



# INDIANA STATE BOARD OF EDUCATION

**To:** Indiana State Board of Education Members  
**From:** Timothy Schultz, General Counsel Indiana State Board of Education  
**Date:** February 14, 2018  
**RE:** Ambassador Christian School Waiver Request

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## I. Summary of the Applicable Law.

Pursuant to IC 20-51-4, certain nonpublic schools may qualify for choice scholarship funds. These qualifying schools are referred to as “eligible schools”.<sup>1</sup> However, eligible schools receiving choice scholarship funds that are placed in the lowest two grade designations for consecutive years will have their ability to receive choice scholarship funds suspended. Indiana Code 20-51-4-9(a) reads:

(a) Except as provided in subsection (b), the department shall enforce the following consequences for an eligible school that is nonpublic:

(1) If the school is placed in either of the lowest two (2) categories or designations under IC 20-31-8-3 for two (2) consecutive years, the department shall suspend choice scholarship payments for one (1) year for new students who would otherwise use a choice scholarship to attend the school.

(2) If the school is placed in either of the lowest two (2) categories or designations under IC 20-31-8-3 for three (3) consecutive years, the department shall suspend choice scholarship payments for new students who would otherwise use a choice scholarship to attend the school until the school is placed in the middle category or higher category or designation, for two (2) consecutive years.

(3) If the school is placed in the lowest category or designation under IC 20-31-8-3 for three (3) consecutive years, the department shall suspend choice scholarship payments for new students who would otherwise use a choice scholarship to attend the school until the school is placed in the middle category or higher category or designation, for three (3) consecutive years.

(4) Students who:

(A) are currently enrolled at a school described in subdivision (1), (2), or (3); and

(B) qualify for a choice scholarship for the upcoming school year; may continue to receive a choice scholarship at the school.

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<sup>1</sup> IC 20-51-1-4.7

“Eligible school” refers to a public or nonpublic elementary school or high school that:

- (1) is located in Indiana;
- (2) requires an eligible choice scholarship student to pay tuition or transfer tuition to attend;
- (3) voluntarily agrees to enroll an eligible choice scholarship student;
- (4) is accredited by either the state board or a national or regional accreditation agency that is recognized by the state board;
- (5) administers the Indiana statewide testing for educational progress (ISTEP) program under IC 20-32-5;
- (6) is not a charter school or the school corporation in which an eligible choice scholarship student has legal settlement under IC 20-26-11; and
- (7) submits to the department only the student performance data required for a category designation under IC 20-31-8-3.

Based on the language contained in IC 20-51-4-9(a), eligible schools are subject to three categories of consequences. Every category of consequences contains four stages: Earn, Learn, Turn, and Return (“ELTR”).

<b><u>Earn</u></b>	<b><u>Learn</u></b>	<b><u>Turn (away)</u></b>	<b><u>Return</u></b>
The years the school <b><u>“earns”</u></b> the grades that result in choice scholarship suspension.	The years a school <b><u>“learns”</u></b> that it has been placed in Category 1-3 of consequences. Alternatively, when the school <b><u>“learns”</u></b> that it has demonstrated sufficient improvement to be taken out of a consequence category.	The years during which a school’s ability to receive new choice scholarship students is suspended. Thus, the school must <b><u>“turn”</u></b> away new students.	The year when new choice scholarship students may <b><u>“return”</u></b> to the school.

### **Category 1 of Consequences**

<b>Year 1 &amp; Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Any combination of D's or F's.	School receives a C or better.	School receives a C or better.	School receives a C or better.
School <b><u>“earns”</u></b> Category 1 of Consequences.	School <b><u>“learns”</u></b> that it received a second consecutive D or F and that its ability to receive new choice scholarship students will be suspended in Year 4.	As the school received a combination of D and F for two consecutive years (Year 1 and Year 2), the school must <b><u>“turn”</u></b> away new choice scholarship students during Year 4. Additionally, the school will <b><u>“learn”</u></b> that it received a C in Year 3 and will be able to accept new students in Year 5.	As the school received a C or better in Year 3, new choice scholarship students may <b><u>“return”</u></b> to the school.

