
One Summerlin
1980 Festival Plaza Drive, Suite 900
Las Vegas, NV 89135-2958
TEL 702.471.7000
FAX 702.471.7070
www.ballardspahr.com

Justin A. Shiroff
Tel: 702.868.7527
Fax: 702.471.7070
ShiroffJ@ballardspahr.com

November 27, 2018

By Hand Delivery

Adam Laxalt, Attorney General
State of Nevada - Grant Sawyer Building
555 E. Washington Avenue, Suite 3900
Las Vegas, Nevada 89101

Re: 2018 Public Records Request

Dear Attorney General Laxalt:

I write on behalf of my client, the National Coalition for Public School Options, to request an investigation into multiple potential violations of Nevada law and by Patrick Gavin, Executive Director of the Nevada State Public Charter School Authority (SPCSA), and one of SPCA's vendors, the National Association of Charter School Authorizers (NACSA).

SPCSA severely impaired our ability to fully explore and understand the scope of its relationship with NACSA because it refused to timely and fully produce records responsive to multiple public records requests made pursuant to the Nevada Public Records Act (NPR). Contemporaneously with this letter, we filed a petition for a writ of mandamus to redress those violations.¹ However, even the facts currently in our possession highlight several potential distinct violations, as well as improper patterns of behavior, that we request your office investigate and act upon:

1. The Executive Director accepted travel (paid for by NACSA) and was involved in at least one NACSA task force, all without seeking or receiving the statutorily-required approval of the SPCSA Board.

¹ This case involves the unique circumstance that while the SPCSA has denied that there were any communications between staff and NACSA during the time-period requested, proof of such a communication was produced in another state through an open records production. (Email from E. Westapher to B. Holliday, RE: NACSA Conferece: Virtual Schools Planning Call, Oct. 20, 2016, attached here as Exhibit A.)

2. The Executive Director maintained an improperly close relationship with NACSA, including accepting the aforementioned travel and discussing potential membership on the organization's national board of directors, all while simultaneously participating in the selection and negotiation of a vendor consulting contract, which SPCSA ultimately awarded to NACSA.

3. In other states, there is direct evidence of NACSA offering otherwise undisclosed cash "consulting payments" to -- and in some cases accepted by -- state charter authority officials participating in the same activities the Executive Director here participated in. The evidence clearly demonstrates that it was a standard national practice for NACSA to offer "consulting" side payments to state charter school officials with whom NACSA was also in a vendor relationship.

Violation of N.R.S. 388A.193

It appears that the Executive Director of the SPCSA may have violated N.R.S. 388A.193 through his membership in, and extensive participation with, NACSA. Under N.R.S. 388A.193, the Executive Director of the SPCSA is statutorily allowed to pursue other opportunities, including "serving as a member on a committee, board, or task force of an organization relating to charter schools..." However, they may do so only with the approval of the "State Public Charter School Authority." *Id.*

The Executive Director was a member of NACSA's "Virtual Charter School Oversight Working Group." See Exhibit B, FN1. This group held multiple meetings and was involved in the production of a formal thirty-four page report. *Id.* Though no Nevada court has examined what organizations or boards might specifically qualify under the statute, the Executive Director's membership and extensive participation in this national working group arguably exceeded the statutory trigger requiring express approval for membership.

SPCSA's refusal to respond to our public records requests limits our ability to know precisely what occurred, but other documents in our possession prove that NACSA offered "informal dinners" and travel costs to meetings to participants on the Task Force. Email from E. Westapher to E. Westapher, NACSA Virtual Charter School Accountability Taskforce – 1st Meeting, May 16, 2016, attached here as Exhibit B. The Executive Director was then selected, along with his counterpart (the executive director from Georgia) to act as spokespersons for this working group, going so far as presenting at NACSA's national conference. National Charter School Resource Center, Virtual Charter School Accountability: What Can We Do Now, at endnote 1, attached here as Exhibit C.

This activity with NACSA triggered the provisions of N.R.S. 388A.193, however the Executive Director and the SPCSA chose to ignore the statute.

Ethical and Procurement Issues

In addition to the Executive Director and SPCSA's violations of N.R.S. 388A.193, there are significant potential ethical issues related to SPCSA awarding an RFP to NACSA following a pattern of improper gifts under N.R.S. 218A.400 *et. seq.* (the "Ethics Law").

A public officer or employee shall not seek or accept any gift, service, favor, employment, engagement, emolument or economic opportunity, for the public officer or employee or any person to whom the public officer or employee has a commitment in a private capacity, which would tend improperly to influence a reasonable person in the public officer's or employee's position to depart from the faithful and impartial discharge of the public officer's or employee's public duties. N.R.S. 218A.400(1).

Moreover, the prohibitions outlined in the Ethics Law extend to a public officer, such as the Executive Director, participating "as an agent of government in the negotiation or execution of a contract between the government and . . . any person to whom the public officer or employee has a commitment in a private capacity." N.R.S. 218A.400(3). A public officer must also abstain from voting or acting upon a matter "regarding which the public officer . . . has accepted a gift" or "[w]hich would reasonably be affected by the public officer's or employee's commitment in a private capacity to the interests of another person." N.R.S. 218A.420(1)(c). The inappropriately close relationship between the Executive Director and NACSA should have prompted the Executive Director to recuse himself from any bidding process where NACSA was involved; however, he did not recuse himself.

On September 16, 2015, the SPCSA initially released an RFP for "Business Consultation", which was amended and re-released October 14, 2015. In the critical period directly preceding SPCSA issuing the RFP, and then during the RFP process itself, the relationship between NACSA and the Executive Director should have precluded the involvement of the Executive Director in the procurement. SPCSA ultimately awarded this business consultation work to NACSA, over one of the four other bidding agencies.

The following timeline evidences the impropriety of the Executive Director's relationship with NACSA. This includes NACSA-funded travel and dinners, personal meetings during the RFP question period, and offers by NACSA to be "helpful" throughout this period. However, one fact stands out as uniquely emblematic of the impropriety of the relationship; at the end of August 2015, the relationship between NACSA and the Executive Director was so close that NACSA invited the Executive Director to become a member of their Board of Directors. Email from P. Gavin to K. Rennels, RE: NACSA Board Nomination, Aug. 28, 2015, attached here as Exhibit D. Only 3 weeks after NACSA invited

the Executive Director to be a national board member, the Executive Director personally sent a copy of the RFP to NACSA. Email from E. Westapher to P. Gavin, RE: Request for Proposal Announcement – Nevada State Public Charter School Authority, Sep. 23, 2015, attached here as Exhibit E. At a time when the Executive Director should have distanced (if not outright recused) himself from participating in the procurement process involving an entity that made him a board member three weeks earlier, the Executive Director became the personal conduit to that entity.

The Directorship offer was only one part of the improperly close relationship. The following factors, discernable from what is available in the public record, further evidence the closeness of that relationship:

- June 1, 2015: NACSA arranged and paid for the Executive Director's travel to Washington, D.C. NACSA set and paid for the flight specifically so the Executive Director could do other things while travelling. Email from A. Fenton to P. Gavin, RE: Federal Policy Opportunity: DC Trip June 11, attached here as Exhibit F.
- June 10, 2015: While in Washington D.C. on the NACSA funded trip, the Executive Director met with NACSA staff for drinks. It is not clear who funded the outing. Email from A. Fenton to P. Gavin, RE: Schedule, Materials: DC Visit with NACSA: June 11th, June 12, 2015, attached here as Exhibit G.
- August 7, 2015: The Executive Director had a personal meeting with a senior NACSA staff member in Chicago at a location "downstairs" from the NACSA office. Email from P. Gavin to E. Westapher, RE: impact evaluation, Aug. 11, 2015, attached here as Exhibit H.
- August 9, 2015: Following the face-to-face meeting at NACSA's building, the Executive Director wrote to NACSA, stating, "there is a tremendous opportunity" to "validate the work of my team" in a report that NACSA apparently proposed. Email from P. Gavin to E. Westapher, RE: impact evaluation, Aug. 11, 2015, attached here as Exhibit I.
- August 28, 2015: The Executive Director had an email exchange regarding a possible appointment to the National Board of Directors of NACSA. Email from P. Gavin to K. Rennels, RE: NACSA Board Nomination, Aug. 28, 2015, attached here as Exhibit J.
- September 18, 2015: The Executive Director personally sent the SPCSA RFP to NACSA. Ex. E.
- October 1, 2015: The Executive Director and NACSA are involved planning for a conference where the Executive Director was also invited to speak. Email from N. Smith to P. Gavin, Re: Conference Prep Call, Oct. 5, 2015, attached here as Exhibit K.
- October 14, 2015: A second version of the "business consulting" RFP was released by the SPCSA.
- October 18, 2015: The Executive Director sought out two senior staff at NACSA for personal meetings at the Omni hotel in Denver. Exhibits K; emails from P. Gavin to various NACSA employees, Oct. 18, 2015, attached here as Exhibit L.

- Executive Director sent the RFP to a NACSA employee on Sept 18, 2015 (*see* Ex. E). This employee, Elisa Westapher, is the same NACSA employee the Executive Director then sought out for a private meeting on October 18, 2015 at the Omni in Denver during the procurement window (*see* Ex. K).
- October 26, 2015: RFP deadline for submission of questions.
- November 30, 2015: NACSA staff emailed a group in Nevada, noting that, “When I spoke with Patrick [Gavin, the Executive Director] a few weeks ago about what would be most helpful in Nevada, we talked about issuing a press release and pitching reporters in the state...” Email from C. Leech to P. Gavin, Re: [For your review] NACSA NV Press Release, Dec. 2, 2015, attached here as Exhibit M.
- February 16, 2016: Notice that SPCSA awarded the “business consulting” contract to NACSA.
- March 4, 2016: NACSA invited the Executive Director to events in Washington D.C., featuring multiple outings and meals funded by NACSA. Email from C. L. Beisel to C. L. Beisel, Final Logistic Information for March 10-11 NACSA Leadership Summit in D.C., Mar. 4, 2016, attached here as Exhibit N.
- March 9, 2016: SPCSA informed NACSA the business consulting contract was approved. Email from E. Reddy to P. Gavin, RE: NACSA contact, Mar. 9, 2016, attached here as Exhibit O.

The Executive Director’s acceptance of multiple meals and complimentary travel from NACSA, while refusing to recuse himself from the bidding process violated the Ethics Law because a reasonable person in the Executive Director’s position would be improperly influenced by the acceptance of such gifts from a vendor. This is especially true when SPCSA, and specifically Gavin in his capacity as Executive Director, provide oversight of the performance and quality of services being delivered by that NACSA. The Ethics Law prohibits this type of conduct because it creates a perception of impropriety or favoritism for a contracted state vendor and erodes the public’s trust in state government.

Other Public Officials Participating In the Same Activities Were Offered Private “Consulting Stipends” From NACSA.

As discussed above, SPCSA’s improper/insufficient responses to our public records requests prevented a more thorough exploration of NACSA’s entanglements with SPCSA and the Executive Director in particular. However, public records from other agencies in other states illustrate a worrying correlation between the closeness of a director’s relationship with NACSA and the potential for impropriety.

NACSA has a national practice of offering side, personal “consulting contracts” to state officials participating in the same programming in which the Executive Director participated. J. Salzer, Vendor reporting on ‘gifts’ to state workers in Georgia spotty at best, THE ATLANTA JOURNAL-CONSTITUTION, Sep. 6, 2016, attached here as Exhibit P; J. Salzer,

Georgia inspector general asked to look into gifts to state employees, THE ATLANTA JOURNAL-CONSTITUTION, Sep. 25, 2018, attached here as Exhibit Q. A recent article in the Atlanta Journal Constitution exposed this practice, and these activities were uncovered in both Tennessee and South Carolina. *Id.*

In Georgia, the executive director of the statewide charter school authority, along with her deputy, were offered consulting contracts at the very same time NACSA entered into large vendor contracts with that charter authority. *Id.* Further, NACSA did not comply with the statutorily required disclosures that would have exposed these transactions to scrutiny. *Id.* Based on the Atlanta Journal Constitution's reporting, a complaint and request for investigation was filed with Georgia's Inspector General. It is worthwhile noting that the Georgia executive director sat on the same NACSA task force discussed above, and has presented at the same NACSA conferences as the SPCSA Executive Director.

In South Carolina, a top official at the state charter authority there received \$8,000 in side "consulting" payments from NACSA while simultaneously overseeing the NACSA contract for the state. That employee left state employment around the same time an Inspector General report was released about the issue. In Tennessee, NACSA offered consulting payments to a state employee who jointly presented with the Executive Director at a NACSA conference.

In each of these instances, not only did the respective executive director engage in the same activities with NACSA, but each state entity was in a vendor relationship with NACSA as well. There is no reason to believe that NACSA would approach or treat Nevada differently from these other states. The issue, at very least, demands a thorough review to see if similar payments were offered or made here as were in the same circumstances in multiple other states.

The conduct described in this letter, and supported by the attached exhibits, creates a distressing picture of SPCSA's operations on behalf of the State of Nevada. Throughout the course of its dealings with NACSA, SPCSA (led by the Executive Director), chose not to conduct business in a way that minimized the appearance of impropriety. Instead, it appears that the Executive Director used his position to gain tangible benefits from NACSA in exchange for potentially preferential treatment in the RFP process. This kind of scheme should not go uninvestigated.

Adam Laxalt, Attorney General
November 27, 2018
Page 7

Please feel free to contact us if you need any additional information concerning the information detailed in this letter. Thank you very much.

Very truly yours,



Justin A. Shiroff
Associate

JAS/sw
Enclosures

EXHIBIT A

Bonnie Holliday

From: Elisa Westapher <elisaw@qualitycharters.org>
Sent: Thursday, October 20, 2016 2:32 PM
To: Bonnie Holliday; Olivia Roser; Nelson Smith; Jennifer Robison; Patrick Gavin; mukta@safalpartners.com
Cc: hoang.nguyen@safalpartners.com
Subject: RE: NACSA Conference: Virtual Schools Planning Call

Bonnie,

Yes, I'll be sending out a summary of the proposed game plan for the session today or this evening. We will have a few introductory slides, but otherwise Nelson will be leading the discussion after each of you have had the opportunity to talk about your authorizing environment/virtual schools in your portfolio.

Elisa

Elisa Westapher
Director of Authorizer Development
National Association of Charter School Authorizers
105 West Adams, Suite 1900
Chicago, Illinois 60603
312 376 2363



Register Today!
ATLANTA | October 24-27

From: Bonnie Holliday [mailto:bonnie.holliday@scsc.georgia.gov]
Sent: Thursday, October 20, 2016 1:29 PM
To: Olivia Roser ; Elisa Westapher ; Nelson Smith ; Jennifer Robison ; Patrick Gavin ; mukta@safalpartners.com
Cc: hoang.nguyen@safalpartners.com
Subject: RE: NACSA Conference: Virtual Schools Planning Call

Hi all:

I am printing all my materials next week, and I wanted to make sure I'm not missing something for the iVerify session. Did we decide to use any slides? And I know we discussed the basic flow of the session, but did we memorialize that anywhere? (Sadly, my short-term memory is at capacity, and I'm already a bit foggy on exactly how we decided to structure things!)

Sorry—
Bonnie

From: Olivia Roser [mailto:oliviar@qualitycharters.org]
Sent: Monday, October 3, 2016 3:35 PM
To: Elisa Westapher <elisaw@qualitycharters.org>; Nelson Smith <nelsons@qualitycharters.org>; Jennifer Robison <JRobison@buckeyehope.org>; Patrick Gavin <pgavin@spscva.nv.gov>; Bonnie Holliday

EXHIBIT B

Best,
Olivia

Olivia Roser
DIVISION COORDINATOR
Direct: (312) 376-2365 | www.qualitycharters.org

From: Elisa Westapher
Sent: Monday, May 16, 2016 9:30 AM
To: Elisa Westapher <elisaw@qualitycharters.org>
Cc: Nelson Smith <nelsons@qualitycharters.org>; Olivia Roser <oliviaw@qualitycharters.org>
Subject: NACSA Virtual Charter School Accountability Taskforce - 1st Meeting

All:

Please hold Wednesday, **June 22, 2016** for the first in-person meeting of the Virtual Charter School Accountability Taskforce Meeting, funded by the Department of Education through the National Charter School Resource Center.

Thank you for your patience as we conducted our outreach activities. I will circulate an attendee list shortly, but looks like we will have participation at both the SEA and authorizer levels from 5-6 states.

Tentative Meeting Details*

- Date: June 22, 2016 (for those flying in the night before, we will have an informal dinner)
- Location: Chicago, IL (either at O'Hare Hilton or our downtown offices)
- Time: 8am – 4:00pm
- Cost: Flight and accommodations to be covered by NACSA

Will confirm meeting details and provide instructions on flight purchase and NACSA's reimbursement policy by end of next week

This is the first of two planned in-person meetings. The second meeting will take place in mid to late July.

More details forthcoming, but please hold the date!

We look forward to having a lively and productive discussion on virtual charter school accountability.

If any of you are not able to attend in-person on June 22nd, please let me know as soon as possible!

If you have any questions, please do not hesitate to contact Nelson Smith or me.

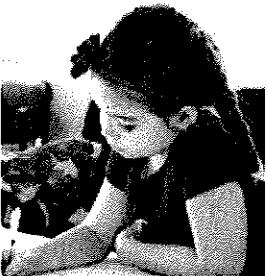
Elisa

Elisa Westapher
DIRECTOR OF AUTHORIZER DEVELOPMENT

EXHIBIT C

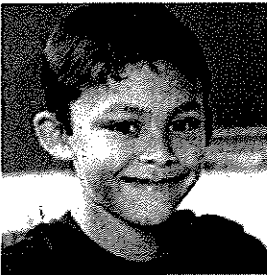


NATIONAL
CHARTER SCHOOL
RESOURCE CENTER
AT SAFAL PARTNERS



Virtual Charter School Accountability:

What We Can Do Now





NATIONAL
CHARTER SCHOOL
RESOURCE CENTER
AT SAFAL PARTNERS

The National Charter School Resource Center (NCSRC) is dedicated to supporting the development of high-quality charter schools. The NCSRC provides technical assistance to sector stakeholders and has a comprehensive collection of online resources addressing the challenges charter schools face. The website hosts reports, webinars, and newsletters focusing on facilities, funding opportunities, authorizing, English learners, special education, military families, board governance, and other topics. The NCSRC is funded by the U.S. Department of Education and led by education consulting firm Safal Partners.

National Charter School Resource Center (<http://www.charterschoolcenter.ed.gov/>)



Safal Partners is a mission-driven strategy consulting firm that supports education reform efforts at the federal, state, district and school levels.

Safal Partners (<http://www.safalpartners.com/>)



The National Association of Charter School Authorizers (NACSA, <http://www.qualitycharters.org/>) is an independent voice for effective charter school policy and thoughtful charter authorizing practices that lead to greater public schools.

