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BEFORE THE STATE PUBLIC CHARTER SCHOOL AUTHORITY

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In re:  
NEVADA CONNECTIONS ACADEMY.

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ADMINISTRATIVE HEARING

DEPOSITION OF

STEVE WERLEIN

JULY 6, 2017

Carson City, Nevada

REPORTED BY: DEBORA L. CECERE NV CCR, #324, RPR

JOB NO.: 403762E

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A P P E A R A N C E S

FOR THE STATE OF NEVADA

SENIOR DEPUTY ATTORNEY GENERAL  
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FOR NEVADA CONNECTIONS ACADEMY

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ALSO PRESENT:

PATRICK GAVIN

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I N D E X

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E X H I B I T S

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Original Exhibits to Original Transcript.

1 BE IT REMEMBERED that on Thursday, the 6th day  
2 of July, 2017, at the hour of 3:30 p.m. of said day at the  
3 Offices of the Attorney General, 100 North Carson Street,  
4 Carson City, Nevada, before me, DEBORA L. CECERE, a  
5 certified court reporter, personally appeared STEVE  
6 WERLEIN, who was by me first duly sworn, and was examined  
7 as a witness in said cause.

8 -oOo-

9  
10 (Exhibit Number 1 was marked for  
11 identification.)

12  
13 STEVE WERLEIN,  
14 called as a witness in said case,  
15 having been first duly sworn, was  
16 examined and testified as follows:

17  
18 CROSS-EXAMINATION

19  
20 BY MR. OTT:

21 Q Please spell your last name for the record.

22 A Sure. It's Werlein, W-E-R-L-E-I-N.

23 Q And are you currently employed by Nevada  
24 Connections Academy or Connections Education, LLC?

25 A I'm employed directly by Connections Education,

1 LLC.

2 Q So paragraph 1 where it says you're a Nevada  
3 Connections employee, that's a misstatement, correct?

4 A Yes, it is.

5 Q Have you ever been employed by Nevada  
6 Connections Academy?

7 A I have not.

8 Q Your declaration gives a list of prior  
9 positions.

10 Did any of those positions give you experience  
11 with a credit deficient population?

12 A Yes, they did, actually. In particular, when I  
13 was at, first year at Gateway College Prep, we actually ran  
14 a program for -- it was kind of an alternative school for  
15 credit deficient students. After my first year, it became  
16 its own program.

17 Also, I had a lot of disengaged and credit  
18 deficient students when I was at Henry Ford Academy when I  
19 was in Chicago.

20 Q With regard to Gateway, that was one year there  
21 was a program of credit deficient students, and then it was  
22 spun off, is that correct?

23 A It was one year that we were under, one year  
24 that it was a combined program, and then the second year  
25 the college prep program was going so quickly, the

1 alternative credit deficient program became its own entity.

2 Q So your experience with it was just the one year  
3 then?

4 A Directly, yes.

5 Q And can you speak a little bit about Henry Ford?

6 A Sure. Henry Ford was a -- well, it's no longer  
7 a Henry Ford school, but it was started on the west side of  
8 Chicago. It was a cooperation with Chicago public schools.  
9 Henry Ford Learning Institute and the Arlington Foundation,  
10 just as a school choice for the west side of Chicago, which  
11 is a very high crime rate, very economically disadvantaged  
12 area.

13 Q Did that school have a mission to serve credit  
14 deficient students, or was it just by nature of the  
15 location that that was the population that it served?

16 A Yes, it was primarily the nature of the location  
17 and the students that were coming there from their own  
18 schools.

19 Q Was that a charter?

20 A Yes, it was.

21 Q Okay.

22 A Or is, yes.

23 Q Did they have an enrollment preference for  
24 credit deficiency, do you know?

25 A No.

1           Q       **The declaration states you came to NCA in July**  
2   **of 2013.**

3           A       Correct.

4           Q       **What was your job title at that time?**

5           A       Principal.

6           Q       **Principal of?**

7           A       Of NCA.

8           Q       **Of the --**

9           A       Of the school, um-hum.

10          Q       **Okay. When did you assume the position of**  
11 **school leader?**

12          A       There wasn't really an official date where I  
13 transitioned from principal to school leader.

14                 As the school grew and we added staff, and  
15 Connections kind of standardized their model, the head of  
16 school principals became, referred to a school leader.

17          Q       **It was a, basically a change in title; the**  
18 **duties remained essentially the same?**

19          A       Yes, with -- well, they remained essentially the  
20 same with a broader scope and more support of other  
21 administrative staff I would say.

22          Q       **Backing up a second to go back to Henry Ford.**  
23 **Is that school still open?**

24          A       It is. It's under a different authorized -- or  
25 -- yes, a different sponsor, I believe.



1 Q Do you know, who sponsored it when you were  
2 there?

3 A Henry Ford Learning Institute.

4 Q Do you know who sponsors it now?

5 A Not off the top of my head. I was only there  
6 for a year.

7 Q Was the governance changed?

8 A To the best of my knowledge, no. But, again, I  
9 could be wrong. The change took place after I had  
10 departed.

11 Q And you were only there for one year, correct?

12 A Correct.

13 Q As school leader do you believe graduation rate  
14 is an important measure of the success of your school?

15 A Absolutely.

16 Q Are you aware of the Graduation Rate Improvement  
17 Plan of 2013?

18 A I am.

19 Q And that was part of a Comprehensive School  
20 Improvement Plan, is that an accurate depiction?

21 A It was part of a Comprehensive School  
22 Improvement Plan, and also part of an annual goal setting  
23 process that the school does, yes.

24 Q Did you have any role in formulating or  
25 implementing that plan?

1           A       Yes. I did. In forming the goals that the  
2 board, that were presented to the board in the fall of  
3 2013.

