

1 **BEFORE THE STATE PUBLIC CHARTER SCHOOL AUTHORITY BOARD**

2 **STATE OF NEVADA**

3 In Re:)	
4)	Hearing Date: May 25, 26 and 27, 2017
5 Nevada Connections Academy)	Hearing Time: 8:00 a.m.
6)	
7)	

8
9 **ORDER RESCHEDULING HEARING**

10 A continuance of the hearing for Nevada Connections Academy “Nevada
11 Connections”), scheduled to be heard beginning on March 30, 2017, having been granted
12 by the First Judicial District Court on March 29, 2017, pursuant to a Temporary
13 Restraining Order, which was modified by the Court on March 30, 2017:

14 The above-referenced hearing will be held beginning on May 25, 2017, will
15 continue to May 26, 2017, and if necessary, to May 27, 2017. If the Nevada Connections
16 hearing has not concluded on May 27, 2017, a future hearing date will be subsequently
17 scheduled after that date. The hearing will be held at 9890 S. Maryland Parkway, in the
18 State of Nevada, Department of Education’s 2nd Floor Boardroom. The hearing will be
19 teleconferenced to the Nevada Department of Education’s Board Room at 700 E. Fifth
20 Street, Carson City, NV. Alternate locations for the public to view and hear the hearing
21 will be noted on the Nevada State Public Charter School Authority (“Authority”) Board
22 (“Board”) meeting Agenda for the hearing.

23 Both parties must be ready to proceed on May 25, 2017 with the scheduled hearing.
24 If legal counsel for Nevada Connections anticipates possibly being absent on May 25, 26
25 and 27, 2017, then she must have a back-up legal representative for Nevada Connections
26 prepared to proceed at the hearing.

1 The hearing is being held pursuant to NRS 388A.330(3). Nevada Connections was
2 put on notice by the Authority pursuant to NRS 388A.330(2) that the Authority intended
3 to revoke the written charter of Nevada Connections due to a high school graduation rate
4 that as less than 60% in violation of NRS 388A.330(1)(e).

5 The notices were sent by the authority to Nevada Connections on September 30,
6 2016 and February 10, 2017, and concerned the graduation rates for the 2015 and 2016
7 school year, respectively.

8 To start the hearing, the Chair will call the hearing to order.

9 The Chair will determine if notice of the hearing complies with NRS 233B.121.

10 The Board and the parties will introduce themselves for the record.

11 Any preliminary motions or other preliminary matters will be heard at the start of
12 the hearing.

13 The Board will first consider whether, pursuant to NRS 388A.330(3), Nevada
14 Connections has corrected the alleged deficiencies set forth in the notices issued pursuant
15 to Subsection Two (2) of NRS 388A.330. The Authority will have the burden of
16 demonstrating by a preponderance of the evidence that Nevada Connections' has not
17 corrected the alleged deficiencies set forth in the notices sent to Nevada Connections on
18 September 30, 2016 and February 10, 2017.

19 It is expected, in order for the Board to determine if there has been a cure, that the
20 Board will hear evidence and arguments regarding:

21 Whether, for the 2015 graduating cohort at Nevada Connections as defined by
22 NAC 389.0246, Nevada Connections' graduation rate was less than sixty percent
23 (60%).

24 Whether for the 2016 graduating cohort at Nevada Connections as defined by
25 NAC 389.0246, Nevada Connections' graduation rate was less than sixty percent
26 (60%).

27 Whether or not the corrections, or proposed corrections, are sufficient to correct
28 the noted deficiencies.

1 If the Board determines that Nevada Connections has a graduation rate less than
2 sixty percent (60%) for the 2015 and/or 2016 school year, then the Authority will have the
3 burden of proving by a preponderance of the evidence whether it is lawful and
4 appropriate to either reconstitute the Nevada Connections' governing body or revoke
5 Nevada Connections' written charter.