Authors

Nelson Smith, Elisa Westapher

Acknowledgments

The authors wish to thank those involved in the production of this report: Stefan Huh and Soumya Sathya of the U.S. Department of Education for guidance and feedback; Mukta Pandit for her leadership as Project Director; Safal Partners for editing and design; Lyria Boast of Public Impact for her research and analysis; and members of the virtual charter school oversight working group¹, which provided valuable insights and perspectives.

This toolkit was produced under U.S. Department of Education Contract No. ED-OII-13-C-0065 with Safal Partners, Inc. Soumya Sathya served as the contracting officer's representative. The content of the publication does not necessarily reflect the views or policies of the U.S. Department of Education, nor does mention of trade names, commercial products, or organizations imply endorsement by the U.S. Government. This toolkit is in the public domain. While permission to reprint this publication is not necessary, it should be cited as:

Smith, N. and Westapher, E. (2017). Virtual Charter School Accountability: What We Can Do Now.

TABLE OF CONTENTS

Introduction

“Virtual” Defined

A Sketch of the Virtual Sector

Evidence and Pushback on Performance

Developing a Common Language

Approving Virtual Charter Schools

Past Performance

Key Questions

Marketing

Key Questions

Enrollment and Student and Family Onboarding

Readiness to Open

Contracts

Primacy of Charter

Management Agreements

Key Questions

Monitoring and Oversight

Attendance, Engagement, and Instructional Time

Teacher-Student Ratios and Contract Time

Accountability for Outcomes

Begin and Standard Metrics

Key Questions About Accountability Metrics

Graduation Rates/Cohorts

Key Questions About Graduation Rates

Testing Formats and Timing

Clarifying “Mobility”

Intervention, Renewal, and Revocation

New Skills Needed

Conclusion

Endnotes

INTRODUCTION

Virtual charter schools educate about 180,000 students in 23 states.² That is a small sector within the charter movement, where students now number nearly three million, and a drop in the bucket compared to the 50 million students in K-12 schools countrywide. However, virtual charter school enrollments have been growing fast in some states. Many parents view the virtual option as a godsend—especially in cases where their children have failed to thrive in more traditional environments.

Yet virtual charter schools occupy a disproportionate share of education news, due mostly to a series of adverse reports on poor academic performance coupled with some distressing cases of fraud.

Charter authorizers—the bodies that grant and oversee charters and make high-stakes decisions about whether to renew them—have been struggling to work their way through this thicket of discouraging news. When authorizers apply to virtual charter schools the same level of accountability that similar performance would merit in other kinds of charter schools, they are often met by lawsuits and political pressure to keep the virtual schools open.

The National Association of Charter School Authorizers (NACSA) joined in 2016 with the National Alliance for Public Charter Schools (NAPCS) and the reform group 50CAN to issue a call for tougher oversight of virtual charter schools, including closure for those that chronically underperform, in response to reports by the Center for Research on Educational Outcomes (CREDO) at Stanford University, other research organizations, and state education agencies, all showing discouraging outcomes for students in virtual charter schools. Evidence shows that virtual charter schools enroll large numbers of students who are unlikely to benefit from self-directed online pedagogy, which led the three organizations to raise the possibility that states might continue to offer virtual schooling but not under the charter banner. This would enable the virtual schools to be more selective than is permissible under open-enrollment laws that govern public charter schools.

This paper, produced by NACSA for the National Charter School Resource Center, serves a more direct and limited purpose than the 2016 manifesto. This paper deals with the world as it is, and intends to give state education agencies (SEAs) and the authorizers in their states the tools and perspectives needed to provide better-informed and more effective oversight right now. SEAs and authorizers should hold virtual charter schools to the same high standards as other public schools; however, virtual charter schools do raise unique questions about accountability. This paper provides recommendations for the specific oversight of virtual charter schools.

This paper draws on research compiled for 2016 report, plus additional findings developed for this project by Public Impact. NACSA produced the report in consultation with a working group of SEA officials and charter authorizers, several of whom have personal experience in the virtual sector. Additionally, NACSA consulted with operators of virtual charter schools and held numerous conversations about virtual schooling at education reform conferences and in other informal venues.

“VIRTUAL” DEFINED

To be clear from the outset, this paper is not about all schools that use extensive technology, charters that use computers to encourage self-directed learning, or the so-called “blended” or “hybrid” charter models that combine online experiences with classroom-based, brick and mortar education. It is about full-time virtual schooling delivered under a charter contract granted by a state-endorsed authorizer. This is an

important distinction since the vast majority of students in full-time virtual schools are in charter schools.³ Most virtual or “distance learning” in other contexts is used for credit recovery, enrichment, or coursework not offered in a particular public-school setting.

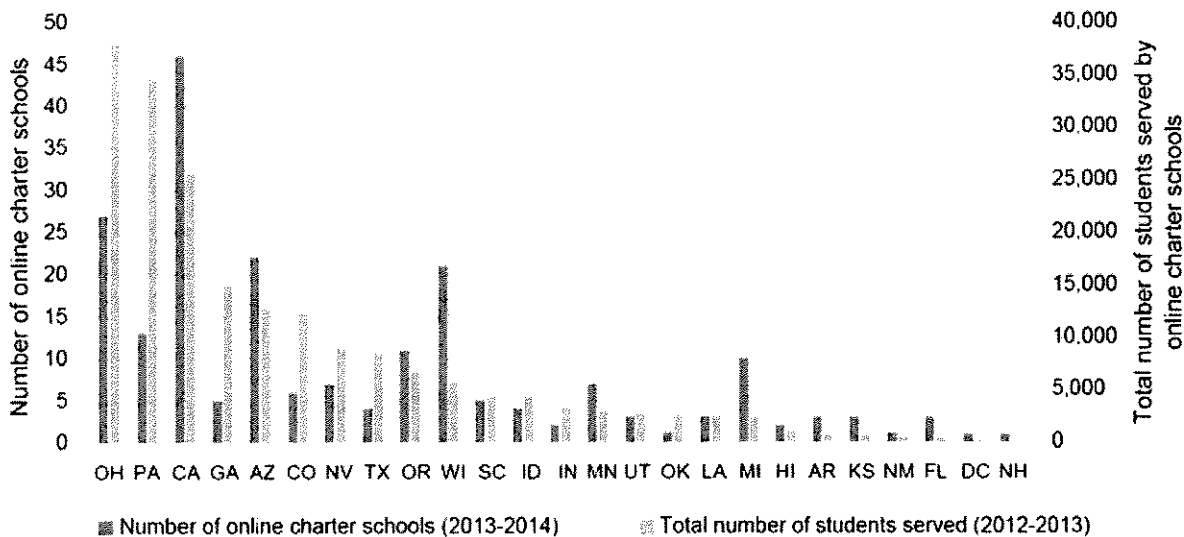
CREDO’s national online charter school study provides a definition of an “online school” that fits well in this situation: “an online school is a school which provides the majority of classes (everything except PE, band, or a similar elective) to full-time students through a computer via the internet. Lessons may be synchronous or asynchronous. Lessons may consist of videos, live chat, bulletin boards, or any other common means of electronic communication. But the primary delivery method must be online.”⁴

A SKETCH OF THE VIRTUAL SECTOR

As the chart below indicates, enrollment in full-time virtual charter schools has risen sharply since the turn of the century. Because eight of the current 44 chartering jurisdictions (43 states and the District of Columbia) do not allow full-time virtual charter schools, there is an uneven distribution of that growth. Three states—Ohio, Pennsylvania, and California—now account for more than one-half of all virtual school enrollments.⁵

One reason for this concentration is the sheer size of some virtual charter schools. Although there are many smaller virtual charters serving students in certain districts, most states allow these schools to draw enrollment statewide. Two national companies, Connections and K12, manage high-enrollment charters in a number of states. K12’s Ohio Virtual Academy currently enrolls just under 10,000 students and Commonwealth Connections Academy in Pennsylvania has over 9,000 students.⁶

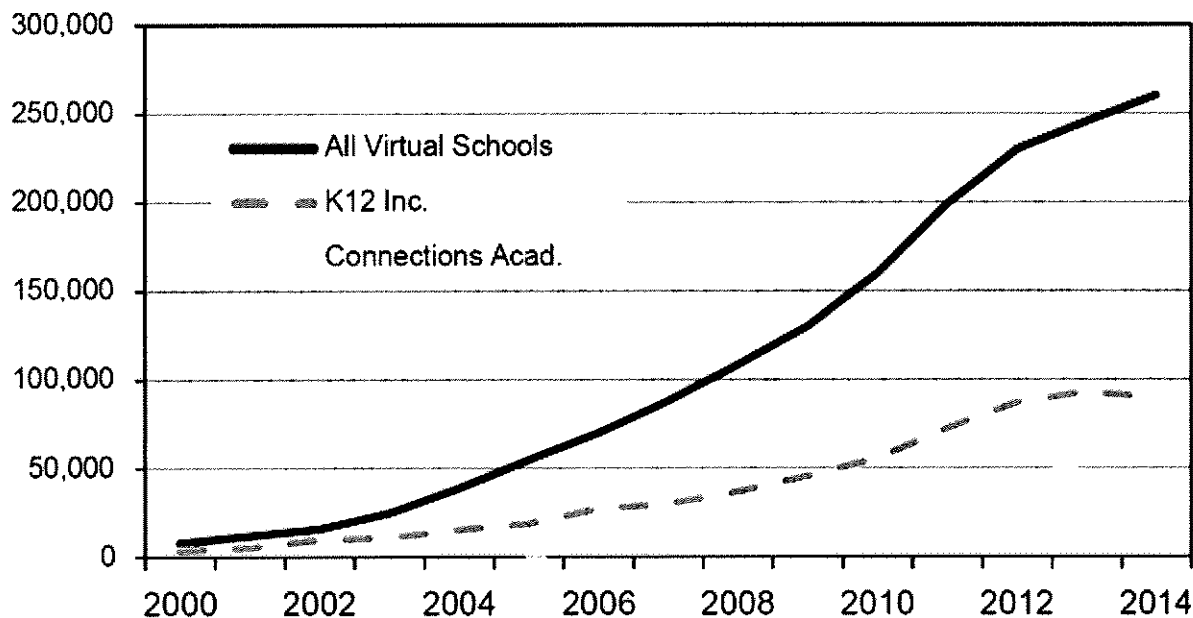
Figure 1: Number of Online Charter Schools Operating by State, with Statewide Student Enrollments⁷



Only six states—Florida, Minnesota, New Mexico, North Carolina, Ohio, and Pennsylvania—require virtual charters to have a physical presence (a brick and mortar location), but that may simply mean administrative offices.⁸ Fourteen states have limits to growth on the books, but according to The Center on Reinventing Public Education (CRPE), restrictions on enrollment do not necessarily correspond to low enrollment

numbers.”⁹ For-profit education management organizations (EMOs) operate about 70 percent of full-time virtual charters, compared to just 15 percent of all charters.¹⁰ Even though virtual charter schools remain a relatively small sector of public schooling, their statewide scale produces the kind of revenues that make for a significant lobbying presence in state capitols. K12 alone spent \$1.25M lobbying in Pennsylvania between 2007 and 2015, nearly a third of what the state teachers’ union spent in that period.¹¹

Figure 2: Enrollment in Full-Time Virtual Schools¹²



Virtual operators have been involved in a variety of legal skirmishes in recent years. After the Ohio Department of Education’s (ODE’s) early-2016 investigation revealed potential shortcomings in attendance and ODE asked for login records, ECOT went to court arguing that its original 2003 contract only called for documentation that students were provided the state-required 920 hours of “learning opportunities,” not that students were actually engaged in learning during that time.¹³

However, a judge in Ohio, who noted that the 2003 contract applied only for the 2002 and 2003 funding reviews, rejected that argument. The judicial opinion further stated that “if the funding agreement were interpreted in the manner that ECOT suggests, to require the state to continue paying hundreds of millions of dollars per year without any ability to determine whether students are in fact participating in any curriculum at ECOT at all” would be a violation of public policy.¹⁴ While Ohio’s Supreme Court is set to hear the case in February 2018, ECOT closed its doors on January 19, 2018, citing financial distress after failing to reach an agreement with ODE, which has been deducting about \$4 million per month to recover overpayments to the school based on revised, but disputed, enrollment counts.¹⁵

This is a textbook illustration of why precise language is important in determining what counts as evidence for critical metrics such as attendance and engagement. Authorizers and operators need a crystal-clear understanding of measurement and reporting requirements, particularly if state law is vague. (See “Monitoring and Oversight” below.)

EVIDENCE AND PUSHBACK ON PERFORMANCE

After more than a decade of largely unexamined growth, the virtual charter sector is now the subject of intense scrutiny by researchers and policymakers. It is hard to find good news about any virtual charter school in the recent spate of third-party evaluations.

Monitoring & Oversight

In July 2016, California attorney general Kamala Harris announced settlement of claims against California Virtual Academies (CAVA) and K12, the national virtual provider that manages its 14 affiliated schools. The attorney general stated that “K12 and the CAVA Schools it operates in California misled parents to induce them to enroll their children in K12 schools by publishing misleading advertisements about students’ academic progress, parent satisfaction, their graduates’ eligibility for University of California and California State University admission, class sizes, the individualized and flexible nature of their instruction, hidden costs, and the quality of the materials provided to students.”¹⁶

Another point of contention was the alleged inflation of attendance counts. The settlement requires K12 to implement new procedures regarding student attendance and active participation. Teachers will be required to evaluate whether students are actually engaged in learning, not merely logging on. Further, “learning coaches”—often parents— will be required to submit logs for off-line activities including.”¹⁷

Under the settlement, K12 agreed to provide approximately \$160M in debt relief to the schools. The attorney general contends that the firm had overloaded the schools with so-called “balanced budget credits” under the fee structure K12 uses in its contracts and will pay \$8.5M in settlement of all claims¹⁸ are a means of keeping the schools solvent. According to one authorizer, the firm explained that the company “provides services to the charter school, and then forgives the charges each year in the form of ‘K12 Balanced Budget Credits.’ The amount forgiven is equal to the school’s spending deficit, allowing the school budget to zero out.”¹⁹

K12 CEO Stuart Udell said the credits are “the difference between K12’s contractual price and what the schools can afford to pay” based on their state funding and that the settlement mischaracterizes payment as “debt relief.” “While K12 has a contractual right to recover these balanced budget credits, in all the years that K12 has worked with the CAVA boards we have never sought to recover those amounts.”²⁰

NACSA became directly engaged in this search for good news after the Georgia Charter Schools Commission sought national benchmarks of virtual charter performance, knowing that schools in their own portfolio were in danger of non-renewal based on unacceptable academic results. With funding from the Commission, NACSA and Public Impact conducted a literature search, which included two national studies published in 2015; evaluations by state agencies including Colorado, Wisconsin, Georgia, Minnesota, and Washington; university-based researchers at Georgia State, Stanford, Harvard’s Kennedy School of Government, and the University of Arkansas; and reports published by news outlets. The report concluded that after looking at proficiency, growth, performance on state accountability measures, and graduation and dropout rates, virtual charter performance is “lackluster” and the researchers were unable to find any virtual school consistently producing strong academic results.²¹

Later in 2015, three major research organizations—CREDO, Mathematica, and CPRE—issued reports with the same bleak theme. Drawing on data from 17 states and the District of Columbia, and using a “virtual twin” approach that matches students with their counterparts in a traditional school on observable demographic measures and prior academic performance, CREDO produced the striking conclusion that on average, “online charter students have much weaker growth overall.” Across all tested students in online charters, the typical academic gains for math are -0.25 standard deviations (equivalent to 180 fewer days of learning) and -0.10 (equivalent to 72 fewer days) for reading.²²

In August 2016, the Thomas B. Fordham Institute, using a different methodology, examined the performance of Ohio virtual charter schools and reported, “Across all grades and subjects, students who attend e-schools perform worse on state tests than otherwise-similar students who attend brick-and-mortar district schools, even accounting for prior achievement.”²³

Meanwhile, virtual charters are starting to run into state laws requiring mandatory closure for chronically poor performance on state accountability ratings. Indiana’s statute requires authorizers to close charters scoring an F on the state accountability system for three consecutive years. In 2016, the Indiana State Board of Education questioned why Ball State University was arguing for renewal of Hoosier Academy Virtual after five consecutive F grades, but delayed judgment pending another year of results.²⁴ The school’s board subsequently voted to close the school at the end of the 2017-18 school year rather than apply for renewal.²⁵

It will come as no surprise that operators of virtual charters are challenging this barrage of bad news. Those interested in the technical arguments made by operators and researchers can find online the statements by K12, CREDO²⁶, the National Education Policy Center²⁷, and other groups that participated in recent colloquies.²⁸ A brief summary of operator contentions includes the following:

- Performance has improved since CREDO and others collected data for their reports. Operators cite the strong growth results in Ohio’s 2016 state grades, which improved dramatically after the state decided to base the calculation only on two years of consecutive tests in the same virtual school—that is, not including a student’s first year after transferring to the virtual school in the calculation.
- The negative CREDO results are based on a methodology that does not take into account students who enroll late (even up to a week before testing), or the unquantified factors for which parents choose to enroll their children into online charter schools. However, it should be noted that CREDO did directly address mobility and found that mobility rates are lower before students enter virtual schooling, and higher after they leave.²⁹
- Operators have taken steps to improve. K12 notes that it now publishes detailed annual reports on academic progress and is implementing parent-training programs. Likewise, Connections reports that it has rewritten its math curriculum in response to the fact that overall math performance is an issue, and has started to see improvements in student performance.
- Four-year graduation cohorts are meaningless when students enroll throughout high school and are often significantly credit-deficient.

For SEAs and authorizers, arguments about accountability metrics raise more questions than they settle. For example:

- If states have determined that the key metrics for school accountability are annual reading and math scores, why should these not apply equally to virtuals?
- Are there additional valid and reliable measures that make sense for these schools?

- Should authorizers consider the range of parent motivations for enrolling students in virtual charters?
- How should the type and duration of student mobility affect the accountability equation? Or, is the “mobility” of a star athlete who studies virtually during the season the same as the “mobility” of a student whose impoverished family has been evicted twice in the past year?
- Should schools be excused from accountability when they enroll high numbers of students experiencing difficulty in other classroom settings, or should the elements of accountability be different for them?
- Should authorizers create separate performance frameworks for virtual charter schools?
- How much should states and authorizers think carefully about “input” measures, such as attendance and engagement, in self-paced models oriented to mastery of content instead of seat-time?

DEVELOPING A COMMON LANGUAGE

Too much of the dialogue between authorizers and operators regarding these questions often happens after the fact. Virtual charters are falling far short on available, observable measures of performance. When authorizers call them to task for poor performance, operators contend that the required metrics are wrong, and their students have unique challenges. When authorizers ask for documentation of these challenges, operators have difficulty producing the kind of hard evidence required for high-stakes decisions.

This conversation needs to start with an agreed-upon set of metrics, both conventional and non-standard, that authorizers can use to evaluate performance. Agreement about metrics should take place within the initial charter approval process, during the early goal-setting stages of the charter, and at every subsequent renewal—not after the authorizer has already called the charter status into question.

