



INDIANA STATE BOARD OF EDUCATION

To: Indiana State Board of Education Members
From: Timothy Schultz, General Counsel Indiana State Board of Education
Date: December 6, 2017
RE: Recommended A-F Decisions

511 IAC 6.2-10-11 explains:

Sec. 11. A school or school corporation may petition for review of its accountability category placement based on objective factors the school or school corporation considers relevant because the annual assessment data do not accurately reflect school performance, growth, or multiple measures, as applicable. Objective factors include significant demographic changes in the student population, errors in data, or other significant issues including, but not limited to, errors in the application of this rule to determine an accountability category.

The Recommended Decisions provided to the Board for consideration have been drafted and issued by the Indiana Attorney General's Office, on behalf of the Board, pursuant to 511 IAC 6.2-10-11. None of the schools subject to the decisions being considered today have filed an Objection to the Recommended Decision with Board staff. After reviewing the decisions, Board staff recommends approving the Recommended Decisions.

**BEFORE THE INDIANA
STATE BOARD OF EDUCATION**

IN THE MATTER OF:)	
)	
ABRAHAM LINCOLN ELEMENTARY	)	APPEAL PURSUANT TO
SCHOOL (SCHOOL # 3945),	)	511 IAC 6.2-10-11
)	
PETITIONER)	
)	

**COMBINED FINDINGS OF FACT AND CONCLUSIONS OF LAW, AND
RECOMMENDED DECISION**

I. Reason for Appeal

Abraham Lincoln Elementary School appeals its 2016-2017 category placement of a “D” grade, asserting that its special education population was not taken into account; the student mobility rate impacted its students; and significant issues in the community and student homelessness during the 2016-2017 school year also impacted its students.

II. Combined Findings of Fact and Conclusions of Law

1. Abraham Lincoln Elementary School is a public school that is a part of the School City of East Chicago.

2. Abraham Lincoln Elementary School educates students in pre-kindergarten through grade 6.

3. Pursuant to Ind. Code § 20-31-8-4, the Indiana State Board of Education (Board) shall annually place each school in a category or designation of school performance based on the metrics outlines in 511 IAC 6.2-10.

4. Pursuant to 511 IAC 6.2-10-3(d)(2) and (3), the accountability category of Abraham Lincoln Elementary School shall be based on the performance and growth domains, with each domain weighted at half the overall letter grade score.

5. All domains are calculated using the results of “eligible students” as defined by 511 IAC 6.2-10-1(15) including any student who:

- (A) was enrolled at the school for at least one hundred sixty-two (162) days in the accountable year;
- (B) was tested on the mandatory statewide annual assessment, or the end of course assessment;
- (C) was not a limited English proficient student who has been enrolled in schools in the United States for less than twelve (12) months; and
- (D) obtained a valid test result.

511 IAC 6.2-10-1(15).

6. On September 11, 2017, Abraham Lincoln Elementary School received an accountability category placement of a “D” for the 2016-2017 school year.

7. On October 12, 2017, Abraham Lincoln Elementary School timely appealed the Board’s 2016-2017 Accountability Calculation, asserting that a number of factors negatively impacted the performance of its students.

8. The two students that Abraham Lincoln Elementary School cited as being placed in an off-campus behavioral facility were reported as attending 170 days and 169 days respectively during the 2016-2017 school year, and Abraham Lincoln Elementary School was identified as the school of legal settlement and school of accountability for both students. Therefore, both students were properly included in the accountability calculations.

9. The three students cited as being homeless were reported to the state as attending 172 days, 175 days, and 173 days respectively during the 2016-2017 school year. Therefore, all three students were included in the accountability calculation.

10. The School, in its appeal, also stated that its mobility rate was 36% during the accountability period, which has a negative effect on academic, social, and emotional growth of its students. The School also represented that the community where the School is located has

high poverty and crime rates and suffers from industrial pollution, including lead contamination. However, the School did not indicate how such factors should be included in determining its accountability placement, nor is there any statutory or regulatory provision that would permit consideration of these factors.

III. Recommended Decision

The Board's Accountability Category calculation for Abraham Lincoln Elementary School was correct. The Board properly followed 511 IAC 6.2-10 in its calculation. Neither statute nor administrative rule provides for any student to be excluded from the Accountability Calculations due to personal or community issues. Thus, the Board's calculation of a category placement of a "D" was proper and should be sustained.

DATE: November 7, 2017

/s/ Elizabeth M. Littlejohn, Hearing Officer

NOTICE OF APPEAL RIGHT

Petitioner may file objections to the Hearing Officer's Recommended Decision but must do so no later than ten (10) calendar days from the date the Petitioner receives the Recommended Decision. Any objections must be in writing and must state the legal basis for the objection.

Written objections are to be submitted to the Indiana State Board of Education as follows:

ATTN: Timothy A. Schultz, General Counsel
TSchultz1@sboe.in.gov

Certificate of Service

I certify that on November 7, 2017, I served the foregoing Recommended Decision on the following persons at the email addresses shown below.

/s/ Elizabeth M. Littlejohn, Hearing Officer

Nancy Sharp
nsharp@ecps.org

Timothy A. Schultz, General Counsel
Indiana State Board of Education
Email: TSchultz1@sboe.in.gov

Maggie Paino, Director of Accountability
Indiana Department of Education
Email: mpaino@doe.in.gov

**BEFORE THE INDIANA
STATE BOARD OF EDUCATION**

IN THE MATTER OF:)	
)	
AMBASSADOR CHRISTIAN	)	APPEAL PURSUANT TO
ACADEMY (SCHOOL # B806),	)	511 IAC 6.2-10-11
)	
PETITIONER)	
)	

**COMBINED FINDINGS OF FACT AND CONCLUSIONS OF LAW, AND
RECOMMENDED DECISION**

I. Reason for Appeal

Ambassador Christian Academy appeals its 2016-2017 category placement of a “D” grade (68.7 points), asserting that it did not realize it would receive consequences for its accountability determination this year.

II. Combined Findings of Fact and Conclusions of Law

1. Ambassador Christian Academy is a nonpublic school in Gary, Indiana, that holds Indiana Freeway accreditation status (see Ind. Code § 20-26-15 *et seq.*) and participates in the Indiana Choice Scholarship Program.

2. Ambassador Christian Academy educates students in prekindergarten through grade 8.

3. Pursuant to Ind. Code § 20-31-8-4, the Indiana State Board of Education (Board) shall annually place each school in a category or designation of school performance based on the metrics outlines in 511 IAC 6.2-10.

4. Indiana Code § 20-51-1-4.7 requires Choice-participant schools to submit data to the Indiana Department of Education (Department) in order to calculate their accountability category designations.

5. Pursuant to 511 IAC 6.2-10-3(d)(2) and (3), the accountability category of Ambassador Christian Academy shall be based on the performance and growth domains with each weighted at 50% of the overall letter grade score.

6. Both domains are calculated using the results of “eligible students” as defined by 511 IAC 6.2-10-1(15) including any student who:

- (A) was enrolled at the school for at least one hundred sixty-two (162) days in the accountable year;
- (B) was tested on the mandatory statewide annual assessment, or the end of course assessment;
- (C) was not a limited English proficient student who has been enrolled in schools in the United States for less than twelve (12) months; and
- (D) obtained a valid test result.

511 IAC 6.2-10-1(15).

7. On September 11, 2017, Ambassador Christian Academy received an accountability category placement of a “D” for the 2016-2017 school year (68.7 points).

8. On October 12, 2017, Ambassador Christian Academy timely appealed the Board’s 2016-2017 Accountability Calculation, stating that it did not realize it would receive consequences for its accountability determination this year.

9. Pursuant to Ind. Code § 20-51-4-9(b), an eligible school may submit a request to the Indiana State Board of Education to waive or delay consequences imposed for a particular school year.

10. The Board may grant a request to an eligible school that requests a waiver or delay under this subsection if the school demonstrates that a majority of its students in the eligible school demonstrated academic improvement during the preceding school year.

11. Ambassador Christian Academy appears to be requesting a waiver and has demonstrated that its students demonstrated improved growth last year.

12. Ambassador Christian Academy received incorrect information from a representative at the Department as to when it would begin receiving consequences for its performance. The Department representative corrected the guidance provided, resulting in this appeal. Thus, this confusion does not rest entirely with Ambassador Christian Academy.

13. A waiver or delay granted to an eligible school is for one school year only. An eligible school must make an additional request under Ind. Code § 20-51-4-9(b) to the Board to receive further delay or waiver of consequences imposed.

III. Recommended Decision

The Board's Accountability Category calculation for Ambassador Christian Academy was accurate. The Board followed 511 IAC 6.2-10 in its calculation. Thus, the Board's calculation of a category placement of a "D" (68.7 points) should be sustained.

Although the School requested only a review of its category placement, Ambassador Christian Academy may request a waiver under Ind. Code §20-51-4-9(b).¹ The School represents in its appeal that the majority of its students exhibited academic improvement during the school year in question, but this is not part of the appeal of its accountability category designation. The School will need to apply to the State Board separately in this regard. Should the Board wish to grant the waiver or delay the consequences for Ambassador Christian Academy, the Board could waive the accountability determination or delay the consequences for one school year.

DATE: November 17, 2017

/s/ Elizabeth M. Littlejohn, Hearing Officer

¹ "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)."

NOTICE OF APPEAL RIGHT

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ATTN: Timothy A. Schultz, General Counsel
TSchultz1@sboe.in.gov

Certificate of Service

I certify that on November 17, 2017, I served the foregoing Recommended Decision on the following persons at the email addresses shown below.

/s/ Elizabeth M. Littlejohn, Hearing Officer

Danielle Graham-Harris
dharris@ambassadoracademy.net

Timothy A. Schultz, General Counsel
Indiana State Board of Education
Email: TSchultz1@sboe.in.gov

Maggie Paino, Director of Accountability
Indiana Department of Education
Email: mpaino@doe.in.gov

**BEFORE THE INDIANA
STATE BOARD OF EDUCATION**

IN THE MATTER OF:)	
)	
ANDERSON CHRISTIAN SCHOOL	)	APPEAL PURSUANT TO
(SCHOOL # C250),	)	511 IAC 6.2-10-11
)	
PETITIONER)	
)	

**COMBINED FINDINGS OF FACT AND CONCLUSIONS OF LAW, AND
RECOMMENDED DECISION**

I. Reason for Appeal

Anderson Christian School appeals its 2016-2017 category placement of a “D” grade (67.5 points), asserting that it did not believe its accountability calculation, which excluded its grade 10 ISTEP+ scores and its graduation rate, accurately portrayed the school’s performance.

II. Combined Findings of Fact and Conclusions of Law

1. Anderson Christian School is a nonpublic school in Anderson, Indiana, that participates in the Indiana Choice Scholarship Program.
2. Anderson Christian School educates students in prekindergarten through grade 12.
3. Pursuant to Ind. Code § 20-31-8-4, the Indiana State Board of Education (Board) shall annually place each school in a category or designation of school performance based on the metrics outlines in 511 IAC 6.2-10.
4. Indiana Code § 20-51-1-4.7 requires Choice-participant schools to submit data to the Indiana Department of Education (Department) in order to determine their accountability category designations.

5. Pursuant to 511 IAC 6.2-10-3(d)(2) through (4), the accountability category of Anderson Christian School shall be based on the performance, growth, and multiple measures domains, where data are available.

6. For a school that serves grade levels in both the 3 through 8 and 9 through 12 spans, the domains are weighted based on enrollment percentage in those grade levels.

7. All domains are calculated using the results of “eligible students” as defined by 511 IAC 6.2-10-1(15) including any student who:

- (A) was enrolled at the school for at least one hundred sixty-two (162) days in the accountable year;
- (B) was tested on the mandatory statewide annual assessment, or the end of course assessment;
- (C) was not a limited English proficient student who has been enrolled in schools in the United States for less than twelve (12) months; and
- (D) obtained a valid test result.

511 IAC 6.2-10-1(15).

8. Pursuant to 511 IAC 6.2-10-1(32), participation means “to complete and obtain a valid test result for the mandatory statewide annual assessment.”

9. Further, 511 IAC 6.2-10-1(33) defines the participation rate as the percentage of students enrolled in tested grades at the time of the test administration who completed the mandatory statewide annual assessment.

10. 511 IAC 6.2-10-4(b)(2) and (3) and 511 IAC 6.2-10-4(c)(2) and (3) indicate that if a school does not have at least 30 eligible students in the accountability year, the school’s performance domain score shall be calculated based on the aggregated assessment results of the current and prior years until there are at least 30 eligible students to calculate the performance domain.

11. During the 2016-2017 school year, only one eligible student was enrolled in the 10th grade cohort at Anderson Christian School.

12. The total number of eligible students in the 10th grade cohort after aggregating back to the first year Anderson Christian School reported data to the Indiana Department of Education (Department) is five (5) students.

13. Therefore, grade 10 could not be included in the school's performance domain because Anderson Christian School did not meet the minimum number of students required to calculate a statistically valid and reliable score.

14. Pursuant to 511 IAC 6.2-10-5(b)(2) and (c)(2), a school must have at least 40 eligible students in an accountable year to calculate a growth domain score. If a school does not have at least 40 eligible students in the accountable year, then the school's growth domain shall be based on the results of a cumulative aggregate of eligible students from prior school years. If after aggregating all years of available data, a school is unable to have at least 40 eligible students, then the school will not receive a growth domain score because data are not available.

15. During the 2016-2017 school year, one student was enrolled in the 10th grade cohort at Anderson Christian School. Because 2016-2017 is the first year that growth could be calculated for grade 10, there are no previous data to aggregate. Therefore, grade 10 could not be included in the School's growth domain score because it did not meet the minimum number of students required to calculate a statistically valid and reliable score.

16. Pursuant to 511 IAC 6.2-10-6(b)(1)(B) and 511 IAC 6.2-10-6(c)(1)(A), a school must have at least 10 students in the most recently finalized graduation cohort to calculate a multiple measures domain score. If a school does not have at least 10 students, then the school's multiple measures domain shall be based on the aggregate of students in prior year cohorts. If

after aggregating all years of available data, a school is unable to have at least 10 students, then the school will not receive a multiple measures domain score.

17. During the 2016-2017 school year, only one student was in the graduation cohort. The total number of students after aggregating back to the first year for which Anderson Christian School reported data to the Department is four (4) students. Therefore, the multiple measures domain score could not be calculated because the school did not meet the minimum number of students required to calculate a statistically valid and reliable score.

18. On September 11, 2017, Anderson Christian School received an accountability category placement of a “D” for the 2016-2017 school year (67.5 points).

19. On October 16, 2017, Anderson Christian School timely appealed the Board’s 2016-2017 Accountability Calculation, asserting that it did not believe its accountability calculation, which excluded its grade 10 ISTEP+ scores and its graduation rate, accurately portrayed the school’s performance.

20. Although, Anderson Christian School did not have enough students in its 2016 cohort or grade 10 to calculate the performance, growth, and multiple measures domain for its grade 9 through 12 students, its grade was based on the performance and growth of its grade 3 through 8 students.

21. During the 2016-2017 school year, Anderson Christian School had 29 students in grades 3 through 8 or 82.86%, and 6 students in grades 9 through 12 or 17.14%.

22. Pursuant to Ind. Code § 20-51-1-4.7, Anderson Christian School must be placed in an accountability category unless it meets the requirements of a low-population school as stated in Ind. Code § 20-31-8-3(b). This requirement is further explained in 511 IAC 6.2-10-3(g)

by stating: “If a school has too few students for an accountability category to be calculated, its accountability category shall be ‘null.’”

23. Anderson Christian School had enough students in grades 3 through 8 to calculate an accountability category. Thus, it is not eligible for a null grade.¹

III. Recommended Decision

The Board’s Accountability Category calculation for Anderson Christian School is accurate. The Board followed 511 IAC 6.2-10 in its calculation. Although, Anderson Christian School did not have enough students in grades 9 through 12 to measure performance, growth, and the multiple measures domains for those grades, it did have enough students in grades 3 through 8 and thus was assigned an accountability category based on those students. Due to the amount of students in grades 3 through 8, Anderson Christian School was not eligible for a “null” grade. Thus, the Board’s calculation of a category placement of a “D” (67.5 points) should be sustained.

DATE: November 17, 2017

/s/ Elizabeth M. Littlejohn, Hearing Officer

¹ It should also be noted that Anderson Christian School’s student population is mostly made up of students in grades 3 through 8 (82.86%), and thus this accountability category determination accurately reflects the majority of its population.

NOTICE OF APPEAL RIGHT

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ATTN: Timothy A. Schultz, General Counsel
TSchultz1@sboe.in.gov

Certificate of Service

I certify that on November 17, 2017, I served the foregoing Recommended Decision on the following persons at the email addresses shown below.

/s/ Elizabeth M. Littlejohn, Hearing Officer

Sheilia Arvin
sarvin@acs-soldiers.com

Timothy A. Schultz, General Counsel
Indiana State Board of Education
Email: TSchultz1@sboe.in.gov

Maggie Paino, Director of Accountability
Indiana Department of Education
Email: mpaino@doe.in.gov

**BEFORE THE INDIANA
STATE BOARD OF EDUCATION**

IN THE MATTER OF:)	
)	
BENJAMIN HARRISON ELEMENTARY )	)	APPEAL PURSUANT TO
SCHOOL (SCHOOL # 3941), )	)	511 IAC 6.2-10-11
)	
PETITIONER))	
)	

**COMBINED FINDINGS OF FACT AND CONCLUSIONS OF LAW, AND
RECOMMENDED DECISION**

I. Reason for Appeal

Benjamin Harrison Elementary School appeals its 2016-2017 category placement of a “D” grade, asserting that seven students should be excluded from the accountability calculation because they were dealing with circumstances beyond their control that may have caused stress and anxiety.

Combined Findings of Fact and Conclusions of Law

1. Benjamin Harrison Elementary School is a public school that is part of the School City of East Chicago.
2. Benjamin Harrison Elementary educates students in prekindergarten through grade 6.
3. Pursuant to Ind. Code § 20-31-8-4, the Indiana State Board of Education (Board) shall annually place each school in a category or designation of school performance based on the metrics outlines in 511 IAC 6.2-10.
4. Pursuant to 511 IAC 6.2-10-3(d)(2) and (3), the accountability category of Benjamin Harrison Elementary School shall be based on the performance and growth domains, with each domain weighted at half the overall letter grade score.

5. Both domains are calculated using the results of “eligible student” as defined by 511 IAC 6.2-10-1(15), including any student who:

- (A) was enrolled at the school for at least one hundred sixty-two (162) days in the accountable year;
- (B) was tested on the mandatory statewide annual assessment, or the end of course assessment;
- (C) was not a limited English proficient student who has been enrolled in schools in the United States for less than twelve (12) months; and
- (D) obtained a valid test result.

511 IAC 6.2-10-1(15).

6. On September 11, 2017, Benjamin Harrison Elementary School received an accountability category placement of a “D” for the 2016-2017 school year (69.5 points).

7. On September 25, 2017, Benjamin Harrison Elementary School timely appealed the Board’s 2016-2017 Accountability Calculation, stating that seven (7) students should be excluded from the accountability calculation because they were dealing with circumstances beyond their control that may have caused stress and anxiety (child welfare issues, homelessness, death of a close relative, family discord).

8. Each of the seven (7) students Benjamin Harrison Elementary School requested to be excluded were “eligible students” during the 2016-2017 school year.

- a. Student 1 was enrolled for 179 days, took both the English/language arts and Math assessments, received valid test results, and was not a recently arrived English learner. Student 1 did not have two consecutive English/language arts test results, and was not included in the English/language arts growth score. Student 1 was not included in the original calculation and, as a consequence, need not be considered in any recalculation.

- b. Student 2 was enrolled for 179 days, took both the English/language arts and Math assessments, received valid test results for two consecutive years, and was not a recently arrived English learner.
- c. Student 3 was enrolled for 179 days, took both the English/language arts and Math assessments, received valid test results for two consecutive years, and was not a recently arrived English learner.
- d. Student 4 was enrolled for 178 days, took both the English/language arts and Math assessments, received valid test results for two consecutive years, and was not a recently arrived English learner.
- e. Student 5 was enrolled for 178 days, took both the English/language arts and Math assessments, received valid test results, and was not a recently arrived English learner. Student 5 did not have two consecutive math test results and was not eligible to be included in the math growth score. Student 5 was not included in the original calculation and need not be considered in this appeal.
- f. Student 6 was enrolled for 179 days, took both the English/language arts and Math assessments, received valid test results for two consecutive years, and was not a recently arrived English learner.
- g. Student 7 was enrolled for 179 days, took the math assessment and received a valid test result, and was not a recently arrived English learner. The student did not receive a valid test result for English/language arts and thus was not eligible to be included in the English/language arts performance or growth scores. Student 7 was not included in the original calculation and need not be considered in this appeal.

II. Recommended Decision

The Board's Accountability Category calculation for Benjamin Harrison Elementary School was correct. The Board properly followed 511 IAC 6.2-10 in its calculation. All of the seven (7) students that Benjamin Harrison Elementary School claimed should be excluded were either "eligible students" under 511 IAC 6.2-10-1(15) or excluded in the original calculation (Students 1, 5, and 7), and therefore were properly included or excluded in the Accountability Calculation. The Board's calculation of a category placement of a "D" was proper and should be sustained.

DATE: October30, 2017

/s/ Kevin C. McDowell, Hearing Officer

NOTICE OF APPEAL RIGHT

Petitioner may file objections to the Hearing Officer's Recommended Decision but must do so no later than ten (10) calendar days from the date the Petitioner receives the Recommended Decision. Any objections must be in writing and must state the legal basis for the objection. Written objections are to be submitted to the Indiana State Board of Education as follows:

ATTN: Timothy A. Schultz, General Counsel
TSchultz1@sboe.in.gov

Certificate of Service

I certify that on October 30, 2017, I served the foregoing Recommended Decision on the following persons at the email addresses shown below.

/s/ Kevin C. McDowell, Hearing Officer

Jessica Peters
jpeters@ecps.org

Timothy A. Schultz, General Counsel
Indiana State Board of Education
Email: TSchultz1@sboe.in.gov

Maggie Paino, Director of Accountability
Indiana Department of Education
Email: mpaino@doe.in.gov

**BEFORE THE INDIANA
STATE BOARD OF EDUCATION**

IN THE MATTER OF:)	
)	
BROOKS SCHOOL ELEMENTARY	)	APPEAL PURSUANT TO
(SCHOOL # 2466),	)	511 IAC 6.2-10-11
)	
PETITIONER)	
)	

**COMBINED FINDINGS OF FACT AND CONCLUSIONS OF LAW, AND
RECOMMENDED DECISION**

I. Reason for Appeal

Brooks School Elementary appeals its 2016-2017 category placement of a “B” grade, asserting that six (6) students that had “test issues” that impacted its Accountability Calculation.¹

Combined Findings of Fact and Conclusions of Law

1. Brooks School Elementary is a public school that is part of Hamilton Southeastern Schools.
2. Brooks School Elementary educates students in prekindergarten through grade 4.
3. Pursuant to Ind. Code § 20-31-8-4, the Indiana State Board of Education (Board) shall annually place each school in a category or designation of school performance based on the metrics outlines in 511 IAC 6.2-10.
4. Pursuant to 511 IAC 6.2-10-3(d)(2) and (3), the accountability category of Brooks School Elementary shall be based on the performance and growth domains, with each domain weighted at half the overall letter grade score.
5. Both domains are calculated using the results of “eligible students” as defined by 511 IAC 6.2-10-1(15), including any student who:

¹ The School also checked other categories on its online appeal request, but it only addressed the negative impact on student test performance. As a consequence, only this issue is addressed herein.

- (A) was enrolled at the school for at least one hundred sixty-two (162) days in the accountable year;
- (B) was tested on the mandatory statewide annual assessment, or the end of course assessment;
- (C) was not a limited English proficient student who has been enrolled in schools in the United States for less than twelve (12) months; and
- (D) obtained a valid test result.

511 IAC 6.2-10-1(15).

6. On September 11, 2017, Brooks School Elementary received an accountability category placement of a “B” for the 2016-2017 school year (89.7).

7. On September 18, 2017, Brooks School Elementary timely appealed the Board’s 2016-2017 Accountability Calculation, stating that six (6) students had testing issues that impacted its Accountability Calculation.

8. Three of the six students were not “eligible students” and were excluded from Brook School Elementary’s Accountability Calculation.

a. Student 1 was enrolled for 133 days before moving or withdrawing from the school. Student 1 did not receive a valid test result because the student did not complete the assessment. Therefore, the student did not meet the definition of an “eligible student” and was excluded from accountability calculations altogether.

b. Student 2 was enrolled for 144 days, was withdrawn from the school to be homeschooled, and did not receive a valid test result because the student did not complete the assessment. Therefore, the student did not meet the definition of an “eligible student” and was excluded from accountability calculations altogether.

- c. Student 3 was enrolled for 20 days and did not receive a valid test result.

Student 3 took the test in a small group with the English as a New Language (ENL) teacher, but the test results were undetermined. Therefore, the student did not meet the definition of an “eligible student” and was excluded from accountability calculations altogether. Notably, Brooks School Elementary provided no documentation that the student completed the assessment, and the Department has no data on record to demonstrate the student should have received a valid test result.

9. Student 4 was not an “eligible student” because he/she was only enrolled for 128 days and was not included in the Accountability Calculations. Student 4 was homeless during the testing period and was in shelters. However, the student was enrolled during and did complete and receive a valid test result. Thus, the student was included in the participation rate calculation and was counted toward the school’s participation rate (giving Brook School Elementary credit for the student).

10. Two of the six students were “eligible students” and were included in the Accountability Calculation.

- a. Student 5 was enrolled for 179 days, took both the English/language arts and Math assessments, received valid test results for two consecutive years, and was not a recently arrived English learner.
- b. Student 6 was enrolled for 179 days, took both the English/language arts and Math assessments, received valid test results for two consecutive years, and was not a recently arrived English learner.

II. Recommended Decision

The Board's Accountability Category calculation for Brooks School Elementary was correct. The Board properly followed 511 IAC 6.2-10 in its calculation. Each of the six (6) students was either properly excluded or included in the Accountability Calculation based on their "eligible student" status under 511 IAC 6.2-10-1(15). Although a category for seeking review of a school's A-F category placement includes "Action that impacted Student Performance on the Assessment," this is somewhat misleading: Neither statute nor regulation provides for a student to be excluded from the Accountability Calculations due to personal issues. Thus, the Board's calculation of a category placement of a "B" was proper and should be sustained.

DATE: October 30, 2017

/s/ Kevin C. McDowell, Hearing Officer

NOTICE OF APPEAL RIGHT

Petitioner may file objections to the Hearing Officer’s Recommended Decision but must do so no later than ten (10) calendar days from the date the Petitioner receives the Recommended Decision. Any objections must be in writing and must state the legal basis for the objection. Written objections are to be submitted to the Indiana State Board of Education as follows:

ATTN: Timothy A. Schultz, General Counsel
TSchultz1@sboe.in.gov

Certificate of Service

I certify that on October 30, 2017, I served the foregoing Recommended Decision on the following persons at the email addresses shown below.

/s/ Kevin C. McDowell, Hearing Officer

Dana Kaminski
dkaminski@hse.k12.in.us

Timothy A. Schultz, General Counsel
Indiana State Board of Education
Email: TSchultz1@sboe.in.gov

Maggie Paino, Director of Accountability
Indiana Department of Education
Email: mpaino@doe.in.gov

**BEFORE THE INDIANA
STATE BOARD OF EDUCATION**

IN THE MATTER OF:)	
)	
CALUMET CHRISTIAN SCHOOL	)	APPEAL PURSUANT TO
(SCHOOL # B815),	)	511 IAC 6.2-10-11
)	
PETITIONER)	
)	

**COMBINED FINDINGS OF FACT AND CONCLUSIONS OF LAW, AND
RECOMMENDED DECISION**

I. Reason for Appeal

Calumet Christian School appeals its 2016-2017 category placement of an “F” grade, asserting that (1) there should be a rescore of its students’ ISTEP scores; (2) it was negatively impacted by not receiving a performance and growth domain score but rather receiving a multiple measures domain score; (3) two students who transferred into Calumet Christian School should be excluded from its graduation rate, while one student is now being homeschooled and should be excluded; (4) it continues to experience large demographic and student transitions; and (5) the steps it has taken to implement college and career readiness programs should be taken into consideration.

Combined Findings of Fact and Conclusions of Law

1. Calumet Christian School is a nonpublic school located in Griffith, Indiana, that participates in the Indiana Choice Scholarship Program under Ind. Code § 20-51 *et seq.*
2. Calumet Christian School educates students in prekindergarten through grade 12.
3. Pursuant to Ind. Code § 20-31-8-4, the Indiana State Board of Education (Board) shall annually place each school in a category or designation of school performance based on the metrics outlines in 511 IAC 6.2-10.