6 If the Board determines that Nevada Connections has cured the noticed alleged
7 deficiencies then the matter will not proceed to a hearing to determine whether Nevada
8 Connections violated NRS 388A.330(1)(e), and whether the Board will revoke Nevada
9 Connection's written charter and/or reconstitute Nevada Connections' governing board for
10 violations of NRS 388A.330(1)(e).

11 Parties are to bring eight (8) copies of exhibits they plan on introducing. Exhibits
12 should be Bate-Stamped beginning with the letter P001 for the Authority's exhibits, and
13 R001 for Nevada Connection's exhibits.

14 Prior to offering any exhibit into evidence the offering party must show the exhibit
15 to the opposing party.

16 Each party will be allowed to have one agency or school representative present
17 with them at counsel's table. Witnesses, unless they are the agency or school
18 representative, will be excluded from the hearing room.

19 Pursuant to NRS 622A.370, the Authority will have the burden of proof to prove
20 that Nevada Connections violated NRS Chapter 388A.330(1)(e).

21 The Authority will proceed with presenting its case first. Once the Authority has
22 presented its case then Nevada Connections will present its case. It is expected that the
23 violation alleged in the notice dated February 10, 2017, alleging violation of NRS
24 388A.330(1)(e) based on the 2015-2016 Nevada Connections' graduation rates, will be
25 heard first.

26 Both parties are allowed 15 minutes each for opening statements; this time limit
27 also applies to opening statements concerning possible correction of noted deficiencies
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1 and, if the matter proceeds to hearing, to the hearing to determine whether Nevada
2 Connections violated NRS 338A.330(1)(e).

3 The Authority will present its case-in-chief first. After the Authority has finished
4 presenting its case in chief, then Nevada Connections will present its case-in-chief.

5 There will a direct examination of a witness, and then a cross-examination of that
6 witness, and then a redirect and a re-cross of the witness.

7 After each party has questioned each witness, Board members will have the
8 opportunity to question the witnesses. Counsel for both parties will have the opportunity
9 to ask witnesses follow up questions to Board member questions.

10 Closing statements are to be no longer than twenty (20) minutes; this time limit
11 applies to closing statements concerning possible correction of noted deficiencies and, if
12 the matter proceeds to hearing, to the hearing to determine whether Nevada Connections
13 violated NRS 338A.330(1)(e).

14 Once the parties finish their closing statements the Board will proceed to
15 deliberate and consider whether the Authority has proven Nevada Connections violated
16 NRS 388A.330(1)(e) by a preponderance of the evidence. The alleged violations of NRS
17 388A.330(1)(e) where notice was issued on September 30, 2016, will be considered
18 separately from the alleged violation of NRS 388A.330(1)(e) where notice was issued on
19 February 10, 2017. If it is determined that Nevada Connections has violated NRS
20 388A.330(1)(e), then the Board will deliberate and determine whether it will reconstitute
21 Nevada Connections' governing Board and/or whether to revoke Nevada Connections'
22 written charter.

23 It is expected that the prevailing party will prepare findings of facts and
24 conclusions of law consistent with the Board's decision.

25 Findings of Fact and Conclusions of Law must be completed within twenty (20)
26 days of the Board's decision. The proposed findings of fact and conclusions of law must,
27 after completion, be provided to the opposing party, who will have five (5) business days
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1 to prepare a letter stating any objections to the proposed findings of fact and conclusions
2 of law and the basis for the objections.

3 The Board will receive, consider and approve the findings of fact and conclusions of
4 law at the next regularly scheduled meeting after the hearing, wherein the decision will
5 become final.

6 It is expected that the parties have already exchanged discovery in this matter,
7 pursuant to the Pre-Hearing and Hearing Order issued on March 10, 2017.

8 IT IS SO ORDERED.

9 DATED this 5th day of May 2017.

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11 /s/ Jason Guinasso,
12 Jason Guinasso, Esq.
13 Acting Chair, Nevada State Public
14 Charter School Authority Board
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