NACSA encourages authorizers to create performance frameworks for all charter schools that spell out metrics and goals in three areas: academics, finance, and organizational compliance. As important as these framework metrics and goals are for schools with traditional learning models, they are crucially important for schools with non-traditional models, such as “alternative” schools that serve former dropouts, students with a history of substance abuse, or chronic truants.

Virtual Charter School Applicants

The Georgia State Charter School Commission developed a required addendum for all virtual charter school applicants that includes questions designed to address some of the key differences in the program model. Such questions include:

- 1. Describe the level of participation in instructional activities students will be required to meet to receive credit for successfully completing a course and receive a satisfactory grade for that course. The level of participation may include the amount of time students will be engaged in both online and other instructional activities in order to receive credit for a course.*
- 2. Describe how cooperative and group learning activities will be integrated in the instructional program.*
- 3. Describe how virtual instruction and activities will be geared to develop and nurture social needs of students.*

4. Describe any extracurricular activities that will be offered to develop and nurture the social needs of students.
5. Describe how the charter school will identify students with special needs in the virtual environment and how the charter school will provide services to all enrolled students with special needs regardless of where the student resides.
6. Describe the charter school's procedures for ensuring that students with disabilities in the virtual program are identified and receive all services needed to comply with the Individuals with Disabilities Education Act (IDEA), the Rehabilitation Act, and the Americans with Disabilities Act (ADA) and related state and federal laws and regulations.
7. Describe the charter school's procedures for Individual Education Plan (IEP) meetings for students with disabilities in the virtual program, including determining where such meetings will occur.
8. Describe how the charter school will implement ADA and Rehabilitation Act standards for accessibility to web-based curricula.
9. Explain how the charter school will accommodate English Learners (ELs) for students in the virtual program and address their unique needs in online and offline instruction and activities.
10. Describe the charter school's plan for the administration of all required state assessments (e.g., Georgia Milestones) and other assessments set forth in the school's charter for students in the virtual program. The plan should address, among other things, test taking location(s), who will administer the tests, and test security procedures.
11. Describe procedures to ensure compliance with providing instruction for the equivalent of 180 days in the virtual instructional program.
12. Describe the charter school's policies regarding truancy, absence, and withdrawal.

In these cases, a framework can vary both the metrics themselves (such as a technical certification in lieu of an SAT test) and the way they are weighted (giving additional emphasis to growth scores on state tests).

Similarly, adapting performance frameworks with additional metrics fitted to virtual schooling can create a "common language" for clear accountability that lays the groundwork for renewal. Without compromising on high standards for student success, such a framework allows authorizers to take a holistic view—through a lens of hard data—instead of being asked to look the other way when performance is wanting.

This is a particularly opportune time for states and authorizers to do the work of creating or revising existing performance frameworks to include program-specific metrics that make sense in the virtual context. The federal Every Student Succeeds Act (ESSA), which takes effect in the 2017-18 school year, allows states greater latitude to incorporate non-traditional measures in their accountability systems, and to use other metrics such as an extended graduation cohort, for schools that serve students who may not complete high school in four consecutive years.

Many states are also changing state tests and causing gaps in the data used for accountability purposes. It is up to authorizers and state leaders to decide whether this means a delay in high stakes decisions (for all

charters), or whether an accumulation of evidence other than state tests can be brought to bear in accountability decisions.

APPROVING VIRTUAL CHARTER SCHOOLS

A rigorous application and review process will cover most “virtual charter” concerns, even if originally created for brick and mortar schools. However, certain areas of the application merit a more detailed examination of the intentions and plans for virtual charters. A growing number of authorizers are now including virtual-specific addenda in their charter application packets. Such areas include past performance, school marketing, the enrollment and onboarding processes, and other matters specific to the virtual school model.

PAST PERFORMANCE

When an applicant proposes working with a third-party management company that already operates schools, the authorizer should conduct due diligence and carefully examine, as part of its application process, the operator’s past performance. Since EMOs, including large companies with national scope, operate most virtual charters, this is an especially important step.

KEY QUESTIONS

- How are the operator’s existing schools performing academically?
- Are the operator’s existing schools in good financial health?
- Have any schools been closed or non-renewed?
- Have authorizers found their schools out of compliance with applicable laws or the terms of their charters?
- Have previous authorizers raised questions about the strength and independence of governing boards?
- Has the operator been involved in litigation?

MARKETING

There has been increasing concern over the “fit” between virtual charters and the students they serve. Self-paced programs that place a high premium on parent oversight and engagement may not be the right setting for every student. In fact, under the California settlement K12 will be required to post videos on the CAVA website “to reflect the potential advantages and challenges that parents and students might face in a virtual school environment.”³⁰ In its Policy Framework for Online Charter Schools, CRPE went further, suggesting that “State policies could eliminate open enrollment requirements and require schools to establish criteria for admission in order to ensure quality and effectiveness.”³¹

But current charter laws avoid such criteria in an effort to be inclusive, and virtual charters are subject to the same requirement for open admissions as all other charters. So, a school’s marketing strategy must balance the obligation of broad outreach with the responsibility to give parents the information they need to make a well-informed choice. Authorizers should look closely at both questions in reviewing virtual applications and in monitoring approved schools’ progress.

KEY QUESTIONS

- Do advertising, presentations, and materials clearly explain the program the operator promises?
- Is the marketing campaign clear about the work required for success?
- Does the operator clearly define parent responsibilities?
- Do parents have easy access to sponsor evaluations or annual reports, state report cards, or other academic information?
- Does advertising for the school reach a diverse audience? Is it presented in multiple languages and in all types of neighborhoods?
- Does the school engage in high-pressure salesmanship (“We’re almost at maximum enrollment, better sign up now!”)? What incentives are there for marketers to boost enrollment?
- Is there any evidence of deceptive practices—for example, promising more frequent teacher contact than is actually delivered?

Since many virtual charters can recruit statewide, there may be a serious question about the capacity of a local authorizer to evaluate these questions. Because some large virtual charters are authorized by small local districts with minimal staff, the authorizer may not know all the media markets and distant neighborhoods the marketing plan will reach. This is a question worth monitoring, and SEAs might consider developing guidelines or recommendations for authorizer evaluation of virtual-charter school marketing. They might also consider doing spot checks to ensure that marketing practices comply with applicable laws.

ENROLLMENT AND STUDENT AND FAMILY ONBOARDING

Every state requires charter schools to offer enrollment open to all prospective students, up to the number of students prescribed in the charter. If there are more applicants than spaces, a lottery process determines admission. A few exemptions exist, depending on state law. For example, charter schools can usually admit children of school founders or siblings of current students outside the lottery process.

Public schools usually complete and count enrollment by the first or second month of the school year. Although some virtual charter schools encourage students to begin classwork on a traditional school calendar, most virtual charters allow enrollment throughout the year. Authorizers should review the school’s policies and processes to assure equity and transparency in enrollment practices that may take place throughout the year.

It is important to distinguish between the operator’s practices before and after a parent decides to enroll their child. Prior to the parent’s enrollment decision, the operator can host information sessions providing detailed information about the program and, especially, the role parents play in their child’s education.

Once a parent decides to enroll a child, the process can and should become more personalized. Authorizers should scrutinize the plan for “onboarding” students and families, which is especially important for students who arrive throughout the school year and those with special needs. Schools should determine the new student’s academic status and assess personal or family issues that may have prompted their interest in virtual learning in the first place, including any that may affect day-to-day learning. Here, the school should hone in on the “fit” question: What curriculum offerings make sense? What kind of support is needed? What kind of interaction with the teaching staff will work best? How will a student’s special needs, or need for English language acquisition, be addressed in the virtual context, and with what additional resources?

In short, the post-enrollment process should determine how the student experience will be personalized to ensure a smooth transition into virtual learning and the best chance of success in the new environment, without in any way suggesting an intent to “counsel out” the student.

READINESS TO OPEN

Virtual schools may not have a conventional annual calendar, but they do begin operations by a defined date. How should authorizers ascertain whether the schools are ready to receive students?

Many charter authorizers do visits, document reviews, and other surveillance to determine whether traditional charters are ready to open. Some elements are moot in the virtual setting, but others remain pertinent.

KEY QUESTIONS

Some questions that authorizers should ask following charter approval and before the virtual charter school starts operation include:

- Are enough teachers hired to staff the school's instructional model? Does the staffing model match the numbers included in the application?
- Does the plan for testing reflect the plan noted in the application?
- Will state tests be administered at a school-managed site or somewhere else?
- If there is a physical facility, whether for academic, social, or administrative purposes, does it have a certificate of occupancy? If students will visit the physical facility, does it meet applicable health and safety standards?
- If the school is required to provide students with computers, Wi-Fi, or other technology assistance, have these services been provided?

CONTRACTS

PRIMACY OF CHARTER

A carefully crafted charter contract should embody performance expectations and spell out a set of metrics to measure the school's performance. The first order of business for an authorizer is to ensure that each virtual charter contract details the level of academic, financial, and organizational performance required for renewal of the charter. In addition, to the extent the authorizer needs access to data from the school, the charter contract should identify this data and the school's responsibility to provide it to the authorizer.

This point is especially worth stressing in the virtual context. If factors such as mobility rates and student characteristics shape performance expectations, these factors must be included in the contract along with agreed-upon sources of quantifiable evidence. It is not enough for an operator to claim, or for an authorizer to accept without evidence, that “a lot of our kids have issues.” Federal law and state accountability systems require schools to maintain high standards for all students. Therefore, the charter contract should say whether and how certain populations impact performance expectations.

The charter contract should incorporate, directly or by reference, a performance framework addressing each indicator of academic, organizational, and financial performance, with measures and metrics specifying goals for each. (See “Accountability for Outcomes” below.)

Contracts must be clear about the school's obligation to share data, and note that refusal to share can be grounds for termination, especially if related to agreed-upon performance expectations. SEAs may have a role in facilitating data exchange by making sure that operator, authorizer, and state data systems communicate effectively.

MANAGEMENT AGREEMENTS

EMOs, which are for-profit companies, operate most virtual charter schools. In addition to the charter contract between the authorizer and the charter school board, the presence of a management company requires a separate agreement between the charter school board and the EMO. It is critical that the authorizer have the opportunity to review the draft agreement as part of the application. Authorizers should condition award of the charter upon its review and approval of the final management agreement.

Among other issues, the management agreement should: preserve the independence and authority of the charter school's governing board; describe in detail the services of the management company and corresponding fees; outline the criteria used to evaluate the EMO; explain under what circumstances the parties can terminate the agreement; and provide a contingency plan for subsequent operation of the school post-termination. While there is often no physical facility for virtual charter schools, the management agreement should clearly spell out which entity is responsible for technology costs; what is included in those costs; and who owns the technology if the agreement is terminated.

Over the past decade, questions have been raised about the independence of charter school boards that contract with EMOs. In some cases, EMOs have chosen board members and essentially supervised their work, or at least functioned as a watchdog on their every move. In the case of virtual charters that enroll hundreds or thousands of students, the prospect of major disruption in the lives of children and families poses an additional threat to board autonomy. If the EMO terminates the contract and the board is unable to self-manage or switch management companies due to restrictive provisions in a management agreement, student learning can be put at risk. While EMOs may have more leverage than charter school boards under many existing agreements, it does not mitigate the board's obligation to make its own decisions about whether a particular operator has met the terms of its contract. This reaffirms the importance of authorizer review and approval of the management agreement at the outset.

For these reasons and more, charter school boards should have strong onboarding and periodic re-training on their legal, ethical, and fiduciary responsibilities. State laws in Ohio, Minnesota, and Florida now require charter school board members to receive training, which is a requirement other states may want to consider.

Finally, to ensure their own independence, the charter school board should retain its own legal counsel to negotiate the management agreement and the charter contract.

KEY QUESTIONS

- Does the charter contract and any associated performance framework set out clear standards for renewal of the charter and any interim goals that the school must meet?
- Does the charter contract spell out what data and documents the school is obligated to provide to the authorizer as evidence that the school is meeting performance goals?
- Does the management agreement clearly give the school's governing board the authority it needs to oversee the EMO's performance and, if necessary, terminate the agreement without disrupting students' education?

- Does the school's governing board have independent counsel (i.e., not retained or paid for by the virtual operator)?
- Does the school's governing board conduct regular review of the EMO's performance?

MONITORING AND OVERSIGHT

Even though outcomes are the main focus of accountability, states and charter authorizers need to look at key process metrics—not only because they affect the amount of public revenue the school will receive, but also because they help protect student and public interest by pointing to compliance issues and sources of stress in the operation. Certain process metrics take on a different or heightened importance for virtual charter schools.

ATTENDANCE, ENGAGEMENT, AND INSTRUCTIONAL TIME

How do we know students are “attending” a school they access online? Although there is growing support for basing accountability and funding on “mastery” or “competency” rather than seat-time, most states still require confirmation that students are actually “in school.” How to do this in the virtual context is a perennial problem, and in one notable Ohio case discussed earlier, the subject of litigation.

There should also be some well-defined threshold of non-attendance. When is a virtual student merely “absent?” When does the student become “truant?” When does a student's affiliation with the school actually end? Interviews with authorizers of virtual charter schools in seven states and the District of Columbia disclosed a variety of methods for addressing these questions:

- Enrollment status: All students currently meeting enrollment requirements are counted toward attendance calculations.
 - In Ohio, all students currently enrolled in virtual charter schools are counted toward daily attendance. Students must log in to school at least once every 105 consecutive hours to stay enrolled and be included in daily attendance counts.
 - North Carolina state policy counts all students who have shown any “student activity”—as defined by the school—in the past 10 consecutive days toward daily attendance counts.³²
- Login time: Students are counted toward attendance on a specific day or week based on time that they log in to the school system. Specific time requirements range from one minute to a set number of hours per day or week.
 - In Idaho, one option for calculating attendance includes all time that a student logs between 8 a.m. and 10 p.m. Monday through Friday.
 - The Pennsylvania Virtual Charter School considers students absent every day they fail to log into the school system for any period of time.
 - Arizona state law requires that virtual schools report attendance based on “logged time,” or time students spend completing online coursework.
- Student participation and engagement: Students must show evidence of class participation or work that may include teacher contact, submitting assignments, participating in webinars or discussion, or attending tutoring sessions.
 - Colorado State Board of Education guidance allows virtual charter schools to track attendance based on student participation and completion of required tasks. Colorado virtual

schools may also choose to calculate attendance based on login time or on completion requirements.³³

- Parent or learning coach report: Parents or learning coaches report or verify attendance or participation hours. Many virtual charter schools use this method in combination with other approaches.
 - South Carolina law requires parents to verify the number of hours of educational activities completed by the student each year and to have at least bi-weekly parent-teacher conferences in person or by telephone.
- Performance or class completion: Students must show progress toward specific weekly performance targets. For example, if a student achieves only 60 percent of their weekly learning goals, he would be counted as attending school for only three of the five weekdays.
 - In Idaho, attendance can be submitted as a percentage of the instructional program completed over a timetable set by the school.

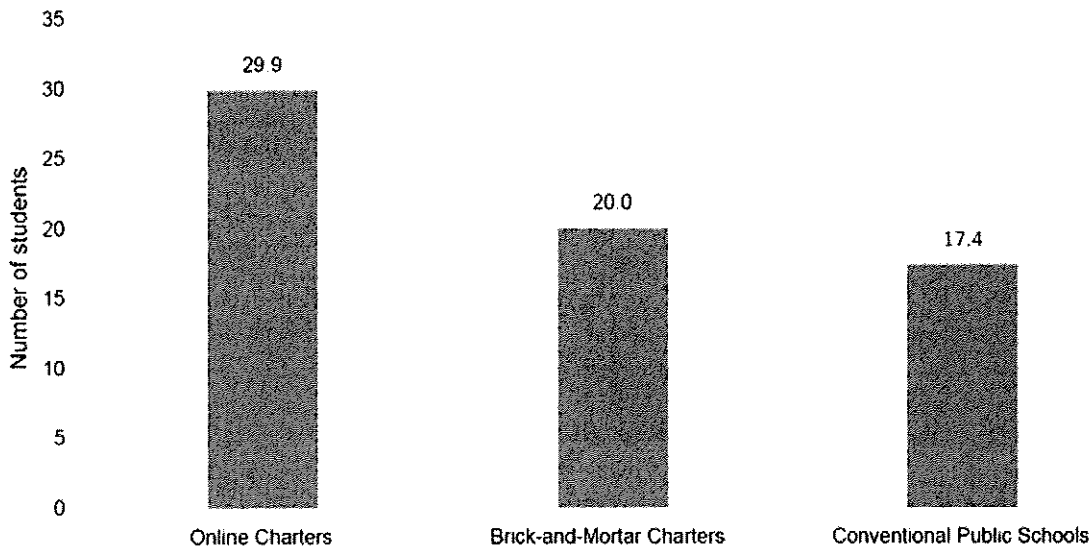
Many virtual charter schools use a combination of approaches. For example, Kansas Connections Academy requires both reports by a learning coach and completion rates for required tasks. Oklahoma Virtual Academy calculates attendance based on online lessons completed, live class connects, and home-school communications. In addition, "a student will be withdrawn for non-attendance if they miss 10 consecutive school days."³⁴

In some cases, schools simply report attendance according to their own methods, with no direction or standardization by public authorities. Given that attendance numbers often determine the amount of public funds received by a school, states and authorizers should establish a uniform approach or method for calculating attendance. While no one method is foolproof, using multiple measures found consensus among members of the working group. Documentation of student login is a good start, but not enough; students may spend a few minutes logged in, do work offline, and then log in again to "send." Additional methods might include parent confirmation of work, evidence of participation and engagement with the material, a record of student contact with the teacher, and/or evidence of unit completion. States and authorizers should settle on what combination of elements from this "menu" will be used to document attendance and engagement.