4           **Q       Do you consider that plan to have been**  
5 **successful?**

6           A       Yes, I do.

7           **Q       With regard to graduation rate?**

8           A       With regard to -- yes, various measures,  
9 graduation rate. Not necessarily the four-year adjusted  
10 cohort rate, but the graduation rate, yes, I do.

11          **Q       Can you explain what causes you to believe it**  
12 **was successful?**

13          A       Primarily the number of students that complete  
14 high school. The number of students that perform at or  
15 above the state averages on standardized tests.

16                    But ultimately for high school, it's the number  
17 of students that are completing high school, which has  
18 increased every year since then.

19          **Q       So do you view the number of graduates as more**  
20 **important than the graduation rate?**

21          A       No.

22          **Q       But they are both important measures, is that**  
23 **fair to say?**

24          A       Graduation rate in general, whether you're --  
25 yes, they are. They're both important.

1           **Q**       Your declaration also discusses a Graduation  
2   Rate Improvement Plan created by NCA and received  
3   positively by the board in May of 2016. That's on page 8,  
4   line 4 of your declaration.

5                   Were you involved in the development or  
6   implementation of that plan?

7           **A**       Yes, I was.

8           **Q**       And that's --

9                   MS. GRANIER: What page?

10                  THE WITNESS: Page 4, line 8. You just flipped  
11   the numbers.

12                  MR. OTT: I apologize. Thank you for correcting  
13   me.

14   BY MR. OTT:

15           **Q**       Do you believe it was necessary to adopt a plan  
16   to increase the graduation rate in 2016?

17           **A**       Yes, I do.

18           **Q**       Why?

19           **A**       I think just part of any -- the life of any  
20   school should include improving upon whatever metrics are  
21   needed.

22                   There is a heightened focus, I think, on  
23   graduation rate, and the cohort rate in particular. And  
24   it's useful for schools and for boards to develop  
25   instruments that can assist in focusing resources and time

1 and drawing attention to specific areas, so I think it was  
2 necessary to create a plan.

3 **Q How was it developed?**

4 A It was developed by looking at, first of all,  
5 the students we were serving. Looking for means to improve  
6 their engagement. Collaborating with other schools within  
7 Connections Education with my colleagues in other schools.  
8 With staff from Connections Education directly. And of  
9 course with input from our board.

10 **Q Can you explain how this plan differs from the**  
11 **2013 plan?**

12 A Yes. The 2013 plan was a general school  
13 improvement plan. Addressed grades Kindergarten through  
14 12th. Addressed multiple areas. Multiple metrics. Data  
15 points across all those grades.

16 This particular plan was specific to the  
17 four-year adjusted cohort graduation rate, looking not only  
18 at the inputs, students when they come in, what their  
19 characteristics were or are. What supports would be  
20 needed. Where we could improve. Where we could add  
21 additional supports. And ultimately what academic tools  
22 would be best suited for that particular population.

23 It also I think very clearly defined the need  
24 for us as a school to do a much better job of tracking  
25 students that withdraw before they actually graduate to

1 help improve the overall number.

2 **Q Do you know why those elements, that increased**  
3 **specificity you just described with regard to the '16 plan**  
4 **were not included in the '13 plan?**

5 A One of them in particular, Grad Point, the  
6 academic piece, was not available in 2013, at least to  
7 Nevada Connections Academy.

8 But I also think that there was a greater  
9 awareness of the challenges that this population brought to  
10 the school, and a greater awareness of what we as teachers  
11 needed to focus our energies on to help them improve.

12 A general school improvement plan is just that.  
13 You look at various areas. You identify focus schools.  
14 Targets.

15 But the elements, particularly, I would say the  
16 tracking of students being more diligent that, with the  
17 credit recovery program, with increasing summer school,  
18 definitely were needed, given, given where the school was  
19 in '16.

20 **Q You mentioned that Grad Point was not available**  
21 **in 2013?**

22 A Yes.

23 **Q When did it become available?**

24 A I want to say it was the 2015/'16 school year.  
25 And by available, I mean it was not part of what

1 Connections Academy schools were offering.

2 I was familiar with it from a previous position  
3 that I held. But it wasn't available for us until we  
4 actually piloted it.

5 **Q What position was that that made you familiar**  
6 **with it?**

7 A When I was at Gateway College Prep, we did not  
8 use the credit recovery component of Grad Point. We used  
9 the original credit for students in some advanced placement  
10 courses that we could not afford to hire a full-time  
11 teacher for. But the platform and the, the platform is the  
12 same whether it's credit recovery or original credit. But  
13 I was impressed with the quality of it.

14 **Q And when was that that you have become aware of**  
15 **it?**

16 A 2012 or 2013. I don't remember the exact year  
17 we started using it.

18 **Q Was that the position you held directly before**  
19 **you came to Connections Education?**

20 A Yes.

21 **Q When was the first time that you were aware of**  
22 **Grad Point becoming available to you with Connections**  
23 **Education?**

24 A It was the spring of 2016, I believe. 2015.  
25 I'm going back. The years kind of run together. Would

1 have been spring of 2015, I believe.

2 Q Now did -- sorry. You can finish.

3 A No, that sounds right.

4 Q How did you become aware of it?

5 A I became aware of, one of my colleagues,  
6 actually, at Oregon Connections Academy had started  
7 piloting it, and had positive things to say.

8 Q Did you ask to implement it at NCA as soon as  
9 you became aware of it?

10 A I asked to pilot it, yeah, because I knew that  
11 it was -- it would require additional steps to make sure  
12 that it was operationally compatible.

13 And we did have a, what I thought was a, I still  
14 think is a well-developed foundations course, foundations,  
15 set of foundations courses. So we didn't want to just  
16 completely implement something without trying it ourselves  
17 first. We did pilot it at our first opportunity.

