

1 **BEFORE THE STATE PUBLIC CHARTER SCHOOL AUTHORITY**
2 **STATE OF NEVADA**

3
4 In Re:
5 NEVADA CONNECTIONS ACADEMY

Hearing Date: October 23-25, 2017
Hearing Time: 9:00 AM

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8 **STATE PUBLIC CHARTER SCHOOL AUTHORITY’S**
9 **PRE-HEARING STATEMENT (PHASE II) AND WITNESS LIST**

10 The State Public Charter School Authority Staff (“Staff”), through their counsel,
11 Adam Paul Laxalt, Attorney General of the State of Nevada, and Gregory D. Ott, Senior
12 Deputy Attorney General, submits this Pre-Hearing Statement (Phase II) and Witness List
13 as per the Order after Hearing, dated August 31, 2017.

14 **I.**

15 **QUESTION PRESENTED**

16 The State Public Charter School Authority Board (“Authority Board”) has already
17 determined that Nevada Connections Academy’s (“Connections”) graduation rate of 35.63%
18 for the class of 2015 and its graduation rate of 40.09% for the class of 2016 were below the
19 acceptable minimums set forth in Nevada Revised Statute (“NRS”) 388A.330 and that
20 Connections’ efforts to cure the deficiency were not sufficient. The Authority must now
21 determine whether it is lawful and appropriate to reconstitute the governing body of
22 Connections, revoke Connections’ written charter, or take no action. The Order after
23 Hearing places the burden on Staff to establish that an action should be taken by a
24 preponderance of the evidence.¹

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¹ Order after Hearing, dated August 31, 2017, paragraph 4.

1 II.

2 STANDARD

3 The Nevada Legislature has specifically established criteria to be considered by the
4 Authority Board in determining whether closure, reconstitution or no action is appropriate
5 once the Authority Board has determined that an uncorrected deficiency exists under NRS
6 388A.330. Both the Notice of Intent to Revoke Written Charter dated September 30, 2016
7 (“First Notice”), and the Notice Pursuant to NRS 388A.330 dated February 10, 2017
8 (“Second Notice”), relate to the graduation rate of Connections.² As the deficiency that was
9 found by the Authority Board to be uncorrected was related to the academic performance
10 of the school and Connections’ defense has been that it adequately serves students despite
11 its low graduation rate, the Authority Board should consider Connections’ academic
12 performance when determining whether it is lawful and appropriate to take any action
13 against the school.³ As the Authority Board is permitted, but not required to take action
14 against a school after a deficiency was determined under NRS 388A.330, the Authority
15 Board should base its determination of whether the Authority Board’s statutory purpose is
16 served by action. Specifically, the Authority Board’s primary purpose is to: “1. Authorize
17 charter schools of high-quality throughout this State with the goal of expanding the
18 opportunities for pupils in this State, including, without limitation, pupils who are at risk.”⁴
19 Thus, this Board should consider whether Connections is a high-quality school when
20 considering what action, if any is appropriate. If it is not a high-quality school, then the
21 Board should consider whether it has demonstrated a capability or likelihood of
22 becoming one.

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26 ² Phase 1, Exhibit 2, Notice of Intent to Revoke Written Charter, dated September
27 30, 2017; Phase 1, Exhibit 3, Notice Pursuant to NRS 388A.330, dated February 10, 2017.

28 ³ Connections has also alleged that the Graduation Rate calculations were improper,
but those contentions were rejected by the Authority Board in Phase 1 of this hearing.

⁴ NRS 388A.150(1).

1 III.

2 ARGUMENT

3 A. **Connections is Not A High-Quality School that Helps Expand**
4 **Opportunities for Pupils in this State, Including Pupils who are**
5 **At Risk**

6 The purpose of this body is to authorize high-quality schools. Thus, the Authority
7 Board should examine whether Connections’ academic record qualifies it as a high-quality
8 school. Nevada is required to establish a system of meaningful differentiation for all
9 schools in the state.⁵ Nevada has complied with this federal requirement through the
10 adoption of its statewide system of accountability for public schools which is proposed by
11 the Nevada Department of Education (“NDE”) and approved by the United States
12 Department of Education.⁶ NDE’s school ratings developed pursuant to its recently
13 approved Every Student Succeeds Act (“ESSA”) plan have not been published for the most
14 recent academic year, however, the categories of information that the state will use to
15 calculate its ratings has already been submitted to the United States Department of
16 Education and accepted, so the categories of data that NDE will use are known.⁷ The
17 information used to meaningfully differentiate schools is currently publicly available on
18 NevadaReportCard.Com and should be the basis for the Authority Board’s determination
19 of whether Connections is a high-quality School.

