



INDIANA STATE BOARD OF EDUCATION

To: Indiana State Board of Education Members
From: Chad E. Ranney, Deputy General Counsel
Date: January 9, 2019
RE: Recommended A-F Decisions

511 IAC 6.2-10-11 explains:

Sec. 11. A school or school corporation may petition for review of its accountability category placement based on objective factors the school or school corporation considers relevant because the annual assessment data do not accurately reflect school performance, growth, or multiple measures, as applicable. Objective factors include significant demographic changes in the student population, errors in data, or other significant issues including, but not limited to, errors in the application of this rule to determine an accountability category.

The Recommended Decisions provided to the Indiana State Board of Education (“Board”) for consideration have been drafted and issued by a hearing officer pursuant to 511 IAC 6.2-10-11. None of the schools subject to the decisions being considered today have filed an Objection to the Recommended Decision with Board staff. After reviewing the decisions, Board staff recommends approving the Recommended Decisions.

**BEFORE THE INDIANA
STATE BOARD OF EDUCATION**

| | | |
|---------------------|---|--------------------|
| IN THE MATTER OF: |) | |
| |) | |
| ADVENTIST CHRISTIAN |) | APPEAL PURSUANT TO |
| ELEMENTARY SCHOOL |) | 511 IAC 6.2-10-11 |
| (SCHOOL # C905) |) | |
| |) | |
| PETITIONER |) | |

**COMBINED FINDINGS OF FACT AND CONCLUSIONS OF LAW, AND
RECOMMENDED DECISION**

I. Reason for Appeal

Adventist Christian Elementary School appeals its 2017-2018 category placement of a “D” grade (65.0 points) asserting that the School only had fifteen (15) eligible students rather than the requisite thirty (30) needed to calculate the performance domain for the accountability category.

II. Findings of Fact and Conclusions of Law

1. Adventist Christian Elementary School is a nonpublic school located in Bloomington, Indiana.
2. Adventist Christian Elementary School educates students in kindergarten through grade 8.
3. Pursuant to Ind. Code § 20-31-8-4, the Indiana State Board of Education (Board) shall annually place each school in a category or designation of school performance based on the metrics outlined in 511 IAC 6.2-10.
4. Pursuant to 511 IAC 6.2-10-3(d)(2) and (3), the accountability category of Adventist Christian Elementary School shall be based on the performance and growth domains.

5. Pursuant to 511 IAC 6.2-10-4, the calculation for the performance domain is based on the product of the subject area pass rate and participation rate. The subject area scores of English/language arts and mathematics are then weighed equally to yield the overall performance domain score.

6. A school must have at least thirty (30) eligible students in the accountable year to obtain English/language arts points and to obtain mathematics points. If a school does not have at least thirty (30) eligible students in the accountable year, the school's English/language arts points and the school's mathematics points will be based on the results of the mandatory annual assessments of a cumulative aggregate of eligible students.

7. Pursuant to 511 IAC 6.2-10-1(24) and 511 IAC 6.2-10-5, the growth domain is based on the cumulative points awarded for the growth scores of all eligible students on the mandatory annual assessment.

8. Pursuant to 511 IAC 6.2-10-5, the growth domain shall consist of an English/language arts indicator and a mathematics indicator.

9. 511 IAC 6.2-10-5 outlines the calculation of the growth domain, and indicates that points are awarded for the growth domain based on the average growth scores of students performing in the top 75% of students at the school in the respective subject areas and of students performing in the bottom 25% of students at the school in the respective subject areas.

10. A school must have at least forty (40) eligible students in the accountable year to obtain growth points for the top seventy-five percent (75%) and the bottom twenty-five percent (25%) of students. The bottom twenty-five percent (25%) must contain at least ten (10) of the forty (40) students.

11. If a school does not have at least forty (40) eligible students in the accountable year, the school’s growth points shall be based on the results of the mandatory annual assessments of a cumulative aggregate of eligible students.

12. “Eligible student” is defined in 511 IAC 6.2-10-1(15) is defined to include any student who:

- (A) was enrolled at the school for at least one hundred sixty-two (162) days in the accountable year;
- (B) was tested on the mandatory statewide annual assessment, or the end of course assessment;
- (C) was not a limited English proficient student who has been enrolled in schools in the United States for less than twelve (12) months; and
- (D) obtained a valid result.

511 IAC 6.2-10-1(15).

13. “Cumulative aggregate” means the number of eligible students in the accountable year and in each school year immediately preceding the accountable year until the minimum student count necessary to award points under this rule is reached. 511 IAC 6.2-10-1(13).

14. Pursuant to 511 IAC 6.2-10-3(d)(2) and (3), the accountability calculation is based on the performance and growth domains, with each weighted equally. However, if a school lacks sufficient data points to calculate a growth domain, then the performance domain shall equal one hundred percent (100%) of the school’s accountability category.

15. On September 24, 2018, Adventist Christian Elementary School received an accountability category placement of “D” (65.0 points) for the 2017-2018 school year. The calculation was as follows:

| Performance Domain Score | | |
|---------------------------------------|--------|------------------|
| 1. English/language arts score | | |
| Pass Rate | 60.0% | 60.0 * 1 = 60.0% |
| Participation Rate | 100.0% | |
| 2. Mathematics score | | |
| Pass Rate | 70.0% | |

| | | |
|--|--------------------------------|-------------------|
| Participation Rate | 100.0% | $70.0 * 1 = 70.0$ |
| 3. Total Performance Domain Score | $\frac{60.0 + 70.0}{2} = 65.0$ | |

| Growth Domain Score | | |
|---------------------------------------|-----|-----|
| 1. English/language arts score | | |
| Top 75% growth | N/A | N/A |
| Bottom 25% growth | N/A | |
| 2. Mathematics score | | |
| Top 75% growth | N/A | N/A |
| Bottom 25% growth | N/A | |
| 3. Total Growth Domain Score | N/A | |

| Overall Accountability Calculation | | |
|---|----------------------|-------------------------|
| Performance Domain | Growth Domain | Overall Category |
| $65.0 * 1 = 65$ | N/A | 65.0 |

16. On September 26, 2018, Adventist Christian Elementary School timely appealed the Board's 2017-2018 Accountability Calculation asserting that only fifteen (15) different students took the ISTEP assessment in the 2015-2016, 2016-2017, and 2017-2018 school years; therefore, the School only had fifteen (15) eligible students and not the requisite thirty (30) required for the performance domain calculation.

17. The School only had eleven (11) eligible students in the 2017-2018 school year; therefore, to calculate the performance domain, the Department considered a cumulative aggregate of all eligible students by reviewing the number of students in the accountable year and in each school year immediately preceding the accountable year until the requisite thirty (30) was reached.

18. The School had eight (8) eligible students in the 2015-2016 school year; eleven (11) eligible students in the 2016-2017 school year; and eleven (11) eligible students in the 2017-2018 school year.

19. Between these three different testing years, the eligible students consisted of the same pool of fifteen (15) students, as shown by a spreadsheet submitted by the School and copied below:

| STN | 2015-2016 (grade of student) | 2016-2017 (grade of student) | 2017-2018 (grade of student) |
|--------------------------|---------------------------------|---------------------------------|---------------------------------|
| | 3 | 4 | 5 |
| | 3 | 4 | 5 |
| | 3 | 4 | 5 |
| | 3 | 4 | 5 |
| | 7 | 8 | |
| | 7 | 8 | |
| | 8 | 8 | |
| | 8 | | |
| | | 3 | 4 |
| | | 3 | 4 |
| | | 3 | 4 |
| | | 4 | 5 |
| | | | 3 |
| | | | 3 |
| | | | 5 |
| 15 total students | | | |

20. Although the School is correct that the number of eligible students used to calculate the cumulative aggregate is from the same set of fifteen (15) students over the three-year period, the Department still properly calculated the cumulative aggregate of eligible students. “Cumulative aggregate” as defined in 511 IAC 6.2-10-1(13) requires the Department to look at the *number* of eligible students in each accountable year until the requisite thirty (30) is reached; the definition does not contemplate that it must be different eligible students in each accountable year. Therefore, by adding the eleven (11) eligible students from 2015-2016 to the eleven (11) eligible students in 2016-2017 to the eight (8) eligible students in 2017-2018, the Department properly reached thirty (30) eligible students to calculate the performance domain.

21. The Department could not reach the requisite number of forty (40) students to calculate the growth domain, even by utilizing a cumulative aggregate of eligible students. Therefore, the Department properly gave the performance domain 100% weight in accordance with 511 IAC 6.2-10-3(d)(2).

III. Recommended Decision

The Board's Accountability Category calculation for Adventist Christian Elementary School was correct. The Board properly followed 511 IAC 6.2-10 in its calculation. Although the cumulative aggregate of the thirty (30) students used to calculate the performance domain came from the same set of fifteen (15) students over a three-year period, the Department properly calculated the cumulative aggregate by adding the number of eligible students from each year until it reached the requisite thirty (30) needed to calculate the performance domain. The Department also properly gave the performance domain 100% weight due to the fact that the School had insufficient data to calculate a growth domain.

DATE: December 11, 2018

/s/ Stephanie Mullaney Hearing Officer

NOTICE OF APPEAL RIGHT

Petitioner may file objections to the Hearing Officer's Recommended Decision but must do so no later than ten (10) calendar days from the date the Petitioner receives the Recommended Decision. Any objections must be in writing and must state the legal basis for the objection.

Written objections are to be submitted to the Indiana State Board of Education as follows:

ATTN: Timothy A. Schultz, General Counsel
TSchultz1@sboe.in.gov

Certificate of Service

I certify that on December 11, 2018, I served the foregoing Recommended Decision on the following persons at the email addresses shown below.

/s/ Stephanie Mullaney, Hearing Officer

Janelle Ruba, School Representative
mrsjfr@gmail.com

Timothy A. Schultz, General Counsel
Indiana State Board of Education
Email: TSchultz1@sboe.in.gov

Maggie Paino, Director of Accountability
Indiana Department of Education
Email: mpaino@doe.in.gov

**BEFORE THE INDIANA
STATE BOARD OF EDUCATION**

| | | |
|---------------------------------|---|--------------------|
| IN THE MATTER OF: |) | |
| |) | |
| LORA L. BATCHELOR MIDDLE SCHOOL |) | APPEAL PURSUANT TO |
| (SCHOOL # 6172), |) | 511 IAC 6.2-10-11 |
| |) | |
| PETITIONER |) | |
| |) | |

**COMBINED FINDINGS OF FACT AND CONCLUSIONS OF LAW, AND
RECOMMENDED DECISION**

I. Reason for Appeal

Lora L. Batchelor Middle School appeals its 2017-2018 category placement of a “B” grade (89.2 points) asserting that technological issues during ISTEP+ testing existed and impacted students’ examination performance and that two students, who had a significant number of absences due to health concerns, are included.

II. Findings of Fact and Conclusions of Law

1. Lora L. Batchelor Middle School is a public school that is a part of the Monroe County Community School Corporation.
2. Lora L. Batchelor Middle School educates students in grades 7 through 8.
3. Pursuant to Ind. Code § 20-31-8-4, the Indiana State Board of Education (Board) shall annually place each school in a category or designation of school performance based on the metrics outlines in 511 IAC 6.2-10.
4. Pursuant to 511 IAC 6.2-10-3(d)(2) through (3), the accountability category of Lora L. Batchelor Middle School shall be based on the performance and growth domains, with each domain weighted at half of the overall letter grade score.

5. All domains are calculated using the results of “eligible students” as defined by 511 IAC 6.2-10-1(15) including any student who:

- (A) was enrolled at the school for at least one hundred sixty-two (162) days in the accountable year;
- (B) was tested on the mandatory statewide annual assessment, or the end of course assessment;
- (C) was not a limited English proficient student who has been enrolled in schools in the United States for less than twelve (12) months; and
- (D) obtained a valid result.

511 IAC 6.2-10-1(15).

6. Pursuant to 511 IAC 6.2-10-1(32) participation means “to complete and obtain a valid test result for the mandatory statewide annual assessment.”

7. 511 IAC 6.2-10-4(b)(4) and (c)(4) indicate that the proficiency rate shall be multiplied by the actual participation rate unless the participation rate is greater than or equal to 95.0%. In the instance that the participation rate is greater than or equal to 95.0 percent, the proficiency rate shall be multiplied by 100.0%.

8. On September 24, 2018, Lora L. Batchelor Middle School received an accountability category placement of a “B” (89.2 points) for the 2017-2018 school year.

9. On October 7, 2018, Lora L. Batchelor Middle School timely appealed the Board’s 2017-2018 Accountability Calculation stating that there were technological issues during ISTEP+ testing existed and impacted students’ examination performance and that two students, who had a significant number of absences due to health concerns, are included.

10. Lora L. Batchelor Middle School did contact the Department of Education (“Department”) in March, 2018 regarding technological issues it stated took place during Part 1 of ISTEP+.

11. The stated technological issues were students being kicked off of tests due to an automatic update and students reporting delays when loading exam questions.

12. During a site visit in April, Lora L. Batchelor Middle School was not able to provide error codes regarding these issues and Pearson was unable to replicate either one of them. Pearson stated that the testing program does not search for updates while it is open and logged into the test and that it does not kick students off for updates. Further regarding the question loading issue, Pearson suggested the school corporation look at its server to identify what might be causing the slow down.

13. In essence, Monroe County Community School Corporation and Pearson are each suggesting the other was the cause for whatever technological problems may have existed. Monroe County Community School Corporation staff estimated about fifteen students were impacted a number that apparently is reflecting more than one school. However, there was no indication that any student was unable to complete the test because of the technological issues.

14. In its appeal, Lora L. Batchelor Middle School stated that “this technological issue had a negative impact on these students’ performance many became very anxious after starting and stopping their assessment multiple times.” It may be plausible that technological issues may have impacted at least some of the students which would be unfortunate. However, that does not mean that any such students were not participants under 511 IAC 6.2-10-1(32) because they completed the testing and received valid test results.

15. Based on the Department’s records, the two students, who were identified as having a significant number of absences due to health concerns, both were enrolled 180 days with one in attendance for 155.5 days and the other 158 days. Both therefore are eligible

students as defined in 511 IAC 6.2-10-1(15) because they were enrolled for at least 162 days. It is enrollment time and not attendance time that is determinative under the rule.