4. Indiana Code § 20-51-1-4.7 requires Indiana Choice Scholarship participant schools to submit data to the Indiana Department of Education (Department) necessary for a category designation under Ind. Code 20-31-8-3.

5. Pursuant to 511 IAC 6.2-10-3(d)(4)(A)(i) and 511 IAC 6.2-10-3(d)(4)(B)(i), the graduation rate score and the college and career readiness achievement score, which collectively make up the multiple measures domain, shall each be weighted at 50% of the overall accountability category for a school lacking sufficient data points to calculate both the performance and growth domains.

6. Calumet Christian School did not have enough data to calculate the performance and growth domains, but it did have enough data to calculate the multiple measures domain, and thus that method was used in its Accountability Calculation.

7. The graduation rate score and the college and career readiness achievement score are based on the graduation rate calculation outlined in Ind. Code § 20-26-13 *et seq.*

8. Students are identified for inclusion in the graduation rate calculation based on whether they are part of a cohort at the school. A cohort is defined under Ind. Code § 20-26-13-2 as a class of students who attend the same high school, and are first considered to have entered grade 9 in the same year, or those who have later enrolled and have the same expected graduation year as other students in the cohort. Students who entered the cohort at Calumet Christian School after their 9th grade year, but will graduate at the same time as the cohort was expected to graduate, are included in the graduation calculation. See also 511 IAC 6.2-10-1(22), defining “graduation cohort.”

9. Any student who was a part of the 2016-2017 graduation cohort who did not graduate but who graduates with the 2017-2018 cohort will be included in the five-year graduation rate improvement score for the 2017-2018 accountability.

10. In order to remove a student from a cohort because the student has transferred or is now homeschooled or in another non-accredited nonpublic school, a school must report an exit code that corresponds to that student's situation.

11. The college and career readiness achievement score shall be the product of the college and career readiness achievement rate and the state college and career readiness factors listed in 511 IAC 6.2-10-6(b)(1).

12. Pursuant to 511 IAC 6.2-10-3(a), the Board shall annually place a school in an accountability category.

13. On September 11, 2017, Calumet Christian School received an accountability category placement of an "F" for the 2016-2017 school year.

14. Prior to the appeal decision, the Department performed an audit review to determine any errors in data based on the new or revised information supplied by the school.

15. On September 25, 2017, Calumet Christian School timely appealed the Board's 2016-2017 Accountability Calculation stating that (1) it requests a rescore of its students' ISTEP scores; (2) it was negatively impacted by not receiving a performance and growth domain score but receiving a multiple measures domain score instead; (3) two students who transferred into Calumet Christian School should be excluded from its graduation rate, and one student is now being homeschooled and should be excluded; (4) it continues to experience large demographic and student transition; and (5) the steps it has taken to implement college and career readiness programs should be taken into consideration.

16. In its appeal, Calumet Christian School failed to submit any exit code for the data of the one student who it claims left the 2015 cohort to be homeschooled.

17. Pursuant to Ind. Code § 20-32-5-9(a), a student's parent may request a rescoring of a student's responses to an ISTEP+ program test, including a student's essay. The right to request a rescore belongs with the parent and not the school.

II. Recommended Decision

The Board's Accountability Category calculation for Calumet Christian School was correct. The Board properly followed 511 IAC 6.2-10 in its calculation. As to Calumet Christian School's reasons for appeal, first, the right to request a rescore of an ISTEP test rests with the parent and not the school, and, in any event, the window for rescoring has passed. Second, if a school does not have enough data to calculate the performance and growth domains, pursuant to 511 IAC 6.2-10-3, the multiple measures domain should be used to determine the Accountability Category. Third, all students who are a part of the same cohort of students who graduated during the 2016-2017 school year are included in the graduation rate calculation. Further, Calumet Christian School had the opportunity to designate an exit code for the student it represents was withdrawn to be homeschooled but it did not do so. The graduation rates are now final and published. Fourth, new implementations in the 2017-2018 school year will be accounted for in the 2017-2018 Accountability Calculation. Lastly, demographic changes and student transitions occur at many schools, but they are not factored into the Accountability Calculation. Thus, the Board's calculation of a category placement of an "F" was proper and should be sustained.

DATE: October 30, 2017

/s/ Kevin C. McDowell, Hearing Officer

NOTICE OF APPEAL RIGHT

Petitioner may file objections to the Hearing Officer’s Recommended Decision but must do so no later than ten (10) calendar days from the date the Petitioner receives the Recommended Decision. Any objections must be in writing and must state the legal basis for the objection. Written objections are to be submitted to the Indiana State Board of Education as follows:

ATTN: Timothy A. Schultz, General Counsel
TSchultz1@sboe.in.gov

Certificate of Service

I certify that on October 30, 2017, I served the foregoing Recommended Decision on the following persons at the email addresses shown below.

/s/ Kevin C. McDowell, Hearing Officer

Stephen Lindahl
slindahl@ccspatriots.org

Timothy A. Schultz, General Counsel
Indiana State Board of Education
Email: TSchultz1@sboe.in.gov

Maggie Paino, Director of Accountability
Indiana Department of Education
Email: mpaino@doe.in.gov

**BEFORE THE INDIANA
STATE BOARD OF EDUCATION**

IN THE MATTER OF:)	
)	
CEDAR CREST INTERMEDIATE	)	APPEAL PURSUANT TO
SCHOOL (SCHOOL # 1586),	)	511 IAC 6.2-10-11
)	
PETITIONER)	
)	

**COMBINED FINDINGS OF FACT AND CONCLUSIONS OF LAW, AND
RECOMMENDED DECISION**

I. Reason for Appeal

Cedar Crest Intermediate School appeals its accountability category because it was only 1.0 point away from receiving an “A” letter grade for the 2016-2017 school year.

II. Combined Findings of Fact and Conclusions of Law

1. Cedar Crest Intermediate School is a public school that is a part of Southeast Dubois County School Corporation.
2. Cedar Crest Intermediate School educates students in grades 5 and 6.
3. Pursuant to Ind. Code § 20-31-8-4, the Indiana State Board of Education (Board) shall annually place each school in a category or designation of school performance based on the metrics outlined in 511 IAC 6.2-10.
4. Pursuant to 511 IAC 6.2-10-3(d)(2) and (3), the accountability category of Cedar Crest Intermediate School shall be based on the performance and growth domains, with each domain weighted at half the overall letter grade score.
5. 511 IAC 6.2-10-4 outlines the calculation for the performance domain, and indicates that points are awarded for the performance domain based on the product of the subject

area pass rate and participation rate. The subject area scores of English/language arts and mathematics are then weighed equally to yield the overall performance domain score.

6. 511 IAC 6.2-10-5 outlines the calculation of the growth domain, and indicates that points are awarded for the growth domain based on the average growth scores of students performing in the top 75% of students at the school in the respective subject areas and of students performing in the bottom 25% of students at the school in the respective subject areas.

7. Growth points are awarded to individual students based on the type of movement that student made from the prior to current school year. A student may demonstrate low, typical, or high movement.

- a. Low movement means that the student did not make the expected growth from year to year.
- b. Typical movement means the student met the expected growth from year to year.
- c. High movement means the student exceeding the expected growth from year to year.

8. Point values are assigned to each prior year status and movement type contained in the growth proficiency table under 511 IAC 6.2-10-2. In order to determine the type of movement a student made, a student growth percentile is identified for the student. This percentile is determined by identifying all students in the state who were similarly situated in the prior school year and then ranking that cohort of students based on their current year performance on the assessment.

9. It is possible to show improvement in proficiency rates and yet see a decrease in growth scores given the way growth is calculated.

10. The 6th grade students at Cedar Crest Intermediate School had the following breakdown of students in each type of growth movement:

	Top 75% in Math	Bottom 25% in Math
Low Movement	92.9%	66%
Standard Movement	5.7%	20.8%
High Movement	1.4%	6.5%

11. Cedar Crest Intermediate School received an accountability category of a “B.”

The calculation was as follows:

Performance Domain Score			
1. English/language arts score			
Pass Rate	83.3%	83.3 * 1 ¹ = 83.3	
Participation Rate	100%		
2. Mathematics score			
Pass Rate	89.0%	89.0 * 1 = 89.0	
Participation Rate	99.4%		
3. Total Performance Domain Score	$\frac{83.3 + 89.0}{2} = 86.20$		

Growth Domain Score			
1. English/language arts score			
Top 75% growth	99.6	$\frac{99.6 + 97.7}{2} = 98.7$	
Bottom 25% growth	97.7		
2. Mathematics score			
Top 75% growth	72.0	$\frac{72.0 + 97.8}{2} = 84.9$	
Bottom 25% growth	97.8		
3. Total Growth Domain Score	$\frac{98.7 + 84.9}{2} = 91.8$		

Overall Accountability Calculation	
$\frac{86.20 + 91.8}{2} = 89.0 = B$	

¹ Under 511 IAC 6.2-10-4(b)(4)(A), “[i]f the assessment participation rate on the English/language arts portion of the mandatory annual assessments is greater than or equal to ninety-five (95%), then the participation rate shall be one (1).”

12. On October 9, 2017, Cedar Crest Intermediate School timely appealed the Board's 2016-2017 Accountability Calculation, stating that it was only 1.0 point away from an "A."²

III. Recommended Decision

The Board's Accountability Category calculation for the Cedar Crest Intermediate School was correct. The Board properly followed 511 IAC 6.2-10 in its calculation. Although Cedar Crest Intermediate School was only 1.0 point away from an "A," it cannot be moved up to an "A" accountability grade without a finding that a miscalculation occurred. Accordingly, the Board's calculation of a category placement of a "B" was proper.

DATE: November 7, 2017

/s/ Elizabeth M. Littlejohn, Hearing Officer

NOTICE OF APPEAL RIGHT

Petitioner may file objections to the Hearing Officer's Recommended Decision but must do so no later than ten (10) calendar days from the date the Petitioner receives the Recommended Decision. Any objections must be in writing and must state the legal basis for the objection. Written objections are to be submitted to the Indiana State Board of Education as follows:

ATTN: Timothy A. Schultz, General Counsel
TSchultz1@sboe.in.gov

² The School, in its appeal, also requested certain information regarding statewide sixth-grade growth results for mathematics. This is not relevant to an appeal of the School's accountability classification; as a consequence, this part of the School's appeal will not be addressed in this decision.

Certificate of Service

I certify that on November 7, 2017, I served the foregoing Recommended Decision on the following persons at the email addresses shown below.

/s/ Elizabeth M. Littlejohn, Hearing Officer

Mark Jahn

Mark.jahn@sedubois.k12.in.us

Timothy A. Schultz, General Counsel

Indiana State Board of Education

Email: TSchultz1@sboe.in.gov

Maggie Paino, Director of Accountability

Indiana Department of Education

Email: mpaino@doe.in.gov

**BEFORE THE INDIANA
STATE BOARD OF EDUCATION**

IN THE MATTER OF:)	
)	
CLAY HIGH SCHOOL	)	APPEAL PURSUANT TO
(SCHOOL # 7421),	)	511 IAC 6.2-10-11
)	
PETITIONER)	
)	

**COMBINED FINDINGS OF FACT AND CONCLUSIONS OF LAW, AND
RECOMMENDED DECISION**

I. Reason for Appeal

Clay High School appeals its 2016-2017 category placement of a “C” grade (79.8 points), asserting that it had not yet received the official ISTAR student-level report from the assessment vendor, adding that four (4) students “likely passed” the ISTAR based on their academic history. Clay High School also submitted an audit to review the inclusion of six (6) students in the accountability roster for the 2016-2017 calculations and to change the status of students in the 2016 graduation cohort.

II. Combined Findings of Fact and Conclusions of Law

1. Clay High School is a public school that is a part of the South Bend School Corporation.
2. Clay High School educates students in grades 9 through 12.
3. Pursuant to Ind. Code § 20-31-8-4, the Indiana State Board of Education (Board) shall annually place each school in a category or designation of school performance based on the metrics outlines in 511 IAC 6.2-10.
4. Pursuant to 511 IAC 6.2-10-3(d)(2) and (3), the accountability category of Clay High School shall be based on the performance, growth, and multiple measures domains, with

the performance and growth domain each weighted at 20% the overall accountability grade and the multiple measures domain weighted at 60% of the overall accountability grade.

5. On September 11, 2017, Clay High School received an accountability category placement of a “C” for the 2016-2017 school year (79.8 points).

6. On September 22, 2017, Clay High School timely appealed the Board’s 2016-2017 Accountability Calculation, stating that it had not yet received the official ISTAR student-level report from the assessment vendor, adding that four (4) students “likely passed” the ISTAR based on their academic history.

7. Clay High School also submitted an audit to the Indiana Department of Education (Department) to review the inclusion of six (6) students in the accountability roster for the 2016-2017 calculations and to change the status of students in the 2016 graduation cohort.

8. The Department made the following determinations during its audit process:

- a. STNs XX72 and XX66 were expelled and therefore should be removed from the accountability determinations for Clay High School.
- b. Clay High School requested the removal of four students from its math score. Upon review, STNs XX78 and XX80 were already excluded because neither was enrolled 162 days. STN XX04 was not in the proficiency rate because the student did not have a valid test result, but the student was properly included in the participation rate because the student was enrolled during both test windows.
- c. Upon review of STN XX47, who was not enrolled for at least 162 days, it was determined that the student was properly excluded from the accountability determinations.

- d. STNs XX78 and XX80 were already excluded from the English/language arts score because neither was enrolled for at least 162 days.
- e. STNs XX39, XX51, XX04, XX82, and XX47 were not enrolled for at least 162 days, and therefore were properly excluded from accountability determinations.
- f. Clay High School requested to change the status of students in the 2016 cohort. All schools were provided the opportunity to audit the 2016 cohort graduation rate during the graduation rate audit provided in the fall of 2016. Therefore, the school missed the audit window to address these concerns and no changes may be made since the 2016 graduation rate has already been officially published.

9. Although the School has not yet received the scores for ISTAR, the Department was able to obtain them from the publisher, verify them, and consider them as a part of the accountability process. There are no rescore opportunities available for the ISTAR.

10. Upon review, all ISTAR scores included in the accountability determinations matched the ISTAR student-level information.

III. Recommended Decision

The Board's Accountability Category calculation for Clay High School is accurate. The Board followed 511 IAC 6.2-10 in its calculation. The Department properly performed an audit and determined which students should be included or excluded. Further, although Clay High School has not yet received its ISTAR scores, there is no "rescore" opportunity, and the scores

were properly included in the accountability calculations. Thus, the Board's calculation of a category placement of a "C" (79.8 points) should be sustained.

DATE: November 17, 2017

/s/ Elizabeth M. Littlejohn, Hearing Officer

NOTICE OF APPEAL RIGHT

Petitioner may file objections to the Hearing Officer's Recommended Decision but must do so no later than ten (10) calendar days from the date the Petitioner receives the Recommended Decision. Any objections must be in writing and must state the legal basis for the objection. Written objections are to be submitted to the Indiana State Board of Education as follows:

ATTN: Timothy A. Schultz, General Counsel
TSchultz1@sboe.in.gov

Certificate of Service

I certify that on November 17, 2017, I served the foregoing Recommended Decision on the following persons at the email addresses shown below.

/s/ Elizabeth M. Littlejohn, Hearing Officer

Mansour Eid
meid@sbcsc.k12.in.us

Timothy A. Schultz, General Counsel
Indiana State Board of Education
Email: TSchultz1@sboe.in.gov

Maggie Paino, Director of Accountability
Indiana Department of Education
Email: mpaino@doe.in.gov

**BEFORE THE INDIANA
STATE BOARD OF EDUCATION**

IN THE MATTER OF:)	
)	
CONCORD WEST SIDE ELEMENTARY	)	APPEAL PURSUANT TO
SCHOOL (SCHOOL # 1729),	)	511 IAC 6.2-10-11
)	
PETITIONER)	
)	

**COMBINED FINDINGS OF FACT AND CONCLUSIONS OF LAW, AND
RECOMMENDED DECISION**

I. Reason for Appeal

Concord West Side Elementary School appeals its accountability category on the basis that its overall improved pass percentage is not adequately reflected in its assigned letter grade of “C.”

II. Combined Findings of Fact and Conclusions of Law

1. Concord West Side Elementary School is a public school that is a part of Concord Community Schools.
2. Concord West Side Elementary School educates students in kindergarten through grade 4.
3. Pursuant to Ind. Code § 20-31-8-4, the Indiana State Board of Education (Board) shall annually place each school in a category or designation of school performance based on the metrics outlined in 511 IAC 6.2-10.
4. Pursuant to 511 IAC 6.2-10-3(d)(2) and (3), the accountability category of Concord West Side Elementary School shall be based on the performance and growth domains, with each domain weighted at half the overall letter grade score.

5. 511 IAC 6.2-10-4 outlines the calculation for the performance domain, and indicates that points are awarded for the performance domain based on the product of the subject area pass rate and participation rate. The subject area scores of English/language arts and mathematics are then weighed equally to yield the overall performance domain score.

6. 511 IAC 6.2-10-5 outlines the calculation of the growth domain, and indicates that points are awarded for the growth domain based on the average growth scores of students performing in the top 75% of students at the school in the respective subject areas and of students performing in the bottom 25% of students at the school in the respective subject areas.

7. Growth points are awarded to individual students based on the type of movement that student made from the prior to current school year. A student may demonstrate low, typical, or high movement.

- a. Low movement means that the student did not make the expected growth from year to year.
- b. Typical movement means the student met the expected growth from year to year.
- c. High movement means the student exceeded the expected growth from year to year.

8. Point values are assigned to each prior year status and movement type contained in the growth proficiency table under 511 IAC 6.2-10-2. In order to determine the type of movement a student made, a student growth percentile is identified for the student. This percentile is determine by identifying all students in the state who were similarly situated in the prior school year and then ranking that cohort of students based on their current year performance on the assessment.

9. It is possible to show improvement in proficiency rates and yet see a decrease in growth scores given the way growth is calculated.

10. Concord West Side Elementary School received an accountability category of a “C.” The calculation was as follows:

Performance Domain Score		
1. English/language arts score		
Pass Rate	63.5%	63.5 * 1 ¹ = 63.5
Participation Rate	99.1%	
2. Mathematics score		
Pass Rate	50.5%	50.5 * 1 = 50.5
Participation Rate	100%	
3. Total Performance Domain Score	$\frac{63.5 + 50.5}{2} = 57.0$	

Growth Domain Score		
1. English/language arts score		
Top 75% growth	101.7	$\frac{101.7 + 90}{2} = 95.9$
Bottom 25% growth	90.0	
2. Mathematics score		
Top 75% growth	91.6	$\frac{91.6 + 95.2}{2} = 93.4$
Bottom 25% growth	95.2	
3. Total Growth Domain Score	$\frac{95.9 + 93.4}{2} = 94.7$	

Overall Accountability Calculation
$\frac{57.0 + 94.7}{2} = 75.9 = C$

11. On September 13, 2017, Concord West Side Elementary School timely appealed the Board’s 2016-2017 Accountability Calculation, stating that the accountability calculation did not consider the improvement of its overall pass rate.

¹ Under 511 IAC 6.2-10-4(b)(4)(A), “[i]f the assessment participation rate on the English/language arts portion of the mandatory annual assessments is greater than or equal to ninety-five (95%), then the participation rate shall be one (1).”

III. Recommended Decision

The Board's Accountability Category calculation for the Concord West Side Elementary School was correct. The Board properly followed 511 IAC 6.2-10 in its calculation. Although Concord West Side Elementary School's overall pass rate improved, its growth score did not. Specifically, its Top 75% growth score for English/language arts increased, but its Bottom 25% growth score for English/language arts decreased, which together decreased its overall English/language arts score compared to the 2015-2016 accountability period. In addition, its Top 75% growth score for mathematics decreased which decreased its overall mathematics score, even though its Bottom 25% growth score increased. Although its performance score increased by 6.9 points from the previous accountability period, its growth score decreased by 9.4 points. With each of these scores being weighed equally, Concord West Side Elementary School's Accountability Calculation decreased from 77.6 in the 2015-2016 accountability period to 75.9 in the current accountability period. Accordingly, the Board's calculation of a category placement of a "C" was proper.

DATE: November 7, 2017

/s/ Kevin C. McDowell, Hearing Officer

NOTICE OF APPEAL RIGHT

Petitioner may file objections to the Hearing Officer's Recommended Decision but must do so no later than ten (10) calendar days from the date the Petitioner receives the Recommended Decision. Any objections must be in writing and must state the legal basis for the objection. Written objections are to be submitted to the Indiana State Board of Education as follows:

ATTN: Timothy A. Schultz, General Counsel
TSchultz1@sboe.in.gov

Certificate of Service

I certify that on November 7, 2017, I served the foregoing Recommended Decision on the following persons at the email addresses shown below.

/s/ Kevin C. McDowell, Hearing Officer

Gerald Donlon
gdonlon@concord.k12.in.us

Timothy A. Schultz, General Counsel
Indiana State Board of Education
Email: TSchultz1@sboe.in.gov

Maggie Paino, Director of Accountability
Indiana Department of Education
Email: mpaino@doe.in.gov

**BEFORE THE INDIANA
STATE BOARD OF EDUCATION**

IN THE MATTER OF:)	
)	
EAST CHICAGO CENTRAL HIGH	)	APPEAL PURSUANT TO
SCHOOL (SCHOOL # 3924),	)	511 IAC 6.2-10-11
)	
PETITIONER)	
)	

**COMBINED FINDINGS OF FACT AND CONCLUSIONS OF LAW, AND
RECOMMENDED DECISION**

I. Reason for Appeal

East Chicago Central High School appeals its 2016-2017 category placement of a “C” grade (78.8 points), asserting that significant issues in the community during the 2016-2017 school year negatively impacted its students.

II. Combined Findings of Fact and Conclusions of Law

1. East Chicago Central High School is a public school that is a part of the School City of East Chicago.
2. East Chicago Central High School educates students in grades 9 through 12.
3. Pursuant to Ind. Code § 20-31-8-4, the Indiana State Board of Education (Board) shall annually place each school in a category or designation of school performance based on the metrics outlines in 511 IAC 6.2-10.
4. Pursuant to 511 IAC 6.2-10-3(d)(2) through (4), the accountability category of East Chicago Central High School shall be based on the performance, growth, and multiple measures domains. The performance and growth shall each be 20% of the overall grade and the multiple measures domain shall equate to 60% of the overall grade.

5. All domains are calculated using the results of “eligible students” as defined by 511 IAC 6.2-10-1(15) including any student who:

- (A) was enrolled at the school for at least one hundred sixty-two (162) days in the accountable year;
- (B) was tested on the mandatory statewide annual assessment, or the end of course assessment;
- (C) was not a limited English proficient student who has been enrolled in schools in the United States for less than twelve (12) months; and
- (D) obtained a valid test result.

511 IAC 6.2-10-1(15).

6. On September 11, 2017, East Chicago Central High School received an accountability category placement of a “C” for the 2016-2017 school year.

7. On September 22, 2017, East Chicago Central High School timely appealed the Board’s 2016-2017 Accountability Calculation, stating that a lead contamination issue negatively impacted the students and their families, displacing some families who had resided in the school district for years.

8. East Chicago Central High School’s overall letter grade was a “C” (78.8 points). The School is requesting a 1.2 point increase, which would raise its overall letter grade to a “B” (80.0 points). Presumably, the 1.2 points represents an adjustment for the displacement caused by the lead contamination in the area. However, there is no explanation as to how the 1.2 point impact adjustment was determined.

III. Recommended Decision

The Board’s Accountability Category calculation for East Chicago Central High School was correct. The Board properly followed 511 IAC 6.2-10 in its calculation. Neither statute nor administrative rule provides for any student to be excluded from the Accountability Calculations due to personal or community issues. This is not to minimize the negative impact such a

condition could have on overall performance. It is just that the formula does not fully account for such eventualities. Thus, the Board's calculation of a category placement of a "C" was proper and should be sustained.

DATE: November 9, 2017

/s/ Kevin C. McDowell, Hearing Officer

NOTICE OF APPEAL RIGHT

Petitioner may file objections to the Hearing Officer’s Recommended Decision but must do so no later than ten (10) calendar days from the date the Petitioner receives the Recommended Decision. Any objections must be in writing and must state the legal basis for the objection. Written objections are to be submitted to the Indiana State Board of Education as follows:

ATTN: Timothy A. Schultz, General Counsel
TSchultz1@sboe.in.gov

Certificate of Service

I certify that on November 9, 2017, I served the foregoing Recommended Decision on the following persons at the email addresses shown below.

/s/ Kevin C. McDowell, Hearing Officer

Shaunna Finley
sfinley@ecps.org

Timothy A. Schultz, General Counsel
Indiana State Board of Education
Email: TSchultz1@sboe.in.gov

Maggie Paino, Director of Accountability
Indiana Department of Education
Email: mpaino@doe.in.gov

**BEFORE THE INDIANA
STATE BOARD OF EDUCATION**

IN THE MATTER OF:)	
	)	APPEAL PURSUANT TO
EASTBROOK SOUTH ELEMENTARY	)	511 IAC 6.2-10-11
SCHOOL (SCHOOL # 2263),)	
)	
PETITIONER)	
)	

**COMBINED FINDINGS OF FACT AND CONCLUSIONS OF LAW, AND
RECOMMENDED DECISION**

I. Reason for Appeal

Eastbrook South Elementary School appeals its 2016-2017 category placement of a “D” grade (65.9 points), asserting that 68 students were negatively impacted by the erroneous guidance of the vendor for the statewide assessment regarding whether a calculator was allowed during a non-calculator portion of the ISTEP+ Mathematics testing. The invalidation of their scores, the School represents, resulted in an unrepresentative Accountability Calculation. The School requested that the Northwest Evaluation Association (NWEA) growth results be considered instead of ISTEP+ results.

II. Combined Findings of Fact and Conclusions of Law

1. Eastbrook South Elementary School is a public school that is part of the Eastbrook Community School Corporation.
2. Eastbrook South Elementary School educates students in kindergarten through grade 6.
3. Pursuant to Ind. Code § 20-31-8-4, the Indiana State Board of Education (Board) shall annually place each school in a category or designation of school performance based on the metrics outlines in 511 IAC 6.2-10.

4. Pursuant to 511 IAC 6.2-10-3(d)(2) and (3), the accountability category of Eastbrook South Elementary School shall be based on the performance and growth domains, with each domain weighted at half of the overall letter grade score.

5. Specifically, the performance domain is made up of an English/language arts subject score and a mathematics subject score.

6. Each subject score is weighted at half of the overall performance domain score.

7. The subject score is the product of the subject area proficiency rate and the subject area participation rate.

8. Only “eligible students” as defined by 511 IAC 6.2-10-1(15) are included in each subject area proficiency rate and participation rate, including any student who:

(A) was enrolled at the school for at least one hundred sixty-two (162) days in the accountable year;

(B) was tested on the mandatory statewide annual assessment, or the end of course assessment;

(C) was not a limited English proficient student who has been enrolled in schools in the United States for less than twelve (12) months; and

(D) obtained a valid test result.

511 IAC 6.2-10-1(15).

9. Pursuant to 511 IAC 6.2-10-1(32), participation means “to complete and obtain a valid test result for the mandatory statewide annual assessment.”

10. 511 IAC 6.2-10-4(b)(4) and (c)(4) indicate that the proficiency rate shall be multiplied by the actual participation rate unless the participation rate is greater than or equal to 95.0%, in which case the proficiency rate shall be multiplied by 100.0%.

11. Pursuant to 511 IAC 6.2-10-1(24), the growth domain is based on the cumulative points awarded for the growth scores of all eligible students on the mandatory statewide annual assessment.

12. In order to receive a growth score, a student must have two consecutive years of valid test results.

13. Due to the calculator error caused by the ISTEP+ publisher, 68 fourth-grade math assessment results had to be invalidated for the use of a calculator and thus were not factored into the performance or growth domains in mathematics.

14. On September 11, 2017, Eastbrook South Elementary School received an accountability category placement of a “D” for the 2016-2017 school year. The calculation was as follows:

Performance Domain Score		
1. English/language arts score		
Pass Rate	72.0%	72.0 * 1 = 72.0
Participation Rate	98.5%	
2. Mathematics score		
Pass Rate	64.7%	64.7 * .733 = 47.4
Participation Rate	73.3%	
3. Total Performance Domain Score	$\frac{72 + 47.4}{2} = 59.7$	

Overall Accountability Calculation		
Performance Domain	Growth Domain	Overall Category
59.7 * .50 = 29.9	72.0 * .50 = 36.0	29.9 + 36 = 65.9 = D

15. On September 15, 2017, Eastbrook South Elementary School timely appealed the Board’s 2016-2017 Accountability Calculation, stating that 68 students were negatively impacted by the impermissible use of a calculator during a non-calculator portion of the ISTEP+ Mathematics testing. The School requests that these students not be counted against its Accountability Calculation. Further, it requested that the NWEA growth results be analyzed instead of ISTEP+.