20 NDE looks at different data to meaningfully differentiate elementary schools, middle
21 schools, and high schools. The Authority Board should consider the data available on
22 NevadaReportCard.com for each of these grade levels and compare it to the State as
23 a whole.

24 ⁵ Every Student Succeeds Act Section 1111(c)(1)(C).

25 ⁶ The Nevada Department of Education’s School Performance Framework as
26 incorporated into the State of Nevada’s Every Student Succeeds Act Plan, submitted
27 April 12, 2017 and available at
(<https://www2.ed.gov/admins/lead/account/stateplan17/nvconsolidatedstateplan.pdf>);
28 Phase 2, Exhibit 1: Letter of Approval from United States Secretary of Education Betsy
Devos on August 9, 2017.

⁷ Phase 2, Exhibit 2: NDE’s ESSA plan, pages 41-63

1 **1. Connections’ Performance at the Elementary School Level⁸ is Below**
2 **Average and not the Performance of a High-Quality School.**

3 The NDE rating information published on NevadaReportCard.Com for Connections’
4 elementary school students is attached as Phase 2, exhibit 3 and should be compared with
5 state and SPCSA averages, which are included in Phase 2, exhibits 3, 6 and 7.

6 **a. Connections’ Performance at the Elementary School Level in**
7 **Academic Achievement is Below Average.**

8 Connections’ elementary school has 23.4% of its students above the proficiency cut
9 for math, while the State has 42.1% and the SPCSA has 55.3%.⁹ Connections’ elementary
10 school student’s math proficiency percentages are less than half the average for the SPCSA
11 and almost 20% below the state as a whole.

12 Connections’ elementary school has 46.3% of its students above the proficiency cut
13 for English Language Arts (“ELA”), while the State has 48.7% and the SPCSA has 59.9%.¹⁰
14 Connection’s elementary school student’s ELA proficiency percentages are below the
15 average for the SPCSA and the state.

16 The percentage of third graders achieving proficient ratings in ELA at Connections
17 Elementary school is 36.6% above the cut, while the State has 44.8% and the SPCSA has
18 56.4%.¹¹ Connections’ elementary school’s third grade student’s proficiency percentages
19 are below the average for the SPCSA and the state.

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23 ...

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25 ⁸ Elementary School is defined by NRS 388.020 at a “public school in which grade
26 work is not given above that included in the eighth grade, according to the regularly
27 adopted state course of study.” Data from students grade K-5 is included in Connections’
28 Elementary School Rating Page.

⁹ Phase 2, Exhibits 3 and 6.

¹⁰ *Id.*

¹¹ Phase 2, Exhibits 3 and 7.

1 **b. Connections’ Performance at the Elementary School Level in**
2 **Student Growth Is Below Average.**

3 When reviewing the median growth percentile (“MGP”) of elementary schools in
4 math, Connections’ median growth percentile was 31, meaning 31% of students in the state
5 were below that level of growth and 69% were above that level.¹² The median growth
6 percentile statewide is 50. Connections’ elementary school student’s math median growth
7 percentile is below the state as a whole.

8 When reviewing the MGP of elementary schools in ELA, Connections’ median
9 growth percentile was 38.5, meaning 38.5% of students in the state were below that level
10 of growth and 61.5% were above that level.¹³ The median growth percentile statewide is
11 50. Connections’ elementary school student’s ELA median growth percentile is below the
12 state as a whole.

