it serves to maximize their potential, whether that student came to them in kindergarten or six months before that student's expected graduation date. It understands the direct correlation between being a high school dropout and becoming caught up in a cycle of poverty, not just for themselves but their potential offspring. Out of its desire to help the students who come to NCA escape this fate, NCA is continuously striving to improve and increase its four-year cohort graduation rate. Toward that end, attached hereto as **Exhibit 6** is the tiered plan NCA put in place to increase NCA's 2016 4-year cohort graduation rate.

Rest assured, NCA is working hard to address this issue. NCA knows exactly where every student stands with regard to graduation, and works individually with each one to get them the support they need. NCA's efforts this year have borne fruit. NCA expects our 2016 four-year cohort grad rate will be significantly higher than 2015's. We welcome the chance to collaborate with the Authority to further improve our efforts.

D. Issuing a Notice of Intent to Close Based on a Single Misleading Data Point, the Calculation of Which Will Significantly Change under the Every Student Succeeds Act (ESSA) Is Arbitrary and Capricious and in Violation of Law

Calculation of graduation rate under ESSA will be changed in order to avoid punishing schools that are effectively serving students with mobility issues and/or credit deficiencies. For example, ESSA requires that a student attend a school for at least 50% of a full academic year before that student can be counted in the school's 4-year graduation cohort.

This policy change acknowledges that it does not make sense for a school that has had a student for a short period of time to be held accountable for the student not graduating on-time. A student who

solely on last year's 4-year cohort graduation rate calculated under the NCLB and based on a statute that became effective *after* completion of the 2015 school year is precisely the circumstance in which courts prohibit such retroactive application of a new rule of law. Such action violates fundamental notions of fair notice, reasonable reliance and disrupts settled expectations for not just the schools but their staff and the thousands of students they serve.

³ This is an abuse of discretion and it would be arbitrary and capricious and in violation of law to issue a notice of closure with the Authority having no information other than this single data point to trigger issuance of the notice, and no opportunity for the school to present its information and discuss changes that have occurred since last year's graduation, progress already seen and future changes planned.

transfers to a new school but does not stay enrolled at the new school *for at least half of the school year* and has exited without a diploma must be counted for purposes of graduation cohort calculations for the school that they either were “enrolled for the greatest proportion of school days while enrolled in grades 9 through 12; or in which the student was most recently enrolled (prior to the transfer).” Nevada has the flexibility to increase this minimum attendance period above 50% of the academic year. It would make sense that this minimum period be the same as the definition of “Full Academic Year” used for which students are included in a school’s proficiency testing cohort. In many states this definition is 90% of the school year.

Analyzing NCA’s 2015 graduation class according to the new ESSA graduation rate methodology provides additional important information for this dialogue. As noted above, **6 of the non-graduates were enrolled at NCA for 1 month of less – one student was enrolled for only 14 days!** Is this student’s performance a reflection of NCA or their prior school when the student is only enrolled 14 days? ESSA accounts for this mobility. The following chart shows the impact on graduation rate if the provisions of ESSA were applied to NCA’s 2015 graduation class based on three potential minimum attendance periods required before including the student in the cohort: 1) students enrolled for less than 50% of a school year, 2) students enrolled for less than 75% of a school year, and 3) students enrolled less than 90% of a school year:

Scenario	# of student removed from cohort	# Graduates	# Non-graduates	Graduation Rate
Original	N/A	119	215	35.63%
ESSA 50% cut-off	63	119	152	43.91%
ESSA 75% cut-off	86	119	129	47.98%
ESSA 90% cut-off	89	119	126	48.57%

It is important to note that under ESSA, Nevada must account for students enrolled at least 50% of the school year but has the flexibility to increase the percentage. As you can see, this single factor which does not even account for the credit deficient students NCA is serving, significantly increases the graduation rate by as much as nearly 13 percentage points. This is the type of information you and the NDE should be evaluating to ensure you do not threaten schools with closure when really they should be celebrated for serving our most vulnerable youth.

Issuing a notice of closure to NCA under these circumstances violates the spirit and intent of SB 509, the express language and a primary purpose of the legislation creating this Authority, and harms student school choice and some of our most vulnerable youth in Nevada.

E. Nevada Law Mandates this Authority Collaborate with Charters and Foster a Climate in which all Charters Can Flourish; Issuing a Notice of Intent to Close Under these Circumstances Violates that Statutory Mandate

NRS 385.509 provides that the Authority shall serve “as a model of the best practices in sponsoring charter schools and foster a climate in this State in which all charter schools, regardless of sponsor, can flourish.” Toward that end, the Authority obtained a performance evaluation from NACSA which reported its findings to this Board in January 2016. NACSA’s recommendation included that the Authority “ensure schools up for renewal receive performance information in a timely manner” and provide schools the opportunity to “meet with staff to discuss the underlying data and how this data is

used to calculate their ratings” and revision of the organizational performance framework so that it “describes what information the Authority will review and how the Authority will verify schools’ compliance with the requirements.” **Exhibit 4**, Excerpts of NACSA Report to Authority (Jan. 2016). Information required to be provided for a school relative to its request for renewal also must be made available to a school before it is included on a public meeting agenda for consideration of issuance of a notice of closure.

Respectfully, NCA submits that the Authority has failed to provide relevant performance information in a timely manner to NCA on this proposed action item or to meet with NCA to discuss the underlying data and how this data is used prior to escalating this matter to the most severe of sanctions for a charter school – issuance of a notice of closure. All this would have required was a delay in putting this item on the agenda to allow for some meaningful interaction and dialogue between the school and its authorizer – the collaboration mandated by Nevada law, fundamental due process and fairness, and good policy to foster an environment where charters can flourish.

Senate Bill 461 in the 2015 Nevada Legislative Session proposed individualized graduation plans for credit deficient students, as introduced by the Senate Education Committee Chair, Becky Harris. During legislative committee hearings on that bill, NCA raised the issue of graduation rate calculations penalizing schools serving credit deficient students. The Committee requested that NCA work with staff and stakeholders to add language to address the issue. Although SB 461 did not pass, this issue carried through to two bills that did pass: Senate Bill 509 and Senate Bill 460 the latter of which established an alternative framework for schools with student populations made up of 75% of students from certain populations. SB 460 also has an automatic closure provision and this is where part of the relevant dialogue from SB 461 carried over.

In the April 3rd minutes of the Senate Education Committee, Chair Harris raised the concern about section 4 of SB 460 (automatic closure provision) which ties back through the testimony to the closure provision related to graduation rates. Senator Harris stated that many charter schools had expressed concerns about their charter contracts being automatically revoked as provided by statute and that, while she believed an automatic-closure provision was an important safeguard, “it is evident this policy does not account for the big picture in all circumstances.” **Exhibit 5**, Minutes from April 3, 2015 Senate Education Committee hearing.

Moments later during that same committee meeting, Senator Harris spoke to SB 461 and emphasized the importance of schools serving students who “have dropped out, been expelled, been declared habitual disciplinary problems or others with similarly difficult situations.” She stated that “[r]eaching out to and embracing these kids is critical. It is tough; it is often unsuccessful, but it sometimes works. Moreover, when it does work, lives are changed.” *Id.*

She then recognized the problem that NCA faces here – “that the Nevada School Performance Framework and the charter school automatic-closure provision do not recognize the circumstances of these students adequately.” Although she referenced a high school whose population is made up entirely of these students, the policy also applies to NCA which serves a large population of these students in its high school. As Senator Harris stated, even if a school gets a third of these students to graduation and “even if it takes an extra year or two, should we close that school, or should we celebrate its good work?” *Id.* at 29.

“At the very least, the work should be given a further look, and the measuring stick we use to assess these schools should consider the larger circumstances of their students and missions.” Statement of Senator Harris, April 3, 2015 Senate Committee on Education Minutes at 29. While ultimately the Nevada Legislature required the Alternative Performance Framework apply only to schools whose population is at least 75% comprised of certain identified at-risk youth, the same policy concerns carried over into the discretionary closure provision of SB 509.

When Senator Harris expressed that with respect to this issue and the automatic closure provision in SB 460, groups with concerns would be heard later in the hearing, Dr. Steve Canavero, then Deputy Superintendent for Student Achievement for NDE (now State Superintendent) testified “The NDE can create, through regulation if necessary, a flexible graduation rate requirement.” *Id.* at 30. Dr. Canavero made that same representation to NCA’s counsel during the legislative session suggesting that new statutory language to address this issue was unnecessary because the issue would be addressed under existing law.

Both the Nevada legislators and NCA relied upon those representations. Mr. Gavin’s insistence that this Authority consider issuing a notice of closure to NCA without any opportunity to address these very issues violates the law, the Legislature’s intent and is arbitrary and capricious and an abuse of discretion under SB 509 and NRS 233B. The May 27, 2015 Minutes from the Assembly Committee on Education hearing on Senate Bill 509 reflect the State’s commitment to create policy that would not punish charter schools for serving credit deficient or at-risk youth. **Exhibit 6**, Assembly Committee on Education Minutes, May 27, 2015 at p.36. NCA presented testimony to the Assembly Committee at that hearing confirming its understanding from discussions with Mr. Gavin and then Chairwoman of the Authority, Kathleen Conaboy, that the 60% graduation rate identified in SB 509 for discretionary closure “would, in fact, take into account data that demonstrates the fact that there is student growth; the school is performing as expected” and required under the performance framework and the charter, and “would not create circumstances where a school would be closed” based on an unreliable graduation rate that does not disaggregate data to account for schools serving credit deficient students. *Id.*

Mr. Gavin was in attendance and heard all of NCA’s testimony at this hearing. His own testimony confirmed the Authority wanted to make “thoughtful and judicious decisions” and to that end, make sure “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.” *Id.* at 38. By nuances, Mr. Gavin was referencing schools serving “alternative populations” not being “subject to an arbitrary catch-22 situation.” Mr. Gavin made reference to schools having a “27 or 37 percent graduation rate” and not being “classified as an alternative” school and asserted “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.” *Id.* Mr. Gavin’s well-articulated and thought provoking testimony should be heeded by this Authority in these present proceedings. Look carefully at the population of students being served by this school and the positive impact NCA is having on their lives before you take an action that will deprive them of this meaningful alternative education program.

We request that the Charter Authority Board fulfill Director Gavin’s and Dr. Canavero’s assurances to the Nevada legislature and to NCA by doing the following:

March 24, 2016

Page 10

1. Protecting students who are credit deficient and who need access schools that can meet their educational needs and whose mission it is to serve them.
2. Protecting students, who are already in a state of crisis, from being placed at greater risk by avoiding signaling to them and the staff who staff who serve them that their school is at risk of closure before their school has an opportunity to engage with the Authority prior to a decision being made to place it on the public agenda for possible notice of intent to close.
3. Examining all relevant information, the students being served, student growth and multiple metrics before issuing a notice of closure on one data point.
4. Allowing for time for a school to improve its measurements before issuing a notice of intent to close
5. Recognizing that accountability is in period of change including Nevada and the Federal government's changes to the graduation rate calculation.

Should you have any questions, or require any additional information, please do not hesitate to contact me at (775) 473-4513 or Laura.Granier@dgsllaw.com.

Sincerely,

/s/Laura K. Granier

Partner

for

DAVIS GRAHAM & STUBBS LLP

LKG:js

cc: Nevada Connections Academy Board of Directors
Steve Werlein, Principal
Steve Canavero, Superintendent

EXHIBIT 1

EXHIBIT 1

BRIAN SANDOVAL
Governor

STATE OF NEVADA

PATRICK GAVIN
Director



STATE PUBLIC CHARTER SCHOOL AUTHORITY

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

Nevada Connections Academy

Sent Via Email

Dear Steve Werlein:

In June 2013, the State Public Charter School Authority (SPCSA) Board adopted a Charter School Performance Framework (Framework), which provides charter school boards and leaders with clear expectations, fact-based oversight, and timely feedback while ensuring charter autonomy. Through the Framework we monitor SPCSA-sponsored charter school performance in the following areas: Organizational, Financial and Academic.

According to the adopted Framework, annual academic performance reviews will be provided to charter school boards and school leaders each fall following the release of the State’s star ratings. Occasionally, the routine annual review of academic performance will result in an adverse finding of academic underperformance or alternatively, findings of exceptional performance. In the case of an adverse finding of academic underperformance, the school will move out of Good Standing and enter the first level of the intervention ladder (i.e., receive a Notice of Concern). In the case of exceptional performance, the school will receive the Quality School designation. Please reference the following tables to understand how your school’s academic performance compares to the Authority’s designations.

Annual Framework Designation			
Designation	NSPF		Authority Rating
Quality	4-star or 5-star	AND	“Exceptional” or “Exceeds”
Good Standing	Any combination of 2-star, 3-star, or 4-star	AND	“Approaches” or above
Academic Underperformance	Any combination of 1-star or 2-star	AND	“Unsatisfactory” or “Critical”

Authority Rating	School Score
Exceptional	EX ≥95
Exceeds	EC ≥75 and <95
Adequate	AD ≥50 and <75
Approaches	AP ≥25 and <50
Unsatisfactory	U ≥5 and <25
Critical	C <5

The 2013-2014 Academic Profile for Nevada Connections Academy is currently available in Bighorn. Nevada Connection's profile can be accessed using the following path: [Bighorn > Files > State Charter School Documents > 18405 NV Connections Academy > Authority Framework](#). You will find one document in the Authority Framework folder which includes the 2013-2014 academic profile and zoned school report results. The zoned school report was compiled using 10th grade HSPE Math and Reading proficiency scores for high school levels and adequate growth percentages for the elementary and middle school levels. These scores were pulled from the validated proficiency files used for the NSPF report.

During the 2011-2012 validation round, NV Connections earned a total of 48.43 points resulting in a rating of "Approaches." For 2012-2013, NV Connections earned a total of 50.78 points, resulting in an Authority rating of "Adequate". For 2013-2014, NV Connections earned a total of 42.14 points, resulting in an Authority rating of "Approaches". Although the aggregate score of 42.14 is below the Authority's adopted standard of 50 points, NV **Connections is considered to be in Good Standing.**

Authority staff are available to meet and discuss any aspect of the Academic Profile, Charter School Performance Framework, and/or the Nevada School Performance Framework – please contact Danny Peltier to schedule a time that is convenient for everyone.

Sincerely,



Patrick Gavin

Director, State Public Charter School Authority

Copy: Jamie Castle, Governing Board President

EXHIBIT 2

EXHIBIT 2

NEVADA STATE PUBLIC CHARTER SCHOOL AUTHORITY

January 4, 2016

Nevada Department of Education
700 East Fifth Street
Board Room
Carson City, Nevada

And

Nevada Department of Education
9890 South Maryland Parkway
Board Room
Las Vegas, Nevada

MINUTES OF THE MEETING

BOARD MEMBERS PRESENT:

In Las Vegas:

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

In Carson City:

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:

Angela Blair, Education Program Professional, State Public Charter School Authority
Kathy Robson, Education Program Professional, State Public Charter School Authority

the school had 98% of their students who were two years behind their cohort using their third party assessment. Director Gavin said that assessment was not valid in the state. Dr. Kotler said she was assured if the students were tested using the state's methods it would confirm SSCS's results.

Director Gavin noted SSCS had been open for 12 years and the results over the last 6 years showed the school was academically underperforming. Ms. Saenz noted the school was considered high-achieving prior to the change of the academic framework it was measured by. Director Gavin said he had no further questions.

Director Gavin said the organizational and academic underperformance was evident the school should cease operation upon the completion of the 2015-2016 academic year.

Chair Johnson asked if SSCS had any additional closing statements. Ms. Saenz said she had no further closing statements. Dr. Kotler said she was sad for the future of the students who attend SSCS who may be left with no degree. Mr. Russell said SSCS appreciated the time given by the SPCSA during the hearing. Director Gavin said the SPCSA had no further arguments.

Chair Johnson then called for Authority deliberation regarding the testimony of both the SPCSA staff and representatives of SSCS.

Member Wahl referenced the CREDO study that stated that a school's first year results were indicative of how they would do over the course of their charter. She then stated the school was in its 12th year and the results still were not acceptable.

There was no further deliberation and Chair Johnson called for motion to consider the revocation of SSCS's written charter agreement.

Member Wahl motioned for the Nevada State Public Charter School Authority to revoke the written charter agreement between it and Silver State Charter School upon the completion of the 2015-2016 academic year. Member Luna seconded. There was no further discussion. The motion passed unanimously 7-0.

Agenda Item 6 - NACSA SPCSA Evaluation presentation

Elisa Westapher and Carly Bolger spoke to the Authority regarding the NACSA Authorizer Evaluation they completed on behalf of the SPCSA. Ms. Westapher and Ms. Bolger detailed the process and findings of their report. The findings contained in the report were: The Authority has developed an application template that is focused on identifying new schools that are likely to drive improved outcomes for students. The Authority's charter school contract is comprehensive and clearly outlines the responsibilities of each party. The Authority has established strong academic, financial, and organizational performance frameworks. The Authority's board is knowledgeable and committed to implementing high- quality authorizing practices.

The new school application has been recently revised to better align with the Authority's needs but the evaluation process needs to be further developed and more consistently implemented. Key Recommendations included: Articulate process for reviewing applications including who reviews the application, the criteria for review, a capacity interview, and a consensus discussion among all evaluators. Develop, train, and, orient staff on the application review process to ensure that all reviewers are prepared to conduct a thorough review of all sections of the application. The interview panel should, when possible, include all members of the evaluation team for a particular application. Continue to engage

external reviewers to ensure that all evaluation teams have the appropriate expertise to thoroughly evaluate all sections of the application.

While the Authority has established systems for monitoring school performance, it has not implemented such systems with fidelity. Key Recommendations included: monitor schools' academic, financial, and organizational performance consistently and effectively. Implement mid-term site visits, and develop a site visit protocol and formal process for providing feedback to schools after the visit. Develop a plan for accelerating the transfer of remaining schools to the new contract and allocate additional capacity to address the backlog. Issue a guidance document, similar to the performance framework guidance document, which explains the new renewal process.

The Authority has established strong academic, financial, and organizational performance frameworks, but it is not effectively communicating with schools about their performance on these frameworks. Key Recommendations included: provide schools up for renewal receive performance information in a timely manner. Develop a plan for addressing schools' concerns and confusion regarding the implementation of the academic performance framework; particularly, the opportunity for schools to meet with staff to discuss the underlying data and how this data is used to calculate their ratings. Revise the organizational performance framework so that it describes what information the Authority will review and how the Authority will verify schools' compliance with the requirements.

The Authority's reporting requirements for schools, mandated by the state and based on their status as the LEA, have the potential to erode the autonomy granted to charter schools. Key Recommendations included: Clarify and codify the Authority's LEA responsibilities and communicate this information to schools. Maintain focus on preserving school autonomies when considering new regulations or requirements. Identify ways to reduce duplicative reporting requirements from state agencies. Develop a plan for differentiated oversight as permissible by law.

The Authority needs to significantly expand its capacity in order to meet its obligations as an LEA and to ensure high quality authorizing. Key Recommendations included: Engage in a new strategic planning process as soon as possible, and ensure that the process includes diverse stakeholders such as board members, staff, and school leaders. Given the limitation on hiring new staff, clearly define and communicate roles and responsibilities to all current and future staff members. Provide management support and/or coaching to the director to enable him to fully leverage his existing staff. Implement an evaluation system for the director.

Ms. Westapher and Ms. Bolger then detailed the next steps both short and long term for the Authority and staff. Short-term steps included: Fully operationalize the application decision-making process, develop plan for expanding Authority capacity to continue to implement high-quality authorizing practices and monitor schools' academic, financial, and organizational performance consistently and effectively. Long-term steps included: engage in strategic planning process, develop annual reporting for schools' academic, financial, and operational standing, mid-term visits for charter schools and differentiated autonomy/compliance for schools based on performance.

Discussion continued between the Authority and NACSA regarding the final authorizer evaluation report, which included next steps, monetary/budgeting concerns, further evaluations in the future and how to best implement some of the recommendations contained within the report. NACSA identified the "internal battle of authorizing versus LEA functions" that continues to be a point of confusion for staff and the Authority as being one of the most pressing issues facing the SPCSA and its board. Ms. Bolger said that

EXHIBIT 3

EXHIBIT 3

**MINUTES OF THE
SENATE COMMITTEE ON EDUCATION**

**Seventy-Eighth Session
April 3, 2015**

The Senate Committee on Education was called to order by Vice Chair Scott Hammond at 4:09 p.m. on Friday, April 3, 2015, in Room 2149 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Becky Harris, Chair
Senator Scott Hammond, Vice Chair
Senator Don Gustavson
Senator Mark Lipparelli
Senator Joyce Woodhouse
Senator Moises (Mo) Denis
Senator Tick Segerblom

STAFF MEMBERS PRESENT:

Todd Butterworth, Policy Analyst
Risa Lang, Counsel
Jan Brase, Committee Secretary

OTHERS PRESENT:

Kathleen Vokits, President elect, Nevada State Association of School Nurses
Deborah Pontius, Nevada State Association of School Nurses
Virginia Williamson
Sheila Story
Mary-Sarah Kinner, Las Vegas Sands
Leslie Pittman, American Federation for Children
Michael Chartier, The Friedman Foundation for Educational Choice
Jennifer Hammond, Advocates for Choice in Education of Nevada
Rebecca Franks, Advocates for Choice in Education of Nevada
Tiecha Ashcroft

Ms. Durish:

A cohesive plan is meant to address statewide initiatives and allow for a wide range of providers. Any plan would be aligned with statewide goals to ensure teachers and leaders who are most in need of professional development are guaranteed opportunities.

Chair Harris:

I will close the hearing on S.B. 474.

Senator Hammond:

I will open the hearing on S.B. 460.

SENATE BILL 460: Revises provisions related to the statewide system of accountability for public schools. (BDR 34-1108)

Senator Becky Harris (Senatorial District No. 9):

Senate Bill 460 addresses an alternative school performance framework and can be considered a companion bill to S.B. 461, which proposes individual graduation plans. Many charter schools have expressed concerns about their charter contracts. The contracts may be automatically revoked as provided by statute. While I believe this automatic-closure provision is an important safeguard to ensure we have high quality charter schools in Nevada, it is evident this policy does not account for the big picture in all circumstances.

SENATE BILL 461: Provides for an individual graduation plan to allow certain pupils enrolled in a public high school to remain enrolled in high school for an additional period to work towards graduation. (BDR 34-1091)

Senator Harris:

The NDE and others are aware of the plight of schools serving at-risk children. In fact, this past year the NDE convened a work group to examine the issue and make policy recommendations. As I understand it, the work group has recommended the creation of an alternative framework to measure the performance of schools serving at-risk kids. However, it is limiting their definition of these schools to very specific entities. They are adjudicated youth schools, credit recovery schools, and behavior continuation schools. While I agree that all these schools should be considered at-risk, I believe the door should be opened for the inclusion of additional, but narrowly defined, public schools. For example, there are charter schools specifically targeting their

services to students who have washed out of the local school district. These are students who have dropped out, been expelled, been declared habitual disciplinary problems or others with similarly difficult situations. Reaching out to and embracing these kids is critical. It is tough; it is often unsuccessful, but it sometimes works. Moreover, when it does work, lives are changed.

The problem for these schools is that the Nevada School Performance Framework and the charter school automatic-closure provision do not recognize the circumstances of these students adequately. If a high school has a student population made up entirely of students who have washed out of the school district and if that high school is able to get a third of its students through to graduation, even if it takes an extra year or two, should we close that school, or should we celebrate its good work?

At the very least, the work should be given a further look, and the measuring stick we use to assess these schools should consider the larger circumstances of their students and missions.

Language on page 2, section 2 of S.B. 460 requires the State Board of Education to adopt regulations prescribing an alternative performance framework for the evaluation of schools serving certain populations, as well as the manner in which those schools will be included in the statewide accountability system. Section 3 requires a public school wishing to be rated under the alternative framework to work with the local school board, or the charter school sponsor, to apply to the State Board for approval. Section 3 also prescribes eligibility requirements for the applicant schools. In short, 75 percent of the school's students must fall into one of five at-risk categories.

It is important to note these categories do not include students we traditionally think of as at-risk, English Language Learners, special education students and those living in poverty. To be considered at-risk for the purpose of changing a school's performance framework, a student must have been expelled, formally deemed a habitual disciplinary problem, an adjudicated delinquent, held back at least twice or subject to other very serious issues.

Section 4 amends the automatic-closure provision. Currently, a charter school is automatically closed if it receives three consecutive annual ratings at the lowest possible level. Senate Bill 460 changes this to any 3 years during the 6-year term of a charter contract. However, the school's sponsor may take other

action if the school has shown ongoing improvement. These actions could include extending the period of evaluation, creating or continuing a plan for improvement, or changing terms of the charter contract. Section 4 also authorizes an underperforming charter school to request assistance from its sponsor and requires the sponsor to provide such assistance.

Section 5 is responsive to a recommendation made by the NDE work group on the alternative framework. Because of the implementation of new criterion-referenced tests this school year, it prohibits the NDE from considering a school's rating for the 2014-2015 school year only.

Rather than punish, we need to encourage schools that take on our most difficult-to-educate students. This will not happen as long as our school performance framework provides no consideration to schools drawing three-quarters of their student bodies from the ranks of those who could not be educated elsewhere.

Senator Denis:

How many schools would fit these criteria?

Steve Canavero, Ph.D. (Deputy Superintendent for Student Achievement, Department of Education):

It would be difficult to provide a definite number, approximately 20 schools would immediately qualify, based on students' behavioral profiles.

Senator Harris:

We are in discussions with groups who have concerns about section 4 of S.B. 460, and we will hear from some of them today.

Dr. Canavero:

The NDE can create, through regulation if necessary, a flexible graduation rate requirement.

Senator Hammond:

One of the strengths of the American education system is the ability to give students many opportunities to succeed.

EXHIBIT 4

EXHIBIT 4



NACSA AUTHORIZER EVALUATION

MEASURE, ACT, IMPROVE

**NEVADA STATE PUBLIC
CHARTER SCHOOL
AUTHORITY**

ELISA WESTAPHER

CARLY BOLGER

JANUARY 4, 2016

PERFORMANCE-BASED ACCOUNTABILITY

The Authority has established strong academic, financial, and organizational performance frameworks, but it is not effectively communicating with schools about their performance on these frameworks.