### **Category 2 of Consequences**

<b>Year 1 &amp; Year 2</b>	<b>Year 3</b>	<b>Year 4 &amp; Year 5</b>	<b>Year 6</b>	<b>Year 7</b>
Any combination of D's or F's.		School receives a C or better.	School receives a C or better.	School receives a C or better.
School <b><u>“earns”</u></b> Category 1 of Consequences.	School <b><u>“learns”</u></b> that it received a second consecutive D or F and that its ability to receive new choice scholarship students will be suspended in Year 4.	School <b><u>“learns”</u></b> that it received a third consecutive D or F in Year 3 and is placed in Category 2 of Consequences. Therefore, the school must <b><u>“turn”</u></b> away new choice scholarship students during Year 4 and Year 5.	The school will <b><u>“learn”</u></b> that it received a second consecutive C or better during Year 5, and will be able to accept new students in Year 7.	New choice scholarship students may <b><u>“return”</u></b> to the school.

### Category 3 of Consequences

Year 1 & Year 2	Year 3	Year 4, Year 5, Year 6	Year 7	Year 8
Three consecutive F's		School receives a C or better.	School receives a C or better.	School receives a C or better.
School <b><u>"earns"</u></b> Category 1 of Consequences.	School <b><u>"learns"</u></b> that it received a two consecutive F's and that its ability to receive new choice scholarship students will be suspended in Year 4.	School <b><u>"learns"</u></b> that it received a third consecutive F in Year 3 and is placed in Category 3 of Consequences. Therefore, the school must <b><u>"turn"</u></b> away new choice scholarship students during Year 4, Year 5, & Year 6.	The school will <b><u>"learns"</u></b> that it received a third consecutive C or better during Year 6, and will be able to accept new students in Year 8.	New choice scholarship students may <b><u>"return"</u></b> to the school.

## II. New Legislation.

During a recent legislative session, the legislature enacted P.L. 251, which permits eligible schools to submit a request to the Indiana State Board of Education ("Board") to waive or delay the consequences contained in IC 20-51-4-9(a).<sup>2</sup> Specifically, P.L. 251 amended IC 20-51-4-9 to include the following provision:

(b) An eligible school may submit a request to the state board to waive or delay consequences imposed under subsection (a) for a particular school year. The state 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.** A waiver or delay granted to an eligible school under this subsection is for one (1) school year only. An eligible school must make an additional request under this subsection to the state board to receive further delay or waiver of consequences imposed under subsection (a).

Thus, IC 20-51-4-9 now permits an eligible school to request the ability to avoid consequences and continue accepting new choice scholarship students, despite receiving consecutive D's or F's, if the school can show that a majority of the school's students demonstrated "academic improvement during the preceding school year." It is important to note that the newly added language states that any waiver granted by the Board will be for one year only. The receipt of a waiver does not reset a school's grades. If a school is in a situation in which it needs to achieve three consecutive C's or better, and it is granted a waiver, the school will need to continue asking for waivers until it has received the necessary grades to be taken out of the consequence categories contained in IC 20-51-4-9(a). For example, a school could receive three consecutive F's, and then in its 4<sup>th</sup> year the school could request and be granted a waiver. The school would still need to achieve a C or better for years 5 and 6 in order to be taken out of the consequence categories contained in IC 20-51-4-9(a), unless granted waivers for those years.

## **A. Legal Threshold to Approve a Waiver Request.**

The first issue that must be addressed when the Board is considering a waiver request is whether “the eligible school demonstrates that **a majority of students in the eligible school demonstrated academic improvement during the preceding school year.**” Unfortunately, the amendment does not define academic improvement. Although “academic improvement” is not defined, the State does employ a system to evaluate the overall academic status of schools. Specifically, 511 IAC 6.2-10 details the methodology for calculating school A-F grades. The methodology details numerous data points such as growth, performance, and multiple measures to provide an overall summary of the school’s academic status. In other words, a school’s previous school year grade is the single best indicator of a school’s overall academic status for that year. If a school receives an “F” in one school year, and then receives an “A” or “B” in the immediately subsequent school year, such a change would indicate that a majority of students demonstrated academic improvement.