18 Q And that was 2015/'16, correct?

19 A I believe so.

20 Q Do you believe the 2016 Graduation Rate  
21 Improvement Plan will increase the NCA graduation rate?

22 A Yes, I do.

23 Q When I say graduation rate, I mean the adjusted  
24 cohort graduation rate.

25 A Yes, I do.

1 Q Are you aware of the benchmarks that the NCA  
2 board has approved regarding this plan, approved at the  
3 January 25th, 2017, meeting?

4 A Yes, I am.

5 Q Are you aware of how the Department of Education  
6 calculates graduation rate?

7 A Yes, I am.

8 Q Are you aware of a difference between the way  
9 that the graduation rate be calculated pursuant to the  
10 benchmarks approved by the NCA board versus the Department  
11 of Education rate?

12 A To the best of my knowledge, the way that we  
13 calculated and planned typical benchmarks was based on the  
14 exclusion of certain populations which we believe is the  
15 correct way to do it under Nevada statute. I won't get  
16 into the legality of it. And I believe the NDE includes  
17 those populations.

18 Q And, again, I don't -- not again, but I don't  
19 want to ask you about anything that you talked about with  
20 your lawyer that would be confidential, but is it fair to  
21 say that you received legal advice to say that the way the  
22 board approved it is consistent with Nevada statute?

23 MS. GRANIER: Objection, that calls for --  
24 you're asking him about legal advice.

25 How does that not invade the attorney-client



1 privilege?

2 MR. OTT: Okay.

3 BY MR. OTT:

4 Q You received -- well, let me think about it.

5 THE WITNESS: What's in the minutes? The board  
6 minutes?

7 MS. GRANIER: He can show it to you if he wants  
8 to.

9 THE WITNESS: Okay.

10 (Discussion with the court reporter.)

11 MR. OTT: This is Exhibit 2 from Dagerman. We  
12 can make a copy later.

13 BY MR. OTT:

14 Q Let me see if I can do it generally.

15 Are you aware of a difference between that  
16 calculation and the way that NDE calculates the graduation  
17 rate?

18 A Yes, there is.

19 Q Do you believe that those benchmarks that have  
20 been adopted in Exhibit 2 are achievable under the metric  
21 that the board has adopted, the NCA board has adopted?

22 A I think that is dependent upon the number of  
23 credit deficient students that are part of the denominator  
24 in that calculation.

25 Q Do you believe that those benchmarks are

1     **achievable based on the way that the Department of**  
2     **Education calculates the graduation rate?**

3           A       Again, I think it's dependent upon the  
4     population.

5           Q       You mentioned that you were, played a role in  
6     developing the Graduation Rate Improvement Plan of 2016,  
7     correct?

8           A       Um-hum.

9           Q       I'd like to list a few actions that have been  
10    mentioned by the SPSA board or implemented by other boards  
11    that were facing accountability and having issues with  
12    graduation rates.

13                   And if you could tell me if you considered those  
14    in the formation of the plan.

15           A       Can I clarify? If I personally thought about  
16    including them in the plan, or if those of us that were  
17    collaborating on the plan --

18    BY MR. OTT:

19           Q       **Either.**

20           A       Okay.

21                   MS. GRANIER: Are you talking about the plan or  
22    the proposed cure?

23                   MR. OTT: Either.

24                   MS. GRANIER: Okay.

25    ///

1 BY MR. OTT:

2 Q Do you understand?

3 A Yeah. Yeah. I just -- yeah.

4 Q Enrollment caps.

5 And do you understand what I mean by enrollment  
6 caps?

7 A Absolutely.

8 Q So enrollment caps.

9 A Enrollment caps if done ethically and fairly can  
10 be effective.

11 Q Was it something you considered?

12 A In the development of the plan, I don't believe  
13 we did consider that, because short of having -- I'm trying  
14 to say this right.

15 When the plan was formulated we did not know  
16 that capping our enrollment arbitrarily was an option.

17 Q Did somebody inform you that it was not an  
18 option?

19 A Not to my recollection. I mean, I can't  
20 specifically remember.

21 Q Did you -- did you come to doubt the ability to  
22 cap your enrollment at some point?

23 A Outside of amending our charter, it was -- that  
24 wasn't considered.

25 Q You said outside of amending your charter.

1           A       Right.  Meaning, I didn't think we had the  
2   ability to say we're going to stop taking a certain number  
3   or type of students.  So it wasn't presented to those of us  
4   that were putting the plan together.  It wasn't part of the  
5   collaboration.

6           **Q       So that would have -- so the enrollment cap as**  
7   **you understood it would have required a charter amendment?**

8           A       Would have required a change to our either  
9   written charter or charter contract or some other  
10   substantial change.

11          **Q       And for that reason you chose not to consider**  
12   **it.**

13                   **I'm not trying to put words in your mouth.**

14                   **Is that a reason that you chose not to consider**  
15   **it?**

16          A       I think the -- well, the plan, we wanted to  
17   implement changes and see improvements short term and long  
18   term.

19                   Short term, knowing the process to amend our  
20   charter or in turn to a charter contract would have  
21   obviously taken some time.

22                   That, just capping our enrollment did not come  
23   into the conversation at that point.

24          **Q       I was asking you about your thoughts when you**  
25   **developed the cure, which was a period of time ago.**

1           A       Oh, okay.

2           **Q       So as you sit here today has anything changed**  
3 **your position with regard to whether enrollment caps would**  
4 **be a viable proposal?**

5           A       As part of the cure process? Again, we're not  
6 opposed to it.

7           **Q       I was just thinking about as part of your**  
8 **efforts to improve your graduation rate.**

9           A       That certainly could.

10          **Q       Next subtopic of things that you could have**  
11 **considered, transitioning the school to be measured under**  
12 **the Alternative Performance Framework?**

13          A       That is something that I know we continue to  
14 entertain. The way that that would actually take place I  
15 think is a challenge simply because we do not have 75  
16 percent of our high students that fall into that at-risk  
17 category.