16. Therefore, there is no basis to change Lora L. Batchelor Middle School's category placement of "B" with 89.2 points.

III. Decision

The Board's Accountability Category calculation for was correct. The Board properly followed 511 IAC 6.2-10 in its calculation. There is no evidence of the possible negative effect technological difficulties has on students' test results and the two specified students were enrolled at least 162 days. Thus, the Board's calculation of a category placement of a "B" (89.2 points) was proper and should be sustained.

DATE: December 5, 2018

/s/ James F. Schmidt, Hearing Officer

NOTICE OF APPEAL RIGHT

Parties may file objections to the Hearing Officer's Recommended Decision but must do so no later than ten (10) calendar days from the date the Petitioner receives the Recommended Decision. Any objections must be in writing and must state the legal basis for the objection.

Written objections are to be submitted to the Indiana State Board of Education as follows:

ATTN: Timothy A. Schultz, General Counsel
TSchultz1@sboe.in.gov

Certificate of Service

I certify that on December 5, 2018, I served the foregoing Recommended Decision on the following persons at the email addresses shown below.

/s/ James F. Schmidt, Hearing Officer

Angela Harlan, School Representative

Email: aharlan@mccsc.edu

Timothy A. Schultz, General Counsel

Indiana State Board of Education

Email: TSchultz1@sboe.in.gov

Maggie Paino, Director of Accountability

Indiana Department of Education

Email: mpaino@doe.in.gov

**BEFORE THE INDIANA
STATE BOARD OF EDUCATION**

| | | |
|-------------------------------|---|--------------------|
| IN THE MATTER OF: |) | |
| |) | |
| BLOOMINGTON HIGH SCHOOL SOUTH |) | APPEAL PURSUANT TO |
| (SCHOOL # 6166), |) | 511 IAC 6.2-10-11 |
| |) | |
| PETITIONER |) | |
| |) | |

**COMBINED FINDINGS OF FACT AND CONCLUSIONS OF LAW, AND
RECOMMENDED DECISION**

I. Reason for Appeal

Bloomington High School South appeals its 2017-2018 category placement of an “A” grade (96.4 points) asserting that technological issues during ISTEP+ testing existed and impacted students’ examination performance.

II. Findings of Fact and Conclusions of Law

1. Bloomington High School South is a public school that is a part of the Monroe County Community School Corporation.
2. Bloomington High School South educates students in grades 9 through 12.
3. Pursuant to Ind. Code § 20-31-8-4, the Indiana State Board of Education (Board) shall annually place each school in a category or designation of school performance based on the metrics outlines in 511 IAC 6.2-10.
4. Pursuant to 511 IAC 6.2-10-3(d)(2) through (4), the accountability category of Bloomington High School South shall be based on the performance, growth, and multiple measures domains. The performance and growth shall each be 20% of the overall grade and the multiple measures domain shall equate to 60% of the overall grade.

5. All domains are calculated using the results of “eligible students” as defined by 511 IAC 6.2-10-1(15) including any student who:

- (A) was enrolled at the school for at least one hundred sixty-two (162) days in the accountable year;
- (B) was tested on the mandatory statewide annual assessment, or the end of course assessment;
- (C) was not a limited English proficient student who has been enrolled in schools in the United States for less than twelve (12) months; and
- (D) obtained a valid result.

511 IAC 6.2-10-1(15).

6. Pursuant to 511 IAC 6.2-10-1(32) participation means “to complete and obtain a valid test result for the mandatory statewide annual assessment.”

7. 511 IAC 6.2-10-4(b)(4) and (c)(4) indicate that the proficiency rate shall be multiplied by the actual participation rate unless the participation rate is greater than or equal to 95.0%. In the instance that the participation rate is greater than or equal to 95.0 percent, the proficiency rate shall be multiplied by 100.0%.

8. On September 24, 2018, Bloomington High School South received an accountability category placement of an “A” (96.4 points) for the 2017-2018 school year.

9. On October 7, 2018, Bloomington High School South timely appealed the Board’s 2017-2018 Accountability Calculation stating that there were technological issues during ISTEP+ testing existed and impacted students’ examination performance.

10. Bloomington High School South did contact the Department of Education (“Department”) in March, 2018 regarding technological issues it stated took place during Part 1 of ISTEP+.

11. The stated technological issues were students being kicked off of tests due to an automatic update and students reporting delays when loading exam questions.

12. During a site visit in April, Bloomington High School South was not able to provide error codes regarding these issues and Pearson was unable to replicate either one of them. Pearson stated that the testing program does not search for updates while it is open and logged into the test and that it does not kick students off for updates. Further regarding the question loading issue, Pearson suggested the Monroe County Community School Corporation look at its server to identify what might be causing the slow down.

13. In essence, Monroe County Community School Corporation and Pearson are each suggesting the other was the cause for whatever technological problems may have existed. Monroe County Community School Corporation staff estimated about fifteen students were impacted a number that apparently is reflecting more than one school. However, there was no indication that any student was unable to complete the test because of the technological issues.

14. In its appeal, Bloomington High School South stated that “this technological issue had a negative impact on these students’ performance many became very anxious after starting and stopping their assessment multiple times.” It may be plausible that technological issues may have impacted at least some of the students which would be unfortunate. However, that does not mean that any such students were not participants under 511 IAC 6.2-10-1(32) because they completed the testing and received valid test results. Therefore, there is no basis to change Bloomington High School South’s category placement of “A” with 96.4 points.

III. Decision

The Board’s Accountability Category calculation for Bloomington High School South was correct. The Board properly followed 511 IAC 6.2-10 in its calculation. There is no evidence of the possible negative effect technological difficulties has on students’ test results.

Thus, the Board's calculation of a category placement of a "A" (96.4 points) was proper and should be sustained.

DATE: December 5, 2018

/s/ James F. Schmidt, Hearing Officer

NOTICE OF APPEAL RIGHT

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ATTN: Timothy A. Schultz, General Counsel
TSchultz1@sboe.in.gov

Certificate of Service

I certify that on December 5, 2018, I served the foregoing Recommended Decision on the following persons at the email addresses shown below.

/s/ James F. Schmidt, Hearing Officer

Angela Harlan, School Representative
Email: aharlan@mccsc.edu

Timothy A. Schultz, General Counsel
Indiana State Board of Education
Email: TSchultz1@sboe.in.gov

Maggie Paino, Director of Accountability
Indiana Department of Education
Email: mpaino@doe.in.gov

**BEFORE THE INDIANA
STATE BOARD OF EDUCATION**

| | | |
|--------------------------|---|--------------------|
| IN THE MATTER OF: |) | |
| CHILDS ELEMENTARY SCHOOL |) | APPEAL PURSUANT TO |
| (SCHOOL NO. # 6187), |) | 511 IAC 6.2-10-11 |
| |) | |
| PETITIONER |) | |

**COMBINED FINDINGS OF FACT AND CONCLUSIONS OF LAW, AND
RECOMMENDED DECISION**

I. Reason for Appeal

Childs Elementary School appeals its 2017-2018 overall score of 95.5 points (category placement “A”), requesting that one student’s scores be removed from the accountability category calculation due to excessive absences.

II. Findings of Fact and Conclusions of Law

1. Childs Elementary School is a public school that is part of Monroe County Community School Corporation.
2. Childs Elementary School educates students in grades pre-kindergarten through grade 6.
3. Pursuant to Ind. Code § 20-31-8-4, the Indiana State Board of Education (“Board”) shall annually place each school in a category or designation of school performance based on the metrics outlines in 511 IAC 6.2-10.
4. Pursuant to 511 IAC 6.2-10-3(d)(2) and (3), the accountability category of Childs Elementary School shall be based on the performance and growth domains, with each domain weighted at half of the overall letter grade score.
5. Both domains are calculated using the results of “eligible students” as defined by 511 IAC 6.2-10-1(15) including any student who:

- (A) was enrolled at the school for at least one hundred sixty-two (162) days in the accountable year;
- (B) was tested on the mandatory statewide annual assessment, or the end of course assessment;
- (C) was not a limited English proficient student who has been enrolled in schools in the United States for less than twelve (12) months; and
- (D) obtained a valid test result.

511 IAC 6.2-10-1(15).

6. 511 IAC 6.2-10-4 outlines the calculation for the performance domain, and indicates that points are awarded for the performance domain based on the product of the subject area pass rate and participation rate. The subject area scores of English/language arts and mathematics are then weighed equally to yield the overall performance domain score.

7. 511 IAC 6.2-10-5 outlines the calculation of the growth domain, and indicates that points are awarded for the growth domain based on the average growth scores of students performing in the top 75% of students at the school in the respective subject areas and of students performing in the bottom 25% of students at the school in the respective subject areas.

8. Pursuant to 511 IAC 6.2-10-1(24), the growth domain is based on the cumulative points awarded for the growth scores of all eligible students on the mandatory statewide assessment.

9. In order to receive a growth score, a student must have two consecutive years of valid test results.

10. Growth points are awarded to individual students based on the type of movement that student made from the prior to current school year. A student may demonstrate low, typical, or high movement.

11. Low movement means that the student did not make the expected growth from year to year.

12. Typical movement means the student met the expected growth from year to year.

13. High movement means the student exceeding the expected growth from year to year.

14. Point values are assigned to each prior year status and movement type contained in the growth proficiency table under 511 IAC 6.2-10-2. In order to determine the type of movement a student made, a student growth percentile is identified for the student. This percentile is determined by identifying all students in the state who were similarly situated in the prior school year and then ranking that cohort of students based on their current year performance on the assessment.

15. Childs Elementary School received an accountability score of 95.5 points and a category placement of “A” for the 2017-2018 school year. The calculation was as follows:

Performance Domain Score = 87.5 points

English/language arts score: 87.6 points

Pass rate: 87.6%

Participation rate: 100.0%

Mathematics score: 87.3 points

Pass rate: 87.3%

Participation rate: 100.0%

Growth Domain Score = 103.5 points

English/language arts score: 105.3 points

Top 75% growth: 98.7 points

Bottom 25% growth: 111.8 points

Mathematics score: 101.7 points

Top 75% growth: 103.3 points

Bottom 25% growth: 100.0 points

Overall Score = 95.5 points (A)

16. On October 7, 2018, Childs Elementary School timely appealed the Board's 2017-2018 Accountability Calculation requesting that one student be removed from the calculation due to lost instructional time due to excessive absences when the family was in crisis.

17. The fourth grade student was absent for 19.5 days during the 2017-2018 school year due to family crisis. The student did not pass the English/language arts or mathematics subject areas, and received a growth score of zero.

18. The student was enrolled in school for a total of 180 days.

19. The student was an "eligible student" as defined in 511 IAC 6.2-10-1(15).

III. Recommended Decision

The Board's Accountability Category calculation for Childs Elementary School was correct. The Board properly followed 511 IAC 6.2-10 in its calculation. Neither statute nor administrative rule provides for any enrolled and eligible student to be excluded from the Accountability Calculations due to personal, family, or attendance issues. Thus, the Board's calculation of a score of 95.5 points and a category placement of "A" was proper and should be sustained.

DATE: December 11, 2018

/s/ Donna Stolz Sembroski, Hearing Officer

NOTICE OF APPEAL RIGHT

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basis for the objection. Written objections are to be submitted to the Indiana State Board of Education as follows:

ATTN: Timothy A. Schultz, General Counsel
TSchultz1@sboe.in.gov

Certificate of Service

I certify that on December 11, 2018, I served the foregoing Recommended Decision on the following persons at the email addresses shown below.

/s/ Donna Stolz Sembroski, Hearing Officer

Angela Harlan, School Representative
aharlan@mccsc.edu

Timothy A. Schultz, General Counsel
Indiana State Board of Education
PH: 317-233-4088
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Maggie Paino, Director of Accountability
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PH: 317- 232-9185|
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**BEFORE THE INDIANA
STATE BOARD OF EDUCATION**

| | | |
|-------------------------------|---|--------------------|
| IN THE MATTER OF: |) | |
| |) | |
| CLARENCE FARRINGTON SCHOOL 61 |) | APPEAL PURSUANT TO |
| (SCHOOL # 5662) |) | 511 IAC 6.2-10-11 |
| |) | |
| PETITIONER |) | |
| |) | |

**COMBINED FINDINGS OF FACT AND CONCLUSIONS OF LAW, AND
RECOMMENDED DECISION**

I. Reason for Appeal

Clarence Farrington School 61 (“School 61”) appeals its 2017-2018 category placement of an “F” grade asserting that “upon reviewing ISTEP data it was found that 3rd grade students were listed as 4th graders. Those students were in a 4th grade room receiving 3rd grade instruction due to not passing IREAD; therefore, their scores should not count towards growth points. Students took the 4th grade ISTEP upon guidance from state.”

II. Findings of Fact and Conclusions of Law

1. School 61 is a public school that is part of the Indianapolis Public Schools.
2. School 61 educates students prekindergarten through grade 6.
3. Pursuant to Ind. Code § 20-31-8-4, the Indiana State Board of Education (the “Board”) shall annually place each school in a category or designation of school performance based on the metrics outlines in 511 IAC 6.2-10.
4. Pursuant to 511 IAC 6.2-10-3(d)(2) and (3), the accountability category of School 61 shall be based on the performance and growth domains, with each domain weighted at half of the overall letter grade score.

5. Specifically, the performance domain is made up of an English/language arts subject score and a mathematics subject score.

6. Each subject score is weighted at half of the overall performance domain score.

The subject score is the product of the subject area proficiency rate and the subject area participation rate.

7. Only “eligible students” as defined by 511 IAC 6.2-10-1(15) are included in each subject area proficiency rate and participation rate, including any student who:

was enrolled at the school for at least one hundred sixty-two (162) days in the accountable year; (B) was tested on the mandatory statewide annual assessment, or the end of course assessment; (C) was not a limited English proficient student who has been enrolled in schools in the United States for less than twelve (12) months; and (D) obtained a valid result.

511 IAC 6.2-10-1(15).

8. Pursuant to 511 IAC 6.2-10-1(24) the growth domain is based on the cumulative points awarded for the growth scores of all eligible students on the mandatory state annual assessment.