Relying on a school’s grade not only takes into account multiple factors to measure academic improvement, but also has a practical element. Schools are assigned consequences, per IC 20-51-4-9, based on the grade designations that they receive. As grade designations result in consequences, it is practical to rely on grades to determine whether a school’s waiver request should be granted. Put simply, grades result in consequences, thus it is reasonable to conclude that grades should be used to provide relief from consequences.

## **B. Board Discretion.**

The granting of a waiver is not automatic, even if a school is able to demonstrate that it has satisfied the legal threshold of academic improvement. Instead, the statute states that the “state board *may* grant a request.” This language suggests that the Board has the ability to employ discretion when considering a school’s request. Thus, it is reasonable to conclude that the Board may consider additional factors beyond the school’s grade when considering whether a waiver is appropriate. One factor that the Board could consider is the school’s growth. Growth is a reasonable alternative factor to consider as the growth domain<sup>3</sup> for a single school year is actually comprised of a student’s current and prior year scores. Thus, reviewing student growth figures from one school year allows for the determination of whether the students have shown “academic improvement” over the prior year. Although reviewing a school’s growth data has certain advantages, it does not necessarily provide an overall picture of a school’s academic status.

Reviewing school growth data is only one example of an additional factor the Board may consider when employing its discretion. It is possible that a future law or regulation could be drafted in such a way that it could impose unintended consequences on a particular school, or the State’s assessment system could be altered, etc. Thus, the first question the Board should address is whether a school requesting a waiver has improved its grade designation, but there may be situations in which the Board may consider alternative factors to support a waiver request.

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<sup>3</sup> 511 IAC 6.2-10-1(24) "Growth domain" means the points awarded for scores of an eligible student on the mandatory statewide annual assessment administered in the accountable year, as compared with the scores of the same eligible student on the mandatory statewide annual assessment administered during the school year immediately preceding the accountable year.

### **III. The Waiver Request.**

Ambassador Christian Academy (“Ambassador”) has submitted a waiver request to the Board pursuant to IC 20-51-4-9(b), seeking a waiver for the 2018-19 school year.

#### **A. Ambassador’s Waiver Request (for the 2016-17 school year).**

Ambassador received a “C” for the 2013-14 and 2014-15 school years but received a “D” for the 2015-16 and 2016-17 school years. As Ambassador received a “D” for two consecutive years, its ability to receive choice scholarship funds for new students has been suspended until the school receives a “C” or higher grade. IC 20-51-4-9(a)(1).

Ambassador’s waiver request explains that during the 2016-17 school year it believes that a majority of its students exhibited academic improvement from the preceding school year. The waiver request explains that “the top 75 % of the students showed substantial growth in both ELA (95.2) and math (97.2) and the bottom 25% also showed substantial growth in ELA (125) and moderate growth in math (70). While I recognize there are multiple components that go into the school's overall grade, [Principal Graham-Harris] would be remised not to point out that the growth ACA students attained last year was very strong and moving in the right direction.”

The waiver request also notes that the “current principal has been in education for 18 years and holds a General Administrative Illinois License (K-12) and Illinois licensure in Elementary Education (K-9). Additionally, Mrs. Graham-Harris has obtained endorsements in the Growth Through Learning Teacher Evaluator Modules; Growth (1-5), Non-Growth (1-4) and Observation (1- 3) she is currently working to attain Indiana licensure. Mrs. Graham-Harris also spent the last 4 years working for the American Institutes for Research-Illinois Center for School Improvement supporting state identified priority and focus schools with all aspects of the continuous improvement process. Furthermore, 30% of the teaching staff has been replaced with Indiana certified teachers and the remaining 70% have been given one year to obtain Indiana licensure or provide proof of enrollment in a university accredited program that leads to an Indiana teaching license.” Further, Ambassador “has requested and is working with the Gary School Corporation to develop a partnership with Catapult Learning, where our Title I funds will be utilized to provide direct instruction, interventions and support to our lowest performing students by educators licensed and trained to implement effective strategies to improve student performance.”