13 The Adequate Growth Percentile (“AGP”) measure is the percentage of students from
14 the school who were on track to be proficient within three years or by eighth grade. Thus,
15 18% of Connections’ students are on track to be proficient in math in three years or by
16 eighth grade, while 40.7% of students are on track to be proficient in ELA in three years or
17 by eighth grade.¹⁴

18 **c. Connections does not Have enough English Language Learners at**
19 **the Elementary School Level to be Evaluated.**

20 Connections does not have enough English Language Learners to generate a
21 reportable score in the English Language Category at the Elementary School Level. The
22 Nevada Department of Education suppresses scores of student populations whenever the
23 number of students is lower than ten.¹⁵

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25
26 _____
27 ¹² Phase 2, Exhibit 3

28 ¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

1 **d. Connections’ Performance at the Elementary School Level in**
2 **Closing Opportunity Gaps Does Not Distinguish the School As A**
3 **High-Quality School.**

4 The Closing Opportunity Gaps score calculated on NevadaReportCard.com is a
5 measure of what percentage of students who were currently not proficient were meeting
6 the AGP. This metric looks at the proficiency rates of students who were not-proficient in
7 the prior year. In math, 14.0% of Connections’ students at the elementary school level who
8 were not proficient in the prior year met AGP for the current year.¹⁶ In ELA, 26.2% of
9 Connections’ students at the elementary school level who were not proficient in the prior
10 year met AGP for the current year. So at the elementary school level, most of the students
11 who were not proficient in the prior year, fail to meet the AGP standards (roughly three in
12 four in ELA and five in six in math), indicating that they are not projected to be proficient
13 within three years or by eighth grade.

14 **e. Connections’ Performance at the Elementary School Level in**
15 **Student Engagement is Higher than the State Public Charter**
16 **School Authority Average.**

17 Chronic absenteeism is lower than the State Public Charter School’s rating, meaning
18 that only 4.3% of Connections Students and the elementary school level at
19 chronically absent.¹⁷

20 **f. Conclusion.**

21 Though star ratings are unavailable, the data used to calculate them is, and the data
22 summarizing Connections’ performance at the elementary school level does not indicate a
23 high-quality school. In every category measuring academic progress, achievement or
24 growth, the school performs below the statewide average. The student engagement scores
25 indicate only that a lower percentage of these students fail to attend a significant portion
26 of their school days. All state reported data shows that Connections’ elementary school
27 students perform well below the state average and support a conclusion that Connections

28 ¹⁶ *Id.*

¹⁷ Phase 2, Exhibit 3. Chronic Absenteeism is defined as missing 10% or more of the
school days for any reason.

1 is not a high quality school.

2 **2. Connections' Performance at the Middle School Level¹⁸ is Below**
3 **Average School and Not the Performance of a High-Quality School.**

4 The NDE rating information published on NevadaReportCard.Com for Connections'
5 middle school students is attached as Phase 2, exhibit 4 and should be compared with state
6 and SPCSA averages, included in Phase 2, exhibits 4 and 6.

7 **a. Connections' Performance at the Middle School Level in**
8 **Academic Achievement is Below Average**

9 Connections' middle school performance has 21.9% of its students above the cut in
10 math, while the State of Nevada has 26.9% and the SPCSA has 35.7%.¹⁹ Connections'
11 middle school students' math proficiency percentages are below the SPCSA and state as
12 a whole.

13 Connections middle school has 54.9% of its students above the cut in ELA, while the
14 State has 47% and the SPCSA has 53.2%.²⁰ Connection's middle school students' ELA
15 proficiency percentages are above the average for the SPCSA and the state. Though
16 statewide data shows Connections exceeding both the SPCSA and state averages, the
17 school's participation rates are troubling. Statewide data shows the state's average
18 participation rates are in excess of 98%.²¹ The SPCSA had lower participation rates but
19 still had 88% of its students tested.²² Connections however, had significantly lower

20 ¹⁸ Middle School is defined by NRS 388.020 at a "a public school in which the sixth,
21 seventh, eighth and ninth grades are taught under a course of study prescribed and
22 approved by the State Board." Data from students grade 6-8 is included in Connections
Middle School Rating Page.

23 ¹⁹ Phase 2, Exhibits 4 and 6.

24 ²⁰ Phase 2, Exhibit 4.