Key Recommendations:

- Provide schools with an annual assessment of their academic, financial, and organizational performance; ensure schools up for renewal receive performance information in a timely manner.
- Develop a plan for addressing schools' concerns and confusion regarding the implementation of the academic performance framework; particularly, the opportunity for schools to meet with staff to discuss the underlying data and how this data is used to calculate their ratings.
- Revise the organizational performance framework so that it describes what information the Authority will review and how the Authority will verify schools' compliance with the requirements.

Does the authorizer have effective systems for establishing and monitoring school performance expectations and for holding schools accountable as necessary to protect student and public interests?

EXHIBIT 5

EXHIBIT 5

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON EDUCATION**

**Seventy-Eighth Session
May 27, 2015**

The Committee on Education was called to order by Chair Melissa Woodbury at 3:22 p.m. on Wednesday, May 27, 2015, in Room 3142 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/78th2015. In addition, copies of the audio or video of the meeting may be purchased, for personal use only, through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblywoman Melissa Woodbury, Chair
Assemblyman Lynn D. Stewart, Vice Chair
Assemblyman Elliot T. Anderson
Assemblyman Derek Armstrong
Assemblywoman Olivia Diaz
Assemblywoman Victoria A. Dooling
Assemblyman Edgar Flores
Assemblyman David M. Gardner
Assemblyman Pat Hickey
Assemblywoman Amber Joiner
Assemblyman Harvey J. Munford
Assemblywoman Shelly M. Shelton
Assemblywoman Heidi Swank

COMMITTEE MEMBERS ABSENT:

Assemblyman Chris Edwards (excused)



If the school were not penalized for taking credit-deficient students, the graduation rate would be in the high 80 percent. It has dropped significantly when you do not properly disaggregate the data to account for the students who come in credit deficient and, therefore, do not graduate in the traditional four years.

The point is that we all want these students to get back engaged in the system and to graduate. I think we all agree that we want policy that encourages that. We think that is what is intended in everything that is going on. We think that is intended and clear in the performance framework that is allowed under this statute under existing law. It is set forth in the charter contracts. That provides the appropriate guidance and discretion for the regulator to work with the school and make sure there is absolute accountability, but it also ensures that you are encouraging, not discouraging, schools from reengaging these credit-deficient students and making sure they do graduate as quickly as possible.

The reference in section 27, subsection 1, paragraph (e), mentions having below a 60 percent graduation rate for the preceding year. My understanding from discussions with Director Gavin and Chair Conaboy of the Authority is that should be a reliable, valid number, meaning it would, in fact, take into account data that demonstrates the fact that there is student growth; the school is performing as expected, required, and negotiated under the performance framework set forth under the charter contract, but it would not create circumstances where a school would be closed simply because it is serving credit-deficient students and that data has not been disaggregated so the graduation rate is not necessarily reliable.

Assemblyman Elliot T. Anderson:

I have a question for legal counsel. Section 47 contains a definition of highly qualified. It cites to 20 U.S.C. § 7801. The highly qualified term has a statement that basically cites back to our public charter school law to look for the definition. I think there is a *renvoi* problem, which means that it is sending it back unopened. It is a French term for a conflict that goes into a circular fashion. What is the definition of highly qualified, since we are using it? It cites back to our law, but we are citing back to the federal law. It is confusing to me.

Karly O'Krent:

You are correct—it does cite back to the state law. In this circumstance, if you think it would benefit the bill to specify the federal definition of highly qualified in existing statute, we can do that, rather than referring to the federal law.

Assemblyman Elliot T. Anderson:

I would appreciate that. I am not clear what it means. I think you are creating a great research project for a judge's law clerk if we leave it this way. It would be good to spell it out.

Chair Woodbury:

Is there anyone else who would like to testify as neutral to S.B. 508 (R2)?

Peggy Lear Bowen, Private Citizen, Carson City, Nevada:

I suggest in any of these situations that you, as a Legislature, define in legislation that you bring home the boards and commissions over which you have no control and not answerable to as an elected body or elected individuals, and that you bring back the boards and commissions that set all sorts of standards, including what highly qualified was. As a teacher for 35 years, when highly qualified came into play, it was left up to Washoe County to define highly qualified. At that point in time, highly qualified meant that you had met certain standards in order to teach at the at-risk or impoverished schools. It was dissected and bisected and trisected more down to the level of local control. They let the locals determine what they needed as a highly qualified teacher. You should have one standard definition for all the things.

One of the things that took place is that we had boards and commissions setting standards for students and for teachers. In 2007, my friend was going to have to relinquish her teaching license to the state. She was a highly qualified teacher at that time, but the highly qualified definition had changed to passing the Praxis test. I still think it is incumbent on the State of Nevada to investigate the Praxis company for fraud and for damages because of what they did by having a separated test—knowledge on one side, which teachers were passing right and left for a secondary education license. The second part of the test is where the Praxis testing company made money. My friend failed this by two to six points. After 12 attempts, she was to relinquish her license. On the thirteenth attempt two weeks later, after I suggested investigating and suing the Praxis company, she miraculously was able to pass the Praxis test by 45 points, the same section she had failed by 2 to 6 points. It turned out that the president of the Praxis company was sitting in the back of the room when I suggested to the board that the company be investigated. I never said her name but said that she had failed 12 times. Please keep Nevada under the control of your legislative body and under the control of an elected board, such as the State Board of Education, and no other body.

Chair Woodbury:

Is there anyone else who would like to testify as neutral? [There was no one.]
Are there any closing remarks?

Patrick Gavin:

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.

Chair Woodbury:

I will close the hearing on S.B. 509 (R2). Is there anyone here for public comment?

Peggy Lear Bowen, Private Citizen, Carson City, Nevada:

From yesterday's *Reno Gazette-Journal*, this is a letter to the editor that was titled "Tax drama over schools not warranted." It is from David Barrett of Reno.

What is all this hoopla about Nevada's education being among the worst in the nation? Not so, says the "Report Card on American Education, 19th Edition" published by the American Legislative Exchange Council, dated 2014. Have we all been misled? So what is all this drama about raising taxes because Nevada is supposedly among the worst in education in the nation? Nevada is ranked number 12.

In 2011, you all worked very hard to create a better situation than you had found. You gave all sorts of direction. Yesterday during testimony we heard that the Washoe County School District only has one school that is a one-star school left in its entire system. Let the corrections you have made come to fruition in their complexity. If you want to have public charter schools play a more definitive role, please keep them in terms of being embraced by the school districts that want to embrace them to give additional schools with

EXHIBIT 6

NCA is striving to improve and increase our 2015 four-year cohort graduation rate. Before the start of the 2015-16 school year NCA put in place a tiered plan to increase NCA's 4-year cohort graduation rate:

1. Additional Support - NCA gives additional personalized support to the students who are on track to graduate. Each has an individual graduation plan, and they meet regularly with counselors and teachers with the goal of on time graduation.
2. Credit Retrieval Initiative - Students who are 2-6 credits behind have a faculty mentor who helps them focus on completing their remaining courses. NCA has piloted a credit recovery program, and many of these students will work in summer school to continue to earn credits to graduate. About 10% of the 2016 cohort is in this category.
3. Student conferences & Academic Supports: Students who are more than 6 credits behind will likely not graduate on time. These students are behind because of prior schooling not NCA. Regardless, NCA accepts these students and provides additional support including meeting frequently with administrative and counseling staff to review their credit recovery plans and diligently work toward the goal of graduation. About 16% of our 2016 cohort are in this category.
4. Increased Data Tracking - About 22% of the cohort has withdrawn, and have been officially categorized by the state of Nevada as dropouts. Some, however, have enrolled in adult education or GED programs, and some may have enrolled in other schools. The school is increasing their data tracking efforts but even with the best efforts it is difficult to track a highly-mobile, at-risk population of students. This group is counted as dropouts.

NCA is working hard to address this issue. Given the high transiency rate common across the state and the increasing number of credit deficient students enrolling at NCA, these numbers may change by the end of the school year; however, NCA knows exactly where every student stands as of now with regard to graduation, and works individually with each one to get them the support they need. NCA's efforts this year have borne fruit. NCA expects our 2016 four-year cohort grad rate will increase from 2015. We welcome the chance to collaborate with the Authority to further improve our efforts.

EXHIBIT 18

EXHIBIT 18

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 receiver's 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 9th 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 3rd party validation. Mr. Werlein said when students enter in 9th grade they had a 79% rate of graduating on time and that 77% of full year academic 12th 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 29th 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.

EXHIBIT 19

EXHIBIT 19

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3 Reno, Nevada 89501

4 (775) 229-4219 (Telephone)

5 (775) 403-2187 (Fax)

6 *Attorney for Plaintiffs*

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

9 DAVID & CARLY HELD individually and
10 on behalf of their minor child N.H.;
11 VERONICA BERRY individually and on
12 behalf of her minor child J.B.; RED AND
13 SHEILA FLORES individually and on behalf
14 of their minor child C.F.; JAOUAD AND
15 NAIMI BENJELLOUN, individually and on
16 behalf of their minor children N.B.1, N.B.2,
17 and N.B.3; KIMBERLY AND CHARLES
18 KING individually and on behalf of their
19 minor children L.K.1 and L.K.2; NEVADA
20 CONNECTIONS ACADEMY,

21 Plaintiffs,

22 v.

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

Defendants.

Case No. 16 OC 00249 1B

Dept. No. I

**DECLARATION OF PETER
ROBERTSON IN SUPPORT OF
MOTION FOR TEMPORARY
RESTRAINING ORDER AND
PRELIMINARY INJUNCTION**

I, PETER ROBERTSON, 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 joined Connections Education in 2009 and am Senior Vice President of School
3 Operations. I was previously Vice President of Education Services at SchoolOne where I led the
4 redevelopment of a web-based student information system. Prior to that, I was Executive
5 Director of Elementary and Secondary Education Product Management & Development for the
6 Educational Testing Service, where I was responsible for the integration and on-going
7 development of System 5, a standards-based, assessment-focused suite of School Improvement
8 products and services. Prior to that, I served as Chief Information Officer for the Cleveland
9 Municipal School District where I was responsible for student assessment, educational research,
10 and program evaluation; and for the management of information technology resources and
11 infrastructure system-wide. I spent four years as a management consultant at McKinsey &
12 Company; worked as an educational researcher at the National Center for Restructuring
13 Education, Schools, and Teaching; and served as a Social Studies and Communication Arts
14 Program teacher at Montgomery Blair High School in Montgomery County, Maryland. I served
15 on the Shaker Heights (Ohio) School Board from 2007 to 2011 and on the Montgomery County
16 (Maryland) School Board from 1983 to 1984. I earned an M.B.A. from Columbia Business
17 School, an M.A. in Educational Administration from Teachers College, Columbia, and a B.A.
18 from Harvard College.

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22 3. On August 11, 2016, I was in attendance at the Ohio State Auditors Conference
23 on Charter Schools, serving as a panelist at the conference.

24 4. At that conference, I met Patrick Gavin, the Executive Director of the State Public
25 Charter School Association, and had a brief discussion with Mr. Gavin during a session break.

26 5. Mr. Gavin expressed to me that he was under a lot of pressure to close schools.
27 Mr. Gavin stated that a portion of his budget was being withheld from him until he closed
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schools and that if he did not close schools he would need to lay off employees at his agency, the State Public Charter School Authority.

6. During our discussion, Mr. Gavin advised me that he did not have any problems with Connections Education, which is working under contract with Nevada Connections Academy to provide education services and curriculum, but complained that he felt that the Nevada Connections Academy board was being “intransigent.”

I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct and was executed this 1st day of November, 2016, in _____.



PETER ROBERTSON

EXHIBIT 21

EXHIBIT 21

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON EDUCATION**

**Seventy-Eighth Session
May 27, 2015**

The Committee on Education was called to order by Chair Melissa Woodbury at 3:22 p.m. on Wednesday, May 27, 2015, in Room 3142 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda (Exhibit A), the Attendance Roster (Exhibit B), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/78th2015. In addition, copies of the audio or video of the meeting may be purchased, for personal use only, through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblywoman Melissa Woodbury, Chair
Assemblyman Lynn D. Stewart, Vice Chair
Assemblyman Elliot T. Anderson
Assemblyman Derek Armstrong
Assemblywoman Olivia Diaz
Assemblywoman Victoria A. Dooling
Assemblyman Edgar Flores
Assemblyman David M. Gardner
Assemblyman Pat Hickey
Assemblywoman Amber Joiner
Assemblyman Harvey J. Munford
Assemblywoman Shelly M. Shelton
Assemblywoman Heidi Swank

COMMITTEE MEMBERS ABSENT:

Assemblyman Chris Edwards (excused)

Minutes ID: 1369



If the school were not penalized for taking credit-deficient students, the graduation rate would be in the high 80 percent. It has dropped significantly when you do not properly disaggregate the data to account for the students who come in credit deficient and, therefore, do not graduate in the traditional four years.

The point is that we all want these students to get back engaged in the system and to graduate. I think we all agree that we want policy that encourages that. We think that is what is intended in everything that is going on. We think that is intended and clear in the performance framework that is allowed under this statute under existing law. It is set forth in the charter contracts. That provides the appropriate guidance and discretion for the regulator to work with the school and make sure there is absolute accountability, but it also ensures that you are encouraging, not discouraging, schools from reengaging these credit-deficient students and making sure they do graduate as quickly as possible.

The reference in section 27, subsection 1, paragraph (e), mentions having below a 60 percent graduation rate for the preceding year. My understanding from discussions with Director Gavin and Chair Conaboy of the Authority is that should be a reliable, valid number, meaning it would, in fact, take into account data that demonstrates the fact that there is student growth; the school is performing as expected, required, and negotiated under the performance framework set forth under the charter contract, but it would not create circumstances where a school would be closed simply because it is serving credit-deficient students and that data has not been disaggregated so the graduation rate is not necessarily reliable.

Assemblyman Elliot T. Anderson:

I have a question for legal counsel. Section 47 contains a definition of highly qualified. It cites to 20 U.S.C. § 7801. The highly qualified term has a statement that basically cites back to our public charter school law to look for the definition. I think there is a *renvoi* problem, which means that it is sending it back unopened. It is a French term for a conflict that goes into a circular fashion. What is the definition of highly qualified, since we are using it? It cites back to our law, but we are citing back to the federal law. It is confusing to me.

Karly O'Krent:

You are correct—it does cite back to the state law. In this circumstance, if you think it would benefit the bill to specify the federal definition of highly qualified in existing statute, we can do that, rather than referring to the federal law.

Assemblyman Elliot T. Anderson:

I would appreciate that. I am not clear what it means. I think you are creating a great research project for a judge's law clerk if we leave it this way. It would be good to spell it out.

Chair Woodbury:

Is there anyone else who would like to testify as neutral to S.B. 508 (R2)?

Peggy Lear Bowen, Private Citizen, Carson City, Nevada:

I suggest in any of these situations that you, as a Legislature, define in legislation that you bring home the boards and commissions over which you have no control and not answerable to as an elected body or elected individuals, and that you bring back the boards and commissions that set all sorts of standards, including what highly qualified was. As a teacher for 35 years, when highly qualified came into play, it was left up to Washoe County to define highly qualified. At that point in time, highly qualified meant that you had met certain standards in order to teach at the at-risk or impoverished schools. It was dissected and bisected and trisected more down to the level of local control. They let the locals determine what they needed as a highly qualified teacher. You should have one standard definition for all the things.

One of the things that took place is that we had boards and commissions setting standards for students and for teachers. In 2007, my friend was going to have to relinquish her teaching license to the state. She was a highly qualified teacher at that time, but the highly qualified definition had changed to passing the Praxis test. I still think it is incumbent on the State of Nevada to investigate the Praxis company for fraud and for damages because of what they did by having a separated test—knowledge on one side, which teachers were passing right and left for a secondary education license. The second part of the test is where the Praxis testing company made money. My friend failed this by two to six points. After 12 attempts, she was to relinquish her license. On the thirteenth attempt two weeks later, after I suggested investigating and suing the Praxis company, she miraculously was able to pass the Praxis test by 45 points, the same section she had failed by 2 to 6 points. It turned out that the president of the Praxis company was sitting in the back of the room when I suggested to the board that the company be investigated. I never said her name but said that she had failed 12 times. Please keep Nevada under the control of your legislative body and under the control of an elected board, such as the State Board of Education, and no other body.

Chair Woodbury:

Is there anyone else who would like to testify as neutral? [There was no one.]
Are there any closing remarks?

Patrick Gavin:

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.

Chair Woodbury:

I will close the hearing on S.B. 509 (R2). Is there anyone here for public comment?

Peggy Lear Bowen, Private Citizen, Carson City, Nevada:

From yesterday's *Reno Gazette-Journal*, this is a letter to the editor that was titled "Tax drama over schools not warranted." It is from David Barrett of Reno.

What is all this hoopla about Nevada's education being among the worst in the nation? Not so, says the "Report Card on American Education, 19th Edition" published by the American Legislative Exchange Council, dated 2014. Have we all been misled? So what is all this drama about raising taxes because Nevada is supposedly among the worst in education in the nation? Nevada is ranked number 12.

In 2011, you all worked very hard to create a better situation than you had found. You gave all sorts of direction. Yesterday during testimony we heard that the Washoe County School District only has one school that is a one-star school left in its entire system. Let the corrections you have made come to fruition in their complexity. If you want to have public charter schools play a more definitive role, please keep them in terms of being embraced by the school districts that want to embrace them to give additional schools with

EXHIBIT 23

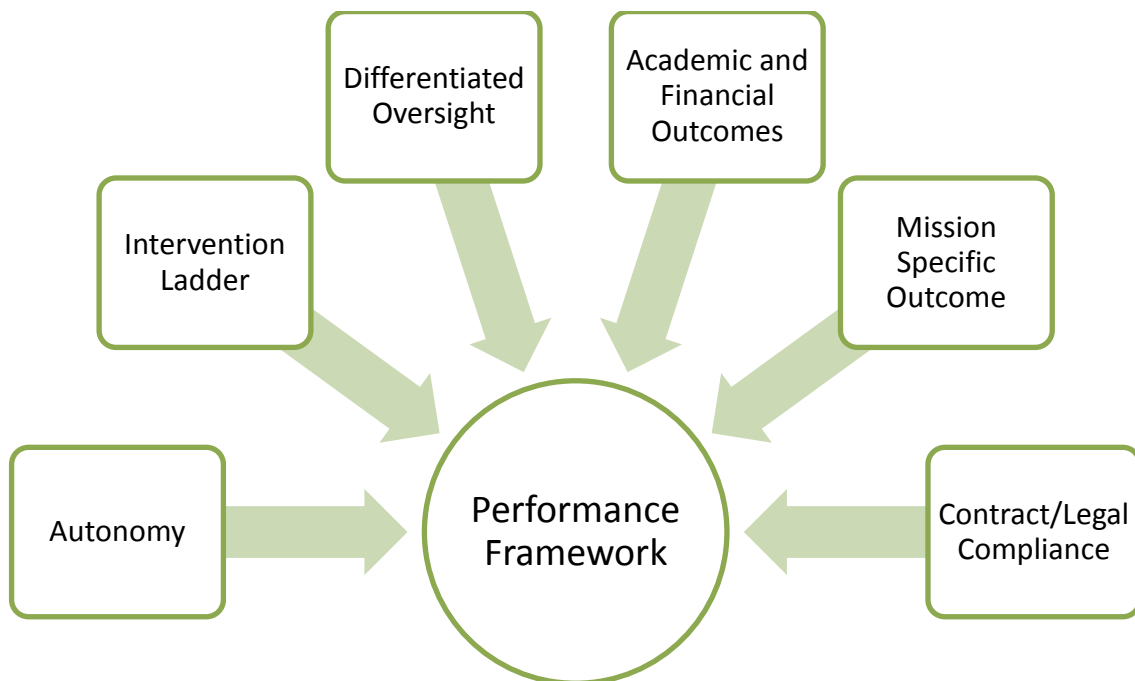
EXHIBIT 23

Charter School Performance Framework

Objective:

To provide charter school boards and leaders with clear expectations, fact-based oversight, and timely feedback while ensuring charter autonomy.

- Clear standards, timely feedback, and maximum transparency
- Objective information for schools, students, and families
- Differentiated oversight including incentives for charter schools designated as quality
- Comprehensive information to guide charter renewal determinations



Section 1: Introduction

This document describes the Charter School Performance Framework, the accountability mechanism for all charter schools sponsored by the State Public Charter School Authority (Authority).

This document provides:

- A conceptual overview of the Charter School Performance Framework (the body of the document); along with
- The specifics regarding Performance Framework implementation, and the academic, financial, organizational and mission specific performance standards.

In addition to establishing performance criteria for charter schools, the Charter School Performance Framework also ensures that the Authority is accountable to charter schools.

The Authority is accountable for implementing a rigorous and fair oversight process that respects the autonomy that is vital to charter school success. This mutual obligation drives the Charter School Performance Framework – a collaborative effort with the common mission of improving and influencing public education in Nevada by sponsoring public charter schools that prepare all students for college and career success and by modeling best practices in charter school sponsorship.

Charter School Performance Framework Authority Obligations

- Clearly communicate standards and expectations to schools;
- Conduct a transparent, consistent, and predictable oversight process;
- Conduct an oversight process that is respectful of schools' autonomy;
- Emphasis on student outcomes rather than compliance and process;
- Provide fact-based feedback to schools and communities indicating where schools stand relative to performance framework standards and expectations.

Section 2: Objective of the Charter School Performance Framework

Through its mission, the Authority has the responsibility to ensure its sponsored schools prepare all students for college and career success and to model best practices in charter school sponsorship.

The Authority acknowledges that charter schools need autonomy in order to develop and apply the policies and educational strategies that maximize their effectiveness.

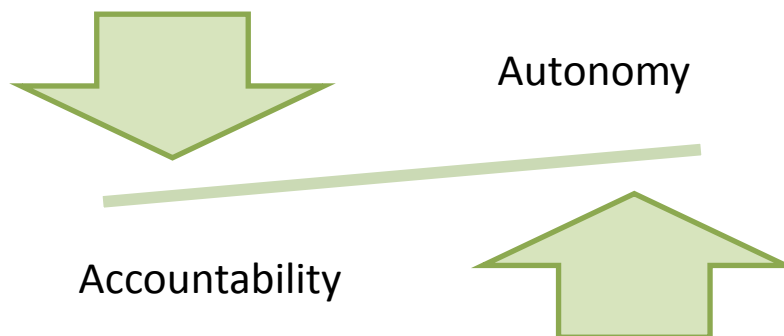
The Charter School Performance Framework balances these two considerations.

The objective of the Charter School Performance Framework is to provide charter school boards and leaders with clear expectations, fact-based oversight, and timely feedback while ensuring charter school autonomy.

In addition to achieving this objective, the Performance Framework should deliver important secondary benefits:

- Incentives for charter schools designated as quality that regularly achieve their academic, financial, organizational, and mission specific performance standards;
- Comprehensive information for data-driven and merit-based charter renewal and contract revocation/termination;
- Differentiated oversight based on each school's performance and maturity;
- Maximum transparency so all stakeholders can understand where charter schools are meeting or exceeding performance standards, and where they are failing to achieve performance standards; and
- Objective information for students and families who want to learn more about the charter schools in their community.

The Performance Framework describes methods that seek the optimal balance between oversight and autonomy, while delivering the secondary benefits important to each targeted stakeholder. The Performance Framework is a dynamic process subject to continuous review and improvement.



Section 3: Performance Framework Components

The Performance Framework provides for the evaluation of schools based on their ability to operate as sound, independent entities that successfully serve all students. The Authority has selected components that strike the balance between easy-to-submit documents and data that provide fact-based insight on school performance.

Routine Year Round Submissions

During the year, schools are required to submit a variety of documents to the Authority and the Department of Education. It is vital that this information is submitted by the given due date. These required submissions are often linked to funding allotments or federal reporting requirements. See the Reporting Requirements Manual for greater detail on each requirement and its function.

Academic, Financial, Organizational and Mission Specific Indicators

Academic – Academic achievement determinations for all schools will be based on student progress over time (growth), student achievement (status), and college and career readiness.

Financial – The near term fiscal health of schools is assessed through four measures: 1) Current Ratio; 2) Unrestricted Days Cash on Hand; 3) Enrollment Forecast Accuracy; and 4) Debt Default. The fiscal sustainability of schools is assessed through four different measures: 1) Total Margin; 2) Debt to Asset Ratio; 3) Cash Flow; and 4) Debt Service Coverage Ratio. These measures will be evaluated quarterly and a profile published annually based on each school’s audited financial statements.

Organizational – Defines the operational standards to which a charter school should be accountable to its sponsor and the public. It is designed to treat all schools as though they are the same only in terms of meeting minimum legal and ethical requirements.

Mission Specific – The Authority may, upon request of the governing body of a charter school, include additional rigorous, valid and reliable performance indicators that are specific to the mission of the charter school and complementary to the existing framework measures.

Annual Review

The annual review is a process that compiles data from the routine year-round submissions; academic, financial, organizational and mission specific indicators and oversight to provide an evaluation of school performance. In the annual review, each school will receive an academic and financial profile, an organizational overview of compliance, and a review of mission specific indicators

Annual reviews will be provided to charter school boards and school leaders each fall following the release of the State’s star ratings. We are committed to clearly communicating information from the annual review to families, schools, and the public. These reviews will also be posted on the Authority website.

Mid-Term Review

The mid-term review is a process that compiles all annual reviews and provides a three year longitudinal evaluation of school performance. The mid-term review includes a site visit to gather qualitative data that complements the quantitative findings. The results of the mid-term review provide stakeholders with a multi-year analysis of school performance and status of the school related to expectations at time of renewal.