18                   And to be a comprehensive school and serve  
19 everyone, currently the alternative framework doesn't allow  
20 for that.

21                   But the options we discussed earlier, or that  
22 have been discussed earlier about a separate school for  
23 that subpopulation, that's something we continue to look at  
24 as an option.

25          **Q       Elimination of the high school?**

1           A       Absolutely not.

2           Q       **Considering a change of education management**  
3 **organizations?**

4           A       I see no reason to do that.

5           Q       **Reconstitution of the board?**

6           A       I think in an orderly fashion as the board  
7 proposed to get new perspectives but also to keep some  
8 stability is definitely something we're open to.

9           Q       **On page 3, line 20 of your declaration, you**  
10 **state that:**

11                   **Despite NCA's Graduation Rate**  
12                   **Improvement Plans, it is likely, if**  
13                   **not inevitable, that as NCA continues**  
14                   **to enroll more credit deficient**  
15                   **students throughout each school year,**  
16                   **NCA's graduation rate will not**  
17                   **increase overall.**

18           A       Again, that's -- yeah, dependent upon the  
19 population.

20           Q       **Explain dependent upon the population.**

21           A       If we have 80 percent of our 12th graders that  
22 aren't really 12th graders, it's mathematically impossible  
23 for them to graduate within the four-year cohort window,  
24 regardless of any interventions we put in place.

25                   It's, it's just a mathematical impossibility.

1 Getting them to graduate, however, is a possibility, just  
2 not within that four-year window.

3 Q Is it fair to say without a change to the type  
4 of students enrolled, NCA's graduation rate will not change  
5 significantly, or is that a misstatement of what you said  
6 there?

7 A Page 3, line 20 again?

8 Q Um-hum.

9 MS. GRANIER: Mischaracterizes what is stated.  
10 The plain language does not say that.

11 MR. OTT: That's the question, is if it's a fair  
12 characterization. And I'd appreciate if he could answer.

13 MS. GRANIER: Well, you've misstated what's in  
14 the documents. So I think it's an improper question. But,  
15 objection.

16 Go ahead and answer.

17 THE WITNESS: All I'm saying is if, if the  
18 population, particularly of severely credit deficient  
19 students, continues to increase, raising the overall  
20 graduation rate is challenging, which is why we want to  
21 look at other measures to measure the performance of the  
22 school. That taking one data point and saying that is the  
23 sole measure of success, is not accurate.

24 BY MR. OTT:

25 Q I realize that it's difficult to generalize

1 about a school that serves a wide range of students.

2 A Um-hum.

3 Q And what I'm trying to understand is the  
4 position that I think you're taking, which is the influx of  
5 students who are credit deficient, late in their high  
6 school careers, will inevitably drive down the graduation  
7 rate.

8 Is that a fair characterization of, of what  
9 you're getting at?

10 A It's going to have an impact on the graduation  
11 rate.

12 Q Do you feel that NCA serves two different  
13 populations that are, that is one being students who enroll  
14 at or near the beginning of high school and continue on for  
15 four years, and another who enrolls after tenth grade and  
16 is relatively credit deficient?

17 A It's difficult to say if it's just two  
18 populations, because there are students that are very much  
19 on track to graduate on time that enroll later in their  
20 high school career.

21 However, that population is much smaller than  
22 the population of students that enroll late in their high  
23 school career who are credit deficient.

24 Q In a school that is serving a wide range of  
25 people, is it fair to say that student needs vary



1 **differently or vary drastically?**

2 A Absolutely.

3 Q **When you think about how best to serve students,**  
4 **do you think about them in groups of similarly situated**  
5 **students?**

6 A By serving, or do you mean just in general, or  
7 academically or --

8 Q **Academically.**

9 A Academically, that's difficult to say. I think  
10 of students as coming to our environment with very  
11 individual needs, whether they're social, emotional,  
12 academic, situational, whatever the case might be.

13 And I think our model and our program allows for  
14 that individualization for students that fall across the  
15 spectrum of their academic abilities.

16 Q **So when you're thinking about how to effectively**  
17 **serve students, do you engage in any sort of categorization**  
18 **of these are credit deficient students, these are on-track**  
19 **students and think about programs to serve specific**  
20 **subsets, or do you think of them as a monolithic block, or**  
21 **none of the above?**

22 A No, we look at -- I think just like any school  
23 would do, we look at the demographic characteristics, how  
24 many of our students have special needs, are gifted, are  
25 one year behind, two years behind, reading at grade level,

1 not reading at grade level. It's difficult to say that  
2 just because you fall into one category that you might not  
3 fall into another one.

4 We do know, for example, that students that are  
5 a year or two behind in high school, Grad Point is the best  
6 academic tool right now that we have to meet their needs.

7 **Q Do you have an opinion about the primary cause**  
8 **of NCA's graduation rate being below 60 percent?**

9 A Yeah. I have -- I believe that it is directly  
10 related to the percentage of credit deficient students in  
11 our high school.

12 **Q Does the graduation rate and improvement plan of**  
13 **2016 address that in any way?**

14 A Yes, it does, by providing them additional  
15 supports and targeted academics to help them get back on  
16 track and then eventually to graduate.

17 **Q I want to go back to page 3, line 20, if I**  
18 **could.**

19 A Sure.

20 **Q To make another try at it.**

21 A Okay.

22 **Q This is where you say:**

23 It is likely, if not inevitable, that  
24 as NCA continues to enroll more  
25 credit deficient students throughout

1                   each school year, NCA's graduation  
2                   rate not increase overall.

3                   Does that mean if enrollment patterns change  
4 from what they are currently, the rate will not increase?

5           A        No, I'm simply saying that the -- the, there's a  
6 direct correlation between the graduation rate and the  
7 population that it's calculated on, and that as more credit  
8 deficient students come in, it's going to have an impact on  
9 the graduation rate.