25 ²¹ Phase 2, Exhibit 8; Nevada had 36,549 sixth graders enrolled and 36,031 were
26 tested (99%), Nevada had 35,865 seventh graders enrolled and 35,256 were tested (98%),
Nevada had 35,987 eighth graders enrolled and 35,132 were tested (98%). Thus Nevada
has 106,419 middle school students out of 108,401 tested for a 98% participation rate.

27 ²² Phase 2, Exhibit 8 the SPCSA had 3,180 sixth graders enrolled and 2,890 were
28 tested (91%), the SPCSA had 2,983 seventh graders enrolled and 2,607 were tested (87%),
the SPCSA had 2,597 eighth graders enrolled and 2,238 were tested (86%). Thus the
SPCSA has 7,735 middle school students out of 8,760 for an 88% participation rate.

1 participation rates, with only 63% of its middle school enrollees tested.²³ Without scores
2 available for over one third of Connections’ middle school students, in contrast to a
3 statewide absence of only 2% of scores, the above average ELA scores from Connections
4 merit further scrutiny. While Connections was 7% higher than the state average, the state
5 tested 35% more of its population than Connections did. The lower participation rate
6 means that that the data is not representative of as large a subsection of Connections
7 middle school population as the state and SPCSA data.

8 Connections’ middle school has 85% of its middle school students who took the “Math
9 1 End of Course Assessment” above the cut, while the SPCSA has 87.7%.²⁴ Connections’
10 middle schools’ “End of Course Math Proficiency” percentages are below the average for
11 the SPCSA.

12 **b. Connections’ Performance at the Middle School Level in**
13 **Student Growth Is Below Average.**

14 When reviewing the median growth percentile (“MGP”) of elementary schools in
15 math, Connections’ median growth percentile was 37, meaning 37% of students in the state
16 were below that level of growth and 63 percent were above that level.²⁵ The median growth
17 percentile statewide is 50. Connections’ middle school students’ math median growth
18 percentile is below the State as a whole.

19 When reviewing the MGP of elementary schools in ELA, Connections’ median
20 growth percentile was 49, meaning 49% of students in the state were below that level of
21 growth and 51% were above that level.²⁶ The median growth percentile statewide is 50.
22 Connections’ elementary school student’s ELA median growth percentile is below the state
23

24
25 ²³ Phase 2, Exhibit 8 Connections had 241 sixth graders enrolled and 164 were
26 tested (68%), Connections had 348 seventh graders enrolled and 203 were tested (58%),
27 Connections had 351 eighth graders enrolled and 228 were tested (65%). Thus
28 Connections has 595 middle school students out of 940 for a 63% participation rate.

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Id.*

1 as a whole.

2 The Adequate Growth Percentile (“AGP”) measure is the percentage of students from
3 the school who were on track to be proficient within three years or by eighth grade. Thus,
4 19.4% of Connections’ middle school students are on track to be proficient in math in three
5 years or by eighth grade, while 55.9% of students are on track to be proficient in ELA in
6 three years or by eighth grade.²⁷

7 **c. Connections does not have Enough English-Language-**
8 **Learners at the Middle School Level to be Evaluated.**

9 Connections does not have enough English-Language-Learners to generate a
10 reportable score in the English language category at the Middle School Level. The Nevada
11 Department of Education suppresses scores of student populations whenever the number
12 of students is lower than ten.

13 **d. Connections Performance at the Middle School Level in**
14 **Closing Opportunity Gaps Does Not Distinguish the School**
15 **As A High Quality School**

16 The Closing Opportunity Gaps Score calculated on NevadaReportCard.com is a
17 measure of what percentage of students who were currently not proficient were meeting
18 the AGP. This metric looks at the proficiency rates of students who were not-proficient in
19 the prior year. In Math, 9 percent of Connections Students at the Middle School Level who
20 were not proficient in the prior year met AGP for the current year.²⁸ In ELA, 28 percent of
21 Connections Students at the Middle School Level who were not proficient in the prior year
22 met AGP for the current year.²⁹ So at the Middle School Level, most of the students who
23 were not proficient in the prior year, fail to meet the AGP standards (roughly three in four
24 in ELA and nine in ten in Math), indicating that they are not projected to be proficient
25 within three years or by eighth grade.