16. The impermissible use of the calculator was the fault of Pearson and not the Eastbrook South Elementary School; the School should not be penalized for the negatively impacted students.

17. In order to remedy this issue, a new Accountability Category should be recalculated by excluding those impacted students from the Mathematics Pass Rate and Participation Rate. The new calculation is as follows:

Performance Domain Score		
1. English/language arts score		
Pass Rate	72.0%	72.0 * 1 = 72.0
Participation Rate	98.5%	
2. Mathematics score		
Pass Rate	64.7%	64.5 * 1 = 64.5
Participation Rate	99.2%	
3. Total Performance Domain Score	$\frac{72 + 64.5}{2} = 68.3$	

Overall Accountability Calculation		
Performance Domain	Growth Domain	Overall Category
68.3 * .50 = 34.2	72.0 * .50 = 36.0	34.2 + 36.0 = 70.2 = C

18. As to Eastbrook South Elementary School’s request that the NWEA growth results should be considered in lieu of the ISTEP+ results, the administrative rule only provides for mandatory statewide assessments to be analyzed to ensure comparability across the state. Thus, these other growth results cannot be taken into account.

III. Recommended Decision

The Board’s Accountability Category calculation for Eastbrook South Elementary School was inaccurate because of the invalidated scores. The Board followed 511 IAC 6.2-10 in its calculation, but it included 68 students who were negatively impacted by the impermissible calculator use. Because the calculator use was not the fault of the School, it should not be

penalized for this. The 68 students negatively impacted should be excluded from the Mathematics Pass Rate and Participation Rate. However, the Board cannot use another test (the NWEA) to determine either growth or performance because it would not be comparable across the state. Eastbrook South Elementary School's accountability score, after excluding those students, moves from a 65.9 to a 70.2. Thus, the Board's calculation of a category placement of a "D" was improper under the circumstances and should be changed to a "C," with the adjustment of the score from 65.9 to 70.2 points.

DATE: November 13, 2017

/s/ Kevin C. McDowell, Hearing Officer

NOTICE OF APPEAL RIGHT

Petitioner may file objections to the Hearing Officer's Recommended Decision but must do so no later than ten (10) calendar days from the date the Petitioner receives the Recommended Decision. Any objections must be in writing and must state the legal basis for the objection. Written objections are to be submitted to the Indiana State Board of Education as follows:

ATTN: Timothy A. Schultz, General Counsel
TSchultz1@sboe.in.gov

Certificate of Service

I certify that on November 13, 2017, I served the foregoing Recommended Decision on the following persons at the email addresses shown below.

/s/ Kevin C. McDowell, Hearing Officer

Miriam Dalton
mdalton@eastbrook.k12.in.us

Timothy A. Schultz, General Counsel
Indiana State Board of Education
Email: TSchultz1@sboe.in.gov

Maggie Paino, Director of Accountability
Indiana Department of Education
Email: mpaino@doe.in.gov

**BEFORE THE INDIANA
STATE BOARD OF EDUCATION**

IN THE MATTER OF:)	
	)	APPEAL PURSUANT TO
GEIST MONTESSORI ACADEMY	)	511 IAC 6.2-10-11
(SCHOOL # 2572),)	
)	
PETITIONER)	
)	

**COMBINED FINDINGS OF FACT, CONCLUSIONS OF LAW,
AND RECOMMENDED DECISION**

I. Reason for Appeal

Geist Montessori Academy appeals its accountability category on the basis of students opting out of testing and its unique student population.

II. Combined Findings of Fact and Conclusions of Law

1. Geist Montessori Academy is a public charter school that is located in McCordsville, Indiana.
2. Geist Montessori Academy educates students in kindergarten through grade 8.
3. Pursuant to Ind. Code § 20-31-8-4, the Indiana State Board of Education (Board) shall annually place each school in a category or designation of school performance based on the metrics outlines in 511 IAC 6.2-10.
4. Pursuant to 511 IAC 6.2-10-3(d)(2) and (3), the accountability category of Geist Montessori Academy shall be based on the performance and growth domains, with each domain weighted at half of the overall letter grade score.
5. Pursuant to 511 IAC 6.2-10-1(24), the growth domain is based on the cumulative points awarded for the growth scores of all eligible students on the mandatory statewide assessment.

6. In order to receive a growth score, a student must have two consecutive years of valid test results.

7. 511 IAC 6.2-10-5(b)(2)(C) and (c)(2)(C) indicate that if a school does not have at least 40 students in the accountable year, then the school’s growth score shall be calculated based on the aggregated growth scores of the current and prior years until there are at least 40 eligible students in the growth domain.

8. Only “eligible students” as defined by 511 IAC 6.2-10-1(15) receive a growth score, including any student who:

- (A) was enrolled at the school for at least one hundred sixty-two (162) days in the accountable year;
- (B) was tested on the mandatory statewide annual assessment, or the end of course assessment;
- (C) was not a limited English proficient student who has been enrolled in schools in the United States for less than twelve (12) months; and
- (D) obtained a valid test result.

511 IAC 6.2-10-1(15).

9. Pursuant to 511 IAC 6.2-10-1(32), participation means “to complete and obtain a valid test result for the mandatory statewide annual assessment.”

10. 511 IAC 6.2-10-4(b)(4) and (c)(4) indicate that the proficiency rate shall be multiplied by the actual participation rate unless the participation rate is greater than or equal to 95.0%, in which case the proficiency rate shall be multiplied by 100.0%.

11. Geist Montessori Academy received an accountability category of a “C” (79.9 points). The calculation was as follows:

Accountability Calculation		
Performance Domain Score	57	$\frac{57 + 102.8}{2} = 79.9 = C$
Growth Domain Score	102.8	

12. The Indiana Department of Education (Department) conducted an audit on September 22, 2017, as requested by Geist Montessori Academy. The audit addressed students who the school believed should have received growth points but did not.

13. The Department's review of the audit request found that a group of students who did not receive a growth score were properly excluded because the students did not have a prior year test result.

14. The Department's review of the audit for the remainder of the students found that they were included in the growth score and properly received a growth score of zero points. The growth to proficiency table awards zero points to those students who had a prior year assessment of "did not pass" and demonstrated low movement/growth. The students in question fell into this category of students, and therefore were awarded zero points on their growth score.

15. On October 7, 2017, Geist Montessori Academy timely appealed the Board's 2016-2017 Accountability Calculation, stating that it would like its accountability grade raised .1 point to a B. Its stated reasons were that students opted out of testing and it had a unique student population.

16. On its appeal, Geist Montessori Academy included the same list of students the considered by the Department in its audit. However, four students had additional notes:

- a. STN XX09: This student only received a growth score for English/language arts but not for Math. This student did not have a prior year Math assessment score, and thus was properly excluded from the Math growth rate.
- b. STN XX05: This student had a prior status of "did not pass" and demonstrated low movement. Therefore, the student was properly awarded zero points per the growth proficiency table.

- c. STN XX60: This student had a prior status of “did not pass” and demonstrated low movement. Therefore, the student was properly awarded zero points per the growth proficiency table.
- d. STN XX49: This student had a prior status of “did not pass” and demonstrated low movement. Therefore, the student was properly awarded zero points per the growth proficiency table.

17. Aside from these four students, Geist Montessori Academy submitted the same information as it had for the audit. As previously noted, the Department properly found those students’ scores were properly calculated.

18. The accountability calculation procedures do not reward schools for students who elect to “opt out” of the statewide assessment.

III. Recommended Decision

The Board’s Accountability Category calculation for Geist Montessori Academy is accurate. The Board properly followed 511 IAC 6.2-10 in its calculation. Although Geist Montessori Academy had students opt out of testing and served a unique population, the growth rate was properly calculated. Accordingly, the Board’s calculation of a category placement of a “C” (79.9 points) should be sustained.

DATE: November 17, 2017

/s/ Elizabeth M. Littlejohn, Hearing Officer

NOTICE OF APPEAL RIGHT

Petitioner may file objections to the Hearing Officer's Recommended Decision but must do so no later than ten (10) calendar days from the date the Petitioner receives the Recommended Decision. Any objections must be in writing and must state the legal basis for the objection.

Written objections are to be submitted to the Indiana State Board of Education as follows:

ATTN: Timothy A. Schultz, General Counsel

TSchultz1@sboe.in.gov

Certificate of Service

I certify that on November 17, 2017, I served the foregoing Recommended Decision on the following persons at the email addresses shown below.

/s/ Elizabeth M. Littlejohn, Hearing Officer

Susan Fries
Sfries@gma.k12.in.us

Timothy A. Schultz, General Counsel
Indiana State Board of Education
Email: TSchultz1@sboe.in.gov

Maggie Paino, Director of Accountability
Indiana Department of Education
Email: mpaino@doe.in.gov

**BEFORE THE INDIANA
STATE BOARD OF EDUCATION**

IN THE MATTER OF:)	
)	
GEORGE M. RIDDLE ELEMENTARY	)	APPEAL PURSUANT TO
SCHOOL (SCHOOL # 2185),	)	511 IAC 6.2-10-11
)	
PETITIONER)	
)	

**COMBINED FINDINGS OF FACT AND CONCLUSIONS OF LAW, AND
RECOMMENDED DECISION**

I. Reason for Appeal

George M. Riddle Elementary School appeals its 2016-2017 category placement of a “D” grade (61.8 points), asserting that 387 students were negatively impacted by erroneous guidance provided by the vendor of the statewide assessment as to whether a calculator was allowed during a non-calculator portion of the ISTEP+ Mathematics testing.

II. Combined Findings of Fact and Conclusions of Law

1. George M. Riddle Elementary School is a public school that is part of the Rochester Community School Corporation.
2. George M. Riddle Elementary School educates students in kindergarten through grade 5.
3. Pursuant to Ind. Code § 20-31-8-4, the Indiana State Board of Education (Board) shall annually place each school in a category or designation of school performance based on the metrics outlines in 511 IAC 6.2-10.

4. Pursuant to 511 IAC 6.2-10-3(d)(2) and (3), the accountability category of George M. Riddle Elementary School shall be based on the performance and growth domains, with each domain weighted at half of the overall letter grade score.

5. Specifically, the performance domain is made up of an English/language arts subject score and a mathematics subject score.

6. Each subject score is weighted at half of the overall performance domain score.

7. The subject score is the product of the subject area proficiency rate and the subject area participation rate.

8. Only “eligible students” as defined by 511 IAC 6.2-10-1(15) are included in each subject area proficiency rate and participation rate, including any student who:

(A) was enrolled at the school for at least one hundred sixty-two (162) days in the accountable year;

(B) was tested on the mandatory statewide annual assessment, or the end of course assessment;

(C) was not a limited English proficient student who has been enrolled in schools in the United States for less than twelve (12) months; and

(D) obtained a valid test result.

511 IAC 6.2-10-1(15).

9. Pursuant to 511 IAC 6.2-10-1(32), participation means “to complete and obtain a valid test result for the mandatory statewide annual assessment.”

10. 511 IAC 6.2-10-4(b)(4) and (c)(4) indicate that the proficiency rate shall be multiplied by the actual participation rate unless the participation rate is greater than or equal to 95.0%, in which case the proficiency rate shall be multiplied by 100.0%.

11. Due to the erroneous guidance provided by Pearson, the ISTEP+ publisher, 387 math assessment results had to be invalidated because of the improper use of a calculator on a non-calculator portion of the ISTEP+.

12. On September 11, 2017, George M. Riddle Elementary School received an accountability category placement of a “D” for the 2016-2017 school year (61.8 points). The calculation was as follows:

Performance Domain Score		
1. English/language arts score		
Pass Rate	56.7%	56.7 * 1 = 56.7
Participation Rate	100%	
2. Mathematics score		
Pass Rate	16.1%	16.1 * .134 = 2.20
Participation Rate	13.4%	
3. Total Performance Domain Score	$\frac{56.7 + 2.20}{2} = 29.5$	

Overall Accountability Calculation		
Performance Domain	Growth Domain	Overall Category
29.5 * .50 = 14.75	94.0 * .50 = 47	14.75 + 47 = 61.8 = D

13. On September 20, 2017, Rochester Community School Corporation timely appealed the Board’s 2016-2017 Accountability Calculation stating that over 700 students in its district were negatively impacted by the erroneous guidance by Pearson as to whether a calculator was allowed during a non-calculator portion of the ISTEP+ Mathematics testing. The School requests that these students not be counted against its Accountability Calculation.

14. The erroneous guidance provided by Pearson was the cause of the score invalidations. The George M. Riddle Elementary School was not responsible for this and should not be penalized for the negatively impacted students.

15. In order to remedy this issue, a new Accountability Category should be determined. Because over 40% of the students at George M. Riddle Elementary School were

affected, in order to not prejudice the school, we will use those affected students ISTEP+ mathematics scores from last year in the new calculation.¹ The new calculation is as follows:

Performance Domain Score		
1. English/language arts score		
Pass Rate	56.7%	56.7 * 1 = 56.7
Participation Rate	100%	
2. Mathematics score		
Pass Rate	56.0%	56.0 * 1 = 56.0
Participation Rate	100%	
3. Total Performance Domain Score	$\frac{56.7 + 56}{2} = 56.4$	

Overall Accountability Calculation		
Performance Domain	Growth Domain	Overall Category
56.4 * .50 = 28.2	94.0 * .50 = 47.0	28.2 + 47.0 = 75.2 = C

III. Recommended Decision

The Board’s Accountability Category calculation for George M. Riddle Elementary School was inaccurate given the circumstances. The Board followed 511 IAC 6.2-10 in its calculation, but it included 387 students who were negatively impacted by Pearson’s erroneous guidance regarding calculator use. Because that impact was out of the school’s control, it should not be penalized for it. Due to the calculator issue affecting over 40% of George M. Riddle Elementary School students, the 387 students impacted should be included in the mathematics score based on their 2015-2017 ISTEP+ mathematics scores. George M. Riddle Elementary

¹ A different method for recalculating the Accountability Category for this School has been employed. In other recommended decisions where Pearson's guidance resulted in invalidation of scores, there were not as many students (by numbers and by percentage) affected as in this situation. In the other decision, the percentage of eligible students negatively impacted was well below 40% of all eligible students. In this case, the percentage of students is over 40%, which is considered too statistically significant to employ the other alternative calculation, which—given these numbers and percentage—would result in a slightly negatively skewed recalculated score. Accordingly, last year’s results were employed for this purpose instead. While the resulting recalculation appears to be slightly positively skewed, the use of last year’s results is more practical for this purpose.

School's accountability score, after recalculating the Accountability Category, moves from 61.8 to a 75.2 points. Thus, the Board's calculation of a category placement of a "D" was improper under the circumstances and should be changed to a "C," with the adjustment of the score from 61.7 to 75.2 points.

DATE: November 13, 2017

/s/ Kevin C. McDowell, Hearing Officer

NOTICE OF APPEAL RIGHT

Petitioner may file objections to the Hearing Officer's Recommended Decision but must do so no later than ten (10) calendar days from the date the Petitioner receives the Recommended Decision. Any objections must be in writing and must state the legal basis for the objection. Written objections are to be submitted to the Indiana State Board of Education as follows:

ATTN: Timothy A. Schultz, General Counsel
TSchultz1@sboe.in.gov

Certificate of Service

I certify that on November 13, 2017, I served the foregoing Recommended Decision on the following persons at the email addresses shown below.

/s/ Kevin C. McDowell, Hearing Officer

Jana Vance
Jana.vance@zebras.net

Timothy A. Schultz, General Counsel
Indiana State Board of Education
Email: TSchultz1@sboe.in.gov

Maggie Paino, Director of Accountability
Indiana Department of Education
Email: mpaino@doe.in.gov

**BEFORE THE INDIANA
STATE BOARD OF EDUCATION**

IN THE MATTER OF:)	
)	
HELEN GRIFFITH ELEMENTARY	)	APPEAL PURSUANT TO
SCHOOL (SCHOOL # 1133),	)	511 IAC 6.2-10-11
)	
PETITIONER)	
)	

**COMBINED FINDINGS OF FACT AND CONCLUSIONS OF LAW, AND
RECOMMENDED DECISION**

I. Reason for Appeal

Helen Griffith Elementary School appeals its 2016-2017 category placement of a “C” grade (73.0 points), asserting that technological issues during ISTEP+ testing caused 15 of its students’ scores to be labeled “undetermined.”

II. Combined Findings of Fact and Conclusions of Law

1. Helen Griffith Elementary School is a public school that is a part of Washington Community Schools.
2. Helen Griffith Elementary School educates students in kindergarten through grade 6.
3. Pursuant to Ind. Code § 20-31-8-4, the Indiana State Board of Education (Board) shall annually place each school in a category or designation of school performance based on the metrics outlines in 511 IAC 6.2-10.
4. Pursuant to 511 IAC 6.2-10-3(d)(2) and (3), the accountability category of Helen Griffith Elementary School shall be based on the performance and growth domains, with each domain weighted at half the overall letter grade score.

5. Both domains are calculated using the results of “eligible students” as defined by 511 IAC 6.2-10-1(15) including any student who:

(A) was enrolled at the school for at least one hundred sixty-two (162) days in the accountable year;

(B) was tested on the mandatory statewide annual assessment, or the end of course assessment;

(C) was not a limited English proficient student who has been enrolled in schools in the United States for less than twelve (12) months; and

(D) obtained a valid test result.

511 IAC 6.2-10-1(15).

6. Pursuant to 511 IAC 6.2-10-1(32), participation means “to complete and obtain a valid test result for the mandatory statewide annual assessment.”

7. On September 11, 2017, Helen Griffith Elementary School received an accountability category placement of a “C” for the 2016-2017 school year (73.0 points).

8. On September 15, 2017, Helen Griffith Elementary School timely appealed the Board’s 2016-2017 Accountability Calculation, stating that technological issues during ISTEP+ testing caused 15 of its students’ scores to be “undetermined” on the fifth-grade English/Language Arts portion. The School reported the technological anomaly to the Department.

9. The Department’s Office of Student Assessment reviewed the records of Helen Griffith Elementary School and contacted Pearson, the ISTEP+ assessment vendor, regarding any reported technological issues during testing at Helen Griffith Elementary School.

10. According to Pearson, it was able to pull up answers for one section of the English/Language Arts assessment that was lost, but was unable to recover the answers for the other section due to technical issues on the part of the School.

11. Helen Griffith Elementary School suggested that, based on prior testing, it is likely that 14 of the 15 affected students with “undetermined” scores would have passed the English/Language Arts assessment. However, in order for a student to be an “eligible student,” a valid test result must be obtained.

III. Recommended Decision

The Board’s Accountability Category calculation for Helen Griffith Elementary School is accurate based on the data available that can be employed for this purpose. The Board followed 511 IAC 6.2-10 in its calculation. There is no evidence that Pearson or the Department are at fault for the technological difficulties that occurred during the English/Language Arts assessment. Further, without a valid test result, these students cannot, in a valid and reliable manner, be factored into the school’s accountability calculation. Thus, the Board’s calculation of a category placement of a “C” (73.0 points) should be sustained.

DATE: November 17, 2017

/s/ Elizabeth M. Littlejohn, Hearing Officer

NOTICE OF APPEAL RIGHT

Petitioner may file objections to the Hearing Officer’s Recommended Decision but must do so no later than ten (10) calendar days from the date the Petitioner receives the Recommended Decision. Any objections must be in writing and must state the legal basis for the objection.

Written objections are to be submitted to the Indiana State Board of Education as follows:

ATTN: Timothy A. Schultz, General Counsel
TSchultz1@sboe.in.gov

Certificate of Service

I certify that on November 17, 2017, I served the foregoing Recommended Decision on the following persons at the email addresses shown below.

/s/ Elizabeth M. Littlejohn, Hearing Officer

Kevin Frank
kfrank@wcs.k12.in.us

Timothy A. Schultz, General Counsel
Indiana State Board of Education
Email: TSchultz1@sboe.in.gov

Maggie Paino, Director of Accountability
Indiana Department of Education
Email: mpaino@doe.in.gov

**BEFORE THE INDIANA
STATE BOARD OF EDUCATION**

IN THE MATTER OF:)	
)	
HENRY W. EGGERS MIDDLE SCHOOL	)	APPEAL PURSUANT TO
(SCHOOL # 4425),	)	511 IAC 6.2-10-11
)	
PETITIONER)	
)	

**COMBINED FINDINGS OF FACT AND CONCLUSIONS OF LAW, AND
RECOMMENDED DECISION**

I. Reason for Appeal

Henry W. Eggers Middle School appeals its 2016-2017 category placement of a “D” grade (62.6 points), asserting that there were discrepancies regarding student growth on ISTAR, other issues regarding growth of four students, and attendance issues for other students.

II. Combined Findings of Fact and Conclusions of Law

1. Henry W. Eggers Middle School is a public school that is a part the School City of Hammond.
2. Henry W. Eggers Middle School educates students in grades 6 through 8.
3. Pursuant to Ind. Code § 20-31-8-4, the Indiana State Board of Education (Board) shall annually place each school in a category or designation of school performance based on the metrics outlines in 511 IAC 6.2-10.
4. Pursuant to 511 IAC 6.2-10-3(d)(2) and (3), the accountability category of Henry W. Eggers Middle School shall be based on the performance and growth domains, with each domain weighted at half the overall letter grade score.
5. Both domains are calculated using the results of “eligible students” as defined by 511 IAC 6.2-10-1(15) including any student who:

(A) was enrolled at the school for at least one hundred sixty-two (162) days in the accountable year;

(B) was tested on the mandatory statewide annual assessment, or the end of course assessment;

(C) was not a limited English proficient student who has been enrolled in schools in the United States for less than twelve (12) months; and

(D) obtained a valid test result.

511 IAC 6.2-10-1(15).

6. Pursuant to 511 IAC 6.2-10-1(32), participation means “to complete and obtain a valid test result for the mandatory statewide annual assessment.”

7. 511 IAC 6.2-10-4(b)(4) and (c)(4) indicate that the proficiency rate shall be multiplied by the actual participation rate unless the participation rate is greater than or equal to 95.0%. In the instance that the participation rate is greater than or equal to 95.0%, the proficiency rate shall be multiplied by 100.0%.

8. Further, in order to calculate a growth score, a student must have two consecutive years of test results in consecutive grade levels. A student who is retained does not receive a growth score because the test results are not from two consecutive grade levels.

9. On September 11, 2017, Henry W. Eggers Middle School received an accountability category placement of a “D” for the 2016-2017 school year (62.6 points).

10. On October 16, 2017, Henry W. Eggers Middle School appealed the Board’s 2016-2017 Accountability Calculation, stating that (1) the school had ten students who took the ISTAR assessment but did not receive growth scores; (2) the school identified four students who did not receive a growth score; and (3) the school identified seven students who were reported inaccurately on its enrollment.

11. The seven students who may have been reported incorrectly on Henry W. Eggers Middle School's enrollment report will not be addressed in this decision because the School missed the deadline of September 25, 2017, for requesting an A-F audit from the Indiana Department of Education (Department). This appeal process addresses only non-data related issues.¹

12. Henry W. Eggers Middle School incorrectly asserts that the ten students who took the ISTAR assessment should have received growth scores.

13. Students who take the ISTAR do not receive a growth score due to statistical reliability concerns. Specifically, in order to calculate a growth score using the student growth percentile approach to growth used in Indiana, there must be a statistically appropriate number of students in each peer group in order to determine valid and reliable percentile rankings.

14. There are not enough students who take the ISTAR in Indiana to calculate student growth percentiles in a valid and reliable manner. Thus, students who take the ISTAR assessment do not receive a growth score.

15. Henry W. Eggers Middle School indicates that four students should have been included in the growth score; however, these students lacked a prior year assessment needed to calculate growth. Therefore, these students were properly excluded from the growth score.

III. Recommended Decision

The Board's Accountability Category calculation for Henry W. Eggers Middle School is accurate. The Board followed 511 IAC 6.2-10 in its calculation. Students who complete the ISTAR assessment cannot be given a growth score because there are not enough students

¹ In an email response of November 9, 2017, from Rhoderick Poats, Principal at Henry W. Eggers Middle School, Mr. Poats indicated that he initially misunderstood that data issues were required to be submitted via the audit process by September 25, 2017.

statewide who complete that assessment to make the number statistically significant and therefore reliable. Further, in order for a growth score to be calculated, a student must have two consecutive years of ISTEP+ test results, which the four students in question did not. Thus, the Board's calculation of a category placement of a "D" (62.6 points) and should be sustained.

DATE: November 17, 2017

/s/ Elizabeth M. Littlejohn, Hearing Officer

NOTICE OF APPEAL RIGHT

Petitioner may file objections to the Hearing Officer's Recommended Decision but must do so no later than ten (10) calendar days from the date the Petitioner receives the Recommended Decision. Any objections must be in writing and must state the legal basis for the objection. Written objections are to be submitted to the Indiana State Board of Education as follows:

ATTN: Timothy A. Schultz, General Counsel
TSchultz1@sboe.in.gov

Certificate of Service

I certify that on November 17, 2017, I served the foregoing Recommended Decision on the following persons at the email addresses shown below.

/s/ Elizabeth M. Littlejohn, Hearing Officer

Rhoderick Poats
repoats@hammond.k12.in.us

Timothy A. Schultz, General Counsel
Indiana State Board of Education
Email: TSchultz1@sboe.in.gov

Maggie Paino, Director of Accountability
Indiana Department of Education
Email: mpaino@doe.in.gov

**BEFORE THE INDIANA
STATE BOARD OF EDUCATION**

IN THE MATTER OF:)	
)	
INDIANA ACADEMY	)	APPEAL PURSUANT TO
(SCHOOL # B190),	)	511 IAC 6.2-10-11
)	
PETITIONER)	
)	

**COMBINED FINDINGS OF FACT AND CONCLUSIONS OF LAW, AND
RECOMMENDED DECISION**

I. Reason for Appeal

Indiana Academy appeals its 2016-2017 category placement of an “F” grade asserting that four (4) students should have been included in the college and career readiness achievement rate calculation.

II. Combined Findings of Fact and Conclusions of Law

1. Indiana Academy is a nonpublic school located in Cicero, Indiana, and participates in the Indiana Choice Scholarship Program under Ind. Code § 20-51-4 *et seq.*
2. Indiana Academy educates students in grades 9 through 12.
3. Pursuant to Ind. Code § 20-31-8-4, the Indiana State Board of Education (Board) shall annually place each school in a category or designation of school performance based on the metrics outlines in 511 IAC 6.2-10.
4. Indiana Code § 20-51-1-4.7(7) requires Choice-participant schools to submit data to the Indiana Department of Education (Department) required for a category designation under Ind. Code § 20-31-8-3.
5. Pursuant to 511 IAC 6.2-10-3(d)(2) and (3), the accountability category of Indiana Academy shall be based on the performance, growth, and multiple measures domains.

The performance and growth shall each be 20% of the overall grade and the multiple measures domain shall equate to 60% of the overall grade.

6. Pursuant to 511 IAC 6.2-10-6(b)(1)(A), the college and career readiness indicator within the multiple measures domain utilizes the graduation cohort.

7. The graduation cohort used is the “most recently finalized graduation cohort” under 511 IAC 6.2-10-6(c)(1). The most recently finalized graduation cohort at the time that the 2016-2017 classification calculations were determined was the 2016 graduation cohort because students had until September 30 to graduate.

8. Dual credit information is reported to the Department through two collections: the course completion collection (DOE-CC) and the dual credit certification collection (DOE-DT). Each data collection requires the school to sign-off that it has submitted accurate data.

9. Only “eligible students” as defined by 511 IAC 6.2-10-1(15) are included in each subject area proficiency rate and participation rate, including any student who:

- (A) was enrolled at the school for at least one hundred sixty-two (162) days in the accountable year;
- (B) was tested on the mandatory statewide annual assessment, or the end of course assessment;
- (C) was not a limited English proficient student who has been enrolled in schools in the United States for less than twelve (12) months; and
- (D) obtained a valid test result.

511 IAC 6.2-10-1(15).

10. On September 11, 2017, Indiana Academy received an accountability category placement of an “F” for the 2016-2017 school year.

11. On October 10, 2017, Indiana Academy timely appealed the Board’s 2016-2017 Accountability Calculation, stating that four (4) students should have been included in the college and career readiness achievement rate calculation.

12. The Department reviewed the four students in question through the 2016-2017 A-to-F audit and determined that the students did not meet the criteria to be counted in the college and career readiness achievement rate because they did not earn the dual credit from an Indiana postsecondary institution. The credits were earned from a postsecondary institution in Michigan.

13. However, under 511 IAC 6.2-10-1 “college credit” means “credit awarded by a postsecondary institution accredited by an agency recognized by the secretary of the U.S. Department of Education.” Nowhere in Indiana law or administrative code does it state that dual credit must be earned solely from an Indiana institution.

