

**BEFORE THE INDIANA STATE BOARD OF EDUCATION**

**REFERENCE NO: 01-012015**

In re: The Determination of State Tuition Support Funds  
to be withheld from **Indianapolis Public Schools ("IPS")**  
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")<sup>1</sup>, during the course of its regular conduct of business on January 7, 2015, determined the amount of state tuition support that is necessary to fund options for improvement with respect to the turnaround academies<sup>2</sup> 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 four IPS schools. As a result, each of the following schools became a turnaround academy at the beginning of the 2011-2012 school year: Emma Donnan Middle School, Thomas Carr Howe High School, Arlington Community High School, and Emmerich Manual High School.
2. The Indiana Department of Education ("Department") provided IPS with notice of its recommendation for basic tuition support and other fund withholding for January through June 2015 for the four turnaround academies. The basis of the Department's recommendation was the September 2014 ADM count for each of the turnaround academies, multiplied by the per pupil basic tuition support amount plus the vocational education, complexity, special education, and honors funds for which the turnaround academies are eligible.
3. IPS provided a written response to the Department's recommendation on December 19, 2014, concurring with the Department's recommendation.
4. The September 2014 ADM child count for each turnaround academy is:

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<sup>1</sup>Tony 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.

<sup>2</sup> Emma Donnan Middle School, Thomas Carr Howe High School, Arlington Community High School, and Emmerich Manual High School.

Emma Donnan Middle School	337 students
Arlington Community High School	322 students
Emmerich Manual High School	604 students
Thomas Carr Howe High School	640 students

5. The per pupil basic tuition support for IPS for fiscal year 2015 is \$4,861.20. All four academies are eligible for special education and complexity grants. Emmerich Manual High School, Thomas Carr Howe High School, and Arlington Community High School are eligible for honors grants in fiscal year 2015. In addition, Emmerich Manual High School, Thomas Carr Howe High School, and Emma Donnan Middle School are eligible for vocational education funds in fiscal year 2015.

6. Based on the 2014 child count, basic tuition support amounts for the turnaround academies for the 2015 fiscal year are as follows:

Emma Donnan Middle School	\$1,638,224.40
Arlington Community High School	\$1,565,306.40
Emmerich Manual High School	\$2,936,164.80
Thomas Carr Howe High School	\$3,111,168.00

#### **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 academies 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 amounts of state tuition support (basic tuition support plus vocational education funds, complexity, special education and honors grants) are determined to be necessary to fund all of the interventions for improvement of the turnaround academies for January through June 30, 2015:

Emma Donnan Middle School	\$1,335,743.85
Arlington Community High School	\$1,321,580.07
Emmerich Manual High School	\$2,385,217.74
Thomas Carr Howe High School	\$2,431,104.90

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 interventions deemed necessary for the improvement of the turnaround academies is subject to the Board's oversight.

So ordered this 7th day of January, 2015.



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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.

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