26 . . .

27 ²⁷ *Id.*

28 ²⁸ *Id.*

²⁹ *Id.*

1
2 **e. Connections Performance at the Middle School Level in**
3 **Student Engagement is Higher Than the State Public**
4 **Charter School Authority Average**

5 Chronic absenteeism is lower than the State Public Charter School’s rating meaning
6 that only 7.4% of Connections Students and the Middle School Level at chronically absent,
7 which is less than the SPCSA average of 9.6%.³⁰ Connections’ middle school students are
8 less likely to be on an academic learning plan than students in the SPCSA generally, only
9 25.6% of Connections’ middle school students are on academic learning plans, while 79.5%
10 of SPCSA students generally are.³¹ Connections’ students are slightly below the SPCSA
11 average at meeting the NAC 389.445 Requirements, 93.7% to 94.3%.³²

12 **f. Conclusion**

13 Connections’ performance at the middle school level does not indicate a high-quality
14 school. Though the school exceeds the state average in middle school ELA achievement, it
15 performs below the statewide and SPCSA averages in math achievement and growth and
16 slightly below the state in ELA growth. The student engagement scores indicate a lower
17 percentage of these students fail to attend a significant portion of their school days. The
18 state reported data shows that Connections’ middle school students perform above the state
19 average only with regard to their ELA achievement, and fall below the state average in
20 Math achievement and below the state average in student growth in both ELA and math.
21 This supports the conclusion that Connections is not a high-quality school.

22 ...
23 ...
24 ...

26 ³⁰ Phase 2, Exhibit 4. Chronic Absenteeism is defined as missing 10 percent or more
27 of the school days for any reason.

28 ³¹ Phase 2, Exhibit 4.

³² *Id.*

1 **3. Connections Performance at the High School Level³³ Is Below Average**
2 **School and Not the Performance of a High Quality School.**

3 The NDE rating information published on NevadaReportCard.Com for Connections'
4 high school students is attached as Phase 2, exhibit 5 and should be compared with state
5 and SPCSA averages which are included in Phase 2, exhibits 5 and 6.

6 **a. Connections Performance at the High School Level in Academic**
7 **Achievement Is Below Average**

8 Connections High School performance has 50.8% of its students above the cut in the
9 math End of Course (“EOC”) assessment, while the SPCSA has 54.8%.³⁴ Connections High
10 School student’s math proficiency percentages are below the SPCSA.

11 Connections High school has 71.1% of its students above the cut in ELA EOC, while
12 the SPCSA has 70.5%.³⁵ Connection’s High School student’s ELA proficiency percentages
13 are above the average for the SPCSA.

14 **b. Connections Performance at the High School Level in Graduation**
15 **Is Below Average**

16 As discussed in greater detail during Phase I of this hearing, Connections’ four year
17 graduation rates of 40% are well below the SPCSA averages of 58.5% and state average of
18 73.55%.³⁶ Connections’ five year graduation rate of 42.2% is also below the SPCSA average
19 of 63.8%.³⁷

20 **c. Connections English Language Learner Proficiency at the High**
21 **School Level is Below the SPCSA Average**

22 Connections has enough English language learners to generate a reportable score in
23 the English Language Category at the high school level. The English language learner

24 ³³ High School is defined by NRS 388.020 at a “public school in which subjects above
25 the eighth grade, according to the state course of study, may be taught. The school is a
26 secondary school for the purpose of the licensure of teachers.” Data from students above
27 grade 9 is included in Connections High School Rating Page

27 ³⁴ Phase 2, Exhibit 5.

28 ³⁵ Phase 2, exhibit 5.

³⁶ Phase 2, exhibit 5 and 7.

³⁷ Phase 2, exhibit 5.

1 percentile is the percentage of students making adequate growth to become English
2 language proficient and exit English language learner status in five years. 7.6% of
3 Connections' high school English language learners are meeting this growth target, while
4 the SPCSA's average rate is 14.4%.³⁸ Connections' high school English language learners
5 are making less growth toward English language proficiency than the average of other
6 learners in SPCSA sponsored schools.