Section 4: Performance Framework Process Description

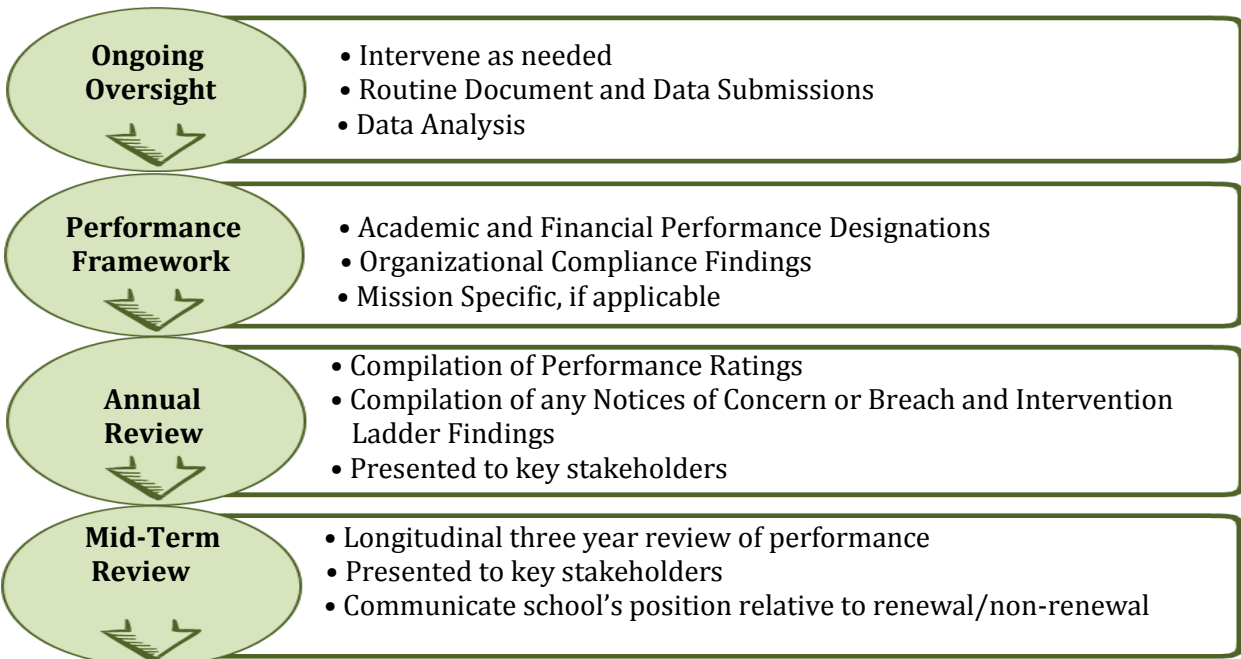
The Authority has studied best practices to develop the Performance Framework process depicted in this flowchart. Throughout the school year, every charter school will submit scheduled documents and data that enable us to assess their compliance with laws and regulations, and their progress in achieving important school milestones.

The routine year round submissions are indicated in the Reporting Requirements Manual.

The Authority believes in conducting its oversight in a manner that is respectful of school autonomy and differentiated based upon charter school performance and maturity. Charter schools with a track record of compliance and performance do not need the same level of oversight as charter schools without such a track record. The Authority's oversight plan includes the opportunity for schools during their first three years of operation, based on compliance and performance, to transition from demonstrated compliance to assumed compliance.

Every charter school will receive an Annual Review and a three year Mid-Term review. The reviews analyze a school's academic, financial, organizational, and mission specific performance along with information collected from the ongoing oversight processes. The parameters of these analyses are indicated in detail in Appendix A, "Detailed Academic Performance Indicator Descriptions", Appendix B, "Detailed Financial Performance Indicator Descriptions", and Appendix C, "Detailed Organizational Performance Indicator Descriptions." The mission specific indicators will be finalized at the beginning of the second school year using the first school year as the baseline.

Site visits afford a sponsor with an opportunity to appreciate a qualitative aspect of the school not directly measured in ways other than observation or personal interaction. The Authority has two types of official site visits: Mid-Term Review and Targeted. The Mid-Term Review site visit is guided by a clear purpose and rubric that complements the quantitative findings. A Targeted site visit is driven by specific circumstances where the frequency and intensity of the visit will depend upon a particular circumstance.



Section 5: Intervention Ladder

Occasionally, the routine Performance Framework process will result in adverse findings. Charter schools may fall out of compliance on important legal or contractual requirements. Academic standards may not be met. Financial sustainability may become an issue. When these situations occur, the Authority may need to intervene.

Level 1: Notice of Concern

A school enters Level 1 upon receiving a Notice of Concern.



Level 2: Notice of Breach

A school enters Level 2 when it fails to comply with a material term or condition of its charter contract.



Level 3: Intent to Revoke

A school enters Level 3 when it fails to meet its requirements or schedule to remedy a Notice of Breach.

All schools begin outside of the intervention ladder and are considered to be in Good Standing. Schools in good standing receive non-intrusive regular oversight and submissions tracking. Schools must meet performance targets and expectations including compliance and maintain open communication with us in exchange for this level of non-intrusive oversight.

Schools can enter Level 1 of the intervention ladder if the Authority receives a verified complaint of material concern, or if regular oversight generates significant questions or concerns. We will communicate with school leaders, parents, and any other necessary stakeholders to verify complaints. We will contact the Board president and school leaders to issue a formal Notice of Concern. The Notice of Concern contains specific actions and due dates required to remedy the concern. Upon remedying the concern, the school returns to Good Standing. If the concern is not remedied in the time allotted, the school progresses to Level 2 of the intervention ladder.

At Level 2, the school is issued a Notice of Breach. The Notice of Breach outlines the actions necessary to cure the breach. A school can enter the ladder at Level 2 if it fails to comply with a material term or condition of its charter contract. Once a Notice of Breach is issued, the Authority monitors the school's implementation of the steps required to cure the breach. Once the school has met the Notice of Breach requirements, they exit from Level 2 and return to Good Standing.

Failure to meet the requirements specified in the Notice of Breach will result in entry to Level 3, charter school revocation/termination review. The review may include additional visits to the school or an in-depth audit to assess financial and organizational health. Schools in Level 3 are at risk of contract revocation/termination. Schools may also progress on the ladder to Level 3 if they receive repeated Notices of Breach in the same school year. Findings from the Intent to Revoke will determine whether a school enters into revocation/termination proceedings or is granted a revised Notice of Breach, returning to Level 2.

In unfortunate cases, data gathered from the Performance Framework process can be used to directly initiate charter school revocation/termination proceedings. The Authority recognizes the severity of this process and will use this right only in the case of persistent shortcomings or a grave incident that threatens the health, safety, or welfare of children.

Section 6: High-Stakes Decisions

The Authority will consider the collective record of a school’s academic, financial, organizational and mission specific performance when making high-stakes decisions, though the academic performance will be the most important factor in most decisions.

Contract Renewal

The Performance Framework provides information necessary for merit-based charter renewal decisions. Decisions will be made in accordance with statute and regulation and based on longitudinal information over a school’s charter term. Once a school is recommended for renewal and approved by the Authority the school will receive a renewal term length of six years as defined by law.

Performance Expectation

- Academic: Schools seeking renewal must be designated “Adequate” or above on the Authority Academic Framework plus receive a three-star rating or above on the Nevada School Performance Framework in the preceding school year.
- Financial: Schools must be rated as financially sustainable.
- Organization: Schools must be considered compliant with the material terms and conditions of its charter contract.

Streamlined Renewal

Schools designated as quality schools by the Authority may qualify for the streamlined renewal process. Quality schools are schools ranked on the Authority Academic Framework as “Exceeds” or “Exceptional” and on the Nevada School Performance Framework as a four or five-star school.

Contract Termination

The following performance outcomes may be cause for revocation/termination of a school’s charter:

- Persistent Underperformance: A school with any combination of “Unsatisfactory” or “Critical” designations on the Authority Framework and two-star or one star ranking on the Nevada School Performance Framework for three consecutive academic reporting cycles.

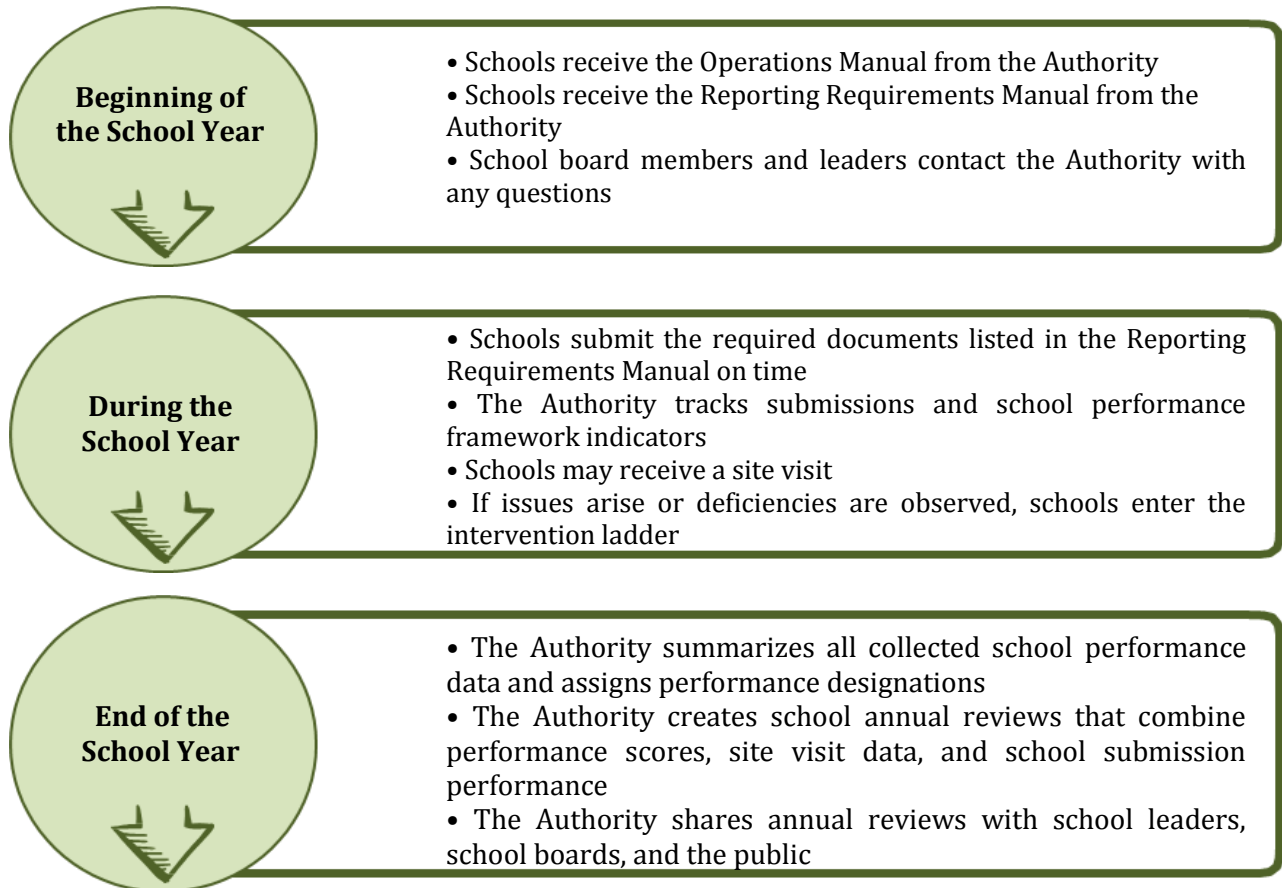
Auto-Termination

As defined by law, starting with the 2013-2014 school year, a charter school must be closed after obtaining three consecutive ratings of one-star on the Nevada School Performance Framework.

Performance Framework Ranking/Designation				
Designation	NSPF		Authority	Timeframe
Contract Renewal Expectation	3-stars or above	AND	“Adequate” or above	Preceding Year
Quality	4-star or 5-star	AND	“Exceptional” or “Exceeds	Preceding Year
Contract Termination	Any combination of 1-star or 2 star	AND	Any combination of “Unsatisfactory” & “Critical”	Three consecutive years
Auto-Termination	1-star			Three consecutive years starting in 2013-2014

Section 7: Performance Framework Timeline

The Performance Framework is implemented according to an annual timeline. The goals of the timeline: a) to set clear expectations for the Authority interaction with schools; while b) standardizing the oversight process.



Schools should contact the Authority at any time for additional support on and information about meeting any of the Performance Framework components.

Appendix A: Detailed Academic Performance Indicator Descriptions

Designations			Points awarded for designation
Quality	Exceptional	EX	97.5
	Exceeds	EC	85.5
Meets Standard	Adequate	AD	62.5
Does Not Meet Standard	Approaches	AP	37.5
	Unsatisfactory	U	15
	Critical	C	2.5
	Missing or not applicable	NA	

Designations		Minimum score for designation	Maximum score for designation
Quality	EX	95	100
	EC	75	94.9
Meets Standard	AD	50	74.9
Does Not Meet Standard	AP	25	49.9
	U	5	24.9
	C	0	4.9

Indicator	Growth	Status	
Weight	60.00%	40.00%	

Elementary

Indicator	Growth	Status	
Weight	60.00%	40.00%	

Middle School

Indicator	Growth	Status	College & Career Readiness
Weight	40.00%	30.00%	30.00%

High School

2.1 Student Progress Over Time (Growth)

2.1.a Are schools making adequate progress based on the school’s Median Student Growth Percentiles in reading?	
Exceptional:	$\geq 95^{\text{th}}$ percentile
Exceeds:	$\geq 75^{\text{th}}$ percentile and $< 95^{\text{th}}$ percentile
Adequate:	$\geq 50^{\text{th}}$ percentile and $< 75^{\text{th}}$ percentile
Approaches:	$\geq 25^{\text{th}}$ percentile and $< 50^{\text{th}}$ percentile
Unsatisfactory:	$\geq 5^{\text{th}}$ percentile and $< 25^{\text{th}}$ percentile
Critical:	$< 5^{\text{th}}$ percentile

2.1.b Are schools making adequate progress based on the school’s Median Student Growth Percentiles in math?	
Exceptional:	$\geq 95^{\text{th}}$ percentile
Exceeds:	$\geq 75^{\text{th}}$ percentile and $< 95^{\text{th}}$ percentile
Adequate:	$\geq 50^{\text{th}}$ percentile and $< 75^{\text{th}}$ percentile
Approaches:	$\geq 25^{\text{th}}$ percentile and $< 50^{\text{th}}$ percentile
Unsatisfactory:	$\geq 5^{\text{th}}$ percentile and $< 25^{\text{th}}$ percentile
Critical:	$< 5^{\text{th}}$ percentile

2.1.c Are schools making adequate growth based on the percentage of students meeting AGP in reading?	
Exceptional:	$\geq 95^{\text{th}}$ percentile
Exceeds :	$\geq 75^{\text{th}}$ percentile and $< 95^{\text{th}}$ percentile
Adequate:	$\geq 50^{\text{th}}$ percentile and $< 75^{\text{th}}$ percentile
Approaches:	$\geq 25^{\text{th}}$ percentile and $< 50^{\text{th}}$ percentile
Unsatisfactory:	$\geq 5^{\text{th}}$ percentile and $< 25^{\text{th}}$ percentile
Critical:	$< 5^{\text{th}}$ percentile

2.1.d Are schools making adequate growth based on the percentage of students meeting AGP in math?	
Exceptional:	$\geq 95^{\text{th}}$ percentile
Exceeds:	$\geq 75^{\text{th}}$ percentile and $< 95^{\text{th}}$ percentile
Adequate:	$\geq 50^{\text{th}}$ percentile and $< 75^{\text{th}}$ percentile
Approaches:	$\geq 25^{\text{th}}$ percentile and $< 50^{\text{th}}$ percentile
Unsatisfactory:	$\geq 5^{\text{th}}$ percentile and $< 25^{\text{th}}$ percentile
Critical:	$< 5^{\text{th}}$ percentile

2.1.e Using Adequate Growth results, are schools meeting AGP in reading when compared with the traditional schools that charter school student would otherwise attend? **The difference between the AGP of the charter and the weighted AGP of the traditional school is:**

Exceptional:	≥ 20
Exceeds:	> 10 and < 20
Adequate:	≥ 0 and < 10
Approaches:	≥ -10 and < 0
Unsatisfactory:	≥ -20 and < -10
Critical:	< -20

2.1.f Using Adequate Growth results, are schools meeting AGP in math when compared with the traditional schools that charter school student would otherwise attend? **The difference between the AGP of the charter and the weighted AGP of the traditional schools is:**

Exceptional:	≥ 20
Exceeds:	≥ 10 and < 20
Adequate:	≥ 0 and < 10
Approaches:	≥ -10 and < 0
Unsatisfactory:	≥ -20 and < -10
Critical:	< -20

2.1.g Are students in sub-groups (FRL, ELL, IEP) making adequate growth based on the percentage of students meeting AGP in reading?

Exceptional:	$\geq 95^{\text{th}}$ percentile
Exceeds:	$\geq 75^{\text{th}}$ percentile and $< 95^{\text{th}}$ percentile
Adequate:	$\geq 50^{\text{th}}$ percentile and $< 75^{\text{th}}$ percentile
Approaches:	$\geq 25^{\text{th}}$ percentile and $< 50^{\text{th}}$ percentile
Unsatisfactory:	$\geq 5^{\text{th}}$ percentile and $< 25^{\text{th}}$ percentile
Critical:	$< 5^{\text{th}}$ percentile

2.1.h Are students in sub-groups (FRL, ELL, IEP) making adequate growth based on the percentage of students meeting AGP in math?

Exceptional:	$\geq 95^{\text{th}}$ percentile
Exceeds:	$\geq 75^{\text{th}}$ percentile and $< 95^{\text{th}}$ percentile
Adequate:	$\geq 50^{\text{th}}$ percentile and $< 75^{\text{th}}$ percentile
Approaches:	$\geq 25^{\text{th}}$ percentile and $< 50^{\text{th}}$ percentile
Unsatisfactory:	$\geq 5^{\text{th}}$ percentile and $< 25^{\text{th}}$ percentile
Critical:	$< 5^{\text{th}}$ percentile

2.2 Student Achievement (Status)

2.2.a Are students achieving proficiency on state examinations in reading?

Exceptional: $\geq 95^{\text{th}}$ percentile

Exceeds: $\geq 75^{\text{th}}$ percentile and $< 95^{\text{th}}$ percentile

Adequate: $\geq 50^{\text{th}}$ percentile and $< 75^{\text{th}}$ percentile

Approaches: $\geq 25^{\text{th}}$ percentile and $< 50^{\text{th}}$ percentile

Unsatisfactory: $\geq 5^{\text{th}}$ percentile and $< 25^{\text{th}}$ percentile

Critical: $< 5^{\text{th}}$ percentile

2.2.b Are students achieving proficiency on state examinations in math?

Exceptional: $\geq 95^{\text{th}}$ percentile

Exceeds: $\geq 75^{\text{th}}$ percentile and $< 95^{\text{th}}$ percentile

Adequate: $\geq 50^{\text{th}}$ percentile and $< 75^{\text{th}}$ percentile

Approaches: $\geq 25^{\text{th}}$ percentile and $< 50^{\text{th}}$ percentile

Unsatisfactory: $\geq 5^{\text{th}}$ percentile and $< 25^{\text{th}}$ percentile

Critical: $< 5^{\text{th}}$ percentile

2.2.c Using proficiency rates, are schools achieving proficiency in reading when compared with the traditional schools that charter school student would otherwise attend? **The difference between the proficiency rate of the charter school and the weighted proficiency rate of the traditional schools is:**

Exceptional: ≥ 30

Exceeds: ≥ 15 and < 30

Adequate: ≥ 0 and < 15

Approaches: ≥ -15 and < 0

Unsatisfactory: ≥ -30 and < -15

Critical: < -30

2.2.d Using proficiency rates,, are schools achieving proficiency in math when compared with the traditional schools that charter school student would otherwise attend? **The difference between the proficiency rate of the charter school and the weighted proficiency rate of the traditional schools is:**

Exceptional: > 30

Exceeds: ≥ 15 and < 30

Adequate: ≥ 0 and < 15

Approaches: ≥ -15 and < 0

Unsatisfactory: ≥ -30 and < -15

Critical: < -30

2.2.e Are students in sub-groups (FRL, ELL, IEP) achieving proficiency on state examinations in reading?	
Exceptional:	$\geq 95^{\text{th}}$ percentile
Exceeds:	$\geq 75^{\text{th}}$ percentile and $< 95^{\text{th}}$ percentile
Adequate:	$\geq 50^{\text{th}}$ percentile and $< 75^{\text{th}}$ percentile
Approaches:	$\geq 25^{\text{th}}$ percentile and $< 50^{\text{th}}$ percentile
Unsatisfactory:	$\geq 5^{\text{th}}$ percentile and $< 25^{\text{th}}$ percentile
Critical:	$< 5^{\text{th}}$ percentile

2.2.f Are students in sub-groups (FRL, ELL, IEP) achieving proficiency on state examinations in math?	
Exceptional:	$\geq 95^{\text{th}}$ percentile
Exceeds:	$\geq 75^{\text{th}}$ percentile and $< 95^{\text{th}}$ percentile
Adequate:	$\geq 50^{\text{th}}$ percentile and $< 75^{\text{th}}$ percentile
Approaches:	$\geq 25^{\text{th}}$ percentile and $< 50^{\text{th}}$ percentile
Unsatisfactory:	$\geq 5^{\text{th}}$ percentile and $< 25^{\text{th}}$ percentile
Critical:	$< 5^{\text{th}}$ percentile

2.3: Career and College Readiness

2.3.a Based on scores obtained from EXPLORE and PLAN, are students making adequate growth for being college ready by the time they graduate?	
Exceptional:	Average growth for all students in Math would be ≥ 3 points Average growth for all students in English would be ≥ 3 points
Exceeds:	Average growth for all students in Math would be ≥ 2.3 points and < 3 points Average growth for all students in English would be ≥ 2.4 and < 3 points
Adequate:	Average growth for all students in Math would be ≥ 2 points and < 2.3 points Average growth for all students in English would be ≥ 2 points and < 2.4 points
Approaches:	Average growth for all students in Math would be ≥ 1.5 points and < 2 points Average growth for all students in English would be ≥ 1.5 points and < 2 points
Unsatisfactory:	Average growth for all students in Math would be ≥ 1 point and < 1.5 points Average growth for all students in English would be ≥ 1 point and < 1.5 points
Critical:	Average growth for all students in Math would be < 1 point Average growth for all students in English would be < 1 point

2.3.b Are students on target for being college ready by the time they graduate as measured by the EXPLORE and PLAN college readiness bench marks in English and Math?

English

Exceptional:	$\geq 76\%$
Exceeds	$\geq 66\%$ and $< 76\%$
Adequate:	$\geq 56\%$ and $< 66\%$
Approaches:	$\geq 46\%$ and $< 56\%$
Unsatisfactory:	$\geq 36\%$ and $< 46\%$
Critical:	$< 36\%$

Math

Exceptional:	$\geq 45\%$
Exceeds	$\geq 35\%$ and $< 45\%$
Adequate:	$\geq 25\%$ and $< 35\%$
Approaches:	$\geq 15\%$ and $< 25\%$
Unsatisfactory:	$\geq 5\%$ and $< 15\%$
Critical:	$< 5\%$

2.3.c Are students graduating from high school?

- Based on a four-year adjusted cohort graduation rate
- Based on a five-year adjusted cohort graduation rate

Exceptional:	$\geq 95^{\text{th}}$ percentile
Exceeds:	$\geq 75^{\text{th}}$ percentile and $< 95^{\text{th}}$ percentile
Adequate:	$\geq 50^{\text{th}}$ percentile and $< 75^{\text{th}}$ percentile
Approaches:	$\geq 25^{\text{th}}$ percentile and $< 50^{\text{th}}$ percentile
Unsatisfactory:	$\geq 5^{\text{th}}$ percentile and $< 25^{\text{th}}$ percentile
Critical:	$< 5^{\text{th}}$ percentile

2.3.d Do students have the content and skill knowledge needed to succeed beyond high school?

Exceptional:

Exceeds:

Adequate:

Approaches:

Unsatisfactory:

Critical:

Appendix B: Detailed Financial Performance Indicator Descriptions

The Financial Performance Framework is composed of both near term and sustainability indicators, each having four measures. It is important to note that the Framework is not designed to evaluate a school's spending decisions. It does not include indicators of strong financial management practices, which are laid out in the organizational performance framework. The Financial Performance Framework analyzes the financial *performance* of a charter school, not its processes for managing that performance.

Near Term	Indicator
1.a. Current Ratio: Current Assets divided by Current Liabilities	Measure
Meets Standard: <input type="checkbox"/> Current Ratio is greater than 1.1 or <input type="checkbox"/> Current Ratio is between 1.0 and 1.1 <i>and</i> one-year trend is positive (current year ratio is higher than last year's)	Metric
Note: For schools in their first or second year of operation, the current ratio must be greater than 1.1.	Target
Does Not Meet Standard: <input type="checkbox"/> Current Ratio is between 0.9 and 1.1 Or <input type="checkbox"/> Current Ratio is between 1.0 and 1.1 <i>and</i> one-year trend is negative	
Falls Far Below Standard: <input type="checkbox"/> Current ratio is less than 0.9	

Near Term Measures

1) ***The current ratio depicts the relationship between a school's current assets and current liabilities.***

Overview: The current ratio measures a school's ability to pay its obligations over the next twelve months. A current ratio of greater than 1.0 indicates that the school's current assets exceed its current liabilities, thus indicating ability to meet current obligations. A ratio of less than 1.0 indicates that the school does not have sufficient current assets to cover its current liabilities and is not in a satisfactory position to meet its financial obligations over the next 12 months.

Source of Data: Audited balance sheet.

Near Term
Current Assets divided by Current Liabilities
Meets Standard: <input type="checkbox"/> Current Ratio is 1.1 or greater. or <input type="checkbox"/> Current Ratio is between 1.0 and 1.1 <i>and</i> one-year trend is positive. Note: For schools in their first or second year of operation, the current ratio must be greater than 1.1.
Does Not Meet Standard: <input type="checkbox"/> Current Ratio is between 0.9 and .99 Or <input type="checkbox"/> Current Ratio is between 1.0 and 1.1 <i>and</i> one-year trend is negative.
Falls Far Below Standard: <input type="checkbox"/> Current ratio is less than 0.9

2) The unrestricted days cash on hand ratio indicates how many days a school can pay its operating expenses without another inflow of cash.

Overview: The unrestricted days cash ratio defines whether or not the school has sufficient cash to meet its day-to-day obligations.

