



# INDIANA STATE BOARD OF EDUCATION

## INDIANA STATE BOARD OF EDUCATION BUSINESS MEETING MINUTES

October 15, 2014

Indiana State Library  
Indiana Author's Room  
315 West Ohio Street  
Indianapolis, Indiana 46203

Board Members Present: Superintendent Glenda Ritz (chair), Mr. Dan Elsener, Dr. David Freitas, Ms. Andrea Neal, Mrs. Sarah O'Brien, Dr. Brad Oliver, and Mr. B.J. Watts.

Mr. Gordon Hendry attended by phone.

Board Members Absent: Mr. Troy Albert, Mr. Tony Walker, Mrs. Cari Whicker.

### **I. CALL TO ORDER**

Superintendent Ritz called the meeting to order and called the roll. The roll reflected all members present in person or by phone except Mr. Troy Albert, Mr. Tony Walker, and Mrs. Cari Whicker. The Pledge of Allegiance was recited.

### **II. APPROVAL OF AGENDA**

Superintendent Ritz announced one item would be removed from the agenda at the request of Ms. O'Brien: G. Atypical appeals process. In addition, Superintendent Ritz stated she would like to reorder the agenda without objection and requested action items F. Appeals of schools with atypical school configurations and H. Approval of

final placement of schools into categories of school accountability to be moved prior to E. Initiating rulemaking on school accountability.

The Board voted 8-0 to approve the agenda.

### **III. APPROVAL OF MINUTES**

Dr. Freitas motioned to approve the minutes. Mr. Watts seconded the motion. The Board voted 8-0 to approve minutes from the September 3, 2014 meeting.

### **IV. STATEMENT OF THE CHAIR**

Superintendent Ritz publicly announced the 2015 Teacher of the Year: Kathy Nimmer from Harrison High School in Tippecanoe County. Ms. Nimmer is a secondary English and Creative Writing teacher.

Superintendent Ritz announced the pilot of Microsoft IT Academy, a partnership with DOE and IDWD. 89 schools and 61 Work One Centers will participate in the pilot.

### **V. BOARD MEMBER COMMENTS AND REPORTS**

- Mr. Elsener provided a brief update of the turnaround review. Thanked Ms. O'Brien and Mr. Walker for their work. The Committee on School Turnarounds hosted two meetings in Indianapolis and one meeting in Gary, and the reception and input from those communities has been fabulous. Mr. Elsener stated he appreciated the leadership of the legislature in the nineties and Gov. O'Bannon for signing this law, the courage of Gov. Daniels, Gov. Pence, and Dr. Bennett for implementing it.

### **VI. PUBLIC COMMENT**

- Ms. Nancy Sears Perry serves on the Board of Directors for the Indiana Branch of the International Dyslexia Association and founder of Decoding Dyslexia Indiana. Ms.

Sears Perry stated she is a teacher and mother of four children, two of whom are diagnosed with dyslexia. When considering the Accuplacer memo Ms. Sears Perry said her mind turns to the students who are dyslexic or who have diagnosed or undiagnosed learning disabilities. In a May 25, 2013 article from the South Bend Tribune, Rep. Behning said when the ECA waiver provision was put into effect, lawmakers never anticipated more than two to three percent of students would receive them. According to Rep. Behning, they were intended for students with learning disabilities or test anxiety so severe it would be difficult for them to pass graduation tests. According to that article, waiver rates from the schools cited ranged from eight to twenty-two percent.

- The National Institutes of Health and the Yale Center for Dyslexia and Creativity state that twenty percent of the general population is dyslexic. These are our bright Hoosier students who will be our future scientists, doctors, teachers, and innovators but have a language-based learning disability that makes standardized measures difficult. It is very likely these students will need a waiver. Although scientific evidence continues to show that the greatest student success comes when we identify and remediate a student prior to third grade, this currently does not happen in Indiana. Often times a student must wait until they are two to three years behind before they are considered a student with a specific learning disability, the umbrella under which dyslexia falls. However, studies indicate that less than thirty percent of dyslexic students are never identified.
- If standardized measures like the PSAT or Accuplacer are used to diagnostically determine remediation needs, it seems fitting to have prescription remediation measures. We must ask ourselves: What remediation is planned? Who will be remediating? How will the remediation be delivered? What benchmarks will be used to ensure fidelity? Who will oversee the remediation process? What credentials will be required of those professionals? What will be the protocol to determine successful remediation?
- Additionally, by using the PSAT scores as a determiner for the use of Accuplacer and remediation, we are now elevating the PSAT to a high-stakes test and as such, it is important that we ensure that all students who need accommodations get them.
- As a parent who just worked with my school to get accommodations for the PSAT from the College Board, I can assure you that getting those accommodations was no

easy task. The College Board requires a school to submit various psycho-educational tests to determine eligibility for accommodations. The testing must be current, complete, and clearly document disability and student need. Are schools ready and equipped to make sure the appropriate testing and documentation is in place for our most vulnerable Indiana students?

- Ms. Sears Perry stated she fears the current plan will negatively influence the future of Indiana's students with learning disabilities and inadvertently limit the diplomas and opportunities available to them. I also fear that we are creating dropouts and we are driving families to look outside of public education to address student need. Above all, by not identifying students in early elementary and intervening with evidence based approaches, Ms. Sears Perry fears that we are holding students accountable for an oversight for which he/she has had no control.

## **VII. CONSENT AGENDA**

Upon a motion and a second, the board moved to approve the consent agenda.