10          Q        And what I'm trying to understand is you have  
11 historically had credit deficient students enroll, and if  
12 your statement there is saying if the historic pattern  
13 remains the same we will not see increases, or if it is  
14 saying something different?

15                   MS. GRANIER:  Objection, you are  
16 mischaracterizing what is stated in the document.  I object  
17 to that.

18                   MR. OTT:  I'm trying to understand what's in the  
19 document.

20                   MS. GRANIER:  It says if it continues to enroll.  
21 So you keep misstating that it is something other than what  
22 it says.

23                   MR. OTT:  Well, it says continues to enroll more  
24 credit deficient students.

25                   What I'm trying to clarify is if it means more

1 than the existing pattern, or if it means continues the  
2 existing patterns.

3 MS. GRANIER: Okay.

4 MR. OTT: Because "continues" and "more" to me I  
5 believe are intentioned. And thank you for flushing out  
6 what I was not able to --

7 MS. GRANIER: That's helpful.

8 MR. OTT: -- elucidate.

9 MS. GRANIER: Thank you.

10 MR. OTT: Do you understand what Laura and I  
11 just went through, Steve?

12 MS. GRANIER: Not at all.

13 BY MR. OTT:

14 Q So the statement says:

15 Continues to enroll more.

16 And to me, continues means the existing manner  
17 of enrollment continues. More means the pattern --

18 A If it increases. Okay. I gotcha.

19 Q So what I'm trying to get at is if the statement  
20 means continuation of the pattern or increase in the credit  
21 deficient portion?

22 A There would be a stronger impact, a stronger  
23 negative impact on the graduation rate if more students  
24 that are credit deficient enroll so that it increases, as  
25 it has been over the last couple of years.

1           Q       That's helpful. So the conclusion, the last  
2 part of that is:

3                   NCA's graduation rate will not  
4                   increase overall.

5                   And what I understood your answer to be was if  
6 there are more credit deficient students, there would be a  
7 more negative impact on the graduation rate.

8                   Is that correct?

9           A       It's a definite possibility, yeah.

10          Q       So if it continues to enroll at the continuous  
11 pattern of enrollment, would NCA's graduation rate still  
12 not increase overall?

13          A       It's difficult to say. With the plan in place,  
14 we've seen improvements. It's difficult to say exactly if  
15 it's going to go up or by how much. We've seen positive  
16 change just in the year and a half that it's been in  
17 effect.

18          Q       So I think it's fair to say the more in that  
19 statement is an important portion of that statement, is  
20 that accurate?

21          A       Yeah, and I guess what I was trying to say, just  
22 doing the math, when more kids come in that are credit  
23 deficient, you're automatically taking -- well, it's going  
24 to have -- as more kids that are more credit deficient come  
25 in, it is going to have an impact on the graduation rate.

1 Or it could have an impact on the graduation rate.

2 **Q Do you believe there is anything that could be**  
3 **done to increase NCA's graduation rate that is not**  
4 **currently being done?**

5 A Actually, what I was saying is we want to do  
6 more of what we have been doing that's shown success, which  
7 is expanding Grad Point, doing more with Every Student  
8 Succeeds Academy, and continuing to do whatever we can to  
9 engage students.

10 **Q With regard to expanding Grad Point, for this**  
11 **past school year, the '16/'17 school year, were there any**  
12 **students that were eligible for Grad Point for which a seat**  
13 **was not funded by NCA?**

14 A No.

15 **Q So when you say expand Grad Point, what do you**  
16 **mean by that?**

17 A I mean as our population of credit deficient  
18 students increases, we want to make sure that we have the  
19 seats and the teachers and the success coaches to go along  
20 with those seats.

21 **Q So expand Grad Point as necessary for the influx**  
22 **of new students?**

23 A Yup.

24 **Q Is that fair?**

25 A Yes.

1           **Q       What was the other things you said? You said do**  
2 **more of what you've already done to expand Grad Point --**

3           A       I don't remember what else I said.

4                   Oh, to ensure that we have success coaches and  
5 the other resources we need to support the kids.

6                   Grad Point is just one piece of the equation,  
7 one piece of the puzzle.

8           **Q       How many success coaches do you have currently?**

9           A       I do not know off the top of my head. Yeah, I  
10 don't know off the top of my head. I'd have to look at  
11 something.

12           **Q       But it would be your goal to increase that**  
13 **number, whatever it is?**

14           A       Increase the number, and I think more  
15 importantly, redefine -- not redefine -- continue to refine  
16 their duties, best practices, what works, what doesn't, how  
17 to engage students. It's something that we're always  
18 doing.

19           **Q       Do you believe the graduation rate as calculated**  
20 **by the Department of Education will increase as a result of**  
21 **the measures currently being implemented?**

22           A       Yes.

23           **Q       Do you believe that NCA will be able to achieve**  
24 **the graduation rate of 60 percent as calculated by the**  
25 **Department of Education?**

1           A       Again, that's very difficult to say, given the  
2 population. But it's moving in the right direction.

3           Q       Your declaration also discusses your interaction  
4 with the NCA board on page 4, line 11.

5                   It states that you:

6                           Have never worked with a more  
7                           talented, diverse, or more dedicated  
8                           board of directors than NCA.

9                   Is there anything that you feel this board can  
10 do better to increase student performance?

11           A       Actually, right now, no. I think the fact that  
12 they are open to getting fresh perspectives on the board is  
13 always helpful.

14                   Whenever it comes to resources, they're very  
15 supportive. And they do ask the questions. They are on  
16 top of what is going on with the school.

17                   They do look at data. They do hold me  
18 accountable.

19                   And they're supportive of not just the  
20 graduation rate plan, but everything the school is doing  
21 for all grades.