TEACHER-STUDENT RATIOS AND CONTACT

Virtual charter schools generally provide some amount of direct contact with live teachers, either in person, via Skype, by email or text, or through other modalities. While some virtual teachers may juggle a huge cohort of students, numbering in the hundreds, these cases appear to be the exception. The research organization Mathematica found that, "Online charter schools reported median class sizes of 25 students in 4th grade in both math and English/Language Arts (ELA) (Figure 3) (these data exclude schools that rely entirely on individualized, self-paced courses for which class size has no clear meaning). Similarly, in 7th grade, median class sizes were also reported to be 25 students in both math and ELA. Median reported class sizes rise to 30 students in both subjects in high school." Mathematica also found that in middle and high school, classes of 50 or more are common, and that larger class sizes are more common in larger online schools.³⁵

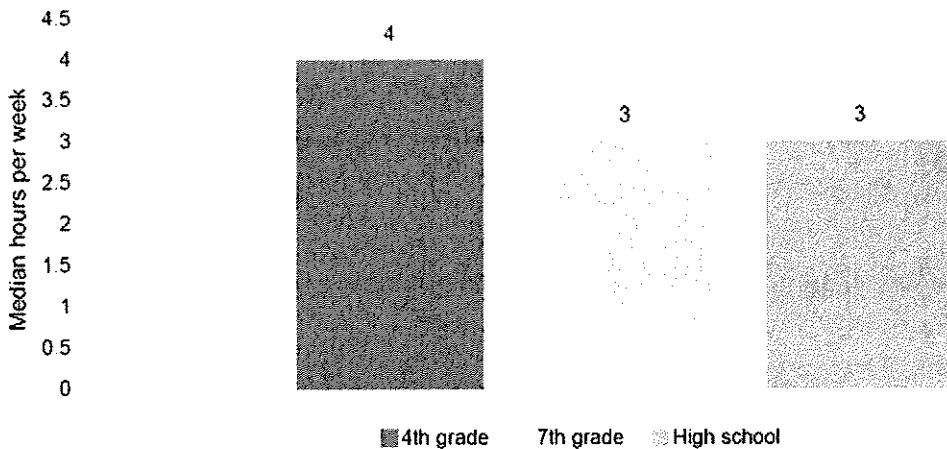
Figure 3: Students Per Full-Time Teacher³⁶



There is no “magic number,” however. Disputes about class size are common in the politics of brick and mortar schools, but the dynamics of virtual schooling are different, and the importance of “class size” per se may be moot when students experience the academic program by themselves.

A more pertinent question is how much actual contact teachers have with students, and how well the time is used to further the academic program. Mathematica’s findings are striking: “Students in the typical online charter school have less synchronous instructional time in a week than students in a brick and mortar school have in a day.” That is, they spend much less time directly interacting with teachers—about four hours in Grade 4, and about three hours in Grade 7 and high school.

Figure 4: Median Weekly Time Spent in Synchronous Instruction³⁷



Advocates of virtual schooling say that comparing these numbers to total classroom time in a conventional school can be deceptive. How much time, they ask, does a given teacher spend directly interacting with a

given student in the course of a week in a brick and mortar school? The four hours a virtual instructor spends weekly with a fourth-grader may involve dozens of brief check-ins directly with that student.

The bottom line is that this “input” measure plays out differently in traditional and virtual settings. The critical question is whether the time allocated is enough to achieve the goals of the academic model, and whether the interaction between teacher and student is productive.

ACCOUNTABILITY FOR OUTCOMES

BEGIN WITH STANDARD METRICS

Virtual Charter Accountability

While some virtual charters incorporate physical facilities, which should be subject to inspection like all other school buildings, the program is really delivered online, in homes. It is unrealistic to visit students' houses, but an authorizer can, and should, see the program in real time by doing electronic site visits.

Authorizers do this in various ways. At Buckeye Community Hope Foundation, a nonprofit authorizer in Ohio, staff members get a login from the school and actually observe teaching in real time. In Oregon's Santiam Canyon School District, the student information system in its virtual charter communicates directly with district systems so that, for example, the authorizer can validate special education compliance. In Colorado's Falcon 49 district, the virtual charter schools also have drop-in centers that the superintendent/authorizer visits. Authorizers should have the ability to log in at any time to make unscheduled checks, especially for schools that warrant frequent monitoring—for example, those on probation.

The discussion of how to measure accountability must begin with the premise that as public schools, virtual charter schools are subject to the same standards as all other public schools. The burden of proving the need for modification to this rule is on the school, not the authorizer. Leading states and authorizers are already using conventional metrics in more sophisticated and telling ways than was possible a decade ago.

NACSA has long advocated that authorizers should create **performance frameworks** for setting comprehensive and consistent expectations about charter school performance. Performance frameworks, or the setting of transparent performance expectations, are important for any charter school, but are essential for schools that have a distinct mission or student characteristics whose impact may not be fully captured by standard accountability measures.

Proficiency. The foundation of most state accountability systems is student proficiency data on reading and math tests. It is hard to argue that any public school is doing its job if its students cannot read and do math.

Some states and authorizers have developed strategies to ensure that proficiency is not considered in a vacuum or used as a single measure of performance. The Illinois State Charter School Commission, for example, compares both proficiency and growth scores not only against state standards and averages, but also against schools with comparable populations and the aggregated scores of sending schools. This requires some finesse and a strong statewide data system, but such comparisons are especially valuable for schools that serve nontraditional populations. They can provide a well-rounded view of performance that

"proficiency" scores on their own cannot, especially for schools that welcome students significantly below grade-level.

Growth. Under the Every Student Succeeds Act (ESSA), states are required to measure student academic growth, which many states were already doing under NCLB waivers. Currently, there are serious impediments to measuring growth accurately, due to changes in state standards and tests.

Looking at growth is imperative for virtual charter schools with mobile populations whose students may not be present for the annual sequence of spring tests. For these schools, authorizers are justified in asking for interim assessment data to document growth, ideally using nationally normed measures administered several times during the year so that most students are included for accountability purposes.

Value-Added. One way of probing more deeply into standard test data is found in the value-added impact analysis developed by the Georgia Charter Schools Commission in response to calls for "alternative accountability" for schools with unique populations. In addition to the usual controls (race, gender, free/reduced lunch status, disability status, ELL, and so on), it also takes into account a host of additional variables including number of schools attended in the current year, number of disciplinary incidents in the prior year, being overage in grade, prior-year test scores, and previous withdrawals due to certain risk factors such as hardship, incarceration, or pregnancy. It also notes students who enter school more than two weeks after the school year starts, which helps identify test takers who have not had a full year's learning.

Broader adoption of such analyses would help clarify grounds for accountability in virtual charters. But it may take some doing: not every state has data systems capable of generating these tabulations, and not every authorizer can get access to some of the items mentioned here.

KEY QUESTIONS ABOUT ACCOUNTABILITY METRICS

- What additional measures, if any, would the school like to include in the performance framework or add to the authorizer's established academic performance expectations? Why has the school selected these measures and what are these measures tracking that the existing framework does not?
- What will be the standard for meeting each measure? What type of evidence will be used to demonstrate this?
- How will standard and non-standard measures be weighted to determine whether the school has met its academic performance obligations?
- Have other authorizers used these non-standard measures with success? For example, if one metric is a student efficacy survey, where else has it been used, what outcome is it associated with, and what evidence can the school provide to support this connection?
- Are authorizers using charter renewal to create strong frameworks, or to review and update existing ones?

GRADUATION RATES/COHORTS

Determination of the four-year graduation rate is a required accountability element in all states, but there is a growing realization that many students do not enter and exit high school on a four-year timetable. Under their NCLB waivers, some states introduced extended graduation cohorts, with Ohio the most adventurous, permitting up to eight years for dropout-recovery schools. Now, under the new federal law, all states may

use extended cohorts. But states must decide how to assign credit for students who take longer than four years. Schools can still expect to be pushed toward the standard cohort length with diminishing credit for subsequent years.

Virtual charter schools will welcome a longer graduation cohort, since many of their high school students arrive overage and under-credit.

Authorizers and virtual charter schools need to have hard conversations about what they will count and how they will interpret results at a more granular level than is usually the case. What is happening, for example, when the under-credit share of one class is substantially higher than that for the school as a whole? Does it mean that more under-credit students have enrolled in that class or that those who have stayed on are falling further behind?

Since the goal of schooling is not seat time but mastery of the curriculum, authorizers should have flexibility to allow unconventional paths toward a diploma, so long as state law gives them the needed latitude. However, authorizers also need to distinguish between students who are otherwise performing well and have no serious impediments to graduating on time and those who arrive seriously behind, or who unavoidably miss school, and need more time.

According to the Mathematica study, 90 percent of online charter schools surveyed said they serve “a general population of students,” with just 10 percent serving a “specific population”—most often dropouts or overage/under-credited students.

Given that statistic, accountability requires a serious and frank discussion of student data and performance expectations between the virtual charter school and authorizer. It does not make sense to argue in broad terms that “all students must graduate in four years” or that “our students can’t be expected to graduate in four years” when virtual-charter student bodies encompass such a broad spectrum of achievement levels and personal circumstances. The numbers cited above again suggest that virtual charter schools need to explain any requested variance to conventional rule.

Certain states and authorizers are approaching this challenge in constructive ways, informed in part by recent experiences in trying to create equitable measures for alternative charter schools—those that serve former dropouts and other student groups with persistent challenges to academic success:

- The South Carolina Public Charter School District is developing a modified graduation rate accountability metric that gives credit to schools for out-of-cohort students who successfully graduate. The authorizer will calculate this modified rate for all charter schools, not only alternative or virtual schools.
- The Oklahoma Statewide Virtual Charter School Board adopted a performance framework for the virtual charter schools it oversees. While the framework examines reading and math scores for all students, it also looks at reading and math scores for students enrolled in the school for two and three or more consecutive years. Regarding graduation rates, the framework analyzes both the four-year graduation rate, the extended-year adjusted graduation rate, and the graduation rate for eligible seniors for the most recent year.³⁸

KEY QUESTIONS ABOUT GRADUATION RATES

- What portion of the student body does the virtual charter school expect will graduate in four years? What information informs this estimate?

- How does this compare to the authorizer's estimate based on prior experience and incoming student data?
- How will the virtual charter school keep track of students who enter and leave and may not be part of an identifiable graduation cohort? How are diploma expectations calculated for these students?
- What is the relationship between attrition and graduation rates?

TESTING FORMATS AND TIMING

Some virtual charter schools contend that the desk-bound nature of state tests, and the travel often involved, may affect performance. Virtual charter schools also note that their own internal metrics show better results than state tests, perhaps because state assessments may take place months after students have finished curriculum units. Of course, this problem also applies to brick and mortar charter schools, but may be more of a challenge in self-paced learning environments.

Testing site requirements vary by state, and while virtual charters bear the primary obligation for addressing test formats and timing, authorizers and SEAs can work with virtual charter schools on these issues by helping to arrange test sites closer to students' homes—for example, in nearby district facilities.

CLARIFYING “MOBILITY”

According to Mathematica: “Online charter schools reported that the average length of stay for a typical student is a little more than two years, which is consistent with what CREDO found in student records data (Woodworth et al. 2015). Nonetheless, the average virtual charter school reported that nearly 40 percent of its students who took the state assessments at the school in the spring of 2014 had not been enrolled in the school for the entire school year.”³⁹

Some types of mobility are more predictable than others, and some have stronger effects on learning. For example, the virtual option may be ideal for a student-athlete during the season, or for a student who performs in a traveling show choir and wants to keep in touch with her studies on the road. If such students are getting straight A's, there is no reason to think that their type of mobility should impact their academic performance. By contrast, a student who arrives at the virtual charter school after a history of hopping from school to school because of family chaos or behavioral problems is likely to experience more serious learning challenges.

The familiar “mobility effect” that depresses achievement when a student first arrives at a new school is likely to be amplified in a virtual setting. The virtual charter school must understand where the student is starting academically and tailor their program to the student's individual needs to give the student the best chance of success in the new environment, for the potentially short period of time they are enrolled.

Apart from disruption of learning, mobility rates affect the number of students eligible for accountability measures. Some students simply are not accounted for in any school results, and these gaps can cast a shadow on critical outcome measures. Year-to-year calculations of student growth, for example, may seem impressive until it becomes clear that a very small number of students is actually captured in the data point.

Currently, very few virtual charter schools and authorizers document causes and trends in mobility, or use specific accountability measures to address the performance of mobile students. This may be changing. The virtual provider K12, for example, has made a point of trying to reduce student mobility and increase persistence, a point stressed in their recent academic reports.⁴⁰ Clearly, this is one area where an up-front agreement between authorizers and virtual charter schools is essential. They should work together to:

- Document expectations for duration of attendance and incorporate such rates into performance frameworks.
- Use data over time to set year-over-year goals for retention.
- Track, analyze, and act on reasons why students enter and exit the school.
- Flag highly mobile students and report their performance in context.
- Require short-term metrics (interim assessments; NWEA MAP tests) that can demonstrate progress for mobile students.
- Ensure that virtual charter schools provide a strong onboarding program (for both students and parents) that is available whenever students arrive to explain performance expectations and fine-tune academic offerings to get mobile students up to speed.

INTERVENTION, RENEWAL, AND REVOCATION

Despite ongoing concern about their performance, authorizers have closed very few virtual charter schools for any reason—just 11 between 2008 and 2013, according to NAPCS data. Whatever the merits of individual cases, there are powerful incentives not to take action even when performance is faltering, especially when virtual charters enroll hundreds or thousands of students. The most urgent question is where will all those students go to school? It asks a lot of districts and other charters to absorb those students, especially those who live in remote areas or who have already been unsuccessful in traditional settings. Also, authorizers may encounter EMO lobbyists and lawyers deployed to fight school closures. And state laws often provide for authorizers to collect per-student fees. Given the scale of some virtual charters, these can introduce another perverse incentive to keep a failing school open.

The three-party report issued in 2016 made several suggestions to address these problems, including limiting overall virtual enrollment per charter and capping the fees an authorizer might receive from a virtual charter. While these ideas would require changes in law, it appears that authorizers are using existing powers to take stronger stands against virtual operators that fail to fulfill their responsibilities. Nowhere is this more apparent than in Florida. Authorizers have closed schools affiliated with K12 in Broward, Palm Beach, and Hillsborough counties in the past two years. Pinellas County moved to terminate its charter with Florida Virtual Academy, also a K12 affiliate, but the school is appealing the decision.

Virtual charter schools are subject to essentially the same processes as other charters when authorizers discover shortcomings. Failures of compliance may result in a notice of concern and demand for remedy, or if more serious, a notice of probation. Some state laws provide only for probation prior to the beginning of revocation proceedings while others give authorizers more leeway to create tiered interventions, with the gravity of responses tied to the nature of the infraction and/or the failure to address it when previously notified.

A few states require authorizers to provide “support,” which generally should be limited to performance feedback rather than direction about how to fix a given problem. Any interventions should be grounded firmly in charter provisions and statutory reference, and, of course, a revocation order must follow whatever state law says about giving the school an opportunity to make its case and/or appeal the decision.

In one recent case, a Florida authorizer began revocation proceedings with a “90-day letter” as required by statute. Even though the state’s default closure provisions didn’t apply (due to a hiatus in applying state A-F grades for accountability decisions), the authorizer moved to shut down the school by alleging a host of

operational and compliance violations ranging from inaccurate and incomplete reporting of grades, to failure to document IEPs and provide special education services, to the board's failure to conduct public meetings. Each of these would also be subject to sanctions in any non-virtual setting.

Intervention and closure processes for virtual charters may require a tweak in the area of public notice. When there is a material violation of the charter, the authorizer should ensure that parents and the public are aware of the matter, especially if the violation is sufficiently grave so as to put renewal in question. Since it may be difficult for parents to travel across the state for an authorizer or school board meeting, the school should have in place a mechanism for giving parents notice and providing them a means of input.

When a school enrolls thousands of students, they and their parents can create a powerful voice when the authorizer holds a public hearing on a revocation decision. It is important that they be heard, but equally important that the authorizer not be swayed by the volume when giving the most careful consideration to the interests of students and the performance of the school against the terms of its charter.

NEW SKILLS NEEDED

Getting virtual charter accountability right will make new demands on authorizers and SEAs as well as the schools themselves. For **authorizers**, painting by numbers does not work. Authorizers who default to the state system for accountability, or accept whatever information virtual charter schools send to them, cannot accomplish the steps called for by this paper. Strong oversight of virtual charters calls for:

- Sophistication about data analysis and measurement.
- Ability to negotiate contracts tailored to certain unique aspects of the virtual school model.
- Skill at creating performance frameworks that incorporate non-standard elements, including additional subgroup analysis, addressing factors that might affect student performance in a virtual setting.
- Ability to review management agreements and assure that charter school governing boards are overseeing EMOs adequately.
- Greater sophistication about financial oversight and willingness to raise hard questions.
- Ability to translate routine oversight into terms that make sense for virtuals, for example, understanding how to evaluate special education compliance in an online setting.
- Willingness to try new approaches that adapt monitoring to the virtual environment.

SEAs also have an expanded portfolio of responsibilities, including the following:

- Ensuring that state accountability systems allow schools and authorizers not only to see standard summaries of student achievement and growth, but also to make comparisons to schools with similar populations and those from which students have transferred.
- Helping to navigate virtual charter-authorizer relationships, especially where a single virtual charter school may be able to enroll students from around the state.
- Monitoring the form and timing of district referrals to virtual charters to ensure that difficult students are not "counseled out" in order to increase test performance.
- Getting a better handle on data that should be readily available, including credit deficiency, bullying, flagging highly mobile students, and reporting of mental health issues.

- Ensuring timely transfer of student records both ways—between virtual charter schools and sending/receiving schools—or seeing that every student arrives with a “data backpack.”
- Perhaps most important, creating effective systems of authorizer accountability that take into account portfolio outcomes, including those of virtual charters; quality and effectiveness of compliance oversight; and skill with which the authorizer has accomplished the translations needed to adapt charter accountability to the virtual context.

CONCLUSION

It is not surprising that some authorizers have felt overwhelmed by the challenge of overseeing virtual charter schools. There are so many students. The schools defy the usual logic of enrollment and attendance cycles. Virtual advocates say conventional assessment techniques are unsuited to the student population. Families seem eager to sign their children up even when there is little indication that they will thrive in a self-directed environment, and as charters are public schools with open-enrollment rules, their decisions must be respected.

Clearly, some innovation and flexibility are needed to get the best possible results from these evolving arrangements—and to preserve the benefits that many students and families do find in virtual schooling. SEAs can help by encouraging authorizers to try new approaches.

What cannot be forgotten is that solid, high-quality authorizing already addresses most of the basics. An authorizer may use an addendum for certain critical details, but rigorous application packages combined with serious due-diligence are still the keys to determining whether an authorizer should grant a new virtual charter. Additional metrics might be required, but authorizers who know how to create strong, clear renewal standards will be on firm ground in making those high-stakes decisions.

If there is one message the working group and this paper hope to impart, it is that authorizers and virtual schools need to have clear communication before a charter is granted, and at each renewal, about how performance will be documented and measured. Retrospective argument about what should have been taken into account must stop. The conversation should not be about how to excuse failure, but rather about additional ways to demonstrate success against high expectations for all students, whatever their learning environment.