7 **d. Connections Performance at the High School Level in College and**
8 **Career Readiness Does Not Distinguish the School as a High-**
9 **Quality School.**

10 In each of the College and Career Readiness Measures published by the state,
11 Connections is below the district average. ACT average composite is 16.6%, while the
12 district is 17.8% and the statewide average is 17.45%.³⁹ Grades 9 and 10 Sufficiency are
13 67.9% and 55.4% respectively for Connections and 82.2% and 71.9% for the SPCSA.⁴⁰ The
14 EOC passage rates for Connections are 21.5% for Math and 43.5% for ELA, both below the
15 SPCSA averages of 25% for Math and 43.9% for ELA.⁴¹ Each of Connections College and
16 Career Readiness Scores are below the SCPSA averages and its ACT score is below the
17 state average.

18 **e. Connections Performance at the High School Level in Student**
19 **Engagement is Higher than the State Public Charter School**
20 **Authority Average**

21 Chronic absenteeism is lower than the State Public Charter School's rating, meaning
22 that only 12.5% of Connections' students at the high school level are chronically absent,
23 which is less than the SPCSA average of 13.7%.⁴² Connections' high school students are
24 less likely to be on an academic learning plan than students in the SPCSA generally, only
25 38.3% of Connections' high school students are on academic learning plans, while 78.3% of

26 ³⁸ *Id.*

27 ³⁹ Phase 2, exhibits 5 and 7.

28 ⁴⁰ Phase 2, exhibit 5

⁴¹ *Id.*

⁴² Phase 2, Exhibit 5. Chronic Absenteeism is defined as missing 10 percent or more
of the school days for any reason.

1 SPCSA students generally are.⁴³

2 **f. Conclusion**

3 Connections' performance at the high school level does not indicate a high-quality
4 school. Though the school exceeds the state average in high school ELA EOC achievement,
5 it performs below the statewide and SPCSA averages in math achievement and composite
6 ACT scores. Its graduation rate continues to be well below state and SPCSA averages and
7 below the NRS 388A.330 requirements. The student engagement scores indicate a lower
8 percentage of these students fail to attend a significant portion of their school days. The
9 state reported data shows that Connections' high school students perform above the SPCSA
10 average only with regard to their ELA EOC achievement, and fall below the state and
11 SPCSA average in math EOC achievement, graduation rate, and composite ACT score. This
12 supports the conclusion that Connections is not a high-quality school.

13 **B. Connections Has Demonstrated An Inability To Improve Its**
14 **Academic Performance.**

15 In 2013, when Connections charter was renewed, the renewal included a provision
16 that Connections create a clear plan for math proficiency improvements and high school
17 graduation rates. The renewal with the improvement provision was unanimously approved
18 by the SPCSA Board.⁴⁴ Unfortunately, in 2017, Connections graduation rates continue to
19 persist well below the statutory minimums of NRS 388A.330 and the state average.⁴⁵
20 However, the graduation rate was not the only aspect that the school was directed to
21 improve. The school was also required to improve math proficiency. However, Connections'
22 math proficiency rates remain below the state and SPCSA averages at the elementary
23 school level (Connections 23.4%, SPCSA 53.3%, State 42.1%) and at the middle school level
24 (Connections 21.9%, SPCSA 35.7%, State 26.9%).⁴⁶ Connections' high school math EOC
25

26 ⁴³ Phase 2, Exhibit 5.

27 ⁴⁴ See Phase 1, Exhibit 10, March 22, 2013 SPCSA Board Minutes.

28 ⁴⁵ Phase 1, Exhibit 1.

⁴⁶ Phase 2, Exhibit 3, 4 and 6.

1 rates lag behind the SPCSA as well (Connections 50.8%, SPCSA 54.8%).⁴⁷

2 So, for the two broad metrics that Connections was directed to improve four years
3 ago, Connections remains below the state and district averages for elementary, middle and
4 high school in every statewide measure. The Board should consider Connections' historic
5 inability to improve its graduation rate as well as its continued below average math results
6 evidence of the school's inability to improve performance when considering whether a third
7 chance (either through doing nothing at the close of the phase 2 hearing, or by imposing
8 board reconstitution) is appropriate for this school.