## **VIII. NEW BUSINESS – ACTION**

### **A. Recommendation of Lead Partner for IPS**

- Teresa Brown, Assistant Superintendent of Outreach, DOE, presented the IPS Lead Partner recommendation. Ms. Brown recommended Marzano to be the Lead Partner for Broad Ripple and John Marshall for \$150,000.00. The Board received the scope of work. Marzano will function as instructional Lead Partner. Marzano will develop a common language of instruction, assist IPS with auditing instructional practices in each of those schools, and develop a profile for each of the teachers along with professional development, evaluate programs to see that they are implementing with fidelity and with results.
- Ms. O'Brien suggested before the Board considers this recommendation, the Board needs to make sure there is clarity around roles and responsibilities when it comes to Lead Partners. The contract with Marzano and IPS needs to have specific guidelines for collaboration, reporting, general expectations, clear oversight. Need a new template that better fits the needs of a Lead Partner scenario within these

schools. My request would be to discuss what the contract language should look like with Public Impact and bring that back to our November meeting.

- Superintendent Ritz said she was a little bit confused about what Ms. O'Brien was asking for.
- Ms. O'Brien said she was asking for guidance from Public Impact on the language of the contract. The Turnaround Committee is already in contract with them and it only makes sense to use their expertise. A consistent comment the committee has heard is there is a lack of clarity and understanding of roles and responsibilities in the Lead Partner model. The Board needs to be very specific in defining the contract.
- Superintendent Ritz asked what the role of the DOE is in contracting for services.
- Ms. O'Brien clarified before the Board makes a recommendation on which Lead Partner is selected, the recommendation needs to include very specific details regarding roles and responsibilities. This needs to be worked into anything we recommend in terms of a Lead Partner status. Asking for an opportunity to use the expertise that we have already contracted with to ensure we are preventing this problem from reoccurring in the future.
- Superintendent Ritz said her question is not about the selection of the vendor necessarily, but the role of the Department in contracting the services.
- Ms. O'Brien clarified she was not addressing the role of the Department at all. She reiterated she wants to be sure before the Board makes a recommendation that they have clear and concise guidance in roles and responsibilities. A big problem in the Lead Partner scenario was when there was a disagreement on the path to take with services who the Board had contracted, there was no clear idea on which path to take, which ultimately dissolved the relationship. When it comes to the three specific items that Marzano is claiming their scope of work would include, we need to very specific with our wording, not to make it more than a Lead Partner status, but setting it up appropriately so the job can be done. Ms. O'Brien said she is not talking about roles and responsibilities of the Board versus Department, she is talking about verbiage in a recommendation that comes from this Board.
- Superintendent Ritz asked Ms. O'Brien if she had already reviewed what is here, and feels that it is not there. We thought we put in clear expectations in the proposal.

- Ms. O'Brien explained as long as we are contracting with someone with national experience with what works in other states, it would be negligent of us not to take advantage of their perspective. Wait until November 5<sup>th</sup> after a review with Public Impact.
- Superintendent Ritz asked if Ms. O'Brien is making a motion to table.
- Ms. O'Brien replied yes she is making a motion to table the proposal until the November 5<sup>th</sup> meeting of the Board.
- Superintendent Ritz stated she had a second, is there more discussion?
- Mr. Elsener: Turnaround committee has worked on this. Clarity of roles has been a big issue. The Board would be mistaken to not go the extra mile to clarify this. The Board needs the expert input to make this contract better.
- Mr. Watts asked if this is something the Board can receive in advance of the next meeting.
- Ms. O'Brien replied the Turnaround Committee would be meeting on October 22<sup>nd</sup>.
- Superintendent Ritz restated she has a motion and a second to table the issue until the November meeting.
- The Board voted 7-0 to table the issue. Superintendent Ritz abstained.
- Dr. Freitas said he had a question on the same topic but unrelated to the motion. Unfortunately, TNTP situation did not work out with IPS schools. We allocated \$300,000 to that partnership. Has that money been returned to the State Board so we can reallocate to other schools? Can we reuse that money at a later time.
- Charlie Geier, Coordinator of Outreach, DOE, responded \$150,000 was given to the school, still stays with the school. The \$150,000 for the Lead Partner is still there, there is a placeholder for Marzano and is eligible to be used by the new Lead Partner. The total \$300,000.00 is still in play.
- Dr. Freitas asked was the authorization for that money based on the partnership with TNTP, and since that has been dissolved, does that money have any impact in coming back.
- Mr. Geier replied in order for that money to come back we would have to find an issue of noncompliance. Because it is federal money, use Edgar Rules, to find an issue of noncompliance, then have a hearing.

- Dr. Freitas requested Board Counsel to give a legal opinion on the federal money.
- John Snethen stated it is not clear that this money has been appropriated and expended according to law strictly. I think there is a question in federal law, the state has to expend and account for grant funds in accordance with state laws. My understanding money was given to IPS on the promise of a contract that they did not enter. It is my understanding the entity receiving that money would not be able to keep it. Questions remain on this issue and require further exploration by the Board.
- Superintendent Ritz asked Mr. Snethen if he is aware that the money has been given to IPS and we already have a grant contract with them.
- Mr. Snethen explained he is not sure the Board's intentions and expectations were for IPS to receive the money in that particular fashion; that is his concern. The Board's intentions should be taken into account here.
- Dr. Freitas said it would be appropriate for Board Counsel to look further into this for the next meeting. Dr. Freitas moved to add the issue of this \$300,000 to the agenda for next meeting as an action item.
- Mr. Snethen said the issue is the intention of the Board for this money at the time it was dispersed to TNTP and IPS.
- Superintendent Ritz stated as a reminder, money has already been approved for upcoming schools who may be in a turnaround situation.
- Ms. Neal asked as a policy matter, don't those two allocations of \$150,000.00 each go together collaboratively to be spent on turnaround? So one of the partners spending the money before the Lead Partner is in place seems awkward. To me the money should not be spent until a Lead Partner is in place.
- Dr. Freitas asked if the Board should send a letter from legal Counsel to IPS stating they should not spend the money until this issue is resolved.
- Mr. Snethen replied yes, it would also be appropriate for the Board to seek the return of that money if the Board believes it has not been dispersed not in accordance with the Board's intention and will. We have scheduled a meeting with IPS council to discuss.
- Superintendent Ritz stated the DOE should be involved in that discussion as DOE receives and distributes the federal dollars.