22           Q       Do you believe a board reconstitution would be  
23 helpful or harmful to student performance?

24           A       Are you talking specifically about NCA?

25           Q       Yes.



1           A       A complete, total reconstitution I think would  
2     be overly disruptive and would not help student  
3     performance.

4                    However, like I said, I do think the board's  
5     plan of maintaining stability while bringing in fresh  
6     perspectives would be beneficial to any school.

7           Q       **At our hearing in Carson City District Court in  
8     November of last year, I asked you if you knew the amount  
9     of money that the school pays to the EMO for its services.  
10    And I believe you stated that you did not know.**

11                   Do you remember that?

12           A       Yes, I do.

13           Q       **Do you still not know how much of the school's  
14    budget is paid to the EMO for its services?**

15           A       Off the top of my head, no.

16                   MS. GRANIER: I object. It's irrelevant. It's  
17     way beyond the scope. It has nothing to do with any phase  
18     of this hearing much less the phase we're in right now.

19     BY MR. OTT:

20           Q       **You can answer.**

21           A       I can?

22                   MS. GRANIER: If you know. Don't guess.

23                   THE WITNESS: Off the top of my head, no.

24                   MS. GRANIER: Don't guess.

25                   THE WITNESS: I mean, I could look at a monthly

1 board report to see how much is going to Connections, but  
2 off the top of my head, I don't know.

3 MR. OTT: That's all I have.

4 Do you want to do redirect?

5 MS. GRANIER: Yup.

6

7

REDIRECT EXAMINATION

8

9 BY MS. GRANIER:

10 Q Mr. Ott was asking you questions about the 2013  
11 school improvement plan.

12 Do you recall that?

13 A Um-hum.

14 Q Is that a yes or no?

15 A I'm sorry, yes.

16 Q Thank you. When you were responding to  
17 Mr. Ott's questions, I believe you made reference to there  
18 being a greater awareness in 2013 of the student  
19 population, the demographics that the school was serving.

20 Do you recall that testimony?

21 A 2013 or 20 --

22 Q 2013.

23 A Greater awareness of the demographics?

24 Q A greater awareness -- I think your testimony  
25 was there was a greater understanding of the challenges

1 with the student population the school was serving?

2 A For 2016.

3 Q Okay. In 2013, or after that, did you ever have  
4 discussions with Dr. Canavero about the high school  
5 four-year cohort graduation rate?

6 A A few, I believe, yes.

7 Q And did those discussions leave you with great  
8 concern that Dr. Canavero thought the high school was  
9 failing based on that four-year cohort graduation rate?

10 A Not at all.

11 Q Can you elaborate on that?

12 A Yeah. There was clearly a desire for not just  
13 Dr. Canavero and the charter authority, but ourselves as  
14 board members and administrators of the school to see that  
15 rate improve, but there was also an understanding that  
16 there was a strong correlation between the type of students  
17 that we were serving, the number of credit deficient  
18 students and the four-year cohort rate.

19 Q So while it was discussed in the charter school  
20 renewal proceeding, was there a hyperfocus on that single  
21 data point back in 2013?

22 A There was none.

23 Q When did that become a central point of  
24 attention for the school and its regulator?

25 A It was in 2015.

1 Q And do you know why that suddenly changed?

2 A Well, the school got put on the state priority  
3 school list because of a cohort rate.

4 And then subsequently I believe there was  
5 legislation passed that -- to address schools with  
6 graduation rates below 60 percent.

7 Q And you testified that as a principal or a  
8 school leader, graduation, high school graduation is  
9 important to you?

10 A (Nods head.)

11 Q Yes?

12 A Yes, it is. I'm sorry.

13 Q Are there other factors important to you to  
14 indicate how the school was performing?

15 A Yeah. There's a quite a few, actually.  
16 Graduation rate is important.

17 But I think it's important to look not just at  
18 the adjusted cohort graduation rate, but to look at the  
19 graduation rates of students who have been at Nevada  
20 Connections Academy for their entire high school career.

21 I believe it's important to look at standardized  
22 test data. I believe it's important to look at credit  
23 accrual data. I believe it's important to look at  
24 reengagement for our students that are dealing with risk  
25 factors.

1 I believe it's important to look at students  
2 that earn adjusted diplomas or special needs students that  
3 earn regular diplomas.

4 I also think it's also important to look at  
5 student and parent satisfaction with the school, looking at  
6 qualitative measures to hopefully support what is going on  
7 quantitatively. So there are many factors that I think  
8 need to be looked at.

9 Q And when a student comes up to and enrolls in  
10 NCA, and they are supposed to be, according to their  
11 cohort, in the 11th grade, but they have the equivalent of  
12 credits that make them a freshman --

13 A Um-hum.

14 Q -- but they engage at NCA, and they graduate,  
15 just not within their cohort, do you consider that a  
16 success?

17 A Absolutely. Yes, I do.

18 Q If that student is part of the percentage that  
19 the authority considers to be a dropout in the four-year  
20 cohort graduation rate?

21 MR. OTT: Objection to the dropout term.  
22 Mischaracterizes.

23 BY MS. GRANIER:

24 Q Go ahead.

25 A Yes, those students are definitely successes.

1 That success just cannot always be captured within the  
2 four-year window.

3 Q So those students, the student I just described,  
4 would negatively impact NCA's four-year cohort graduation  
5 rate?

6 A Potentially, yes.

7 Q And based on your understanding of what's gone  
8 on in these proceedings, and your discussions with  
9 authority staff, does the authority staff currently give  
10 any consideration to NCA successfully serving a student  
11 such as that who came to you credit deficient, could not  
12 graduate within that cohort, yet remained engaged at NCA  
13 and received their diploma?

14 A No.

15 Q Do you know why?

16 A Because, in my opinion, there's a focus on the  
17 four-year adjusted cohort rate, and we're not in the  
18 alternative framework, so we have a population that is  
19 discounted.