ENDNOTES

- ¹ Members of the virtual charter school oversight working group included: Kimberly Carrubba, Nevada Department of Education (formerly with); Adam Emerson, Florida Department of Education; Patrick Gavin, Nevada State Public Charter School Authority, Peter Hilts, Colorado District 49; Jenna Hodgins, Hillsborough County Public Schools; Bonnie Holliday, Georgia State Charter School Commission; Renee Martinez, Colorado Department of Education; Todd Miller, Santiam Canyon School District; Kate Pattison, Oregon Department of Education; Jennifer Robison, Buckeye Community Hope Foundation; and Aarti Sharma, Georgia Department of Education (formerly with).
- ² National Alliance for Public Charter Schools, National Association of Charter School Authorizers, and 50CAN. *A Call to Action to Improve the Quality of Full-Time Virtual Charter Public Schools*. June 2016
- ³ Miron, Gary and Charisse Gulosino. *Virtual Schools Report 2016: Directory and Performance Review*, 4th ed., National Education Policy Center. April 2016. pg. 12.
- ⁴ Woodworth, James, Margaret Raymond, Kurt Chirbas, Maribel Gonzalez, Yohannes Negassi, Will Snow, and Christine Van Donge. *Online Charter School Study*. Stanford University, Center for Research on Education Outcomes. October 2015. pg. vii-viii.
- ⁵ Pazhouh, Rosa, Robin Lake, and Larry Miller. *The Policy Framework for Online Charter Schools*. Center for Reinventing Public Education. October 2015.
- ⁶ Molnar, A., Miron, G., Gulosino, C., Shank, C., Davidson, C., Barbour, M.K., Huerta, L., Shafter, S.R., Rice, J.K., & Nitkin, D. *Virtual Schools Report 2017*. Boulder, CO: National Education Policy Center. Appendix B1.
- ⁷ Gill, Brian, Lucas Walsh, Claire Smither Wulsin, Holly Matulewicz, Veronica Severn, Eric Grau, Amanda Lee, and Tess Kerwin. *Inside Online Charter Schools*. Mathematica Policy Research. October 2015. pg. xxii.
- ⁸ Pazhouh, Rosa, Robin Lake, and Larry Miller. *The Policy Framework for Online Charter Schools*. Center for Reinventing Public Education. October 2015.
- ⁹ *Ibid*, pg. 5.
- ¹⁰ National Alliance for Public Charter Schools, National Association of Charter School Authorizers, and 50CAN. *A Call to Action to Improve the Quality of Full-Time Virtual Charter Public Schools*. June 2016.
- ¹¹ Pennsylvania Lobbying Directory. Pennsylvania Department of State. July 31, 2015.
- ¹² Miron, Gary and Charisse Gulosino. *Virtual Schools Report 2016: Directory and Performance Review*, 4th ed., National Education Policy Center. April 2016. pg. 11.
- ¹³ Siegel, Jim and Catherine Candisky. *ECOT sues state to block effort to track log-ins of students*. The Columbus Dispatch. July 8, 2016.
- ¹⁴ *ECOT could lose millions after judge rules against eschool in attendance records case*. The Columbus Dispatch. September 30, 2016.
- ¹⁵ *ECOT closure doesn't block recovery of \$80 million, state superintendent says: Ohio has "other options."* Cleveland.com. January 30, 2018
- ¹⁶ *Attorney General Kamala D. Harris Announces \$168.5 Million Settlement with K12 Inc., a For-Profit Online Charter School Operator*. State of California, Department of Justice, Press Release. July 8, 2016.
- ¹⁷ *California v. K12 Inc., Stipulation for Entry of Final Judgement*, Case No. BC626392. Superior Court of the State of California County of Los Angeles. July 8, 2016.
- ¹⁸ *K12 Inc. Reaches \$2.5 Million Settlement with State of California with Resolution of All Claims, No Admission of Liability or Wrongdoing, No Fines or Penalties*. K12 Newsroom, Press Release. July 8, 2016
- ¹⁹ *Factual Findings: Renewal Petition from San Francisco Flex Academy*. San Francisco Public Schools, Memorandum. October 28, 2014.
- ²⁰ *K12 education company settles case with Calif.* The Atlanta Journal-Constitution. July 28, 2016.
- ²¹ National Association of Charter School Authorizers and Public Impact. *Study of Virtual School Performance and Impact*. State Charter Schools Commission of Georgia. February 2015. pg. 17.
- ²² Woodworth, James, Margaret Raymond, Kurt Chirbas, Maribel Gonzalez, Yohannes Negassi, Will Snow, and Christine Van Donge. *Online Charter School Study*. Stanford University, Center for Research on Education Outcomes. October 2015. pg. 23
- ²³ Ahn, June. *Enrollment and Achievement in Ohio's Virtual Charter Schools*. Thomas B. Fordham Institute. August 2016
- ²⁴ Ullmann, Kylie. *Ball State U's Virtual Charter School Faces Uncertain Future*. Education News. September 13, 2016.
- ²⁵ Cavazos, Shaina. *After years of failing grades, Hoosier Academy Virtual will close in June*. Chalkbeat. September 27, 2017.
- ²⁶ Woodworth, James, Margaret Raymond, Kurt Chirbas, Maribel Gonzalez, Yohannes Negassi, Will Snow, and Christine Van Donge. *Online Charter School Study*. Stanford University, Center for Research on Education Outcomes. October 2015.
- ²⁷ Miron, Gary and Charisse Gulosino. *Virtual Schools Report 2016: Directory and Performance Review*, 4th ed., National Education Policy Center. April 2016.
- ²⁸ Connections Education. Connections Education statement regarding the report: "A Call to Action: To Improve the Quality of Full-Time Virtual Charter Public Schools". June 16, 2016.

-
- ²⁹ Woodworth, James, Margaret Raymond, Kurt Chirbas, Maribel Gonzalez, Yohannes Negassi, Will Snow, and Christine Van Donge. *Online Charter School Study*. Stanford University, Center for Research on Education Outcomes. October 2015. pg. 18.
- ³⁰ California v. K12 Inc., Final Judgement, Case No. BC626392. Superior Court of the State of California County of Los Angeles. July 8, 2016.
- ³¹ Pazhouh, Rosa, Robin Lake, and Larry Miller. *The Policy Framework for Online Charter Schools*. Center for Reinventing Public Education. October 2015. pg. 16.
- ³² North Carolina State Board of Education. *Virtual Charter Schools Attendance and Membership Policy*, Policy ID: CHTR-018. August 20, 2015.
- ³³ *Calculating and Reporting Attendance and Truancy in Online Schools*. Colorado Department of Education. Undated. pg. 1.
- ³⁴ *Enrollment and Attendance FAQs*. Oklahoma Virtual Charter Academy. K12 Inc. 2015.
- ³⁵ Gill, Brian, Lucas Walsh, Claire Smither Wulsin, Holly Matulewicz, Veronica Severn, Eric Grau, Amanda Lee, and Tess Kerwin. *Inside Online Charter Schools*. Mathematica Policy Research. October 2015. pg. xv.
- ³⁶ Ibid, pg. 15.
- ³⁷ Ibid, pg. xiv.
- ³⁸ *Virtual Charter School Authorization and Oversight Process*. Oklahoma Statewide Virtual Charter School Board. November 2017. pgs. 48-49.
- ³⁹ Ibid, pg. 7.
- ⁴⁰ K12 Inc. *2016 K12 Academic Report*. November 2016.

EXHIBIT D

Patrick Gavin

From: Patrick Gavin
Sent: Friday, August 28, 2015 3:10 PM
To: Kristin Rennels
Subject: RE: NACSA Board Nomination

775-546-3021 is the right number. I just got a meeting with the state budget office put on my calendar for 1 PT. Can we do 2:00 PT instead?

Patrick J. Gavin
Director
State Public Charter School Authority
1749 N. Stewart Street, Suite 40
Carson City, NV 89706
Direct: 775-687-9160
Office: 775-687-9174
Fax: 775-687-9113

Follow us on Twitter: [@NevadaCharters](#)
Starting a School? Join our charter applicant listserv: CharterStarters@listserv.state.nv.us

From: Kristin Rennels <kristinr@qualitycharters.org>
Sent: Friday, August 28, 2015 8:36 AM
Subject: RE: NACSA Board Nomination
To: Patrick Gavin <pgavin@spsca.nv.gov>

Thanks, Patrick. What is the best number to reach you at?

From: Patrick Gavin [<mailto:pgavin@spsca.nv.gov>]
Sent: Thursday, August 27, 2015 11:26 AM
To: Kristin Rennels <kristinr@qualitycharters.org>
Subject: Re: NACSA Board Nomination

1 pm your time/11 Pacific on Monday works well!

Patrick J. Gavin
Director
State Public Charter School Authority
1749 N. Stewart Street, Suite 40
Carson City, NV 89706
pgavin@spsca.nv.gov
Direct: 775-687-9160
Office: 775-687-9174
Fax: 775-687-9113

Follow us on Twitter: [@NevadaCharters](#)

Starting a School? Join our charter applicant listserv: CharterStarters@listserv.state.nv.us

On Aug 27, 2015, at 8:14 AM, Kristin Rennels <kristinr@qualitycharters.org> wrote:

Patrick,

I hope you are well.

As you may know, you were recently nominated by Jessica Hoban for the National Association of Charter School Authorizers (NACSA) Board of Directors. I handle the Board relations here at NACSA, and would like to set up a 30 minute interview with you next week. I have listed a few times below that I am available. Please let me know if any of these dates/times work for you.

Monday, August 31 – between 1:00 to 4:00 p.m. CST

Tuesday, September 1 – 11:00 a.m. or after 1:00 p.m. CST

I look forward to talking with you next week.

My best,

Kristin

<image001.png>

Kristin Rennels, Director of Development, Growth and Strategic Partnerships
National Association of Charter School Authorizers
Direct: [312.376.2332](tel:312.376.2332) | www.qualitycharters.org

2015 NACSA Leadership Conference
COLORADO | October 19-22, 2015 | Register Today!

Thanks, Patrick. What is the best number to reach you at?

From: Patrick Gavin [<mailto:pgavin@spsca.nv.gov>]

Sent: Thursday, August 27, 2015 11:26 AM

To: Kristin Rennels <kristinr@qualitycharters.org>

Subject: Re: NACSA Board Nomination

1 pm your time/11 Pacific on Monday works well!

Patrick J. Gavin

Director

State Public Charter School Authority

1749 N. Stewart Street, Suite 40

Carson City, NV 89706

pgavin@spsca.nv.gov

Direct: 775-687-9160

Office: [775-687-9174](tel:775-687-9174)

Fax: [775-687-9113](tel:775-687-9113)

Follow us on Twitter: [@NevadaCharters](https://twitter.com/NevadaCharters)

Starting a School? Join our charter applicant listserv: CharterStarters@listserv.state.nv.us

On Aug 27, 2015, at 8:14 AM, Kristin Rennels <kristinr@qualitycharters.org> wrote:

Patrick,

I hope you are well.

As you may know, you were recently nominated by Jessica Hoban for the National Association of Charter School Authorizers (NACSA) Board of Directors. I handle the Board relations here at NACSA, and would like to set up a 30 minute interview with you next week. I have listed a few times below that I am available. Please let me know if any of these dates/times work for you.

Monday, August 31 – between 1:00 to 4:00 p.m. CST

Tuesday, September 1 – 11:00 a.m. or after 1:00 p.m. CST

I look forward to talking with you next week.

My best,

Kristin

<image001.png>

Kristin Rennels, Director of Development, Growth and Strategic Partnerships
National Association of Charter School Authorizers
Direct: 312.376.2332 | www.qualitycharters.org

2015 NACSA Leadership Conference
COLORADO | October 19-22, 2015 | Register Today!

EXHIBIT E

Patrick Gavin

From: Elisa Westapher <elisaw@qualitycharters.org>
Sent: Wednesday, September 23, 2015 7:47 AM
To: Patrick Gavin
Subject: RE: Request for Proposal Announcement - Nevada State Public Charter School Authority

Sorry for the delay in response. I'm checking....



Elisa Westapher, Director of Authorizer Development
National Association of Charter School Authorizers
Direct: 312.376.2363 | www.qualitycharters.org

2015 NACSA Leadership Conference
COLORADO | October 19-22, 2015 | Register Today!

From: Patrick Gavin [mailto:pgavin@spsca.nv.gov]
Sent: Friday, September 18, 2015 8:13 AM
To: Elisa Westapher
Subject: Fwd: Request for Proposal Announcement - Nevada State Public Charter School Authority

Do you guys share these kinds of business opportunities to work with authorizers out with the broader world?

Patrick J. Gavin
Director
State Public Charter School Authority
1749 N. Stewart Street, Suite 40
Carson City, NV 89706
Direct: 775-687-9160
Office: 775-687-9174
Fax: 775-687-9113

Follow us on Twitter: @NevadaCharters
Starting a School? Join our charter applicant listserv: CharterStarters@listserv.state.nv.us

----- Forwarded message -----

From: "Jessica L. Hoban" <jlhoban@spsca.nv.gov>
Date: Thu, Sep 17, 2015 at 11:06 AM -0700
Subject: FW: Request for Proposal Announcement - Nevada State Public Charter School Authority
To: "Patrick Gavin" <pgavin@spsca.nv.gov>

Please forward to any potential vendors you may be aware of.

Thank you,

Jessica L. Hoban

Administrative Services Officer 2
State Public Charter School Authority
1749 N. Stewart St. Ste 40
Carson City, NV 89706
Office: 775-687-9149

CONFIDENTIALITY - This message and accompanying documents are covered by the electronic Communications Privacy Act, 18 U.S.C. §§ 2510-2521, may be covered by the Family Educational Rights and Privacy Act (FERPA) 20 U.S.C. § 122g; 34 CFR Part 99 and may contain confidential information or Protected Information intended for the specified individual(s) only. If you are not the intended recipient or an agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error and that any review, dissemination, copying, or the taking of any action based on the contents of this information is strictly prohibited. Violations may result in administrative, civil, or criminal penalties. If you have received this communication in error, please notify sender immediately by e-mail, and delete the message. The Nevada Department of Education will not accept any liability in respect of such communication that violates our e-mail policy.

From: Jessica L. Hoban
Sent: Wednesday, September 16, 2015 4:34 PM
To: Jessica L. Hoban
Cc: Allyson Kellogg
Subject: Request for Proposal Announcement - Nevada State Public Charter School Authority

Good Afternoon,

This notification is being sent to vendors registered with the Nevada State Purchasing Division for notification of a Request for Proposals related to a contract for business consulting services.
The attached document contains details related to this request.

Thank you,

Jessica L. Hoban

Administrative Services Officer 2
State Public Charter School Authority
1749 N. Stewart St. Ste 40
Carson City, NV 89706
Office: 775-687-9149

CONFIDENTIALITY - This message and accompanying documents are covered by the electronic Communications Privacy Act, 18 U.S.C. §§ 2510-2521, may be covered by the Family Educational Rights and Privacy Act (FERPA) 20 U.S.C. § 122g; 34 CFR Part 99 and may contain confidential information or Protected Information intended for the specified individual(s) only. If you are not the intended recipient or an agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error and that any review, dissemination, copying, or the taking of any action based on the contents of this information is strictly prohibited. Violations may result in administrative, civil, or criminal penalties. If you have received this communication in error, please notify sender immediately by e-mail, and delete the message. The Nevada Department of Education will not accept any liability in respect of such communication that violates our e-mail policy.

EXHIBIT F

Patrick Gavin

From: Amanda Fenton <amandaf@qualitycharters.org>
Sent: Monday, June 01, 2015 2:02 PM
To: Patrick Gavin
Cc: Alex Medler
Subject: RE: Federal Policy Opportunity: DC Trip June 11th

Perfect! Yep, we can fly you in on the 9th. I'll shoot you over more details and some flight and hotel options. I'll be working on the schedule and talking points this week. It tends to be a bit of a grab bag on topics, but all different aspects of the Charter School Program is a big one.

-Amanda

Amanda Fenton
Director of State and Federal Policy
510.612.3244 direct
amandaf@qualitycharters.org
www.qualitycharters.org

From: Patrick Gavin [mailto:pgavin@spsca.nv.gov]
Sent: Monday, June 01, 2015 4:48 PM
To: Amanda Fenton
Cc: Alex Medler
Subject: Re: Federal Policy Opportunity: DC Trip June 11th

I'm in. Would it be possible for you to fly me in on 6/9--I'd cover hotel. Trying to dovetail a few other things if I'll be in town.

My board meeting is in Vegas on Friday 6/12 and it looks like there's a Southwest flight on Thurs night that will get me there by 11 pm--that would be ideal for me.

Also--is there an agenda or talking points you're looking to emphasize? I assume making Authorizers eligible for CSP is a potential priority but wondered if there are others.

Patrick J. Gavin
Director
State Public Charter School Authority
1749 N. Stewart Street, Suite 40
Carson City, NV 89706
pgavin@spsca.nv.gov
Direct: 775-687-9160
Office: 775-687-9174
Fax: 775-687-9113

On May 28, 2015, at 11:38 AM, Amanda Fenton <amandaf@qualitycharters.org> wrote:

Patrick-

My apologies in advance for sending this during the last week of session! I just want to get an opportunity on your radar for later in June.

As you know we are continuing to work in several federal policy areas and one strategy we'd like to ramp up this summer is bringing a small group of authorizers to DC to talk with federal offices about authorizing.

Are you interested in coming to DC on June 11th to spend a day talking with various federal offices about charter school authorizing?

We anticipate doing one day of meetings from approximately 10am to 4pm. It would be a two day total commitment--we'd fly you in on the 10th and get you out of DC the evening of the 11th. The meeting day would be structured as a series of scheduled office visits that would include you, a NACSA representative (me or Alex), and two or three other authorizers from across the country. Mostly this is a chance for these federal offices to ask us all sorts of questions about authorizing on the ground and, in my experience, topics vary pretty wildly. Given the ESEA reauthorization efforts, I'd anticipate questions about practices/policies to support strong authorizing, coping with the testing/standards transition, methods to hold charter schools accountable, charter school growth and replication, the merits of different federal Charter School Program grants, and the role of authorizers in special education and ELL oversight.

NACSA can cover all travel expenses and handle travel logistics. What we need is that most valuable resource—your time. We'd also make sure you had a full itinerary for the day and any helpful background information prior to the trip.

Are you interested and available during that time in June? If those date prove difficult, my hope is to make this a regular occurrence with a few opportunities each year, so I can certainly keep you on the roster for a future visit if interested.

Please let me know if you might be able to join us.

Thank you for your time and good luck this week!

Best-

Amanda

<image001.jpg>

Amanda Fenton
Director of State and Federal Policy
National Association of Charter School Authorizers
105 W. Adams Street, Suite 1900 | Chicago, IL 60603-6253
510.612.3244 direct
312.376.2400 fax
amandaf@qualitycharters.org
www.qualitycharters.org

EXHIBIT G

Patrick Gavin

From: Amanda Fenton <amandaf@qualitycharters.org>
Sent: Friday, June 12, 2015 7:23 AM
To: Patrick Gavin
Cc: Alex Medler; Gail Greely (ggreely@acoe.org); Allsopp, Drew
Subject: RE: Schedule, Materials: DC Visit with NACSA: June 11th

Patrick-

Sure thing. The table below gives the distributions in the proposed vehicles. The average distribution for the SEA program is about 65-70% of funds, or \$180M between new and continuation awards. The R&E program has grown from \$50M to \$75M over the last 5 years.