- Mr. Elsener responded to Ms. Neal's comment, the Board decided to intervene in these schools on behalf of the children. In this case of the Lead Partner, \$300,000.00, we had one motivation to advance learning there, if all the roles and responsibilities are clarified, yet Marzano enters and said they have already spent the money. The Board wants the Lead Partner to set a new direction. Requested the process to be coordinated and clear the purpose why the Board did this and the intent they made, the taxpayers, the dollars are expended to be mission-driven. It should not be about who gets the authority and who gets the power.

*B. HEA 1005 Guidance for Accuplacer 2014-2015*

- Dr. Michele Walker, Director of Assessment, DOE presented. Request of the Board today is to review and approve criteria. Criteria has not changed from last year except that a specific PSAT score was added.
- Mr. Oliver asked if this only applies to 14-15.
- Dr. Walker replied yes, this is for 14-15.
- Ms. Neal stated several superintendents raised issue of sophomores.
- Dr. Walker stated sophomores are a local decision.
- Ms. Neal asked who pays for the PSAT.
- Dr. Walker replied at grade 10, DOE as part of a legislative appropriation. At grade 11, either student or school pays.
- Ms. Neal asked what is the cost of the PSAT per student.
- Dr. Walker replied this year it is \$11.20/student.
- Ms. O'Brien asked if dates have been approved for the test.
- Dr. Walker answered the dates will come in November. They will likely be January 22-April 1, 2015.
- Dr. Oliver made the motion. Ms. O'Brien seconded.
- Motion passed 7-1.

*C. Approval of proposed rule language on Pre-K Accreditation*

- Dr. Freitas motioned to approve.



- Mr. Watts seconded.
- Superintendent Ritz stated she does not consider the freeway accreditation process robust. She said a robust conversation needs to occur at the statehouse on school accreditation. For that reason, the Superintendent will be voting no.
- Ms. Neal asked once this is put into place, will pre-K schools receive A-F grades?
- Superintendent Ritz replied no, that is only for the K-12 system.
- Ms. Fiddian-Green stated the Pre-K pilot bill program enacted this past legislative session requires accreditation for private schools to come through the State Board of Education and that was why the initiation of rule-making had to be done here, it is separate from A-F but there has to be a way to measure outcomes for the required longitudinal study that was put in statute.
- Dr. Oliver asked how many public hearings are required.
- Ms. Fiddian-Green responded the practice is to have three. One in the north, central, and southern part of the state.
- Motion passed 8-2.

*D. Approval of Kindergarten Readiness Assessments*

- Superintendent Ritz asked if there is a motion to approve the components of the Kindergarten Readiness Assessments, namely Peabody, Bracken, ISTAR-KR.
- Dr. Freitas made the motion to approve. Mr. Watts seconded.
- Ms. Neal asked what are the additional components of ISTAR-KR? There could be additional components.
- Ms. Fiddian-Green stated Megan Purcell from Purdue the Chair of this taskforce is here today.
- Dr. Freitas asked what process was used to come up with this particular list of best practices.
- Ms. Purcell said they looked at national list of assessments. Then focused on what domains were wanted: language (Peabody), academic readiness (Bracken), social-emotional (ISTAR-KR). Some other assessments required the assessment to be

delivered by speech pathologists, and wanted to make sure it could be widely utilized.

- Dr. Freitas said this is exciting that this issue is being addressed.
- Dr. Oliver asked to what extent will the data follow these students into kindergarten?
- Ms. Purcell replied ELAC is working on that specific question and should have recommendations by December.
- Ms. Neal asked what happens if the students are not ready for kindergarten.
- Ms. Purcell said she is not comfortable answering that question at this time.
- Superintendent Ritz stated Indiana offers preschool programs for special needs children already. Kindergarten is not mandatory. The quandary is the compulsory attendance age does not begin until age seven.
- Ms. Neal asked is it an assumption that students enrolled in the Pre-K program will enroll in kindergarten. If a student is not ready for kindergarten will there be an intervention plan developed?
- Ms. Fiddian Green stated that is within the scope of ELAC to look at transition protocols and how to ensure not losing any data through the pilot so that informs instruction that occurs for those families who decide to enroll a pre-K student in kindergarten. Fair to say a family who is selected for pre-k would enroll in kindergarten.
- Dr. Oliver would love to see a seamless transition and is glad it is part of the conversation.
- Dr. Freitas stated most research occurs short term, but there is longitudinal studies on early learning, by grade 3 equal to their peers who did not go through those early learning experiences. Others argue the benefit goes through grades 3-5. Great opportunity to provide data in the state and nationally.
- Ms. Fiddian-Green stated at the December meeting the Board will look at the RFP for longitudinal study as required by statute.
- Motion was passed 8-0.