14. The Database of Accredited Postsecondary Institutions and Programs as operated by the U.S. Department of Education indicates that Andrews University, the school the four (4) students received dual credit from, is accredited by the Higher Learning Commission.¹

15. Thus, those four (4) students should be included in the College and Career Readiness calculation. The new accountability calculation is as follows:

Overall Accountability Calculation			
Performance Domain	Growth Domain	Multiple Measures Domain	Overall Category
43.1 * .40 = 17.2	<i>N/A</i>	82.0 * .6 = 49.2	17.2 + 49.2 = 66.4=D

III. Recommended Decision

The Board’s Accountability Category calculation for Indiana Academy was incorrect. The Board properly followed 511 IAC 6.2-10 in its calculation, but it excluded four (4) students from its College and Career Readiness calculation in the multiple measures domain due to their dual credit being obtained from a Michigan postsecondary school. The definition of college credit indicates that the postsecondary school is not required to be in Indiana, but rather must be

¹ See <https://www.hlcommission.org/component/directory/?Itemid=&Action=ShowBasic&instid=1309> (last visited November 7, 2017).

accredited by an agency approved by the U.S. Department of Education. Andrews University is properly accredited, and the four (4) students who received dual credit from it should be included in the college and career readiness calculation. Thus, the Board's calculation of a category placement of an "F" was improper and should be changed to a "D."

DATE: November 7, 2017

/s/ Elizabeth M. Littlejohn, Hearing Officer

NOTICE OF APPEAL RIGHT

Petitioner may file objections to the Hearing Officer's Recommended Decision but must do so no later than ten (10) calendar days from the date the Petitioner receives the Recommended Decision. Any objections must be in writing and must state the legal basis for the objection.

Written objections are to be submitted to the Indiana State Board of Education as follows:

ATTN: Timothy A. Schultz, General Counsel
TSchultz1@sboe.in.gov

Certificate of Service

I certify that on November 7, 2017, I served the foregoing Recommended Decision on the following persons at the email addresses shown below.

/s/ Elizabeth M. Littlejohn, Hearing Officer

Steve Baughman
Baughman.steven@gmail.com

Timothy A. Schultz, General Counsel
Indiana State Board of Education
Email: TSchultz1@sboe.in.gov

Maggie Paino, Director of Accountability
Indiana Department of Education
Email: mpaino@doe.in.gov

**BEFORE THE INDIANA
STATE BOARD OF EDUCATION**

IN THE MATTER OF:)	
)	
JOHN J. YOUNG MIDDLE SCHOOL	)	APPEAL PURSUANT TO
(SCHOOL # 7465),	)	511 IAC 6.2-10-11
)	
PETITIONER)	
)	

**COMBINED FINDINGS OF FACT AND CONCLUSIONS OF LAW, AND
RECOMMENDED DECISION**

I. Reason for Appeal

John J. Young Middle School appeals its 2016-2017 category placement of a “D” grade (69.7 points), asserting that technological issues during ISTEP+ testing negatively impacted its students’ scores; that ISTEP+ data do not accurately reflect its students’ performance; students had to use “unfamiliar iPads” for testing; and the School has yet to receive its ISTAR results.

II. Combined Findings of Fact and Conclusions of Law

1. John J. Young Middle School is a public school that is a part of the School City of Mishawaka.
2. John J. Young Middle School educates students in grades 7 and 8.
3. Pursuant to Ind. Code § 20-31-8-4, the Indiana State Board of Education (Board) shall annually place each school in a category or designation of school performance based on the metrics outlines in 511 IAC 6.2-10.
4. Pursuant to 511 IAC 6.2-10-3(d)(2) and (3), the accountability category of John J. Young Middle School shall be based on the performance and growth domains, with each domain weighted at half the overall letter grade score.

5. Both domains are calculated using the results of “eligible students” as defined by 511 IAC 6.2-10-1(15), including any student who:

(A) was enrolled at the school for at least one hundred sixty-two (162) days in the accountable year;

(B) was tested on the mandatory statewide annual assessment, or the end of course assessment;

(C) was not a limited English proficient student who has been enrolled in schools in the United States for less than twelve (12) months; and

(D) obtained a valid test result.

511 IAC 6.2-10-1(15).

6. Pursuant to 511 IAC 6.2-10-1(32), participation means “to complete and obtain a valid test result for the mandatory statewide annual assessment.”

7. 511 IAC 6.2-10-4(b)(4) and (c)(4) indicate that the proficiency rate shall be multiplied by the actual participation rate unless the participation rate is greater than or equal to 95.0%. In the instance that the participation rate is greater than or equal to 95.0%, the proficiency rate shall be multiplied by 100.0%.

8. On September 11, 2017, John J. Young Middle School received an accountability category placement of a “D” for the 2016-2017 school year (69.7 points).

9. On September 22, 2017, John J. Young Middle School timely appealed the Board’s 2016-2017 Accountability Calculation, stating that (1) technological issues during ISTEP+ testing negatively impacted its students’ scores; (2) ISTEP+ data do not accurately reflect its students’ performance; and (3) students were required to take the test using “unfamiliar iPads”; and it has not yet received its ISTAR results.

10. The Department’s Office of Student Assessment reviewed the records of John J. Young Middle School and contacted Pearson, the ISTEP+ assessment vendor, regarding any reported technological issues during testing at John J. Young Middle School.

11. The Department has no record of any technological incidents during the testing.

12. According to Pearson, John J. Young Middle School only submitted 1 helpdesk ticket during testing, and that issue was resolved (an application set-up for one student).

13. John J. Young Middle School submitted a log of interruptions during testing with its appeal, but there is no evidence that the log was ever submitted to Pearson or the Department, or that it submitted support requests in regard to these issues to either Pearson or the Department.

14. John J. Young Middle School suggests that other locally adopted assessments better reflected its students’ abilities, but the administrative rule only provides for the use of mandatory statewide assessment when determining the proficiency score for a student. This is to ensure comparability across the state.

15. John J. Young Middle School also appealed due to ISTAR issues. Although John J. Young Middle School has not received the students’ ISTAR reports, there are no opportunities to “rescore” the ISTAR assessment.

16. John J. Young Middle School also did not provide any further documentation or evidence of the negative impact the use of iPads had on student performance.

III. Recommended Decision

The Board’s Accountability Category calculation for John J. Young Middle School is accurate. The Board followed 511 IAC 6.2-10 in its calculation. There is no evidence of the possible negative effect technological difficulties or unfamiliar iPads had on students’ test results, and there is no record of the School reporting such difficulties to either Pearson or the

Department. Further, there are no “rescore” opportunities with the ISTAR testing. Lack of receipt of such scores is not a grounds for an appeal. The Board’s calculation of a category placement of a “D” (69.7 points) should be sustained.

DATE: November 15, 2017

/s/ Elizabeth M. Littlejohn, Hearing Officer

NOTICE OF APPEAL RIGHT

Petitioner may file objections to the Hearing Officer’s Recommended Decision but must do so no later than ten (10) calendar days from the date the Petitioner receives the Recommended Decision. Any objections must be in writing and must state the legal basis for the objection.

Written objections are to be submitted to the Indiana State Board of Education as follows:

ATTN: Timothy A. Schultz, General Counsel
TSchultz1@sboe.in.gov

Certificate of Service

I certify that on November 15, 2017, I served the foregoing Recommended Decision on the following persons at the email addresses shown below.

/s/ Elizabeth M. Littlejohn, Hearing Officer

Sarah Hickle
hickles@mishawaka.k12.in.us

Timothy A. Schultz, General Counsel
Indiana State Board of Education
Email: TSchultz1@sboe.in.gov

Maggie Paino, Director of Accountability
Indiana Department of Education
Email: mpaino@doe.in.gov

**BEFORE THE INDIANA
STATE BOARD OF EDUCATION**

IN THE MATTER OF:)	
)	
JOSEPH BLOCK MIDDLE SCHOOL	)	APPEAL PURSUANT TO
(SCHOOL # 3963),	)	511 IAC 6.2-10-11
)	
PETITIONER)	
)	

**COMBINED FINDINGS OF FACT AND CONCLUSIONS OF LAW, AND
RECOMMENDED DECISION**

I. Reason for Appeal

Joseph Block Middle School appeals its 2016-2017 category placement of a “D” grade, asserting that (1) three (3) students who were English learners should be excluded from accountability; (2) one (1) student affected by the lead contamination crisis in East Chicago should be excluded from accountability; and (3) six (6) students were improperly excluded from accountability for attendance reasons. The Indiana Department of Education (Department) addressed issue (3) in its internal audit.

II. Combined Findings of Fact and Conclusions of Law

1. Joseph Block Middle School is a public school that is a part of the School City of East Chicago.
2. Joseph Block Middle School educates students in grades 7 and 8.
3. Pursuant to Ind. Code § 20-31-8-4, the Indiana State Board of Education (Board) shall annually place each school in a category or designation of school performance based on the metrics outlines in 511 IAC 6.2-10.

4. Pursuant to 511 IAC 6.2-10-3(d)(2) and (3), the accountability category of Joseph Block Middle School shall be based on the performance and growth domains, with each domain weighted at half the overall letter grade score.

5. Both domains are calculated using the results of “eligible students” as defined by 511 IAC 6.2-10-1(15), including any student who:

- (A) was enrolled at the school for at least one hundred sixty-two (162) days in the accountable year;
- (B) was tested on the mandatory statewide annual assessment, or the end of course assessment;
- (C) was not a limited English proficient student who has been enrolled in schools in the United States for less than twelve (12) months; and
- (D) obtained a valid test result.

511 IAC 6.2-10-1(15).

6. On September 11, 2017, Joseph Block Middle School received an accountability category placement of a “D” for the 2016-2017 school year (69.6).

7. On September 22, 2017, Joseph Block Middle School timely appealed the Board’s 2016-2017 Accountability Calculation, stating that (1) three (3) students who were English learners should be excluded from accountability; (2) one (1) student affected by the lead contamination crisis in East Chicago should be excluded from accountability; and (3) six (6) students were improperly excluded from accountability for attendance reasons.

8. The three (3) students who were English learners met the requirements to be considered “eligible students” under 511 IAC 6.2-10-1(15). However, the School did not provide adequate educational and support services for these three students because it did not have an English Learner Specialist on staff during the 2016-2017 school year. In *Lau v. Nichols*, 414 U.S. 563, 568 (1974), the U.S. Supreme Court held that if the inability to speak English excludes a national origin-minority group from effective participation in a school district’s

educational program, “a district must take affirmative steps to rectify the language deficiency in order to open its instructional program to these students.” In this case, the School did not take such affirmative steps.

9. The lead contamination in East Chicago has displaced some residents, including the one student identified by the School, who has been relocated to Gary. The student was often late to school or absent altogether, and when present, appeared to be stressed and unfocused. Although the lead contamination is a very real concern, there is no nexus established between the contamination and any impact on the student’s academic performance.

10. The Department performed an internal audit of the accountability data and determined that the six (6) students who were excluded because they had not been enrolled for at least 162 days should have been included in the Accountability Calculation (the students were originally excluded because in-school suspension days were not accounted for in the initial report). The Accountability Calculation has been changed from a 69.6 to a 69.7 but remains a “D.”

III. Recommended Decision

The Board’s Accountability Category calculation, as amended by the Department through the audit process, for Joseph Block Middle School is correct (69.7). The Board properly followed 511 IAC 6.2-10 in its calculation. In addition, the Department properly audited the calculation and added in those six (6) students who should have been included initially. Joseph Block Middle School had an obligation to provide support for its English learners under *Lau*, and they were all “eligible students” under 511 IAC 6.2-10-1(15). Joseph Block Middle School did not have the proper English learner support; it cannot benefit from the failure to provide necessary assistance to those students. Further, Joseph Block Middle School has not

demonstrated any nexus between the lead contamination and the lone student's academic performance, nor has the school described any remedial actions it has undertaken to address the student's attendance and academic deficiencies. The school may not benefit from its inaction. The Board's calculation of a category placement of a "D" (69.7) is proper and should be sustained.

DATE: October 30, 2017

/s/ Kevin C. McDowell, Hearing Officer

NOTICE OF APPEAL RIGHT

Petitioner may file objections to the Hearing Officer's Recommended Decision but must do so no later than ten (10) calendar days from the date the Petitioner receives the Recommended Decision. Any objections must be in writing and must state the legal basis for the objection. Written objections are to be submitted to the Indiana State Board of Education as follows:

ATTN: Timothy A. Schultz, General Counsel
TSchultz1@sboe.in.gov

Certificate of Service

I certify that on October 30, 2017, I served the foregoing Recommended Decision on the following persons at the email addresses shown below.

/s/ Kevin C. McDowell, Hearing Officer

Dee Etta Wright
dwright@ecps.org

Timothy A. Schultz, General Counsel
Indiana State Board of Education
Email: TSchultz1@sboe.in.gov

Maggie Paino, Director of Accountability
Indiana Department of Education
Email: mpaino@doe.in.gov

**BEFORE THE INDIANA
STATE BOARD OF EDUCATION**

IN THE MATTER OF:)	
	)	APPEAL PURSUANT TO
LAKEVIEW CHRISTIAN SCHOOL, INC.	)	511 IAC 6.2-10-11
(SCHOOL # B145),)	
)	
PETITIONER)	
)	

**COMBINED FINDINGS OF FACT AND CONCLUSIONS OF LAW, AND
RECOMMENDED DECISION**

I. Reason for Appeal

Lakeview Christian School appeals its 2016-2017 category placement of an “F” grade (56.9 points), asserting that it requested its 2016-2017 accountability grade to reflect its fully developed kindergarten through grade 6 program rather than its atypical grade 9 through 12 program.

II. Combined Findings of Fact and Conclusions of Law

1. Lakeview Christian School, Inc., is a nonpublic school in Marion, Indiana, that holds Indiana Freeway Accreditation (*see* Ind. Code § 20-26-15 *et seq.*) and participates in the Indiana Choice Scholarship Program.

2. Lakeview Christian School educates students in kindergarten through grade 12.

3. Pursuant to Ind. Code § 20-31-8-4, the Indiana State Board of Education (Board) shall annually place each school in a category or designation of school performance based on the metrics outlines in 511 IAC 6.2-10.

4. Indiana Code § 20-51-1-4.7 requires Choice-participant schools to submit data to the Indiana Department of Education (Department) for determination of their accountability category designations.

5. Pursuant to 511 IAC 6.2-10-3(d)(2) through (4), the accountability category of Lakeview Christian School shall be based on the performance, growth, and multiple measures domains, where data are available.

6. For a school that serves grade levels in both the 3 through 8 and 9 through 12 spans, the domains are weighted based on enrollment percentage in those grade levels.

7. All domains are calculated using the results of “eligible students” as defined by 511 IAC 6.2-10-1(15) including any student who:

- (A) was enrolled at the school for at least one hundred sixty-two (162) days in the accountable year;
- (B) was tested on the mandatory statewide annual assessment, or the end of course assessment;
- (C) was not a limited English proficient student who has been enrolled in schools in the United States for less than twelve (12) months; and
- (D) obtained a valid test result.

511 IAC 6.2-10-1(15).

8. Pursuant to 511 IAC 6.2-10-1(32), participation means “to complete and obtain a valid test result for the mandatory statewide annual assessment.”

9. Further, 511 IAC 6.2-10-1(33) defines the participation rate as the percentage of students enrolled in tested grades at the time of the test administration who completed the mandatory statewide annual assessment.

10. 511 IAC 6.2-10-4(b)(2) and (3) and 511 IAC 6.2-10-4(c)(2) and (3) indicate that if a school does not have at least 30 eligible students in the accountability year, the school’s performance domain score shall be calculated based on the aggregated assessment results of the current and prior years until there are at least 30 eligible students to calculate the performance domain.

11. During the 2016-2017 school year, nine (9) eligible students were enrolled in the 10th grade cohort at Lakeview Christian School.

12. The total number of eligible students in the 10th grade cohort after aggregating back to the first year Lakeview Christian School reported data to the Indiana Department of Education (Department) is 28 students.

13. Therefore, grade 10 could not be included in the school's performance domain because Lakeview Christian School did not meet the minimum number of students required to calculate a statistically valid and reliable score.

14. Pursuant to 511 IAC 6.2-10-5(b)(2) and (c)(2), a school must have at least 40 eligible students in an accountable year to calculate a growth domain score. If a school does not have at least 40 eligible students in the accountable year, then the school's growth domain shall be based on the results of a cumulative aggregate of eligible students from prior school years. If after aggregating all years of available data, a school is unable to have at least 40 eligible students, then the school will not receive a growth domain score because sufficient data are not available.

15. During the 2016-2017 school year, seven (7) students were enrolled in the 10th grade cohort at Lakeview Christian School. Because 2016-2017 is the first year that growth could be calculated for grade 10, there are no previous data to aggregate. Therefore, grade 10 could not be included in the school's growth domain score because it did not meet the minimum number of students required to calculate a statistically valid and reliable score.

16. Pursuant to 511 IAC 6.2-10-6(b)(1)(B) and 511 IAC 6.2-10-6(c)(1)(A), a school must have at least 10 students in the most recently finalized graduation cohort to calculate a multiple measures domain score. If a school does not have at least 10 students, then the school's

multiple measures domain shall be based on the aggregate of students in prior year cohorts. If after aggregating all years of available data, a school is unable to have at least 10 students, then the school will not receive a multiple measures domain score.

17. During the 2016-2017 school year, only one student was in the graduation cohort. The total number of students after aggregating back to the first year for which Lakeview Christian School reported data to the Department is six (6) students. Therefore, the multiple measures domain score could not be calculated because the school did not meet the minimum number of students required to calculate a statistically valid and reliable score.

18. On September 11, 2017, Lakeview Christian School received an accountability category placement of an “F” for the 2016-2017 school year (56.9 points).

19. On October 16, 2017, Lakeview Christian School timely appealed the Board’s 2016-2017 Accountability Calculation, requesting its 2016-2017 accountability grade reflect its fully developed kindergarten through grade 6 program rather than its atypical grade 9 through 12 program.

20. Although, Lakeview Christian School did not have enough students in its 2016 cohort or grade 10 to calculate the performance, growth, and multiple measures domains for its grade 9 through 12 students, its grade was based on the performance and growth of its grades 3 through 8 students.

21. During the 2016-2017 school year, Lakeview Christian School had 124 students in grades 3 through 8 or 74.25%, and 43 students in grades 9 through 12 or 25.75%.

22. Pursuant to Ind. Code § 20-51-1-4.7, Lakeview Christian School must be placed in an accountability category unless it meets the requirements of a low-population school as stated in Ind. Code § 20-31-8-3(b). This requirement is further explained in 511 IAC 6.2-10-

3(g): “If a school has too few students for an accountability category to be calculated, its accountability category shall be ‘null.’”

23. Lakeview Christian School had enough students in grades 3 through 8 to calculate an accountability category. Thus, it is not eligible for a null grade.¹

III. Recommended Decision

The Board’s Accountability Category calculation for Lakeview Christian School is accurate. The Board followed 511 IAC 6.2-10 in its calculation. Although, Lakeview Christian School, Inc., did not have enough students in grades 9 through 12 to measure performance, growth, and the multiple measures domains for those grades, it did have enough students in grades 3 through 8, and thus was assigned an accountability category based on those students. Due to the amount of students in grades 3 through 8, Lakeview Christian School, Inc., was not eligible for a “null” grade designation. Thus, the Board’s calculation of a category placement of an “F” (56.9 points) should be sustained.

DATE: November 17, 2017

/s/ Elizabeth M. Littlejohn, Hearing Officer

¹ It should also be noted that Lakeview Christian School’s student population is mostly made up students in grades 3 through 8 (74.25%), and thus this accountability category determination accurately reflects the majority of its population.

NOTICE OF APPEAL RIGHT

Petitioner may file objections to the Hearing Officer's Recommended Decision but must do so no later than ten (10) calendar days from the date the Petitioner receives the Recommended Decision. Any objections must be in writing and must state the legal basis for the objection. Written objections are to be submitted to the Indiana State Board of Education as follows:

ATTN: Timothy A. Schultz, General Counsel
TSchultz1@sboe.in.gov

Certificate of Service

I certify that on November 17, 2017, I served the foregoing Recommended Decision on the following persons at the email addresses shown below.

/s/ Elizabeth M. Littlejohn, Hearing Officer

Brian Crouse
bcrouse@lakeviewchristian.net

Timothy A. Schultz, General Counsel
Indiana State Board of Education
Email: TSchultz1@sboe.in.gov

Maggie Paino, Director of Accountability
Indiana Department of Education
Email: mpaino@doe.in.gov

**BEFORE THE INDIANA
STATE BOARD OF EDUCATION**

IN THE MATTER OF:)	
)	
LASALLE ELEMENTARY SCHOOL	)	APPEAL PURSUANT TO
(SCHOOL # 7485),	)	511 IAC 6.2-10-11
)	
PETITIONER)	
)	

**COMBINED FINDINGS OF FACT AND CONCLUSIONS OF LAW, AND
RECOMMENDED DECISION**

I. Reason for Appeal

LaSalle Elementary School appeals its 2016-2017 category placement of an “F” grade (59.7 points), asserting that (1) the school has yet to receive ISTAR reports and it wished to request a rescore; (2) five students were improperly excluded from the growth score; (3) six students’ ISTEP math scores were invalidated because of the calculator advice it received from the vendor of the statewide assessment; and (4) the school does not believe that ISTEP+ accurately reflects its students’ performance.

II. Combined Findings of Fact and Conclusions of Law

1. LaSalle Elementary School is a public school that is a part the School City of Mishawaka.
2. LaSalle Elementary School educates students in kindergarten through grade 6.
3. Pursuant to Ind. Code § 20-31-8-4, the Indiana State Board of Education (Board) shall annually place each school in a category or designation of school performance based on the metrics outlines in 511 IAC 6.2-10.

4. Pursuant to 511 IAC 6.2-10-3(d)(2) and (3), the accountability category of LaSalle Elementary School shall be based on the performance and growth domains, with each domain weighted at half the overall letter grade score.

5. Specifically, the performance domain is made up of an English/language arts subject score and a mathematics subject score.

6. Each subject score is weighted at half of the overall performance domain score.

7. The subject score is the product of the subject area proficiency rate and the subject area participation rate.

8. Both domains are calculated using the results of “eligible students” as defined by 511 IAC 6.2-10-1(15), including any student who:

(A) was enrolled at the school for at least one hundred sixty-two (162) days in the accountable year;

(B) was tested on the mandatory statewide annual assessment, or the end of course assessment;

(C) was not a limited English proficient student who has been enrolled in schools in the United States for less than twelve (12) months; and

(D) obtained a valid test result.

511 IAC 6.2-10-1(15).

9. Pursuant to 511 IAC 6.2-10-1(32), participation means “to complete and obtain a valid test result for the mandatory statewide annual assessment.”

10. 511 IAC 6.2-10-4(b)(4) and (c)(4) indicate that the proficiency rate shall be multiplied by the actual participation rate unless the participation rate is greater than or equal to 95.0%. In the instance that the participation rate is greater than or equal to 95.0%, the proficiency rate shall be multiplied by 100.0%.

11. Further, in order to calculate a growth score, a student must have two consecutive years of test results in consecutive grade levels. A student who is retained does not receive a growth score because the test results are not from two consecutive grade levels.

12. Due to erroneous guidance by Pearson, the ISTEP+ publisher, six (6) math assessment results had to be invalidated because of the inappropriate use of a calculator on a non-calculator portion of the ISTEP+.

13. On September 11, 2017, LaSalle Elementary School received an accountability category placement of an “F” for the 2016-2017 school year (59.7 points). The calculation was as follows:

Performance Domain Score		
1. English/language arts score		
Pass Rate	42.9%	42.9 * 1 = 42.9
Participation Rate	98.2%	
2. Mathematics score		
Pass Rate	28.9%	28.9 * 1 = 28.9
Participation Rate	96.8%	
3. Total Performance Domain Score	$\frac{42.9 + 28.9}{2} = 35.9$	

Overall Accountability Calculation		
Performance Domain	Growth Domain	Overall Category
35.9 * .50 = 17.95	83.4 * .50 = 41.7	17.95 + 41.7 = 59.7 = F

14. On September 22, 2017, LaSalle Elementary School timely appealed the Board’s 2016-2017 Accountability Calculation, stating that (1) the school has yet to receive ISTAR reports and it wished to request a rescore; (2) five students were improperly excluded from the growth score; (3) six students’ ISTEP math scores were invalidated because of the calculator advice it received; and (4) the school does not believe that ISTEP+ accurately reflects its students’ performance.

15. LaSalle Elementary School claims that it wishes to request a rescore of its ISTAR assessments when it receives them, but the ISTAR does not offer any opportunities for rescoring. Thus, although the School has not yet received the results, it was proper for the Board and Department to use the results in its calculations.

16. LaSalle Elementary School indicates that five students should have been included in the growth score; however, these students did not have two consecutive ISTEP+ scores from two consecutive grade levels.

17. These students were reported as 3rd graders in 2014-2015; 3rd graders in 2015-2016; and 5th graders in 2016-2017.

18. This reporting was in response to the requirements of 511 IAC 6.2-3.1-3(a)(7), for students who did not pass the IREAD-3 assessment.

19. It is possible that these students were administered the 4th grade ISTEP+ assessment by the School, but for official state accountability purposes, the Department defaults to the grade level reported by the School for each student when determining how to include the student for accountability purposes.

20. As a result, these five students were properly excluded from the growth domain score.

21. LaSalle Elementary School also represents that six (6) students were erroneously given a calculator during a non-calculator portion of the ISTEP+, resulting in invalidation of their scores on the Mathematics assessment. The erroneous guidance provided by Pearson was the cause of the invalidation of the scores. This was not the result of any action by LaSalle Elementary School; consequently, the School should not be penalized for the negatively impacted students.

22. In order to remedy this issue, a new Accountability Category should be determined by excluding those negatively impacted students from the Mathematics Pass Rate and Participation Rate. However, because the participation rate is already over 95% with those students included, the exclusion of them does not impact its accountability calculation in any way because the participation rate is already rounded up to 100% under 511 IAC 6.2-10-4(b)(4) and (c)(4).

23. Lastly, LaSalle Elementary School stated that the A-F accountability does not accurately reflect its students' performance. The administrative rule only provides for the use of the mandatory statewide assessment when determining the proficiency score for a student. This is to ensure comparability across the state.

III. Recommended Decision

The Board's Accountability Category calculation for LaSalle Elementary School was accurate, despite the invalidation of the mathematic scores of six students. The Board followed 511 IAC 6.2-10 in its calculation. There is no rescore opportunity on the ISTAR assessment. The growth domain is only calculated using consecutive testing years and consecutive grades in school, and thus the five (5) students were properly excluded. The participation rate for the mathematics assessment was already over 95% and thus the inclusion of the six (6) students erroneously provided a calculator did not affect LaSalle Elementary School's score. Finally, the Department must use a mandatory statewide assessment in calculating accountability in order to ensure comparability across the State. Thus, the Board's calculation of a category placement of an "F" (59.7 points) was should be sustained.

DATE: November 17, 2017

/s/ Elizabeth M. Littlejohn, Hearing Officer

NOTICE OF APPEAL RIGHT

Petitioner may file objections to the Hearing Officer's Recommended Decision but must do so no later than ten (10) calendar days from the date the Petitioner receives the Recommended Decision. Any objections must be in writing and must state the legal basis for the objection. Written objections are to be submitted to the Indiana State Board of Education as follows:

ATTN: Timothy A. Schultz, General Counsel

TSchultz1@sboe.in.gov

Certificate of Service

I certify that on November 17, 2017, I served the foregoing Recommended Decision on the following persons at the email addresses shown below.

/s/ Elizabeth M. Littlejohn, Hearing Officer

Sarah Hickle

hickles@mishawaka.k12.in.us

Timothy A. Schultz, General Counsel

Indiana State Board of Education

Email: TSchultz1@sboe.in.gov

Maggie Paino, Director of Accountability

Indiana Department of Education

Email: mpaino@doe.in.gov

**BEFORE THE INDIANA
STATE BOARD OF EDUCATION**

IN THE MATTER OF:)	
)	
MAPLE CREEK MIDDLE SCHOOL	)	APPEAL PURSUANT TO
(SCHOOL # 0079),	)	511 IAC 6.2-10-11
)	
PETITIONER)	
)	

**COMBINED FINDINGS OF FACT AND CONCLUSIONS OF LAW, AND
RECOMMENDED DECISION**

I. Reason for Appeal

Maple Creek Middle School appeals its 2016-2017 category placement of a “B” grade (89.6 points), asserting that five (5) students were given inappropriate access to a calculator during the ISTEP+ Mathematics test due to erroneous guidance provided by Pearson, the vendor for the statewide assessment. In addition, the School reportedly experienced over 350 technological interruptions during the ISTEP+ testing, which negatively impacted student scores.