20 Q Do you believe that based on your discussions  
21 with Dr. Canavero he gave recognition to NCA for  
22 effectively serving students in that way?

23 MR. OTT: Objection in that it calls on him to  
24 testify as to what Dr. Canavero was thinking.

25 ///

1 BY MS. GRANIER:

2 Q I'm not asking you to tell us what Dr. Canavero  
3 was thinking. I'm asking you based on your discussions  
4 with Dr. Canavero what was your understanding.

5 A That there was an understanding and appreciation  
6 for what we are doing.

7 Q And do other states factor that into high stakes  
8 decisions such as closure or reconstitution?

9 A Right. Yes, there are several where other  
10 factors, such as credit accrual, save rates, are used to  
11 make decisions when it comes to closure or reconstitution  
12 or other sanctions.

13 Q Do you have any understanding of how NCA's  
14 credit deficient population compares to other traditional  
15 high schools in Nevada?

16 A Yes, I do.

17 Q Can you share that with us?

18 A Yeah, we're about 40, mid 40 upper 40 percent of  
19 our high school population is credit deficient. That  
20 compares to between 15 and 20 percent of traditional high  
21 schools.

22 Q And where are you getting that number from  
23 traditional public high schools?

24 A That's from the Education Data Book, which was  
25 prepared by the Legislative Council Bureau and shared with

1 the Nevada Association of School Boards.

2 Q So it's is a publicly available document?

3 A Yes, it is.

4 MR. OTT: Has that been introduced into  
5 evidence, do you know? Just for the record.

6 MS. GRANIER: I thought we requested that there  
7 be judicial notice of the hearing.

8 BY MS. GRANIER:

9 Q All right. Mr. Ott was asking you about  
10 development of the 2016 Graduation Rate Improvement Plan.

11 Do you recall those questions?

12 A Yes.

13 Q And do you recall that the charter school,  
14 Nevada Public Charter School Authority Board, directed the  
15 authority staff to work with the school in developing that  
16 Graduation Rate Improvement Plan?

17 A That was my understanding.

18 Q And did staff have discussions with you in the  
19 development of that plan?

20 A There were limited discussions related to  
21 benchmarks on the later phases of developing.

22 Q Did you submit drafts of that plan to Director  
23 Gavin for his review?

24 A Yes, I did.

25 Q And did you have telephone calls with Director



1     **Gavin to get his feedback?**

2           A       I believe there were a few.

3           Q       **Did Director Gavin ever mention to you that the**  
4     **Graduation Rate Improvement Plan should include enrollment**  
5     **caps?**

6           A       No, no, the best of my knowledge, it did not.

7           Q       **Did you, did you ask Director Gavin for input,**  
8     **his input and feedback on the, on the Graduation Rate**  
9     **Improvement Plan?**

10          A       Yes, I did. I sought input with anybody from  
11     the authority, primarily Mr. Gavin.

12          Q       **Did he ever at any time express concerns about**  
13     **any of the substance or omissions in the final version of**  
14     **that Graduation Rate Improvement Plan?**

15          A       Not to my knowledge.

16          Q       **Do you recall that staff was directed to work**  
17     **with the school to develop proposed benchmarks for**  
18     **improvement under the plan?**

19                   MR. OTT: Objection, mischaracterizes the board  
20     minutes.

21                   Is that what you were referring to?

22                   MS. GRANIER: No, I was referring to being at  
23     the board meeting. I don't know what the minutes say, but  
24     I was at the hearing.

25                   MR. OTT: Okay. Objection that it

1 mischaracterizes whatever it is that you're referring to.

2 MS. GRANIER: Okay. I'll restate.

3 BY MS. GRANIER:

4 Q Do you recall in May of 2016 presenting the  
5 proposed Graduation Rate Improvement Plan to the authority  
6 board?

7 A Yes, very clearly.

8 Q And how did the authority board respond?

9 A I would characterize it as a positive reception.

10 Q They thought the plan was well done?

11 A Yes.

12 Q Do you recall at that meeting they expressed a  
13 desire to have benchmarks to identify at what rate the  
14 school would improve under the plan?

15 A That was part of the discussion, yes.

16 Q Do you have any recollection that there was a  
17 direction or request that staff work with the school to  
18 come up with proposed benchmarks?

19 A That was my understanding.

20 Q And, in fact, did you do that?

21 A On a very limited basis, in, I believe it was  
22 around July of 2016 last summer.

23 Q What do you mean by a very limited basis?

24 A I got, I receive limited feedback on the  
25 benchmarks that our team put together.

1 Q And so I think that was May to July, you just  
2 said?

3 A Um-hum.

4 Q During that time period from May to July, in  
5 your discussions with staff about those benchmarks, did  
6 staff ever send you a draft charter contract they were  
7 requesting that you enter as a condition of having those  
8 benchmarks approved?

9 A No.

10 Q But that was a condition of staff's recommended  
11 approval of the benchmarks ultimately at that July hearing?

12 A Correct.

13 Q When did you first learn about that contract, a  
14 contract being a condition of approval of the discussed  
15 benchmarks?

16 A If I remember correctly, it was the day of the  
17 meeting.

18 Q The day of the Public Charter School Authority  
19 meeting?

20 A Correct.

21 Q And did the -- if you recall, or if you know,  
22 did the terms of that contract require a waiver of certain  
23 rights of the school to seek judicial review?

24 A Yes, they did. Yes, they do.

25 Q And had that waiver ever been discussed with you

1 by the authority staff?

2 A No.

3 Q Have you requested input from the authority  
4 staff in proposing a cure relative to these closure  
5 proceedings?

6 A Yes, I have.

7 Q And have you received that input?

8 A I would say it's been very limited.

9 Q Is there a reason, if you know, that it's been  
10 limited?

11 A To the best of my knowledge, it's because I will  
12 not sign a confidentiality agreement.

13 Q And do you still have a desire to get feedback  
14 from staff?

15 A I have every desire to work collaboratively with  
16 staff, get feedback, and find a cure that is acceptable,  
17 yes. And I speak on behalf of my board and high school.