9. Certain eligible students at School 61 did not pass IREAD-3, but were enrolled in 4th grade.

10. On April 7, 2017 the Department of Education (the “Department”) issued *Memorandum* regarding “IREAD-3 Guidance for 2017-18 School Year.” The *Memorandum* addresses when a student who has not passed IREAD-3 should be retained in the third grade and what happens if the student is advanced to fourth grade:

If the school determines that retention is not necessary based on the overall academic performance of the student in all subject areas, the student should matriculate and be reported to the state in the subsequent year as a fourth grader, and receive fourth grade instruction in all subject areas. However, the student must continue to receive third grade reading instruction during the subsequent school

year, and must retake the IREAD-3 until the student passes the assessment or qualifies for a Good Cause Exemption.

11. All students at issue in this matter were reported to the Department as 4th graders during the 2017-2018 school year. Further, all students participated in the 4th grade ISTEP+ assessments during the 2017-2018 school year.

12. Neither the statutes nor the administrative rules provides for adjustments to the growth domain based on the fact that an eligible student is receiving third grade reading instruction while in fourth grade.

III. Decision

The Board's Accountability Category calculation for School 61 was correct. The Board properly followed 511 IAC 6.2-10 in its calculations. Thus, the Board's calculation of a category placement of an "F" was proper and should be sustained.

DATE: December 10, 2018

/s/ Susan W. Gard, Hearing Officer

NOTICE OF APPEAL RIGHT

Petitioner may file objections to the Hearing Officer’s Recommended Decision but must do so no later than ten (10) calendar days from the date the Petitioner receives the Recommended Decision. Any objections must be in writing and must state the legal basis for the objection. Written objections are to be submitted to the Indiana State Board of Education as follows:

ATTN: Timothy A. Schultz, General Counsel
TSchultz1@sboe.in.gov

Certificate of Service

I certify that on December 10, 2018, I served the foregoing Recommended Decision on the following persons at the email addresses shown below.

/s/ Susan W. Gard, Hearing Officer

Jona Atkins
atkinsj@myips.org

Timothy A. Schultz, General Counsel
Indiana State Board of Education
Email: TSchultz1@sboe.in.gov

Maggie Paino, Director of Accountability
Indiana Department of Education
Email: mpaino@doe.in.gov

**BEFORE THE INDIANA
STATE BOARD OF EDUCATION**

| | | |
|------------------------|---|--------------------|
| IN THE MATTER OF: |) | |
| |) | |
| EDGEWOOD HIGH SCHOOL, |) | APPEAL PURSUANT TO |
| SCHOOL (SCHOOL #6146), |) | 511 IAC 6.2-10-11 |
| |) | |
| PETITIONER |) | |
| |) | |

**COMBINED FINDINGS OF FACT AND CONCLUSIONS OF LAW, AND
RECOMMENDED DECISION**

I. Reason for Appeal

Edgewood High School appeals its 2017-2018 category placement of a “B” grade (89.9 points) asserting that technology and student behavior disruptions during the math portion of ISTEP negatively impacted performance, specifically the math accountability calculations. By removing the ten (10) identified students from participation, the school asserts that the letter grade would improve from a “B” to an “A” grade.

II. Findings of Fact and Conclusions of Law

1. Edgewood High School is a public school located in Bloomington, Indiana, that is part of the Richland-Bean Blossom Community School Corporation.
2. Edgewood High School educates students in grades 9 through 12.
3. Pursuant to Ind. Code § 20-31-8-4, the Indiana State Board of Education (Board) shall annually place each school in a category or designation of school performance based on the metrics outlines in 511 IAC 6.2-10.
4. Pursuant to 511 IAC 6.2-10-3(d)(2) and (3), the accountability category of Edgewood High School shall be based on the performance, growth, and multiple measures

domains. The performance and growth shall each be 20% of the overall grade and the multiple measures domain shall equate to 60% of the overall grade.

5. All domains are calculated using the results of “eligible students” as defined by 511 IAC 6.2-10-1(15) including any student who:

(A) was enrolled at the school for at least one hundred sixty-two (162) days in the accountable year; (B) was tested on the mandatory statewide annual assessment, or the end of course assessment; (C) was not a limited English proficient student who has been enrolled in schools in the United States for less than twelve (12) months; and (D) obtained a valid result.

6. On September 24, 2018, Edgewood High School received an accountability category placement of a “B” (89.9 points) for the 2017-2018 school year.

7. On November 28, 2018, Edgewood High School timely appealed the Board’s 2017-2018 Accountability Calculation stating:

We had a testing room that had significant disruptions throughout the testing session, both technology and student behavior, that we believe impacted the results of the students that were tested in the room and do not accurately reflect our school’s performance.

8. Edgewood High School has identified ten (10) students that the school has requested be removed from the mathematics participation number for both performance and growth domains due to testing irregularities, namely three students had technology-related issues (log-in/calculator) and two students were talking/disruptive.

9. If the school does not believe a student or group of students had a valid test attempt, the test section or sections should be invalidated and a Testing Irregularity Report completed and submitted to IDOE. IDOE did not receive any testing irregularity reports from the school for the ISTEP+ Spring 2018 administration.

10. Despite the testing interruptions, the School was able to test and obtain valid results from the ten (10) students, all of whom also meet the other criteria of an “eligible student”

under 511 IAC 6.2-10-1(15) and were used in the Department's calculation of the School's performance and growth domains. Neither statute nor administrative rule provides a method to otherwise factor such testing interruptions into a school's accountability calculation.

III. Recommended Decision

The Board's Accountability Category calculation for Edgewood High School was correct. The Board properly followed 511 IAC 6.2-10 in its calculation. Although the testing conditions for students may not have been ideal due to minor technology issues and talkative students, these issues are not ones that affect the categorization of students as "eligible students" under 511 IAC 6.1-10-1(5) or otherwise factor into a school's accountability calculation.

DATE: December 19, 2018

/s/ Jodi Kathryn Stein, Hearing Officer

NOTICE OF APPEAL RIGHT

Petitioner may file objections to the Hearing Officer's Recommended Decision but must do so no later than ten (10) calendar days from the date the Petitioner receives the Recommended Decision. Any objections must be in writing and must state the legal basis for the objection. Written objections are to be submitted to the Indiana State Board of Education as follows:

ATTN: Timothy A. Schultz, General Counsel
TSchultz1@sboe.in.gov

Certificate of Service

I certify that on December 19, 2018, I served the foregoing Recommended Decision on the following persons at the email addresses shown below:

Jerry Sanders
jsanders@rbbschools.net

Timothy A. Schultz, General Counsel
Indiana State Board of Education
Email: TSchultz1@sboe.in.gov

Maggie Paino, Director of Accountability
Indiana Department of Education
Email: mpaino@doe.in.gov

[/s/ Jodi Kathryn Stein, Hearing Officer](#)

**BEFORE THE INDIANA
STATE BOARD OF EDUCATION**

| | | |
|-----------------------------|---|--------------------|
| IN THE MATTER OF: |) | |
| |) | |
| GRANDVIEW ELEMENTARY SCHOOL |) | APPEAL PURSUANT TO |
| (SCHOOL # 6157), |) | 511 IAC 6.2-10-11 |
| |) | |
| PETITIONER |) | |

**COMBINED FINDINGS OF FACT AND CONCLUSIONS OF LAW, AND
RECOMMENDED DECISION**

I. Reason for Appeal

Grandview Elementary School appeals its 2017-2018 category placement of a “C” grade (79.2 points) asserting that multiple students evidenced growth in norm referenced assessments, but they received zero growth points. Specifically, the school requested: 1) removal of five (5) students from English/language arts and/or math performance and growth calculations dues to excessive absences or for meeting individual goals; 2) removal or awarding of English/language arts growth points for three (3) students based on growth demonstrated on normative-referenced assessments administered at the local school; and 3) awarding of growth points to one (1) student because the student’s math proficiency status went from “did not pass” to “pass.”

Findings of Fact and Conclusions of Law

1. Grandview Elementary School is a state public school and part of Monroe County Community School Corporation located in Bloomington, Indiana.
2. Grandview Elementary School educates students in pre-k through grade 6.
3. Pursuant to Ind. Code § 20-31-8-4, the Indiana State Board of Education (Board) shall annually place each school in a category or designation of school performance based on the metrics outlined in 511 IAC 6.2-10.

4. Pursuant to 511 IAC 6.2-10-3(d)(2) and (3), the accountability category of Grandview Elementary School shall be based on the performance and growth domains with each weighted at 50% of the overall letter grade score.

5. 511 IAC 6.2-10-4 outlines the calculation for the performance domain, and indicates that points are awarded for the performance domain based on the product of the subject area pass rate and participation rate. The subject area scores of English/language arts and mathematics are then weighed equally to yield the overall performance domain score.

6. 511 IAC 6.2-10-5 outlines the calculation of the growth domain, and indicates that points are awarded for the growth domain based on the average growth scores of students performing in the top 75% of students at the school in the respective subject areas and of students performing in the bottom 25% of students at the school in the respective subject areas.

7. Both domains are calculated using the results of “eligible students” as defined by 511 IAC 6.2-10-1(15), which is any student who:

- (A) was enrolled at the school for at least one hundred sixty two (162) days in the accountable year;
- (B) was tested on the mandatory statewide annual assessment, or the end of course assessment;
- (C) was not a limited English proficient student who has been enrolled in schools in the United States for less than twelve (12) months; and
- (D) obtained a valid result.

8. Pursuant to 511 IAC 6.2-10-1(24), the growth domain is based on the cumulative points awarded for the growth scores of all eligible students on the mandatory statewide assessment.

9. In order to receive a growth score, a student must have two consecutive years of valid test results.

10. Growth points are awarded to individual students based on the type of movement that student made from the prior to current school year. A student may demonstrate low, typical, or high movement:

1. Low movement means that the student did not make the expected growth from year to year.
2. Typical movement means the student met the expected growth from year to year.
3. High movement means the student exceeded the expected growth from year to year.

11. Point values are assigned to each prior year status and movement type contained in the growth proficiency table under 511 IAC 6.2-10-2. In order to determine the type of movement a student made, a student growth percentile is identified for the student. This percentile is determined by identifying all students in the state who were similarly situated in the prior school year and then ranking that cohort of students based on their current year performance on the assessment.

12. It is possible to show improvement in proficiency rates and see a decrease in growth scores given the way growth is calculated.

13. On September 24, 2018, Grandview Elementary School received an accountability category placement of “C” (79.2 points) for the 2017-2018 school year.

14. On October 7, 2018, Grandview Elementary School timely appealed the Board’s 2017-2018 Accountability Calculation asserting that multiple students evidenced growth in norm referenced assessments, but they received zero growth points. Specifically, the school requested: 1) removal of five (5) students from English/language arts and/or math performance and growth calculations dues to excessive absences or for meeting individual goals; 2) removal or awarding of English/language arts growth points for three (3) students based on growth demonstrated on normative-referenced assessments administered at the local school; and 3) awarding of growth

points to one (1) student because the student's math proficiency status went from "did not pass" to "pass."

15. While Grandview Elementary School requested removal of five (5) students from English/language arts and/or math performance and growth calculations due to excessive absences or for meeting individual goals, neither of these situations removes a child from being an "eligible student" as defined by 511 IAC 6.2-10-1(15).

16. Although Grandview Elementary School requested removal or awarding of English/language arts growth points for three (3) students based on growth demonstrated on normative-referenced assessments administered at the local school, growth points are not awarded to students in this manner. Instead, growth points are awarded to individual students based on the type of movement that student made from the prior to current school year.

17. Again, although Grandview Elementary School requested awarding of growth points to one (1) student because the student's math proficiency status went from "did not pass" to "pass," growth points are not awarded to students in this manner. Instead, growth points are awarded to individual students based on the type of movement that student made from the prior to current school year.

II. Recommended Decision

The Board's Accountability Category calculation for Grandview Elementary School was correct. Neither statute nor administrative rule provides for an increase in letter grade for the reasons raised on appeal. Accordingly, the Board's calculation of a category placement of "C" (79.2 points) was proper and should be sustained.

DATE: December 11, 2018

/s/ Donald L. Hannah, Hearing Officer

NOTICE OF APPEAL RIGHT

Petitioner may file objections to the Hearing Officer's Recommended Decision but must do so no later than ten (10) calendar days from the date the Petitioner receives the Recommended Decision. Any objections must be in writing and must state the legal basis for the objection. Written objections are to be submitted to the Indiana State Board of Education as follows:

ATTN: Timothy A. Schultz, General Counsel
TSchultz1@sboe.in.gov

Certificate of Service

I certify that on December 11, 2018, I served the foregoing Recommended Decision on the following persons at the email addresses shown below.

/s/ Donald L. Hannah, Hearing Officer

Angela Harlan, School Representative
aharlan@mccsc.edu

Timothy A. Schultz, General Counsel
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Maggie Paino, Director of Accountability
Indiana Department of Education
Email: mpaino@doe.in.gov

**BEFORE THE INDIANA
STATE BOARD OF EDUCATION**

| | |
|-----------------------------|----------------------|
| IN THE MATTER OF: |) |
| GREENWOOD CHRISTIAN ACADEMY |) APPEAL PURSUANT TO |
| (SCHOOL # C966), |) 511 IAC 6.2-10-11 |
| |) |
| PETITIONER |) |

**COMBINED FINDINGS OF FACT, CONCLUSIONS OF LAW AND
RECOMMENDED DECISION**

I. Reason for Appeal

Greenwood Christian Academy appeals its 2017-2018 category placement of a “B” grade (89.7 points), asserting that fourth grade students were not given the necessary amount of time to complete the writing portion of the fourth grade ISTEP. All students’ ELA assessments in that class were labeled undetermined.

II. Combined Findings of Fact and Conclusions of Law

1. Greenwood Christian Academy is a state freeway accredited nonpublic school that is located in Greenwood, Indiana and participates in the Indiana choice scholarship program.
2. Greenwood Christian Academy educates students in pre-kindergarten through grade 12.
3. Pursuant to Ind. Code § 20-31-8-4, the Indiana State Board of Education (“Board”) shall annually place each school in a category or designation of school performance based on the metrics outlines in 511 IAC 6.2-10.