-Amanda

Proposed Funding Distributions									
	HR 5			Alexander/Murray ESEA *			NAPCS and President Request FY16		
State	77.5%		\$232,500,000	62.5%		\$187,500,000	55.20%	no less than	\$207,000,000
Facilities	12.5%	amount	\$37,500,000	12.5%	amount	\$37,500,000			
R&E (CMO)	5.6%	no less than (up to 7.5%)	\$16,800,000	20.0%	no less than	\$60,000,000	26%	no less than	\$100,000,000
Direct Grants	1.9%	Not more than	\$5,700,000	5.0%	no more than	\$15,000,000			
National Activities	2.5%	not more than	\$7,500,000						
Total	\$300,000,000			\$300,000,000			\$375,000,000		

Amanda Fenton
 Director of State and Federal Policy
 510.612.3244 direct
amandaf@qualitycharters.org
www.qualitycharters.org

From: Patrick Gavin [mailto:pgavin@spsca.nv.gov]
Sent: Friday, June 12, 2015 1:52 AM
To: Amanda Fenton
Cc: Alex Medler; Gail Greely (ggreely@acoe.org); Allsopp, Drew
Subject: Re: Schedule, Materials: DC Visit with NACSA: June 11th

I neglected to write down the difference between the House and Senate bills on SEA vs. CMO allocations that we heard about today. Can someone remind me so I can see about having the Gov's staff mention that priority to the members of the delegation?

Patrick J. Gavin
Director
State Public Charter School Authority
1749 N. Stewart Street, Suite 40
Carson City, NV 89706
Direct: 775-687-9160
Office: 775-687-9174
Fax: 775-687-9113

On Wed, Jun 10, 2015 at 6:11 PM -0700, "Patrick Gavin" <pgavin@spsca.nv.gov> wrote:

If you guys can stay until 10 I will definitely be able to connect. I have to grab my luggage from the Hotel George and then I'll be there ASAP.

Patrick J. Gavin
Director
State Public Charter School Authority
1749 N. Stewart Street, Suite 40
Carson City, NV 89706
pgavin@spsca.nv.gov
Direct: 775-687-9160
Office: 775-687-9174
Fax: 775-687-9113

On Jun 10, 2015, at 9:05 PM, Amanda Fenton <amandaf@qualitycharters.org> wrote:

Alex, Gail and I are in the hotel bar for a bit- probably till 9:30 or so.

Sent from my iPhone

On Jun 10, 2015, at 8:49 PM, Patrick Gavin <pgavin@spsca.nv.gov> wrote:

I'm just wrapping up this NV reception in near SE. Do people want to meet at the hotel for a nightcap?

Patrick J. Gavin
Director
State Public Charter School Authority
1749 N. Stewart Street, Suite 40
Carson City, NV 89706
pgavin@spsca.nv.gov
Direct: 775-687-9160
Office: 775-687-9174
Fax: 775-687-9113

On Jun 10, 2015, at 6:29 AM, Allsopp, Drew <Drew.Allsopp@ride.ri.gov> wrote:

Thanks for the prep materials and looking forward to seeing you all tonight/tomorrow.

Amanda, I have a full day here in RI and won't be arriving in BWI until 8PM. It might be tough to join you for a reasonable-hour nightcap tonight, but I'm happy to meet you in the morning (while we let West Coasters sleep in) for a coffee in advance of the 9AM rendezvous. Would that work?

Alternatively, I could try to catch you guys for a few minutes as soon as I roll in tonight.

Best,

Drew

Drew Allsopp
Charter School Coordinator
Office of Transformation
Rhode Island Department of Elementary & Secondary Education
255 Westminster Street
Providence, RI 02903
401.222.8255
drew.allsopp@ride.ri.gov
www.ride.ri.gov

From: Amanda Fenton <amandaf@qualitycharters.org>
Sent: Tuesday, June 09, 2015 5:54 PM
To: Gail Greely (ggreely@aco.org); Patrick Gavin; Allsopp, Drew
Cc: Alex Medler
Subject: Schedule, Materials: DC Visit with NACSA: June 11th

Gail, Patrick and Drew-

I am looking forward to seeing everyone for our Hill day on Thursday.

Attached is a meeting schedule for the 11th. I've also included two pieces of background materials: a basic overview of the ESEA proposals (attached powerpoint) and a list of likely topics that we can address in our meetings (in the word document, following the meeting schedule).

We will plan to rendezvous in the lobby of the Marriott Wardman Park at 9:00 am on Thursday morning. Apologies to the West Coasters!

In addition, I'd love to meet up with folks for dinner or a nightcap depending on everyone's plans to do a run through of the day and answer any questions. Let me know if you are available and what time might work. I'd propose 7:30 for dinner, perhaps 8:30 or 9 for a nightcap or coffee. Otherwise we can do a quick run through in the morning over coffee or in the cab.

My cell is 510-612-3244 if anything comes up.

Thank you again for your time for what looks to be a great day!

Best-

Amanda

Amanda Fenton
Director of State and Federal Policy
510.612.3244 direct

amandaf@qualitycharters.org
www.qualitycharters.org

From: Amanda Fenton
Sent: Monday, June 01, 2015 5:29 PM
To: Gail Greely (ggreely@acoe.org); 'Patrick Gavin'; 'Allsopp, Drew'
Cc: Alex Medler
Subject: DC Visit with NACSA: June 11th

Gail, Patrick, and Drew-

Thank you all for your interest in coming to DC for a day of meetings on June 11th! We are officially a go for June 11th!

I am very excited to have such a great group of authorizers to come and talk to Congressional offices about the role authorizers play in a high quality charter school sector. As I mentioned in my email, this is a great opportunity to give federal offices a chance to talk to practitioners about the work of charter school authorizing. In my experience topics have varied wildly and may include things like: practices/policies to support strong authorizing, coping with the testing/standards transition, methods to hold charter schools accountable, charter school growth and replication, the merits of different federal Charter School Program grants, and the role of authorizers in special education and ELL oversight.

Throughout the next week you'll be receiving from me an agenda for the day as well as any necessary background materials for our meetings. I'll also be reaching out to each of you individually to confirm travel logistics and make the necessary reservations.

Thank you all again! I'm very excited to welcome you all to DC!

Best-

Amanda

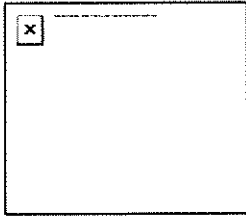
Amanda Fenton

Director of State and Federal Policy

National Association of Charter School Authorizers

105 W. Adams Street, Suite 1900 | Chicago, Illinois 60603

Mobile: 510.612.3244 | www.qualitycharters.org



2015 NACSA Leadership Conference

COLORADO | October 19-22, 2015

Join 400 authorizer and education professionals just outside of Denver as we share ideas about how we can shape brighter futures for children in our communities.

EXHIBIT H

Patrick Gavin

From: Patrick Gavin
Sent: Tuesday, August 11, 2015 7:10 AM
To: Elisa Westapher
Subject: Re: impact evaluation

Yes—I'm very interested in the September slot!

Patrick J. Gavin
Director
State Public Charter School Authority
1749 N. Stewart Street, Suite 40
Carson City, NV 89706
pgavin@spsca.nv.gov
Direct: 775-687-9160
Office: 775-687-9174
Fax: 775-687-9113

Follow us Twitter: [@NevadaCharters](https://twitter.com/NevadaCharters)
Starting a School? Join our listserv: CharterStarters@listserv.state.nv.us

On Aug 11, 2015, at 7:05 AM, Elisa Westapher <elisaw@qualitycharters.org> wrote:

Patrick,

I hope you are doing well! I'm currently on vacation, but did want to follow-up with you regarding the impact evaluation opportunity. I don't know if William mentioned this, but our 10th evaluation slot for this year unexpectedly dropped out of the evaluation last week.

So, if you are interested we could start the evaluation process immediately (likely site visit in early September) and then draft report by 9.30. Otherwise, we can look into doing an evaluation during our next cycle (starting later this year and going through the following Spring/Summer).

Please let me know if you are interested in doing an evaluation sooner rather than later and we can have a quick call to discuss. I am also reaching out to one other authorizer that might be interested in our 10th slot as we need to firm this last one up quickly.

I'm available at 630-732-5455 this week.

Elisa

<image001.png>

Elisa Westapher, Director of Authorizer Development
National Association of Charter School Authorizers
Direct: 312.376.2363 | www.qualitycharters.org

2015 NACSA Leadership Conference
COLORADO | October 19-22, 2015 | Register Today!

From: Patrick Gavin [<mailto:pgavin@spsca.nv.gov>]
Sent: Sunday, August 09, 2015 10:27 PM
To: William Haft
Cc: Elisa Westapher
Subject: Re: impact evaluation

William,

Thanks for your note and for connecting face-to-face on Friday. I think there's a tremendous opportunity both to validate the work of my team and to make a massive push towards performance management and outcomes over compliance and our LEA role.

Patrick

Patrick J. Gavin
Director
State Public Charter School Authority
1749 N. Stewart Street, Suite 40
Carson City, NV 89706
pgavin@spsca.nv.gov
Direct: 775-687-9160
Office: 775-687-9174
Fax: 775-687-9113

Follow us on Twitter: [@NevadaCharters](https://twitter.com/NevadaCharters)
Starting a School? Join our charter applicant listserv: CharterStarters@listserv.state.nv.us

On Sun, Aug 9, 2015 at 8:13 PM -0700, "William Haft" <williamh@qualitycharters.org> wrote:

Patrick,
Hope Chi-town treated you well for the weekend. I'm following up to make sure the email from Nora Flood that I forwarded came through with Anne Rowe's (DPS board) email address came through. As an aside, Gail Greeley said she could not make any recommendations from her board at the moment and referred me to Santa Clara County as a possibility, but I haven't heard back yet from Don Bolce and sounds like you may be set for CA folks. Let me know if you think there might be a role for NACSA on the panel.

Separately, I wanted to follow up on the option of what we call our “impact evaluation” for the Authority. This would be at no cost since we have a National Charter School Resource Center contract to do 10/year. The timing is good both because it would be good to document the progress that you and Steve have made since the original evaluation and because we now include a human capital component that sounds like it might be helpful on the policy side. For us the timing could either be fairly immediate (completion between now and Sep. 30) or more in the October to December window. If you’re interested in the fast track, we should get that worked out in the next few days so we can get the site visit scheduled and get started with the desk audit. As I mentioned, we have a spot for this federal fiscal year available because we had an authorizer postpone (read cancel) due to internal politics on their end just an hour so before you and I met up. I’ve cc’d Elisa who manages our evaluation work and will follow up.

William

<image001.png>

William Haft, Vice President for Authorizer Development
National Association of Charter School Authorizers
Direct: 312.376.2323 | Mobile: 303.817.6797

[2015 NACSA Leadership Conference](#)
COLORADO | October 19-22, 2015 | Register Today!

EXHIBIT I

Patrick Gavin

From: Patrick Gavin
Sent: Tuesday, August 11, 2015 8:09 AM
To: Elisa Westapher
Cc: William Haft
Subject: Re: impact evaluation

I am heading to a meeting that doesn't get out until after 2 pacific. I'll try to call you once I'm in the car and can figure out how to make the speakerphone work.

Patrick J. Gavin
Director
State Public Charter School Authority
1749 N. Stewart Street, Suite 40
Carson City, NV 89706
Direct: 775-687-9160
Office: 775-687-9174
Fax: 775-687-9113

Follow us on Twitter: [@NevadaCharters](#)
Starting a School? Join our charter applicant listserv: CharterStarters@listserv.state.nv.us

On Tue, Aug 11, 2015 at 8:03 AM -0700, "Elisa Westapher" <elisaw@qualitycharters.org> wrote:

Great! It's a rain day here (I'm on the east coast), so feel free to call me at your convenience or let me know a good time to reach you.

Sent from my iPhone

On Aug 11, 2015, at 10:10 AM, Patrick Gavin <pgavin@spsca.nv.gov> wrote:

Yes—I'm very interested in the September slot!

Patrick J. Gavin
Director
State Public Charter School Authority
1749 N. Stewart Street, Suite 40
Carson City, NV 89706
pgavin@spsca.nv.gov
Direct: 775-687-9160
Office: 775-687-9174
Fax: 775-687-9113

Follow us Twitter: @NevadaCharters
Starting a School? Join our listserv: CharterStarters@listserv.state.nv.us

On Aug 11, 2015, at 7:05 AM, Elisa Westapher <elisaw@qualitycharters.org> wrote:

Patrick,

I hope you are doing well! I'm currently on vacation, but did want to follow-up with you regarding the impact evaluation opportunity. I don't know if William mentioned this, but our 10th evaluation slot for this year unexpectedly dropped out of the evaluation last week.

So, if you are interested we could start the evaluation process immediately (likely site visit in early September) and then draft report by 9.30. Otherwise, we can look into doing an evaluation during our next cycle (starting later this year and going through the following Spring/Summer).

Please let me know if you are interested in doing an evaluation sooner rather than later and we can have a quick call to discuss. I am also reaching out to one other authorizer that might be interested in our 10th slot as we need to firm this last one up quickly.

I'm available at 630-732-5455 this week.

Elisa

<image001.png>

Elisa Westapher, Director of Authorizer Development
National Association of Charter School Authorizers
Direct: 312.376.2363 | www.qualitycharters.org

[2015 NACSA Leadership Conference](#)
COLORADO | October 19-22, 2015 | Register Today!

From: Patrick Gavin [<mailto:pgavin@spsca.nv.gov>]
Sent: Sunday, August 09, 2015 10:27 PM
To: William Haft
Cc: Elisa Westapher
Subject: Re: impact evaluation

William,

Thanks for your note and for connecting face-to-face on Friday. I think there's a tremendous opportunity both to validate the work of my team and to make a massive push towards performance management and outcomes over compliance and our LEA role.

Patrick

Patrick J. Gavin
Director
State Public Charter School Authority
1749 N. Stewart Street, Suite 40
Carson City, NV 89706
pgavin@spcsa.nv.gov
Direct: 775-687-9160
Office: 775-687-9174
Fax: 775-687-9113

Follow us on Twitter: [@NevadaCharters](#)
Starting a School? Join our charter applicant
listserv: CharterStarters@listserv.state.nv.us

On Sun, Aug 9, 2015 at 8:13 PM -0700, "William Haft"
<williamh@qualitycharters.org> wrote:

Patrick,

Hope Chi-town treated you well for the weekend. I'm following up to make sure the email from Nora Flood that I forwarded came through with Anne Rowe's (DPS board) email address came through. As an aside, Gail Greeley said she could not make any recommendations from her board at the moment and referred me to Santa Clara County as a possibility, but I haven't heard back yet from Don Bolce and sounds like you may be set for CA folks. Let me know if you think there might be a role for NACSA on the panel.

Separately, I wanted to follow up on the option of what we call our "impact evaluation" for the Authority. This would be at no cost since we have a National Charter School Resource Center contract to do 10/year. The timing is good both because it would be good to document the progress that you and Steve have made since the original evaluation and because we now include a human capital component that sounds like it might be helpful on the policy side. For us the timing could either be fairly immediate (completion between now and Sep. 30) or more in the October to December window. If you're interested in the fast track, we should get that worked out in the next few days so we can get the site visit scheduled and get started with the desk audit. As I mentioned, we have a spot for this federal fiscal year available because we had an authorizer postpone (read cancel) due to internal politics on their end just an hour so before you and I met up. I've cc'd Elisa who manages our evaluation work and will follow up.

William

<image001.png>

William Haft, Vice President for Authorizer Development
National Association of Charter School Authorizers
Direct: 312.376.2323 | Mobile: 303.817.6797

2015 NACSA Leadership Conference
COLORADO | October 19-22, 2015 | Register Today!

EXHIBIT J

Patrick Gavin

From: Patrick Gavin
Sent: Friday, August 28, 2015 3:10 PM
To: Kristin Rennels
Subject: RE: NACSA Board Nomination

775-546-3021 is the right number. I just got a meeting with the state budget office put on my calendar for 1 PT. Can we do 2:00 PT instead?

Patrick J. Gavin
Director
State Public Charter School Authority
1749 N. Stewart Street, Suite 40
Carson City, NV 89706
Direct: 775-687-9160
Office: 775-687-9174
Fax: 775-687-9113

Follow us on Twitter: [@NevadaCharters](#)
Starting a School? Join our charter applicant listserv: [CharterStarters@listserv.state.nv.us](#)

From: Kristin Rennels <kristinr@qualitycharters.org>
Sent: Friday, August 28, 2015 8:36 AM
Subject: RE: NACSA Board Nomination
To: Patrick Gavin <pgavin@spsca.nv.gov>

Thanks, Patrick. What is the best number to reach you at?

From: Patrick Gavin [<mailto:pgavin@spsca.nv.gov>]
Sent: Thursday, August 27, 2015 11:26 AM
To: Kristin Rennels <kristinr@qualitycharters.org>
Subject: Re: NACSA Board Nomination

1 pm your time/11 Pacific on Monday works well!

Patrick J. Gavin
Director
State Public Charter School Authority
1749 N. Stewart Street, Suite 40
Carson City, NV 89706
pgavin@spsca.nv.gov
Direct: 775-687-9160
Office: 775-687-9174
Fax: 775-687-9113

Follow us on Twitter: [@NevadaCharters](#)

Starting a School? Join our charter applicant listserv: CharterStarters@listserv.state.nv.us

On Aug 27, 2015, at 8:14 AM, Kristin Rennels <kristinr@qualitycharters.org> wrote:

Patrick,

I hope you are well.

As you may know, you were recently nominated by Jessica Hoban for the National Association of Charter School Authorizers (NACSA) Board of Directors. I handle the Board relations here at NACSA, and would like to set up a 30 minute interview with you next week. I have listed a few times below that I am available. Please let me know if any of these dates/times work for you.

Monday, August 31 – between 1:00 to 4:00 p.m. CST

Tuesday, September 1 – 11:00 a.m. or after 1:00 p.m. CST

I look forward to talking with you next week.

My best,

Kristin

<image001.png>

Kristin Rennels, Director of Development, Growth and Strategic Partnerships
National Association of Charter School Authorizers
Direct: [312.376.2332](tel:312.376.2332) | www.qualitycharters.org

2015 NACSA Leadership Conference
COLORADO | October 19-22, 2015 | Register Today!

Thanks, Patrick. What is the best number to reach you at?

From: Patrick Gavin [<mailto:pgavin@spsca.nv.gov>]

Sent: Thursday, August 27, 2015 11:26 AM

To: Kristin Rennels <kristinr@qualitycharters.org>

Subject: Re: NACSA Board Nomination

1 pm your time/11 Pacific on Monday works well!

Patrick J. Gavin

Director

State Public Charter School Authority

1749 N. Stewart Street, Suite 40

Carson City, NV 89706

pgavin@spsca.nv.gov

Direct: 775-687-9160

Office: [775-687-9174](tel:775-687-9174)
Fax: [775-687-9113](tel:775-687-9113)

Follow us on Twitter: [@NevadaCharters](https://twitter.com/NevadaCharters)
Starting a School? Join our charter applicant listserv: CharterStarters@listserv.state.nv.us

On Aug 27, 2015, at 8:14 AM, Kristin Rennels <kristinr@qualitycharters.org> wrote:

Patrick,

I hope you are well.