Source of Data: Audited balance sheet and income statement.

Near Term
Unrestricted Cash divided by (Total Expenses/365)
<p><i>Meets Standard:</i></p> <p><input type="checkbox"/> 60 Days Cash or more</p> <p>or</p> <p><input type="checkbox"/> Between 30 and 60 Days Cash <i>and</i> one-year trend is positive</p> <p>Note: For schools in their first or second year of operation, they must have a minimum of 30 Days Cash.</p>
<p><i>Does Not Meet Standard:</i></p> <p><input type="checkbox"/> Days Cash is between 15 and 29 days</p> <p>Or</p> <p><input type="checkbox"/> Days Cash is between 30 and 60 days <i>and</i> one-year trend is negative</p>
<p><i>Falls Far Below Standard:</i></p> <p><input type="checkbox"/> Less than 15 Days Cash</p>

3) Enrollment forecast accuracy tells authorizers whether or not the school is meeting its enrollment projections, thereby generating sufficient revenue to fund ongoing operations.

Overview: The enrollment forecast accuracy depicts actual versus projected enrollment. A school budgets based on projected enrollment but is funded based on actual enrollment; therefore, a school that fails to meet its enrollment targets may not be able to meet its budgeted expenses.

Source of Data:

- Projected enrollment – Charter school board-approved enrollment budget for the year in question.
- Actual enrollment.

Near Term
Actual Enrollment divided by Enrollment Projection in Board-Approved Budget
<p><i>Meets Standard:</i></p> <p><input type="checkbox"/> Enrollment Forecast Accuracy equals or exceeds 95% in the most recent year <i>and</i> equals or exceeds 95% each of the last three years</p> <p>Note: For schools in their first or second year of operation, Enrollment Forecast Accuracy must be equal to or exceed 95% for each year of operation.</p>
<p><i>Does Not Meet Standard:</i></p> <p><input type="checkbox"/> Enrollment Forecast Accuracy is between 85% and 94% in the most recent year</p> <p>or</p> <p><input type="checkbox"/> Enrollment Forecast Accuracy is 95% or greater in the most recent year <i>but does not</i> equal or exceed 95% or greater each of the last three years</p>
<p><i>Falls Far Below Standard:</i></p> <p><input type="checkbox"/> Enrollment Forecast Accuracy is less than 85% in the most recent year</p>

4) Debt default indicates if a school is not meeting debt obligations or covenants.

Overview: This metric addresses whether or not a school is meeting its loan covenants and/or is delinquent with its debt service payments.

Source of Data: Notes to the audited financial statements.

Near Term
<i>Meets Standard:</i> <input type="checkbox"/> School is not in default of loan covenant(s) and is not delinquent with debt service payments
<i>Does Not Meet Standard:</i> <input type="checkbox"/> Not Applicable
<i>Falls Far Below Standard:</i> <input type="checkbox"/> School is in default of loan covenant(s) or is delinquent with debt service payments

Sustainability Measures

1) Total margin measures the deficit or surplus a school yields out of its total revenues; in other words, whether or not the school is living within its available resources

Overview: The total margin measures if a school operates at a surplus (more total revenues than expenses) or a deficit (more total expenses than revenues) in a given time period. The aggregated three-year total margin is helpful for measuring the long-term financial stability of the school by smoothing the impact of single-year fluctuations on the single year total margin indicator.

Source of Data: 3 years of audited income statements

Sustainability
Net Surplus divided by Total Revenue
Aggregated Total Margin:
Total 3 Year Net Surplus divided by Total 3 Year Revenues
<p><i>Meets Standard:</i></p> <p><input type="checkbox"/> Aggregated Three-Year Total Margin is positive <i>and</i> the most recent year Total Margin is positive or</p> <p><input type="checkbox"/> Aggregated Three-Year Total Margin is greater than -1.5%, the trend is positive for the last two years, <i>and</i> the most recent year Total Margin is positive</p> <p>Note: For schools in their first or second year of operation, the aggregate Total Margin must be positive.</p>
<p><i>Does Not Meet Standard:</i></p> <p><input type="checkbox"/> Aggregated Three-Year Total Margin is greater than -1.5%, but the trend is negative.</p>
<p><i>Falls Far Below Standard:</i></p> <p><input type="checkbox"/> Aggregated Three-Year Total Margin is less than -1.5% or</p> <p><input type="checkbox"/> Current year Total Margin is less than -10%</p>

2) The debt to asset ratio measures the amount of liabilities a school owes versus the assets they own; the extent to which the school relies on borrowed funds to finance its operations.

Overview: The debt to asset ratio compares the school’s liabilities to its assets. Simply put, the ratio demonstrates what a school owes against what it owns. A lower debt to asset ratio generally indicates stronger financial health.

Source of Data: Audited balance sheet

Sustainability
Total Liabilities divided by Total Assets
<p><i>Meets Standard:</i></p> <p><input type="checkbox"/> Debt to Asset Ratio is less than 0.90</p>
<p><i>Does Not Meet Standard:</i></p> <p><input type="checkbox"/> Debt to Asset Ratio is between 0.90 and 1.0</p>
<p><i>Falls Far Below Standard:</i></p> <p><input type="checkbox"/> Debt to Asset Ratio is greater than 1.0</p>

3) The cash flow measure indicates a school's change in cash balance from one period to another.

Overview: Cash flow indicates the trend in the school's cash balance over a period of time. This measure is similar to days cash on hand, but indicates long-term stability versus near-term. Since cash flow fluctuations from year-to-year can have a long-term impact on a school's financial health, this metric assesses both three year cumulative cash flow and annual cash flow.

Source of Data: 4 years of audited balance sheets

Sustainability
<p>Three-Year Cash Flow = (Prior Year 3 Total Cash) – (Year 0 Total Cash) One-Year Cash Flow = (Prior Year 1 Total Cash) – (Year 0 Total Cash)</p>
<p><i>Meets Standard:</i></p> <p><input type="checkbox"/> Three-year cumulative cash flow is positive <i>and</i> cash flow is positive each year. or <input type="checkbox"/> Three-year cumulative cash flow is positive, cash flow is positive in two of three years, <i>and</i> cash flow in the most recent year is positive.</p> <p>Note: For schools in their first or second year of operation, they must have positive cash flow.</p>
<p><i>Does Not Meet Standard:</i></p> <p><input type="checkbox"/> Three-year cumulative cash flow is positive, but the trend is negative.</p>
<p><i>Falls Far Below Standard:</i></p> <p><input type="checkbox"/> Three year cumulative cash flow is negative.</p>

4) The debt service coverage ratio indicates a school's ability to cover its current year debt obligations.

Overview: This ratio measures whether or not a school can pay the principal and interest due on its debt based on the current year's net income. Depreciation expense is added back to the net income because it is a non-cash transaction and does not actually cost the school money. The interest expense is added back to the net income because it is one of the expenses an entity is trying to pay, which is why it is included in the denominator.

Source of Data:

- Net income: audited income statement
- Depreciation expense: audited cash flow statement
- Interest expense: audited cash flow statement
- Principal and interest obligations: provided from the school

Sustainability
<p>(Net Income + Depreciation + Interest Expense)/(Principal and Interest Payments)</p>
<p><i>Meets Standard:</i></p> <p><input type="checkbox"/> Debt Service Coverage Ratio is equal to or exceeds 1.10</p>
<p><i>Does Not Meet Standard:</i></p> <p><input type="checkbox"/> Debt Service Coverage Ratio is less than 1.10</p>
<p><i>Falls Far Below Standard:</i></p> <p><input type="checkbox"/> Blank</p>

Appendix C: Detailed Organizational Performance Indicator Descriptions

I. Educational Program

1. Essential terms of the charter agreement

- a. The school complies with the essential terms of the education program as stated in the charter.
- b. The school, if intended primarily for at-risk pupils, complies with NRS 386.500 and NAC 386.150(9) regarding serving at-risk pupils.

2. Education requirements

- a. The school complies with NRS 386.550(1)(i) and NRS 389.018(1) by providing instruction in the core academic subjects.
- b. The school complies with NRS 386.550(1)(i) by providing the courses of study required for promotion or graduation.
- c. The school complies with NRS 386.550(1)(f) and NAC 386.350(7) regarding amount of instructional time.
- d. The school complies with NRS 386.583 regarding academic retention requirements.
- e. The school complies with applicable promotion and graduation requirements.
- f. The school complies with applicable statutes and regulations regarding the state's adopted curriculum content standards.
- g. The school complies with NRS 386.550(1)(g) and Chapters 389 of NRS and NAC regarding state assessments and testing practices.
- h. The school complies with all applicable requirements regarding programming and reporting resulting from federal or non-DSA state funding including Title I, Title IIa, and Title III.

3. Students with disabilities

- a. The Charter School assures that it will adopt procedures that align with state and federal requirements in the following areas: [special education].

4. English Language Learner Students

- a. Proper steps for identification of students in need of ELL services.
- b. Appropriate and equitable delivery of services to identified students.

- c. Appropriate accommodations on assessments.
- d. Evaluation of ELLs': English Language Progress and Attainment (Exiting from program-Proficiency), and content Achievement.
- e. Ongoing monitoring of exited students (for 2 years after program exit).
- f. Assess the success of the ELL program and modify it where needed.
- g. Collection and Reporting of Timely and Accurate Data upon Request of the NDE/SPCSA.

II. Financial Management and Oversight

1. Financial Reporting and compliance

- a. The school complies with NAC 387.625, NAC 387.775(5), NAC 387.775(6) and NAC 387.775(9) regarding completion and on-time submission of the annual independent audit and corrective action plans, if applicable.
- b. The school complies with NRS 386.570 regarding all money received must be deposited in a financial institution in this state.
- c. The school complies with NRS 386.550, NAC 387.720 and NAC 387.725 regarding the adoption of a budget.
- d. The governing body of the school complies with NRS 387.303 regarding the annual report of budget.
- e. The governing body of the school complies, in writing, with NRS 386.573 regarding orders for payment of money.
- f. The school has submitted required expenditure reporting to In\$ite (Schoolnomics Consulting Services) required by the Legislative Counsel Bureau as authorized by **NRS 218E.625 and NRS 386.605**: yes/no.

2. Financial management and oversight

- a. An unqualified audit opinion in an annual independent audit as required by NAC 387.625 and NAC 387.775.
- b. An annual independent audit, as required by NAC 387.625 and NAC 387.775, devoid of significant findings and conditions, material weaknesses, or significant internal control weaknesses.

- c. An annual independent audit, as required by NAC 387.625 and NAC 387.775 that does not include a going concern disclosure in the notes or an explanatory paragraph within the audit report.
- d. The school's governing body has adopted written financial policies.
- e. Internal control consideration as a basis for design of the annual independent audit in conformity with NAC 387.625 and NAC 387.775.
- f. Financial Transaction Testing in conformity with NAC 387.625 and NAC 387.775.

III. Governance and Reporting

1. Governance and reporting

- a. Board policies adopted by the board and housed in AOIS' Permanent Files, if such policies have been adopted by the board and submitted into AOIS.
- b. NRS 386.520, Board bylaws as approved by the sponsor.
- c. NRS 386.550, Open Meeting Law.
- d. NRS 386.549, Conducting at least quarterly meetings.
- e. NRS 386.549, Salary for meeting attendance.
- f. NRS 386.549, Submission of signed and notarized affidavit for board service.
- g. NRS 386.549, Board composition/required membership.
- h. NAC 387.770(3), Designation of the person responsible for the maintenance of property, equipment and inventory records.
- i. NRS 386.605, Annual report of accountability.
- j. NRS 385.357(6), Plan to improve the achievement of pupils.

2. Management accountability

- a. NAC 386.405(5), Evaluation of any EMO with which the school has contracted, per the written performance agreement between the board and the EMO if applicable.
- b. NAC 386.405(6), Provision by the EMO, if applicable, of the financial report.
- c. NAC 386.410(5), Evaluation of the performance of each entity with whom the board has entered into a contract, including the school administrator.

- d. NAC 386.405(4), If applicable, approval of the appointment of key personnel who are directly employed and provided to the school by an EMO.

3. Reporting requirements

- a. The school complies with reporting requirements as described in the AOIS Reporting Requirements Manual including those related to the AOIS Permanent Files.
- b. The school complies with reporting requirements related to an authorizer-imposed corrective action plan or notice of concern, if applicable.

IV. Students and Employees

1. Rights of students

- a. The school's lottery method, maintenance of an enrollment waiting list, and enrollment practices are consistent with guidance provided by the Authority on its website.
- b. The school's enrollment recruiting and advertising comply with the school's charter school application as stated in Required Element A.7.4 and elsewhere.
- c. The school collects, protects and uses student information appropriately.
- d. The school complies with NRS 386.555 regarding the prohibition of support by or affiliation with religion or religious organizations.
- e. The school complies with NRS 386.585 and NRS 392.4655-.4675 regarding school discipline.

2. Attendance goals

- a. The school complies with NAC 386.350 regarding attendance.

3. Staff credentials

- a. The school complies with NRS 386.590 regarding staff credentialing.

4. Employee rights

- a. The school complies with NRS 386.595 regarding employee rights.

5. Background checks

- a. The school complies with NRS 386.588 regarding criminal history of employees.

V. School Environment

1. Facilities and transportation

- a. Have current fire, building, health and asbestos inspection documents and approvals, including the certificate of occupancy, been submitted into AOIS in compliance with NAC 386.170?
- b. The school complies with NAC 386.215 regarding insurance coverage by submitting into AOIS the current Affidavit for Provision of Insurance Coverage.
- c. The school complies with Section C.4 of its charter school application and NRS 392.300-392.410 regarding pupil transportation.

2. Health and safety

- a. The school complies with NRS 389.065 (sex education); NRS 391.207-391.208 (nursing services); NRS 392.420, 392.425, 392.430, 392.435, 392.437, 392.439, 392.443, 392.446, and 392.448 (school health and safety); and NAC 389.2423, 389.2938, 389.381, and 389.455.
- b. The school complies with NRS 392.616 regarding establishment of a crisis and emergency response development committee.
- c. The school complies with NRS 392.624 regarding annual review and update of the NRS 392.620 plan for responding to a crisis or emergency.

3. Information management

- a. The school complies with the Family Educational Rights and Privacy Act (FERPA), the Protection of Pupil Rights Amendment, and the Military Recruiter Provisions of the NCLB Act of 2001.
- b. The school complies with applicable state or federal freedom of information requirements.
- c. The school complies with applicable student record transfer requirements.
- d. The school complies with applicable requirements for the proper and secure maintenance of testing materials.

VI. Additional Obligations

1. Additional obligations

- a. The school and its governing body comply with the terms and conditions of its charter.

- b.** The school complies with NAC 386.342 and NAC 387.770 regarding inventory documentation.
- c.** The school (applicable only to high schools) complies with NRS 386.550(1)(m) and NAC 386.350(10) regarding notification of accreditation status.
- d.** The school complies with NRS 386.550(1)(c) and Section C.2 of its charter school application regarding fees.
- e.** The school complies with requirements regarding maintenance of personnel records.
- f.** The school complies with NAC 386.345(2) and NRS 332.800 regarding purchasing and prohibition of board member interest in contracts.
- g.** The school complies with NRS 392.040 regarding age of enrollment in grades K, 1 and 2.

EXHIBIT 27

EXHIBIT 27

Sparks, Jenny

From: McIntosh, Caroline <cmcintosh@nvvacademy.org>
Sent: Tuesday, September 22, 2015 9:14 PM
To: Patrick Gavin
Cc: Danny Peltier
Subject: SPCSA Meeting on September 28, 2015

Hello Patrick,

Thank you for you vm this evening regarding agenda item #13 on the SPCSA board meeting scheduled on September 28, 2015. I was quite surprised upon seeing this agenda item when Danny Peltier forwarded the agenda in an email this afternoon, since we had no notice or conversation regarding the item regarding the enrollment at Nevada Virtual prior to reading the email.

Nevada Virtual was unofficially "restricted" from marketing enrollment to the school since June 2013. Finally, in the July 13, 2015, SPCSA meeting, the unofficial, anecdotal restriction was lifted. The consequence of the 25 months of lost opportunity to market enrollment has resulted in a significant drop in enrollment. The current net enrollment at Nevada Virtual Academy has again declined due to the late opportunity in the marketing season. Nevada Connections Academy was able to capture the marketing arena for the virtual education platform, which resulted in a growth in its enrollment.

If you would like me to provide an anecdotal report regarding enrollment at Nevada Virtual Academy at the September 28, 2015 SPCSA board meeting, I am happy to oblige. Otherwise, Nevada Virtual Academy will submit the required amendment at a later SPCSA meeting.

Best regards,

Caroline



Caroline McIntosh
Head of School

8965 S. Eastern Ave Ste 330
Las Vegas, NV 89123

office 702.407.1825
cell 702.817.0912
fax 702.407.5055
e-mail cmcintosh@nvvacademy.org

From: [Robert McCord](#)
To: [Patrick Gavin](#)
Subject: 378
Date: Wednesday, December 02, 2015 5:05:23 AM

I guess I am wrong, unless 387.1233(4) applies. I believe it does apply to Nevada Virtual because they admitted reducing enrollment from 4500 to 2400 didn't they?

RSMc

NRS 387.1233 Calculation of basic support; effect of declining enrollment; consequences for school district or charter school that deliberately causes decline in enrollment.

1. Except as otherwise provided in subsection 2, basic support of each school district must be computed by:

(a) Multiplying the basic support guarantee per pupil established for that school district for that school year by the sum of:

(1) Six-tenths the count of pupils enrolled in the kindergarten department on the last day of the first school month of the school district for the school year, including, without limitation, the count of pupils who reside in the county and are enrolled in any charter school on the last day of the first school month of the school district for the school year.

(2) The count of pupils enrolled in grades 1 to 12, inclusive, on the last day of the first school month of the school district for the school year, including, without limitation, the count of pupils who reside in the county and are enrolled in any charter school on the last day of the first school month of the school district for the school year and the count of pupils who are enrolled in a university school for profoundly gifted pupils located in the county.

(3) The count of pupils not included under subparagraph (1) or (2) who are enrolled full-time in a program of distance education provided by that school district or a charter school located within that school district on the last day of the first school month of the school district for the school year.

(4) The count of pupils who reside in the county and are enrolled:

(I) In a public school of the school district and are concurrently enrolled part-time in a program of distance education provided by another school district or a charter school on the last day of the first school month of the school district for the school year, expressed as a percentage of the total time services are provided to those pupils per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2).

(II) In a charter school and are concurrently enrolled part-time in a program of distance education provided by a school district or another charter school on the last day of the first school month of the school district for the school year, expressed as a percentage of the total time services are provided to those pupils per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2).

(5) The count of pupils not included under subparagraph (1), (2), (3) or (4), who are receiving special education pursuant to the provisions of [NRS 388.440](#) to [388.520](#), inclusive, on the last day of the first school month of the school district for the school year, excluding the count of pupils who have not attained the age of 5 years and who are receiving special education pursuant to subsection 1 of [NRS 388.475](#) on that day.

(6) Six-tenths the count of pupils who have not attained the age of 5 years and who are receiving special education pursuant to subsection 1 of [NRS 388.475](#) on the last day of the first

school month of the school district for the school year.

(7) The count of children detained in facilities for the detention of children, alternative programs and juvenile forestry camps receiving instruction pursuant to the provisions of NRS 388.550, 388.560 and 388.570 on the last day of the first school month of the school district for the school year.

(8) The count of pupils who are enrolled in classes for at least one semester pursuant to subsection 5 of NRS 386.560, subsection 5 of NRS 386.580 or subsection 3 of NRS 392.070, expressed as a percentage of the total time services are provided to those pupils per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2).

(b) Multiplying the number of special education program units maintained and operated by the amount per program established for that school year.

(c) Adding the amounts computed in paragraphs (a) and (b).

2. Except as otherwise provided in subsection 4, if the enrollment of pupils in a school district or a charter school that is located within the school district on the last day of the first school month of the school district for the school year is less than or equal to 95 percent of the enrollment of pupils in the same school district or charter school on the last day of the first school month of the school district for the immediately preceding school year, the largest number from among the immediately preceding 2 school years must be used for purposes of apportioning money from the State Distributive School Account to that school district or charter school pursuant to NRS 387.124.

3. Except as otherwise provided in subsection 4, if the enrollment of pupils in a school district or a charter school that is located within the school district on the last day of the first school month of the school district for the school year is more than 95 percent of the enrollment of pupils in the same school district or charter school on the last day of the first school month of the school district for the immediately preceding school year, the larger enrollment number from the current year or the immediately preceding school year must be used for purposes of apportioning money from the State Distributive School Account to that school district or charter school pursuant to NRS 387.124.

4. If the Department determines that a school district or charter school deliberately causes a decline in the enrollment of pupils in the school district or charter school to receive a higher apportionment pursuant to subsection 2 or 3, including, without limitation, by eliminating grades or moving into smaller facilities, the enrollment number from the current school year must be used for purposes of apportioning money from the State Distributive School Account to that school district or charter school pursuant to NRS 387.124.

5. Pupils who are excused from attendance at examinations or have completed their work in accordance with the rules of the board of trustees must be credited with attendance during that period.

6. Pupils who are incarcerated in a facility or institution operated by the Department of Corrections must not be counted for the purpose of computing basic support pursuant to this section. The average daily attendance for such pupils must be reported to the Department of Education.

7. Pupils who are enrolled in courses which are approved by the Department as meeting the requirements for an adult to earn a high school diploma must not be counted for the purpose of computing basic support pursuant to this section.

(Added to NRS by 1977, 704; A 1979, 1243, 1588; 1981, 299; 1985, 1868; 1987, 135, 1639, 1640; 1989, 1554, 1814, 1816; 1991, 1548; 1993, 2157; 1997, 1861; 1999, 3307; 2001, 1484, 3144; 2001 Special Session, 237; 2003, 289, 1137; 2005, 1668; 2007, 1201, 1566; 2011, 768; 2013, 1604)

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EXHIBIT 1

EXHIBIT 1

CHARTER SCHOOL AGREEMENT

State Public Charter School Authority And Nevada Connections Academy Charter School

THIS AGREEMENT is made and entered by and between the State Public Charter School Authority ("Authority") and the Nevada Connections Academy Charter School ("Charter School"), a public school.

The Authority and the Charter School are referred to collectively as the "Parties."

RECITALS

WHEREAS, The primary consideration of the Legislature in enacting legislation to authorize charter schools is to serve the best interests of all pupils, including pupils who may be at risk; and

WHEREAS, the Authority has the authority to sponsor charter schools pursuant to NRS 386.509; and

WHEREAS, NRS 386.490-386.610 apply to the Charter School; and

WHEREAS, on May 5, 2007, the State Board of Education approved the proposed charter as set forth in Exhibit A ("Charter Application"); and

WHEREAS, on March 22, 2013, the Authority approved the Charter School's application for charter renewal; and

WHEREAS, the Parties intend that this Charter School Agreement serve as a contract that governs the operation of the Charter School;

NOW, THEREFORE, in consideration of the foregoing Recitals and the mutual understandings, releases, covenants and payments herein described, the Parties agree as follows:

AGREEMENT

1. Compliance with Nevada Law. The statutes and regulations which establish charter schools in Nevada and the Charter Application approved by the Authority are hereby incorporated by reference as a part of this Agreement. The Charter School agrees to comply with all statutes and regulations regarding the creation and operation of charter schools in Nevada, including specifically NRS 386.550.

2. Term. It is the intent of the Authority that the Charter, including this Agreement, is to be effective for a period of six (6) years, to begin on May 6, 2013, and to terminate on May 5, 2019.

3. Charter School Independence. Pursuant to NRS 386.565, the Authority shall not assign any pupil who is enrolled in a public school or any employee who is employed in a public school to the Charter School, or interfere with the operation and management of the Charter School except as authorized by written charter, NRS 386.500 to 386.610, inclusive, and any other statute or regulation applicable to the Charter School or its officers or employees. The Authority and the Nevada Department of Education (Department), or its designees, may physically inspect the school and its records, including employee and financial records, at any time.

4. Student Achievement. The Charter School agrees to report to the Authority on a regular basis the academic progress of the Charter School in meeting standards of achievement set forth in the Application, as required by NRS 386.605 and NRS 386.610. Additionally:

- The sponsor shall base evaluation of student achievement on the academic performance indicators and measures set forth by the performance framework and the statewide system of accountability (NRS 385.3455 through NRS 385.391).
- The performance framework may include school-specific performance goals to the extent such goals meet the sponsor's expectations for rigor, validity, and reliability.
- The sponsor shall evaluate the charter school at least annually consistent with the indicators and measures set out in the performance framework and the statewide system of accountability.

5. Employment Matters. The Charter School agrees to comply with the provisions of NRS 386.595 regarding employment status. The Charter School will establish and implement its own dispute resolution process for employment matters.

6. Costs of Operations. The Charter School shall be responsible for all costs associated with its school operations, including the cost of contracting for goods and services.

a. The Charter School shall clearly indicate to vendors and other entities and individuals with which or with whom the Charter School enters into an agreement or contract for goods or services that the obligations of the Charter School under such agreement or contract are solely the responsibility of the Charter School and are not the responsibility of the State of Nevada, the Authority, or the Department. The Charter School shall include in any agreement or contract entered into after the effective date of this Agreement that the provisions of any such agreement or contract are enforceable only to the extent they are compliant with applicable law and regulation.

b. The Charter School agrees that it will not extend the faith and credit of the Authority, the State of Nevada, or the Department to any third person or entity. The Charter School acknowledges and agrees that it has no authority to enter into a contract that would bind the Authority.

7. Legal Liabilities/Indemnification. As required by NRS 386.550, the Charter School agrees that the Authority is not liable for the acts or omissions of the Charter School, its officers, agents, or employees. Subject to NRS Chapter 41, the Charter School agrees to defend,

indemnify, and hold the Authority, its agents and employees harmless from all liability, claims and demands on account of contract, injury, loss or damage, including, without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage or any other losses of any kind whatsoever which arise out of or are in any manner connected with the negligent (or wrongful conduct in) operations of the Charter School.

8. Insurance. The Charter School agrees that it will maintain all appropriate insurance coverages, including coverages for general liability and worker's compensation, as required to protect itself, the Authority and the Department, and specifically as required by NRS 386.550 and NAC 386.215.