4. Pursuant to 511 IAC 6.2-10-3(d)(2) and (3), the accountability category of Greenwood Christian Academy shall be based on the performance and, growth and multiple measures domains, where data are available.
5. For a school that serves grade levels 3 through 8 and 9 through 12 spans, the domains are weighted based on enrollment percentage in those grade levels.
6. Both domains are calculated using the results of “eligible students” as defined by 511 IAC 6.2-10-1(15) including any student who:
 - (A) was enrolled at the school for at least one hundred sixty-two (162) days in the accountable year;
 - (B) was tested on the mandatory statewide annual assessment, or the end of course assessment;
 - (C) was not a limited English proficient student who has been enrolled in schools in the United States for less than twelve (12) months; and
 - (D) obtained a valid test result.

511 IAC 6.2-10-1(15).

7. On September 24, 2018, Greenwood Christian Academy received an accountability category placement of a “B” grade for the school year 2017-2018 (89.7 points).
8. On September 28, 2018, Greenwood Christian Academy timely appealed the Board’s 2017-2018 Accountability Calculation, asserting the following.

I would like to be considered for a review and change of my performance data under participation for grades 3-8. Due to an error in the amount of time the instructor gave on the writing portion of the fourth-grade IStep [sic]. Although all students participated in the class, they were not given the longer time

required for the writing application part of the exam. This was the only section affected, but all students' ELA assessments in that class were labeled undetermined. All fourth-grade students received scores for the math portion. I am only requesting that the participation is raised to include those students.

- 9.** Pursuant to 511 IAC 6.2-10-1(32) participation means “to complete and obtain a valid test result for the mandatory statewide annual assessment . . .”
- 10.** Further, 511 IAC 6.2-10-1(33) defines the participation rate as the percentage of students enrolled in tested grades at the time of the test administration who completed the mandatory statewide annual assessment.
- 11.** 511 IAC 6.2-10-4(b)(4) and (c)(4) indicate that the proficiency rate shall be multiplied by the actual participation rate unless the participation rate is greater than or equal to 95.0%. In the instance that the participation rate is greater than or equal to 95.0%, the proficiency rate shall be multiplied by 100.0%.
- 12.** Students who did not receive a valid test result at the school were excluded from the ELA proficiency rate entirely. However, they were included in the participation rate since they were enrolled at the time of the test administration. Since they did not complete and obtain a valid test result for the ELA assessment, these students counted against the school's participation rate by being included in the denominator but not the numerator.

13. All schools public or private are required to adhere to the 20117-2018 ISTEP manual which can be found at: <https://www.doe.in.gov/assessment/assessment-program-manual>

III. Recommended Decision

The Board's Accountability calculation for Greenwood Christian Academy was correct. The Board properly followed 511 IAC 6.2-10 in its calculations. Although Greenwood Christian Academy identified problems with a teacher who made a mistake in administering the exam, and has since corrected that problem, the data for the Accountability Calculation must be data from the 2017-2018 school year. If the problem has been remedied as the Greenwood Christian Academy represents, the School may see a change in its grade next year. However, no change can be made based on a personnel problem after the Accountability Categories have been released. Thus the Board's calculation of a category placement of "B" was proper and should be sustained.

DATE: December 14, 2018

/s/ Gordon E. White, Hearing Officer

NOTICE OF APPEAL RIGHT

Petitioner may file objections to the Hearing Officer’s Recommended Decision but must do so no later than ten (10) days from the date the Petitioner receives the Recommended Decision. Any objections must be in writing and must state the legal basis for the objection. Written objections are to be submitted to the Indiana State Board of Education as follows:

ATTN: Timothy A. Schultz, General Counsel
TSchultz1@sboe.in.gov

Certificate of Service

I certify on December 14, 2018, I served the foregoing Recommended Decision on the following persons at the email addresses shown below.

/s/ Gordon E. White, Hearing Officer

Helena Randall, School Representative
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Timothy A. Schultz, General Counsel
Indiana State Board of Education
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Maggie Paino, Director of Accountability
Indiana Department of Education
PH: 317- 232-9185|
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860433

**BEFORE THE INDIANA
STATE BOARD OF EDUCATION**

IN THE MATTER OF:)
GREENWOOD NORTHEAST ELEMENTARY SCHOOL) APPEAL PURSUANT TO
(SCHOOL # 3477),) 511 IAC 6.2-10-11
PETITIONER)

**COMBINED FINDINGS OF FACT, CONCLUSIONS OF LAW AND
RECOMMENDED DECISION**

I. Reason for Appeal

Greenwood Northeast Elementary School appeals its 2017-2018 category placement of a “B” grade (89.1 points), asserting that three out of nine teachers were new to the school during the 2017-2018 school year.

II. Combined Findings of Fact and Conclusions of Law

1. Greenwood Northeast Elementary School is a public school that is part of the Greenwood Community School Corporation located in Greenwood, Indiana.
2. Greenwood Northeast Elementary School educates students in kindergarten through grade 5.
3. Pursuant to Ind. Code § 20-31-8-4, the Indiana State Board of Education (Board) shall annually place each school in a category or designation of school performance based on the metrics outlines in 511 IAC 6.2-10.

4. Pursuant to 511 IAC 6.2-10-3(d)(2) and (3), the accountability category of the Greenwood Northeast Elementary School shall be based on the performance and growth domains, where data are available.
5. For a school that serves grade levels 3 through 8, the domains are weighted based on enrollment percentage in those grade levels.
6. Both domains are calculated using the results of “eligible students” as defined by 511 IAC 6.2-10-1(15) including any student who:

- (A) was enrolled at the school for at least one hundred sixty-two (162) days in the accountable year;
- (B) was tested on the mandatory statewide annual assessment, or the end of course assessment;
- (C) was not a limited English proficient student who has been enrolled in schools in the United States for less than twelve (12) months; and
- (D) obtained a valid test result.

511 IAC 6.2-10-1(15).

7. On September 24, 2018, Greenwood Northeast Elementary School received an accountability category placement of a “B” grade for the school year 2017-2018 (89.1 points).
8. On October 2, 2018, Greenwood Northeast Elementary School timely appealed the Board’s 2017-2018 Accountability Calculation, asserting the following.

Three out of nine teachers in tested grade levels were new to the school during 2017-2018. Data: Gr 3 ELA academic standard percent mastery scores were the same across the content area/academic standard.

9. For reasons that are not clear, when the DOE considered this matter it identified the issue under consideration as being “a significant demographic change in student population”. In its memorandum it discusses “growth points” at length.
10. The school on the other hand identifies the issue as being that one-third of its teachers were new to the school.
11. But the school provides no evidence or explanation as to why having teachers new to the school would explain ISTEP scores that the school considers unsatisfactory.
12. Even if one assumes that having teachers new to the school to be a personnel issue, all eligible students need to be included in the school’s accountability calculations regardless of circumstances.

511 Recommended Decision

The Board’s Accountability calculation for Greenwood Northeast Elementary School was correct. The Board properly followed 511 IAC 6.2-10 in its calculations. Although Greenwood Northeast Elementary School identified “issues” with new teachers, the issue will correct itself over time and the data for the Accountability Calculation must be data from the 2017-2018 school year. If the issue identified by Greenwood Northeast Elementary School self-corrects with the passage of time, the School may see a change in its grade next year. However, no change can be made based on a personnel problem after the Accountability

Categories have been released. Thus the Board's calculation of a category placement of "B" was proper and should be sustained.

DATE: December 14, 2018

/s/ Gordon E. White, Hearing Officer

NOTICE OF APPEAL RIGHT

Petitioner may file objections to the Hearing Officer's Recommended Decision but must do so no later than ten (10) days from the date the Petitioner receives the Recommended Decision. Any objections must be in writing and must state the legal basis for the objection. Written objections are to be submitted to the Indiana State Board of Education as follows:

ATTN: Timothy A. Schultz, General Counsel
TSchultz1@sboe.in.gov

Certificate of Service

I certify on December 14, 2018, I served the foregoing Recommended Decision on the following persons at the email addresses shown below.

/s/ Gordon E. White, Hearing Officer

Lisa Harkness, School Representative
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Maggie Paino, Director of Accountability
Indiana Department of Education
PH: 317- 232-9185|
Email: mpaino@doe.in.gov

860435

**BEFORE THE INDIANA
STATE BOARD OF EDUCATION**

| | | |
|----------------------------|---|--------------------|
| IN THE MATTER OF: |) | |
| |) | |
| H L HARSHMAN MIDDLE SCHOOL |) | APPEAL PURSUANT TO |
| SCHOOL (SCHOOL #5601), |) | 511 IAC 6.2-10-11 |
| |) | |
| PETITIONER |) | |
| |) | |

**COMBINED FINDINGS OF FACT AND CONCLUSIONS OF LAW, AND
RECOMMENDED DECISION**

I. Reason for Appeal

H L Harshman Middle School appeals its 2017-2018 category placement of a “F” grade asserting that: 1) scores in every category and subgroup rose for the 2017-2018 school year; 2) overall points increased by 11.2 points; 3) 112 students are learning English as a New Language (ENL); 4) participation rates were 4% above the 95% mark; and, 5) common sense dictates that significant growth be acknowledged by an increase in letter grade.

II. Combined Findings of Fact and Conclusions of Law

1. H L Harshman Middle School is a public school located in Indianapolis, Indiana, that is a part of Indianapolis Public Schools.
2. H L Harshman Middle School educates students in grades 7 through 8.
3. Pursuant to Ind. Code § 20-31-8-4, the Indiana State Board of Education (Board) shall annually place each school in a category or designation of school performance based on the metrics outlines in 511 IAC 6.2-10.
4. Pursuant to 511 IAC 6.2-10-3(d)(2) and (3), the accountability category of H L Harshman Middle School shall be based on the performance and growth domains with each weighted at 50% of the overall letter grade score.

5. 511 IAC 6.2-10-4 outlines the calculation for the performance domain, and indicates that points are awarded for the performance domain based on the product of the subject area pass rate and participation rate. The subject area scores of English/language arts and mathematics are then weighed equally to yield the overall performance domain score.

6. 511 IAC 6.2-10-5 outlines the calculation of the growth domain, and indicates that points are awarded for the growth domain based on the average growth scores of students performing in the top 75% of students at the school in the respective subject areas and of students performing in the bottom 25% of students at the school in the respective subject areas.

7. Both domains are calculated using the results of “eligible students” as defined by 511 IAC 6.2-10-1(15), which is any student who:

(A) was enrolled at the school for at least one hundred sixty-two (162) days in the accountable year; (B) was tested on the mandatory statewide annual assessment, or the end of course assessment; (C) was not a limited English proficient student who has been enrolled in schools in the United States for less than twelve (12) months; and (D) obtained a valid result.

511 IAC 6.2-10-1(15).

9. On September 24, 2018, H L Harshman Middle School received an accountability category placement of an “F” for the 2017-2018 school year.

10. On October 8, 2018, H L Harshman Middle School timely appealed the Board’s 2017-2018 Accountability Calculation stating that: 1) scores in every category and subgroup rose for the 2017-2018 school year; 2) overall points increased by 11.2 points; 3) 112 students are learning English as a New Language (ENL); 4) participation rates were 4% above the 95% mark; and, 5) common sense dictates that significant growth be acknowledged by an increase in letter grade.

11. The state accountability calculation provided in 511 IAC 6.2-10 does not provide for a letter grade increase because if an increase each category/subgroup or overall points that does not result in a higher letter grade under 511 IAC 6.2-10-3(b).

12. Although H L Harshman Middle School alleged that 112 students are ENL, the mere designation of ELN does not remove a student from being an “eligible student” as defined in 511 IAC 6.2-10-1(15). A student must have both been a limited English proficient student and have been enrolled in a school within the United States for less than twelve (12) months.

13. H L Harshman has not alleged or proven that these 112 ENL students were enrolled in a school within the United States for less than twelve (12) months.

14. While a participation rate above the threshold 95% rate in 511 IAC 6.2-10-4(b)(4)(A) is admirable, the rule does not allow a participation rate greater than 1 for a rate above 95%.

15. Last, H L Harshman Middle School did achieve significant growth in both domains, which is a commendable accomplishment. It is possible to show improvement in proficiency rates and see a decrease in growth scores given the way growth is calculated. The state accountability calculation provided in 511 IAC 6.2-10 does not offer a school an increase in letter grade for overall significant growth that does not rise to a higher letter grade under 511 IAC 6.2-10-3(b).¹

III. Decision

The Board’s Accountability Category calculation for H L Harshman Middle School was correct. The Board properly followed 511 IAC 6.2-10 in its calculation. Neither statute nor administrative rule provides for an increase in letter grade for the reasons raised on appeal.

¹ This Hearing Officer is not at liberty to ignore statutory and regulatory requirements, even where they may defy common sensibilities about the achievements a school may make from year to year.

Thus, the Board's calculation of a category placement of an "F", 57.5%, was proper and should be sustained.

DATE: December 3, 2018

/s/ Jodi Kathryn Stein, Hearing Officer

NOTICE OF APPEAL RIGHT

Petitioner may file objections to the Hearing Officer's Recommended Decision but must do so no later than ten (10) calendar days from the date the Petitioner receives the Recommended Decision. Any objections must be in writing and must state the legal basis for the objection. Written objections are to be submitted to the Indiana State Board of Education as follows:

ATTN: Timothy A. Schultz, General Counsel
TSchultz1@sboe.in.gov

Certificate of Service

I certify that on December 3, 2018, I served the foregoing Recommended Decision on the following persons at the email addresses shown below.