9 **C. Overall School Performance Indicates a School that is Below Average**
10 **in Most Measures and Not a High Quality School.**

11 The data shows that Connections is a below average school. Though NRS
12 388A.330(1) authorizes closure for the school's graduation rate falling below 60%, the
13 school's performance in other areas is also below average. Connections has, at times,
14 objected to accountability based on its graduation rate as a "single data point." Staff rejects
15 this effort to minimize the importance of graduation rate, which is a summary of what
16 percentage of each graduating cohort have successfully graduated as defined by 34 CFR
17 200.19(b)(1). In Phase I, Staff pointed out that since 2011, Connections has graduated 538
18 students, 966 others did not graduate with their cohort.⁴⁸ Furthermore, that number of
19 non-graduates is increasing rapidly from 115 in 2013, to 125 in 2014, to 215 in 2015, and
20 263 in 2016. The contention that a graduation rate is just a single data point is belied by
21 the hundreds of students who comprise that number.⁴⁹

22 However, when the broader performance of the school is considered, the school's
23 performance remains troubling. Math proficiency and growth remain below the state and
24 SPCSA averages across elementary, middle and high school. Connections serves a very
25 small number of English language learners, and of those that are served, the only available

26 ⁴⁷ Phase 2, Exhibit 5.

27 ⁴⁸ Calculated from Phase 1, Exhibit 1, by subtracting the transfers out and graduates
28 from the total class.

⁴⁹ Phase 1, Exhibit 1.

1 data shows that they meet state growth targets at rates lower than the SPCSA average.
2 While middle school ELA scores are slightly above average, elementary school ELA scores
3 remain below average. The average ACT scores for high school students are below state
4 and SPCSA averages. Of course the 4-year and 5-year adjusted cohort graduation rates
5 continue to be unacceptable.

6 **D. Conclusion**

7 The State Legislature has given the SPCSA Board the ability to review the
8 performance of schools whose graduations rates fall below 60%. Connections' abysmal
9 graduation rate thus allows this Board to consider what action is appropriate for this
10 school. A review of the historic data regarding graduation rates and all current publicly
11 available data from the state's NevadaReportCard.com website demonstrates not only that
12 Connections' high school students fail to graduate in high numbers, but also that its
13 elementary school students consistently achieve and grow at levels below the state and
14 SPCSA averages and its middle and high school students also fall below state averages
15 more often than they exceed them. Staff does not believe and the data does not show that
16 the academic achievement results of Connections indicate that this is a high-quality school
17 such that this Board's mission of NRS 388A.150(1) would support doing nothing.

18 Additionally, this school has shown no ability for its academic achievement to
19 improve in response to the SCPSA Board's 2013 renewal condition to improve its
20 graduation rate and math proficiency. Testimony from Phase 1 was consistently supportive
21 of the Connections Board's engagement, and a hypothesis that board reconstitution would
22 improve academic performance is not supported by the evidence. On the contrary the
23 evidence demonstrates that this school's academic program, does not generate consistently
24 high academic results for all or even most students at any grade level.

25 However, this Board has heard individual stories from students and parents
26 regarding their own personal success with the school for various reasons. The Board should
27 not discount those success stories, but should consider them in the context of the academic
28 results of the entirety of the student population served by the school. When the individual

1 narratives are considered along with the statewide data, the question before the SPCSA
2 Board is then whether a school which effectively serves some students, but ineffectively
3 serves a majority, and shows no signs of being able to effectively serve a general population
4 should be allowed to remain operational. Staff's position is that charter schools and all
5 public schools need to demonstrate an ability to effectively serve all students through state
6 assessment results, graduation rates and other school data, and that consideration of all
7 relevant data supports a conclusion that closure of Connections is lawful and supported by
8 the evidence.

