

BEFORE THE INDIANA STATE BOARD OF EDUCATION

REFERENCE NO: 02-012015

In re: The Determination of State Tuition Support Funds
to be withheld from **Gary Community School Corporation ("Gary")**
Pursuant to I.C. 20-31-9.5-3(c)

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

The Indiana State Board of Education ("Board")¹, during the course of its business meeting on January 7, 2015 determined that the amount of state tuition support that is necessary to fund options for improvement with respect to Theodore Roosevelt Career Academy from January 1 through June 30, 2015.

The Board, after considering the recommendations and documents filed by each party and by a vote of 10 to 0, issues the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. Pursuant to IC 20-31-9-4, the Board assigned special management teams to operate Theodore Roosevelt Career Academy ("Academy"). As a result, it became a turnaround academy at the beginning of the 2012-2013 school year.
2. The Indiana Department of Education ("Department") provided Gary with notice of its recommendation for basic tuition support and other fund withholding for January through June 2015 for Theodore Roosevelt Career Academy. The basis of the Department's recommendation was the September 2014 ADM count for the Academy, multiplied by the per pupil basic tuition support amount, plus special education grant funds, complexity grant funds, honors grant funds, and vocational education grant funds for which the Academy is eligible.
3. Gary provided a written response to the Department's recommendation on December 15, 2014, concurring with the Department's recommendation.
4. The September 2014 ADM child count is:
Theodore Roosevelt Career Academy 577 students

¹Tony Walker, Dr. David Freitas, Cari Whicker, Andrea Neal, Dr. Brad Oliver, B.J. Watts, Troy Albert, and Gordon Hendry participated in this adjudication. Glenda Ritz, Board Chair, recused herself from the proceeding at the outset and designated Sarah O'Brien to preside over the adjudication.

5. The per pupil basic tuition support for Gary for the fiscal year 2015 is \$5,053.19. The Academy was eligible for a special education grant, complexity grant, vocational grant, and an honors grant.

6. Based on the 2014 child count, basic tuition support amounts attributable to the students in the turnaround academy for 2015 fiscal year is as follows:

Theodore Roosevelt Career Academy	\$2,915,690.64
-----------------------------------	----------------

CONCLUSIONS OF LAW

1. The Board is charged with the responsibility for determining, based upon the Department's recommendation, the amounts of state tuition support that are necessary to fund options for improvement implemented by the state board under IC 20-31-9.5 with respect to each turnaround academy. IC 20-31-9.5-3(c).

2. Except as described IC 20-31-9.5-3(c), the manner or methodology by which the Board makes this determination is not otherwise prescribed.

3. It is consistent with the current statutory framework of IC 20-43-1 *et seq.* to utilize the 2014 child count as the child count multiplier in determining the amount of state tuition support necessary to fund the options for school improvement with respect to the turnaround Academy for January through June 2015.

4. IC 20-43-4-9 requires the use of the spring ADM count for the second six months of the state fiscal year tuition support funding. Accordingly, the Department will reconcile any over or underpayments in withholding and payments resulting from the use of the spring counts and the December 1, 2014 special education counts.

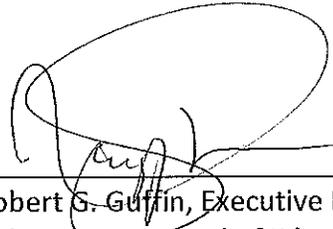
ORDER

Pursuant to IC 20-31-9.5-3(c), and based on the foregoing, the following amount of state tuition support is determined to be necessary to fund the intervention for improvement of the turnaround Academy for January through June 30, 2015:

Theodore Roosevelt Career Academy	\$2,233,831.91
-----------------------------------	----------------

These funds are to be used by the Department in accordance with IC 20-31-9.5-3(d). The specific allocation of these funds for contracts negotiated by the Department to implement the intervention deemed necessary for the improvement of the turnaround Academy is subject to the Board's oversight.

So ordered this 8th day of January, 2015.



Robert G. Guffin, Executive Director
Indiana State Board of Education

NOTICE OF RIGHT TO JUDICIAL REVIEW

Any party aggrieved by the Board's decision may seek judicial review from a civil court with jurisdiction within thirty (30) calendar days of service of the decision.

Copies to:

Dr. Cheryl Pruitt, Superintendent
Gary Community School Corporation
620 E. 10th Place
Gary, IN 46402

(Via email and Priority mail – delivery confirmation)

Bernice Corley, General Counsel
Indiana Department of Education
200 West Washington St., Ste. 225
Indianapolis, IN 46204

Tracy Coleman, Attorney for Gary Community School Corporation
Robert L. Lewis and Associates
2148 W. 11th Ave.
Gary, IN 46404

(Via email and Priority mail – delivery confirmation)