Amy Moore
H L Harshman Middle School
mooreamy@myips.org

Timothy A. Schultz, General Counsel
Indiana State Board of Education
Email: TSchultz1@sboe.in.gov

Maggie Paino, Director of Accountability
Indiana Department of Education
Email: mpaino@doe.in.gov

/s/ Jodi Kathryn Stein, Hearing Officer

**BEFORE THE INDIANA
STATE BOARD OF EDUCATION**

| | | |
|---------------------------------|---|--------------------|
| IN THE MATTER OF: |) | |
| |) | |
| HIGHLAND PARK ELEMENTARY SCHOOL |) | APPEAL PURSUANT TO |
| (SCHOOL # 6162), |) | 511 IAC 6.2-10-11 |
| |) | |
| PETITIONER |) | |
| |) | |

**COMBINED FINDINGS OF FACT AND CONCLUSIONS OF LAW, AND
RECOMMENDED DECISION**

I. Reason for Appeal

Highland Park Elementary School appeals its 2017-2018 category placement of a “C” grade (73.7 points) asserting that multiple students who received zero points for growth should receive growth points based on other assessment administered at Highland Park Elementary School during the 2017-1018 school year that demonstrated growth. A second issue regarding out of school suspensions was resolved by the Department of Education (“Department”) during its audit process and therefore will not be addressed in this Recommended Decision.

II. Findings of Fact and Conclusions of Law

1. Highland Park Elementary School is a public school that is a part of the Monroe County Community School Corporation.
2. Highland Park Elementary School educates students in grades pre-kindergarten through 6.
3. Pursuant to Ind. Code § 20-31-8-4, the Indiana State Board of Education (“Board”) shall annually place each school in a category or designation of school performance based on the metrics outlines in 511 IAC 6.2-10.

4. Pursuant to 511 IAC 6.2-10-3(d)(2) through (3), the accountability category of Highland Park Elementary School shall be based on the performance and growth domains, with each domain weighted at half of the overall letter grade score.

5. All domains are calculated using the results of “eligible students” as defined by 511 IAC 6.2-10-1(15) including any student who:

- (A) was enrolled at the school for at least one hundred sixty-two (162) days in the accountable year;
- (B) was tested on the mandatory statewide annual assessment, or the end of course assessment;
- (C) was not a limited English proficient student who has been enrolled in schools in the United States for less than twelve (12) months; and
- (D) obtained a valid result.

511 IAC 6.2-10-1(15).

6. Pursuant to 511 IAC 6.2-10-1(32) participation means “to complete and obtain a valid test result for the mandatory statewide annual assessment.”

7. 511 IAC 6.2-10-4(b)(4) and (c)(4) indicate that the proficiency rate shall be multiplied by the actual participation rate unless the participation rate is greater than or equal to 95.0%. In the instance that the participation rate is greater than or equal to 95.0 percent, the proficiency rate shall be multiplied by 100.0%.

8. On September 24, 2018, Highland Park Elementary School received an accountability category placement for the 2017-2018 school year.

9. On October 7, 2018, Highland Park Elementary School timely appealed the Board’s 2017-2018 Accountability Calculation stating that multiple students who received zero points for growth should receive growth points based on other assessment administered at Highland Park Elementary School during the 2017-1018 school year that demonstrated growth.

A second issue regarding out of school suspensions was resolved by the Department during its audit process and therefore will not be addressed in this Recommended Decision.

10. Although Highland Park Elementary School also chose to assess student growth at the local level by another means and that assessment is reported to show improvement for multiple students, “growth domain” as defined in 511 IAC 6.2-10-1(24) specifically means points “awarded for scores of an eligible student on the mandatory statewide annual assessment” which is ISTEP+. The use of other assessment methods has no impact on the placement of a school in a category or description of school performance under Ind. Code § 20-31-8-4 and 511 IAC 6.2-10.

11. Therefore, there is no basis to change Highland Park Elementary School’s category placement of “C” with 73.7 points.

III. Recommended Decision

The Board’s Accountability Category calculation for Highland Park Elementary School was correct. The Board properly followed 511 IAC 6.2-10 in its calculation. Students who met the definition of “eligible assessment” were properly included and ISTEP+, and not other assessment means, is required to be used in the calculations. Thus, the calculation of a category placement of a “C” (73.7 points) was proper and should be sustained.

DATE: December 10, 2018

/s/ James F. Schmidt, Hearing Officer

NOTICE OF APPEAL RIGHT

Parties may file objections to the Hearing Officer's Recommended Decision but must do so no later than ten (10) calendar days from the date the Petitioner receives the Recommended Decision. Any objections must be in writing and must state the legal basis for the objection. Written objections are to be submitted to the Indiana State Board of Education as follows:

ATTN: Timothy A. Schultz, General Counsel
TSchultz1@sboe.in.gov

Certificate of Service

I certify that on December 10, 2018, I served the foregoing Recommended Decision on the following persons at the email addresses shown below.

/s/ James F. Schmidt, Hearing Officer

Angela Harlan, School Representative
Email: aharlan@mccsc.edu

Timothy A. Schultz, General Counsel
Indiana State Board of Education
Email: TSchultz1@sboe.in.gov

Maggie Paino, Director of Accountability
Indiana Department of Education
Email: mpaino@doe.in.gov

**BEFORE THE INDIANA
STATE BOARD OF EDUCATION**

| | |
|----------------------------------|----------------------|
| IN THE MATTER OF: |) |
| INDIAN CREEK INTERMEDIATE SCHOOL |) APPEAL PURSUANT TO |
| (SCHOOL NO. # 3411) |) 511 IAC 6.2-10-11 |
| |) |
| PETITIONER |) |

**COMBINED FINDINGS OF FACT, CONCLUSIONS OF LAW AND
RECOMMENDED DECISION**

I. Reason for Appeal

Indian Creek Intermediate School (the “School”) appeals its 2017-2018 category placement of an A grade (92.4 points) by the Department of Education (the “Department”). The School’s appeal is based on “[two] 2 students with extensive absences (medical) during the 2017-2018 school”. Those students did not pass the mathematics portion of ISTEP. The School has asked that these scores be “removed” – we assume from the Department’s Accountability Category calculation.

II. Combined Findings of Fact and Conclusions of Law

1. Indian Creek Intermediate School is a public school and part of Nineveh-Hensley Jackson United Schools located in Trafalgar, Indiana.
2. The School educates students in grades 3 through 5.
3. Pursuant to Ind. Code § 20-31-8-4, the Indiana State Board of Education (the “Board”) shall annually place each school in a category or designation of school performance based on the metrics outlines in 511 IAC 6.2-10.

4. The accountability category of the School is to be based on the performance and growth domains, with each domain as half of the overall letter grade score. 511 IAC 6.2-10-3(d)(2)(a) and (3),

5. Both domains are calculated using the results of eligible students. An eligible student, defined by 511 IAC 6.2-10-1(15), means a student who

(A) was enrolled at the school for at least one hundred sixty-two (162) days in the accountable year;

(B) was tested on the mandatory statewide annual assessment, or the end of course assessment;

(C) was not a limited English proficient student who has been enrolled in schools in the United States for less than twelve (12) months; and

(D) obtained a valid test result.

6. The determination of whether a student is an “eligible student” is based on enrollment duration – not the number of days the student attended school. A student may qualify as an eligible student under 511 IAC 6.2-10-1(15), yet attend school less than a 162 days during a school year.

7. Pursuant to Ind. Code § 20-33-2-3.2, Ind. Code § 20-33-2-14, and Ind. Code § 20-20-8-8, the Department collects data to determine how many days a student was enrolled during the accountable year. Data is submitted directly by a school to the Department through the DOE-AT (attendance) collection at the end of the school year. All schools are provided the opportunity to review data to ensure all information is accurate, and must sign-off on the AT data collection to confirm its accuracy. Once a school has signed off on the AT data record, the data is final and cannot change.

8. The School received an accountability category placement of A grade (92.4 points) for the 2017-2018 school year.

9. The School timely appealed the Board's 2017-2018 Accountability Category calculation, requesting that the test scores of two students be excluded from the Accountability Category calculation because of "excessive" absences during the 2017-2018 school year.

10. The 2017-2018 Indiana Assessment Program Manual ("Manual") instructs how to administer the examination of a student who may experience an illness or medical emergency during the exam and/or accommodate students that have special-related health issues. Neither the statutes, nor the administrative rules nor the Manual contemplate the removal of test scores because of from the Accountability Category calculation because of absences by an otherwise "eligible student".

11. According to the School's enrollment records, the two specified students were enrolled 180 days during the 2017-2018 school year and were, therefore, "eligible students".

III. Recommended Decision

The Board's Accountability Category calculation for Indian Creek Intermediate School is correct. The Board properly followed 511 IAC 6.2-10 in its calculation. The two specified students were enrolled at least 162 days and therefore "eligible students" under 511 IAC 6.2-10-1(15). Thus, the Board's calculation of a category placement of A (92.4 points) should be sustained.

DATE: December 06, 2018

/s/ Susan W. Gard, Hearing Officer

NOTICE OF APPEAL RIGHT

Petitioner may file objections to the Hearing Officer’s Recommended Decision but must do so no later than ten (10) days from the date the Petitioner receives the Recommended Decision. Any objections must be in writing and must state the legal basis for the objection. Written objections are to be submitted to the Indiana State Board of Education as follows:

ATTN: Timothy A. Schultz, General Counsel
TSchultz1@sboe.in.gov

Certificate of Service

I certify on December 06, 2018, I served the foregoing Recommended Decision on the following persons at the email addresses shown below.

/s/ Susan W. Gard, Hearing Officer

Andrea Perry, School Representative
aperry@nhj.k12.in.us

Timothy A. Schultz, General Counsel
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Maggie Paino, Director of Accountability
Indiana Department of Education
PH: 317- 232-9185|
Email: mpaino@doe.in.gov

**BEFORE THE INDIANA
STATE BOARD OF EDUCATION**

| | | |
|----------------------------|---|--------------------|
| IN THE MATTER OF: |) | |
| |) | |
| INDIAN CREEK MIDDLE SCHOOL |) | APPEAL PURSUANT TO |
| (SCHOOL # 3418), |) | 511 IAC 6.2-10-11 |
| |) | |
| PETITIONER |) | |
| |) | |

**COMBINED FINDINGS OF FACT AND CONCLUSIONS OF LAW, AND
RECOMMENDED DECISION**

I. Reason for Appeal

Indian Creek Middle School appeals its 2017-2018 category placement of an “A” grade (90.3 points) asserting that ten (10) students should not be included in the School’s accountability calculation.

II. Findings of Fact and Conclusions of Law

1. Indian Creek Middle School is a public school part of the Nineveh-Hensley-Jackson United School District located in Trafalgar, Indiana.
2. Indian Creek Middle School educates students in grade 6 through grade 8.
3. Pursuant to Ind. Code § 20-31-8-4, the Indiana State Board of Education (Board) shall annually place each school in a category or designation of school performance based on the metrics outlined in 511 IAC 6.2-10.
4. Pursuant to 511 IAC 6.2-10-3(d)(2) and (3), the accountability category of Indian Creek Middle School shall be based on the performance and growth domains, with each domain weighted at half of the overall letter grade score.
5. The performance domain is made up of an English/language arts subject score and a mathematics subject score.

6. Each subject score is weighted at half of the overall performance domain score.
7. The subject score is the product of the subject area proficiency rate and the subject area participation rate.
8. Only “eligible students” as defined by 511 IAC 6.2-10-1(15) are included in each subject area proficiency rate and participation rate, which includes any student who:
 - (A) was enrolled at the school for at least one hundred sixty-two (162) days in the accountable year;
 - (B) was tested on the mandatory statewide annual assessment, or the end of course assessment;
 - (C) was not a limited English proficient student who has been enrolled in schools in the United States for less than twelve (12) months; and
 - (D) obtained a valid result.

511 IAC 6.2-10-1(15).

9. Pursuant to 511 IAC 6.2-10-1(32) participation means “to complete and obtain a valid test result for the mandatory statewide annual assessment.”

10. 511 IAC 6.2-10-4(b)(4) and (c)(4) indicate that the proficiency rate shall be multiplied by the actual participation rate unless the participation rate is greater than or equal to 95.0%, in which case the proficiency rate shall be multiplied by 100.0%.

11. Pursuant to 511 IAC 6.2-10-1(24) the growth domain is based on the cumulative points awarded for the growth scores of all eligible students on the mandatory statewide annual assessment.

12. In order to receive a growth score, a student must have two consecutive years of valid test results.

13. On September 24, 2018, Indian Creek Middle School received an accountability category placement of “A” (90.3 points) for the 2017-2018 school year. The calculation was as follows:

| Performance Domain Score | | |
|--|--------------------------------|-----------------|
| 1. English/language arts score | | |
| Pass Rate | 77.3% | 77.3 * 1 = 77.3 |
| Participation Rate | 100.0% | |
| 2. Mathematics score | | |
| Pass Rate | 67.4% | 67.4 * 1 = 67.4 |
| Participation Rate | 100.0% | |
| 3. Total Performance Domain Score | $\frac{77.3 + 67.4}{2} = 72.4$ | |

| Overall Accountability Calculation | | |
|------------------------------------|--------------------|------------------------|
| Performance Domain | Growth Domain | Overall Category |
| 72.4 * .50 = 36.2 | 108.2 * .50 = 54.1 | 36.2 + 54.1 = A |

14. On October 7, 2018, Indian Creek Middle School timely appealed the Board’s 2017-2018 Accountability Calculation stating that ten (10) students should be excluded from the calculation of the School’s performance and growth domains.

15. Specifically, the School stated that these students’ English and Language Arts (ELA) teacher went on maternity leave and the School was unable to find a licensed substitute teacher during the ELA teacher’s absence. Therefore, the School asserts that these students did not receive 162 days of licensed ELA instruction and should be excluded.

16. Although these ten (10) students did not receive 162 days of licensed English & Language Arts instruction, they still met the definition of “eligible student” under 511 IAC 6.2-10-1(15) because they were enrolled for at least 162 days of the 2017-2018 school year, were tested and obtained a valid test result, and were not limited English proficient students who have been enrolled in schools in the United States for less than twelve (12) months.

III. Recommended Decision

The Board’s Accountability Category calculation for Indian Creek Middle School was correct. The Board properly followed 511 IAC 6.2-10 in its calculation. Although the inability to

find a licensed substitute during the ELA teacher’s maternity leave is frustrating, it is not a matter that affects the categorization of students as “eligible students” under 511 IAC 6.1-10-1(5), as these students were still enrolled at the School for at least 162 days and otherwise met the definition of “eligible student”. Therefore, these ten (10) students were properly included in the accountability calculations.