9 **V.**

10 **WITNESS LIST**

- 11 1. Patrick Gavin, Executive Director of the Authority: Witness will testify as to
12 how statewide data regarding Connections Academy in comparison with the
13 State affects his recommendation regarding Authority Board action regarding
14 Connections.
- 15 2. Russ Keglovits, Assistant Director of Accountability for the Nevada
16 Department of Education's Office of Assessment, Data and Accountability
17 Management.
- 18 3. Katherine Fuselier, Education Programs Professional, for the Nevada
19 Department of Education's Office of Assessment, Data and Accountability
20 Management.
- 21 4. Joan Jurdgensen, Education Programs Professional, for the Nevada State
22 Public Charter School Authority overseeing Assessment and Accountability.
23 Either Mr. Keglotivs, Ms. Fuselier, or Ms. Jurgensen will testify regarding to
24 the Nevada Department of Education's data compilation and publication and
25 the production of Exhibit 9, a comparison of Connections and other randomly
26 selected charter schools. The uncertainty surrounding the length of public
27 comment required Staff to name alternative witnesses to answer data related
28 questions.

1 **VI.**

2 **EXPLANATION OF NEW EVIDENCE**

- 3 1. Secretary B. DeVos, letter of acceptance, dated August 9, 2017: Letter
4 demonstrates that Nevada’s Every Student Succeeds Act (ESSA) plan has been
5 accepted by the United States Department of Education. ESSA plan is relevant
6 because it includes the State of Nevada’s accountability system which is reflected
7 in the data published to NevadaReportCard.com allowing for meaningful
8 differentiation of schools as required by Section 1111(c) of ESSA.
- 9 2. Nevada ESSA Plan, pages 41-63: Excerpt of the Accountability, Support and
10 Improvement of Schools Section of Nevada’s ESSA Plan that establishes Nevada’s
11 accountability plan that is reflected in the data published to
12 NevadaReportCard.com.
- 13 3. Nevada Connections Academy, School Year 2016-2017 Rating for Elementary
14 School: Most recent publicly available data is relevant to the question of
15 Connections elementary school student’s academic performance on state metrics
16 other than graduation rate.
- 17 4. Nevada Connections Academy, School Year 2016-2017 Rating for Middle School:
18 Most recent publicly available data is relevant to the question of Connections
19 middle school student’s academic performance on state metrics other than
20 graduation rate.
- 21 5. Nevada Connections Academy, School Year 2016-2017 Rating for High School:
22 Most recent publicly available data is relevant to the question of Connections high
23 school student’s academic performance on state metrics other than graduation rate.
- 24 6. Nevada Achievement Data: Most recent statewide data is relevant as a
25 comparison to Connections publicly available data.
- 26 7. Nevada Read-by-3 CRT Data: Most recent statewide data is relevant as a
27 comparison to Connections publicly available data in the elementary school metric
28 of Ready by Grade 3.

- 1 8. Middle School CRT Participation: Data showing the participation rates for the
2 state, the SPCSA and Connections. Relevant to demonstrate that Connections
3 participation rates in middle school criterion referenced test differ from the state
4 and the SPCSA as a whole.
- 5 9. Charter School Comparison: Comparison between Connections publicly available
6 scores and other randomly selected charter schools. Relevant to show Connections
7 performance in comparison to other charter schools throughout the state.
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11 DATED this 16th day of October, 2017.

12 ADAM PAUL LAXALT
13 Attorney General

14 By: /s/
15 GREGORY D. OTT
16 Senior Deputy Attorney General
17 100 North Carson Street
18 Carson City, Nevada 89701
19 (775) 684-1229
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EXHIBIT INDEX

Exhibit	Description	Bates Nos.
1	Secretary B. DeVos, letter of acceptance, dated August 9, 2017	P001-P003
2	Nevada ESSA Plan, pages 41-63	P004-P0027
3	Nevada Connections Academy, School Year 2016-2017 Rating for Elementary School	P0028-P0030
4	Nevada Connections Academy, School Year 2016-2017 Rating for Middle School	P0031-P0033
5	Nevada Connections Academy, School Year 2016-2017 Rating for High School	P0034-P0036
6	Nevada Achievement Data	P0037-P0039
7	Nevada Read-by-3 CRT Data	P0040-P0041
8	Middle School CRT Participation	P0042-P0045
9	Charter School Comparison	P0046-P0047