



INDIANA STATE BOARD OF EDUCATION

BEFORE THE INDIANA STATE BOARD OF EDUCATION

IN THE MATTER OF:)	
)	Cause No. 04-032020
THE INDEPENDENCE ACADEMY)	
(SCHOOL #C589),)	REQUEST PURSUANT TO
)	IC 20-51-4-9
PETITIONER,)	
)	

COMBINED FINDINGS OF FACT AND CONCLUSIONS OF LAW AND PROPOSED DETERMINATION

Pursuant to IC 20-51-4-9(b), The Independence Academy (“IA”) requests that the Indiana State Board of Education (“Board”) grant the school a waiver from the consequences imposed under IC 20-51-4-9(a) so that IA may enroll new choice scholarship students for the 2020-2021 school year. The undersigned recommends IA’s waiver request be granted.

I. Basis for Agency Review

During the 2017 legislative session, the Indiana General Assembly enacted P.L. 251-2017, which, in relevant part, amended IC 20-51-4-9 to include subsection (b). Subsection (b) permits an eligible school that is subject to the consequences imposed under IC 20-51-4-9(a) to request that the Board waive those consequences for one year.

A. Consequences under IC 20-51-4-9(a)

In general, an eligible school may accept choice scholarship funds from eligible choice scholarship students enrolled at the school. However, an eligible school that receives any combination of Ds or Fs in consecutive years shall have its ability to enroll new choice scholarship students suspended. Under subsection (a), the eligible school’s ability to enroll new choice scholarship students shall remain suspended until the eligible school receives a C or better in consecutive years.

B. Requests for a Waiver or Delay of Consequences under IC 20-51-4-9(b)

IC 20-51-4-9(b) affords eligible schools an opportunity to seek a waiver from the Board to avoid the consequences imposed under subsection (a). Pursuant to IC 20-51-4-9(b), an eligible school that is subject to the consequences imposed under subsection (a) may submit a request to the Board to waive or delay the consequences for a period of one year. In order to obtain the waiver, subsection (b) provides, in relevant part, that the Board “may grant a request to an eligible school that requests a waiver or delay under this subsection **if the eligible school demonstrates that a majority of students in the eligible school demonstrated academic improvement during the preceding school year.**” (emphasis added).



INDIANA STATE BOARD OF EDUCATION

In other words, the Board’s ability to grant an eligible school’s request for a waiver is contingent upon whether the eligible school satisfies the legal threshold by showing that a majority of students demonstrated academic improvement during the preceding year. Waivers can only be granted for one year; however, a school may return to the Board and ask for a waiver the following year until the school is removed from consequences under the statute.

II. Combined Findings of Fact and Conclusions of Law

IA is a nonpublic school located in Indianapolis, Indiana that serves approximately 37 students in grades 4 through 12. [REDACTED]

[REDACTED] Mrs. Marisa Gill, IA’s principal, submitted a request for a waiver of consequences based on demonstrated academic improvement by a majority of IA’s students during the prior school year.

Data from the Indiana Department of Education (“Department”) show IA received an “F” (46.6 points) for the 2017-2018 school year and an “F” (46.6 points) for the 2018-2019 school year, a [REDACTED] increase in total points from the preceding school year. Further, when an N-size of zero is used to calculate IA’s letter grade for the 2018-2019 school year, IA receives a “F” with [REDACTED] total points.

IA’s student growth data provided by the Department show the following:

Grades 3-8

2018/2019 ELA GROWTH			
	LOW	STANDARD	HIGH
Number	1	1	1
Percent	28.6%	42.9%	28.6%
STANDARD/HIGH		TOTAL	
		71.50%	

2018/2019 MATH GROWTH			
	LOW	STANDARD	HIGH
Number	1	1	1
Percent	50.0%	12.5%	37.5%
STANDARD/HIGH		TOTAL	
		50%	

Grade 10

2018/2019 ELA GROWTH			
	LOW	STANDARD	HIGH
Number	0	0	1
Percent	0.0%	0.0%	100.0%

2018/2019 MATH GROWTH			
	LOW	STANDARD	HIGH
Number	0	0	1
Percent	0.0%	0.0%	100.0%

¹ Pursuant to P.L.2-2020, IA’s 2018-2019 letter grade may not be used in the determination of consequences under IC 20-51-4-9.




INDIANA STATE BOARD OF EDUCATION

As demonstrated by these charts, more than a majority of IA's students have demonstrated standard or high growth in both English/language arts and math in the tested grades.

III. Proposed Determination

Taken together, IA's [REDACTED] increase in total points, the school's grade of "■" using an N-size of zero, and the school's student growth data demonstrate that a majority of IA's students demonstrated academic improvement during the prior school year, as required under IC 20-51-4-9(b). Therefore, the undersigned recommends IA's waiver request be granted.


Chad E. Ranney
General Counsel
Indiana State Board of Education