II. Combined Findings of Fact and Conclusions of Law

1. Maple Creek Middle School is a public school that is a part of Northwest Allen County Schools.
2. Maple Creek Middle School educates students in grades 6 through 8.
3. Pursuant to Ind. Code § 20-31-8-4, the Indiana State Board of Education (Board) shall annually place each school in a category or designation of school performance based on the metrics outlines in 511 IAC 6.2-10.
4. Pursuant to 511 IAC 6.2-10-3(d)(2) and (3), the accountability category of Maple Creek Middle School shall be based on the performance and growth domains, with each domain weighted at half the overall letter grade score.

5. Specifically, the performance domain is made up of an English/language arts subject score and a mathematics subject score.

6. Each subject score is weighted at half of the overall performance domain score.

7. The subject score is the product of the subject area proficiency rate and the subject area participation rate.

8. Both domains are calculated using the results of “eligible students” as defined by 511 IAC 6.2-10-1(15) including any student who:

(A) was enrolled at the school for at least one hundred sixty-two (162) days in the accountable year;

(B) was tested on the mandatory statewide annual assessment, or the end of course assessment;

(C) was not a limited English proficient student who has been enrolled in schools in the United States for less than twelve (12) months; and

(D) obtained a valid test result.

511 IAC 6.2-10-1(15).

9. Pursuant to 511 IAC 6.2-10-1(32), participation means “to complete and obtain a valid test result for the mandatory statewide annual assessment.”

10. 511 IAC 6.2-10-4(b)(4) and (c)(4) indicate that the proficiency rate shall be multiplied by the actual participation rate unless the participation rate is greater than or equal to 95.0%. In the instance that the participation rate is greater than or equal to 95.0%, the proficiency rate shall be multiplied by 100.0%.

11. Due to erroneous guidance by Pearson, the ISTEP+ publishers, five (5) math assessment results had to be invalidated because of the inappropriate use of a calculator.

12. On September 11, 2017, Maple Creek Middle School received an accountability category placement of a “B” for the 2016-2017 school year (89.6 points). The calculation was as follows:

Performance Domain Score		
1. English/language arts score		
Pass Rate	77.2%	77.2 * 1 = 77.2
Participation Rate	99.9%	
2. Mathematics score		
Pass Rate	75.2%	75.2 * 1 = 75.2
Participation Rate	99.2%	
3. Total Performance Domain Score	$\frac{77.2 + 75.2}{2} = 76.2$	

Overall Accountability Calculation		
Performance Domain	Growth Domain	Overall Category
76.2 * .50 = 38.1	103.0 * .50 = 51.5	38.1 + 51.5 = 89.6 = B

13. On September 13, 2017, Maple Creek Middle School timely appealed the Board’s 2016-2017 Accountability Calculation, stating that five (5) students were erroneously given access to a calculator during a non-calculator portion of the ISTEP+ Mathematics test due to guidance given by Pearson. In addition, there were over 350 technological interruptions during ISTEP+ testing.

14. The erroneous guidance provided by Pearson was the reason for the invalidation of the scores. It was not the fault of Maple Creek Middle School. As a consequence, the School should not be penalized for the negatively impacted students.

15. In order to remedy this issue a new Accountability Category should be determined by excluding those impacted students from the Mathematics Pass Rate and Participation Rate. However, because the participation rate is already over 95% with those students included, the

exclusion of them does not impact the School's accountability calculation in any way because the participation rate is already rounded up to 100% under 511 IAC 6.2-10-4(b)(4) and (c)(4).

16. The Department's Office of Student Assessment reviewed the records of Maple Creek Middle School and contacted Pearson regarding any reported technological interruptions during testing at Maple Creek Middle School.

17. The Department has no record of any technological incidents during testing.

18. According to Pearson, Maple Creek Middle School submitted 140 helpdesk tickets, but none of them were regarding interruptions to testing.

19. Maple Creek Middle School represents it contacted Pearson by phone during testing to report these interruptions, but there is no evidence that any helpdesk tickets were submitted or that any documentation was made by Pearson regarding these interruptions.

20. Maple Creek Middle School also did not provide any further documentation or evidence of the negative impact the interruptions had on student performance.

III. Recommended Decision

The Board's Accountability Category calculation for Maple Creek Middle School was accurate even with the adjustment for the five invalidated scores. The Board followed 511 IAC 6.2-10 in its calculation. The participation rate for the mathematics assessment was already over 95% and thus the inclusion of the five (5) students erroneously provided calculator access did not affect Maple Creek Middle School's score. Further, there is no evidence of the possible effect technological interruptions had on students' test results, and there is no record of interruptions of this type being reported to Pearson or the Department. The Board's calculation of a category placement of a "B" (89.6 points) should be sustained.

DATE: November 17, 2017

/s/ Elizabeth M. Littlejohn, Hearing Officer

NOTICE OF APPEAL RIGHT

Petitioner may file objections to the Hearing Officer's Recommended Decision but must do so no later than ten (10) calendar days from the date the Petitioner receives the Recommended Decision. Any objections must be in writing and must state the legal basis for the objection. Written objections are to be submitted to the Indiana State Board of Education as follows:

ATTN: Timothy A. Schultz, General Counsel
TSchultz1@sboe.in.gov

Certificate of Service

I certify that on November 17, 2017, I served the foregoing Recommended Decision on the following persons at the email addresses shown below.

/s/ Elizabeth M. Littlejohn, Hearing Officer

Bill Toler
Bill.toler@nacs.k12.in.us

Timothy A. Schultz, General Counsel
Indiana State Board of Education
Email: TSchultz1@sboe.in.gov

Maggie Paino, Director of Accountability
Indiana Department of Education
Email: mpaino@doe.in.gov

**BEFORE THE INDIANA
STATE BOARD OF EDUCATION**

IN THE MATTER OF:)	
)	
MILAN MIDDLE SCHOOL	)	APPEAL PURSUANT TO
(SCHOOL # 7207),	)	511 IAC 6.2-10-11
)	
PETITIONER)	
)	

**COMBINED FINDINGS OF FACT AND CONCLUSIONS OF LAW, AND
RECOMMENDED DECISION**

I. Reason for Appeal

Milan Middle School appeals its 2016-2017 category placement of a “D” grade (69.3 points), requesting a review of the Applied Skills Frequency Distribution Report.

II. Combined Findings of Fact and Conclusions of Law

1. Milan Middle School is a public school that is a part of Milan Community Schools.
2. Milan Middle School educated students in grades 6 through 8 during the 2016-2017 school year.
3. Pursuant to Ind. Code § 20-31-8-4, the Indiana State Board of Education (Board) shall annually place each school in a category or designation of school performance based on the metrics outlines in 511 IAC 6.2-10.
4. Pursuant to 511 IAC 6.2-10-3(d)(2) and (3), the accountability category of Milan Middle School shall be based on the performance and growth domains, with each domain weighted at half the overall letter grade score.
5. Both domains are calculated using the results of “eligible students” as defined by 511 IAC 6.2-10-1(15), including any student who:

(A) was enrolled at the school for at least one hundred sixty-two (162) days in the accountable year;

(B) was tested on the mandatory statewide annual assessment, or the end of course assessment;

(C) was not a limited English proficient student who has been enrolled in schools in the United States for less than twelve (12) months; and

(D) obtained a valid test result.

511 IAC 6.2-10-1(15).

6. On September 11, 2017, Milan Middle School received an accountability category placement of a “D” for the 2016-2017 school year (69.3 points).

7. On October 16, 2017, Milan Middle School timely appealed the Board’s 2016-2017 Accountability Calculation, stating that it wanted a review of the Applied Skills Frequency Distribution Report.

8. On September 28, 2017, Milan Middle School emailed the Indiana Department of Education’s (Department) Office of Student Assessment with questions regarding the Applied Skills Frequency Distribution Report.

9. Milan Middle School contacted the Department because a large number of students received zeros for questions that the students “normally scored very high on in past assessments.” However, the School did not receive a response to its September 28, 2017, email at that time.

10. On October 18, 2017, the Department’s Office of Student Assessment provided a response to questions as they pertained to English/language arts but was unable to provide responses to the mathematics questions because the secondary math specialist position is currently unfilled. A staff member from the Office of Student Assessment explained that item-level information is not readily available to schools.

11. The rescore window for the 2017 ISTEP+ assessment has passed and scores are considered final. There are no plans to re-release the applied skills images that were available to parents during the rescore request window, and it is not possible to drill down to the item level.

III. Recommended Decision

The Board’s Accountability Category calculation for Milan Middle School was accurate based on the data available. The Board followed 511 IAC 6.2-10 in its calculation. The item level analysis of the ISTEP+ exam is not available and the rescore window has long passed. Thus, the Board’s calculation of a category placement of a “D” (69.3 points) should be sustained.

DATE: November 17, 2017

/s/ Elizabeth M. Littlejohn, Hearing Officer

NOTICE OF APPEAL RIGHT

Petitioner may file objections to the Hearing Officer’s Recommended Decision but must do so no later than ten (10) calendar days from the date the Petitioner receives the Recommended Decision. Any objections must be in writing and must state the legal basis for the objection.

Written objections are to be submitted to the Indiana State Board of Education as follows:

ATTN: Timothy A. Schultz, General Counsel
TSchultz1@sboe.in.gov

Certificate of Service

I certify that on November 17, 2017, I served the foregoing Recommended Decision on the following persons at the email addresses shown below.

/s/ Elizabeth M. Littlejohn, Hearing Officer

Patrick Murphy
Pat.murphy@milan.k12.in.us

Timothy A. Schultz, General Counsel
Indiana State Board of Education
Email: TSchultz1@sboe.in.gov

Maggie Paino, Director of Accountability
Indiana Department of Education
Email: mpaino@doe.in.gov

**BEFORE THE INDIANA
STATE BOARD OF EDUCATION**

IN THE MATTER OF:)	
)	
NEW HAVEN MIDDLE SCHOOL	)	APPEAL PURSUANT TO
(SCHOOL # 0301),	)	511 IAC 6.2-10-11
)	
PETITIONER)	
)	

**COMBINED FINDINGS OF FACT AND CONCLUSIONS OF LAW, AND
RECOMMENDED DECISION**

I. Reason for Appeal

New Haven Middle School appeals its 2016-2017 category placement of a “D” grade (62.8 points), asserting that 394 students were negatively impacted by the erroneous guidance provided by the vendor of the statewide assessment as to whether a calculator was allowed on a non-calculator portion of the ISTEP+ Mathematics testing.

II. Combined Findings of Fact and Conclusions of Law

1. New Haven Middle School is a public school that is part of East Allen County Schools.
2. New Haven Middle School educates students in grades 6 through 8.
3. Pursuant to Ind. Code § 20-31-8-4, the Indiana State Board of Education (Board) shall annually place each school in a category or designation of school performance based on the metrics outlines in 511 IAC 6.2-10.
4. Pursuant to 511 IAC 6.2-10-3(d)(2) and (3), the accountability category of New Haven Middle School shall be based on the performance and growth domains, with each domain weighted at half of the overall letter grade score.

5. Specifically, the performance domain is made up of an English/language arts subject score and a mathematics subject score.

6. Each subject score is weighted at half of the overall performance domain score.

7. The subject score is the product of the subject area proficiency rate and the subject area participation rate.

8. Only “eligible students” as defined by 511 IAC 6.2-10-1(15) are included in each subject area proficiency rate and participation rate, including any student who:

(A) was enrolled at the school for at least one hundred sixty-two (162) days in the accountable year;

(B) was tested on the mandatory statewide annual assessment, or the end of course assessment;

(C) was not a limited English proficient student who has been enrolled in schools in the United States for less than twelve (12) months; and

(D) obtained a valid test result.

511 IAC 6.2-10-1(15).

9. Pursuant to 511 IAC 6.2-10-1(32), participation means “to complete and obtain a valid test result for the mandatory statewide annual assessment.”

10. 511 IAC 6.2-10-4(b)(4) and (c)(4) indicate that the proficiency rate shall be multiplied by the actual participation rate unless the participation rate is greater than or equal to 95.0%, in which case the proficiency rate shall be multiplied by 100.0%.

11. Due to the erroneous guidance provided by Pearson, the ISTEP+ publisher, 394 math assessment results had to be invalidated because of the impermissible use of a calculator.

12. On September 11, 2017, New Haven Middle School received an accountability category placement of a “D” for the 2016-2017 school year (62.8 points). The calculation was as follows:

Performance Domain Score		
1. English/language arts score		
Pass Rate	60.9%	60.9 * 1 = 60.9
Participation Rate	99.0%	
2. Mathematics score		
Pass Rate	18.8%	18.8 * .185 = 3.50
Participation Rate	18.5%	
3. Total Performance Domain Score	$\frac{60.9 + 3.50}{2} = 32.2$	

Overall Accountability Calculation		
Performance Domain	Growth Domain	Overall Category
32.2 * .50 = 16.1	93.3 * .50 = 46.7	16.1 + 46.7 = 62.8 = D

13. On September 19, 2017, New Haven Middle School timely appealed the Board’s 2016-2017 Accountability Calculation, stating that 394 students were negatively impacted by the erroneous guidance provided by Pearson as to whether a calculator was allowed during a non-calculator portion of the ISTEP+ Mathematics testing. The School requested that these students not be counted against its Accountability Calculation.

14. The erroneous guidance provided by Pearson was the reason for the score invalidations.¹ The New Haven Middle School was not responsible for this; accordingly, it should not be penalized for the impacted students.

15. In order to remedy this issue, a new Accountability Category should be determined. Because over 40% of the students at New Haven Middle School were affected, in

¹ A different method for recalculating the Accountability Category for this School has been employed. In other recommended decisions where Pearson's guidance resulted in invalidation of scores, there were not as many students (by numbers and by percentage) affected as in this situation. In the other decisions, the percentage of eligible students negatively impacted was well below 40% of all eligible students. In this case, the percentage of students is over 40%, which is considered too statistically significant to employ the other alternative calculation, which—given these numbers and percentage—would result in a slightly negatively skewed recalculated score. Accordingly, last year’s results were employed for this purpose instead. While the resulting recalculation appears to be slightly skewed on the positive side, the use of last year’s results is more practical for this purpose under these unique circumstances.

order to not prejudice the School, those affected students' ISTEP+ mathematics scores from last year will be used in the new calculation. The new calculation is as follows:

Performance Domain Score		
1. English/language arts score		
Pass Rate	60.9%	60.9 * 1 = 60.9
Participation Rate	99.0%	
2. Mathematics score		
Pass Rate	55.3%	55.3 * 1 = 55.3
Participation Rate	99.9%	
3. Total Performance Domain Score	$\frac{60.9 + 55.3}{2} = 58.1$	

Overall Accountability Calculation		
Performance Domain	Growth Domain	Overall Category
58.1 * .50 = 29.1	93.3 * .50 = 46.7	29.1 + 46.7 = 75.8 = C

III. Recommended Decision

The Board's Accountability Category calculation for New Haven Middle School was inaccurate given these circumstances. The Board followed 511 IAC 6.2-10 in its calculation, but it included 394 students who were negatively impacted by Pearson's erroneous guidance regarding calculator use. Because that impact was out of the school's control, it should not be penalized for it. Due to the calculator issue affecting over 40% of New Haven Middle School students, the 394 students negatively impacted should be included in the mathematics score based on their 2015-2016 ISTEP+ mathematics scores. New Haven Middle School's accountability score, after recalculating the Accountability Category, moves from a 62.8 to a 75.8. Thus, the Board's calculation of a category placement of a "D" was inaccurate and should be changed to a "C," with the adjustment of the score from 62.8 to 75.8 points.

DATE: November 14, 2017

/s/ Kevin C. McDowell, Hearing Officer

NOTICE OF APPEAL RIGHT

Petitioner may file objections to the Hearing Officer’s Recommended Decision but must do so no later than ten (10) calendar days from the date the Petitioner receives the Recommended Decision. Any objections must be in writing and must state the legal basis for the objection. Written objections are to be submitted to the Indiana State Board of Education as follows:

ATTN: Timothy A. Schultz, General Counsel
TSchultz1@sboe.in.gov

Certificate of Service

I certify that on November 14, 2017, I served the foregoing Recommended Decision on the following persons at the email addresses shown below.

/s/ Kevin C. McDowell, Hearing Officer

James Rowland
jrowland@eacs.k12.in.us

Timothy A. Schultz, General Counsel
Indiana State Board of Education
Email: TSchultz1@sboe.in.gov

Maggie Paino, Director of Accountability
Indiana Department of Education
Email: mpaino@doe.in.gov

**BEFORE THE INDIANA
STATE BOARD OF EDUCATION**

IN THE MATTER OF:)	
)	
NEW VISION CHRISTIAN ACADEMY	)	APPEAL PURSUANT TO
(SCHOOL # D249),	)	511 IAC 6.2-10-11
)	
PETITIONER)	
)	

**COMBINED FINDINGS OF FACT AND CONCLUSIONS OF LAW, AND
RECOMMENDED DECISION**

I. Reason for Appeal

New Vision Christian Academy appeals its 2016-2017 category placement of an “F” grade (54.1 points), asserting that it experienced demographic changes during the 2016-2017 school year that negatively impacted its students, adding that many of its students were behind in grade level, did not have positive attitudes, their parents were not involved, and teachers were not prepared to teach the academic standards.

II. Combined Findings of Fact and Conclusions of Law

1. New Vision Christian Academy is a nonpublic school in South Bend, Indiana, that holds Indiana Freeway accreditation (see Ind. Code § 20-26-15 *et seq.*) and participates in the Indiana Choice Scholarship Program.

2. New Vision Christian Academy educates students in kindergarten through grade 12.

3. Pursuant to Ind. Code § 20-31-8-4, the Indiana State Board of Education (Board) shall annually place each school in a category or designation of school performance based on the metrics outlines in 511 IAC 6.2-10.

4. Indiana Code § 20-51-1-4.7 requires Choice-participant schools to submit data to the Indiana Department of Education (Department) so as to determine their accountability category designations.

5. Pursuant to 511 IAC 6.2-10-3(d)(2) through (4), the accountability category of New Vision Christian Academy shall be based on the performance, growth, and multiple measures domains. The performance and growth shall each be 20% of the overall grade and the multiple measures domain shall equate to 60% of the overall grade.

6. For a school that serves grade levels in both the 3 through 8 and 9 through 12 spans, the domains are weighted based on enrollment percentage in those grade levels.

7. New Vision Christian Academy did not have enough data available to calculate any domains for the 9 through 12 grade span; therefore, the school's letter grade is based entirely on the domain scores in the grades 3 through 8 span.

8. All domains are calculated using the results of "eligible students," as this term is defined by 511 IAC 6.2-10-1(15), including any student who:

- (A) was enrolled at the school for at least one hundred sixty-two (162) days in the accountable year;
- (B) was tested on the mandatory statewide annual assessment, or the end of course assessment;
- (C) was not a limited English proficient student who has been enrolled in schools in the United States for less than twelve (12) months; and
- (D) obtained a valid test result.

511 IAC 6.2-10-1(15).

9. 511 IAC 6.2-10-4(b)(3) and (c)(3) indicate that if a school does not have at least 30 eligible students in the accountability year, the school's performance domain score shall be calculated based on the aggregated assessment results of the current and prior years until there are at least 30 eligible students to calculate the performance domain.

10. New Vision Christian Academy had 13 eligible students during the 2016-2017 school year, and thus, the score was based on an aggregate of current and prior years.

11. On September 11, 2017, New Vision Christian Academy received an accountability category placement of an “F” for the 2016-2017 school year (54.1 points).

12. On September 25, 2017, New Vision Christian Academy timely appealed the Board’s 2016-2017 Accountability Calculation stating that all of the following affected its grade:

- a. Approximately 95% of enrolled students were not performing at grade level;
- b. Approximately 98% of enrolled students did not have a positive attitude or perception about learning;
- c. There is a lack of parental involvement due to approximately 98% of students coming from low-income families that deal with traumatic experiences and hardships;
- d. Change in testing and adoption of Indiana’s college and career ready academic standards, and the unpreparedness of teachers and staff in adjusting their instructional practices; and
- e. The passing of the school’s chief administrator in December 2013.

13. New Vision Christian Academy requested to remove 11 students’ scores from the English/Language Arts assessment and 13 students’ scores from the Math assessment.

14. All students requested to be removed from accountability meet the definition of an “eligible student” under 511 IAC 6.2-10-1(15), and thus were included in the accountability calculation.

15. New Vision Christian Academy has been on notice that college and career readiness indicator has been a part of the multiple measures domain since June 15, 2015, and went into effect March 1, 2016.

III. Recommended Decision

The Board's Accountability Category calculation for New Vision Christian Academy is correct. The Board followed 511 IAC 6.2-10 in its calculation. Neither statute nor administrative rule provides for any student to be excluded from the Accountability Calculations due to personal or community issues. Further, each of the students the School requested to be removed was an "eligible student" for accountability purposes. Finally, New Vision Christian Academy has been on notice of the college and career readiness indicator since June 15, 2015. Thus, the Board's calculation of a category placement of an "F" should be sustained.

DATE: November 15, 2017

/s/ Elizabeth M. Littlejohn, Hearing Officer

NOTICE OF APPEAL RIGHT

Petitioner may file objections to the Hearing Officer's Recommended Decision but must do so no later than ten (10) calendar days from the date the Petitioner receives the Recommended Decision. Any objections must be in writing and must state the legal basis for the objection.

Written objections are to be submitted to the Indiana State Board of Education as follows:

ATTN: Timothy A. Schultz, General Counsel
TSchultz1@sboe.in.gov

Certificate of Service

I certify that on November 15, 2017, I served the foregoing Recommended Decision on the following persons at the email addresses shown below.

/s/ Elizabeth M. Littlejohn, Hearing Officer

Ivy Butler
Ibutler40@att.net

Timothy A. Schultz, General Counsel
Indiana State Board of Education
Email: TSchultz1@sboe.in.gov

Maggie Paino, Director of Accountability
Indiana Department of Education
Email: mpaino@doe.in.gov

**BEFORE THE INDIANA
STATE BOARD OF EDUCATION**

IN THE MATTER OF:)	
)	
NORTH WHITE MIDDLE SCHOOL	)	APPEAL PURSUANT TO
(SCHOOL # 9122),	)	511 IAC 6.2-10-11
)	
PETITIONER)	
)	

**COMBINED FINDINGS OF FACT AND CONCLUSIONS OF LAW, AND
RECOMMENDED DECISION**

I. Reason for Appeal

North White Middle School appeals its accountability category on the basis of its reconfiguration of its student population.

II. Combined Findings of Fact and Conclusions of Law

1. North White Middle School is a public school that is a part of North White School Corporation.

2. During the 2016-2017 school year, North White Middle School served students in grades 6 through 8.

3. Prior to the 2016-2017 school year, North White School Corporation requested a school reconfiguration that was approved on May 24, 2016, by the Indiana Department of Education (Department).

4. This request for reconfiguration changed the names and grades of students served by the formerly named North White Intermediate School.

5. Prior to the reconfiguration, North White Middle School was named North White Intermediate and served students in grades 4 through 6. North White Middle School was in operation during the 2016-2017 school year, serving grades 6-8.

6. Pursuant to Ind. Code § 20-31-8-4, the Indiana State Board of Education (Board) shall annually place each school in a category or designation of school performance based on the metrics outlined in 511 IAC 6.2-10.

7. The data used by the Department and Board in calculating North White Middle School's accountability category were from students who are currently in grades 6 through 8 and those students who were in grades 6 through 8 prior to the reconfiguration.

8. North White Middle School received an accountability category of a "D." The calculation was as follows:

Accountability Calculation		
Performance Domain Score	57	$\frac{57 + 81.5}{2} = 69.3 = D$
Growth Domain Score	81.5	

9. On September 20, 2017, North White Middle School timely appealed the Board's 2016-2017 Accountability Calculation, stating that the accountability calculation did not consider the school's reconfiguration.

III. Recommended Decision

The Board's Accountability Category calculation for the North White Middle School was accurate. The Board followed 511 IAC 6.2-10 in its calculation. Although North White Intermediate served a different student population than North White Middle School, the data were available from the district's records and the reconfiguration was voluntary. Further, in a reconfiguration situation, a school can obtain a new accountability baseline if the school can clearly demonstrate: (1) an increase or decrease of at least 70% in the student population from the previous year; (2) a significant change in educational philosophy, curriculum, or staffing; and (3) the change is not being made to avoid accountability. 511 IAC 6.2-10-9(b). North White

Middle School has not demonstrated any of these criteria. Accordingly, the Board's calculation of a category placement of a "D" (69.3 points) was proper.

DATE: November 14, 2017

/s/ Kevin C. McDowell, Hearing Officer

NOTICE OF APPEAL RIGHT

Petitioner may file objections to the Hearing Officer's Recommended Decision but must do so no later than ten (10) calendar days from the date the Petitioner receives the Recommended Decision. Any objections must be in writing and must state the legal basis for the objection. Written objections are to be submitted to the Indiana State Board of Education as follows:

ATTN: Timothy A. Schultz, General Counsel
TSchultz1@sboe.in.gov

Certificate of Service

I certify that on November 14, 2017, I served the foregoing Recommended Decision on the following persons at the email addresses shown below.

/s/ Kevin C. McDowell, Hearing Officer

Teresa Gremaux
tgremaux@nwhite.k12.in.us

Timothy A. Schultz, General Counsel
Indiana State Board of Education
Email: TSchultz1@sboe.in.gov

Maggie Paino, Director of Accountability
Indiana Department of Education
Email: mpaino@doe.in.gov

**BEFORE THE INDIANA
STATE BOARD OF EDUCATION**

IN THE MATTER OF:)	
)	
OUR LADY OF THE GREENWOOD	)	APPEAL PURSUANT TO
(SCHOOL # B535),	)	511 IAC 6.2-10-11
)	
PETITIONER)	
)	

**COMBINED FINDINGS OF FACT AND CONCLUSIONS OF LAW, AND
RECOMMENDED DECISION**

I. Reason for Appeal

Our Lady of the Greenwood appeals its 2016-2017 category placement of a “C” grade (79.2 points) because of a change in demographics coupled with proposed changes in its mathematics program.

II. Combined Findings of Fact and Conclusions of Law

1. Our Lady of the Greenwood is a nonpublic school that is located in Greenwood, Indiana and participates in the Indiana Choice Scholarship Program under Ind. Code § 20-51-4 *et seq.*
2. Our Lady of the Greenwood educates students in prekindergarten through grade 8.
3. Pursuant to Ind. Code § 20-31-8-4, the Indiana State Board of Education (Board) shall annually place each school in a category or designation of school performance based on the metrics outlines in 511 IAC 6.2-10.
4. Pursuant to 511 IAC 6.2-10-3(d)(2) and (3), the accountability category of Our Lady of the Greenwood shall be based on the performance and growth domains, with each domain weighted at half the overall letter grade score.

5. All domains are calculated using the results of “eligible students” as defined by 511 IAC 6.2-10-1(15) including any student who:

- (A) was enrolled at the school for at least one hundred sixty-two (162) days in the accountable year;
- (B) was tested on the mandatory statewide annual assessment, or the end of course assessment;
- (C) was not a limited English proficient student who has been enrolled in schools in the United States for less than twelve (12) months; and
- (D) obtained a valid test result.

511 IAC 6.2-10-1(15).

6. On September 11, 2017, Our Lady of the Greenwood received an accountability category placement of a “C” for the 2016-2017 school year (79.2 points).

7. On September 25, 2017, Our Lady of the Greenwood timely appealed the Board’s 2016-2017 Accountability Calculation stating that its student’s performance was impacted by the change in population they serve and that a change in the program within the next 5 years will remedy this. The School serves some students with special needs and some who are English language learners. A number of students qualify for free/reduced lunch.

8. The School has identified mathematics performance as a critical area. Its proficiency rate score for mathematics under the Performance Domain was 56.4 compared to 79.5 proficiency score for English/language arts. Under Growth Domain, the growth score for mathematics was 83.8 points compared to 96.9 points for English/language arts.

9. The School is directing resources to improve overall mathematics proficiency.

III. Recommended Decision

The Board’s Accountability Category calculation for Our Lady of the Greenwood was correct. The Board properly followed 511 IAC 6.2-10 in its calculation. Neither administrative rule nor statute allow the exclusion of students for changes in student population when

calculating the Accountability Category. Although the School's proactive endeavors to address mathematics proficiency among its students is commendable, all eligible students are to be included in the calculation. Thus, the Board's calculation of a category placement of a "C" was proper and should be sustained.

DATE: November 9, 2017

/s/ Kevin C. McDowell, Hearing Officer

NOTICE OF APPEAL RIGHT

Petitioner may file objections to the Hearing Officer's Recommended Decision but must do so no later than ten (10) calendar days from the date the Petitioner receives the Recommended Decision. Any objections must be in writing and must state the legal basis for the objection. Written objections are to be submitted to the Indiana State Board of Education as follows:

ATTN: Timothy A. Schultz, General Counsel
TSchultz1@sboe.in.gov

Certificate of Service

I certify that on November 9, 2017, I served the foregoing Recommended Decision on the following persons at the email addresses shown below.