As you may know, you were recently nominated by Jessica Hoban for the National Association of Charter School Authorizers (NACSA) Board of Directors. I handle the Board relations here at NACSA, and would like to set up a 30 minute interview with you next week. I have listed a few times below that I am available. Please let me know if any of these dates/times work for you.

Monday, August 31 – between 1:00 to 4:00 p.m. CST
Tuesday, September 1 – 11:00 a.m. or after 1:00 p.m. CST

I look forward to talking with you next week.

My best,

Kristin

<image001.png>

Kristin Rennels, Director of Development, Growth and Strategic Partnerships
National Association of Charter School Authorizers
Direct: 312.376.2332 | www.qualitycharters.org

2015 NACSA Leadership Conference
COLORADO | October 19-22, 2015 | Register Today!

EXHIBIT K

Patrick Gavin

From: Nelson Smith <nelsons@qualitycharters.org>
Sent: Monday, October 05, 2015 6:48 AM
To: elliot smalley; Patrick Gavin
Cc: Margo Roen
Subject: Re: Conference Prep call

Excellent - -will send call info shortly.
Stay dry, Elliott.
Thanks, all.
N



Nelson Smith
Senior Advisor
nelsons@qualitycharters.org
Direct: 304-876-1177
www.qualitycharters.org

2015 NACSA Leadership Conference
COLORADO | October 19-22, 2015 | Register Today!

From: elliot smalley <elliot.smalley@gmail.com>
Sent: Monday, October 5, 2015 9:14 AM
To: Patrick Gavin
Cc: Margo Roen; Nelson Smith
Subject: Re: Conference Prep call

good deal. i've got the time blocked off. just need dial-in. talk to y'all soon!

On Sun, Oct 4, 2015 at 7:42 PM, Patrick Gavin <pgavin@spsca.nv.gov> wrote:
Sounds like consensus! I can do 1-2 pm ET/10-11 am PT.

Patrick J. Gavin
Director
State Public Charter School Authority
1749 N. Stewart Street, Suite 40
Carson City, NV 89706
Direct: [775-687-9160](tel:775-687-9160)
Office: [775-687-9174](tel:775-687-9174)
Fax: [775-687-9113](tel:775-687-9113)

Follow us on Twitter: @NevadaCharters
Starting a School? Join our charter applicant listserv: CharterStarters@listserv.state.nv.us

From: elliot smalley <elliot.smalley@gmail.com>
Sent: Sunday, October 4, 2015 9:09 AM
Subject: Re: Conference Prep call
To: Margo Roen <margo.roen@tn-asd.org>

Cc: Nelson Smith <nelsons@qualitycharters.org>, Patrick Gavin <pgavin@spsca.nv.gov>

I can make the 1-2pm ET slot--let me know! Look forward to it. -E

On Thu, Oct 1, 2015 at 8:39 PM, Margo Roen <margo.roen@tn-asd.org> wrote:

Elliott, Patrick, you guys free next Tuesday from 1-2pm ET or after 3:30 ET?

From: Nelson Smith [mailto:nelsons@qualitycharters.org]

Sent: Thursday, October 1, 2015 3:24 PM

To: Margo Roen <margo.roen@tn-asd.org>; elliott.smalley@gmail.com; pgavin@spsca.nv.gov

Subject: Conference Prep call

Margo, Elliott, and Patrick: Greetings all!

The NACSA conference is coming up faster than we think, and it's about that time for us to do a conference call and figure out who will say what! The first order of business, I think is to clean up our session blurb, which currently reads as follows:

Management Organizations: Using Policy Tools to Get Mr. Right (and Discourage Mr. Wrong: Come hear from experienced authorizers and advocates on how management organizations have affected authorizing policy—from the drive to recruit the best, to addressing complex issues of transparency and oversight. Learn what unique components need to be addressed if your state is growing their networks and how to respond to desire of growth from the field.

This kinda sounds like "how to recruit good CMOs" but it's a little more nuanced than that -- more "what kinds of policies, resources, and practices make your portfolio an attractive place for high-performing networks."

I think we have until 10/7 to redo that - -so it would be great if we could schedule a call earlier. Here's when I'm free (all times Eastern:

- Friday, 10/2: 11am-1pm; 2:30-4 pm
- Monday, 10/5: All am; pm after 3:30
- Tuesday, 10/6: Anytime after 11 am

Please let me know if any of these work.

Thanks...
Nelson



Nelson Smith
Senior Advisor
nelsons@qualitycharters.org
Direct: [304-876-1177](tel:304-876-1177)
www.qualitycharters.org

2015 NACSA Leadership Conference
COLORADO | October 19-22, 2015 | Register Today!

I can make the 1-2pm ET slot--let me know! Look forward to it. -E

On Thu, Oct 1, 2015 at 8:39 PM, Margo Roen <margo.roen@tn-asd.org> wrote:

Elliott, Patrick, you guys free next Tuesday from 1-2pm ET or after 3:30 ET?

From: Nelson Smith [mailto:nelsons@qualitycharters.org]

Sent: Thursday, October 1, 2015 3:24 PM

To: Margo Roen <margo.roen@tn-asd.org>; elliott.smalley@gmail.com; pgavin@spsca.nv.gov

Subject: Conference Prep call

Margo, Elliott, and Patrick: Greetings all!

The NACSA conference is coming up faster than we think, and it's about that time for us to do a conference call and figure out who will say what! The first order of business, I think is to clean up our session blurb, which currently reads as follows:

Management Organizations: Using Policy Tools to Get Mr. Right (and Discourage Mr. Wrong): Come hear from experienced authorizers and advocates on how management organizations have affected authorizing policy—from the drive to recruit the best, to addressing complex issues of transparency and oversight. Learn what unique components need to be addressed if your state is growing their networks and how to respond to desire of growth from the field.

This kinda sounds like "how to recruit good CMOs" but it's a little more nuanced than that -- more "what kinds of policies, resources, and practices make your portfolio an attractive place for high-performing networks."

I think we have until 10/7 to redo that - -so it would be great if we could schedule a call earlier. Here's when I'm free (all times Eastern:

- Friday, 10/2: 11am-1pm; 2:30-4 pm
- Monday, 10/5: All am; pm after 3:30
- Tuesday, 10/6: Anytime after 11 am

Please let me know if any of these work.

Thanks...
Nelson



Nelson Smith
Senior Advisor
nelsons@qualitycharters.org
Direct: [304-876-1177](tel:304-876-1177)
www.qualitycharters.org

2015 NACSA Leadership Conference

COLORADO | October 19-22, 2015 | Register Today!

EXHIBIT L-1

Patrick Gavin

From: Patrick Gavin
Sent: Sunday, October 18, 2015 8:19 PM
To: Elisa Westapher
Subject: Re: Meeting up at conference

OK--could we do 3-ish at the Omni? I have to meet a board member at the airport at 1:15 and rent a car with him for the drive to the Omni and then have a 4:30 meeting. 3 should work well, I think.

On Oct 16, 2015, at 8:54 AM, Elisa Westapher <elisaw@qualitycharters.org> wrote:

I get in late Sunday night and am going straight to the hotel. I won't be able to get downtown in the am due to some other meetings.

How about late afternoon/early evening when you arrive at the hotel? I will be available until we have an all staff meeting around 6:15pm.

<image001.png>

Elisa Westapher, Director of Authorizer Development
National Association of Charter School Authorizers
Direct: 312.376.2363 | www.qualitycharters.org

[2015 NACSA Leadership Conference](#)
COLORADO | October 19-22, 2015 | Register Today!

From: Patrick Gavin [<mailto:pgavin@spsca.nv.gov>]
Sent: Thursday, October 15, 2015 9:37 PM
To: Elisa Westapher
Subject: Re: Meeting up at conference

when do you get in? I'm actually staying downtown on Saturday and Sunday night and was not planning to pick up a rental car until I pick up members of my board at the airport in the early afternoon on Monday. Since I'm staying for the other education conference in Denver I wanted to make sure that they can use the car to get themselves to the airport once I have to head back downtown.

Would you have any flexibility to meet downtown in the morning versus at the Omni?

Patrick J. Gavin
Director
State Public Charter School Authority
[1749 N. Stewart Street, Suite 40](#)
Carson City, NV 89706
pgavin@spsca.nv.gov
Direct: [775-687-9160](tel:775-687-9160)
Office: [775-687-9174](tel:775-687-9174)
Fax: [775-687-9113](tel:775-687-9113)

Follow us on Twitter: [@NevadaCharters](#)

Starting a School? Join our charter applicant listserv: CharterStarters@listserv.state.nv.us

On Oct 15, 2015, at 8:49 AM, Elisa Westapher <elisaw@qualitycharters.org> wrote:

Patrick,

I hope you are doing well. Would you have time on Monday, October 19th to touch base?

Right now, my day is relatively open.

Elisa

<image001.png>

Elisa Westapher, Director of Authorizer Development
National Association of Charter School Authorizers
Direct: 312.376.2363 | www.qualitycharters.org

2015 NACSA Leadership Conference
COLORADO | October 19-22, 2015 | Register Today!

EXHIBIT L-2

Patrick Gavin

From: Patrick Gavin
Sent: Sunday, October 18, 2015 8:37 PM
To: Nelson Smith; craig.hulse@gmail.com
Subject: Re: Conference

Nelson-Can we connect tomorrow at the reception?

Patrick J. Gavin
Director
State Public Charter School Authority
1749 N. Stewart Street, Suite 40
Carson City, NV 89706
Direct: 775-687-9160
Office: 775-687-9174
Fax: 775-687-9113

Follow us on Twitter: [@NevadaCharters](#)
Starting a School? Join our charter applicant listserv: CharterStarters@listserv.state.nv.us

On Sun, Oct 18, 2015 at 2:23 PM -0700, "Nelson Smith" <nelsons@qualitycharters.org> wrote:

Craig – I'm expecting to see Patrick out here at the NACSA conference, but given the need to book (or change) travel arrangements, I think it's wise to get clear about the NV conference sooner rather than later. What I understood from Seth's note is that you're not doing an ASD session but that perhaps I could do the application/amendment session. Looking at the conference schedule that appears to be a morning breakout.

I appreciate that offer, but I'd like to suggest that one of my NACSA colleagues participate in this session. I'm sure I could offer platitudes but the last time I personally ran an application process was in 2001. By contrast, some of my colleagues have run application processes much more recently, for a variety of authorizers, and are just better-versed on this.

As you may know the ASD work is a side-specialty of mine, not a NACSA project, and I'd love to somehow be involved in the Nevada rollout. But if that's not on the conference agenda I think you're better advised to ask someone who's more deeply knowledgeable about the subject at hand.

Make sense? Let me know what you think.

Thanks.
Nelson

Nelson Smith
Senior Advisor
National Association of Charter School Authorizers
www.qualitycharters.org
304-876-1177

EXHIBIT M

Patrick Gavin

From: Corrie Leech <corriel@qualitycharters.org>
Sent: Wednesday, December 02, 2015 9:46 AM
To: Amanda Fenton; Patrick Gavin
Subject: Re: [For your review] NACSA NV Press Release

Amanda and Patrick,

I've edited the last section of the press release to reflect Steve's comments.

Going forward, the report recommends Nevada policymakers address the autonomy of its statewide authorizer, the Nevada State Public Charter School Authority. Currently, the Authority faces severe budget constraints which threaten its ability to staff appropriately and fulfill its statutory role as the promulgator of model authorizing practices across the state.

"Nevada's investment in smart policy has set the stage for significant gains in student achievement," said XXX. "It's now time we backed up this investment to ensure authorizers have the resources and freedom to do their jobs."

Do you both agree?

Patrick, do you have someone in mind we can attribute this to? Otherwise we can end with a NACSA staffer.

Thanks!

Corrie

Corrie Leech
Direct Line: 312.376.2327 | Mobile: 312.513.3533

From: Steve Canavero [mailto:scanavero@doe.nv.gov]
Sent: Tuesday, December 01, 2015 2:46 PM
To: Corrie Leech <corriel@qualitycharters.org>
Cc: Patrick Gavin <pgavin@spsca.nv.gov>; Jobi Cates <jobic@qualitycharters.org>; John Hedstrom <johnh@qualitycharters.org>
Subject: RE: [For your review] NACSA NV Press Release

Corrie

Thanks for the opportunity to weigh-in.

My 2 cents....

"Over the past four years, we've shifted the focus of our charter school policies from processes and procedures to a focus on outcomes for kids," said Interim State Superintendent Canavero. "This national recognition confirms that Governor Sandoval's leadership we has created a foundation for great schools today and in the future."

I think the direction of the quote below is one where the Authority seeks more operating autonomy rather than operating revenue. Right? It reads like they need more money rather than more autonomy to spend the revenue they already have.

Going forward, the report recommends Nevada policymakers address the budget autonomy of its statewide authorizer, the Nevada State Public Charter School Authority. Currently, the Authority faces

categorical budget constraints which threaten to limit its ability to staff appropriately and fulfill its statutory role as the propagator of model authorizing practices across the state.

“Nevada’s investment in smart policy has set the stage for significant gains in student achievement,” said XXX. “But we must back up this investment with the financial support that is necessary to make sure authorizers have the resources to do their jobs.”

From: Corrie Leech [<mailto:corriel@qualitycharters.org>]
Sent: Monday, November 30, 2015 1:47 PM
To: Steve Canavero
Cc: Patrick Gavin; Jobi Cates; John Hedstrom
Subject: [For your review] NACSA NV Press Release

Hi, Steve,

Hope you had a nice Thanksgiving. As you are aware, NACSA is issuing our state policy analysis next Tuesday. As part of our launch strategy, we’ve been working with local partners to issue communications that resonate within their local states.

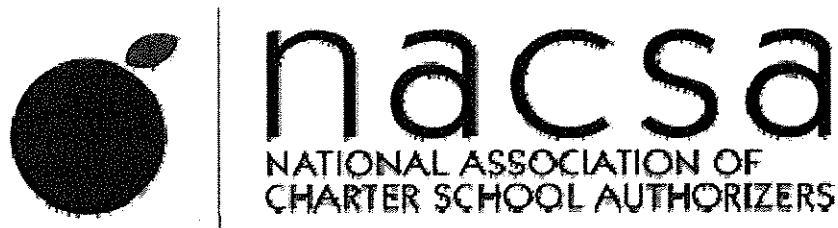
When I spoke with Patrick a few weeks ago about what would be most helpful in Nevada, we talked about issuing a press release and pitching reporters in the state using the report as a hook to highlight that Nevada now has strong policy in place and that its policy investments should to be backed up to make sure authorizers have resources to do their jobs.

Attached is the draft version of the release for your review. Patrick is working on securing quote approval from local legislators this week (especially who would be best to be quoted in the final quote), but suggested I reach out in case you’d like to be attributed to the first highlighted quote.

Thank you for your help and we look forward to your thoughts. If you could provide feedback by this Friday, we’d appreciate it.

Best,
Corrie

Corrie Leech
DIRECTOR, MEDIA RELATIONS



105 W. Adams Street, Suite 1900 | Chicago, IL 60603
Direct: (312) 376-2327 | www.qualitycharters.org

ALL CHILDREN DESERVE A QUALITY EDUCATION.



Patrick Gavin

From: Corrie Leech <corriel@qualitycharters.org>
Sent: Wednesday, December 02, 2015 9:46 AM
To: Amanda Fenton; Patrick Gavin
Subject: Re: [For your review] NACSA NV Press Release

Amanda and Patrick,

I've edited the last section of the press release to reflect Steve's comments.

Going forward, the report recommends Nevada policymakers address the autonomy of its statewide authorizer, the Nevada State Public Charter School Authority. Currently, the Authority faces severe budget constraints which threaten its ability to staff appropriately and fulfill its statutory role as the promulgator of model authorizing practices across the state.

"Nevada's investment in smart policy has set the stage for significant gains in student achievement," said XXX. "It's now time we backed up this investment to ensure authorizers have the resources and freedom to do their jobs."

Do you both agree?

Patrick, do you have someone in mind we can attribute this to? Otherwise we can end with a NACSA staffer.

Thanks!

Corrie

Corrie Leech
Direct Line: 312.376.2327 | Mobile: 312.513.3533

From: Steve Canavero [mailto:scanavero@doe.nv.gov]
Sent: Tuesday, December 01, 2015 2:46 PM
To: Corrie Leech <corriel@qualitycharters.org>
Cc: Patrick Gavin <pgavin@spsca.nv.gov>; Jobi Cates <jobic@qualitycharters.org>; John Hedstrom <johnh@qualitycharters.org>
Subject: RE: [For your review] NACSA NV Press Release

Corrie
Thanks for the opportunity to weigh-in.

My 2 cents....

"Over the past four years, we've shifted the focus of our charter school policies from processes and procedures to a focus on outcomes for kids," said Interim State Superintendent Canavero. "This national recognition confirms that Governor Sandoval's leadership we has created a foundation for great schools today and in the future."

I think the direction of the quote below is one where the Authority seeks more operating autonomy rather than operating revenue. Right? It reads like they need more money rather than more autonomy to spend the revenue they already have.

Going forward, the report recommends Nevada policymakers address the budget autonomy of its statewide authorizer, the Nevada State Public Charter School Authority. Currently, the Authority faces

categorical budget constraints which threaten to limit its ability to staff appropriately and fulfill its statutory role as the propagator of model authorizing practices across the state.

“Nevada’s investment in smart policy has set the stage for significant gains in student achievement,” said XXX. “But we must back up this investment with the financial support that is necessary to make sure authorizers have the resources to do their jobs.”

From: Corrie Leech [<mailto:corrie@qualitycharters.org>]
Sent: Monday, November 30, 2015 1:47 PM
To: Steve Canavero
Cc: Patrick Gavin; Jobi Cates; John Hedstrom
Subject: [For your review] NACSA NV Press Release

Hi, Steve,

Hope you had a nice Thanksgiving. As you are aware, NACSA is issuing our state policy analysis next Tuesday. As part of our launch strategy, we’ve been working with local partners to issue communications that resonate within their local states.

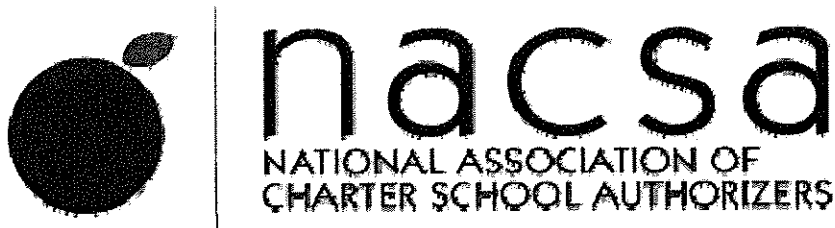
When I spoke with Patrick a few weeks ago about what would be most helpful in Nevada, we talked about issuing a press release and pitching reporters in the state using the report as a hook to highlight that Nevada now has strong policy in place and that its policy investments should to be backed up to make sure authorizers have resources to do their jobs.

Attached is the draft version of the release for your review. Patrick is working on securing quote approval from local legislators this week (especially who would be best to be quoted in the final quote), but suggested I reach out in case you’d like to be attributed to the first highlighted quote.

