

From: "Willey, Heather" <Heather.Willey@btlaw.com>

Date: July 27, 2014, 1:40:37 PM EDT

To: "Mckeown, Michelle" <MMckeown@ceci.IN.gov>, "Bernice Corley (bcorley@doe.in.gov)" <bcorley@doe.in.gov>

Subject: August 6, 2014 State Board of Education Discussion Request

Bernice and Michelle,

Thank you each for the opportunity to speak with you on Friday regarding a proposed change to the A-F rule. As we discussed, I serve on the Board of Christel House Academy (CHA). I would like to have a Discussion item added to the August 6th State Board of Education agenda regarding the current A-F rule and what I believe it is an unattended consequence of the rule that needs immediately addressed by the Board.

As we discussed, the current A-F rule does not fully contemplate schools that do not fall within the current requirements due to an incomplete high school data set because the school is new and/or growing. As we also discussed, CHA and me believe that accountability for educational performance is critical. That said, we also need to ensure that the information provided in the A-F grade is fair, accurate and does not mislead the public (and importantly parents and students) about the true performance of the school.

As you know, schools that have configurations spanning elementary, middle and high school grades are referred to as "combined schools." When the rule was initially implemented, it became apparent that schools with unusual configurations could not be graded under the specifications stated in the State Board rules. The accountability rules approved by the SBOE did not mention "combined schools" by name, but it did provide explanations of how to score some unusual school combinations. The rule addresses combined schools with a complete high school, but it does not address combined schools with an incomplete high school.

Complete high schools are able to score on multiple measures besides End-of-Course assessment (ECA) performance, including: graduation rate, college and career readiness, and ECA 10th to graduation improvement. Incomplete high schools cannot. This is because high school accountability metrics of graduation rate and college and career readiness are calculated one year in arrears – meaning the data used for those specific metrics is from the prior year's results. This is due to the fact that state law allows students to finish graduation by October of the year in which the student would be expected to graduate. Additionally, there are circumstances where no data is available to plug into the formula.

The administrative rule governing the calculations for school accountability does not mention “combined schools” by name, but 511 IAC 6.2-6-4(h), (i), and (j) provide guidance on how to score some – but not all – combined schools.

511 IAC 6.2-6.4(h) states:

“A school that includes elementary or middle school grades and high school grades will receive a single performance and improvement category grade as described in subsections (i) through (k).

511 IAC 6.2-6.4(i)(1)(2) states:

“The performance and improvement category grade for a school described in subsection (h) shall be based on the elementary, middle and high school scores weighted by the percentages determined by the following:

- (1) The number of students enrolled in grades 3 through 8 as reported for pupil enrollment (PE report) divided by the sum of the number of students reported on the PE report for grades 3 through 8 and the cohorts for grades 9 through 12.
- (2) The number of students enrolled in the cohorts for grades 9 through 12 as reported on the PE report divided by the sum of the number of students reported on the PE report for grades 3 through 8 and the cohorts for grades 9 through 12.”

511 IAC 6.2-6.4(j) states:

“A school’s performance and improvement category grade assigned by the board shall be determined by: (1) multiplying the average of the English/language arts and mathematics points for the elementary and middle school grades by the percentage in subsection (i)(1); (2) multiplying the sum of four (4) weighted scores for the high school by the percentage in subsection (i)(2); and (3) adding the products of subdivisions (1) and (2).”

According to the rules laid out in section (i) through (k), incomplete combined high schools cannot receive a grade under the prescribed model because they each lack the ability to have (j)(2) applied to their calculation which requires “multiplying the sum of four (4) weighted scores for the high school...” An incomplete school lacks scores for graduation and college and career readiness – two of the four required “weighted scores” the rule dictates to be used for the combined school calculations.

Last year, the IDOE (Superintendent Ritz) applied the rule that an incomplete combined high school would receive a grade based on the data it did collect. As we discussed, the rule does not currently give a lot of flexibility. Practically what this meant is that an incomplete high school (like CHA) is graded using very different metrics weightings than a complete high school – which has very negative consequences to the school’s grade. It is my understanding that last year, every incomplete high school in the state was a D or F school. As I hope you will agree, this points to a very significant flaw in the calculation under the rule and should be immediately addressed before the formula is applied in 2014.

It is my understanding that at least 4 (possibly 5) other schools are impacted. These schools include:

1. Charter Schools of the Dunes
2. East Allen University
3. East Chicago Lighthouse
4. Hammond Academy of Science and Technology
5. Math and Science Academy – North (possibly impacted)

The DOE may be able to independently verify that these schools had incomplete high school data sets. I also placed calls to each of these schools on Friday and am waiting on returned calls.

I recommend the State Board take immediate action to address this flaw in the current rule via an emergency rule at the September 2014 Board meeting. Specifically, I recommend the following:

- That the elementary/middle school grading formula be applied when calculating the A-F grade until the high school becomes complete.
- When the high school becomes complete, the combined school formula can then be applied with the entire dataset.
- I also recommend that the SBOE consider moving to “real time” performance metrics in high school. I believe that the graduation rates used for the calculation should not be 1 year in arrears (it does not provide an accurate performance grade for the school and is misleading to the public about the school’s true performance).

I understand that the Board reviewed this issue previously and noted that “some schools do not fall within the boundaries of the rule.” At that time, they gave authority to the IDOE to use a different model to grade those schools. That said, the Superintendent did not have much flexibility to change the scoring rubric based on how the rule is currently drafted. I feel confident that the Superintendent and SBOE do not want to penalize schools that do not have complete data sets (at no fault of their own). I am hopeful that you will add this item to the August meeting and then seek an immediate SBOE solution.

If you have questions or need any additional information please let me know. I will plan to prepare a handout for the Board on this matter should my request for a Discussion item be approved. Please advise if this Discussion item is approved so that we can plan accordingly.

Thank you.

Heather

Heather Willey | Partner

Barnes & Thornburg LLP

11 South Meridian Street, Indianapolis, IN, 46204-3535

Direct: (317) 231-6448 | Mobile: (317) 490-3652 | Fax: (317) 231-7433

Atlanta | Chicago | Delaware | Indiana | Los Angeles | Michigan | Minneapolis | Ohio | Washington D.C.

CONFIDENTIALITY NOTICE: This email and any attachments are for the exclusive and confidential use of the intended recipient. If you are not the intended recipient, please do not read, distribute or take action in reliance upon this message. If you have received this in error, please notify us immediately by return email and promptly delete this message and its attachments from your computer system. We do not waive attorney-client or work product privilege by the transmission of this message.