18 Q There was discussion with Mr. Ott about the  
19 alternative framework, do you recall that?

20 A Yes.

21 Q And I think you made reference to setting up a  
22 school within a school so that NCA could operate an  
23 alternative framework school, but continue to serve the  
24 rest of its general population, is that correct?

25 A Correct.

1           **Q       What is your understanding of the current status**  
2 **of that proposal?**

3           A       Dead in the water. On hold. I don't know how  
4 else to characterize it.

5           **Q       What do you understand to be the barrier to that**  
6 **proposal?**

7           A       The fact that it would require, I believe a  
8 charter contract in place of our own charter. And I'm sure  
9 there's some other, I don't recall all of the reasons.

10          **Q       Do you recall discussions to jointly seek input**  
11 **from NDE?**

12          A       Yes.

13          **Q       And that was with the authority staff?**

14                 MR. OTT: I'm going to object. This is all  
15 subject to confidentiality.

16                 MS. GRANIER: What confidentiality? There's no  
17 agreement.

18                 MR. OTT: It was pursuant to the conversations  
19 that we had after the meeting where you agreed that they  
20 were confidential at the hearing.

21                 MS. GRANIER: There were some discussions that I  
22 agreed were confidential. I do not believe they were  
23 discussions that involved the cure. Or at least that  
24 provision of the cure.

25         ///

1 BY MS. GRANIER:

2 Q Do you have any understanding as to why the  
3 authority staff would refuse to jointly make that proposal  
4 with the school to NDE?

5 MR. OTT: Objection, it assumes facts that  
6 nobody has testified to.

7 BY MS. GRANIER:

8 Q Okay. Do you have any understanding that the  
9 authority staff is willing to approach NDE with the school  
10 and ask about that possibility?

11 A It was discussed. It was my understanding that  
12 was the plan. That's what was going to happen.

13 Q And has it happened?

14 A No.

15 Q Is the school willing to do that?

16 A Absolutely.

17 Q Mr. Ott asked you about whether you had  
18 considered replacing the EMO as a potential cure in this  
19 process.

20 Do you remember that?

21 A Yup. Yes. Self-corrected.

22 Q Do you have any reason to think that replacing  
23 the EMO would result in an increase to the four-year cohort  
24 graduation rate?

25 A Actually, no, I don't think it would have an

1 increase. I think it would detrimental because Connections  
2 has been nothing but supportive, open to our needs, open to  
3 our suggestions, open to what our board feels is right for  
4 the school and its students, and just supportive of  
5 everything the school is doing. I don't see any benefit to  
6 that at all.

7 Q And Mr. Ott asked you a number of questions  
8 about paragraph 6 on page 3 of your declaration.

9 You -- strike that.

10 When did the school begin implementing the  
11 recent Graduation Rate Improvement Plan?

12 A In April/May of '16.

13 Q And since May of 2016, has the school continued  
14 to enroll credit deficient students?

15 A Yes, we do.

16 Q And since May of 2016, has the number of  
17 students who come to NCA credit deficient increased?

18 A Yes, it has.

19 Q Yet during that same time period have you seen  
20 an increase in the graduation rate at NCA?

21 A We have.

22 Q Even an increase in the four-year cohort  
23 graduation rate as calculated by the NDE?

24 A We have.

25 Q Do you know about how much it has increased over

1 that period of time?

2 A At a minimum, 5 percent.

3 Q So it appears that even with an increase in  
4 students who enroll at NCA credit deficient, implementation  
5 of the Graduation Rate Improvement Plan has achieved a  
6 significant increase in the graduation rate?

7 A Yes.

8 Q All right. That's all I have.

9

10 (Whereupon an off-the-record  
11 discussion was had.)

12

13 (Exhibit Number 2 was marked for  
14 identification.)

15

16 (Whereupon the deposition was  
17 concluded at 4:32 p.m.)

18

-oOo-

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1 STATE OF NEVADA )  
 ) ss.  
 2 WASHOE COUNTY )

3 I, DEBORA L. CECERE, a Certified Court Reporter, State  
 4 of Nevada, do hereby certify:

5 That on Thursday, the 6th day of July, 2017, at the  
 6 hour of 3:30 p.m. of said day, at 100 North Carson Street,  
 7 Reno, Nevada, personally appeared STEVE WERLEIN, who was  
 8 duly sworn by me to testify the truth, the whole truth, and  
 9 nothing but the truth, and thereupon was deposed in the  
 10 matter entitled herein;

11 That I am not a relative, employee or independent  
 12 contractor of counsel to any of the parties; or a relative,  
 13 employee or independent contractor of the parties involved  
 14 in the proceeding, or a person financially interested in  
 15 the proceeding;

16 That I am not related to any of the parties to this  
 17 action by blood or marriage, and that I am in no way  
 18 interested in the outcome of this matter;

19 That the foregoing transcript, consisting of pages 1  
 20 through 49 is a full, true and correct transcription of my  
 21 stenotype notes of said deposition.

22 DATED: At Reno, Nevada this 17th day of July,  
 23 2017.



24 DEBORA L. CECERE, NV CCR #324, CA CSR #8821

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ERRATA SHEET

I declare under penalty of perjury that I have read the  
foregoing \_\_\_\_\_ pages of my testimony, taken  
on \_\_\_\_\_ (date) at  
\_\_\_\_\_(city), \_\_\_\_\_(state),

and that the same is a true record of the testimony given  
by me at the time and place herein  
above set forth, with the following exceptions:

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ERRATA SHEET

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Date: \_\_\_\_\_

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Signature of Witness

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Name Typed or Printed