9. Special Education. The Charter School agrees to be responsible for the provision of special education services to students with disabilities who attend the Charter School in accordance with the requirements of state and federal law including Section 504 of the Rehabilitation Act of 1973 and the Individuals with Disabilities Improved Education Act of 2004. The Charter School is responsible, both financially and programmatically, for the response and resolution of any Due Process complaints filed against it.

10. Student Withdrawal. The Charter School may not require pupils or their parent or guardian to sign "contracts," "commitments," or other documents that can result in the removal, withdrawal, suspension or expulsion of the pupil from the school for reasons other than the reasons for suspension or expulsion stated in NRS 392.4655-392.467 or other applicable statute or regulation. The Charter School may suspend or expel pupils only for the reasons stated in NRS 392.4655-392.467. Removal of a pupil from a charter school, except for suspension or expulsion pursuant to NRS 392.4655-392.467, is solely the decision of the parent or guardian of the pupil. Any removal of a pupil from a charter school against the wishes of the parent or guardian must comply with NRS 392.4655-392.467. Nothing in this provision precludes the Charter School from withdrawing a pupil from the Charter School consistent with applicable statute and regulation.

11. Gifts/Donations/Grants. The Charter School shall inform the Authority of any gifts, donations, grants, etc. received for the school that exceed \$1,000 in value.

12. Miscellaneous Provisions.

a. Entire Agreement. Except as otherwise required by law, this Agreement contains all terms, conditions and provisions hereof and the entire understandings and all representations of understandings and discussions of the parties relating thereto, and all prior representations, understandings and discussions are merged herein and superseded and canceled by this Agreement.

b. Amendment. This Agreement may only be modified or amended by further written agreement executed by the parties hereto, provided that such amendment will grant the Charter School a greater ability to achieve its educational goals and objectives. An amendment may not authorize an extension of the duration of the term of the written charter.

c. Notice. Any notice required, or permitted, under this Agreement, shall be in writing and shall be effective upon personal delivery (subject to verification of service or acknowledgment of receipt) or three (3) days after mailing when sent by certified mail, postage prepaid, to the office of the Charter School's governing body, in the case of notice being sent to the Charter School, or to the Office of the President of the Authority for notice to the Authority.

d. No Waiver. The parties agree that no assent, express or implied, to any breach by either of them of any one or more of the covenants and agreements expressed herein shall be deemed or be taken to constitute a waiver of any succeeding or other breach.

e. Applicable Law. The parties intend that where this Agreement references federal or state law that they be bound by any amendment to such laws, upon the effective date of such amendments.

f. Invalidity. If any provision of this Agreement is determined to be unenforceable or invalid for any reason, the remainder of the Agreement shall remain in effect, unless otherwise terminated by one or both of the parties in accordance with the terms contained herein or unless such provision frustrates the Parties' intention for entering into this Agreement.

13. Home School Prohibition. Pursuant to NRS 386.505, the Charter School shall not serve as a means for providing financial assistance for a program of home study.

14. Adherence to NRS (Nevada Revised Statute) and NAC (Nevada Administrative Code). Nothing in the Written Charter, the application approved by the sponsor, or this Agreement is to be construed as replacing, taking precedence over, or overriding any applicable NRS, NAC, or federal law or regulation.

15. If Applicable, Distance Education Program. The distance education program shall operate only as described in the distance education application specifically approved by the Department. The distance education program is subject to all provisions of NRS 388.820 through NRS 388.874, including the NRS 388.866(1) requirement for weekly communication between the teacher of each course offered through the program and the pupil. The distance education program is subject to all provisions of NAC 388.800 through NAC 388.860.

16. If Applicable, Distance Education Program. Pursuant to NAC 387.171, the Master Register of Attendance shall include:

- The name of the pupil;
- The gender of the pupil;
- The date of birth of the pupil;
- The school in which the pupil is enrolled;
- The grade or ungraded category of educational service to which the pupil is admitted;
- The dates, if applicable, of enrollment and reenrollment;
- The date of withdrawal, if applicable, and the reason for the withdrawal as described in NAC 387.215;

The pupils' record of daily attendance;
If the pupil is enrolled in a program of distance education, the information required by subsection 2 of NAC 387.193; and
The ethnic group or race to which the pupil belongs.

The Distance Education Class Record Book shall include the following information from the school's software platform:

Pupil's name;
Pupil's grade and any applicable special category to which the pupil is assigned;
Pupil's time on task in his computer for each class per day (daily attendance);
Grade earned by period and final grade for each class;
Dates of enrollment, reenrollment, and withdrawal of the pupil from the class; and
Teacher.

The Pupil's Schedule of Distance Education Classes shall include the following information from the pupil's computer from the school's software platform:


Name;
Date; and
Schedule of classes/with time on task from each class per day.

17. Grades Served: The Charter School shall serve grades K-12 only, unless the Written Charter is amended by Charter School Governing Body action and Authority action.

18. Compliance with Federal Requirements for Asbestos Management in Schools. The Charter School agrees to pay all costs related to compliance with federal requirements for asbestos management in schools.

19. Facility Lease or Purchase. The Charter School agrees to refrain from entering into any facility lease or purchase agreement without including a term that any provision of the lease or purchase agreement that is not in compliance with applicable law and regulation shall be void or voidable or a provision that the contract is subject to regulatory review the Authority to ensure the proposed lease or purchase agreement is in compliance with applicable law and regulation.

IN WITNESS WHEREOF, the Parties have executed this Agreement.



President, Charter School Governing Body

Please print the President's name: Jamie Castle

Date: May 21, 2013

Kathleen A. Conaboy

President, Nevada State Public Charter School Authority

Date: 5-30-2013_____

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EXHIBIT 6

EXHIBIT 6

NEVADA STATE PUBLIC CHARTER SCHOOL AUTHORITY

March 22, 2013

Department of Education
700 East Fifth Street
Board Conference Room
Carson City, Nevada

And

Department of Education
9890 South Maryland Pkwy
Second Floor Conference Room
Las Vegas, Nevada

MINUTES OF THE REGULAR MEETING
(Video Conferenced)

AUTHORITY MEMBERS PRESENT:

In Las Vegas:

Kathleen Conaboy
Elissa Wahl
Marc Abelman
Nora Luna
Melissa Mackedon
Michael Van
Robert McCord

In Carson City:

None

AUTHORITY MEMBERS ABSENT:

None

AUTHORITY STAFF PRESENT:

In Las Vegas:

Steve Canavero, Director, State Public Charter School Authority
Katherine Rohrer, Education Program Professional, State Public Charter School Authority
Traci House, Business Process Analyst II, State Public Charter School Authority

In Carson City:

Tom McCormack, Education Program Professional, State Public Charter School Authority
Angela Blair, Education Program Professional, State Public Charter School Authority
Allyson Kellogg, Management Analyst, State Public Charter School Authority
Katie Higday, Management Analyst, State Public Charter School Authority
Danny Peltier, Administrative Assistant, State Public Charter School Authority

LEGAL STAFF PRESENT:

In Las Vegas:

Shane Chesney, Senior Deputy Attorney General

In Carson City:

None

AUDIENCE IN ATTENDANCE:

In Las Vegas:

Jim LaBuda
Caroline McIntosh
Amanda Frazier
Jennifer Dukek
Jamie Castle
Ryan Reeves
Marlo Tsuchiyama
Patty Weakly
Danette Olmos-Green
Jason Sando
Claudia Burns
Wendi Hawk
Richard Moreno
Debra Roberson
Shelley Kloos
Melissa Hester
Margo Tolman
Katie Pellegrino
Ercan Aydogdu
Nick Sarisahn
A,my Zeiders
Elizabeth Dixon
Tami Bass
Kimberly Rushton
Shayne Sheehy
Orlando Dos Santos
Danny Diamond
April Taggert
Tonya Strozier
John Hawk

In Carson City:

Donna Wix
Eugene Paslov

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

Chair Conaboy called the meeting to order at 9:01a.m. with attendance as reflected above.

Chair Conaboy called for a motion for a flexible agenda.

Member McCord moved for approval of a flexible agenda. Member Abelman seconded. The motion carried unanimously.

Agenda Item 2 – Approval of January 8, 2013 SPCSA Board meeting minutes

Member McCord asked that the minutes be updated to include him on the attendance sheet. Chair Conaboy noted the vote for the approval of American Preparatory Academy Subsection 7 charter was not a unanimous vote.

Member McCord moved to approve the January 8, 2013 minutes. Member Mackedon seconded. The motion carried unanimously.

Agenda Item 1 - Public Comment

Wendi Hawk, Chief Academic Officer Nevada State High School addressed Agenda Item 5 regarding section 3 of AB205, which includes the performance framework and also made a formal request for information from the Director Authority. She listed her concerns with the bill and submitted that list to be included in the record. The list of concerns can be found as an attachment to these minutes.

John Hawk, President of CSAN and Director of Nevada State High School presented and passed out a survey that was conducted with the members of the Charter School Association of Nevada and other interested parties. 18 out of the 31 charter schools in Nevada responded to the survey which can be found as an attachment to these minutes.

Agenda Item 14 – Presentation by Silver Sands Montessori Charter School

Director Canavero began by giving a short background of Silver Sands Montessori Charter School. He said that Silver Sands is a great school. He also said that Silver Sands is a great model for the State of Nevada and it shows the success that charter schools can have in Nevada.

Marlo Tsuchiyama, Director of Silver Sands Montessori, Jared Sando, Student Council Treasurer, and Sebastian Balmer, Student Council Vice President spoke on behalf of Silver Sands Montessori. Ms. Tsuchiyama thanked the Authority for inviting there school. Ms. Tsuchiyama also introduced Patti Weakly, Silver Sands Principal and Danette Olmos-Green, Director of Operations at Silver Sands. Ms. Tsuchiyama detailed the growth that Silver Sands had undergone since opening in August 2009. They went from a K – 5 in their first year of operation to K – 8 today. She also detailed the hard work and dedication of all the staff and parents over the 4 years that made Silver Sands Montessori a success. She said the school was awarded a start-up grant worth a little over \$200,000 to help pay for classroom materials, professional development, and other necessities of the school. She then detailed the style of the Montessori learning they employ at Silver Sands. Peace is a large part of the daily curriculum and the school provides different outlets for the students to calm down during stressful moments and refocus on the task at hand. Jared Sando and Sebastian Balmer then presented some of their experiences at Silver Sands and the uniqueness of the school.

Agenda Item 3 – Authority Update

Chair Conaboy noted the two documents that were included in the Support Doc prior to the meeting. The first document, iNVEST report, which is the Nevada School Superintendents' legislative agenda, and the 2013 Education Programs, was authored by the Nevada Department of Education and gives background, statistics, and other information regarding Nevada's schools. Chair Conaboy also said that she and Director Canavero had been spending a lot of time at the Legislature, and they have been having very productive meetings with legislators regarding proposed charter school statute revisions and additions.

Agenda Item 4 – Director’s Report

Director Canavero began by explaining some of the changes to the 2013 charter school application. It is now called the “2013 Call for Quality Charter Schools” and it prescribed the contents of the application for new charters to form in the state. He also said that the SPCSA had been working in conjunction with the Charter School Association of Nevada (CSAN) to provide technical assistance to build the capacity of potential Nevada charter school applicants.

Director Canavero also said that he had just finished writing a grant to the National Governors Association, which explores some of the legal issues around the construct of the Authority. He said he will bring more information to the Authority regarding the grant as it becomes available.

Director Canavero finished his report by pointing out that he was very fortunate to have been able to visit Coral Academy of Science Las Vegas. He stressed that he believes he, along with other SPCSA staff, should make more of an effort to visit the charter schools in person. He said that is a wonderful reminder of the fantastic work that the Authority is doing and it is inspiring to see the schools succeed.

Agenda Item 5 – Legislative Update

Director Canavero along with legislative liaisons Conaboy, Luna and McCord began the discussion with the news that the Charter School Revolving Loan Account is proposed to be funded for the first time in its existence. The Governor is calling for \$750,000 to be set aside for charter schools that are in need of low interest loans to help with operations.

Director Canavero also explained SB59, which is Clark County School District’s bill that would allow charter schools to use district facilities during normal business hours. Director Canavero said that the SPCSA had proposed an amendment that would define the policies that the Board of Trustees would implement during this process.

Agenda Item 6 - Introduction of new SPCSA Business Process Analyst II Traci House, Management Analyst I Katie Higday, and Update of Student Information Systems

Director Canavero introduced Traci House and Katie Higday as new employees of the SPCSA. Traci House was hired as the Business Process Analyst II and will be charged with running the SPCSA’s Powerschool service for the SPCSA-sponsored schools. Ms. House also discussed some of the cost savings associated with having the SPCSA run all of the school’s Powerschool systems.

Katie Higday was hired as the Management Analyst I and will be charged with overseeing the SPCSA operations calendar, AOIS monitoring, Annual Performance Audits, and SPCSA Internal controls.

Agenda Item 7 – Approval of Willie H. Brooks Soar Academy request for an extension of Subsection 7 per NAC 386.240(1)

Tom McCormack, SPCSA Education Program Professional, gave the Authority the history of the Willie H. Brooks Soar Academy’s (Soar) approval of the Subsection 7 charter and the reason they were in need of an extension. Soar had difficulties in acquiring a facility for the school, but had begun to make headway with acquisition of a facility. The Subsection 7 charter they currently held was going to expire before the deal on the facility would be finalized. Mr. McCormack said that it was the recommendation of the SPCSA for approval of Soar’s Subsection 7 extension.

Tami Bass, Committee to Form Liaison for Soar, presented to the Authority as well. She said that Soar would be the first single gender school in Nevada and would be targeting primarily at-risk youth in Clark County.

Member McCord moved for the approval of Willie H. Brooks Soar Academy request for an extension of Subsection 7 per NAC 386.240(1). Member Abelman seconded. The motion carried unanimously.

Agenda Item 8 - Overview of the Authority's monitoring for the 2013-2014 School year

Director Canavero explained the SPCSA's plan and schedule for monitoring schools during the 2013-2014 school year. Director Canavero said that charter schools that were planning to open would be monitored through the Pre-opening requirements. Charter schools in Year 1 of operation would have an Annual Performance Audit conducted which includes a site visit and full desk audit. A charter school that is in Year 2 of operation would be subject to an Annual Performance audit which includes site visits as needed and a full desk audit. Charter School in Year 3 of operation would still be subject to an Annual Performance audit with site visits as needed as well as a desk audit, but the SPCSA would present the findings to the charter school governing board at one of their meetings in order for the board to see how the school was doing at its halfway point in the charter. Year 4 and 5 charter schools would have the scope of their Annual Performance Audit dependent upon the school performance from the subsequent years. Charter schools who are in their sixth year of operation would also be scheduled for their charter renewal. Their monitoring schedule would be based on a complete renewal application, site visit, and renewal recommendation that would be reviewed and approved or denied by the Authority.

Member McCord commented that he was impressed with the schedule and pleased to see the research about charter schools that fail early on in their existence and how those types of issues would be addressed through the SPCSA's monitoring plan.

Agenda Item 11 – Quest Academy Update

Spencer Gunnerson, Quest Academy Board President, led the discussion on behalf of Quest Academy. Director Canavero informed the Authority that the Corrective Action Plan that had been issued and agreed upon by the SPCSA and Quest Academy's board after the last Authority meeting had been met and he had renewed faith in the strength and direction of the school. Mr. Gunnerson credited the hard work the entire Quest Board had put in over the course of a few months that was responsible for turning the school around. He also introduced Deb Roberson as the interim principal of Quest Academy. Ms. Roberson explained the current situation with the facility issues and where the school was at with regard to acquisition of property, academic compliance, and operations compliance going forward.

Chair Conaboy asked Mr. Gunnerson if the security concerns that the YMCA had been addressed. Mr. Gunnerson said while YMCA is a less than ideal facility for Quest Academy the board had indeed addressed the security concerns and were working to make the improvements. Chair Conaboy also asked if the subcommittees that have been set up required any changes to the existing Quest Academy bylaws. Mr. Gunnerson said that the bylaws allowed for ad hoc committees but there had been interest in making the committees permanent. If this does happen then the bylaws will have to be changed to reflect the new standing committees within Quest Academy's governing board. Chair Conaboy asked a final question regarding the communication to the parents of Quest and the outlets they have to express their concerns. Mr. Gunnerson said that it is very important to the Quest Academy Board to allow for open lines of communications with both parents and teachers. He said that meetings have been well attended and public comment has been used by parents to voice their concerns. There is also a newsletter that is being sent out by the board in order to keep parents more apprised of the current events of the school. Ms. Roberson also added that they hold weekly meetings between the administration and the teachers to allow them to voice any concerns or suggestions they may have in order to improve the learning environment at Quest Academy.

Deputy Attorney General Chesney asked Mr. Gunnerson to clarify the report that was sent to the Attorney General's office regarding the matters. Mr. Gunnerson asked that Kimberly Maxom-Rushton answer Deputy Attorney General Chesney's inquiry about the process that had been followed in reporting on the Attorney General's Office. She said she met with members of the AG's office in Las Vegas and submitted a formal request for investigation. She said an investigator had been assigned to the matter and the matter has been turned over to the Attorney General's Office. Ms. Rushton also said that the alleged inappropriate relations

between the staff member and the students that was discussed at prior meetings had been turned over to both the AG office and Las Vegas Metropolitan Police Department.

Member Wahl asked about the status of the basketball team. Mr. Gunnerson said that because of the multitude of things that had to be taken care of immediately the board has not had the opportunity to fully look into the status of the team. He said that as the more immediate concerns regarding the school has been addressed then the Quest Academy Board look into the matter more fully.

Member McCord asked that a summary of Quest Academy's reporting that has been done be entered into the record for historical accuracy of the entire process and resolution. Mr. Gunnerson agreed to submit the information to the Authority. Member McCord also requested updates from the Quest Academy Board at future meetings to see how the progress has gone. Dr. Canavero said that the letter that was sent to the Quest Board outlining the Corrective Action Plan completion already requested updates from the Quest Board on April 1, July 1 and October 1 2013.

Agenda Item 10 - Nevada Connections Academy Charter Renewal

Director Canavero began by explaining the Nevada Connections Renewal Report:

Elementary/Middle School Observations

Review of these data result in the following concerns: Math proficiency, Math Adequate Growth Percentiles, Math Median Growth Percentiles (middle school), and Math GAP

- Except for FY 2009, the percentage of students above the Annual Measurable Objective in Math is consistently negative. This means that students at the elementary/middle school level did not meet the Annual Measurable Objective set by NDE in Math for FY 2010, 2011, and 2012.
- Except for FY 2011, the percentage of students above the Annual Measurable Objective in ELA is positive. This means that students at the elementary/middle school level are meeting the Annual Measurable Objective set by NDE in ELA for FY 2009, 2010, and 2012. However, the percentage of students above the cut is decreasing.
- The percentage of students meeting adequate growth percentile in Math is above the 5th percentile but below the 25th percentile. At the elementary level, this means that out of 163 students tested only 66 students made adequate growth to proficiency. At the middle school level, this means that out of 195 students tested only 29 students made adequate growth to proficiency.
- The median growth percentile in Math for the middle school is below the 5th percentile. This means that these students are ranking at the lowest percentile when compared to like student scores in the rest of the state.
- Sub-populations for the middle school in Math are also performing at the lowest percentile rank. Out of 87 students identified as FRL, IEP, or ELL, only 9 students made adequate growth to proficiency. On the positive side, these same students performed above the 75th percentile in reading.

High School Observations

Review of these data result in the following concerns: Cohort Graduation Rate, math proficiency.

- Students at the high school level are performing at or above the 75th percentile in both reading and math when compared to like student scores in the state.

- Graduation rate is low. The 2011 grade cohort rate was 26.5%. The 2012 grad cohort rate was 36.08%. These rates are well below the annual measurable graduation rate objectives set by the state. The 2011-2012 objective was 63.91%. The 2012-2013 objective is 70.53%.
- Except for FY 2011, the percentage of students meeting the Annual Measurable Objective in Math is negative. This means the students at the high school level did not meet the Annual Measurable Objective in FY 2009, 2010, and 2012. However the trend line is moving the right direction.
- The percentage of students meeting the Annual Measurable Objective in ELA is consistently positive. This positive trend in ELA is also reflected in sub-group gap proficiency rates.

The SPCSA qualified the academic program a success.

Nevada Connections Academy should create a clear plan to support math proficiency and growth in both elementary and middle school students. Additionally, Nevada Connections Academy should focus on improving the school's graduation rate by supporting their students to graduate from high school.

Observations

Nevada Connections Academy is fiscally sound in the near term as indicated by their maintenance of adequate liquid assets to pay liabilities that will mature in the next year and the maintenance of adequate cash to pay over three average months of operating expenses. Their fiscal sustainability outlook is positive as evidenced by their ability to pay debts that mature at dates farther than a year in the future, their sustained positive profit margin over time and their positive annual cash flow.

Nevada Connections Academy's independent CPA audit reports reveal for each of the first five years of their initial charter that their financial statements present fairly, in all material respects, the respective financial position of the governmental activities, the aggregate remaining fund information, and the respective changes in financial position in conformity with accounting principles generally accepted in the United States of America. The auditor's consideration of internal control over financial reporting did not identify any deficiencies in internal control considered to be material weaknesses.

The SPCSA determined that Nevada Connections Academy was financially sound.

Observations

Longitudinal Analysis of the Annual Performance Audit for Nevada Connections Academy 2007-2012: Identification of Significant and/or Repeat Noncompliant Findings 16, 19, 2, 7, and 10, below, are subsections of NAC 386.410, Performance audits: Report of compliance. If pupils with disabilities are enrolled in the charter school, a determination whether the provision of special educational services and programs to those pupils complies with the requirements set forth in chapters 388 and 395 of NRS and NAC 388.150 to 388.450, inclusive.

- Noncompliant for both 2007-2008 and 2008-2009 Nevada Connections Academy's Individualized Education Plan's (IEP) were monitored by the Nevada Department of Education (NDE) in 2007 – 2008. The monitoring produces findings and thus NCA was on a Corrective Action Plan (CAP) for 2008 – 2009 to correct these findings. In each case of a finding, the school provided reasonable assurance of adequate corrective action plans and submitted IEP files to NDE to prove each correction. Subsequently, NCA has not had any issues, concerns, or problems arise since their last formal Special Education monitoring. A determination whether the charter school complies with NRS 386.590 regarding the employment of teachers and other educational personnel.

- Noncompliant for both 2007-2008 and 2009-2010. Nevada Connections Academy resolved prior findings and currently reports to have 100% of their teachers meeting the Highly Qualified standard as defined under No Child Left Behind.

A determination whether the membership of the governing body of the charter school complies with NRS 386.549 and NAC 386.345, including, without limitation, whether:

- (a) The governing body consists of the number of teachers required by NRS 386.549;
- (b) A majority of the members of the governing body reside in the county in which the charter school is located; and
- (c) Each member of the governing body has filed an affidavit with the Department indicating that he or she:
 - (1) Has not been convicted of a felony or offense involving moral turpitude; and
 - (2) Has read and understands material concerning the roles and responsibilities of members of governing bodies of charter schools and other material designed to assist the governing bodies of charter schools, if such material is provided to him or her by the Department, as required pursuant to NRS 386.549.

- Noncompliant for 2009-2010

Nevada Connections Academy will submit a request to amend the Governing Board By-Laws to clarify all questions below related to board member terms, classes, and board member composition.

7. A determination whether the charter school has complied with generally accepted standards of accounting and fiscal management.

- Noncompliant for 2010-2011; deemed a “repeat finding” for the purposes of this report because it is a financial-related finding, as are those for NAC 386.410(10), below.

10. A determination whether the charter school complies with NRS 386.573 regarding orders for payment of money.

- Noncompliant for 2010-2011 and 2011-2012.

In 2010-11, a non-compliant finding with regard to whether the school had complied with generally accepted standards of accounting and fiscal management resulted from a minor issue involving receipts for cash collected. The issue was not repeated in 2011-12, when Nevada Connections Academy was compliant with the standard. While a non-compliant finding in 2010-11 regarding orders for payment of money resulted from a misapplication of the standard in the school’s Fiscal Control Manual, there was in place a viable internal controls structure to correct the minor issue. The 2011-12 non-compliant finding was very minor. In each case of a “finding”, the level of materiality appeared so low as to not raise significant concern. Additionally, the school provided reasonable assurance of adequate corrective action plans for each finding.

The SPCSA determined that Nevada Connections Academy is a viable organization.

The staff of the State Public Charter School Authority recommends Nevada Connections Academy charter be renewed based on the school’s overall academic, financial, and organizational performance.

After Director Canavero finished his testimony, Jamie Castle, President of Nevada Connections Academy’s Governing Board; Jennifer Dukek, Principal of Nevada Connections Academy; Claudia Burns, Senior Director of Education of Quality, Connections Education presented to the Authority. They gave details on the history of the school, how it had performed over the past 6 years, and where they are hoping to see the school go moving forward.

Authority member had questions for the school’s representatives after they had completed their presentation. Member Mackedon asked how many 7 – 12 graders Nevada Connections Academy has enrolled and how the teacher to student ratio relates to those grades. Ms. Dukek said there are about 500 – 600 seventh through twelfth graders and they have 12 K – 6 teachers with the remainder teaching 7 – 12 grade. Member McCord

asked why there was such a precipitous decrease between 10 and 11 grade. Ms. Dukek said there were a few factors that go into the drop. First, they just started offering 12 grade, and they also tend to see a higher percentage of middle schools students enrolling into their program, but then going back to the high school they were zoned for. Member Mackedon suggested segregating out students who had been continuously enrolled at the school in order to determine how the school is educating those children. The Authority continued their discussion on reasons for enrollment decrease from 10 to 11 grade.

Member Abelman said he was having reservations regarding the renewal of Nevada Connections Academy and asked Director Canavero if the school was serving a specific need. Director Canavero said it was the recommendation of the SPCSA staff to renew the charter and with that believed was serving an educational need. Member Abelman asked Nevada Connections Academy what their goals for graduation rates would be in the future. Ms. Dukek said it is the goal of the school to meet or exceed the average graduation rates for the state. Member Wahl also stressed the importance of inputting data correctly when reporting on different metrics in the school. Dr. Rohrer added that she believed the data would be cleaner in subsequent years and with that the graduation rate would improve.