DATE: December 12, 2018

/s/ Stephanie Mullaney Hearing Officer

NOTICE OF APPEAL RIGHT

Petitioner may file objections to the Hearing Officer’s Recommended Decision but must do so no later than ten (10) calendar days from the date the Petitioner receives the Recommended Decision. Any objections must be in writing and must state the legal basis for the objection.

Written objections are to be submitted to the Indiana State Board of Education as follows:

ATTN: Timothy A. Schultz, General Counsel
TSchultz1@sboe.in.gov

Certificate of Service

I certify that on December 12, 2018, I served the foregoing Recommended Decision on the following persons at the email addresses shown below.

/s/ Stephanie Mullaney, Hearing Officer

Sean Zachery, School Representative
Szachery1@nhj.k12.in.us

Timothy A. Schultz, General Counsel
Indiana State Board of Education
Email: TSchultz1@sboe.in.gov

Maggie Paino, Director of Accountability
Indiana Department of Education
Email: mpaino@doe.in.gov

**BEFORE THE INDIANA
STATE BOARD OF EDUCATION**

IN THE MATTER OF:)
INDIAN CREEK SENIOR HIGH SCHOOL) APPEAL PURSUANT TO
(SCHOOL NO. # 3419),) 511 IAC 6.2-10-11
) PETITIONER
)

**COMBINED FINDINGS OF FACT AND CONCLUSIONS OF LAW, AND
RECOMMENDED DECISION**

I. Reason for Appeal

Indian Creek Senior High School presents multiple issues on appeal.

- a. First, the school argued that a student was improperly not counted due to a Questar error.
- b. Second, the school argued that two students should be considered eligible and their results used in the calculation despite the fact that they were enrolled less than the required 162 days.
- c. Third, the school argued that there are six students who should not be considered eligible despite the fact that they were enrolled for 180 days because of their severe attendance issues.
- d. Finally, the school argued that it should receive an accommodation due to the fact that a first-year teacher performed in a sub-par manner and resigned.

II. Combined Findings of Fact and Conclusions of Law

1. Indian Creek Senior High School is a public school that is part of Nineveh-Hensley-Jackson United. Community School Corporation located in Bloomington, Indiana.
2. Indian Creek Senior High School educates students in grades 9 through 12.
3. On September 24, 2018, Indian Creek Senior High School received an accountability category placement of a “B” for the 2017-2018 school year.

4. On October 8, 2018, Indian Creek Senior High School timely appealed the Board's 2017-2018 Accountability Calculation, presenting the four matters that are the subject of this Recommended Decision.

5. Pursuant to Ind. Code § 20-31-8-4, the Indiana State Board of Education (Board) shall annually place each school in a category or designation of school performance based on the metrics outlines in 511 IAC 6.2-10.

6. Pursuant to 511 IAC 6.2-10-3(d)(2) through (4), the accountability category of Indian Creek Senior High School shall be based on the performance, growth, and multiple measures domains. The performance and growth shall each be 20% of the overall grade and the multiple measures constitute 60%,

7. All domains are calculated using the results of "eligible students" as defined by 511 IAC 6.2-10-1(15) including any student who:

- (A) was enrolled at the school for at least one hundred sixty-two (162) days in the accountable year;
- (B) was tested on the mandatory statewide annual assessment, or the end of course assessment;
- (C) was not a limited English proficient student who has been enrolled in schools in the United States for less than twelve (12) months; and
- (D) obtained a valid test result.

511 IAC 6.2-10-1(15).

8. Upon receiving notification, the Board was able to retrieve the math score of a student whose math results were not uploaded by the vendor. The Board retrieved the ISTAR assessment and included the student's math score in the school's accountability roster. The student was only added to the performance domain because growth cannot be calculated for the ISTAR assessment due to statistical issues.

9. Indian Creek Senior High School requested the inclusion of two additional students in performance and grown domains because the students were enrolled with the school corporation for seven (7) years prior to the 2017-2018 school year, although the students were not enrolled at Indian Creek Senior High School for at least one hundred sixty-two (162) days in the accountable year.

10. As the two students were not enrolled at Indian Creek Senior High School for at least one hundred sixty-two (162) days in the accountable year, they cannot be considered “eligible students” as defined by 511 IAC 6.2-10-1(15), and their results do not contribute to the accountability category of Indian Creek Senior High School. Therefore, these students were properly not included in the school’s accountability calculations.

11. Indian Creek Senior High School requested the exclusion of six additional students in performance and grown domains because, although the students were enrolled with the school corporation for at least one hundred sixty-two (162) days in the accountable year, they had severe attendance issues.

12. Upon review, all six students were enrolled at the schools for at least one hundred sixty-two (162) days in the accountable year, were tested on the mandatory statewide annual assessment, were not limited English proficient students, and obtained a valid test result. Therefore, these students were properly included in the school’s accountability calculations as “eligible students” as defined by 511 IAC 6.2-10-1(15).

13. Finally, Indian Creek Senior High School requested the exclusion of twenty-eight additional students in performance and growth domains because they were students of a teacher who was determined to be ineffective by the corporation and resigned at some point in the accountable year.

14. While an ineffective teacher is a frustrating matter, it is not one that affects the categorization of the teacher's students as "eligible students" as defined by 511 IAC 6.2-10-1(15). Therefore, these students were properly included in the school's accountability calculations.

III. Recommended Decision

The Board's Accountability Category calculation for Indian Creek Senior High School was correct. The Board properly followed 511 IAC 6.2-10 in its calculation. The student whose math score was not uploaded by the vendor has been taken into account in the performance domain. All students who qualified as "eligible students" as defined by 511 IAC 6.2-10-1(15) were properly included in the school's accountability calculation. Thus, the Board's calculation of a category placement of a "B" was proper and should be sustained.

DATE: [DATE]

/s/ Nicole Schuster, HEARING OFFICER
Office of the Indiana Attorney General
302 W. Washington St., IGCS 5th Floor
Indianapolis, IN 46204-3795
Email: Nicole.Schuster@atg.in.gov

NOTICE OF APPEAL RIGHT

Petitioner may file objections to the Hearing Officer's Recommended Decision but must do so no later than ten (10) calendar days from the date the Petitioner receives the Recommended Decision. Any objections must be in writing and must state the legal basis for the objection. Written objections are to be submitted to the Indiana State Board of Education as follows:

ATTN: Timothy A. Schultz, General Counsel
TSchultz1@sboe.in.gov

Certificate of Service

I certify that on December 11, 2018, I served the foregoing Recommended Decision on the following persons at the email addresses shown below.

/s/ Molly Skarbeck

Luke Skobel
Email: lskobel@nhj.k12.in.us

Timothy A. Schultz, General Counsel
Indiana State Board of Education
Email: TSchultz1@sboe.in.gov

Maggie Paino, Director of Accountability
Indiana Department of Education
Email: mpaino@doe.in.gov

860488

**BEFORE THE INDIANA
STATE BOARD OF EDUCATION**

| | | |
|----------------------------|---|--------------------|
| IN THE MATTER OF: |) | |
| |) | |
| LEESBURG ELEMENTARY SCHOOL |) | APPEAL PURSUANT TO |
| (SCHOOL # 3613), |) | 511 IAC 6.2-10-11 |
| |) | |
| PETITIONER |) | |

**COMBINED FINDINGS OF FACT AND CONCLUSIONS OF LAW, AND
RECOMMENDED DECISION**

I. Reason for Appeal

Leesburg Elementary School appeals its 2017-2018 category placement of a “C” grade (79.9 points) asserting that the annual assessment does not adequately reflect the school’s performance. Specifically: 1) one student did not pass math but scored in the 80th percentile on the Northwest Evaluation Association Measure of Academic Progress growth assessment; 2) another student did not pass English but scored in the 68th percentile; 3) one fifth grade class had to deal with temporary long term substitutes; and 4) six other students had to deal with the death or serious illness of a parent, parental discord, or ongoing health/depression issues. Leesburg Elementary School requests to be assigned a “B” grade.

II. Findings of Fact and Conclusions of Law

1. Leesburg Elementary School is a state public school and part of Warsaw Community Schools.
2. Leesburg Elementary School educates students in pre-k through grade 6.
3. Pursuant to Ind. Code § 20-31-8-4, the Indiana State Board of Education (Board) shall annually place each school in a category or designation of school performance based on the metrics outlined in 511 IAC 6.2-10.

4. Pursuant to 511 IAC 6.2-10-3(d)(2) and (3), the accountability category of Leesburg Elementary School shall be based on the performance and growth domains with each weighted at 50% of the overall letter grade score.

5. 511 IAC 6.2-10-4 outlines the calculation for the performance domain, and indicates that points are awarded for the performance domain based on the product of the subject area pass rate and participation rate. The subject area scores of English/language arts and mathematics are then weighed equally to yield the overall performance domain score.

6. 511 IAC 6.2-10-5 outlines the calculation of the growth domain, and indicates that points are awarded for the growth domain based on the average growth scores of students performing in the top 75% of students at the school in the respective subject areas and of students performing in the bottom 25% of students at the school in the respective subject areas.

7. Both domains are calculated using the results of “eligible students” as defined by 511 IAC 6.2-10-1(15), which is any student who:

- (A) was enrolled at the school for at least one hundred sixty two (162) days in the accountable year;
- (B) was tested on the mandatory statewide annual assessment, or the end of course assessment;
- (C) was not a limited English proficient student who has been enrolled in schools in the United States for less than twelve (12) months; and
- (D) obtained a valid result.

8. Pursuant to 511 IAC 6.2-10-1(24), the growth domain is based on the cumulative points awarded for the growth scores of all eligible students on the mandatory statewide assessment.

9. Pursuant to 511 IAC 6.2-10-1(29), “mandatory statewide assessment” means the “assessment required under IC 20-32-5-2 and any alternative to that assessment.”

10. Ind. Code § 20-32-5-2 is the ISTEP program testing.

11. On September 24, 2018, Leesburg Elementary School received an accountability category placement of “C” (79.9 points) for the 2017-2018 school year.

12. On October 11, 2018, Leesburg Elementary School timely appealed the Board’s 2017-2018 Accountability Calculation stating the annual assessment does not adequately reflect the school’s performance. Specifically: 1) one student did not pass math but scored in the 80th percentile on the Northwest Evaluation Association Measure of Academic Progress growth assessment; 2) another student did not pass English but scored in the 68th percentile; 3) one fifth grade class had to deal with temporary long term substitutes; and 4) six other students had to deal with the death or serious illness of a parent, parental discord, or ongoing health/depression issues. Leesburg Elementary School requested to be assigned a “B” grade.

13. The Northwest Evaluation Association Measure of Academic Progress is not an assessment required by Ind. Code § 20-32-5-2 and is not part of the Statewide assessment program. The growth assessment of the Northwest Evaluation Association Measure of Academic Progress cannot be used to determine the growth domain under 511 IAC 6.2-10-1(24).

14. Although Leesburg Elementary School alleged that some students were dealing with a long term substitute, or with death or serious illness of a parent, parental discord, or health/depression issues, none of these removes a student from being an “eligible student” as defined by 511 IAC 6.2-10-1(15).

III. Recommended Decision

The Board’s Accountability Category calculation for Leesburg Elementary School was correct. Neither statute nor administrative rule provides for an increase in letter grade for the reasons raised on appeal. Accordingly, the Board’s calculation of a category placement of “C” (79.9 points) was proper and should be sustained.

DATE: December 11, 2018

/s/ Donald L. Hannah, Hearing Officer

NOTICE OF APPEAL RIGHT

Petitioner may file objections to the Hearing Officer's Recommended Decision but must do so no later than ten (10) calendar days from the date the Petitioner receives the Recommended Decision. Any objections must be in writing and must state the legal basis for the objection. Written objections are to be submitted to the Indiana State Board of Education as follows:

ATTN: Timothy A. Schultz, General Counsel
TSchultz1@sboe.in.gov

Certificate of Service

I certify that on December 11, 2018, I served the foregoing Recommended Decision on the following persons at the email addresses shown below.

/s/ Donald L. Hannah, Hearing Officer

Shelly Wilfong, School Representative
swilfong@warsawschools.org

Timothy A. Schultz, General Counsel
Indiana State Board of Education
Email: TSchultz1@sboe.in.gov

Maggie Paino, Director of Accountability
Indiana Department of Education
Email: mpaino@doe.in.gov

**BEFORE THE INDIANA
STATE BOARD OF EDUCATION**

| | | |
|-----------------------------|---|--------------------|
| IN THE MATTER OF: |) | |
| |) | |
| NAVARRE INTERMEDIATE SCHOOL |) | APPEAL PURSUANT TO |
| (SCHOOL # 7597) |) | 511 IAC 6.2-10-11 |
| |) | |
| PETITIONER |) | |
| |) | |

**COMBINED FINDINGS OF FACT AND CONCLUSIONS OF LAW, AND
RECOMMENDED DECISION**

I. Reason for Appeal

Navarre Intermediate School (the “School”) appeals its 2017-2018 category placement of an “F” grade (59 points), asserting in summary that (1) its student population includes a number of new language learners whose knowledge may not be adequately assessed through open-ended testing, which may in itself be subjective, (2) that there may have been undetected scoring errors, and that (3) its growth score of 93.8 demonstrates students at the School are making outstanding progress in student achievement.

II. Findings of Fact and Conclusions of Law

1. The School is a public school that is part of South Bend Community School Corp.
2. The School educates students in grades 3 through 8.
3. Pursuant to Ind. Code § 20-31-8-4, the Indiana State Board of Education (the “Board”) shall annually place each school in a category or designation of school performance based on the metrics outlined in 511 IAC 6.2-10. 511 IAC 6.2-10-3 sets forth in detail how the letter grade of a school is determined.

4. Pursuant to 511 IAC 6.2-10-3(d)(2) and (3), the accountability category of the School is to be based on the performance and growth domains, with each domain weighted at half of the overall letter grade score.

5. For a school that serves grade levels in both the 3 through 8 and 9 through 12 spans, the domains are weighted based on enrolment percentage in those grade levels.

6. 511 IAC 6.2-10-4 outlines the calculation method for the performance domain, and indicates that points are awarded for the performance domain based on the product of the subject area pass rate and participate rate for grades 3 through 8. The subject area scores of English/language arts and mathematics are then weighted equally to yield the overall performance domain score.