*E. Appeals of schools with atypical school configurations*

- Mr. Carey Dahncke, Director & Chief Academic Officer of Christel House Academy (CHA), provided public comment on Christel House Academy South and request the SBOE direct that our incomplete combined K-12 school be graded using only the elementary school model because the application of the incomplete school model unfairly distorts the performance of the entire school to the public.
- In August, CHA presented a scenario where a fictitious school was instructed using state averages and the performance data categories. This average school under the combined complete school scoring model earned a B. While the very same school graded under the incomplete school model earned a D. In that meeting, the Board unanimously agreed to address this issue. In September, the Superintendent asked the issue be readdressed of the incomplete combined school model. Based on the outcome of that meeting, CHA followed the direction of the Board to appeal the model to use the grade our school is based on the atypical configuration directly to the Board.
- Currently, CHA elementary and middle school accounts for nearly 75% of the school's population. Roughly the remaining 25% are in high school, but the 10th grade has just 41 students, or 0.6% of the total school population. As a result, less than 1% of the school population determines the entire high school portion of the grade. When comparing an incomplete K-12 school to a complete K-12 school the current scenario is not equitable. CHA 11th grade students are not being counted in the incomplete model. This issue will be resolved next year when CHA South has a 12th grade.
- Superintendent Ritz said it appears CHA is asking to post two grades on the web to reflect the scores.
- CHA recommends:
  - Grade only on the elementary/middle school that includes a complete data set.
  - Include a footnote that high school data is not included in the grade, but report publicly on DOE website.
- Heather Willey representing the Board of CHA. Will make Mr. Dancke's comments available electronically.

--RECESS--

*F. Appeals of schools with atypical school configurations*

- Superintendent Ritz stated there are 3 appeals on atypical configuration. Debbie Dailey, Director of Accountability, DOE presented on Carpe Diem, who also appealed for atypical configuration but was not on the list.
- Ms. Dailey: Carpe Diem did request appeal under consideration of the atypical model. However, in their appeal they were not identified as atypical due to not being a configuration issue. In other words, when the Department defined atypical or unusual school, it was defined as any school that did not have a grade span that allowed for all four high school elements. Whereas in this school they had all four grades available but they did not have the enrollment size.
- Carpe Diem did not have enough students in all grades to have their information included. They did not have 10 students in the graduating class. Their calculation used a small high school, as well as elementary and middle school information combined to calculate their final grade.
- The DOE did not recognize Carpe Diem as an atypical school. Carpe Diem also requested to have no grade applied to their school. There is enough data to be statistically valid grade, therefore DOE feels that the school should not have no grade applied to the school. Carpe Diem does have 30 students (statistically significant).
- Superintendent Ritz asked is it the Department's opinion is that they were calculated as a small high school as they should; it has been determined that they did not have the incise to calculate the high school portion of that, so they are receiving the grade of the elementary/middle portion, is that correct?
- Ms. Dailey replied for this school we calculated them as a combined, as well as small high school information. The difference on this is a small high school uses only ELA and Math data. Had they had enough incise in their cohort information, graduation and college and career readiness could have been included, however enrollment was too small to include it.
- Superintendent Ritz so we already have at the Department, many of those small high schools do not include graduation data?

- Ms. Dailey replied none of those do. The small high school provision noted in the rule does not have graduation and college and career ready information included.
- Ms. Neal asked how many data points are reflected in the school grade from the high school alone?
- Ms. Dailey answered two are included which are ELA and Math, ECA assessment by 10<sup>th</sup> grade. 6 elements cannot be included in this calculation.
- Ms. Neal asked how is this any different from CHAS? It seems they have the exact same situation and should therefore be treated as an atypical school.
- Superintendent Ritz said the rule covers small high schools like Carpe Diem. CHA is atypical because they do not have the 12<sup>th</sup> grade cohort.
- Ms. Neal said if you can't use the information it is essentially the same thing; it is a distinction without a difference.
- Superintendent Ritz said but in rule we have accommodations for small high schools and what the definition is and what that entails.
- Dr. Oliver asked SBOE General Counsel Mr. Snethen, regardless of the rule, the substantive question is whether the school grade is reflective of the performance of this school.
- Mr. Snethen replied the Board does need to look at the elements that go into atypical schools. The Board's proper role here is to define the criteria and establish what an atypical school is, including those situations where schools don't fall within the standard models.
- Dr. Oliver said as the Board looks at this, there seems to be a difference between what is reasonable and what the law/rule prescribes. Is there anything that prohibits the Board from applying flexibility?
- Superintendent Ritz interjected there is a misconception about Carpe Diem. It is already being configured by that.
- Mr. Snethen replied the Board can act with some flexibility to ensure that fundamental fairness is achieved.
- Superintendent Ritz stated in the case of Carpe Diem, last October or November the Board talked about small high schools. So the Department has calculated scores according to the small high schools. In this case, Carpe Diem has appealed. What

Ms. Dailey should let everyone know, if they don't know is that Carpe Diem's grades were recalculated. So what is the grade for Carpe Diem?