**Board Staff Recommendation:** Based on Ambassador’s waiver request, it is evident that the school is taking steps to achieve academic improvement. However, given that Ambassador received a “D” for the 2015-16 and 2016-17 school years, Ambassador’s performance does not establish that a majority of students demonstrated academic improvement during the preceding school year, as required under IC 20-51-4-9(b), and the waiver should not be granted.





# AMBASSADOR CHRISTIAN ACADEMY

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November 21, 2017

On behalf of Ambassador Christian Academy as the newly hired Principal effective August 1, 2017, I am submitting to the State Board a request for a waiver under Ind. Code 20-51-4-9(b). I am submitting the request based on the student growth that was attained during the 2016-2017 school year.

My appeal to you is based on the results that majority of our students exhibiting academic improvement last school year. Specifically, the top 75 % of the students showed substantial growth in both ELA (95.2) and math (97.2) and the bottom 25% also showed substantial growth in ELA (125) and moderate growth in math (70). While I recognize there are multiple components that go into the school's overall grade, I would be remised not to point out that the growth ACA students attained last year was very strong and moving in the right direction.

For the 2017-2018 school year Ambassador Academy is committed to transformation and has begun an intentional continuous improvement process. The process began with the replacement of personnel including the former principal of 9 years.

The current principal has been in education for 18 years and holds a General Administrative Illinois License (K-12) and Illinois licensure in Elementary Education (K-9). Additionally, Mrs. Graham-Harris has obtained endorsements in the Growth Through Learning Teacher Evaluator Modules; Growth (1-5), Non-Growth (1-4) and Observation (1-3) she is currently working to attain Indiana licensure. Mrs. Graham-Harris also spent the last 4 years working for the American Institutes for Research-Illinois Center for School Improvement supporting state identified priority and focus schools with all aspects of the continuous improvement process.

Furthermore, 30% of the teaching staff has been replaced with Indiana certified teachers and the remaining 70% have been given one year to obtain Indiana licensure or provide proof of enrollment in a university accredited program that leads to an Indiana teaching license. Ambassador Academy has also developed a school improvement plan that was submitted to the IDOE in September. The plan outlines the key shifts the school is making to address deficiencies moving forward.

The school is utilizing the Acuity predictive benchmark assessment with fidelity to determine student's strengths and areas of weakness, as well as the alignment of classroom instruction to the state standards and the level of rigor expected.

The school has requested and is working with the Gary School Corporation to develop a partnership with Catapult Learning, where our Title I funds will be utilized to provide direct instruction, interventions and support to our lowest performing students by educators licensed and trained to implement effective strategies to improve student performance.



# AMBASSADOR CHRISTIAN ACADEMY

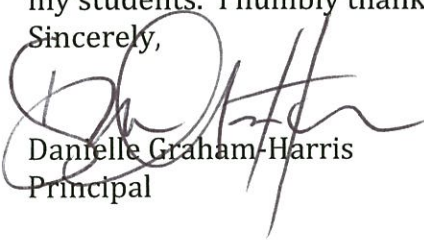
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Additionally, the principal has established committees to develop a guaranteed and viable curriculum to meet the diverse needs of all the learners we serve. Finally, teachers are receiving weekly embedded professional development targeting intentional continuous improvement, the development of an effective data culture, implementation of leadership teams and changing adult practices that will increase student performance and inform classroom instruction.

I strongly believe that approving a waiver for Ambassador Academy that will delay our consequences by one year is the leverage that I need as a new administrator to teach and grow my staff, unite my community and provide the appropriate academic support to grow my students. I humbly thank you in advance for all consideration given to my request.

Sincerely,



Danielle Graham-Harris  
Principal