7. Specifically, the performance domain is made up of an English/language arts subject score and a mathematics subject score.

8. Only “eligible students” as defined by 511 IAC 6.2-10-1(15) are included in each subject area proficiency rate and participation rate, including any student who:

- (A) was enrolled at the school for at least one hundred sixty-two (162) days in the accountable year;
- (B) was tested on the mandatory statewide annual assessment, or the end of course assessment;
- (C) was not a limited English proficient student who has been enrolled in schools in the United States for less than twelve (12) months;
- and (D) obtained a valid result.

511 IAC 6.2-10-1(15).

9. The School received an accountability category placement of “F” for the 2017-2018 school year, missing a “D” by one point. The calculation was as follows:

| Overall Summary (511 IAC 6.2-10-3) | | | | |
|------------------------------------|--------------|--------|--------|-----------------|
| | Grades | Points | Weight | Weighted Points |
| Performance Domain | Grades 03-08 | 24.1 | 0.5 | 12.05 |
| Performance Domain | Grade 10 | 0 | 0 | 0 |
| Growth Domain | Grades 04-08 | 93.8 | 0.5 | 46.9 |

| | | | | |
|--------------------------|--------------|---|---|-------------|
| Growth Domain | Grades 10-12 | 0 | 0 | 0 |
| Multiple Measures Domain | Grade 12 | 0 | 0 | 0 |
| Overall Points: | | | | 59.0 |
| Overall Grade: | | | | F |

10. On October 8, 2018, the School submitted a request for appeal through the Department of Education’s accountability portal. The appeal was not for an audit, and no data was submitted.

11. Regarding its low Performance Domain score (12.05), the School asserts that scoring of

the written portion of the test is often not scored consistently from one evaluator to another, which builds some subjectivity into any final score. If the formula does not consider measurement error, it cannot adequately score one school when compared to another

and that

the Spring 2018 Indiana test scores were published to school corporations as final and then revised after the testing company found errors in their scoring process. Errors by testing companies are becoming almost normal in Indiana and across the country. Given that fact, it is impossible to know if more errors may have gone undetected.

12. Ind. Code § 20-32-5-3 prescribes the subject areas that must be tested under ISTEP; Ind. Code 20-32-5-6 addresses scoring of the student test responses. Only the “parent may request a rescoring of a student's responses to an ISTEP program test, including a student's essay.” Ind. Code § 20-32-5-9 (a). There is no evidence that a parent asked that any response be rescored.

13. The School was given the opportunity to submit a *Testing Concerns and Security Violations Report* to the Department. Concerns raised in the *Report* must be based on “articulable facts.” There is no evidence that the School submitted any *Report* to the Department.

14. The School has expressed generalized concerns about the ISTEP scoring, but has presented no articulable facts in support of changing any specific student scores.

15. Neither the statutes nor the regulations contemplate raising a schools overall grade based on other than the mathematical formulas found in 511 IAC 6.2-10-4 (performance domain) and 511 IAC 6.2-10-5 (growth domain).

16. There was no evidence submitted that any of the “new language learner” students were “limited English proficient student who has been enrolled in schools in the United States for less than twelve (12) months” exempt from inclusion as an “eligible student” under 511 IAC 6.2-10-1(15).

III. Decision

The Board’s Accountability Category calculation for Navarre Intermediate School was correct, and an audit has not been requested. The Board properly followed 511 IAC 6.2-10 in its calculations. Neither the statute nor the administrative rule provides for discretionary adjustments to the calculations for the performance domain or the growth domain. Thus, the Board’s calculation of a category placement of an “F” was proper and should be sustained.

DATE: December 10, 2018

/s/ Susan W. Gard, Hearing Officer

NOTICE OF APPEAL RIGHT

Petitioner may file objections to the Hearing Officer’s Recommended Decision but must do so no later than ten (10) calendar days from the date the Petitioner receives the Recommended Decision. Any objections must be in writing and must state the legal basis for the objection. Written objections are to be submitted to the Indiana State Board of Education as follows:

ATTN: Timothy A. Schultz, General Counsel
TSchultz1@sboe.in.gov

Certificate of Service

I certify that on December 10, 2018, I served the foregoing Recommended Decision on the following persons at the email addresses shown below.

/s/ Susan W. Gard, Hearing Officer

John Ritzler
jritzler@sbcsc.k12.in.us

Timothy A. Schultz, General Counsel
Indiana State Board of Education
Email: TSchultz1@sboe.in.gov

Maggie Paino, Director of Accountability
Indiana Department of Education
Email: mpaino@doe.in.gov

**BEFORE THE INDIANA
STATE BOARD OF EDUCATION**

| | | |
|--------------------------------|---|--------------------|
| IN THE MATTER OF: |) | |
| |) | |
| OUR SHEPHERD LUTHERAN SCHOOL) |) | APPEAL PURSUANT TO |
| SCHOOL (SCHOOL # C512),) |) | 511 IAC 6.2-10-11 |
| |) | |
| PETITIONER) |) | |
| |) | |

**COMBINED FINDINGS OF FACT AND CONCLUSIONS OF LAW, AND
RECOMMENDED DECISION**

I. Reason for Appeal

Our Shepherd Lutheran School appeals its 2017-2018 category placement of a “C” grade (78.2 points) asserting that its students were negatively impacted by technical interferences and disruptions during ISTEP testing.

II. Findings of Fact and Conclusions of Law

1. Our Shepherd Lutheran School is a state accredited nonpublic school located in Avon, Indiana.
2. Our Shepherd Lutheran School educates students in kindergarten through grade 8.
3. Pursuant to Ind. Code § 20-31-8-4, the Indiana State Board of Education (Board) shall annually place each school in a category or designation of school performance based on the metrics outlined in 511 IAC 6.2-10.
4. Pursuant to 511 IAC 6.2-10-3(d)(2) and (3), the accountability category of Our Shepherd Lutheran School shall be based on the performance and growth domains, with each domain weighted at half of the overall letter grade score.
5. The performance domain is made up of an English/language arts subject score and a mathematics subject score.

6. Each subject score is weighted at half of the overall performance domain score.
7. The subject score is the product of the subject area proficiency rate and the subject area participation rate.
8. Only “eligible students” as defined by 511 IAC 6.2-10-1(15) are included in each subject area proficiency rate and participation rate, which includes any student who:
 - (A) was enrolled at the school for at least one hundred sixty-two (162) days in the accountable year;
 - (B) was tested on the mandatory statewide annual assessment, or the end of course assessment;
 - (C) was not a limited English proficient student who has been enrolled in schools in the United States for less than twelve (12) months; and
 - (D) obtained a valid result.

511 IAC 6.2-10-1(15).

9. Pursuant to 511 IAC 6.2-10-1(32) participation means “to complete and obtain a valid test result for the mandatory statewide annual assessment.”

10. 511 IAC 6.2-10-4(b)(4) and (c)(4) indicate that the proficiency rate shall be multiplied by the actual participation rate unless the participation rate is greater than or equal to 95.0%, in which case the proficiency rate shall be multiplied by 100.0%.

11. Pursuant to 511 IAC 6.2-10-1(24) the growth domain is based on the cumulative points awarded for the growth scores of all eligible students on the mandatory statewide annual assessment.

12. In order to receive a growth score, a student must have two consecutive years of valid test results.

13. On September 24, 2018, Our Shepherd Lutheran School received an accountability category placement of “C” for the 2017-2018 school year. The calculation was as follows:

| Performance Domain Score | | |
|--|--------------------------------|-----------------|
| 1. English/language arts score | | |
| Pass Rate | 73.3% | 73.3 * 1 = 73.3 |
| Participation Rate | 98.9% | |
| 2. Mathematics score | | |
| Pass Rate | 62.2% | 62.2 * 1 = 62.2 |
| Participation Rate | 98.9% | |
| 3. Total Performance Domain Score | $\frac{73.3 + 62.2}{2} = 67.8$ | |

| Overall Accountability Calculation | | |
|------------------------------------|-------------------|------------------|
| Performance Domain | Growth Domain | Overall Category |
| 67.8 * .50 = 33.9 | 88.5 * .50 = 44.3 | 33.9 + 44.3 = C |

14. On October 5, 2018, Our Shepherd Lutheran School timely appealed the Board's 2017-2018 Accountability Calculation stating that the School's ISTEP pass rate was negatively impacted by testing disruptions from internet and phone connectivity issues on the first day of testing.

15. The School reported the phone and internet connectivity issues to the Department on February 27, 2018. An unspecified number of students (referred to by the School as "one class") were able to complete the math portion of the ISTEP test online prior to the interruption. No students' scores were invalidated due to the phone and internet issues during testing. The Department allowed the School to order paper testing materials for the rest of the testing period, which the School received at the end of the first week of testing.

16. The School has requested that the negative impacts of the phone and internet issues, which resulted in a new testing format for students, increased test anxiety, and only one week to finish testing among schoolwide illness, be taken into consideration in its accountability calculation.

17. Despite these testing interruptions, the School was able to test and obtain valid results from ninety (90) students, all of whom also meet the other criteria of an “eligible student” under 511 IAC 6.2-10-1(15) and were used in the Department’s calculation of the School’s performance and growth domains. Neither statute nor administrative rule provides a method to otherwise factor such testing interruptions into a school’s accountability calculation.

III. Recommended Decision

The Board’s Accountability Category calculation for Our Shepherd Lutheran School was correct. The Board properly followed 511 IAC 6.2-10 in its calculation. Although the testing conditions for students may not have been ideal due to the negative impact of phone and internet connectivity issues, these issues are not ones that affect the categorization of students as “eligible students” under 511 IAC 6.1-10-1(5) or otherwise factor into a school’s accountability calculation.

DATE: December 12, 2018

/s/ Stephanie Mullaney Hearing Officer

NOTICE OF APPEAL RIGHT

Petitioner may file objections to the Hearing Officer’s Recommended Decision but must do so no later than ten (10) calendar days from the date the Petitioner receives the Recommended Decision. Any objections must be in writing and must state the legal basis for the objection.

Written objections are to be submitted to the Indiana State Board of Education as follows:

ATTN: Timothy A. Schultz, General Counsel
TSchultz1@sboe.in.gov

Certificate of Service

I certify that on December 12, 2018, I served the foregoing Recommended Decision on the following persons at the email addresses shown below.

/s/ Stephanie Mullaney, Hearing Officer

Amy Hedges, School Representative
Principal@ourshepherd.org

Timothy A. Schultz, General Counsel
Indiana State Board of Education
Email: TSchultz1@sboe.in.gov

Maggie Paino, Director of Accountability
Indiana Department of Education
Email: mpaino@doe.in.gov

**BEFORE THE INDIANA
STATE BOARD OF EDUCATION**

| | | |
|------------------------|---|--------------------|
| IN THE MATTER OF: |) | |
| |) | |
| SOUTH BEND JR. ACADEMY |) | APPEAL PURSUANT TO |
| SCHOOL (SCHOOL #D300), |) | 511 IAC 6.2-10-11 |
| |) | |
| PETITIONER |) | |
| |) | |

**COMBINED FINDINGS OF FACT AND CONCLUSIONS OF LAW, AND
RECOMMENDED DECISION**

I. Reason for Appeal

South Bend Jr. Academy appeals its 2017-2018 category placement of a “D” grade asserting that the score did not accurately represent the school, in that it is a small school of fewer than 40 students, serves a disadvantaged area of South Bend, and growth improvement is reflected within two years of entering South Bend Jr. Academy. Additionally, the school took the Iowa Test of Basic Skills, which reflected consistent growth over time.

II. Combined Findings of Fact and Conclusions of Law

1. South Bend Jr. Academy is a non-public school in South Bend, Indiana, that participates in the Indiana Choice Scholarship Program.
2. South Bend Jr. Academy educates students in kindergarten through grade 9.
3. Pursuant to Ind. Code § 20-31-8-4, the Indiana State Board of Education (Board) shall annually place each school in a category or designation of school performance based on the metrics outlines in 511 IAC 6.2-10.
4. Pursuant to 511 IAC 6.2-10-3(d)(2) and (3), the accountability category of South Bend Jr. Academy shall be based on the performance and growth domains with each weighted at 50% of the overall letter grade score.

5. Both domains are calculated using the results of “eligible students” as defined by 511 IAC 6.2-10-1(15).

6. 511 IAC 6.2-10-5 outlines the calculation of the growth domain, and indicates that points are awarded for the growth domain based on the average growth scores of students performing in the top 75% of students at the school in the respective subject areas and of students performing in the bottom 25% of students at the school in the respective subject areas.

7. Pursuant to 511 IAC 6.2-10-1(24), the growth domain is based on the cumulative points awarded for the growth scores of all eligible students on the mandatory statewide assessment.¹

8. Pursuant to 511 IAC 6.2-10-1(29), “mandatory statewide assessment” means the “assessment required under IC 20-32-5-2 and any alternative to that assessment.”

9. Ind. Code § 20-32-5-2 is the ISTEP program testing.

10. On September 24, 2018, South Bend Jr. Academy received an accountability category placement of a “D” for the 2017-2018 school year.

11. On October 5, 2018, South Bend Jr. Academy timely appealed the Board’s 2017-2018 Accountability Calculation stating that the score did not accurately represent the school, in that it is a small school of fewer than 40 students, serves a disadvantaged area of South Bend, and growth improvement is reflected within two years of entering South Bend Jr. Academy.

¹ Pursuant to 511 IAC 6.2-10-5(b) and (c), a school must have at least forty (40) eligible students in the accountable year to receive a score for the growth domain. If a school does not have at least forty (40) eligible students in the accountable year, then the school’s growth points shall be based on the results of a cumulative aggregate of eligible students from prior school years. South Bend Jr. Academy had a total of twenty-two (22) eligible students in the accountable year; therefore, the school’s growth domain score was based on the result of a cumulative aggregate of eligible students from prior school years. Eligible students from the 2014-2015 and 2016-2017 school years were added to the total eligible students from the 2017-2018 school year to yield a total of fifty-four (54) students. South Bend Jr. Academy’s appeal does not raise any issue in this regard.

Additionally, the school took the Iowa Test of Basic Skills, which reflected consistent growth over time.