Thank you for your help and we look forward to your thoughts. If you could provide feedback by this Friday, we’d appreciate it.

Best,
Corrie

Corrie Leech
DIRECTOR, MEDIA RELATIONS



105 W. Adams Street, Suite 1900 | Chicago, IL 60603
Direct: (312) 376-2327 | www.qualitycharters.org

ALL CHILDREN DESERVE A QUALITY EDUCATION.



EXHIBIT N

Patrick Gavin

From: Courtney Leigh Beisel <courtneyb@qualitycharters.org>
Sent: Friday, March 04, 2016 7:24 AM
To: Courtney Leigh Beisel
Subject: Final Logistic Information for March 10-11NACSA Leadership Summit in D.C.
Attachments: Heads of Authorizing Office -- 2016 Summit Agenda_PRE WORK.pdf; Heads of Authorizing Office -- 2016 Summit Agenda_FINAL.pdf

Good morning!

We are so happy you will be joining us next week in D.C. for the second Leadership Summit hosted by the NACSA Heads of Authorizing Office Community.

I wanted to share a few logistical items for the event.

Pre-Work

Prior to joining us next week, we ask that you give some thought to the *attached* pre-work assignment. Please feel free to jot down your responses and/or be prepared to speak to this assignment during the workshop.

Location

As you know, the D.C. Public Charter School Board has graciously offered to host this event for us. Their offices are located at 3333 14th Street, NW, Suite 210 in the Columbia Heights neighborhood of D.C.

Agenda

Please see the *attached* document for our final agenda for the event. Linda Young Wilson—a leadership and storytelling expert based in D.C.—will facilitate this workshop. She is fantastic; we are confident you will not only leave this event with a strong toolkit to put what you've learned into practice, but also be reinvigorated for this important work.

Transportation

If traveling by Metro, please take the yellow or green lines to the Columbia Heights Station and walk north to the intersection of 14th Street and Park Road NW. Many of you will be staying at the Washington Plaza Hotel. The hotel is approximately .6 miles from the Mt. Vernon Square/7th Street/Convention Center station. Alternatively, the Washington Plaza Hotel is two miles/less than 15 minutes from D.C. PCSB's office if you prefer to travel by cab/Uber.

Meals

NACSA will provide breakfast, lunch, and dinner for all attendees on Thursday and breakfast and lunch on Friday. If you have any dietary requirements that you have not yet shared with us, please do so by COB on Monday.

For those of you traveling in Wednesday, please let us know if you are interested in gathering for an informal dinner. We will take care of arranging reservations for the group at a restaurant close to the hotel.

Book Club

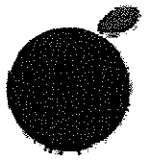
Finally, our Book Club Happy Hour and Dinner will take place at [Brasserie Beck](#), at 1101 K St. NW. We are all to have read "Focus: The Hidden Driver of Excellence" by Daniel Goleman in preparation for our discussion. While we don't want to give everything away, come ready to discuss self-awareness, your "True North," empathy, and mindful presence. If you are unable to join us for dinner, let us know so we may provide an accurate head count to the restaurant.

Please don't hesitate to reach out if you have any lingering questions regarding the event. We look forward to seeing you next week in D.C.! Safe travels!

Best,

Courtney

Courtney Leigh Beisel
DIRECTOR OF AUTHORIZER ENGAGEMENT



nacsa
NATIONAL ASSOCIATION OF
CHARTER SCHOOL AUTHORIZERS

105 W. Adams Street, Suite 1900 | Chicago, IL 60603
Direct: (724) 719-2554 | www.qualitycharters.org

ALL CHILDREN DESERVE A QUALITY EDUCATION.



EXHIBIT O

Patrick Gavin

From: Erin Reddy <erinr@qualitycharters.org>
Sent: Wednesday, March 09, 2016 9:25 AM
To: Katie Higday
Cc: Jessica L. Hoban; Katie Fishel; Patrick Gavin; William Haft
Subject: RE: NACSA contact

Hi Katie,
That's excellent news! Thanks for letting us know. We'll reach out to Patrick to kick off this work.
Kind regards,
Erin

Erin Reddy
MANAGER OF AUTHORIZER DEVELOPMENT
Direct: (312) 376-2334 | www.qualitycharters.org

From: Katie Higday [mailto:khigday@spsca.nv.gov]
Sent: Wednesday, March 09, 2016 10:35 AM
To: Erin Reddy <erinr@qualitycharters.org>
Cc: Jessica L. Hoban <jlhoban@spsca.nv.gov>; Katie Fishel <Katieh@qualitycharters.org>; Patrick Gavin <pgavin@spsca.nv.gov>
Subject: RE: NACSA contact

Good Morning Erin,

I wanted to inform you that the NACSA contract was approved at yesterday's Board of Examiners meeting.

Thank you,

Katie Higday
Management Analyst
State Public Charter School Authority
1749 Stewart Street, Suite 40
Carson City, NV 89706-2543
Ph: 775.687.9165
Fx: 775.687.9113
khigday@spsca.nv.gov
<http://charterschools.nv.gov/>

CONFIDENTIALITY - This message and accompanying documents are covered by the electronic Communications Privacy Act, 18 U.S.C. §§ 2510-2521, may be covered by the Family Educational Rights and Privacy Act (FERPA) 20 U.S.C. § 122g; 34 CFR Part 99 and may contain confidential information or Protected Information intended for the specified individual(s) only. If you are not the intended recipient or an agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error and that any review, dissemination, copying, or the taking of any action based on the contents of this information is strictly prohibited. Violations may result in administrative, civil, or criminal penalties. If you have received this communication in error, please notify sender immediately by e-mail, and delete the message. The State Public Charter School Authority will not accept any liability in respect of such communication that violates our e-mail policy.

EXHIBIT P



**The Atlanta
Journal-Constitution**
Credible. Compelling. Complete.

Vendor reporting on ‘gifts’ to state workers in Georgia spotty at best

By [James Salzer](#) - The Atlanta Journal-Constitution

Updated: 12:49 p.m. Thursday, September 06, 2018 | Posted: 7:30 a.m. Thursday, September 06, 2018

A Chicago nonprofit the state paid to review charter school applications foot the bill for education agency employees to attend training sessions and conferences, even offering top staffers \$1,000 stipends to take part in the events.

The nonprofit — the National Association of Charter School Authorizers — did not file mandated reports disclosing what it spent on employees of the State Charter Schools Commission of Georgia. The Atlanta Journal-Constitution found out by reviewing 4,500 pages of emails and documents.

Such vendor spending on state staffers may be prevalent.

Or maybe not.

It's impossible to know because only about a dozen of the thousands of companies that do business with the state file vendor gift reports each year. Nobody is ever fined or prosecuted for not doing it.

Lobbyists must report regularly throughout the year on what they spend to influence lawmakers and state employees in Georgia. But vendors — the businesses that sell products to state government or do consulting work for agencies — are required to file once a year. And experts say they seldom do.

“There are no checks and balances in the system. There is no way to track it,” said Rick Thompson, a former executive secretary of the state ethics commission, where companies are supposed to file vendor gift reports. “We never tried to monitor it. If you wanted to file, you filed. There wasn’t anything we could do.”

Officials with the nonprofit charter school association said they didn’t know they were supposed to report what they spent on state employees.

“NACSA was not aware of Georgia’s vendor reporting requirements, and we appreciate the paper bringing this to our attention,” said Corrie Leech, the communications director for the association. “Moving forward, we’ll make sure we do everything necessary to be in compliance.”

The public traditionally follows the exploits of lobbyists who wine and dine lawmakers, particularly during General Assembly sessions. But bureaucrats, rather than lawmakers, often are the ones making million-dollar decisions on how the state spends its \$26 billion annual budget.

Building ties with state staffers

The recent ethics scandal at Georgia Tech spotlighted the relationship between companies that do business with the state and its employees.

Reports released earlier this summer said that four high-ranking, highly paid Georgia Tech administrators committed a series of ethical abuses, including receiving pay from a German company to serve on its board at the same time the company was being paid to do work for Georgia Tech and playing golf with vendors during work hours.

Georgia Tech President George P. “Bud” Peterson fired an executive vice president, and the other three resigned.

An internal report found that Paul Strouts, then-vice president of campus services, had Barnes & Noble pay \$35,000 a year, starting in 2013, for a Georgia Tech football suite. Barnes & Noble operates a bookstore on campus.

University System of Georgia officials say the box was worked into the company's commission to the school, so it would not have fallen under the heading of a "gift" and therefore Barnes & Noble didn't need to file a vendor disclosure.

The coziness between the people who represent state vendors and government employees came to light in the 1990s, when Gov. Roy Barnes fired the head of the state's purchasing agency for accepting gifts from software firms.

A state investigation found that, at a 1997 convention, a saleswoman for Oracle Corp. had given Dotty Roach a spa gift certificate worth \$359 and a \$540 ride in a hot-air balloon. The saleswoman later earned \$450,000 in commissions after the state bought \$40 million in software from Oracle and PeopleSoft Inc.

The state ethics commission fined each company \$2,000 in 1999 for failing to disclose the gifts to Roach. According to longtime state officials, that may be the last time anyone has been punished for the offense.

Most gifts are outlawed

On the first day Gov. Sonny Perdue took office in 2003, he signed an executive order banning gifts worth more than \$25 to state employees under his command. Gov. Nathan Deal followed suit in 2011.

Under the gift ban, employees are not allowed to take "honoraria," or payments. An employee may accept "reasonable expenses for food, beverages, travel, lodging and registration to permit the employee's participation in a meeting related to official or professional duties," but he or she is supposed to file a report after such expenses are paid by an outside person or company.

“Notwithstanding this provision, the preferred practice is for agencies and not third-parties to pay such expenses,” Deal’s executive order says.

Under state law, vendors who make gifts to state employees exceeding an aggregate \$250 in a year must file a report with the ethics commission. Anyone who “knowingly fails to comply with or knowingly violates” the disclosure law is guilty of a misdemeanor.

The most common “gifts” reported last year were for meals and to pay for employees to attend conferences.

For instance, SAS Institute, a multinational developer of analytics software, paid \$922 each to have six Kennesaw State University professors, lecturers and administrators attend a conference last year in Washington.

SAS did \$243,000 worth of business with Kennesaw State in 2017, the largest total for any of the University System schools.

Pearson Education, a publishing and assessment service that did about \$10 million worth of business with state agencies and colleges in fiscal 2017, spent about \$2,500 on airfare, lodging and meals for Professional Standards Commission members and college professors, mostly to attend workshops and other events.

Probably no company has been more faithful about filing reports than Georgia Power, the utility giant that was paid about \$160 million by state agencies and public colleges to supply power to them in 2017. The company reported spending \$13,000 on state officials, mostly for meals, refreshments and the odd desk calendar or box of candy.

Most of the meals and refreshments were spent on employees from the Georgia Department of Economic Development or the Public Service Commission, which regulates utilities.

Georgia Power bought meals or refreshments for PSC staffers more than 100 times in 2017, a year in which the agency was studying whether to allow continued construction of two nuclear reactors at the company's Plant Vogtle. The PSC eventually voted unanimously to allow the company to move forward on the project, which is far over budget and behind schedule.

Staffers recommended the commission verify and approve only \$44 million of the \$542 million in costs the company said were incurred from January to June 2017 and that stockholders take on any additional costs overruns deemed unreasonable by the commission. The PSC rejected those recommendations.

John Kraft, a Georgia Power spokesman, said: "We make every effort to be as transparent as possible throughout our business. We regularly meet and engage with state employees or officials on issues related to our business, and we report any expenses as appropriate.

"The Georgia Public Service Commission and Department of Economic Development are two of the state agencies that we work with every day to ensure reliable and affordable energy across the state and grow Georgia's economy."

Bill Edge, a spokesman for the PSC, said Georgia Power pays for meals when his agency's staffers meet with company officials.

"They are paying for lunch for meetings with staff to talk about various issues, including Plant Vogtle, rate cases, solar and renewal energy," Edge said.

An aberration or the norm?

It may be an aberration that vendors such as Georgia Power file every year. But it's also unclear how many are like the National Association of Charter School Authorizers.

The nonprofit has performed work for the state Charter Schools Commission in recent years, being paid \$264,000 since early 2015 to help review charter petitions and applications, for consulting services and other duties. The state commission has the power to approve or deny petitions for state charter schools and renew, nonrenew or terminate state charter school contracts.

According to agency emails, the association has offered to pay Bonnie Holliday, the commission's director, and other senior staffers for them to attend conferences and group events since at least 2015.

The emails show Holliday and Gregg Stevens, the commission's deputy director and general counsel, submitted reimbursements to the company to pay for travel at least four times in 2017 in amounts higher than the \$250 that would trigger a requirement that the association file vendor gift disclosures.

On the day a consulting contract was being finalized in June 2017, the association offered Stevens \$1,000 as a "consulting stipend" and travel reimbursement to speak at a conference. Stevens turned down the payment.

Records show the association offered Holliday a \$1,000 "consulting/facilitating fee" in 2017.

Holliday provided the association with a W-9 form — which is issued by the Internal Revenue Service for a payer to obtain someone's taxpayer identification number — on Sept. 6 of last year. In an email, the association stated that the form would be used to prepare Holliday's "contract for work as a session manager" at an October conference in Phoenix.

Under Georgia law, "No public officer other than a public officer elected state wide shall accept a monetary fee or honorarium in excess of \$100 for a speaking engagement, participation in a seminar, discussion panel, or other activity which directly relates to the official duties of that public officer or the office of that public officer."

However, in a written response, Lauren Holcomb, the commission's communications director, said Holliday was asked to lead a session at the conference, forcing her to develop content and an agenda, organize speakers and present information, among other duties. She said those duties were outside the scope of Holliday's job with the state, for which she was paid \$125,000 in fiscal 2017.

"Our general counsel determined that it was legal and appropriate for her to accept a stipend in this circumstance as the stipend did not fall within the definition of a 'gift' or 'honoraria' as defined by the governor's executive order," Holcomb said.

"In short: the stipend was provided as payment for work that fell outside the duties of her position at the SCSC — not as a gift," Holcomb said.

William Perry of Georgia Ethics Watchdog, an Atlanta good-government group, said he was stunned a state employee would accept a stipend for taking part in a conference.

He said the lack of vendor reporting makes it easy for companies to get around more closely watched lobbyist disclosures of gifts.

"I think lobbyists use that to their advantage by allowing their client's corporate executives to give gifts and not report it," Perry said.

He said "ignorance of the law," in the case of the National Association of Charter School Authorizers and other state vendors is no excuse for not following it.

"You should know if you are taking out a government employee, that has to be reported," he said.

<https://politics.myajc.com/news/state--regional-govt--politics/vendor-reporting-gifts-state-workers-georgia-spotty-best/IWIAEHJ7MsmrI19DLlvLzH/>

EXHIBIT Q

Georgia inspector general asked to look into gifts to state employees

By James Salzer - The Atlanta Journal-Constitution

BRANDEN CAMP/SPECIAL

Updated: 4:30 p.m. Tuesday, September 25, 2018 | Posted: 4:18 p.m. Tuesday, September 25, 2018

Georgia's inspector general has been asked to look into whether a group that did work for the Charter Schools Commission violated state law by not reporting that it paid for staffers to attend events across the country and offered them stipends.

The filing Tuesday comes less than three weeks after The Atlanta Journal-Constitution reported the vendor gifts to state employees.

Teresa Rogers, a Sandy Springs charter school parent, asked the inspector general to investigate both the gifts and whether the vendor failed to file mandatory financial information with the state.

The complaint says the Chicago nonprofit — the National Association of Charter School Authorizers — could wind up being prohibited from doing business with the state for a year and forced to repay what it received from the State Charter Schools Commission if it did not file the financial statement.

Rogers asked the inspector general to investigate whether stipends paid to Charter Schools Commission staffers were legal.

Corrie Leech, the communications director for the association, said her organization didn't know about the reporting requirements and would comply in the future.

The AJC reported earlier this month that the association has been paid \$264,000 since early 2015 to help review charter petitions and applications, for consulting services, and other duties. The state commission has the power to approve or deny petitions for state charter schools and renew, not renew or terminate state charter school contracts.

According to agency emails reviewed by the AJC, the association has offered to pay Bonnie Holliday, the commission's director, and other senior staffers for them to attend conferences and group events since at least 2015.

The emails show Holliday and Gregg Stevens, the commission's deputy director and general counsel, submitted reimbursements to the association to pay for travel at least four times in 2017 in amounts higher than the \$250 that would trigger a requirement that the association file vendor gift disclosures.

On the day a consulting contract was being finalized in June 2017, the association offered Stevens \$1,000 as a "consulting stipend" and travel reimbursement to speak at a conference. Stevens turned down the payment.

Records show the association offered Holliday a \$1,000 "consulting/facilitating fee" in 2017 for a conference in Phoenix. She accepted the stipend.

Under Georgia law, "No public officer other than a public officer elected state wide shall accept a monetary fee or honorarium in excess of \$100 for a speaking engagement, participation in a seminar, discussion panel, or other activity which directly relates to the official duties of that public officer or the office of that public officer."

Gov. Nathan Deal signed an executive order on his first day in office banning gifts worth more than \$25 to state employees under his command. Under the gift ban, employees are not allowed to take "honoraria," or payments.

However, in a written response, Lauren Holcomb, the commission's communications director, said Holliday was asked to lead a session at the conference, forcing her to develop content and an agenda, organize speakers and present information, among other duties. She said those duties were outside the scope of Holliday's job with the state, for which she was paid \$125,000 in fiscal 2017.

"Our general counsel determined that it was legal and appropriate for her to accept a stipend in this circumstance as the stipend did not fall within the definition of a 'gift' or 'honoraria' as defined by the governor's executive order," Holcomb said.

After the complaint was filed Tuesday, Holcomb said in a statement, "The SCSC conducts business in accordance with high standards of transparency and objectivity and remains committed to partnering with reputable non-profit organizations to further the agency's mission."

As the AJC reported, very few vendors that do business with the state file required gift reports, and no one has faced a penalty for not disclosing what they spend on state employees in almost 20 years.

The recent ethics scandal at Georgia Tech spotlighted the relationship between vendors that do business with the state and its employees.

Reports released earlier this summer said that four high-ranking, highly paid Georgia Tech administrators committed a series of ethical abuses, including receiving pay from a German company to serve on its board at the same time the company was being paid to do work for Georgia Tech, and playing golf with vendors during work hours.

Georgia Tech President George P. "Bud" Peterson fired an executive vice president, and the other three resigned.

An internal report found that Paul Strouts, then-vice president of campus services, had Barnes & Noble pay \$35,000 a year, starting in 2013, for a Georgia Tech football suite. Barnes & Noble operates a bookstore on campus.

University System of Georgia officials say the box was worked into the company's commission to the school, so it would not have fallen under the heading of a "gift" and therefore Barnes & Noble didn't need to file a vendor disclosure.