Member McCord motioned for the approval for the term specified under statute with provisions that Nevada Connections Academy must create a clear plan for math proficiency improvements and high school graduation rates. Member Abelman seconded. The motion carried unanimously.

Agenda Item 13 - Charter Schools Association of Nevada Update

Jim LaBuda introduced himself to the Authority as the new director of the Charter School Association of Nevada. Mr. Labuda explained his vision for charter schools in Nevada and the reasons that attracted him to the state. He believes innovation is one of the best ways to improve education and that charter schools are a great way to implement these innovations. He also announced the dates and location for the 2013 Charter Schools Association of Nevada conference that is planned for late June in northern Nevada.

Agenda Item 9 – Presentation concerning the Authority’s proposed Performance Framework

Director Canavero began by giving background on the development of the frameworks for measuring outcomes at SPCSA-sponsored charter schools. He said there are three frameworks, Academic, Financial, and Organizational, and he believed the Organizational and Financial frameworks were ready for Authority approval now. He said the Academic Framework is more complicated and needs more input from parties. Director Canavero said these frameworks will be in addition to the Nevada School Performance framework and will do a better job monitoring and showing outcomes of the charter schools in Nevada. He said one of the things that had been disagreed upon with regard to the Academic Framework was the mission-specific goals being included in the Academic Framework’s measurement. Director Canavero said that he and SPCSA staff believed these goals should not be included in the Academic Framework.

Katherine Rohrer, Education Program Professional then detailed the Academic Framework and the differences between it and the Nevada School Performance Framework (NSPF). The NSPF does not include all the charter schools in its measurements because some of the schools are too small for data to be used. Dr. Rohrer said that these schools then would not receive a rating in the system and the SPCSA needs a framework that consistently measures charter schools performance across all spectrums. She then detailed the values used to shape the Academic Framework. Dr. Rohrer than explained the indicators and measures the Academic Framework would be using to monitor the schools.

Member McCord asked if requiring schools to use certain tests would be an infringement on their autonomy. Dr. Rohrer said that they had chosen the Explore ACT plan so there would be standardized data for measurement across all the schools. Director Canavero also added that it is not uncommon for a sponsor, when developing or implementing frameworks require schools to use certain tests as a condition of sponsorship. Chair Conaboy also added that during legislative hearings a constant balance that is debated is autonomy

versus accountability and how to implement the accountability of the schools without infringing on their autonomy.

Dr. Rohrer continued explaining the framework and the measures that would be used. Chair Conaboy asked Dr. Rohrer how the system would accommodate the shift to the Common Core Standards. Dr. Rohrer said there may be some small bumps, but the frameworks were being developed with that change in mind. She said that SPCSA staff will have to do a lot of groundwork to train the schools to make sure the schools are able to successfully implement the new tests. Member McCord asked if the measurement of post-secondary data would be coming from the National Student Clearinghouse. Dr. Rohrer said that all schools had agreed to use the National Student Clearinghouse and that would be the data that would be collected and measured.

Dr. Rohrer then explained the comparison measurement and how that would be integrated into the Academic Framework's measures. Member McCord said this measurement must always be used carefully because there are circumstances that may alter the measurement. Chair Conaboy asked what the comparison data tells. Dr. Rohrer explained that it can give you an idea of what the Annual Growth of a pupil would be if the charter school they were attending didn't exist. Would they be better off at their home assignment school or the charter school they are attending? She also added that while she has been gathering this data is that overall there has not been a very large gap between the home assignment schools and the charter schools. Member McCord cautioned that the measurement still makes the assumption that people who are in a similar socioeconomic situation live close together then this may not always be the case.

Dr. Rohrer explained that after all the indicators have been measured, those measurements must be given a total score. She explained how the scores would be given and what those scores meant along the spectrum of failure to success of a charter school.

Director Canavero said his goal for this framework and its completion was to take the current framework back to the schools for their review. After they have had their input he said he would like to present the final Academic Framework at the SPCSA meeting in June. Then in September the framework could be implemented for all of the SPCSA-sponsored schools.

Member Wahl asked how the comparisons were being made. Dr. Rohrer said that she looked at the home addresses of the pupils to determine their home school. Chair Conaboy asked Director Canavero exactly what he felt was not ready with the academic model that had been presented. Director Canavero said that the inclusion or deletion of the mission-specific goals had been an item that was still up for debate. As the Director had mentioned earlier, it was the belief of the SPCSA that mission-specific should be left out of this model because it is included in other measures the state uses. Chair Conaboy followed up by asking how the NSPF accommodates the alternative schools. Dr. Rohrer said that the NSPF uses the Average Daily Attendance as a stop-gap and there is language that allows the NSPF to use the mission-specific goals in the measurements. Director Canavero also added that the SPCSA recognizes that the frameworks do not accommodate all educational models. He said there must be an alternative measurement that takes into account the uniqueness of these schools and measures them in a more accurate and effective way.

Brian Flanner, Administrative Services Officer, then presented the Financial Framework. He explained that the financial measurements were nowhere near as complex as the academic measurements that would be used. The framework uses basic financial principles to measure the financial health and future of a given charter school. Chair Conaboy asked that Mr. Flanner to clarify what the review was based on. Mr. Flanner explained the financial data would originate from the Annual Independent Audit each charter school is required to do, which would also cut the amount of time the state auditors would need to spend auditing the charter schools. Mr. Flanner also addressed terminology within the framework and clarified that where the term profit was used, it should have been yearend surplus, and that terminology would be changed in the final draft.

Chair Conaboy asked how lost investments would show up on the framework. Mr. Flanner said the lost investment would show up in a few places in the framework and if the reviewer had no inclination that something was financially wrong, the framework would point out that something was wrong.

Member McCord asked how off-balance sheet charges would be measured. Mr. Flanner said he was unaware of a ratio that was currently measuring that, but he was in contact with the various CPA's and would ask clarify that consideration.

Tom McCormack, Education Program Professional, then explained the Organizational Framework. Mr. McCormack began by saying the purpose of the Organizational Framework was to monitor compliance of the school with the terms and conditions of its charter including compliance with statues and regulations applicable to charter schools. Violations of the terms and conditions of the charter would be deemed a violation of the terms of the contract and may require further action by the charter school's sponsor. The source of the Organizational Framework is the requirements of NAC 386.410, which is the Annual Performance Audit and national best practices models of organizational frameworks. Mr. McCormack then detailed the criteria which the schools Organizational Framework would be measured.

Chair Conaboy asked if the Organizational Framework would be where the mission-specific goals of the schools would be measured. Director Canavero said the framework would measure if the school is living up to the mission they laid out in the charter contract. Chair Conaboy added that the SPCSA's technical assistance needs to be included somewhere within the Organizational Framework. Director Canavero said that the SPCSA can and will provide models that can assist school's with best practices and help them adopt policies that will make them a successful school. Member Abelman asked how governance issues would be dealt with if there is only a one-time audit of the school. Director Canavero said that is a tricky question because you must find the balance between accountability and autonomy. Director Canavero feels if we can strengthen governing boards, it would strengthen the entire school and allow them to remain autonomous in their operations. Member Van added that the frameworks all must hold schools accountable, but there is a need for flexibility within the framework to take into account schools that are different from a typical public school.

Chair Conaboy moved the discussion to which frameworks the Authority would be taking action on during this meeting. Director Canavero asked for the Authority's opinion if the framework was giving appropriate deference to a school's mission-specific goals by removing them from the framework, but ensuring that the goals will always remain in the charter. Chair Conaboy said that she feels that we aren't actually removing the mission-specific goals from the schools. It was her impression that the frameworks are the metrics that are being used to measure the success of the school and the mission is what is driving the whole enterprise. Member McCord commented that the frameworks must not add undue burden to the schools.

Member McCord moved for the approval of the Financial and Organizational Frameworks and approval of the timeline set forth in the Academic Framework and staff presenting the Academic Framework with more data at the next Authority meeting. Member Abelman seconded. The motion carried unanimously.

Agenda Item 12 - Presentation and possible adoption of the Authority Strategic Plan

Director Canavero explained the process that had been undertaken in the development of the SPCSA's Strategic Plan. He explained the various focus groups with schools, boards, and other interested parties. He pointed out a few changes that had been made to the plan after they had discussions with him prior to the day's Authority meeting. The Authority and Director Canavero went over some of the word changes they wanted to see. Member McCord said he would like to see the autonomy of the Authority clearly stated within the Strategic Plan of the Authority. All the changes suggested were very minor. Member Mackedon added that she felt really confident and proud that the ideas and concerns that came up during the focus groups were included in the strategic plan.

Member McCord moved for the approval of the Strategic Plan with flexibility given to the Chair and the Director to make the changes that were discussed. Member Van seconded the motion. The motion carried unanimously.

Agenda Item 16 – Public Comment

Ryan Reeves, manager of Academica Nevada addressed the Authority in support of Agenda Item 5 regarding the legislative agenda. He said that he had been working closely with Senator Hammond to propose bill language that would be considered fair by all parties involved.

Member Mackedon moved for adjournment. Member Abelman seconded the motion. The motion carried unanimously.

The meeting was adjourned at 4:29 p.m.



Public Testimony

Date: 3/22/2013 Page 1 of 2
State Public Charter School Authority Meeting

Testimony by Dr. Wendi Hawk

Germane to Agenda ITEM 5 and ITEM 9

Madame Chair and Members of the Board. For the record, my name is Wendi Hawk the Chief Academic Officer of Nevada State High School (NSHS). My purpose is two prong including: 1) offering input on item five regarding proposed legislation of AB 205 and 2) making a formal request for information from the Director of the State Public Charter School Authority (SPCSA).

Input on Agenda Item 5

I offer input on item five specifically AB 205 and Section 3 of the bill regarding the performance framework. The basis for my input comes from serving on the SPCSA framework committee since its inception, working over nine years from a public charter school's perspective dealing with state accountability measures, and representing Nevada with the National Alliance for Public Charter Schools Masters series where performance frameworks from around that nation have been reviewed, revised, and analyzed in depth.

At this time, I support the development of a performance framework away from legislation that helps create clear standards as a way to measure school performance in the areas that include, but are not limited to operations, finances, academics, and governance. I am asking that the Authority join Nevada State High School in supporting the striking of Section 3 of AB 205 and develop this framework under the provisions of the Authority's policy, procedures, and practices. Use this as an opportunity to separate the sponsorship of the Authority and meet the intended purpose of its values: defensible, transparent, sensitive, accurate, clear, multi-dimensional, actionable, and continuous improvement.

It is my understanding that the intent of the law was only the provision that a framework shall exist, but with so many detailed specifics and unanswered questions already outlined in the law, it is simply not ready. Specifically for the high schools, there are gaps in the data collection that still remain unanswered and have no clear resolutions nearly a year after framework development began.

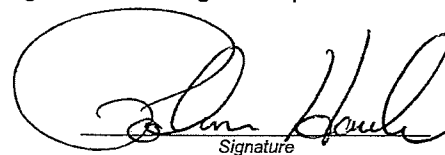
Request for Information

On or before Monday, 4/1/2013, NSHS is making a formal request for information from the State Public Charter School Authority to formulate and detail complete responses to the following:

1. Why is this Performance Framework necessary in the law and not dealt with at the sponsoring level?
2. Does the Authority Board have the right to make policies and procedures to establish expectations and/or guidelines for charters?
3. Will schools have an opportunity to see example templates of what their schools will look like with the Performance Framework applied before being brought to vote in the legislature?
4. What is the time commitment at the school level to manage all aspects of the Performance Framework?
5. What is the time commitment at the Authorizing level to manage all aspects of the Performance Framework?


Signature
Dr. Wendi Hawk, Chief Academic Officer
233 N. Stephanie Street
Henderson, NV 89074

3/22/13
Date


Signature
Dr. John Hawk, Chief Operations Officer
233 N. Stephanie Street
Henderson, NV 89074

3/22/2013
Date

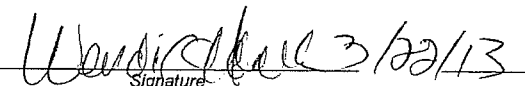


Public Testimony

Date: 3/22/2013 Page 2 of 2
State Public Charter School Authority Meeting

6. How will the results of the Performance Framework impact the schools? What portion of the categories will result in shut down or is it an overall score, etc.?
7. What is the cost analysis on the schools for supplies and for staffing to implement?
 - a. Including, but not limited to: fiscal impact, man hours, resources, professional development
8. What is the cost analysis for the sponsoring agents and will the cost be passed on to the schools?
 - a. Including, but not limited to: fiscal impact, man hours, resources, technical support
9. How will implementation of the Performance Framework impact the fees collected by sponsors?
10. Explain to what extent the Authority will be responsibility to help in the development and improvement of schools?
11. How has the Authority moved from a position of compliance monitor to a performance manager with the development of the Performance Framework?
12. How will the Authority ensure the Performance Framework will not impact school autonomy?
13. How will the Performance Framework work to include the measurement of the school's fidelity toward mission?
14. When will results of the Performance Framework be disseminated to schools for performance improvement?
15. How will the Authority ensure feedback is taken by the schools and implemented prior to moving forward?
16. What is the plan to allow students the ability to retest to eliminate any Type-II errors: Reason - the proficiency exams allows for seven opportunities to retest to pass - Will student have the opportunity to retest to improving EXPLORE or PLAN scores?
17. What is your plan and timeline to clean up missing areas in the Framework that are mandated to be measured such as workforce readiness?
18. What is the plan to include exceptions to data requirements that hurt schools that is out of school control such as return rate when the family moves or a religious mission for first semester enrollment into college after high school graduation?
19. How will mandating each measurement in the law allow for the questionable or unknown criteria of the framework to be changes, adapted, or removed if these portions of the law prove to be ineffective, unreliable, and have nothing to do with student achievement or the performance of schools?
20. What is the Authority's plan to maintain the legal requirements of the Annual Performance Audit and implement the new legal expectations of the Performance Framework without burdening the school's and themselves?
21. If AB 205 passes as written on 3/22/2013, what are the milestones and timeline for implementation by the SPCSA, including but not limited to: testing, data gathering, school labeling (rating), etc.?

The purpose of this request is to collect data to address concerns that Nevada State High School has regarding the SPCSA supporting AB 205 Section 3 in law. NOTE: Many of these questions and attempts at gathering input have been asked to the Authority during phone sessions open to all public charter schools. Some of these questions and others have lacked the necessary clarity and specificity for Nevada State High School. The school is asking for a response to these questions come as one response reviewed by the Director of the Authority and sent electronically on or before Monday, April 1, 2013 to whawk@earlycollegenv.com.


Signature
Dr. Wendi Hawk, Chief Academic Officer
233 N. Stephanie Street
Henderson, NV 89074
Date


Signature
Dr. John Hawk, Chief Operations Officer
233 N. Stephanie Street
Henderson, NV 89074
Date

Charter School Association of Nevada – Resolution # 002

A Resolution of the Charter School Association of Nevada (CSAN) Board of Trustees (The Association) - Urging the Governor, Legislators, Public Officials and Charter School Sponsors to Support Positive Legislative Efforts Giving Freedom and Flexibility to Public Charter Schools, Establishing Clear Language to Support Schools Unique Missions, and Eliminating Duplicative Efforts for Sponsors that Takeaway Valuable Resources from Technical Support for the term of the 77th Nevada Legislative Session over the next two to three months.

WHEREAS, The support of positive legislative efforts matter to more than 32 public charter schools and the education of more than, 18,000 elementary/middle/secondary charter school students, and 2.5 million residents in Nevada; and

WHEREAS, The term *“support positive legislative efforts giving freedom and flexibility to public charter schools, establishing clear language that supports public charter schools unique missions, and eliminating duplicative efforts for sponsors that takeaway valuable resources from technical support”* are the efficacies around the charter school movement in Nevada which sees public charter schools open and built on limited budgets that demand efficient and effective use of resources and a passion to stay mission focused on language that allows each freedom and flexibility; and

WHEREAS, Charter schools are given the freedom and flexibility to operate independently in exchange for higher accountability when showing support for positive legislative efforts that are built within a system that assists, develops, guides, monitors, and supports schools to independence and resourcefulness – to preserve the mission of each school while allowing for growth, development, and innovation towards solutions that meet the needs of Nevada’s students; and

WHEREAS, Educational reform efforts provide quality standards showing value to the business community with students that are college and career-ready; and

WHEREAS, Now, therefore, be it

RESOLVED, this 21st day of March, 2013, by the Board of Trustees, Charter School Association of Nevada, that during the next two to three months for the term of the 77th Nevada Legislature support positive legislative efforts giving freedom and flexibility to charter schools, establishing clear language that supports charter schools unique missions, and eliminating duplicative efforts for sponsors that takeaway valuable resources from technical support.

PASSED, APPROVED AND ADOPTED this twenty-first day of March 2013.

CHARTER SCHOOL ASSOCIATION OF NEVADA



John Hawk, President

7. Comments

- the Authority provided a friendly amendment to SB59 with the intent to ensure transparent and fair opportunities for charter schools to occupy district facilities. Available on Neils. Members of Senate Ed asked for follow-up meetings.
 - not sure of the appropriateness of deliverables and technical support expectations within a contract. Certainly a good idea to articulate technical support that schools can count on from sponsor.

9. Charter schools are designed to be held to a higher level of accountability in exchange for more freedom. Most of these proposed bills suggest implementing legislative restrictions that will limit charter schools to a one-size-fits-all model rather than emphasize the individual missions and unique approach each school takes to education. The ideas in most of these bills can be accomplished at a local or authorizing level, and it appears that the staff and board members who are supposed to be supporting charter schools are displacing their responsibility to govern onto the State Legislature. The Authority can have a performance contract and a performance framework, but they should do so in an open, transparent, stable, and clear manner that they take responsibility for – not the legislature. The message to the Authority is to do their job as advocates for charter schools rather than hiding behind unnecessary and restricting bills. The Authority should be defending against ANY legislation that intrudes into the freedoms for charters and instead only support those bills that promote more positive growth and opportunities for successful charter schools and their students.

Wed, Mar 20, 2013 2:01 PM

10. Eliminate performance framework from AB 205

Wed, Mar 20, 2013 1:50 PM

11. I support all of the concepts and ideas present in the current legislation. The performance framework legislation is still being tweaked, and how those details are resolved and implemented is, of course, critical to determining the level of support for the bill. Nevertheless, I support the concept and hope it is implemented in a manner that is efficient and effective.

Wed, Mar 20, 2013 1:26 PM

25 responses per page

answered question	11
skipped question	20

6. Please identify any clean-up language you would recommend in any of the bills.

7. Comments	Response Count
17. see comments	11
18. I don't have any at this time.	7
19. None	0
20. Allow schools directory information	0
21. I would request that the nature of charter schools be kept in mind for all bills. While I appreciate accountability and mandatory reporting, I don't like having a sponsor who may not approve of charter schools be the deciding factor for what a high performing charter school should be. I think we need to be true to some extent to the autonomy of charter schools without all of our forms of freedom being removed.	0
22. "	0
23. looks good	0
24. AB205 should include language that allows for the mission and the vision of the school to be recognized as a large part of the performance framework. It should also allow for flexibility to allow charters to celebrate what they are doing for at risk/all students and not act as a penalizing method for those students who are not receptive to supports.	0

25 responses per page

answered question	24
skipped question	7
Hide replies	
answered question	11
skipped question	20

7. Comments

Response Count

11

answered question

11

skipped question

20

7. Comments

1. We support question number 4, but are having trouble locating it in a bill. Will you please give us direction on this?
2. SB384 -Clarification about the facilities financing portion of this bill... Does this apply to all charters or just Authority charters?

Thu, Mar 21, 2013 10:29 AM

SB205 - We support moving towards a performance based system versus compliance, however the compliance issues we have going away with this. The issue of monitoring a charter for compliance could be clearly detailed so there is an opportunity for technical support prior to monitoring and then define how compliance is determined (i.e. document review, site visit, random on-site requests for documents, etc.). It seems the issue of compliance monitoring differs from school to school.

The language details too much about what the performance framework should entail without room for negotiation based on the school model which is unique to each school. Since every charter is unique in their model, the framework should allow for flexibility in the model and points awarded for meeting the model as stated in the charter. For example, one of the program components of my school is designed to develop data-based personal learning plans. The framework could allow for some measure to analyze whether or not we are implementing this program component. In addition, schools who serve at-risk students based on the state definition of at-risk should be measured on how they are addressing such at-risk needs. Language should be added to tailor the framework according to these items and have those items weigh in on the final score which includes proficiency, growth and attendance.

Lots of talk about "proficiency". No language on what determines proficiency and how confidence intervals should be used as they are a statistical safeguard to ensure data is valid and reliable (confidence intervals have been eliminated in the most recent performance framework).

25 responses per page

answered question	11
skipped question	20

5. Do you support legislation...	YES	NO	UNSURE	Rating Count
...eliminating restrictions on times during which a charter school may use school buildings owned by a school district?	91.7% (22)	0.0% (0)	8.3% (2)	24
...allowing employees, members of a committee to form, or members of a governing body of a public charter school preferential treatment to enroll their child rather than the being subject to a lottery?	83.3% (20)	8.3% (2)	8.3% (2)	24
...having sponsors assemble a team of reviewers who possess the appropriate knowledge and expertise with regard to the academic and operational experience of a public charter school to review and evaluate the application of a new public charter school?	91.7% (22)	4.2% (1)	4.2% (1)	24
...incorporating in a public charter school contract stating the deliverables and technical support expectations of a sponsor to a public charter school in return for their sponsorship fee?	66.7% (16)	12.5% (3)	20.8% (5)	24
...developing a public charter school contract between a sponsor and the charter school that describes administrative relationship between the sponsor of the charter school and the governing body of the charter school, including,	62.5% (15)	16.7% (4)	20.8% (5)	24
		answered question		24
		skipped question		7

6. Do you support legislation... without limitation, the rights and duties of the sponsor and the governing body?	41.7% (10)	29.2% (7)	29.2% (7)	24
...creating a performance framework from each public charter school sponsor for the purpose of developing clear standards that will address academic achievement, proficiency of pupils, academic disparities of pupils, rate of attendance, percentage of pupils who reenroll, financial condition and sustainability, rates of graduation, preparation of for post-secondary education, career, and college readiness?	95.8% (23)	0.0% (0)	4.2% (1)	24
...exempting public charter schools from local ordinances that mandate improving landscape, contributing to cost of road and sidewalk improvements, requiring to pay for zoning fees, paying for additional inspection fees for being a school, imposing restrictions on school location, or using tax-exempt status as a factor regulating against locating a school on a property?				
...authorizing the State Public Charter School Authority to be a pass-through and be held harmless to issue bonds, notes and other obligations to finance the acquisition of property, buildings and facilities for public charter schools?	79.2% (19)	0.0% (0)	20.8% (5)	24
...funding a revolving loan account that public charter schools could access to receive low interest loans?	91.7% (22)	0.0% (0)	8.3% (2)	24
		answered question		24
		skipped question		7

MEMORANDUM IN SUPPORT OF SENATE BILL 384

Legislative Purpose

Establish procedures for charter schools to use tax-exempt bonds to finance the acquisition and construction of land and buildings. The bonds are not and do not give rise to a general obligation or liability of the State and do not affect the general credit of the State.

Issue

A major obstacle in charter school development in the State of Nevada is facilities funding. Most charter schools are limited to signing leases with standard commercial terms and lease rates, which include annual rent escalators and provide no opportunity to obtain the benefits of ownership of the facility. A proven, low-cost financing option which exists in many other States is the issuance of tax exempt bonds through a State agency on behalf of the charter schools.

Current Conditions

Existing State laws make it extremely difficult if not impossible to issue bonds for charter schools. These laws are designed for economic/industrial development bonds and do not directly address charter schools. Current laws contain many restrictive requirements which practically prohibit charter schools from participating, including; bond projects must comply with the State Plan for Economic Development, require a 10 year presence in the State, require a 5 year operating history, and require approvals from the city or county in which the charter school is located.

As a result, the only tax-exempt bond issuance completed by a State authorized Nevada charter school was completed through an out of state issuing entity. In order to use the out of state entity, the charter school was forced to pay higher interest rates, go through a more complicated process and incur increased financing expenses.

The Legislation

- SB 384 gives the State Public Charter School Authority the power and ability to issue bonds on behalf of Charter Schools.
- The Nevada Public Charter School Authority is clearly designated as a conduit, or pass-through, issuer of the bonds.
- The legislation prohibits any general obligation or liability upon the State of Nevada or the Nevada Public Charter School Authority or any charge upon the State's general credit.
- The bonds are secured solely by school's revenues and a mortgage on the land and building
- Each bond issue is for a specific, pre-defined project; not a pool financing.
- The legislation changes the name of the Charter School Authority in order to more clearly identify it as a Nevada government entity on the bond market.
- The legislation allows Charter School Boards to incorporate as 501(c)(3) non-profit entities, which is necessary for the issuance of tax-exempt bonds under federal tax law.
- Approval of the Charter School Sponsor is required prior to issuing debt.
- Costs incurred by the NPCSA will be covered by fees charged to participating schools which will be funded through bond proceeds.