/s/ Kevin C. McDowell, Hearing Officer

Kent Clady
kclady@ol-g.org

Timothy A. Schultz, General Counsel
Indiana State Board of Education
Email: TSchultz1@sboe.in.gov

Maggie Paino, Director of Accountability
Indiana Department of Education
Email: mpaino@doe.in.gov

**BEFORE THE INDIANA
STATE BOARD OF EDUCATION**

IN THE MATTER OF:)	
)	
PORTAGE CHRISTIAN SCHOOL	)	APPEAL PURSUANT TO
(SCHOOL # 080),	)	511 IAC 6.2-10-11
)	
PETITIONER)	
)	

**COMBINED FINDINGS OF FACT AND CONCLUSIONS OF LAW, AND
RECOMMENDED DECISION**

I. Reason for Appeal

Portage Christian School appeals its 2016-2017 category placement of a “D” grade (69.4 points), asserting that it had a significant demographic change in its student population and wanted 31 new students removed from the accountability calculations.

II. Combined Findings of Fact and Conclusions of Law

1. Portage Christian School is a nonpublic school in Portage, Indiana that holds Indiana Freeway accreditation (see Ind. Code § 20-26-15 *et seq.*) and participates in the Indiana Choice Scholarship Program.

2. Portage Christian School educates students in prekindergarten through grade 12.

3. Pursuant to Ind. Code § 20-31-8-4, the Indiana State Board of Education (Board) shall annually place each school in a category or designation of school performance based on the metrics outlines in 511 IAC 6.2-10.

4. Indiana Code § 20-51-1-4.7 requires Choice-participant schools to submit data to the Indiana Department of Education (Department) in order for the Department to calculate accountability category designations.

5. Pursuant to 511 IAC 6.2-10-3(d)(2) through (4), the accountability category of New Vision Christian Academy shall be based on the performance, growth, and multiple measures domains. The performance and growth shall each be 20% of the overall grade and the multiple measures domain shall equate to 60% of the overall grade.

6. For a school that serves grade levels in both the 3 through 8 grades and 9 through 12 grade spans, the domains are weighted based on enrollment percentage in those grade levels.

7. Portage Christian School did not have enough data available to calculate the growth domain for the 9 through 12 grade span.

8. All domains are calculated using the results of “eligible students” as defined by 511 IAC 6.2-10-1(15) including any student who:

- (A) was enrolled at the school for at least one hundred sixty-two (162) days in the accountable year;
- (B) was tested on the mandatory statewide annual assessment, or the end of course assessment;
- (C) was not a limited English proficient student who has been enrolled in schools in the United States for less than twelve (12) months; and
- (D) obtained a valid test result.

511 IAC 6.2-10-1(15).

9. Pursuant to 511 IAC 6.2-10-1(32), participation means “to complete and obtain a valid test result for the mandatory statewide annual assessment.”

10. Further, 511 IAC 6.2-10-1(33) defines the participation rate as the percentage of students enrolled in tested grades at the time of the test administration who completed the mandatory statewide annual assessment.

11. 511 IAC 6.2-10-4(b)(3) and (c)(3) indicate that if a school does not have at least 30 eligible students in the accountability year, the school’s performance domain score shall be

calculated based on the aggregated assessment results of the current and prior years until there are at least 30 eligible students to calculate the performance domain.

12. On September 11, 2017, Portage Christian School received an accountability category placement of a “D” for the 2016-2017 school year (69.4 points).

13. On October 13, 2017, Portage Christian School timely appealed the Board’s 2016-2017 Accountability Calculation, stating that it had a significant demographic change in student population and wanted 31 new students removed from the accountability calculations.

14. Upon review of Portage Christian School’s 31 new students, the following was found:

- a. Twelve (12) students met the definition of an “eligible student” for the performance domain only. These students did not have a prior year test and thus were not included in the growth score calculation.
- b. Sixteen (16) students met the definition of an “eligible student” for both the performance and growth domains, and thus were included in both calculations.
- c. Three (3) students did not meet the definition of an “eligible student” for the performance or growth domain, and thus were excluded from both calculations.

15. Based on the analysis of the 31 students, they were all either properly excluded or included in the calculations. Consequently, no adjustment to Portage Christian School’s grade is warranted.

III. Recommended Decision

The Board's Accountability Category calculation for Portage Christian School is accurate. The Board properly followed 511 IAC 6.2-10 in its calculation. Each of the students the School requested be excluded was analyzed, and it was determined that all were either properly included or excluded from the appropriate calculations. Thus, the Board's calculation of a category placement of a "D" (69.4 points) should be sustained.

DATE: November 17, 2017

/s/ Elizabeth M. Littlejohn, Hearing Officer

NOTICE OF APPEAL RIGHT

Petitioner may file objections to the Hearing Officer's Recommended Decision but must do so no later than ten (10) calendar days from the date the Petitioner receives the Recommended Decision. Any objections must be in writing and must state the legal basis for the objection.

Written objections are to be submitted to the Indiana State Board of Education as follows:

ATTN: Timothy A. Schultz, General Counsel
TSchultz1@sboe.in.gov

Certificate of Service

I certify that on November 17, 2017, I served the foregoing Recommended Decision on the following persons at the email addresses shown below.

/s/ Elizabeth M. Littlejohn, Hearing Officer

Larry Pender
lpender@portagechristian.com

Timothy A. Schultz, General Counsel
Indiana State Board of Education
Email: TSchultz1@sboe.in.gov

Maggie Paino, Director of Accountability
Indiana Department of Education
Email: mpaino@doe.in.gov

**BEFORE THE INDIANA
STATE BOARD OF EDUCATION**

IN THE MATTER OF:)	
)	
ROCHESTER COMMUNITY HIGH	)	APPEAL PURSUANT TO
SCHOOL (SCHOOL # 2173),	)	511 IAC 6.2-10-11
)	
PETITIONER)	
)	

**COMBINED FINDINGS OF FACT AND CONCLUSIONS OF LAW, AND
RECOMMENDED DECISION**

I. Reason for Appeal

Rochester Community High School appeals its 2016-2017 category placement of a “C” grade (74.8 points), asserting that 111 students were negatively impacted by the erroneous guidance provided by the vendor for the statewide assessment as to whether a calculator was allowed during a non-calculator portion of the ISTEP+ Mathematics testing.

II. Combined Findings of Fact and Conclusions of Law

1. Rochester Community High School is a public school that is part of the Rochester Community School Corporation.
2. Rochester Community High School educates students in grades 9 through 12.
3. Pursuant to Ind. Code § 20-31-8-4, the Indiana State Board of Education (Board) shall annually place each school in a category or designation of school performance based on the metrics outlines in 511 IAC 6.2-10.
4. Pursuant to 511 IAC 6.2-10-3(d)(2) through (4), the accountability category of Rochester Community High School shall be based on the performance, growth, and multiple measures domains. The performance and growth shall each be 20% of the overall grade and the multiple measures domain shall equate to 60% of the overall grade.

5. Rochester Community High School did not have a growth domain score for the 2016-2017 school year since it did not have enough 10th graders with growth data. Therefore, the performance domain was weighted at 40% in accordance with 511 IAC 6.2-10-3(d)(2)(B)(iii) and the multiple measures domain was weighted at 60%.

6. The performance domain is made up of an English/language arts subject score and a mathematics subject score.

7. Each subject score is weighted at half of the overall performance domain score.

8. The subject score is the product of the subject area proficiency rate and the subject area participation rate.

9. Only “eligible students” as defined by 511 IAC 6.2-10-1(15) are included in each subject area proficiency rate and participation rate, including any student who:

- (A) was enrolled at the school for at least one hundred sixty-two (162) days in the accountable year;
- (B) was tested on the mandatory statewide annual assessment, or the end of course assessment;
- (C) was not a limited English proficient student who has been enrolled in schools in the United States for less than twelve (12) months; and
- (D) obtained a valid test result.

511 IAC 6.2-10-1(15).

10. Pursuant to 511 IAC 6.2-10-1(32), participation means “to complete and obtain a valid test result for the mandatory statewide annual assessment.”

11. 511 IAC 6.2-10-4(b)(4) and (c)(4) indicate that the proficiency rate shall be multiplied by the actual participation rate unless the participation rate is greater than or equal to 95.0%, in which case the proficiency rate shall be multiplied by 100.0%.

12. Due to the erroneous guidance provided by Pearson, the ISTEP+ publisher, 111 math assessment results had to be invalidated for the inappropriate use of a calculator.

13. On September 11, 2017, Rochester Community High School received an accountability category placement of a “C” for the 2016-2017 school year (74.8 points). The calculation was as follows:

Performance Domain Score		
1. English/language arts score		
Pass Rate	60.0%	60.0 * 1 = 60.0
Participation Rate	98.2%	
2. Mathematics score		
Pass Rate	22.0%	22.0 * .59 = 13.0
Participation Rate	59.0%	
3. Total Performance Domain Score	$\frac{60.0 + 13.0}{2} = 36.5$	

Overall Accountability Calculation		
Performance Domain	Multiple Measures Domain	Overall Category
36.5 * .40 = 14.6	100.4 * .60 = 60.2	14.6 + 60.2 = 74.8 = C

14. On September 20, 2017, Rochester Community School Corporation timely appealed the Board’s 2016-2017 Accountability Calculation, stating that over 700 students in its district were negatively impacted by the inappropriate use of a calculator during a non-calculator portion of the ISTEP+ Mathematics testing. The School requests that these students not be counted against its Accountability Calculation.

15. The erroneous guidance provided by Pearson was the reason for the invalidation of the mathematics tests. This was not the fault of Rochester Community High School. Accordingly, the School should not be penalized for the negatively impacted students.

16. In order to remedy this issue, a new Accountability Calculation should be determined. Because over 40% of the students at Rochester Community High School were affected, in order to not prejudice the school, we will use those affected students’ ISTEP+ mathematics scores from last year in the new calculation. The new calculation is as follows:

Performance Domain Score		
1. English/language arts score		
Pass Rate	60.0%	60.0 * 1 = 60.0
Participation Rate	98.2%	
2. Mathematics score		
Pass Rate	35.0%	35.0 * 1 = 35.0
Participation Rate	100.0%	
3. Total Performance Domain Score	$\frac{60.0 + 35.0}{2} = 47.5$	

Overall Accountability Calculation		
Performance Domain	Multiple Measures Domain	Overall Category
47.5 * .40 = 19	100.4 * .60 = 60.2	19 + 60.2 = 79.2 = C

III. Recommended Decision

The Board's Accountability Category calculation for Rochester Community High School was inaccurate under the circumstances. The Board followed 511 IAC 6.2-10 in its calculation, but it included 111 students who were negatively impacted by Pearson's erroneous guidance regarding calculator use. Because that impact was out of the school's control, it should not be penalized for it. Due to the calculator issue affecting over 40% of Rochester Community High School students, the 111 students impacted should be included in the mathematics score based on their 2015-2016 ISTEP+ mathematics scores. Rochester Community High School's accountability score after recalculating the Accountability Category moves from a 74.8 to a 79.2. Thus, the Board's calculation of a category placement of a "C" was proper and should be sustained with the adjustment of the score from 74.8 to 79.2 points.

DATE: November 13, 2017

/s/ Kevin C. McDowell, Hearing Officer

NOTICE OF APPEAL RIGHT

Petitioner may file objections to the Hearing Officer's Recommended Decision but must do so no later than ten (10) calendar days from the date the Petitioner receives the Recommended Decision. Any objections must be in writing and must state the legal basis for the objection.

Written objections are to be submitted to the Indiana State Board of Education as follows:

ATTN: Timothy A. Schultz, General Counsel

TSchultz1@sboe.in.gov

Certificate of Service

I certify that on November 13, 2017, I served the foregoing Recommended Decision on the following persons at the email addresses shown below.

/s/ Kevin C. McDowell, Hearing Officer

Jana Vance

Jana.vance@zebras.net

Timothy A. Schultz, General Counsel

Indiana State Board of Education

Email: TSchultz1@sboe.in.gov

Maggie Paino, Director of Accountability

Indiana Department of Education

Email: mpaino@doe.in.gov

**BEFORE THE INDIANA
STATE BOARD OF EDUCATION**

IN THE MATTER OF:)	
)	
ROCHESTER COMMUNITY MIDDLE	)	APPEAL PURSUANT TO
SCHOOL (SCHOOL # 2177),	)	511 IAC 6.2-10-11
)	
PETITIONER)	
)	

**COMBINED FINDINGS OF FACT AND CONCLUSIONS OF LAW, AND
RECOMMENDED DECISION**

I. Reason for Appeal

Rochester Community Middle School appeals its 2016-2017 category placement of a “D” grade (61 points), asserting that 177 students were negatively impacted by the erroneous guidance provided by the vendor of the statewide assessment as to whether a calculator was allowed during a non-calculator portion of the ISTEP+ Mathematics testing.

II. Combined Findings of Fact and Conclusions of Law

1. Rochester Community Middle School is a public school that is part of the Rochester Community School Corporation.
2. Rochester Community Middle School educates students in grades 6 through 8.
3. Pursuant to Ind. Code § 20-31-8-4, the Indiana State Board of Education (Board) shall annually place each school in a category or designation of school performance based on the metrics outlines in 511 IAC 6.2-10.
4. Pursuant to 511 IAC 6.2-10-3(d)(2) and (3), the accountability category of Rochester Community Middle School shall be based on the performance and growth domains, with each domain weighted at half of the overall letter grade score.

5. Specifically, the performance domain is made up of an English/language arts subject score and a mathematics subject score.

6. Each subject score is weighted at half of the overall performance domain score.

7. The subject score is the product of the subject area proficiency rate and the subject area participation rate.

8. Only “eligible students” as defined by 511 IAC 6.2-10-1(15) are included in each subject area proficiency rate and participation rate, including any student who:

(A) was enrolled at the school for at least one hundred sixty-two (162) days in the accountable year;

(B) was tested on the mandatory statewide annual assessment, or the end of course assessment;

(C) was not a limited English proficient student who has been enrolled in schools in the United States for less than twelve (12) months; and

(D) obtained a valid test result.

511 IAC 6.2-10-1(15).

9. Pursuant to 511 IAC 6.2-10-1(32) participation means “to complete and obtain a valid test result for the mandatory statewide annual assessment.”

10. 511 IAC 6.2-10-4(b)(4) and (c)(4) indicate that the proficiency rate shall be multiplied by the actual participation rate unless the participation rate is greater than or equal to 95.0%, in which case the proficiency rate shall be multiplied by 100.0%.

11. Due to the erroneous guidance provided by Pearson, the ISTEP+ publisher, 177 math assessment results had to be invalidated for the inappropriate use of a calculator.

12. On September 11, 2017, Rochester Community Middle School received an accountability category placement of a “D” for the 2016-2017 school year (61.0 points). The calculation was as follows:

Performance Domain Score		
1. English/language arts score		
Pass Rate	60.3%	60.3 * 1 = 60.3
Participation Rate	98.6%	
2. Mathematics score		
Pass Rate	41.9%	41.9 * .569 = 23.8
Participation Rate	56.9%	
3. Total Performance Domain Score	$\frac{60.3 + 23.8}{2} = 42.1$	

Overall Accountability Calculation		
Performance Domain	Growth Domain	Overall Category
42.1 * .50 = 21.1	79.9 * .50 = 40.0	21.1 + 40.0 = 61.1 = D

13. On September 20, 2017, Rochester Community School Corporation timely appealed the Board’s 2016-2017 Accountability Calculation, stating that over 700 students in its district were negatively impacted by the erroneous guidance from Pearson as to whether a calculator was allowed during a non-calculator portion of the ISTEP Mathematics testing. The School requested that these students not be counted against its Accountability Calculation.

14. The erroneous guidance provided by Pearson resulted in the invalidation of the scores. The Rochester Community Middle School was not responsible for this error and should not be penalized for the negatively impacted students.

15. In order to remedy this issue, a new Accountability Category should be determined. Because over 40% of the students at Rochester Community Middle School were affected, in order to not prejudice the school, we will use those affected students’ ISTEP+ mathematics scores from last year in the new calculation.¹ The new calculation is as follows:

¹ A different method for recalculating the Accountability Category for this School has been employed. In other recommended decisions where Pearson's guidance resulted in invalidation of scores, there were not as many students (by numbers and by percentage) affected as in this situation. In the other decision, the percentage of eligible students negatively impacted was well below 40% of all eligible students. In this case, the percentage of students is over 40%, which is considered too statistically significant to employ the other alternative calculation, which—given these numbers and percentage—would result in a slightly negatively skewed recalculated score. Accordingly, last

Performance Domain Score		
1. English/language arts score		
Pass Rate	60.3%	60.3 * 1 = 60.3
Participation Rate	98.6%	
2. Mathematics score		
Pass Rate	54.1%	54.1 * 1 = 54.1
Participation Rate	99.3%	
3. Total Performance Domain Score	$\frac{60.3 + 54.1}{2} = 57.20$	

Overall Accountability Calculation		
Performance Domain	Growth Domain	Overall Category
57.20 * .50 = 28.6	79.9 * .50 = 40.0	28.6 + 40.0 = 68.6 = D

III. Recommended Decision

The Board's Accountability Category calculation for Rochester Community Middle School was inaccurate under the circumstances. The Board followed 511 IAC 6.2-10 in its calculation, but it included 177 students who were negatively impacted by Pearson's erroneous guidance regarding calculator use. Because that impact was out of the school's control, it should not be penalized for it. Due to the calculator issue affecting over 40% of Rochester Community Middle School students, the 177 students negatively impacted should be included in the mathematics score based on their 2015-2016 ISTEP+ mathematics scores. Rochester Community Middle School's accountability score after recalculating the Accountability Category moves from 61.1 to a 68.6 points. Thus, the Board's calculation of a category placement of a "D" was appropriate but the score should be adjusted from 61.1 to 68.6 points.

DATE: November 13, 2017

/s/ Kevin C. McDowell, Hearing Officer

year's results were employed for this purpose instead. While the resulting recalculation appears to be slightly positively skewed, the use of last year's results is more practical for this purpose.

NOTICE OF APPEAL RIGHT

Petitioner may file objections to the Hearing Officer's Recommended Decision but must do so no later than ten (10) calendar days from the date the Petitioner receives the Recommended Decision. Any objections must be in writing and must state the legal basis for the objection.

Written objections are to be submitted to the Indiana State Board of Education as follows:

ATTN: Timothy A. Schultz, General Counsel
TSchultz1@sboe.in.gov

Certificate of Service

I certify that on November 13, 2017, I served the foregoing Recommended Decision on the following persons at the email addresses shown below.

/s/ Kevin C. McDowell, Hearing Officer

Jana Vance
Jana.vance@zebras.net

Timothy A. Schultz, General Counsel
Indiana State Board of Education
Email: TSchultz1@sboe.in.gov

Maggie Paino, Director of Accountability
Indiana Department of Education
Email: mpaino@doe.in.gov

**BEFORE THE INDIANA
STATE BOARD OF EDUCATION**

IN THE MATTER OF:)	
)	
SAINT BONIFACE SCHOOL	)	APPEAL PURSUANT TO
(SCHOOL # D420),	)	511 IAC 6.2-10-11
)	
PETITIONER)	
)	

**COMBINED FINDINGS OF FACT AND CONCLUSIONS OF LAW, AND
RECOMMENDED DECISION**

I. Reason for Appeal

Saint Boniface School appeals its 2016-2017 category placement of a “B” grade (80.5 points), asserting that 71 students were negatively impacted by the erroneous guidance provided by the vendor of the statewide assessment regarding whether a calculator was allowed on a portion of the ISTEP+ Mathematics section.

II. Combined Findings of Fact and Conclusions of Law

1. Saint Boniface School is a nonpublic school that located in Lafayette, Indiana, and participates in the Indiana Choice Scholarship Program.
2. Saint Boniface School educates students in grades 4 through 6.
3. Pursuant to Ind. Code § 20-31-8-4, the Indiana State Board of Education (Board) shall annually place each school in a category or designation of school performance based on the metrics outlines in 511 IAC 6.2-10.
4. Indiana Code § 20-51-1-4.7 requires Choice-participant schools to submit data to the Indiana Department of Education (Department) in order for the Department to determine category designations under Ind. Code § 20-31-8-3.

5. Pursuant to 511 IAC 6.2-10-3(d)(2) and (3), the accountability category of Saint Boniface School shall be based on the performance and growth domains, with each domain weighted at half of the overall letter grade score.

6. Specifically, the performance domain is made up of an English/language arts subject score and a mathematics subject score.

7. Each subject score is weighted at half of the overall performance domain score.

8. The subject score is the product of the subject area proficiency rate and the subject area participation rate.

9. Only “eligible students” as defined by 511 IAC 6.2-10-1(15) are included in each subject area proficiency rate and participation rate, including any student who:

(A) was enrolled at the school for at least one hundred sixty-two (162) days in the accountable year;

(B) was tested on the mandatory statewide annual assessment, or the end of course assessment;

(C) was not a limited English proficient student who has been enrolled in schools in the United States for less than twelve (12) months; and

(D) obtained a valid test result.

511 IAC 6.2-10-1(15).

10. Pursuant to 511 IAC 6.2-10-1(32), participation means “to complete and obtain a valid test result for the mandatory statewide annual assessment.”

11. 511 IAC 6.2-10-4(b)(4) and (c)(4) indicate that the proficiency rate shall be multiplied by the actual participation rate unless the participation rate is greater than or equal to 95.0%, in which case the proficiency rate shall be multiplied by 100.0%.

12. Due to the erroneous guidance provided by Pearson, the ISTEP+ publisher, 71 math assessment results had to be invalidated for the use of a calculator on a non-calculator portion of the test.

13. On September 11, 2017, Saint Boniface School received an accountability category placement of a “B” for the 2016-2017 school year. The calculation was as follows:

Performance Domain Score		
1. English/language arts score		
Pass Rate	78.2%	78.2 * 1 = 78.2
Participation Rate	100%	
2. Mathematics score		
Pass Rate	79.2%	79.2 * .432 = 34.2
Participation Rate	43.2%	
3. Total Performance Domain Score	$\frac{78.2 + 34.2}{2} = 56.2$	

Overall Accountability Calculation		
Performance Domain	Growth Domain	Overall Category
56.2 * .50 = 28.1	104.8 * .50 = 52.4	28.1 + 52.4 = 80.5=B

14. On October 16, 2017, Saint Boniface School timely appealed the Board’s 2016-2017 Accountability Calculation, stating that 71 students were negatively impacted by Pearson’s erroneous guidance regarding whether a calculator was allowed during the ISTEP+ Mathematics testing. The School requested either a “hold harmless” order be approved or that these students not be counted against its Accountability Calculation.

15. The guidance provided by Pearson was inaccurate; however, Saint Boniface School reasonably relied on this guidance to its detriment. The School should not be penalized for this.

16. In order to remedy this issue, a new Accountability Category should be recalculated. Because over 40% of the students at Saint Boniface School were affected, in order

to not prejudice the school, we will use those affected students' ISTEP+ mathematics scores from last year in the new calculation.¹ The new calculation is as follows:

Performance Domain Score		
1. English/language arts score		
Pass Rate	78.2%	78.2 * 1 = 78.2
Participation Rate	100%	
2. Mathematics score		
Pass Rate	86.3%	86.3 * 1 = 86.3
Participation Rate	100%	
3. Total Performance Domain Score	$\frac{78.2 + 86.3}{2} = 82.3$	

Overall Accountability Calculation		
Performance Domain	Growth Domain	Overall Category
82.3 * .50 = 41.2	104.8 * .50 = 52.4	41.2 + 52.4 = 93.6=A

17. It should be noted that during the 2016 legislative session, the Indiana General Assembly passed legislation to provide for a “hold harmless” approach to the assignment of A-F letter grades for the 2014-2015 school year. This legislation was exclusively and explicitly for the 2014-2015 school year accountability determinations only. The Board does not provide for a “hold harmless” approach to annual accountability determinations.

¹ A different method for recalculating the Accountability Category for this School has been employed. In other recommended decisions where Pearson's guidance resulted in invalidation of scores, there were not as many students (by numbers and by percentage) affected as in this situation. In the other decisions, the percentage of eligible students negatively impacted was well below 40% of all eligible students. In this case, the percentage of students is over 40%, which is considered too statistically significant to employ the other alternative calculation, which—given these numbers and percentage—would result in a slightly negatively skewed recalculated score. Accordingly, last year's results were employed for this purpose instead. While the resulting recalculation appears to be slightly positively skewed, the use of last year's results is more practical for this purpose.

III. Recommended Decision

The Board's Accountability Category calculation for Saint Boniface School was inaccurate in that it did not adequately consider the negative impact occasioned by Pearson's erroneous guidance. Even though the Board followed 511 IAC 6.2-10 in its calculation, it included the 71 students who were impacted by Pearson's guidance regarding calculator use. Because that impact was out of the School's control, it should not be penalized for it. Due to the calculator issue affecting over 40% of Saint Boniface School's students, the 71 students negatively impacted should be included in the Mathematics score based on their 2015-2016 ISTEP+ mathematics scores. Saint Boniface School's accountability score, after recalculating, moves from 80.5 to 93.6 points. Thus, the Board's calculation of a category placement of a "B" and should be adjusted to an "A" with a score of 93.6 points.

DATE: November 17, 2017

/s/ Elizabeth M. Littlejohn, Hearing Officer

NOTICE OF APPEAL RIGHT

Petitioner may file objections to the Hearing Officer's Recommended Decision but must do so no later than ten (10) calendar days from the date the Petitioner receives the Recommended Decision. Any objections must be in writing and must state the legal basis for the objection.

Written objections are to be submitted to the Indiana State Board of Education as follows:

ATTN: Timothy A. Schultz, General Counsel
TSchultz1@sboe.in.gov

Certificate of Service

I certify that on November 17, 2017, I served the foregoing Recommended Decision on the following persons at the email addresses shown below.

/s/ Elizabeth M. Littlejohn, Hearing Officer

Jeff Botteron
jbotteron@lcss.org

Timothy A. Schultz, General Counsel
Indiana State Board of Education
Email: TSchultz1@sboe.in.gov

Maggie Paino, Director of Accountability
Indiana Department of Education
Email: mpaino@doe.in.gov

**BEFORE THE INDIANA
STATE BOARD OF EDUCATION**

IN THE MATTER OF:)	
	)	APPEAL PURSUANT TO
SAINT JOSEPH HIGH SCHOOL	)	511 IAC 6.2-10-11
(SCHOOL # D225),)	
)	
PETITIONER)	
)	

**COMBINED FINDINGS OF FACT AND CONCLUSIONS OF LAW, AND
RECOMMENDED DECISION**

I. Reason for Appeal

Saint Joseph High School appeals its 2016-2017 category placement of an “A” grade (93.1 points), asserting that nine (9) students were negatively impacted by erroneous guidance provided by the vendor of the statewide assessment regarding whether a calculator was allowed during a non-calculator portion of the ISTEP+ Mathematics testing.

II. Combined Findings of Fact and Conclusions of Law

1. Saint Joseph High School is a nonpublic school that located in South Bend, Indiana, and participates in the Indiana Choice Scholarship Program.
2. Saint Joseph High School educates students in grades 9 through 12.
3. Pursuant to Ind. Code § 20-31-8-4, the Indiana State Board of Education (Board) shall annually place each school in a category or designation of school performance based on the metrics outlines in 511 IAC 6.2-10.
4. Indiana Code § 20-51-1-4.7 requires choice-participant schools to submit data to the Indiana Department of Education (Department) required for a category designation under Ind. Code § 20-31-8-3.

5. Pursuant to 511 IAC 6.2-10-3(d)(2) and (3), the accountability category of Saint Joseph High School shall be based on the performance, growth, and multiple measures domains. The performance and growth shall each be 20% of the overall grade and the multiple measures domain shall equate to 60% of the overall grade.

6. Specifically, the performance domain is made up of an English/language arts subject score and a mathematics subject score.

7. Each subject score is weighted at half of the overall performance domain score.

8. The subject score is the product of the subject area proficiency rate and the subject area participation rate.

9. Only “eligible students” as defined by 511 IAC 6.2-10-1(15) are included in each subject area proficiency rate and participation rate, including any student who:

- (A) was enrolled at the school for at least one hundred sixty-two (162) days in the accountable year;
- (B) was tested on the mandatory statewide annual assessment, or the end of course assessment;
- (C) was not a limited English proficient student who has been enrolled in schools in the United States for less than twelve (12) months; and
- (D) obtained a valid test result.

511 IAC 6.2-10-1(15).

10. Pursuant to 511 IAC 6.2-10-1(32), participation means “to complete and obtain a valid test result for the mandatory statewide annual assessment.”