- Ms. Dailey explained for Carpe Diem the elementary grade is the same as the high school, therefore their combined letter grade is the same. So there is no change in letter grade. In addition within this appeal, it was requested to move to no grade. The next portion of the appeal was to recalculate there was an appeal for growth only. This doesn't apply because there is high school data.
- Dr. Oliver stated we may arrive at the same outcome, but we are articulating two different logics. The logic of the Department is the data has been ran both ways, the grade is the same no matter how we run it. In the case of atypicals, the better logic we have to apply in every case by case decision is what does the evidence say in that situation.
- Ms. Dailey explained the DOE's interpretation of this is to simply use all data available.
- Dr. Oliver asked what about incomplete data sets than turn pejorative to the school because it takes the grade down?
- Ms. Dailey would like to caution the Board on the fact that many schools even with the elementary component alone that have partial data sets. There are provisions within the rule to address those partial data sets.
- Superintendent Ritz stated that is why we are creating a new accountability system. There is no debate that the system is clearly flawed. But we have to follow the rules we already did. There is nothing fair about the current model. But the rule clearly applies to Carpe Diem as a small high school.
- Ms. Neal stated no high school should be based on 10th grade indicators alone. It is unfair.
- Superintendent Ritz said and it's in the rule.
- Dr. Oliver asked as an atypical school complete data set, are high school letter grades factored on 2 of 8 data points regularly.
- Ms. Dailey said that is correct. There is a small high school provision defined as less than 30 students within their 10<sup>th</sup> grade cohort enrolled for 162 days or more. It does have language in there to go back multiple years to build the cohort of students to get to 30, those grades are calculated on performance information alone, no

opportunities for improvement within that provision. Additionally, on the elementary side, if they don't have 30 students between grades 3-8 enrolled for 162 days there is a provision that allows to go back multiple years but growth is not included. Finally, there is a 9-10 provision within the rule that allows for schools without 11 or 12 to calculate their grade based on performance alone.

- Dr. Oliver asked with that application applied to Carpe Diem, DOE does not view it as atypical at all?
- Ms. Dailey replied we do not. DOE feels the basis of those components have been addressed in rule.
- Mr. Watts asked about New Tech at EVSC who is in a similar situation without a graduating class this year. Are the bonus points eligible from grade 8-10 for those high schools without a graduating class?
- Ms. Dailey bonus points are not available. Only eligible for the full high school model.
- Superintendent Ritz said again that is the system, it is flawed to begin with. DOE recommended using the combined model last year was in order to use all available data because that is what the rule says.
- Mr. Watts replied understand it is the system, but the system is broken.
- Superintendent Ritz stated the Board cannot change rule.
- Dr. Oliver replied the Board is not trying to change rule. At the end of the day A-F should give a meaningful grade. There are schools across the state doing much better. It doesn't mean the system is perfect, but it also doesn't mean the system isn't useful. What is the evidence and fairest way to say the letter grade is reasonable. My decision will be based on the evidence put in front of the Board.
- The Superintendent made a motion to dismiss the appeal based on Department's calculation of the grade.
- Dr. Oliver seconded.
- Dr. Freitas said we aren't basing this on the fact that they get the same grade. This is because, based on the factors, the reasonable interpretation is to use the small schools definition.

- Ms. Neal said she is convinced that Carpe Diem is comparable to an atypical school. There are not enough data points.
- Dr. Freitas what is the Department's working definition of atypical schools?
- Ms. Dailey replied the working definition for the Department for an atypical school is a school whose grade span does not allow for all data points. So in other words they simply do not have the grade span or have had a recent grade span change to where they do not have a complete data set. Whereas other schools do have the grade span to allow a full data set, but do not have the enrollment.
- Dr. Freitas asked given the working definition, how many schools would fit into that category?
- Ms. Dailey responded in the atypical category only the seven schools presented previously.
- Dr. Freitas so there were no public schools that would fall into this category based on your definition?
- Ms. Dailey did not recall the exact list whether the schools were public or not.
- Superintendent Ritz stated the motion failed 2-5. Board is back to discussing Carpe Diem's atypical appeal.
- Ms. Dailey restated the three components of the appeal.
- Ms. Neal asked does the Board have a complete elementary/middle school data set for Carpe Diem?
- Ms. Dailey said she believed the full elementary data set was complete. Indeed it was correct.
- Ms. Neal made a motion to award Carpe Diem a grade using the atypical configuration and apply it to elementary/middle school.
- Dr. Freitas seconded the motion.
- Ms. O'Brien requested Cynthia Roach to approach the Board to provide additional information on Carpe Diem regarding weighting. Can you give background on the weighting?
- Ms. Roach said the weighting was applied to elementary/middle 76 students in grades 3-8, the other weighting was 95 students in grades 9-12, the question comes down to the 34 students who took the test in grade 10. Carpe Diem argued for the



factor for the growth model to be applied to the elementary/middle for schools who have been open less than four years and they have. The growth model was not applied.

- Ms. Dailey explained on the weighting on the combined modeling are for the enrollment of grades 3-8 versus 9-12, the logic is taken from the combined school logic, even though there are truly no data elements from grades 9 or 11 even in a full high school model.
- Superintendent Ritz asked so grades 9 and 10 were used?
- Ms. Dailey continued actually the combined rule as well as the corporation rule.
- Ms. Neal asked if we were to look at Carpe Diem as an elementary/middle, they would be eligible just using the growth, is that correct?
- Ms. Dailey said the Department's interpretation of the growth only model is it is specific to elementary/middle only, not to a combined situation.
- Ms. Neal asked the same of Ms. Roach.
- Ms. Roach replied it is not defined.
- Ms. Neal would be willing to withdrawal her motion if Carpe Diem was subject to growth model only (K-8).
- Ms. Dailey they do not qualify for the growth only model because they have grades 9-12, in addition, there is a provision in the rule once a school has opted out or been calculated under a different model they cannot return to a growth only model.
- Ms. Neal views Carpe Diem and Christel South as having a comparable situation, that is why I made the motion.
- Ms. Roach stated Carpe Diem did not receive a grade last year so they have not been calculated on the previous model yet.
- Superintendent Ritz said we calculate all the schools in the same manner. We don't decide who gets growth and who doesn't get growth.
- Ms. Roach continued the rule says if the elementary/middle has been open less than four years, they have the option of the growth model. They have not been calculated on anything, therefore they haven't opted out of the growth model yet.
- Superintendent Ritz said but they are not just an elementary/middle.