Attorney General's Office
100 N. Carson Street
Carson City, Nevada 89701-4717

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EXHIBIT 11

EXHIBIT 11

CHARTER SCHOOL CONTRACT

between

State Public Charter School Authority

and

Nevada Connections Academy

Contents

CHARTER CONTRACT	5
RECITALS	5
Part I: Operation of the School	7
1.1 Establishment	7
1.2 Parties	7
1.3 Term of Charter Contract	7
1.4 General	7
1.5 Charter School Governing Body	7
1.6 Location	9
1.7 Facilities	9
1.8 Charter School Independence	9
1.9 Pre-Opening Conditions	10
Part 2: School Operations	10
2.1 Open Meetings and Public Records	10
2.2 Mission Statement	10
2.3 Age; Grade Range; Number of Students	10
2.4 Non-discrimination	11
2.5 Student Recruitment, Enrollment and Attendance	11
2.6 Tuition, Fees and Volunteer Requirements	12
2.7 School Calendar, Hours of Operation	12
2.8 Student Conduct and Discipline	12
2.9 Service Agreements, Contracts, Facility Lease or Purchase	13
2.10 Contracts with an Educational Management Organization (EMO)	13
2.11 Employment Matters	14
2.12 Student Health, Welfare and Safety	15
2.13 Transportation	15
Part 3: Educational Program	15
3.1 Design Elements	15
3.2 Curriculum	15
3.3 Student Assessment	15
3.4 Special Education	16
3.5 English Language Learners	17
Part 4: Charter School Finance	17
4.1 Financial Management	17
4.2 Budget	19
4.3 Charter School Funding	19
4.4 Authority Funding	19
Part 5: Insurance and Legal Liabilities	20
5.1 Insurance	20
5.2 Liability	20
Part 6: Transparency and Accountability	20
6.1 Charter School Reporting	20

6.2	Additional Reporting	21
6.3	Authority Reporting	21
Part 7: Oversight		21
7.1	Authority	21
7.2	Inspection	21
7.3	Site Visits	21
7.4	Notification	22
7.5	Intervention	22
Part 8: Termination and Default Termination		23
8.1	Termination	23
8.2	Default Termination	25
8.3	Other Remedies	25
Part 9: Closure		25
9.1	Closure	25
Part 10: Dispute Resolution		25
10.1	Dispute Resolution	25
Part 11: School Performance Standards and Review		26
11.1	Performance Standards	26
11.2	Review	26
Part 12: Contract Construction		27
12.1	Entire Charter Contract	27
12.2	Authority	27
12.3	Notice	28
12.4	Waiver	28
12.5	Non-Assignment	28
12.6	Applicable Law	28
12.7	Material Amendments	28
12.8	Non-Material Change - Notification Required	29
12.9	Other Changes – Determination as Material or Non-Material, Requiring Notification or Not.	29
12.10	Severability	29
12.11	Third Parties	30
12.12	Counterparts; Signatures	30
12.13	Material Breach	30

SIGNATURE PAGE

EXHIBIT #1

Charter School Performance Framework

EXHIBIT #2

Articles of Incorporation, if applicable

EXHIBIT #3

Charter Application	34
EXHIBIT #4	35
Pre-Opening Conditions	35

CHARTER CONTRACT

This agreement constitutes a Charter Contract (the "Charter Contract") executed between the State Public Charter School Authority (the "Authority"), and Nevada Connections Academy (the "Applicant(s)") (collectively, the "Parties") to establish and operate the Nevada Connections Academy (the "Charter School"), an independent and autonomous public school authorized to operate in the State of Nevada.

RECITALS

"WHEREAS, The primary consideration of the legislature in enacting legislation to authorize charter schools is to serve the best interests of all pupils, including pupils who may be at risk; and

WHEREAS, The intention of the legislature is to provide:

1. The board of trustees of school districts with a method to experiment with providing a variety of independent public schools to the pupils of this state;
2. A framework for such experimentation;
3. A mechanism by which the results achieved by charter schools may be measured and analyzed; and
4. A procedure by which the positive results achieved by charter schools may be replicated and the negative results may be identified and eliminated; and

WHEREAS, It is further the intention of the legislature to provide teachers and other educational personnel, parents, legal guardians and other persons who are interested in the system of public education in this state the opportunity to:

1. Improve the learning of pupils and, by extension, improve the system of public education;
2. Increase the opportunities for learning and access to quality education by pupils;
3. Encourage the use of different and innovative teaching methods;

4. Establish appropriate measures for and assessments of the learning achieved by pupils who are enrolled in charter schools;
5. Provide a more thorough and efficient system of accountability of the results achieved in public education in this state; and
6. Create new professional opportunities for teachers and other educational personnel, including, without limitation, the opportunity to increase the accessibility and responsibility of teachers and other educational personnel for the program of learning offered;"

WHEREAS, The Authority is authorized by the Legislature to sponsor charter schools pursuant to NRS 386.509; and

WHEREAS, on April 25, 2014, the Authority approved the application for a charter contract pursuant to Assembly Bill 205; and

WHEREAS, the Parties intend that this Charter Contract serve as a performance contract that governs the operation of the Charter School;

NOW THEREFORE, in consideration of the mutual covenants, representations, warranties, and agreements contained herein and for other good and lawful consideration, the receipt and sufficiency of which is hereby acknowledged, the Authority and Charter School agree as follows:

Part I: Operation of the School

1.1 Establishment

- 1.1.1 As authorized by the Nevada Revised Statute (NRS) 386.509, the Authority hereby authorizes the operation of the Charter School with the aforementioned conditions, and in accordance with the terms and conditions set forth in this Charter Contract.
- 1.1.2 This Charter Contract is entered into between the Charter School, its governing body (the "Charter Board") and the Authority.

1.2 Parties

- 1.2.1 The person authorized to sign the Charter Contract on behalf of the Charter School is the President of the Charter Board ("Charter School Representative").
- 1.2.2 The person authorized to sign on behalf of the Authority is the Chair of the Authority or, in the absence of the Chair, the Acting Chair.
- 1.2.3 The Charter School Representative affirms as a condition of this Charter Contract, that he/she is the above-described representative of the Charter School and has authority to sign this Charter Contract on behalf of the Charter School.

1.3 Term of Charter Contract

- 1.3.1 The Term of this Charter Contract shall be six (6) years.
- 1.3.2 This Charter Contract is effective upon execution, and the term of the Charter Contract begins as a written charter on May 6, 2013~~June 13, 2014~~ and will terminate six years from that date~~on June 13, 2020~~, unless earlier terminated as provided herein.

1.4 General

- 1.4.1 The Charter School shall not operate for profit and may be incorporated as a nonprofit corporation pursuant to the provision of chapter 82 of NRS.
- 1.4.2 The Charter School certifies that all contracts obligating the Charter School have been and will be undertaken by the Charter School in accordance with statute and regulation.
- 1.4.3 The Charter School and its Charter Board shall operate at all times in accordance with all federal and state laws, local ordinances, regulations and Authority policies applicable to charter schools.
- 1.4.4 The Charter School shall be deemed a public school subject to all applicable provisions of local, state and federal law and regulation, specifically including but not limited to health and safety, civil rights, student assessment and assessment administration, data collection, reporting, grading, and remediation requirements, except to the extent such provisions are inapplicable to charter schools.
- 1.4.5 Pursuant to NRS 386.513, the Local Education Agency of the Charter School is the Authority.

1.5 Charter School Governing Body

- 1.5.1 The Charter School shall be governed by the Charter Board, and deemed a public body, in a manner that is consistent with the terms of this Charter Contract so long as such provisions are in accordance with applicable state, federal, and local law and regulation. (NRS 386.549)
- 1.5.2 The Charter Board shall have final authority and responsibility for the academic, financial, and organizational performance of the Charter School, and the fulfillment of the Charter Contract.
- 1.5.3 The Charter Board shall be the final authority in matters affecting the Charter School, including but not limited to staffing, job titles, employee salary and benefits, financial accountability and curriculum.
- 1.5.4 The Charter Board shall act in accordance with and is subject to the Nevada Open Meeting Law, Public Records Law, and Nevada Local Government Purchasing laws (NRS 332.039-.148)
- 1.5.5 The Charter Board shall have authority for and be responsible for policy and operational decisions of the Charter School. The Charter Board shall govern the Charter School pursuant to the following terms and conditions:
 - 1.5.5.1 Articles of Incorporation and Bylaws. The articles of incorporation, if applicable, and bylaws of the Charter Board shall provide for governance of the operation of the Charter School as a public charter school and shall at all times be consistent with all applicable law, regulation and this Charter Contract. The articles of incorporation, if applicable, are set forth in Exhibit #2 (initially or as amended, the “Articles of Incorporation”) and incorporated herein by reference. The Charter School shall notify the sponsor of changes to the bylaws or Articles of Incorporation.
 - 1.5.5.2 Composition. The composition of the Charter Board shall at all times be determined by and consistent with the articles of incorporation, if applicable, and bylaws and all applicable law and regulation. The complete roster of the Charter Board and each member’s affidavit, resume, and Request for Information shall be maintained in the Authority’s established document library (AOIS). The Charter Board shall notify the Authority of any changes to the Board Roster and submit an amended Board Roster to the documents library within ten (10) business days of their taking effect.
 - 1.5.5.3 Affiliation. Notwithstanding any provision to the contrary in the Charter Contract, the Articles of Incorporation, if applicable, or the bylaws, in no event shall the Charter Board, at any time, include more than two directors, officers, employees, agents or other affiliates of any single entity, with the exception of the Charter School itself, regardless of whether said entity is affiliated or otherwise partnered with the Charter School. (NAC 386.345(3))
 - 1.5.5.4 Conflicts of Interest. The Charter Board shall adopt a Conflicts of Interest Policy (the “Conflicts of Interest Policy”), including provisions related to nepotism and consistent with this section and applicable law by January 1 of the Charter School’s first year of operation . The Charter Board shall, at all

times, comply with the provisions of the Conflicts of Interest Policy. The adopted and approved Conflicts of Interest Policy shall be maintained in the Authority's established document library (AOIS). Any modification of the Conflicts of Interest Policy must be submitted to the Authority within five (5) days of approval by the Charter Board.

- 1.5.5.5 Non-Commingling. Assets, funds, liabilities and financial records of the Charter School shall be kept separate from assets, funds, liabilities, and financial records of any other person, entity, or organization unless approved in writing by the Authority.

1.6 Location

- 1.6.1 The Charter School shall operate and provide educational services, including, without limitation, delivery of instruction or conduct operations at the following location(s):

555 Double Eagle Ct #2000, Reno, NV 89521

Additionally, the Charter School may employ personnel who work remotely to provide the above described services.

1.7 Facilities

- 1.7.1 The building(s) in which the Charter School is to be located shall be known as the Charter School Facilities (the "Facilities").
- 1.7.2 The Authority or its designee may, at the Authority's discretion, conduct health and safety inspections of the Facilities.
- 1.7.3 The Facilities shall meet all applicable health, safety and fire code requirements and shall conform with applicable provisions of the Americans with Disabilities Act and any other federal or state requirements applicable to public charter schools.
- 1.7.4 The Charter School's relocation to different Facilities shall constitute a material amendment of this Charter Contract and shall not become effective and the Charter School shall not take action or implement the change requested in the amendment until the amendment is approved, in writing, by the Authority.
- 1.7.5 In the event that legally viable Facilities and/or necessary certificates and permits are not in place, the Charter School may not provide instruction at the Facilities or otherwise admit pupils into the Facilities. In such event, the Authority reserves the right to enforce any of the consequences for failure to act in accordance with the material terms and conditions of this Charter Contract.

1.8 Charter School Independence

- 1.8.1 Neither the Authority nor the board of trustees of the local school district in

which the Charter School is located may assign any pupil who is enrolled in a public school or any employee who is employed in a public school to the Charter School. Neither the Authority nor the local school district in which the Charter School is located may interfere with the operation and management of the Charter School except as authorized by NRS 386.490-.610, inclusive, and any other statute or regulation applicable to the Charter School or its officers or employees.

- 1.8.2 The Charter School will be subject to review of its operations and finances by the Authority, including related records, when the Authority, in its sole discretion, deems such review necessary.

1.9 Pre-Opening Conditions

- 1.9.1 The Charter School's pre-opening conditions (initially or as amended, the "Pre-Opening Conditions") shall be as presented in Exhibit #4 and incorporated by reference herein. Any change to the Pre-Opening Conditions shall be a material amendment to this Charter Contract and the Charter School shall not take action or implement the change requested in the amendment until the amendment is approved, in writing, by the Authority.
- 1.9.2 Failure to timely fulfill any material term of the Pre-Opening Conditions shall be considered a breach of material compliance with the Charter Contract pursuant to NRS 386.535 and shall be grounds for Authority intervention. Notwithstanding the immediately foregoing, the Authority may modify the restrictions contained therein or may grant the Charter School an additional planning year upon good cause shown.

Part 2: School Operations

2.1 Open Meetings and Public Records

- 2.1.1 The Charter School shall maintain and implement policies and procedures to ensure that it complies with all applicable laws and regulations relating to public meetings and records.

2.2 Mission Statement

- 2.2.1 The Charter School's mission statement (initially or as amended, the "Mission Statement") shall be as presented in the approved Charter Application appearing in Exhibit #3 and incorporated by reference herein. Any change to the Mission Statement shall be a material amendment to this Charter Contract and shall not become effective and the Charter School shall not take action or implement the change requested in the amendment until the amendment is approved, in writing, by the Authority.

2.3 Age; Grade Range; Number of Students

- 2.3.1 The Charter School shall provide instruction to pupils in such grades and numbers in each year of operation under the Charter Contract as it did during

the 2015-2016 academic year.

2.3.2 The Charter School may modify the number of students in any particular grade, and number of students within a class, to accommodate staffing exigencies and attrition patterns provided such modifications are consistent with this Charter Contract.

2.3.3 Elimination of a grade level that the Charter School was scheduled to serve; expansion to serve grade levels not identified in 2.3.1; or an annual increase or decrease in total enrollment by more than 10% from the enrollment of October 1 of preceding year shall be a material amendment of this Charter Contract and shall not become effective and the Charter School shall not take action or implement the change requested in the amendment until the amendment is approved, in writing, by the Authority. Authorization to expand may require the Charter School to demonstrate satisfactory academic and financial performance, and organizational compliance. Regardless what enrollment projections are contained in the charter school application approved by the Authority, the first year enrollment on October 1 for the Charter School shall serve as the basis for the 10% annual enrollment increase or decrease for the school's second year; similarly, subsequent years' enrollment on October 1 shall serve as the basis for the following years' enrollment. Each year's enrollment shall be limited to 10% more pupils than the previous year's October 1 enrollment unless the school's request for a material amendment is approved by the Authority. For example, a school enrolling 100 pupils any given year may enroll no more than 110 pupils the following year without Authority approval of a material amendment. It is the responsibility of the Charter School to request the material amendment required by this section 2.3.3 in a timely manner so as to manage the school's enrollment to comply with 2.3.3.

2.4 **Non-discrimination**

2.4.1 The Charter School shall not discriminate against any student, employee or other person on the basis of race, color, creed, ethnicity, national origin, gender, marital status, religion, ancestry, disability, sexual orientation, sex, gender identity or expression, need for special education services, income level, athletic ability, proficiency in the English language or any other grounds that would be unlawful if done by any other public school. It shall take all steps necessary to ensure that discrimination does not occur, as required by federal civil rights law.

2.5 **Student Recruitment, Enrollment and Attendance**

2.5.1 The Charter School shall make student recruitment, admissions, enrollment and retention decisions in a nondiscriminatory manner and without regard to race, color, creed, national origin, sex, marital status, religion, ancestry, disability, need for special education services or status as credit-deficient. In no event may the Charter School limit admission based on race, ethnicity, national origin, gender, disability, income level, athletic ability, status as credit-deficient or

proficiency in the English language, except as authorized by NRS 386.580(8).

- 2.5.2 The Charter School shall adopt and adhere to a Truancy and Absence Policy pursuant to NAC 386.180(5).
- 2.5.3 If there are more applications to enroll in the charter school than there are spaces available, the charter school shall select students to attend using a random selection process that shall be publicly noticed and open to the public.
- 2.5.4 Pursuant to NRS 386.580, Charter School may give enrollment preference based upon criteria established in law and regulation. Should state laws or regulations be amended to alter the nature or application of enrollment preferences, Charter School shall comply therewith upon the effective date of the changes. Before the Charter School enrolls pupils who are eligible for enrollment, the Charter School may enroll a child who:
 - 2.5.4.1 Is a sibling of a pupil currently enrolled;
 - 2.5.4.2 Was enrolled in a tuition-free prekindergarten program at the Charter School or affiliated program with the Charter School;
 - 2.5.4.3 Is a child of a person who is:
 - 2.5.4.3.1 Employed by the Charter School;
 - 2.5.4.3.2 A member of the Committee to Form the Charter School; or
 - 2.5.4.3.3 A member of the Charter Board;
 - 2.5.4.4 Is in a particular category of at-risk and the child meets the eligibility requirements prescribed by the Charter School for that particular category; or
 - 2.5.4.5 Resides within the school district and within two (2) miles of the Charter School if the Charter School is located in an area that the Authority determines includes a high percentage of children who are at-risk.
- 2.6 **Tuition, Fees and Volunteer Requirements**
 - 2.6.1 The Charter School shall not charge tuition or fees of any kind as a condition of enrollment. The Charter School may not impose any fees that a school district would be prohibited by applicable law or regulation from imposing.
 - 2.6.2 Nothing in this section shall be interpreted to prohibit the Charter School from imposing fees that a school district would be permitted to impose.
 - 2.6.3 Any requirement that a parent commit a number of volunteer hours shall be prohibited unless such a requirement considers individual family circumstances and allows for a waiver of volunteer hours.
- 2.7 **School Calendar; Hours of Operation**
 - 2.7.1 The Charter School shall adopt a school calendar with an instructional program to provide annually at least as many days of instruction as are required of other public schools located in the same school district as the Charter School is located, unless written approval from the Superintendent of Public Instruction provides for a waiver of this requirement. (NRS 386.550)
- 2.8 **Student Conduct and Discipline**

2.8.1 The Charter School shall adopt and adhere to a student discipline policy (the “Discipline Policy”) pursuant to NRS 386.585 and regulation. The Charter School may not remove, withdraw, suspend or expel a pupil against a parent’s wishes for reasons other than the reasons for suspension or expulsion stated in NRS 392.4655 – 392.4675 or other applicable statute or regulation. Nothing in this provision precludes the Charter School from withdrawing a pupil from the Charter School consistent with applicable law and regulation.

2.9 **Service Agreements, Contracts, Facility Lease or Purchase**

2.9.1 Nothing in this Charter shall be interpreted to prevent the Charter School from entering into a contract or other agreement related to the operation of the school. The Charter School shall include in any agreement or contract entered into that the provisions of any such agreement are enforceable only to the extent they are compliant with applicable law and regulation. The Charter Board is responsible for ensuring that all contracts or other agreements are compliant with existing law and regulation.

2.9.2 The Charter School shall clearly indicate to vendors and other entities and individuals with which or with whom the Charter School enters into an agreement or contract for goods or services that the obligations of the Charter School under such agreement or contract are solely the responsibility of the Charter School and are not the responsibility of the State of Nevada, the Authority, or the Department of Education.

2.10 **Contracts with an Educational Management Organization (EMO)**

2.10.1 The provisions appearing under 2.9 apply to contracts with an EMO.

2.10.2 Should the Charter School intend to enter into an agreement with an EMO as defined by NRS 386.562, the following provisions shall apply:

2.10.2.1 The Charter School shall comply with all Authority requests for information about the EMO that are reasonably related to the Authority’s duty to ensure that the Charter School is in compliance with all provisions of this Charter Contract and NRS 386.562; and NAC 386.400, 386.405, 386.407, 386.180, and 386.204 or other applicable statute and regulation.

2.10.2.2 In no event shall the Charter Board delegate or assign its responsibility for fulfilling the terms of this Charter Contract.

2.10.2.3 Any management contract entered into by Charter School shall include an indemnification provision for the Charter School as follows: “The management company shall indemnify, save and hold harmless against any and all claims, demands, suits, actions, proceedings, losses, costs, judgments, damages, or other forms of liability to third parties, of every kind and description, actual or claimed, including but not limited to attorneys’ fees and/or litigation expenses, including but not limited to injury to property or persons (including but not limited to civil rights violations), occurring or allegedly occurring, in connection with the operation of the

management company, or from conduct committed or alleged to have been committed by the management company on the premises of the Charter School, or from conduct committed by the management company's employees, officers, directors, subcontractors, or agents, during the term of this Charter Contract or any renewal thereof. Additionally, the management company shall defend the Authority in any such action or proceedings brought thereon. This provision shall survive the termination of this contract."

- 2.10.2.4 Should the Charter School propose to enter into a contract with an EMO, the Charter School agrees to submit all information requested by Authority regarding the management arrangement, including a copy of the proposed contract and a description of the EMO, with identification of its principals and their backgrounds. Entering into a contract with an EMO when an EMO was not previously engaged, terminating a contract with an existing EMO, or replacing an existing EMO with another EMO is considered a material amendment of the Charter Contract and the Charter School shall not enter into or terminate such contracts without written Authority approval.
- 2.10.2.5 Renewal or renegotiation of an existing contract with an EMO requires the Charter School to notify the sponsor, only, and is not considered a material amendment.

2.11 Employment Matters

- 2.11.1 All employees of the Charter School shall be deemed public employees.
- 2.11.2 The Charter School agrees to comply with the provisions of NRS 386.595 regarding employment status and NRS 386.590 regarding teacher licensure.
- 2.11.3 Neither the Charter School, nor its employees, agents, nor contractors are employees or agents of the Authority; nor are either the Authority or its employees, agents, or contractors employees or agents of the Charter School. None of the provisions of this Charter Contract will be construed to create a relationship of agency, representation, joint venture, ownership, or control of employment between the Parties other than that of independent Parties contracting solely for the purpose of effectuating this Charter Contract.
- 2.11.4 The Charter School shall have ultimate responsibility for employment, management, dismissal and discipline of its employees, including key personnel employed by an EMO. The Charter School will establish and implement its own dispute resolution process for employment matters.
- 2.11.5 The Charter School may not employ instructional personnel whose certificate or license to teach has been revoked or is currently suspended by the state board of education in this state or another state. (NRS 386.590(a))
- 2.11.6 An employee of a charter school is eligible for all benefits for which the employee would be eligible for employment in a public school, including, without limitation, participation in the Public Employees Retirement System in a

manner consistent with NRS 386.595.

- 2.11.7 The Charter School shall conduct criminal background checks and act in accordance with NRS 386.588.
- 2.11.8 The Charter School shall maintain employee files as identified in the Operations Manual, which are subject to audit by the Authority or other appropriate entity.
- 2.11.9 If the Charter School receives Title I funding, it must ensure that 100% of teachers in core academic subjects are Highly Qualified (as defined in the Elementary and Secondary Education Act) or are working pursuant to a plan to achieve Highly Qualified status.
- 2.12 **Student Health, Welfare and Safety**
 - 2.12.1 The Charter School shall comply with all applicable federal and state laws and regulations concerning student health, welfare, and safety, including but not limited to state laws regarding the reporting of child abuse, accident prevention and disaster response, and any applicable state and local regulations governing the operation of school facilities.
- 2.13 **Transportation**
 - 2.13.1 If applicable, the Charter School shall be responsible for providing students transportation consistent with the plan proposed in the approved Charter Application appearing in Exhibit #3 and incorporated herein.
 - 2.13.2 The termination or change of transportation shall constitute a material amendment of this Charter Contract and shall not become effective and the Charter School shall not take action or implement the change requested in the amendment until the amendment is approved, in writing, by the Authority.

Part 3: Educational Program

3.1 Design Elements

- 3.1.1 The Charter School shall have control over and responsibility for delivery of the educational program and for attainment of the performance standards as set forth in the charter school performance framework (the "Charter School Performance Framework") Exhibit #1, as amended by Exhibit #1.1, incorporated herein. The Charter School shall have discretion to modify, amend, adapt, and otherwise change the educational program as it deems necessary to achieve the performance standards so long as such changes are consistent with the Charter Application and the Charter Contract.
- 3.1.2 In determining whether or not the Charter School complies with the essential terms of the educational program, the Authority will use the Charter Application (initial or as amended) as the basis to assess fidelity.

3.2 Curriculum

- 3.2.1 The Charter School's educational program shall meet or exceed Nevada's content standards.

3.3 Student Assessment

- 3.3.1 The Charter School shall be subject to and comply with all requirements related to the state assessment and accountability system for public schools.
- 3.3.2 Nothing in this section prohibits the Charter School or the Authority from assessing student learning outside of and in addition to the state's testing program.
- 3.3.3 Educational program matters not specifically identified in this Charter Contract shall remain within the Charter School's authority and discretion.

3.4 **Special Education**

- 3.4.1 The Authority is the "local education agency" ("LEA") for purposes of compliance with the Individuals with Disabilities Education Act ("IDEA").
- 3.4.2 The Charter School shall provide services and accommodations to students with disabilities as set forth in the Charter Application and in accordance with any relevant policies thereafter adopted, as well as with all applicable provisions of the Individuals with Disabilities Education Act (20 U.S.C. § 1401 et seq.) (the "IDEA"), the Americans with Disabilities Act (42 U.S.C. § 12101 et seq.) (the "ADA"), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794) ("Section 504"), and all applicable regulations promulgated pursuant to such federal laws. This includes providing services to enrolled students with disabilities in accordance with the individualized education program ("IEP") prescribed by a student's IEP team. The Charter School shall comply with all applicable requirements of state law and regulation concerning the provision of services to students with disabilities.
- 3.4.3 An annual Memorandum of Understanding which defines the rights and responsibilities of the Charter School acting as a school of the LEA and the Authority acting as LEA will be annually updated and disseminated by the Authority and signed by the Parties.
- 3.4.4 The Charter School shall maintain a special education reserve as a financial reserve or demonstrate, to the Authority's satisfaction, that the Charter School carries an insurance policy with sufficient coverage to ensure compliance with the indemnification and financial obligations of the Charter School. Such reserve or insurance product shall not in any way limit the Charter School's obligation in the event the special education reserve or insurance product is insufficient to fully pay costs incurred in connection with any claim or claims, and the Charter School shall remain fully responsible for any and all costs incurred in connection with such claim or claims. The Charter School shall keep any special education reserve separate from and not utilize it to satisfy any other requirements applicable to the Charter School. Any special education reserve shall be maintained in a separate bank account and shall be equal to \$25,000 plus the interest that has been earned in this account to date. The Charter School shall fully fund any reserve account by the end of its fifth year of operation and contribute to it in a manner that can reasonably be

expected to reach this goal. If money is withdrawn from the reserve account, unless otherwise agreed to in writing by the Authority, the Charter School shall be required to replace all sums withdrawn by the end of the subsequent fiscal year.

3.5 English Language Learners

- 3.5.1 The Charter School shall provide resources and support to English language learners to enable them to acquire sufficient English language proficiency to participate in the mainstream English language instructional program. The Charter School shall adhere to policies and procedures for identifying, assessing and exiting English language learners, consistent with all applicable laws and regulations. The Authority and the Charter School will work to assure compliance with any and all requirements of the state and federal law regarding services to English language learners.