11. 511 IAC 6.2-10-4(b)(4) and (c)(4) indicate that the proficiency rate shall be multiplied by the actual participation rate unless the participation rate is greater than or equal to 95.0%, in which case the proficiency rate shall be multiplied by 100.0%.

12. Due to the erroneous guidance provided by Pearson, the ISTEP+ publisher, nine (9) math assessment results had to be invalidated because of the impermissible use of a calculator.

13. On September 11, 2017, Saint Joseph High School received an accountability category placement of an “A” for the 2016-2017 school year (93.1 points). The calculation was as follows:

Performance Domain Score		
1. English/language arts score		
Pass Rate	81.7%	81.7 * 1 = 81.7
Participation Rate	99.6%	
2. Mathematics score		
Pass Rate	53.2%	53.2 * .944 = 50.2
Participation Rate	94.4%	
3. Total Performance Domain Score	$\frac{81.7 + 50.2}{2} = 66.0$	

Overall Accountability Calculation			
Performance Domain	Growth Domain	Multiple Measures Domain	Overall Category
66.0 * .20 = 13.2	98.5 * .20 = 19.7	100.3 * .6 = 60.18	13.2 + 19.7 + 60.18 = 93.1=A

14. On September 21, 2017, Saint Joseph High School timely appealed the Board’s 2016-2017 Accountability Calculation, stating that nine (9) students were negatively impacted by the erroneous guidance provided by Pearson as to whether a calculator was allowed during a non-calculator portion of the ISTEP+ Mathematics testing. The School requested that these students not be counted against its Accountability Calculation.

15. The erroneous guidance provided by Pearson was the cause of the invalidation of the scores. Saint Joseph High School was not responsible of this; accordingly, it should not be penalized for the negatively impacted students.

16. In order to remedy this issue, a new Accountability Category should be determined by excluding those negatively impacted students from the Mathematics Pass Rate and Participation Rate. The new calculation is as follows:

Performance Domain Score		
1. English/language arts score		
Pass Rate	81.7%	81.7 * 1 = 81.7
Participation Rate	99.6%	
2. Mathematics score		
Pass Rate	53.2%	53.2 * 1 = 53.2
Participation Rate	99.6%	
3. Total Performance Domain Score	$\frac{81.7 + 53.2}{2} = 67.5$	

Overall Accountability Calculation			
Performance Domain	Growth Domain	Multiple Measures Domain	Overall Category
67.5 * .20 = 13.5	98.5 * .20 = 19.7	100.3 * .6 = 60.18	13.5 + 19.7 + 60.18 = 93.4=A

III. Recommended Decision

The Board’s Accountability Category calculation for Saint Joseph High School was inaccurate under the circumstances. The Board followed 511 IAC 6.2-10 in its calculation, but it included nine (9) students who were negatively impacted by Pearson’s erroneous guidance regarding calculator use. Because that impact was out of the school’s control, it should not be penalized for it. The nine (9) students impacted should be excluded from the Mathematics Pass Rate and Participation Rate. Saint Joseph High School’s accountability score, after excluding those students, moves from 93.1 to 93.4 points. Thus, the Board’s calculation of a category placement of an “A” should be sustained with the adjustment of the score from 93.1 to 93.4 points.

DATE: November 14, 2017

/s/ Kevin C. McDowell, Hearing Officer

NOTICE OF APPEAL RIGHT

Petitioner may file objections to the Hearing Officer’s Recommended Decision but must do so no later than ten (10) calendar days from the date the Petitioner receives the Recommended Decision. Any objections must be in writing and must state the legal basis for the objection. Written objections are to be submitted to the Indiana State Board of Education as follows:

ATTN: Timothy A. Schultz, General Counsel
TSchultz1@sboe.in.gov

Certificate of Service

I certify that on November 14, 2017, I served the foregoing Recommended Decision on the following persons at the email addresses shown below.

/s/ Kevin C. McDowell, Hearing Officer

Thomas Derwent
tderwent@saintjoehigh.com

Timothy A. Schultz, General Counsel
Indiana State Board of Education
Email: TSchultz1@sboe.in.gov

Maggie Paino, Director of Accountability
Indiana Department of Education
Email: mpaino@doe.in.gov

**BEFORE THE INDIANA
STATE BOARD OF EDUCATION**

IN THE MATTER OF:)	
)	
SAINT LOUIS SCHOOL	)	APPEAL PURSUANT TO
(SCHOOL # D130),	)	511 IAC 6.2-10-11
)	
PETITIONER)	
)	

**COMBINED FINDINGS OF FACT AND CONCLUSIONS OF LAW, AND
RECOMMENDED DECISION**

I. Reason for Appeal

Saint Louis School appeals its 2016-2017 category placement of a “B” grade asserting that there were extenuating circumstances that caused the drop in its grade and that it has since addressed them.

II. Combined Findings of Fact and Conclusions of Law

1. Saint Louis School is a nonpublic school located in Batesville, Indiana, that participates in the Indiana Choice Scholarship Program under Ind. Code 20-51-4, *et seq.*
2. Saint Louis School educates students in kindergarten through grade 8.
3. Pursuant to Ind. Code § 20-31-8-4, the Indiana State Board of Education (Board) shall annually place each school in a category or designation of school performance based on the metrics outlines in 511 IAC 6.2-10.
4. Indiana Code § 20-51-1-4.7(7) requires choice-participant schools to submit data to the Indiana Department of Education (Department) required for a category designation under Ind. Code § 20-31-8-3.

5. Pursuant to 511 IAC 6.2-10-3(d)(2) and (3), the accountability category of Saint Louis School shall be based on the performance and growth domains, with each domain weighted at half the overall accountability score.

6. Pursuant to 511 IAC 6.2-10-3(a), the Board shall annually place a school in an accountability category.

7. On September 11, 2017, Saint Louis School received an accountability category placement of a “B” for the 2016-2017 school year.

8. On September 22, 2017, Saint Louis School timely appealed the Board’s 2016-2017 Accountability Calculation, stating that extenuating circumstances in its Junior High Math program caused its accountability grade to drop, and it has since remedied those circumstances. These circumstances involved the retirement of the math teacher in late summer, followed by the hiring of a math teacher who proved unsuitable to the task.

III. Recommended Decision

The Board’s Accountability Category calculation for Saint Louis School was correct. The Board properly followed 511 IAC 6.2-10 in its calculation. Although Saint Louis School discovered a problem in its math program and has since remedied that problem, the data for the Accountability Calculation must be data from the 2016-2017 school year. If the problem has been remedied, as the Saint Louis School represents, the School may see a change in its grade next year. However, no change can be made based on a personnel problem after the Accountability Categories have already been released. Thus, the Board’s calculation of a category placement of a “B” was proper and should be sustained.

DATE: November 7, 2017

/s/ Kevin C. McDowell, Hearing Officer

NOTICE OF APPEAL RIGHT

Petitioner may file objections to the Hearing Officer's Recommended Decision but must do so no later than ten (10) calendar days from the date the Petitioner receives the Recommended Decision. Any objections must be in writing and must state the legal basis for the objection.

Written objections are to be submitted to the Indiana State Board of Education as follows:

ATTN: Timothy A. Schultz, General Counsel

TSchultz1@sboe.in.gov

Certificate of Service

I certify that on November 7, 2017, I served the foregoing Recommended Decision on the following persons at the email addresses shown below.

/s/ Kevin C. McDowell, Hearing Officer

Chad Moeller

cmoeller@st.louisschool.org

Timothy A. Schultz, General Counsel

Indiana State Board of Education

Email: TSchultz1@sboe.in.gov

Maggie Paino, Director of Accountability

Indiana Department of Education

Email: mpaino@doe.in.gov

**BEFORE THE INDIANA
STATE BOARD OF EDUCATION**

IN THE MATTER OF:)	
)	
SAINT MONICA SCHOOL	)	APPEAL PURSUANT TO
(SCHOOL # C445),	)	511 IAC 6.2-10-11
)	
PETITIONER)	
)	

**COMBINED FINDINGS OF FACT AND CONCLUSIONS OF LAW, AND
RECOMMENDED DECISION**

I. Reason for Appeal

Saint Monica School appeals its 2016-2017 category placement of a “D” grade (64.9 points), asserting that 43 students were negatively impacted by technical interferences with the first math session of the ISTEP+.

II. Combined Findings of Fact and Conclusions of Law

1. Saint Monica School is a nonpublic school that is located in Indianapolis, Indiana, and participates in the Indiana Choice Scholarship Program.
2. Saint Monica School educates students in pre-kindergarten through grade 8.
3. Pursuant to Ind. Code § 20-31-8-4, the Indiana State Board of Education (Board) shall annually place each school in a category or designation of school performance based on the metrics outlines in 511 IAC 6.2-10.
4. Indiana Code § 20-51-1-4.7 requires Choice-participant schools to submit data to the Indiana Department of Education (Department) for a category designation under Ind. Code § 20-31-8-3.

5. Pursuant to 511 IAC 6.2-10-3(d)(2) and (3), the accountability category of Saint Monica School shall be based on the performance and growth domains, with each domain weighted at half of the overall letter grade score.

6. Specifically, the performance domain is made up of an English/language arts subject score and a mathematics subject score.

7. Each subject score is weighted at half of the overall performance domain score.

8. The subject score is the product of the subject area proficiency rate and the subject area participation rate.

9. Only “eligible students,” as defined by 511 IAC 6.2-10-1(15), are included in each subject area proficiency rate and participation rate, including any student who:

(A) was enrolled at the school for at least one hundred sixty-two (162) days in the accountable year;

(B) was tested on the mandatory statewide annual assessment, or the end of course assessment;

(C) was not a limited English proficient student who has been enrolled in schools in the United States for less than twelve (12) months; and

(D) obtained a valid test result.

511 IAC 6.2-10-1(15).

10. Pursuant to 511 IAC 6.2-10-1(32), participation means “to complete and obtain a valid test result for the mandatory statewide annual assessment.”

11. 511 IAC 6.2-10-4(b)(4) and (c)(4) indicate that the proficiency rate shall be multiplied by the actual participation rate unless the participation rate is greater than or equal to 95.0%, in which case the proficiency rate shall be multiplied by 100.0%.

12. Due to technical difficulties that could not be fixed until several hours later and due to no fault of Saint Monica School, 43 students test results for math were invalidated.

13. On September 11, 2017, Saint Monica School received an accountability category placement of a “D” for the 2016-2017 school year (64.9 points). The calculation was as follows:

Performance Domain Score		
1. English/language arts score		
Pass Rate	64.9%	64.9 * 1 = 64.9
Participation Rate	98%	
2. Mathematics score		
Pass Rate	45.5%	45.5 * .819 = 37.3
Participation Rate	81.9%	
3. Total Performance Domain Score	$\frac{64.9 + 37.3}{2} = 51.1$	

Overall Accountability Calculation		
Performance Domain	Growth Domain	Overall Category
51.1 * .50 = 25.6	78.6 * .50 = 39.3	25.6 + 39.3 = 64.9 = D

14. On September 24, 2017, Saint Monica School timely appealed the Board’s 2016-2017 Accountability Calculation, stating that 43 students were negatively impacted by technical interferences with the first math session, affecting its overall accountability calculation.

15. The technical interferences were properly worked through with Pearson, the vendor for the ISTEP+, and it was determined that the rest of the sessions should be given on paper rather than computer. Saint Monica School was not at fault for these technical interferences, and they properly reported them to Pearson and the Department.

16. In order to remedy this issue, a new Accountability Category should be recalculated by excluding those impacted students from the Mathematics Pass Rate and Participation Rate. The new calculation is as follows:

Performance Domain Score		
1. English/language arts score		
Pass Rate	64.9%	64.9 * 1 = 64.9
Participation Rate	98%	
2. Mathematics score		
Pass Rate	45.5%	45.5 * 1 = 45.5
Participation Rate	99.2%	
3. Total Performance Domain Score	$\frac{64.9 + 45.5}{2} = 55.2$	

Overall Accountability Calculation		
Performance Domain	Growth Domain	Overall Category
55.2 * .50 = 27.6	78.6 * .50 = 39.3	27.6 + 39.3 = 66.9 = D

III. Recommended Decision

The Board's Accountability Category calculation for Saint Monica School was inaccurate under the circumstances. The Board followed 511 IAC 6.2-10 in its calculation, but it included 43 students who were negatively impacted by the technical problems with the Pearson programing. Because that impact was out of the school's control, it should not be penalized for it. The 43 students negatively impacted should be excluded from the Mathematics Pass Rate and Participation Rate. Saint Monica School's accountability score, after recalculating the Accountability Category, moves from 64.9 to a 66.9 (points). Thus, the Board's calculation of a category placement of a "D" should be sustained with the adjustment of the score from 64.9 to a 66.9 points.

DATE: November 14, 2017

/s/ Elizabeth M. Littlejohn, Hearing Officer

NOTICE OF APPEAL RIGHT

Petitioner may file objections to the Hearing Officer’s Recommended Decision but must do so no later than ten (10) calendar days from the date the Petitioner receives the Recommended Decision. Any objections must be in writing and must state the legal basis for the objection. Written objections are to be submitted to the Indiana State Board of Education as follows:

ATTN: Timothy A. Schultz, General Counsel
TSchultz1@sboe.in.gov

Certificate of Service

I certify that on November 14, 2017, I served the foregoing Recommended Decision on the following persons at the email addresses shown below.

/s/ Elizabeth M. Littlejohn, Hearing Officer

Eric Schommer
e.schommer@smsindy.org

Timothy A. Schultz, General Counsel
Indiana State Board of Education
Email: TSchultz1@sboe.in.gov

Maggie Paino, Director of Accountability
Indiana Department of Education
Email: mpaino@doe.in.gov

**BEFORE THE INDIANA
STATE BOARD OF EDUCATION**

IN THE MATTER OF:)	
)	
SMITH ACADEMY FOR EXCELLENCE	)	APPEAL PURSUANT TO
(SCHOOL # D242),	)	511 IAC 6.2-10-11
)	
PETITIONER)	
)	

**COMBINED FINDINGS OF FACT AND CONCLUSIONS OF LAW, AND
RECOMMENDED DECISION**

I. Reason for Appeal

Smith Academy for Excellence appeals its 2016-2017 category placement of an “F” grade (56.5 points), asserting that its current high school data were excluded; its student population includes a large amount of alternative education students and special education students; and its high student mobility rates all negatively impacted its letter grade.

II. Combined Findings of Fact and Conclusions of Law

1. Smith Academy for Excellence is a public charter school, as defined by Ind. Code § 20-24-1-4, located in Fort Wayne, Indiana.
2. Smith Academy for Excellence educates students in grades 4 through 12.
3. Pursuant to Ind. Code § 20-31-8-4, the Indiana State Board of Education (Board) shall annually place each school in a category or designation of school performance based on the metrics outlines in 511 IAC 6.2-10.
4. Pursuant to 511 IAC 6.2-10-3(d)(2) through (4), the accountability category of Smith Academy for Excellence shall be based on the performance, growth, and multiple measures domains, where data are available.

5. For a school that serves grade levels in both the 3 through 8 and 9 through 12 spans, the domains are weighted based on enrollment percentage in those grade levels.

6. All domains are calculated using the results of “eligible students” as defined by 511 IAC 6.2-10-1(15) including any student who:

(A) was enrolled at the school for at least one hundred sixty-two (162) days in the accountable year;

(B) was tested on the mandatory statewide annual assessment, or the end of course assessment;

(C) was not a limited English proficient student who has been enrolled in schools in the United States for less than twelve (12) months; and

(D) obtained a valid test result.

511 IAC 6.2-10-1(15).

7. Pursuant to 511 IAC 6.2-10-1(32), participation means “to complete and obtain a valid test result for the mandatory statewide annual assessment.”

8. Further, 511 IAC 6.2-10-1(33) defines the participation rate as the percentage of students enrolled in tested grades at the time of the test administration who completed the mandatory statewide annual assessment.

9. 511 IAC 6.2-10-4(b)(2) and (3) and 511 IAC 6.2-10-4(c)(2) and (3) indicate that if a school does not have at least 30 eligible students in the accountability year, the school’s performance domain score shall be calculated based on the aggregated assessment results of the current and prior years until there are at least 30 eligible students to calculate the performance domain.

10. During the 2016-2017 school year, four (4) eligible students were enrolled in the 10th grade cohort at Smith Academy for Excellence.

11. The total number of eligible students in the 10th grade cohort after aggregating back to the first year Smith Academy for Excellence reported data to the Indiana Department of Education (Department) is 19 students.

12. Therefore, grade 10 could not be included in the school's performance domain because Smith Academy for Excellence did not meet the minimum number of students required to calculate a statistically valid and reliable score.

13. Pursuant to 511 IAC 6.2-10-5(b)(2) and (c)(2), a school must have at least 40 eligible students in an accountable year to calculate a growth domain score. If a school does not have at least 40 eligible students in the accountable year, then the school's growth domain shall be based on the results of a cumulative aggregate of eligible students from prior school years. If after aggregating all years of available data, a school is unable to have at least 40 eligible students, then the school will not receive a growth domain score because data are not available.

14. During the 2016-2017 school year, four (4) students were enrolled in the 10th grade cohort at Smith Academy for Excellence. Because 2016-2017 is the first year that growth could be calculated for grade 10, there are no previous data to aggregate. Therefore, grade 10 could not be included in the school's growth domain score because it did not meet the minimum number of students required to calculate a statistically valid and reliable score.

15. Pursuant to 511 IAC 6.2-10-6(b)(1)(B) and 511 IAC 6.2-10-6(c)(1)(A), a school must have at least ten (10) students in the most recently finalized graduation cohort to calculate a multiple measures domain score. If a school does not have at least ten (10) students, then the school's multiple measures domain shall be based on the aggregate of students in prior year cohorts. If after aggregating all years of available data a school is unable to have at least ten (10) students, then the school will not receive a multiple measures domain score.

16. During the 2016-2017 school year, five (5) students were in the graduation cohort. The total number of students after aggregating back to the first year for which Smith Academy for Excellence reported to the Department is eight (8) students. Therefore, the multiple measures domain score could not be calculated because the school did not meet the minimum number of students required to calculate a statistically valid and reliable score.

17. On September 11, 2017, Smith Academy for Excellence received an accountability category placement of an “F” for the 2016-2017 school year (56.5 points).

18. On September 25, 2017, Smith Academy for Excellence timely appealed the Board’s 2016-2017 Accountability Calculation, asserting that its current high school data were excluded, its student population includes a large number of alternative education and special education students, and its high student mobility rates negatively impacted its letter grade.

19. Although Smith Academy for Excellence did not have enough students in its 2016 cohort or grade 10 to calculate the performance, growth, and multiple measures domains for its grade 9 through 12 students, its grade was based on the performance and growth of its grades 3 through 8 students.

20. During the 2016-2017 school year, Smith Academy for Excellence had 39 students in grades 3 through 8 or 54.17%, and 33 students in grades 9 through 12 or 45.83%.

21. Smith Academy for Excellence, as a public charter school, must be placed in an accountability category unless it meets the requirements of a low population school as stated in Ind. Code § 20-31-8-3(b). This requirement is further explained in 511 IAC 6.2-10-3(g): “If a school has too few students for an accountability category to be calculated, its accountability category shall be ‘null.’”

22. Smith Academy for Excellence had enough students in grades 3 through 8 to calculate an accountability category. Thus, it is not eligible for a null grade.¹ Including its grade 10 performance, growth and multiple measures domains in its accountability calculation would not be statistically valid and reliable because there is such a small number of students who are included in those domains even after aggregation.

23. Further, Smith Academy for Excellence does not fall under the alternative accountability standards provided by Ind. Code § 20-31-8-4.5 because it does not “exclusively” provide academic programming for students with developmental, intellectual, or behavioral challenges.

III. Recommended Decision

The Board’s Accountability Category calculation for Smith Academy for Excellence is accurate. The Board followed 511 IAC 6.2-10 in its calculation. Although Smith Academy for Excellence did not have enough students in grades 9 through 12 to measure performance, growth, and the multiple measures domains for those grades, it did have enough students in grade 3 through 8, and thus was assigned an accountability category based on those students. Due to the amount of students in grades 3 through 8, Smith Academy for Excellence was not eligible for a “null” grade designation. Further, Smith Academy for Excellence does not fall under the alternative accountability standards because it does not exclusively provide programming for students with developmental, intellectual, or behavioral challenges. Thus, the Board’s calculation of a category placement of an “F” (56.5 points) should be sustained.

DATE: November 17, 2017

/s/ Elizabeth M. Littlejohn, Hearing Officer

¹ It should also be noted that Smith Academy for Excellence’s student population is mostly made up students in grades 3 through 8 (54.17%), and thus this accountability category determination accurately reflects the majority of its population.

NOTICE OF APPEAL RIGHT

Petitioner may file objections to the Hearing Officer’s Recommended Decision but must do so no later than ten (10) calendar days from the date the Petitioner receives the Recommended Decision. Any objections must be in writing and must state the legal basis for the objection. Written objections are to be submitted to the Indiana State Board of Education as follows:

ATTN: Timothy A. Schultz, General Counsel
TSchultz1@sboe.in.gov

Certificate of Service

I certify that on November 17, 2017, I served the foregoing Recommended Decision on the following persons at the email addresses shown below.

/s/ Elizabeth M. Littlejohn, Hearing Officer

Corey Smith
Corey@fwsafe.com

Timothy A. Schultz, General Counsel
Indiana State Board of Education
Email: TSchultz1@sboe.in.gov

Maggie Paino, Director of Accountability
Indiana Department of Education
Email: mpaino@doe.in.gov

**BEFORE THE INDIANA
STATE BOARD OF EDUCATION**

IN THE MATTER OF:)	
)	
SULLIVAN HIGH SCHOOL	)	APPEAL PURSUANT TO
(SCHOOL # 7957),	)	511 IAC 6.2-10-11
)	
PETITIONER)	
)	

**COMBINED FINDINGS OF FACT AND CONCLUSIONS OF LAW, AND
RECOMMENDED DECISION**

I. Reason for Appeal

Sullivan High School appeals its 2016-2017 category placement of a “B” grade asserting that a student who was taken off of the diploma track should be excluded from its mathematics growth score.

II. Combined Findings of Fact and Conclusions of Law

1. Sullivan High School is a public school that is a part of the Southwest School Corporation.
2. Sullivan High School educates students in grades 9 through 12.
3. Pursuant to Ind. Code § 20-31-8-4, the Indiana State Board of Education (Board) shall annually place each school in a category or designation of school performance based on the metrics outlines in 511 IAC 6.2-10.
4. Pursuant to 511 IAC 6.2-10-3(d)(2) and (3), the accountability category of Sullivan High School shall be based on the performance and growth domains, with each domain weighted at half the overall letter grade score.
5. Specifically, the growth domain for a high school is made up of a growth score and an improvement score for each subject area.

6. The growth score is calculated for each subject area of English/language arts and mathematics, based on the growth points earned by 10th graders from their performance on the ISTEP+ 10 assessment.

7. The improvement score is calculated for each subject area of English/language arts and mathematics. Points are awarded based on the rate of improvement of students on mandatory statewide annual assessments between the students' grade 10 and grade 12 years. This is determined by subtracting the percentage of students in grade 10 who passed the subject area assessment from the percentage of the same cohort of students who passed the subject area assessment by the end of grade 12.

8. The improvement score is multiplied by 10 and added to the subject area growth score determined for grade 10.

9. On September 11, 2017, Sullivan High School received an accountability category placement of a "B" for the 2016-2017 school year.

10. On September 15, 2017, Sullivan High School timely appealed the Board's 2016-2017 Accountability Calculation, stating that one of its students should be excluded from the mathematics growth score because he/she was taken off of the diploma track.¹

11. Although the School represents the student was to receive a certificate of completion—and did so in 2016—it does not indicate when the student's case conference committee determined he would not pursue a high school diploma.

12. The student in question was included in the mathematics improvement score and was excluded from the English/language arts improvement score.

¹ The student would have been eligible for special education and related services since the student was to receive a "certificate of completion." A student in high school with a disability is to have a transition Individualized Education Program (IEP) that, *inter alia*, documents whether the student will pursue a high school diploma or a certificate of completion. See 511 IAC 7-43-4(h)(3)(B).

13. The student was excluded from the English/language arts improvement score because the student did not have a valid test result for either grade 10 or grade 12 for English/language arts. Thus, the improvement score could not be determined.

14. The student had a valid test score for mathematics in both grade 10 and grade 12. The student received a score of “did not pass” for both grade 10 and grade 12. Therefore, the student did not demonstrate improvement.

III. Recommended Decision

The Board’s Accountability Category calculation for Sullivan High School was correct. The Board properly followed 511 IAC 6.2-10 in its calculation. The student in question had a valid mathematics score for both grade 10 and grade 12, and thus should be included in the mathematics growth score. Neither 511 IAC 6.2-10 nor any other State Board rule provides for excluding students from the growth calculation where they have been taken off of the diploma track in order to receive a certificate of completion. In addition, there is no indication when this occurred. This is also a fluid process: a case conference committee can always determine the student will be placed again on a diploma track. All students who have valid test results are to be included in the improvement rate metric. Thus, the Board’s calculation of a category placement of a “B” was proper and should be sustained.

DATE: November 7, 2017

/s/ Kevin C. McDowell, Hearing Officer

NOTICE OF APPEAL RIGHT

Petitioner may file objections to the Hearing Officer's Recommended Decision but must do so no later than ten (10) calendar days from the date the Petitioner receives the Recommended Decision. Any objections must be in writing and must state the legal basis for the objection.

Written objections are to be submitted to the Indiana State Board of Education as follows:

ATTN: Timothy A. Schultz, General Counsel

TSchultz1@sboe.in.gov

Certificate of Service

I certify that on November 7, 2017, I served the foregoing Recommended Decision on the following persons at the email addresses shown below.

/s/ Kevin C. McDowell, Hearing Officer

Tara Jenkins

tjenkins@swest.k12.in.us

Timothy A. Schultz, General Counsel

Indiana State Board of Education

Email: TSchultz1@sboe.in.gov

Maggie Paino, Director of Accountability

Indiana Department of Education

Email: mpaino@doe.in.gov

**BEFORE THE INDIANA
STATE BOARD OF EDUCATION**

IN THE MATTER OF:)	
)	
TENNYSON ELEMENTARY SCHOOL	)	APPEAL PURSUANT TO
(SCHOOL # 8785),	)	511 IAC 6.2-10-11
)	
PETITIONER)	
)	

**COMBINED FINDINGS OF FACT AND CONCLUSIONS OF LAW, AND
RECOMMENDED DECISION**

I. Reason for Appeal

Tennyson Elementary School appeals its 2016-2017 category placement of a “C” grade (78.5 points), asserting that eight (8) students were negatively impacted by the erroneous guidance provided by the vendor of the statewide assessment regarding whether a calculator was allowed on a portion of the ISTEP+ Mathematics section.

II. Combined Findings of Fact and Conclusions of Law

1. Tennyson Elementary School is a public school that is part of Warrick County School Corporation.
2. Tennyson Elementary School educates students in kindergarten through grade 5.
3. Pursuant to Ind. Code § 20-31-8-4, the Indiana State Board of Education (Board) shall annually place each school in a category or designation of school performance based on the metrics outlines in 511 IAC 6.2-10.
4. Pursuant to 511 IAC 6.2-10-3(d)(2) and (3), the accountability category of Tennyson Elementary School shall be based on the performance and growth domains, with each domain weighted at half of the overall letter grade score.

5. Specifically, the performance domain is made up of an English/language arts subject score and a mathematics subject score.

6. Each subject score is weighted at half of the overall performance domain score.

7. The subject score is the product of the subject area proficiency rate and the subject area participation rate.

8. Only “eligible students” as defined by 511 IAC 6.2-10-1(15) are included in each subject area proficiency rate and participation rate, including any student who:

(A) was enrolled at the school for at least one hundred sixty-two (162) days in the accountable year;

(B) was tested on the mandatory statewide annual assessment, or the end of course assessment;

(C) was not a limited English proficient student who has been enrolled in schools in the United States for less than twelve (12) months; and

(D) obtained a valid test result.

511 IAC 6.2-10-1(15).

9. Pursuant to 511 IAC 6.2-10-1(32), participation means “to complete and obtain a valid test result for the mandatory statewide annual assessment.”

10. 511 IAC 6.2-10-4(b)(4) and (c)(4) indicate that the proficiency rate shall be multiplied by the actual participation rate unless the participation rate is greater than or equal to 95.0%, in which case the proficiency rate shall be multiplied by 100.0%.

11. Due to the erroneous guidance provided by Pearson, the ISTEP+ publisher, eight (8) math assessment results had to be invalidated because of the use of a calculator on a non-calculator portion of the test.