- Dr. Oliver said if atypical logic is applied to all three appeals, what is the logic? I understand the difference with the anomalies, but there is something atypical to begin with because it is in front of the Board. The rule does not speak to it. Does it make sense to give a letter grade based on one grade level that is not representative of what is happening in the entire school?
- Dr. Freitas whenever we consider appeals have to be careful setting precedence. It makes sense to go forward with this motion and support it.
- Superintendent Ritz stated the motion before the Board is to only use elementary/middle data for Carpe Diem. Motion carries 7-1.
- Superintendent Ritz announced the next appeal is from Indiana Math and Science Academy North (IMSAN).
- Ms. Dailey provided a summary of the appeal for IMSAN atypical configuration. The DOE found a data error. There were less than 30 students within the high school component. This has been addressed as a DOE data error and has been changed. Recommending dismissal based on the fact that the issue was addressed.
- Dr. Freitas asked if the Department has received communication from the school acknowledging the data error.
- Dr. Oliver if the school has not acknowledged withdrawal of the appeal, is it more appropriate to table the appeal?
- Ms. Dailey said she would continue with the recommendation to dismiss the appeal.
- Superintendent Ritz made a motion to dismiss the appeal to IMSAN because the data error has been corrected and the school has been notified. Dr. Oliver seconded the motion. Motion carries 8-0.
- Superintendent Ritz announced the last appeal is for Christel House Academy South.
- Ms. Dailey provided a summary on the appeal from Christel House Academy South. CHAS did not have a graduating cohort, so they do not have college and career ready or graduation data. Like other small schools, they do have enough students for ECA. The appeal is based on the grounds that no high school data should be included in the school's accountability grade since the school does not have graduation or college and career ready information. The Department recommends denying the appeal.

- Superintendent Ritz made a motion to deny the appeal, there was no second.
- Dr. Freitas asked how it is fair to only look at 10th grade data, when there is no data for 9th or 11th, and no students for 12<sup>th</sup>. He asked the Department to explain the rationale.
- Ms. Dailey referred to the rule and the small high school model.
- Dr. Freitas made a motion to adopt only the elementary/middle school model to calculate the grade for Christel House Academy South.
- Dr. Oliver seconded and noted the rule clearly did not envision evolving schools and for that reason it is atypical.
- Mr. Elsener said he appreciated Dr. Oliver's articulation of the issue.
- Ms. O'Brien stated the system must have integrity. When the grades are released, they need to mean something.
- Motion carried 7-1.

--RECESS--

*H. Approval of Final Placement of Schools into Categories of School Accountability*

- Superintendent Ritz invited two people to the podium for comment. James McNeany, Principal of St. Theodore Guerin High School, was the first speaker. Mr. McNeany expressed frustration with the Department's calculation of Guerin's preliminary grade. He stated the calculation was incorrect and based on incomplete information. Mr. McNeany said Guerin filed an appeal based on instructions given to them by the Department. He said Guerin's grade calculation reflected that none of its students passed an international baccalaureate exam, which caused them to receive a 0 in the college and career readiness category. In reality, he continued, 77% of Guerin's cohort passed an international baccalaureate exam. Mr. McNeany pointed out this is more than three times the amount needed to receive full credit in the college and career readiness category.
- Mr. McNeary stated that when Guerin filled out the paperwork for the appeal they noted each student who passed the international baccalaureate exam. He said on

October 7, 2014 Guerin received an email that contained a letter from Department General Counsel Bernice Corley stating that Guerin's appeal was denied due to insufficient evidence that students passed the international baccalaureate exam. Mr. McNeany stated this was surprising because in the prior year Guerin received full credit in the college and career readiness category when their international baccalaureate scores were counted. He asked the rhetorical question of how the Department received that information last year but not this year. He said it was Guerin's understanding that information regarding international baccalaureate testing comes directly to the state from the vendor. Mr. McNeany said there is no state report that asks for this information.

- Mr. McNeany said Guerin reached out to the Department to try and figure this issue out, but no one was able to answer how international baccalaureate scores are collected by the state, and no one seemed eager to help. He went on to say that on October 14, 2014 Guerin received a letter from Ms. Dailey that contradicted the appeal denial letter from Ms. Corley by stating that the appeal is still under review. He stated that Ms. Dailey's email also said that international baccalaureate testing data is collected by the state from the vendor. Mr. McNeany commented that he hopes Guerin's grade will be based on actual data. He asked the Board not to approve any grade until it can be further reviewed for accuracy. He also asked the Department to take a look at the quality of service provided to schools.
- The next speaker was Dennis Van Duyne, Superintendent of West Noble Schools. He commented that he filed an appeal based on West Noble's high school assigned grade. He said their appeal was denied because they did not provide documentation of the error. Mr. Van Duyne stated the appeal was based on an error in data. He stated they found that four students included in the cohort should not have been included. He said two of the students had transferred to home school and West Noble provided their names, their ID numbers, their state homeschool numbers that the Department sent to them, and dates of transfer. Mr. Van Duyne stated the other two students transferred out of West Noble. Again, he said, West Noble provided their names, ID numbers, the names of the schools in which they transferred, and the dates of the transfer.
- He said three of the errors should have been easily identifiable by information in the Department's databases. He said West Noble has earned an A and without the Board's intervention West Noble will receive a B unfairly. Upon inquiry by Ms. Neal,

Mr. Van Duyne clarified that if three or four of the students were excluded West Noble would still receive an A either way. Upon inquiry by Mr. Elsener, Mr. Van Duyne said there was no guidance from the Department on how to fix the errors but he was able to communicate with Department staff. He stated he feels the errors could have been corrected and that he doesn't understand what documentation is required.