12. The Iowa Test of Basic Skills is not an assessment required by Ind. Code § 20-32-5-2 and is not part of the statewide assessment program. The results of the Iowa Test of Basic Skills cannot be used to determine the growth domain under 511 IAC 6.2-10-1(24).

II. Decision

The Board's Accountability Category calculation for South Bend Jr. Academy was correct. The Board properly followed 511 IAC 6.2-10 in its calculation. Neither statute nor administrative rule provides for any adjustment to the growth domain for community circumstances. Thus, the Board's calculation of a category placement of a "D", 67.7%, was proper and should be sustained.

DATE: December 3, 2018

/s/ Jodi Kathryn Stein, Hearing Officer

NOTICE OF APPEAL RIGHT

Petitioner may file objections to the Hearing Officer's Recommended Decision but must do so no later than ten (10) calendar days from the date the Petitioner receives the Recommended Decision. Any objections must be in writing and must state the legal basis for the objection. Written objections are to be submitted to the Indiana State Board of Education as follows:

ATTN: Timothy A. Schultz, General Counsel
TSchultz1@sboe.in.gov

Certificate of Service

I certify that on December 3, 2018, I served the foregoing Recommended Decision on the following persons at the email addresses shown below:

Thomas Huntress, Principal
South Bend Jr. Academy
tehuntress@gmail.com

Timothy A. Schultz, General Counsel
Indiana State Board of Education
Email: TSchultz1@sboe.in.gov

Maggie Paino, Director of Accountability
Indiana Department of Education
Email: mpaino@doe.in.gov

[/s/ Jodi Kathryn Stein, Hearing Officer](#)

**BEFORE THE INDIANA
STATE BOARD OF EDUCATION**

| | |
|------------------------------|----------------------|
| IN THE MATTER OF: |) |
| TERRE HAUTE ADVENTIST SCHOOL |) APPEAL PURSUANT TO |
| (SCHOOL #D748), |) 511 IAC 6.2-10-11 |
| |) |
| PETITIONER |) |

**COMBINED FINDINGS OF FACT, CONCLUSIONS OF LAW AND
RECOMMENDED DECISION**

I. Reason for Appeal

Terre Haute Adventist School appeals its 2017-2018 category placement of an “F” grade (32.4 points), stating that a prior administration did not adequately prepare students for testing and, as a result of changes at the school, it should have a “C” rating and will show improvement.

II. Combined Findings of Fact and Conclusions of Law

1. Terre Haute Adventist School is an accredited nonpublic school that is located in Terre Haute, Indiana.
2. Terre Haute Adventist School educates students in kindergarten through grade 8.
3. Pursuant to Ind. Code § 20-31-8-4, the Indiana State Board of Education (“Board”) shall annually place each school in a category or designation of school performance based on the metrics outlines in 511 IAC 6.2-10.

4. Pursuant to 511 IAC 6.2-10-3(d)(2) and (3), the accountability category of Terre Haute Adventist School shall be based on the performance, growth and multiple measures domains, where data are available.
5. For a school that serves grade levels 3 through 8, the domains are weighted based on enrollment percentage in those grade levels.
6. Both domains are calculated using the results of “eligible students” as defined by 511 IAC 6.2-10-1(15) including any student who:
 - (A) was enrolled at the school for at least one hundred sixty-two (162) days in the accountable year;
 - (B) was tested on the mandatory statewide annual assessment, or the end of course assessment;
 - (C) was not a limited English proficient student who has been enrolled in schools in the United States for less than twelve (12) months; and
 - (D) obtained a valid test result.

511 IAC 6.2-10-1(15).

7. On September 24, 2018, Terre Haute Adventist School received an accountability category placement of an “F” grade for the school year 2017-2018 (32.4 points).
8. On October 4, 2018, Terre Haute Adventist School timely appealed the Board’s 2017-2018 Accountability Calculation, highlighting the following issues.
 - a. The aggregation of data is a disadvantage to a small school.
 - b. The teacher did not adequately prepare students to follow proper procedures for students with Individualized Education Programs (IEP).

The test administrator was not made aware of the IEP or any testing accommodations.

- c. The school adopted new curriculum aligned to state standards for the 2018-2019 school year, and performance to date demonstrates the school is not an “F” school. The changes in place do not align with the “F” grade assigned for last year. The F grade does not adequately express the current learning environment for parents considering the school.
 - d. Previous leadership during the 2017-2018 school year communicated that state testing did not matter and made no difference how the students performed on state assessments.
 - e. The test administrator/proctor reported an issue to the corporation test coordinator (CTC) that students were not reading test questions, and the CTC did nothing in response.
9. 511 IAC 6.2-10-4(b)(2) and (3) and 511 IAC 6.2-10-4(c)(2) and (3) indicate that if a school does not have at least 30 eligible students in the accountability year, the school’s performance domain score shall be calculated based on the aggregated assessment results of the current and prior years until there are at least 30 eligible students to calculate the performance domain.
10. Pursuant to 511 IAC 6.2-10-5(b)(2) and (c)(2), a school must have at least 40 eligible students in an accountable year to calculate a growth domain score. If a school does not have at least 40 eligible students in the accountable year then the school’s growth domain shall be based on the results of a cumulative

aggregate of eligible students from prior school years. If after aggregating all years of available data, a school is unable to have at least 40 eligible students then the school will not receive a growth domain score because data are not available.

11. There were a total of six eligible students in the accountable year and, for that reason, the school's performance domain score was based on the results of a cumulative aggregate of eligible students from prior school years.
12. The calculation of the performance domain for Terre Haute Adventist School included eight eligible students from the 2016 -2017 school year, six eligible students from the 2015 -2016 school year, seven students from the 2013 – 2014 school year and five students from the 2012 – 2013 school year were included to provide a total of 32 eligible students.¹
13. Terre Haute Adventist School had a total of four eligible students in the accountable year, therefore, the school's growth domain score was based on the result of a cumulative aggregate of eligible students from the prior school years.
14. In calculating the growth domain, eligible students from the 2012-2013, 2013-2014, 2015-2016 and 2016 – 2017 school years were added to the total of eligible students from the 2017-2018 school year to yield a total of twenty-four students.

¹ No data is included from the 2014-2015 school year because attendance information was not properly submitted to the DOE-AT. The issue of the "missing" 2014-2015 school year was raised by the ALJ and not the school.

15. Terre Haute Adventist School was unable to reach the minimum number of students required to calculate the growth domain so no score was awarded.
16. 511 IAC 6.2-10-3(d)(2) provides that the weight of the performance domain for a school shall be 100% for a school lacking sufficient data points to calculate the growth domain.
17. This school's accountability grade was based solely on the performance domain score.
18. 511 IAC 6.2-10-4 outlines the calculation for the performance domain, and indicates that points are awarded for the performance domain based on the product of the subject area pass rate and participation rate. The subject area scores of English/language arts and mathematics are then weighed equally to yield the overall performance domain score.
19. All schools public or private are required to adhere to the 2017-2018 ISTEP manual which can be found at: <https://www.doe.in.gov/assessment/assessment-program-manual>

III. Recommended Decision

The Board's Accountability calculation for Terre Haute Adventist School was correct. The Board properly followed 511 IAC 6.2-10 in its calculations. Although Terre Haute Adventist School identified problems with a teacher and has since corrected that problem, the data for the Accountability Calculation must be data from the 2017-2018 school year. If the problem has been remedied as the Terre Haute Adventist School represents, the School may see a change in its grade

next year. However, no change can be made based on a personnel problem after the Accountability Categories have been released. Thus the Board's calculation of a category placement of "F" was proper and should be sustained.

DATE: December 14, 2018

/s/ Gordon E. White, Hearing Officer

NOTICE OF APPEAL RIGHT

Petitioner may file objections to the Hearing Officer's Recommended Decision but must do so no later than ten (10) days from the date the Petitioner receives the Recommended Decision. Any objections must be in writing and must state the legal basis for the objection. Written objections are to be submitted to the Indiana State Board of Education as follows:

ATTN: Timothy A. Schultz, General Counsel
TSchultz1@sboe.in.gov

Certificate of Service

I certify on December 14, 2018, I served the foregoing Recommended Decision on the following persons at the email addresses shown below.

/s/ Gordon E. White, Hearing Officer

Leona Bange, School Representative
lrbange@yahoo.com

Timothy A. Schultz, General Counsel
Indiana State Board of Education
PH: 317-233-4088
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Maggie Paino, Director of Accountability
Indiana Department of Education
PH: 317- 232-9185|
Email: mpaino@doe.in.gov

860441

**BEFORE THE INDIANA
STATE BOARD OF EDUCATION**

| | | |
|------------------------------|---|--------------------|
| IN THE MATTER OF: |) | |
| |) | |
| WARSAW COMMUNITY HIGH SCHOOL |) | APPEAL PURSUANT TO |
| (SCHOOL # 3674), |) | 511 IAC 6.2-10-11 |
| |) | |
| |) | |
| PETITIONER |) | |

**COMBINED FINDINGS OF FACT AND CONCLUSIONS OF LAW, AND
RECOMMENDED DECISION**

I. Reason for Appeal

Warsaw Community High School appeals its 2017-2018 category placement of a “B” grade (86.8 points) asserting that the annual assessment does not adequately represent the school’s academic abilities. Specifically: 1) several students did not pass math or English, but results of the Preliminary SAT/National Merit Scholarship Qualifying Test (PSAT/NMSQT) and Northwest Evaluation Association (NWEA) Measure of Academic Progress (MAP) growth assessment indicate the same students are proficient in math and English; and 2) several students had to deal with excessive absences, the death or serious illness of a family member or parent, the incarceration of a parent, ongoing health issues, living independently, or the birth of a child. Warsaw Community High School requests to be assigned an “A” grade.

Findings of Fact and Conclusions of Law

1. Warsaw Community High School is a state public school and part of Warsaw Community Schools.
2. Warsaw Community High School educates students in grades 9 through 12.

3. Pursuant to Ind. Code § 20-31-8-4, the Indiana State Board of Education (Board) shall annually place each school in a category or designation of school performance based on the metrics outlined in 511 IAC 6.2-10.

4. Pursuant to 511 IAC 6.2-10-3(d)(2) and (3), the accountability category of Warsaw Community High School shall be based on the performance, growth, and multiple measures domains, with the performance and growth domain each weighted at 20% of the overall accountability grade, and the multiple measures domain weighted at 60% of the overall accountability grade.

5. 511 IAC 6.2-10-4 outlines the calculation for the performance domain, and indicates that points are awarded for the performance domain based on the product of the subject area pass rate and participation rate. The subject area scores of English/language arts and mathematics are then weighed equally to yield the overall performance domain score.

6. 511 IAC 6.2-10-5 outlines the calculation of the growth domain, and indicates that points are awarded for the growth domain based on the average growth scores of students performing in the top 75% of students at the school in the respective subject areas and of students performing in the bottom 25% of students at the school in the respective subject areas.

7. All domains are calculated using the results of “eligible students” as defined by 511 IAC 6.2-10-1(15), which is any student who:

- (A) was enrolled at the school for at least one hundred sixty two (162) days in the accountable year;
- (B) was tested on the mandatory statewide annual assessment, or the end of course assessment;
- (C) was not a limited English proficient student who has been enrolled in schools in the United States for less than twelve (12) months; and
- (D) obtained a valid result.

8. Pursuant to 511 IAC 6.2-10-1(24), the growth domain is based on the cumulative points awarded for the growth scores of all eligible students on the mandatory statewide assessment.

9. Pursuant to 511 IAC 6.2-10-1(29), “mandatory statewide assessment” means the “assessment required under IC 20-32-5-2 and any alternative to that assessment.”

10. Ind. Code § 20-32-5-2 is the ISTEP program testing.

11. On September 24, 2018, Warsaw Community High School received an accountability category placement of “B” (86.8 points) for the 2017-2018 school year.

12. On October 8, 2018, Warsaw Community High School timely appealed the Board’s 2017-2018 Accountability Calculation asserting that the annual assessment does not adequately represent the school’s academic abilities. Specifically: 1) several students did not pass math or English, but results of the PSAT/NMSQT and NWEA MAP growth assessment indicate the same students are proficient in math and English; and 2) several students had to deal with excessive absences, the death or serious illness of a family member or parent, the incarceration of a parent, ongoing health issues, living independently, or the birth of a child. Warsaw Community High School requests to be assigned an “A” grade.

13. The PSAT/NMSQT and the NWEA MAP are not assessments required by Ind. Code § 20-32-5-2 and are not part of the Statewide assessment program. The results of the PSAT/NMSQT and the growth assessment of the NWEA MAP cannot be used to determine the growth domain under 511 IAC 6.2-10-1(24).

14. Although Warsaw Community High School alleged that some students were dealing with excessive absences, the death or serious illness of a family member or parent, the incarceration of a parent, ongoing health issues, living independently, or the birth of a child,

none of these issues removes a student from being an “eligible student” as defined by 511 IAC 6.2-10-1(15).

II. Recommended Decision

The Board’s Accountability Category calculation for Warsaw Community High School was correct. Neither statute nor administrative rule provides for an increase in letter grade for the reasons raised on appeal. Accordingly, the Board’s calculation of a category placement of “B” (86.8 points) was proper and should be sustained.

DATE: December 11, 2018

/s/ Donald L. Hannah, Hearing Officer

NOTICE OF APPEAL RIGHT

Petitioner may file objections to the Hearing Officer’s Recommended Decision but must do so no later than ten (10) calendar days from the date the Petitioner receives the Recommended Decision. Any objections must be in writing and must state the legal basis for the objection.

Written objections are to be submitted to the Indiana State Board of Education as follows:

ATTN: Timothy A. Schultz, General Counsel
TSchultz1@sboe.in.gov

Certificate of Service

I certify that on December 11, 2018, I served the foregoing Recommended Decision on the following persons at the email addresses shown below.

/s/ Donald L. Hannah, Hearing Officer

Shelly Wilfong, School Representative
swilfong@warsawschools.org

Timothy A. Schultz, General Counsel
Indiana State Board of Education
Email: TSchultz1@sboe.in.gov

Maggie Paino, Director of Accountability
Indiana Department of Education
Email: mpaino@doe.in.gov