Part 4: Charter School Finance

4.1 Financial Management

- 4.1.1 The Charter School shall control and be responsible for financial management and performance of the Charter School including budgeting and expenditures. The Charter School shall operate on a fiscal year that begins July 1 and ends June 30.
- 4.1.2 At all times, the Charter School shall maintain appropriate governance and managerial procedures and financial controls, including without limitation: (1) commonly accepted accounting practices and the capacity to implement them; (2) a bank account maintained within this State; (3) adequate payroll procedures; (4) an organizational chart; (5) procedures for the creation and review of monthly and quarterly financial reports, including identification of the individual who will be responsible for preparing such financial reports in the following fiscal year; (6) internal control procedures for cash receipts, cash disbursements and purchases; and (7) maintenance of asset registers and financial procedures for grants in accordance with applicable federal and state law.
- 4.1.3 The Charter School shall undergo an independent financial audit conducted in accordance with governmental accounting standards and GASB #34 performed by a certified public accountant each fiscal year. The results of the audit will be provided to the Authority in written form in accordance with the date established by law and regulation and identified in the Reporting Requirements Manual. The Charter School shall pay for the audit.
- 4.1.4 The Charter School shall prepare quarterly financial reports for the Authority in compliance with this Charter Contract. Such reports shall be submitted to

- the Authority no later than fifteen (15) days following the end of each quarter, as defined in the Reporting Requirements Manual.
- 4.1.5 The Charter School agrees to maintain financial records in accordance with the governmental accounting method required by the Nevada Department of Education (the “Department”) and/or Authority and to make such records available upon request.
 - 4.1.6 The Charter School shall use and follow the chart of accounts and any grant codes as defined by the Department in the Nevada Common Elements for Accounting and Reporting K-12 Educational Finances.
 - 4.1.7 The Charter School shall assure that all financial records for the school are maintained, posted and reconciled at least monthly, and are open for public inspection during reasonable business hours.
 - 4.1.8 The Charter School shall establish procedures for ensuring that funds are disbursed for approved expenditures consistent with the Charter School’s budget.
 - 4.1.9 Pursuant to NAC 387.770, the Charter School shall maintain a complete and current inventory of all school property and shall perform a physical inventory annually. Any asset acquired by the Charter School is the property of the Charter School for the duration of the Charter Contract and any subsequent renewals. The Charter School shall take reasonable precautions to safeguard assets acquired with public funds. The Charter School shall manage all assets consistent with the requirements of applicable law and regulation, including without limitation NAC 387.335, 387.342 and 387.360; and NRS 386.536.
 - 4.1.10 If the Charter School’s records fail to establish clearly whether an asset was acquired with the use of public funds, the assets shall be deemed to be public assets.
 - 4.1.11 Except as may be expressly provided in this Charter Contract, as set forth in any subsequent written agreement between the Charter School and the Authority pursuant to NRS 386.561, or as may be required by law, neither the Charter School nor the Authority shall be entitled to the use of or access to the services, supplies, or facilities of the other. Any service agreements between the Authority and the Charter School shall be subject to all terms and conditions of this Charter Contract, except as may be otherwise agreed in writing. The purchase of any services not expressly required under this contract or set forth in any subsequent written agreement between the Charter School and the Authority or required by law, shall not be a condition of the approval or continuation of this contract.
 - 4.1.12 The Charter School shall comply with other requirements as may be imposed through state law or regulation, from time to time, on charter school finances, budgeting, accounting, and expenditures, provided that the Authority shall provide technical assistance regarding material changes to state law and

regulation, and the Parties will collaborate to assure that they each remain reasonably current on the impact of any modifications on charter schools. The Parties agree that the Charter School retains primary responsibility for compliance with state law and regulation.

- 4.1.13 The Charter School is solely responsible for all debt it incurs, and the Authority shall not be contractually bound on the Charter School's account to any third party. A statement to this effect shall be a provision of any and all contracts entered into by the Charter School.

4.2 **Budget**

- 4.2.1 In accordance with law and regulation and as identified in the Reporting Requirements Manual, the Charter School shall submit to the Department and the Authority the school's tentative budget for the upcoming fiscal year and the Charter School shall submit to the Department and the Authority the school's final budget for the upcoming fiscal year. The budget shall:
 - 4.2.1.1 Be presented on forms prescribed by the Nevada Department of Taxation; and
 - 4.2.1.2 Not provide for expenditures, inter-fund transfers, or reserves in excess of available revenues plus beginning fund balances.

4.3 **Charter School Funding**

- 4.3.1 Charter School shall receive, directly from the Department, state and local aid in an amount equal to its weighted count of enrollment multiplied by the per pupil Distributive School Account amount for the county of residence of each student plus the per pupil Outside Revenue amount for that county. The count of pupils for calculating the basic support for distribution to a charter school is the "Average daily enrollment" as defined by NRS 387.1211.
- 4.3.2 The Charter School shall maintain and transmit all necessary student information in the format prescribed by the Department to evidence enrollment and attendance of students for purposes of receiving state aid. The Charter School will receive state payment from the Distributive School Account directly from the Department, based on "Average daily enrollment" as defined by NRS 387.1211.
- 4.3.3 The Charter School shall receive state aid payments quarterly unless the quarterly payments exceed \$500,000 at which time the Department will pay state aid in monthly installments directly to the Charter School.
- 4.3.4 All state aid payments to the Charter School are subject to correction pending the outcome of the Department's annual Pupil Enrollment and Attendance Audit.

4.4 **Authority Funding**

- 4.4.1 The yearly sponsorship fee to be paid by the Charter School to the Authority must be in an amount of money not to exceed two (2) percent but at least one (1) percent of the total amount of money apportioned to the Charter School

- during the school year pursuant to NRS 387.124. (NRS 386.570)
- 4.4.2 The Authority shall notify the Charter School in February of the fee anticipated to be charged pursuant to NRS 386.570 in the following fiscal year.

Part 5: Insurance and Legal Liabilities

5.1 Insurance

- 5.1.1 The Charter School shall provide and maintain, at its sole expense without reimbursement, adequate insurance, pursuant to NAC 386.215, necessary for the operation of the school, including but not limited to, property insurance, general liability insurance, workers' compensation insurance, unemployment compensation insurance, motor vehicle insurance, and errors and omissions insurance covering the Charter School and its employees. Should the State legislature or State Board of Education change the amount and/or type of insurance coverage required, the Charter School shall take necessary steps to ensure compliance with the law or regulation within thirty (30) days of receiving notice by the Authority of such change. The Authority shall be named as additional insured under all insurance policies identified under NAC 386.215.

5.2 Liability

- 5.2.1 As required by NRS ~~386.88A366-550~~, the Charter School agrees that the Authority is not liable for the acts or omissions of the Charter School, its officers, agents, or employees. The Charter School agrees to defend, indemnify, and hold the Authority, its agents and employees, harmless from all liability, claims and demands on account of contract, injury, sickness, disease, death, property loss or damage or any other losses of any kind whatsoever which arise out of or are in any manner connected with the Charter School's operations.
- 5.2.2 If the Charter School files a voluntary petition for bankruptcy or is declared bankrupt during a school year, neither the State of Nevada nor the Authority may be held liable for any claims resulting from the bankruptcy pursuant to NRS 386.575.

Part 6: Transparency and Accountability

6.1 Charter School Reporting

- 6.1.1 The Authority shall provide the Charter School with a Reporting Requirements Manual on or before the commencement of the contract year and updated at least annually. The Authority shall endeavor to make the Reporting Requirements Manual as complete as possible. The Charter School shall be responsible for submitting timely and complete reports in accordance with the Reporting Requirements Manual.
- 6.1.2 The Authority shall provide the Charter School with an Operations Manual on or before the commencement of the contract year and updated at least

annually.

6.2 Additional Reporting

6.2.1 The Charter School shall be responsible for additional reporting as required for compliance with state law and regulation, federal requirements, and other applicable external reporting requirements.

6.3 Authority Reporting

6.3.1 The Authority shall produce and make available reports to the Charter School in a manner consistent with the Reporting Requirements Manual.

Part 7: Oversight

7.1 Authority

7.1.1 Pursuant to NRS 386.509, the Authority shall have broad oversight authority over the Charter School and may take all reasonable steps necessary to confirm that the Charter School is and remains in material compliance with this Charter Contract, the Charter Application, and applicable law and regulation. The Authority's oversight of the Charter School shall include, but not be limited to, the following activities:

- 7.1.1.1 Oversight, intervention, termination, renewal, and closure processes and procedures for the Charter School;
- 7.1.1.2 Reviewing the performance and compliance of the Charter School within the terms of this Charter Contract and applicable laws, policies and regulations;
- 7.1.1.3 Ensuring the Charter School's compliance with reporting requirements;
- 7.1.1.4 Monitoring the educational, legal, fiscal, and organizational condition of the Charter School; and
- 7.1.1.5 Providing guidance to the Charter School on compliance and other operational matters.

7.2 Inspection

7.2.1 All records established and maintained in accordance with the provisions of this Charter Contract, applicable policies and/or regulations, and federal and state law shall be open to inspection by the Authority and other applicable agencies, entities, or individuals within a reasonable period of time after request is made.

7.3 Site Visits

7.3.1 The Authority shall visit the Charter School at least once as a component of the Mid-Term evaluation as defined in the Charter School Performance Framework. Authority may, at its discretion, conduct formal, targeted school visits. Such site visits may include any activities reasonably related to fulfillment of its oversight responsibilities including, but not limited to, inspection of the facilities; inspection of records maintained by the Charter School; and interviews of school and other stakeholders.

7.4 Notification

- 7.4.1 The Charter School shall notify the Authority immediately of any conditions that it knows are likely to cause it to violate the terms of this Charter Contract or the Charter Application. Such notification shall not be construed as relief from the Charter School's responsibility to correct such conditions.
- 7.4.2 The Charter School shall notify the Authority immediately of any circumstances requiring the closure of the Charter School, including but not limited to natural disaster, other extraordinary emergency, or destruction of or damage to the school facility.
- 7.4.3 The Charter School shall immediately notify the Authority of the arrest or charge of any members of the Charter Board or any Charter School employee for a crime punishable as a felony, any crime related to the misappropriation of funds or theft, any crime or misdemeanor constituting an act against a minor child or student, or of the investigation of a member of the Charter Board or any Charter School employee for child abuse.
- 7.4.4 The Charter School shall notify the Authority immediately of any change to its corporate legal status.
- 7.4.5 The Charter School shall notify the Authority immediately of any default on any obligation, which shall include debts for which payments are past due by sixty (60) days or more.
- 7.4.6 The Charter School shall notify the Authority immediately if at any time the Charter School receives notice or is informed that the Charter School or the Authority are parties to a legal suit.

7.5 Intervention

- 7.5.1 Consistent with any oversight practices set out in the Charter School Performance Framework, the Authority shall follow a progressive system of notification and calls for corrective action on the part of the Charter School.
- 7.5.2 Any complaints or concerns received by the Authority about the Charter School or its operation including but not limited to complaints filed with the Office for Civil Rights, the Nevada Attorney General's Office, and Equal Employment Opportunity Commission, shall be forwarded promptly by the Authority to the Charter School.
- 7.5.3 The Charter School shall promptly forward to the Authority any formal complaints or concerns received by the Charter School filed with or from the Office for Civil Rights, the Nevada Attorney General's Office, Equal Employment Opportunity Commission, and/or formal grievances filed by any party with the Charter Board. Such forwarding of complaints or concerns shall not relieve Charter School of the responsibility of resolving the complaints or concerns.
- 7.5.4 The Charter School shall indemnify the Authority for any costs, attorney fees, and/or financial penalties imposed on the Authority by state and/or federal

authorities due to actions or omissions of the Charter School relative to regulatory compliance.

- 7.5.5 To the extent that concerns or complaints received by the Authority about the Charter School may trigger Authority intervention, including termination or non-renewal of the Charter Contract, the Authority may monitor the Charter School's handling of such concerns or complaints. In such cases, the Authority may request and the Charter School shall provide information regarding the Charter School's actions in responding to those concerns or complaints.

Part 8: Termination and Default Termination

8.1 Termination

- 8.1.1 As provided by law, this Charter Contract may at any time be terminated by the Authority before its expiration upon determination and majority vote of the Authority that the Charter School, its officers or its employees:
- 8.1.1.1 Committed a material breach of the terms and conditions of the Charter Contract;
 - 8.1.1.2 Failed to comply with generally accepted standards of fiscal management;
 - 8.1.1.3 Failed to comply with the provisions of NRS 386.490 to 386.610, inclusive, or any other statute or regulation applicable to charter schools; or
 - 8.1.1.4 Persistently underperformed, as measured by the performance indicators, measures and metrics set forth in the Charter School Performance Framework for the Charter School.
 - 8.1.1.5
- 8.1.2 The Charter Contract may be terminated by the Authority if the Charter School has filed for a voluntary petition of bankruptcy, is adjudicated bankrupt or insolvent, or is otherwise financially impaired such that the Charter School cannot continue to operate.
- 8.1.3 The Charter Contract may be terminated by the Authority if the Authority determines that termination is necessary to protect the health and safety of the pupils who are enrolled in the Charter School or persons who are employed by the Charter School from jeopardy, or to prevent damage to or loss of property of the school district or the community in which the Charter School is located.
- 8.1.4 The Charter Contract may be terminated by the Authority if the Authority determines that the committee to form the charter school or charter management organization, as applicable, or any member of the committee to form the charter school or charter management organization, as applicable, or the governing body of the charter school has at any time made a material misrepresentation or omission concerning any information disclosed to the Authority

8.1.5 The Charter Contract may be terminated by the Authority if the Authority determines that the charter school operates a high school that has a graduation rate for the immediately preceding school year that is less than 60 percent;

8.1.5.1 For the graduating cohorts, as defined by NAC 389.0246, of 2016, 2017, and 2018 the Charter School's Charter Contract shall not be eligible for termination based on a graduation rate, as calculated by the Nevada Department of Education, below 60%. However, the Charter School shall be eligible for reconstitution of its governing board or appointment of a receiver if its graduation rate is below the benchmarks established by this section. For the graduating cohorts included in this section, judicial review of any decision to reconstitute the governing board, or appoint a receiver under this section or NRS 388A.330(1)(e) shall be limited to a review of whether the school has or has not achieved the annual graduation rate target. Graduation rate benchmarks: he Charter School Performance Framework for the Charter School.

Cohort 2016: 45%

Cohort 2017: 52%

Cohort 2018: 60%

Should the Charter School, by November 1, 2016, submit an authorized request to change its enrollment policy and make other changes necessary or advisable for the school to seek entrance into the statutorily created Alternative Framework, the Authority shall work in good faith with the Charter School to revise these benchmarks to reflect the school's requested changes. Any revisions to the benchmarks in this section will not be effective unless the Authority approves the Charter's School's requests made pursuant to this section.

8.1.6 The Charter Contract may be terminated by the Authority if the Authority determines that the charter school operates an elementary or middle school or junior high school that is rated in the lowest 5 percent of elementary schools, middle schools or junior high schools in the State in pupil achievement and school performance, as determined by the Department pursuant to the statewide system of accountability for public schools; or

8.1.7 The Charter Contract may be terminated by the Authority if the Authority determines that pupil achievement and school performance at the charter school is unsatisfactory as determined by the Department pursuant to criteria prescribed by regulation by the Department to measure the performance of any public school.

8.1.8 In any instance of termination, the Authority shall provide to the Charter School written notice of termination, which notice shall include its findings and reasons for such action, and adhere to the process outlined in NRS

Comment [GD01]: Beacon Academy has requested that the Authority include language allowing benchmarks to be revised in the event that the school chooses to attempt to transition to the Alternative Framework. This language was included in their contract to address this request.

It is included here so that Connections Academy understands that treated similarly if it made a similar request.

386.535.

8.2 Default Termination

8.2.1 The Authority shall terminate the Charter Contract if the school receives in any period of 5 consecutive school years, three annual ratings established as the lowest rating possible indicating underperformance of a public school, as determined by the Department pursuant to the statewide system of accountability for public schools. The charter school's annual rating pursuant to the statewide system of accountability based upon the performance of the charter school for any school year before the 2015-2016 school year must not be included in the count of annual ratings for the purposes of this subsection.

8.3 Other Remedies

8.3.1 The Authority may impose other appropriate remedies for breach including, but not limited to, a required corrective action plan.

Part 9: Closure

9.1 Closure

9.1.1 In the event that the Charter School is required to cease operation for any reason, including but not limited to non-renewal, termination, or voluntary surrender of the Charter Contract, the Charter School shall cooperate fully with the Authority to ensure the orderly closure of the Charter School in a manner consistent with state law and regulation (NRS 386.536), including, but not limited to:

9.1.1.1 Securing student records; assisting students with their enrollment in other schools; financial responsibilities and preserving financial records.

Part 10: Dispute Resolution

10.1 Dispute Resolution

10.1.1 Parties agree to implement the following dispute resolution plan in good faith:

For purposes of this section, a "dispute" is a disagreement over a non-material matter concerning the operation of the charter school. In the event a dispute arises between the Charter School and the Authority or its staff, the charter school shall submit, in writing, a statement outlining its complaint and proposed resolution to the Director of the Authority or his/her designee for review. The Director will respond to the complaint and proposed resolution, in writing, within thirty (30) calendar days outlining whether or not he/she agrees with the complaint and whether he/she accepts the proposed resolution or offers an alternative resolution to the complaint. If the charter school is not satisfied with the response from the Director, it may request, in writing, a review by the ~~President~~ Board Chair of the Authority. The Board Chair ~~President~~ of the Authority will respond, in writing, within fifteen (15) calendar

days stating whether or not he/she agrees with the complaint and if so, whether he/she agrees with the proposed resolution, or proposing an alternative resolution to the charter school. In the event these representatives are unable to resolve the dispute informally, pursuant to this procedure, the complaint and proposed resolution will be submitted to the Authority at the next available meeting for its consideration. The Authority will decide whether or not it agrees with the complaint or any proposed resolution. Any decision by the Authority is final.

Part 11: School Performance Standards and Review

11.1 Performance Standards

11.1.1 The Charter School Performance Framework is composed of indicators, measures, metrics, targets, and ratings to measure the academic, financial, organizational and mission specific, if applicable, performance of the Charter School. Pursuant to NRS 386.527, the performance framework is incorporated into this Charter Contract as set forth in the Charter School Performance Framework in Exhibit #1.

11.1.1.1 The Authority may, upon request for a material amendment from the Charter Board, include additional rigorous, valid and reliable performance indicators that are specific to the Mission of the Charter School and complementary to the existing measures.

11.1.1.2 The Charter School Performance Framework shall supersede and replace any and all assessment measures, educational goals and objectives, financial operations metrics, and organizational performance metrics set forth in the approved Charter Application and not explicitly incorporated into the Charter School Performance Framework. The specific terms, form and requirements of the Charter School Performance Framework, including any required indicators, measures, metrics, and targets, are determined by the Authority and will be binding on the Charter School.

11.1.2 According to the Charter School Performance Framework, the Charter School shall annually:

11.1.2.1 Meet or exceed standards on the academic indicators;

11.1.2.2 Demonstrate financial sustainability through meeting standards on the financial indicators;

11.1.2.3 Operate in compliance with the terms and conditions of this Charter Contract; and

11.1.2.4 If applicable, demonstrate sound performance on mission specific indicators.

11.2 Review

- 11.2.1 The Authority shall monitor and periodically report on the Charter School's progress in relation to the indicators, measures, metrics and targets set out in the Charter School Performance Framework. Such reporting shall take place at least annually.
- 11.2.2 The Charter School's performance in relation to the indicators, measures, metrics and targets set forth in the Charter School Performance Framework shall provide the basis upon which the Authority will decide whether to renew the Charter Contract at the end of the term.
- 11.2.3 The Parties intend that, where this Charter Contract references or is contingent upon state or federal accountability laws, that they be bound by any applicable modification or amendments to such laws upon the effective date of said modifications or amendments. The specific terms, form and requirements of the Charter School Performance Framework may be modified or amended to the extent required to align with changes to applicable state or federal accountability requirements, as set forth in law. In the event that any such modifications or amendments are required, the Authority will use best efforts to apply expectations for school performance in a manner consistent with those set forth in the Charter School Performance Framework as initially established in the Charter Contract.
- 11.2.4 While both parties acknowledge that importance of the Charter School Performance Framework, and the Authority's obligation to consider the Charter Schools performance under the Charter School Performance Framework in any decision that results in reconstitution, revocation, or termination of a charter contract, the parties also acknowledge that the Authority may reconstitute the board, revoke the charter, or terminate the charter contract prior to its expiration of a school with acceptable performance under the Charter School Performance Framework if allowed by NRS 386.535.

Part 12: Contract Construction

12.1 Entire Charter Contract

- 12.1.1 The Parties intend this Charter Contract, including all exhibits hereto, to represent a final and complete expression of their agreement, which shall be considered the Charter Contract. All prior representations, understandings and discussions are merged herein, and no course of prior dealings between Parties shall supplement or explain any terms used in this document. The Parties recognize that amendments to this Charter Contract may be approved from time to time hereafter.

12.2 Authority

- 12.2.1 The individual officers, agents and employees of the Parties do hereby individually represent and warrant that they have full power and lawful authority to execute this Charter Contract.

12.3 **Notice**

- 12.3.1 Any notice required, or permitted, under this Charter Contract shall be in writing and shall be effective upon personal delivery, subject to verification of service or acknowledgment of receipt, or three (3) days after mailing when sent by certified mail, postage prepaid to the following:

In the case of State Public Charter School Authority:
Director
1749 N. Stewart St, Suite 40
Carson City, NV 89706

In the case of Charter School:

Beacon Academy of Nevada
7360 West Flamingo Rd.
Las Vegas NV 89147

12.4 **Waiver**

- 12.4.1 The Parties agree that no assent, express or implied, to any breach by either of them of any one or more of the covenants and agreements expressed herein shall be deemed or taken to constitute a waiver of any succeeding or other breach.

12.5 **Non-Assignment**

- 12.5.1 Neither party to this Charter Contract shall assign or attempt to assign any rights, benefits, or obligations accruing to the party under this Charter Contract unless the other party agrees in writing to any such assignment.

12.6 **Applicable Law**

- 12.6.1 This Charter Contract shall be governed by and construed in accordance with the laws of the State of Nevada, including all requirements imposed by regulation and Authority policy, and all applicable federal laws of the United States.
- 12.6.2 The Parties intend that, where this Charter Contract references federal or state laws, they be bound by any amendments to such laws upon the effective date of such amendments.

12.7 **Material Amendments**

- 12.7.1 Material amendments require Authority approval. Pursuant to NRS 386.527 any material amendment to this Charter Contract will be effective only if approved in writing by the Authority. The proposed amendment must be submitted in a manner consistent with applicable law and regulation and defined in the Operations Manual. A material amendment shall not become effective and the Charter School shall not take action or implement the change

requested in the amendment until the amendment is approved, in writing, by the Authority. Changes in operation that are considered material and require the Charter School to obtain an amendment to this Charter Contract include, but are not limited to, the following:

- 12.7.1.1 Change in the Charter School's Pre-Opening Conditions (see 1.9.1);
- 12.7.1.2 Change in the Charter School's location (change of site and/or adding or deleting sites) (see 1.7.4);
- 12.7.1.3 Changes to the Mission Statement (see 2.2.1);
- 12.7.1.4 Elimination of a grade level served or expansion to serve a grade level not served (see 2.3.3);
- 12.7.1.5 10% annual increase or decrease in total enrollment pursuant to 2.3.3 of this Charter Contract;
- 12.7.1.6 Changes to the name of the Charter School;
- 12.7.1.7 Entering into a contract with an Educational Management Organization or terminating a contract with an Educational Management Organization pursuant to 2.10.2.4 of this Charter Contract;
- 12.7.1.8 Changes to the Mission Specific indicators (see 11.1.1.1);
- 12.7.1.9 Changes to pupil transportation plans (see 2.13.2).

12.8 Non-Material Change - Notification Required

12.8.1 Changes to this Charter Contract listed below do not require amendment as described in NRS 386.527; rather, such changes shall be accomplished through written notification. Changes requiring notification include, but are not limited to:

- 12.8.1.1 Mailing address, phone and fax number of the Charter School;
- 12.8.1.2 Changes in the lead administrator of the Charter School;
- 12.8.1.3 Changes in the composition of the Charter Board (see 1.5.5.2);
- 12.8.1.4 Changes to the Bylaws and/or Articles of Incorporation (see 1.5.5.1); and

12.9 Other Changes – Determination as Material or Non-Material, Requiring Notification or Not.

12.9.1 The Charter School may, from time to time, contemplate a change to the Charter School that is not identified within this Charter Contract as a Material Amendment or as a Non-Material Change that requires notification. In such an event, the Charter School is obligated to request, in writing, the determination of the Authority as to whether or not such a change requires a Material Amendment (12.7) or Notification (12.8).

12.10 Severability

12.10.1 The provisions of this Charter Contract are severable. Any term or condition deemed illegal or invalid shall not affect any other term or condition, and the remainder of the Charter Contract shall remain in effect unless otherwise terminated by one or both of the Parties.

12.11 **Third Parties**

12.11.1 This Charter Contract shall not create any rights in any third parties who have not entered into this Charter Contract; nor shall any third party be entitled to enforce any rights or obligations that may be possessed by either party to this Charter Contract.

12.12 **Counterparts; Signatures**

12.12.1 The Charter Contract may be signed in counterparts, which shall together constitute the original Charter Contract. Signatures received by facsimile or email by either of the Parties shall have the same effect as original signatures.

12.13 **Material Breach**

12.13.1 A material breach is defined as a violation of this Charter Contract which is substantial and significant as determined by the Authority.

Signature Page

IN WITNESS WHEREOF, the Parties have executed this Charter Contract:

President, Charter School Governing Body

Please print your name: _____

Date: _____

Chair, State Public Charter School Authority

Please print your name: _____

Date: _____

EXHIBIT #1

Charter School Performance Framework

EXHIBIT #2

Articles of Incorporation, if applicable

Not Applicable

EXHIBIT #3

Charter Application

On File at SPCSA

EXHIBIT #4

Pre-Opening Conditions

Not Applicable