- Ms. Dailey was invited by Superintendent Ritz to address the Board. Ms. Dailey stated there are a few data concerns to be brought to the Board's attention. She stated the first one is that the Department did find three schools, including the Indiana Math and Science Academy, which did have an issue affecting their "n" size. She stated the Department has corrected that issue. Secondly, she stated the Department is investigating an international baccalaureate data concern which the Department thinks will affect three to five nonpublic schools. She stated that the information had not been received by the vendor and that the Department has contracted the vendor and received a new data file for those schools. She said the Department does feel the denied status should stand as evidence was not provided through the appeal. Ms. Dailey said transcript information from the vendor could have been provided. She said the Department is treating this as a data concern and will be contacting any additional schools that may be affected by this. Ms. Dailey said that looking at information through another data collection, which is graduation where they could potentially identify an international baccalaureate graduate, the Department has identified up to five schools that might be affected. This information comes directly from the vendor, she said. The Department will also be treating this as a Department data issue and will follow the protocol to get those grades updated if they find an issue.
- Ms. Neal asked, with regard to the five schools with international baccalaureate issues, how the appeal process works once the grades are corrected. Ms. Dailey responded that typically there will be a short amount of time for an additional appeal. Upon further inquiry by Ms. Neal, Ms. Dailey said the Department was unsure why the data issues affected these schools and not public schools. She said they will look into it and follow up. Ms. Dailey stated the grades of these five schools could potentially be way off but the impact won't be known until recalculation. Ms. O'Brien stated her vote would be to pull these schools out today since we know that their grades are incorrect. She expressed concern over the public stigma of releasing

inaccurate grades. Superintendent Ritz stated that was her intention as well, to pull the n size group and schools with international baccalaureate data issues and reissue their grades later.

- Dr. Oliver commented that he would rather table the issue and bring all the grades back on November 5, 2014 for approval. He said he would rather get it right. He stated that things need to be cleaned up before the grades are released and the delay would only be two weeks. Ms. Dailey responded that a concern is educator effectiveness ratings that require use of the data. Dr. Oliver said there are concerns around accuracy in the field, some of which weren't addressed today. He said he wasn't comfortable pulling some grades out and releasing some. Ms. Neal commented that she agreed with Dr. Oliver. She stated that had Guerin not found the error on their own the Board would have given five schools an incorrect grade today. She expressed concern about schools with busy staffs that trusted that all the information would be included in their score. Ms. Neal said this causes her to question the credibility of all the grades. Ms. Neal also stated that if some schools do not get their grades with all the others it puts them in an awkward position.
- Mr. Elsener asked why Guerin's appeal was denied. Ms. Dailey said the reason was Guerin did not provide evidence regarding the international baccalaureate test. Mr. Elsener asked if the Department assisted schools in getting this data. Ms. Dailey responded all appeals are single appeals that are reviewed based on what's provided at the time of the appeal. Mr. Elsener said if data is accessible then it's the Department's job to go get it. He stated this is the reason for the delay. Mr. Elsener commented that he was taken aback by this and said he is inclined to agree with Dr. Oliver. Mr. Elsener asked why the appeal was denied, and why the Department didn't seek the data. Ms. Dailey responded that the Department will be seeking the data. Mr. Elsener responded that it's a month later. Ms. Dailey stated it takes time to load the data once received by the vendor.
- Dr. Oliver asked about having LSA run the grades as they did last year. He said he hoped this would happen before the grades are released. Ms. O'Brien asked if it's realistic that all these issues can be addressed by the November 5, 2014 meeting. Ms. Dailey said she believed it could. She said prior protocol would be followed by going ahead and releasing grades. Ms. Dailey said LSA is still running the information. Mr. Elsener asked when the international baccalaureate vendor was contacted about the grades and Ms. Dailey responded that she did not have this

information. She estimated it was a week and a half to two weeks ago and that the data is sent to the state electronically. She said it does take a while for the vendor to pull the data. Mr. Elsener stated he does not like the way this is handled. He stated getting this information is not a hard thing to do. Mr. Elsener continued that these issues should have been corrected.

- Dr. Oliver moved that the approval of final grade placements be tabled pending resolution of these issues and the completion of a comparative analysis by LSA. Dr. Oliver clarified this means LSA is using the same data and the same process as the Department. Dr. Freitas inquired about why the LSA analysis hadn't been done before this meeting. Dr. Freitas also stated he was concerned about some service issues and issues with attention to detail. Ms. Dailey said the Department has been working with LSA to get the comparative analysis done. She went on to say it is the Department's policy that they will not reply to any questions about appeals until the appeal window is done. Robert G. Guffin, Executive Director to the Board, commented that Department staff asked Board staff if grade information should be presented now and staff said yes. Dr. Oliver stated that the comparative analysis is important to ensure accuracy.
- Ms. Neal commented that it's important to remember the enormous amount of data schools are required to provide. She stated some schools have part time staff providing data. She commented that other schools could be affected by these issues. Ms. Neal said schools should be allowed to fix data input errors.
- Ms. Neal seconded Dr. Oliver's motion. The motion carried by a vote of 7-1; Mr. Hendry voted no.