12. On September 11, 2017, Tennyson Elementary School received an accountability category placement of a “C” for the 2016-2017 school year. The calculation was as follows:

Performance Domain Score		
1. English/language arts score		
Pass Rate	72.7%	72.7 * 1 = 72.7
Participation Rate	100%	
2. Mathematics score		
Pass Rate	75.9%	75.9 * .89 = 67.6
Participation Rate	89.0%	
3. Total Performance Domain Score	$\frac{72.7 + 67.6}{2} = 70.2$	

Overall Accountability Calculation		
Performance Domain	Growth Domain	Overall Category
70.2 * .50 = 35.1	86.7 * .50 = 43.4	35.1 + 43.4 = 78.5 = C

13. On September 14, 2017, Tennyson Elementary School timely appealed the Board's 2016-2017 Accountability Calculation stating that eight (8) students were negatively impacted by Pearson's erroneous guidance regarding whether a calculator was allowed during the ISTEP+ Mathematics testing. The School requests that these students not be counted against its Accountability Calculation.

14. The guidance provided by Pearson was inaccurate; however, Tennyson Elementary School reasonably relied on this guidance to its detriment. The School should not be penalized for this.

15. In order to remedy this matter, the Accountability Category should be recalculated by excluding those impacted students from the Mathematics Pass Rate and Participation Rate.

The new calculation is as follows:

Performance Domain Score		
1. English/language arts score		
Pass Rate	72.7%	72.7 * 1 = 72.7
Participation Rate	100%	
2. Mathematics score		
Pass Rate	75.9%	75.9 * 1 = 75.9
Participation Rate	100%	

3. Total Performance Domain Score	$\frac{72.7 + 75.9}{2} = 74.3$
--	--------------------------------

Overall Accountability Calculation		
Performance Domain	Growth Domain	Overall Category
$74.3 * .50 = 37.2$	$86.7 * .50 = 43.4$	$37.2 + 43.4 = \mathbf{80.6 = B}$

III. Recommended Decision

The Board’s Accountability Category calculation for Tennyson Elementary School was inaccurate in that it did not adequately consider the negative impact occasioned by Pearson’s erroneous guidance. Even though the Board properly followed 511 IAC 6.2-10 in its calculation, it included the eight (8) students who were negatively impacted by Pearson’s guidance regarding calculator use. Because that impact was out of the School’s control, the School should not be penalized for it. The eight (8) students negatively impacted should be excluded from the Mathematics Pass Rate and Participation Rate. Tennyson Elementary School’s accountability score, after excluding those students and recalculating, moves from a 78.5 to an 80.6. Thus, the Board’s calculation of a category placement of a “C” was inaccurate under these circumstances and should be changed to a “B” with the adjustment of the score from 78.5 to 80.6 points.

DATE: November 9, 2017

/s/ Kevin C. McDowell, Hearing Officer

NOTICE OF APPEAL RIGHT

Petitioner may file objections to the Hearing Officer’s Recommended Decision but must do so no later than ten (10) calendar days from the date the Petitioner receives the Recommended Decision. Any objections must be in writing and must state the legal basis for the objection. Written objections are to be submitted to the Indiana State Board of Education as follows:

ATTN: Timothy A. Schultz, General Counsel
TSchultz1@sboe.in.gov

Certificate of Service

I certify that on November 9, 2017, I served the foregoing Recommended Decision on the following persons at the email addresses shown below.

/s/ Kevin C. McDowell, Hearing Officer

Tim Long
tlong@warrick.k12.in.us

Timothy A. Schultz, General Counsel
Indiana State Board of Education
Email: TSchultz1@sboe.in.gov

Maggie Paino, Director of Accountability
Indiana Department of Education
Email: mpaino@doe.in.gov

**BEFORE THE INDIANA
STATE BOARD OF EDUCATION**

IN THE MATTER OF:)	
)	
THOMAS JEFFERSON ELEMENTARY	)	APPEAL PURSUANT TO
SCHOOL (SCHOOL # 4457),	)	511 IAC 6.2-10-11
)	
PETITIONER)	
)	

**COMBINED FINDINGS OF FACT AND CONCLUSIONS OF LAW, AND
RECOMMENDED DECISION**

I. Reason for Appeal

Thomas Jefferson Elementary School appeals its 2016-2017 category placement of a “C” grade (78.1 points), asserting that 26 students were impacted by the incorrect guidance provided by the vendor of the statewide assessment on whether a calculator was permissible during a portion of the ISTEP+ Mathematics testing.

II. Combined Findings of Fact and Conclusions of Law

1. Thomas Jefferson Elementary School is a public school that is part of the School City of Hammond.
2. Thomas Jefferson Elementary School educates students in pre-kindergarten through grade 5.
3. Pursuant to Ind. Code § 20-31-8-4, the Indiana State Board of Education (Board) shall annually place each school in a category or designation of school performance based on the metrics outlines in 511 IAC 6.2-10.
4. Pursuant to 511 IAC 6.2-10-3(d)(2) and (3), the accountability category of Thomas Jefferson Elementary School shall be based on the performance and growth domains, with each domain weighted at half of the overall letter grade score.

5. Specifically, the performance domain is made up of an English/language arts subject score and a mathematics subject score.

6. Each subject score is weighted at half of the overall performance domain score.

7. The subject score is the product of the subject area proficiency rate and the subject area participation rate.

8. Only “eligible students” as defined by 511 IAC 6.2-10-1(15) are included in each subject area proficiency rate and participation rate, including any student who:

(A) was enrolled at the school for at least one hundred sixty-two (162) days in the accountable year;

(B) was tested on the mandatory statewide annual assessment, or the end of course assessment;

(C) was not a limited English proficient student who has been enrolled in schools in the United States for less than twelve (12) months; and

(D) obtained a valid test result.

511 IAC 6.2-10-1(15).

9. Pursuant to 511 IAC 6.2-10-1(32), participation means “to complete and obtain a valid test result for the mandatory statewide annual assessment.”

10. 511 IAC 6.2-10-4(b)(4) and (c)(4) indicate that the proficiency rate shall be multiplied by the actual participation rate unless the participation rate is greater than or equal to 95.0%, in which case the proficiency rate shall be multiplied by 100.0%.

11. Due to the guidance provided by Pearson, the ISTEP publisher, 26 math assessment results had to be invalidated because of the use of a calculator on a non-calculator portion of the assessment.

12. The invalidation was not the result of any omission or commission on the part of the School. The School reasonably relied upon the guidance from Pearson, albeit to its detriment.

13. On September 11, 2017, Thomas Jefferson Elementary School received an accountability category placement of a “C” for the 2016-2017 school year. The calculation was as follows:

Performance Domain Score		
1. English/language arts score		
Pass Rate	55.6%	55.6 * 1 = 55.6
Participation Rate	98.6%	
2. Mathematics score		
Pass Rate	64.8%	64.8 * .826 = 53.5
Participation Rate	82.6%	
3. Total Performance Domain Score	$\frac{55.6 + 53.5}{2} = 54.6$	

Overall Accountability Calculation		
Performance Domain	Growth Domain	Overall Category
54.6 * .50 = 27.3	101.6 * .50 = 50.8	27.3 + 50.8 = 78.1 = C

14. On September 14, 2017, Thomas Jefferson Elementary School timely appealed the Board’s 2016-2017 Accountability Calculation, stating that 26 students were negatively impacted by the erroneous guidance provided by Pearson regarding whether a calculator was allowed during a portion of the ISTEP+ Mathematics testing. The School requests that these students not be counted against its Accountability Calculation.

15. Because Thomas Jefferson Elementary School reasonably relied upon the erroneous guidance provided by Pearson, the School should not be penalized for the resulting negative impact.

16. In order to remedy this issue, a new Accountability Category should be recalculated by excluding those impacted students from the Mathematics Pass Rate and Participation Rate. The new calculation is as follows:

Performance Domain Score		
1. English/language arts score		
Pass Rate	55.6%	55.6 * 1 = 55.6
Participation Rate	98.6%	
2. Mathematics score		
Pass Rate	64.8%	64.8 * .949 = 61.5
Participation Rate	94.9%	
3. Total Performance Domain Score	$\frac{55.6 + 61.5}{2} = 58.6$	

Overall Accountability Calculation		
Performance Domain	Growth Domain	Overall Category
58.6 * .50 = 29.3	101.6 * .50 = 50.8	29.3 + 50.8 = 80.1 = B

III. Recommended Decision

The Board's Accountability Category calculation for Thomas Jefferson Elementary School was incorrect to the extent it did not equitably address the impact of Pearson's erroneous guidance. As a result, the initial calculation is negatively skewed and inaccurate. The Board properly followed 511 IAC 6.2-10 in its calculation, but it included 26 students who were negatively impacted by Pearson's guidance regarding calculator use. Because that impact was out of the School's control, it should not be penalized for it. The 26 students impacted should be excluded from the Mathematics Pass Rate and Participation Rate. Thomas Jefferson Elementary School's accountability score, after excluding those students and recalculating, moves from a 78.1 to an 80.1 (B). Thus, the Board's calculation of a category placement of a "C" was improper under the circumstances and should be changed to a "B," with the adjustment of the score from 78.1 to 80.1 points.

DATE: November 9, 2017

/s/ Kevin C. McDowell, Hearing Officer

NOTICE OF APPEAL RIGHT

Petitioner may file objections to the Hearing Officer's Recommended Decision but must do so no later than ten (10) calendar days from the date the Petitioner receives the Recommended Decision. Any objections must be in writing and must state the legal basis for the objection. Written objections are to be submitted to the Indiana State Board of Education as follows:

ATTN: Timothy A. Schultz, General Counsel
TSchultz1@sboe.in.gov

Certificate of Service

I certify that on November 9, 2017, I served the foregoing Recommended Decision on the following persons at the email addresses shown below.

/s/ Kevin C. McDowell, Hearing Officer

Denise Eismin
daeismin@hammond.k12.in.us

Timothy A. Schultz, General Counsel
Indiana State Board of Education
Email: TSchultz1@sboe.in.gov

Maggie Paino, Director of Accountability
Indiana Department of Education
Email: mpaino@doe.in.gov

**BEFORE THE INDIANA
STATE BOARD OF EDUCATION**

IN THE MATTER OF:)	
)	
TRINITY LUTERAN HIGH SCHOOL	)	APPEAL PURSUANT TO
(SCHOOL # B452),	)	511 IAC 6.2-10-11
)	
PETITIONER)	
)	

**COMBINED FINDINGS OF FACT AND CONCLUSIONS OF LAW, AND
RECOMMENDED DECISION**

I. Reason for Appeal

Trinity Lutheran High School appeals its 2016-2017 category placement of a “B” grade (89.9 points), asserting that five (5) English language learners should have been excluded from the accountability calculation and that the annual assessment data does not accurately reflect its progress.

II. Combined Findings of Fact and Conclusions of Law

1. Trinity Lutheran High School is a nonpublic school located in Seymour, Indiana, that participates in the Indiana Choice Scholarship Program.

2. Trinity Lutheran High School educates students in grades 9 through 12.

3. Pursuant to Ind. Code § 20-31-8-4, the Indiana State Board of Education (Board) shall annually place each school in a category or designation of school performance based on the metrics outlines in 511 IAC 6.2-10.

4. Pursuant to Ind. Code § 20-51-1-4.7, a Choice-participant school must submit data to the Indiana Department of Education (Department) necessary for an accountability category designation.

5. Pursuant to 511 IAC 6.2-10-3(d)(2) through (4), the accountability category of Trinity Lutheran High School shall be based on the performance, growth, and multiple measures domains. The performance and growth shall each be 20% of the overall grade, and the multiple measures domain shall equate to 60% of the overall grade.

6. Specifically, the performance domain is made up of an English/language arts subject score and a mathematics subject score.

7. Each subject score is weighted at half of the overall performance domain score.

8. The subject score is the product of the subject area proficiency rate and the subject area participation rate.

9. Only “eligible students” as defined by 511 IAC 6.2-10-1(15) are included in each subject area proficiency rate and participation rate, including any student who:

- (A) was enrolled at the school for at least one hundred sixty-two (162) days in the accountable year;
- (B) was tested on the mandatory statewide annual assessment, or the end of course assessment;
- (C) was not a limited English proficient student who has been enrolled in schools in the United States for less than twelve (12) months; and
- (D) obtained a valid test result.

511 IAC 6.2-10-1(15).

10. Pursuant to 511 IAC 6.2-10-1(32), participation means “to complete and obtain a valid test result for the mandatory statewide annual assessment.”

11. 511 IAC 6.2-10-4(b)(4) and (c)(4) indicate that the proficiency rate shall be multiplied by the actual participation rate unless the participation rate is greater than or equal to 95.0%, in which case the proficiency rate shall be multiplied by 100.0%.

12. Trinity Lutheran High School did not have enough data to calculate the growth domain; therefore, its 2016-2017 letter grade determination was based on the performance and multiple measures domains.

13. On September 11, 2017, Trinity Lutheran High School received an accountability category placement of a “B” for the 2016-2017 school year. The calculation was as follows:

Performance Domain Score		
1. English/language arts score		
Pass Rate	89.7%	89.7 * .922 = 82.7
Participation Rate	92.2%	
2. Mathematics score		
Pass Rate	66.7%	66.7 * 1 = 66.7
Participation Rate	98.7%	
3. Total Performance Domain Score	$\frac{82.7 + 66.7}{2} = 74.7$	

Overall Accountability Calculation			
Performance Domain	Growth Domain	Multiple Measures Domain	Overall Category
74.7 * .40 = 29.9	N/A	100 * .6 = 60.0	29.9 + 60.0 = 89.9=B

14. On September 25, 2017, Trinity Lutheran High School timely appealed the Board’s 2016-2017 Accountability Calculation, stating that five (5) English language learners should have been excluded from the accountability calculation, adding that the annual assessment data do not accurately reflect its progress due to its change in population of English language learners and special education students.

15. Four of the five students were not enrolled for at least 162 days during the 2016-2017 school year and should be excluded from the proficiency rate calculation.

- a. Students 1, 3, 4, and 5 were not enrolled at Trinity Lutheran High School for at least 162 days during the 2016-2017 school year. Thus, they were excluded from the proficiency rate calculation for both the English/ Language Arts and the Math subject area.
- b. Student 2 was enrolled for 166 days. Student 2 received a valid Math test result, but did not receive a valid English/Language Arts test result. Thus,

Student 2 was excluded from the proficiency rate for English/Language Arts but included in the proficiency rate for Math.

16. All five students were enrolled at Trinity Lutheran High School during both test windows, and therefore were included in the participation rate calculation.

- a. None of the five students received valid English/Language Arts test results, and thus they were counted as non-participants.
- b. All of the five students received valid Math test results and thus were included as participants.

17. After a review of each of the five students, all were determined to be English language learners and therefore should be exempt from the English/Language Arts assessment during the 2016-2017 school year. A new calculation reflecting this is as follows:

Performance Domain Score		
1. English/language arts score		
Pass Rate	89.7%	89.7 * 1 = 89.7
Participation Rate	98.6%	
2. Mathematics score		
Pass Rate	66.7%	66.7 * 1 = 66.7
Participation Rate	98.7%	
3. Total Performance Domain Score	$\frac{89.7 + 66.7}{2} = 78.2$	

Overall Accountability Calculation			
Performance Domain	Growth Domain	Multiple Measures Domain	Overall Category
78.2 * .40 = 31.3	N/A	100 * .6 = 60.0	31.3 + 60.0 = 91.3=A

III. Recommended Decision

The Board's Accountability Category calculation for Trinity Lutheran High School was inaccurate under these circumstances. The Board followed 511 IAC 6.2-10 in its calculation, but failed to exclude five (5) students who were English language learners from the

English/Language Arts assessment score. After excluding those students, the accountability calculation increases from and 89.9 to 91.3 points. Thus, the Board’s calculation of a category placement of a “B” should be corrected to an “A” (91.3 points).

DATE: November 14, 2017

/s/ Elizabeth M. Littlejohn, Hearing Officer

NOTICE OF APPEAL RIGHT

Petitioner may file objections to the Hearing Officer’s Recommended Decision but must do so no later than ten (10) calendar days from the date the Petitioner receives the Recommended Decision. Any objections must be in writing and must state the legal basis for the objection.

Written objections are to be submitted to the Indiana State Board of Education as follows:

ATTN: Timothy A. Schultz, General Counsel
TSchultz1@sboe.in.gov

Certificate of Service

I certify that on November 14, 2017, I served the foregoing Recommended Decision on the following persons at the email addresses shown below.

/s/ Elizabeth M. Littlejohn, Hearing Officer

Ben Stellwagen
bstellwagen@trinitycougars.org

Timothy A. Schultz, General Counsel
Indiana State Board of Education
Email: TSchultz1@sboe.in.gov

Maggie Paino, Director of Accountability
Indiana Department of Education
Email: mpaino@doe.in.gov

**BEFORE THE INDIANA
STATE BOARD OF EDUCATION**

IN THE MATTER OF:)	
)	
WATERLOO ELEMENTARY	)	APPEAL PURSUANT TO
SCHOOL (SCHOOL # 1341),	)	511 IAC 6.2-10-11
)	
PETITIONER)	
)	

**COMBINED FINDINGS OF FACT AND CONCLUSIONS OF LAW, AND
RECOMMENDED DECISION**

I. Reason for Appeal

Waterloo Elementary School appeals its 2016-2017 category placement of a “D” grade (65.4 points), asserting that 44 students were negatively impacted by the erroneous guidance from the vendor of the statewide assessment regarding whether a calculator was allowed on a non-calculator portion of the ISTEP+ Mathematics testing.

II. Combined Findings of Fact and Conclusions of Law

1. Waterloo Elementary School is a public school that is part of the Dekalb County United School District.

2. Waterloo Elementary School educates students in pre-kindergarten through grade 5.

3. Pursuant to Ind. Code § 20-31-8-4, the Indiana State Board of Education (Board) shall annually place each school in a category or designation of school performance based on the metrics outlines in 511 IAC 6.2-10.

4. Pursuant to 511 IAC 6.2-10-3(d)(2) and (3), the accountability category of Waterloo Elementary School shall be based on the performance and growth domains, with each domain weighted at half of the overall letter grade score.

5. Specifically, the performance domain is made up of an English/language arts subject score and a mathematics subject score.

6. Each subject score is weighted at half of the overall performance domain score.

7. The subject score is the product of the subject area proficiency rate and the subject area participation rate.

8. Only “eligible students” as defined by 511 IAC 6.2-10-1(15) are included in each subject area proficiency rate and participation rate, including any student who:

(A) was enrolled at the school for at least one hundred sixty-two (162) days in the accountable year;

(B) was tested on the mandatory statewide annual assessment, or the end of course assessment;

(C) was not a limited English proficient student who has been enrolled in schools in the United States for less than twelve (12) months; and

(D) obtained a valid test result.

511 IAC 6.2-10-1(15).

9. Pursuant to 511 IAC 6.2-10-1(32), participation means “to complete and obtain a valid test result for the mandatory statewide annual assessment.”

10. 511 IAC 6.2-10-4(b)(4) and (c)(4) indicate that the proficiency rate shall be multiplied by the actual participation rate unless the participation rate is greater than or equal to 95.0%, in which case the proficiency rate shall be multiplied by 100.0%.

11. Due to the erroneous guidance provided by Pearson, the ISTEP+ publisher, 44 math assessment results had to be invalidated because of the inappropriate use of a calculator on a non-calculator portion of the ISTEP+.

12. On September 11, 2017, Waterloo Elementary School received an accountability category placement of a “D” for the 2016-2017 school year (65.4 points). The calculation was as follows:

Performance Domain Score		
1. English/language arts score		
Pass Rate	52.3%	52.3 * 1 = 52.3
Participation Rate	100%	
2. Mathematics score		
Pass Rate	43.5%	43.5 * .539 = 23.4
Participation Rate	53.9%	
3. Total Performance Domain Score	$\frac{52.3 + 23.4}{2} = 37.9$	

Overall Accountability Calculation		
Performance Domain	Growth Domain	Overall Category
37.9 * .50 = 18.95	92.8 * .50 = 46.4	18.95 + 46.4 = 65.4 = D

13. On September 20, 2017, Waterloo Elementary School timely appealed the Board's 2016-2017 Accountability Calculation stating that 44 students were negatively impacted by the erroneous guidance regarding whether a calculator was allowed during the ISTEP+ Mathematics testing. The School requested that these students not be counted against its Accountability Calculation.

14. The erroneous guidance provided by Pearson was not the fault of the Waterloo Elementary School; consequently, it should not be penalized for the negatively impacted students.

15. In order to remedy this issue, a new Accountability Category should be recalculated by excluding those negatively impacted students from the Mathematics Pass Rate and Participation Rate. The new calculation is as follows:

Performance Domain Score		
1. English/language arts score		
Pass Rate	52.3%	52.3 * 1 = 52.3
Participation Rate	100%	
2. Mathematics score		
Pass Rate	43.5%	43.5 * 1 = 43.5
Participation Rate	100%	

3. Total Performance Domain Score	$\frac{52.3 + 43.5}{2} = 47.9$
--	--------------------------------

Overall Accountability Calculation		
Performance Domain	Growth Domain	Overall Category
47.9 * .50 = 23.95	92.8 * .50 = 46.4	23.95 + 46.4 = 70.4 = C

III. Recommended Decision

The Board’s Accountability Category calculation for Waterloo Elementary School was inaccurate as a result of the invalidated scores. The Board followed 511 IAC 6.2-10 in its calculation, but it included 44 students who were negatively impacted by Pearson’s erroneous guidance regarding calculator use. Because that impact was out of the school’s control, it should not be penalized for it. The 44 students impacted should be excluded from the Mathematics Pass Rate and Participation Rate. Waterloo Elementary School’s accountability score, after excluding those students, moves from 65.4 to a 70.4 points. Thus, the Board’s calculation of a category placement of a “D” was improper under the circumstances and should be changed to a “C” with the adjustment of the score from 65.4 to 70.4 points.

DATE: November 13, 2017

/s/ Kevin C. McDowell, Hearing Officer

NOTICE OF APPEAL RIGHT

Petitioner may file objections to the Hearing Officer’s Recommended Decision but must do so no later than ten (10) calendar days from the date the Petitioner receives the Recommended Decision. Any objections must be in writing and must state the legal basis for the objection. Written objections are to be submitted to the Indiana State Board of Education as follows:

ATTN: Timothy A. Schultz, General Counsel
TSchultz1@sboe.in.gov

Certificate of Service

I certify that on November 13, 2017, I served the foregoing Recommended Decision on the following persons at the email addresses shown below.

/s/ Kevin C. McDowell, Hearing Officer

Lori Vaughn
lvaughn@dekalbcentral.net

Timothy A. Schultz, General Counsel
Indiana State Board of Education
Email: TSchultz1@sboe.in.gov

Maggie Paino, Director of Accountability
Indiana Department of Education
Email: mpaino@doe.in.gov

**BEFORE THE INDIANA
STATE BOARD OF EDUCATION**

IN THE MATTER OF:)	
)	
WESTFIELD MIDDLE SCHOOL	)	APPEAL PURSUANT TO
(SCHOOL # 2491),	)	511 IAC 6.2-10-11
)	
PETITIONER)	
)	

**COMBINED FINDINGS OF FACT AND CONCLUSIONS OF LAW, AND
RECOMMENDED DECISION**

I. Reason for Appeal

Westfield Middle School appeals its 2016-2017 category placement of a “B” grade asserting that 35 students were negatively impacted by the erroneous guidance provided by the vendor of the statewide assessment regarding whether a calculator was allowed during a portion of the ISTEP+ Mathematics testing.

II. Combined Findings of Fact and Conclusions of Law

1. Westfield Middle School is a public school that is part of Westfield Washington Schools.
2. Westfield Middle School educates students in grades 5 through 8.
3. Pursuant to Ind. Code § 20-31-8-4, the Indiana State Board of Education (Board) shall annually place each school in a category or designation of school performance based on the metrics outlines in 511 IAC 6.2-10.
4. Pursuant to 511 IAC 6.2-10-3(d)(2) and (3), the accountability category of Westfield Middle School shall be based on the performance and growth domains, with each domain weighted at half of the overall letter grade score.

5. Specifically, the performance domain is made up of an English/language arts subject score and a mathematics subject score.

6. Each subject score is weighted at half of the overall performance domain score.

7. The subject score is the product of the subject area proficiency rate and the subject area participation rate.

8. Only “eligible students” as defined by 511 IAC 6.2-10-1(15) are included in each subject area proficiency rate and participation rate, including any student who:

(A) was enrolled at the school for at least one hundred sixty-two (162) days in the accountable year;

(B) was tested on the mandatory statewide annual assessment, or the end of course assessment;

(C) was not a limited English proficient student who has been enrolled in schools in the United States for less than twelve (12) months; and

(D) obtained a valid test result.

511 IAC 6.2-10-1(15).

9. Pursuant to 511 IAC 6.2-10-1(32), participation means “to complete and obtain a valid test result for the mandatory statewide annual assessment.”

10. 511 IAC 6.2-10-4(b)(4) and (c)(4) indicate that the proficiency rate shall be multiplied by the actual participation rate unless the participation rate is greater than or equal to 95.0%, in which case the proficiency rate shall be multiplied by 100.0%.

11. Due to the erroneous guidance provided by Pearson, the ISTEP+ publisher, 35 math assessment results had to be invalidated because of the use of a calculator on a non-calculator part of the assessment.

12. Since these 35 students did not receive valid test results, they were excluded from the mathematics proficiency rate entirely; however, they were included in the participation rate, which resulted in a somewhat skewed calculation.

13. On September 11, 2017, Westfield Middle School received an accountability category placement of a “B” for the 2016-2017 school year (87.7 points). The calculation was as follows:

Performance Domain Score		
1. English/language arts score		
Pass Rate	76.5%	76.5 * 1 = 76.5
Participation Rate	99.3%	
2. Mathematics score		
Pass Rate	71.0%	71.0 * .938 = 66.6
Participation Rate	93.8%	
3. Total Performance Domain Score	$\frac{76.5 + 66.6}{2} = 71.6$	

Overall Accountability Calculation		
Performance Domain	Growth Domain	Overall Category
71.6 * .50 = 35.8	103.8 * .50 = 51.9	35.8 + 51.9 = 87.7 = B

14. On September 25, 2017, Westfield Middle School timely appealed the Board’s 2016-2017 Accountability Calculation stating that 35 students were negatively impacted by the erroneous guidance provided by Pearson during the ISTEP+ Mathematics testing. The School requests that these students not be counted against its Accountability Calculation.

15. The erroneous guidance provided by Pearson negatively impacted Westfield Middle School. However, as the School reasonably relied on this guidance—to its detriment—the School should not be penalized for this.

16. In order to remedy this matter, a new Accountability Category should be recalculated by excluding the 35 students from the Mathematics Pass Rate and Participation Rate. The new calculation is as follows:

Performance Domain Score		
1. English/language arts score		
Pass Rate	76.5%	

Participation Rate	99.3%	$76.5 * 1 = 76.5$
2. Mathematics score		
Pass Rate	71.0%	$71.0 * 1 = 71.0$
Participation Rate	96.6%	
3. Total Performance Domain Score	$\frac{76.5 + 71.0}{2} = 73.8$	

Overall Accountability Calculation		
Performance Domain	Growth Domain	Overall Category
$73.8 * .50 = 36.9$	$103.8 * .50 = 51.9$	$36.9 + 51.9 = \mathbf{88.8 = B}$

III. Recommended Decision

The Board’s Accountability Category calculation for Westfield Middle School was inaccurate. Although the Board properly followed 511 IAC 6.2-10 in its calculation, it included 35 students who were negatively impacted by Pearson’s erroneous guidance regarding calculator use during a non-calculator portion of the ISTEP+. Because this was not the result of any omission or commission on the part of the School, it should not be penalized for it. The 35 students impacted should be excluded from the Mathematics Pass Rate and Participation Rate. Westfield Middle School’s accountability score, after excluding those students, moves from an 87.7 to an 88.8. Thus, the Board’s calculation of a category placement of a “B” was proper and should be sustained with the adjustment of the score from 87.7 to 88.8 points.

DATE: November 9, 2017

/s/ Kevin C. McDowell, Hearing Officer

NOTICE OF APPEAL RIGHT

Petitioner may file objections to the Hearing Officer’s Recommended Decision but must do so no later than ten (10) calendar days from the date the Petitioner receives the Recommended Decision. Any objections must be in writing and must state the legal basis for the objection. Written objections are to be submitted to the Indiana State Board of Education as follows:

ATTN: Timothy A. Schultz, General Counsel
TSchultz1@sboe.in.gov

Certificate of Service

I certify that on November 9, 2017, I served the foregoing Recommended Decision on the following persons at the email addresses shown below.

/s/ Kevin C. McDowell, Hearing Officer

Lynn Schemel
schemelm@wws.k12.in.us

Timothy A. Schultz, General Counsel
Indiana State Board of Education
Email: TSchultz1@sboe.in.gov

Maggie Paino, Director of Accountability
Indiana Department of Education
Email: mpaino@doe.in.gov