*E. Initiating Rulemaking on School Accountability*

- Mr. Elsener moved that the Board vote to initiate rulemaking on school accountability, and Dr. Freitas seconded. Dr. Oliver asked how the major policy issues will be vetted. Superintendent Ritz said it would be similar to REPA III. The motion carried 8-0. Dr. Oliver inquired if all the appeal data issues will be resolved by the next meeting and Superintendent Ritz affirmed that was the understanding. Superintendent Ritz also clarified that her position was that the issue not be placed on the agenda until LSA had finished their analysis.

- Claire Fiddian-Green, Special Assistant to the Governor for Education Innovation, informed the Board concerning this issue. She said the Board needs to engage in high level policy discussions for the Department and for staff to draft rule language. She stated the goal is to have rule language to the Board by December. Ms. Fiddian-Green discussed some policy issues that must be vetted, as well as information about the transition. Ms. Fiddian-Green also discussed the background of weighting proficiency and growth. She said one issue that has been discussed robustly is how much to weight each one and the recommendation from the Accountability System Review Panel (“Panel”) is to weight them both evenly at 50%. Ms. Fiddian-Green stated the Board will have to determine how to weight these pieces.
- Mr. Elsener and Dr. Freitas asked if grades could be separated out so schools can see growth and proficiency separately. Superintendent Ritz stated that Indiana statute requires one letter grade, but she would be for a legislative change to allow for that. Superintendent Ritz said data can be released to help schools have more insight into how they are performing regarding proficiency and growth separately.
- Dr. Oliver stated that the final model should be easy to understand. He said being more prescriptive would be better. Information was then presented to the Board regarding the various weighting options, including grade distributions. Dr. Freitas commented that he believed proficiency should be weighted higher to create a greater incentive to meet standards. He said growth should be celebrated, but not to the level of proficiency.
- Mr. Elsener stated that growth is important for parents and teachers. He also stated that proficiency has not been set at an unreasonably high level. He stated that 60/40 sounds like a good weighting. Ms. Fiddian-Green pointed out that the growth piece has embedded in it growth to proficiency. Some Board members expressed a desire to weight proficiency slightly higher subject to seeing all the information and continued deliberation.
- The Board decided to skip discussion of student growth percentiles until a later date when Dr. Briggs’ memo is complete. Ms. Fiddian-Green moved on to discuss multiple measures. She outlined that the Panel’s recommendation for Grades 3-10 contains only elements associated with assessment results: performance and growth. In addition, Ms. Fiddian-Green and Superintendent Ritz pointed out that the Panel recommended continued review of additional indicators for Grades 3-10. Dr. Freitas said multiple indicators are good because they can paint a better picture. He



recommended staff come back with some of the correlational data so the Board can review it. Dr. Oliver said he has looked at what other states have done with multiple measures. He stated his concern is the complexity of algorithms when adding multiple measures to get to a single grade. Dr. Oliver asked about conversion to a point system so it's universal and doesn't have a swing effect on the overall grade. Dr. Michele Walker responded that it would have to be a point system. Ms. Neal said she would like to see a local extra credit option. She said it wouldn't have to impact the grade but would be a great way to show what schools are good at.

## **IX. BEST PRACTICES**

The Board did not discuss this item.

## **X. DISCUSSION AND REPORTS**

### **A. SBOE Staff Update**

- Mr. Guffin stated that staff will be sending suggested meeting dates to the Board for 2015 prior to the next meeting date. He requested the Board respond if there are calendar conflicts. Additionally, he ran through several action items that will be on the agenda coming up at the next meeting. Finally, he clarified that grades will remain embargoed until next meeting.

### **E. Assessment Update**

- Dr. Walker gave the Board a brief assessment update. She stated that the RFP is still open and vendors can submit through the 29<sup>th</sup> of October. Dr. Walker added that next week the survey will be released for those that want to serve on the advisory committee, and then they will look at the responses for each component. She said they will narrow it down to two vendors. Dr. Walker then discussed item samplers and videos that were shared during the workshops across the state. Dr. Walker talked about the experience college and career ready assessment. She said it's focused on multiple choice and technology enhanced items. She said it opened on October 1. She added that there is also a user's guide that will assist educators.

Lastly, Dr. Walker stated that the Department replaced the diagnostic and the predictive versions of acuity with readiness acuity.

*B. Student Instructional Expenditure Report*

Superintendent Ritz pointed out that a report had been provided to the Board and the Board members did not have any questions.

*C. Turnaround Committee Update*

Mr. Elsener commented that Indiana is doing the right thing, but that refinements need to be made, including roles and responsibilities, and changes to legislation. He went on to say turnaround must be tied to the strategic plan and that community involvement is vital. Ms. O'Brien mentioned a positive difference in tone as people realize everyone is trying to do what is right for students.

*D. NCLB Waiver Update*

Superintendent Ritz informed the Board that Danielle Shockey, Deputy Superintendent, had to leave early but a PowerPoint was provided to the Board that can be reviewed.

**XI. BOARD OPERATIONS**

The Board operations item was not discussed.

**XII. ADJOURNMENT**

Superintendent Ritz invited a motion to adjourn and Board voted to adjourn the meeting.