



# INDIANA STATE BOARD OF EDUCATION

## BEFORE THE INDIANA STATE BOARD OF EDUCATION

IN THE MATTER OF:	)	
	)	Cause No. 04-042020
HOLY CROSS CENTRAL SCHOOL	)	
(SCHOOL #C595),	)	REQUEST PURSUANT TO
	)	IC 20-51-4-9
PETITIONER,	)	
	)	

### COMBINED FINDINGS OF FACT AND CONCLUSIONS OF LAW AND PROPOSED DETERMINATION

Pursuant to IC 20-51-4-9(b), Holy Cross Central School (“Holy Cross”) requests that the Indiana State Board of Education (“Board”) grant the school a waiver from the consequences imposed under IC 20-51-4-9(a) so that Holy Cross may enroll new choice scholarship students for the 2020-2021 school year. The undersigned recommends Holy Cross’s waiver request be granted.

#### **I. Basis for Agency Review**

During the 2017 legislative session, the Indiana General Assembly enacted P.L. 251-2017, which, in relevant part, amended IC 20-51-4-9 to include subsection (b). Subsection (b) permits an eligible school that is subject to the consequences imposed under IC 20-51-4-9(a) to request that the Board waive those consequences for one year.

#### **A. Consequences under IC 20-51-4-9(a)**

In general, an eligible school may accept choice scholarship funds from eligible choice scholarship students enrolled at the school. However, an eligible school that receives any combination of Ds or Fs in consecutive years shall have its ability to enroll new choice scholarship students suspended. Under subsection (a), the eligible school’s ability to enroll new choice scholarship students shall remain suspended until the eligible school receives a C or better in consecutive years.

#### **B. Requests for a Waiver or Delay of Consequences under IC 20-51-4-9(b)**

IC 20-51-4-9(b) affords eligible schools an opportunity to seek a waiver from the Board to avoid the consequences imposed under subsection (a). Pursuant to IC 20-51-4-9(b), an eligible school that is subject to the consequences imposed under subsection (a) may submit a request to the Board to waive or delay the consequences for a period of one year. In order to obtain the waiver, subsection (b) provides, in relevant part, that the 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.**” (emphasis added).



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In other words, the Board’s ability to grant an eligible school’s request for a waiver is contingent upon whether the eligible school satisfies the legal threshold by showing that a majority of students demonstrated academic improvement during the preceding year. Waivers can only be granted for one year; however, a school may return to the Board and ask for a waiver the following year until the school is removed from consequences under the statute.

## II. Combined Findings of Fact and Conclusions of Law

Holy Cross is a nonpublic school located in Indianapolis, Indiana that serves approximately 188 students from kindergarten through 8<sup>th</sup> grade. Because Holy Cross was placed in one of the lowest categories or designations of school performance for 3 consecutive years,<sup>1</sup> absent a waiver, the school’s ability to receive choice scholarship funds for new students will be suspended until the school receives 2 consecutive grades of a “C” or higher.<sup>2</sup> See IC 20-51-4-9(a)(3). After receiving a “C” (72.9 points) for the 2018-2019 school year, Holy Cross submitted a request for a waiver of consequences for the 2020-2021 school year based on demonstrated academic improvement by a majority of Holy Cross’s students during the prior school year.

Data from the Indiana Department of Education (“Department”) show Holy Cross received an “F” (58.6 points) for the 2017-2018 school year and a “C” (72.9 points) for the 2018-2019 school year, a twenty four percent (24%) increase in total points from the preceding school year. In this instance, because Holy Cross had a sufficient number of students, recalculating the school’s grade using an N-size of zero was not necessary.

Holy Cross’s student growth data provided by the Department show the following:

### Grades 3-8

2018/2019 ELA GROWTH			
	LOW	STANDARD	HIGH
Number	20	20	43
Percent	24.1%	24.1%	51.8%
STANDARD/HIGH	TOTAL		75.9%

2018/2019 MATH GROWTH			
	LOW	STANDARD	HIGH
Number	16	20	49
Percent	18.8%	23.5%	57.6%
STANDARD/HIGH	TOTAL		81.1%

As demonstrated by these charts, nearly seventy six percent (76%) of Holy Cross’s students demonstrated standard or high growth in English/language arts and over eighty one percent (81%) demonstrated standard or high growth in math.

<sup>1</sup> Holy Cross received an “F” (45.3 points) for the 2015-2016 school year, a “D” (67.1 points) for the 2016-2017 school year, and an “F” (58.6 points) for the 2017-2018 school year.

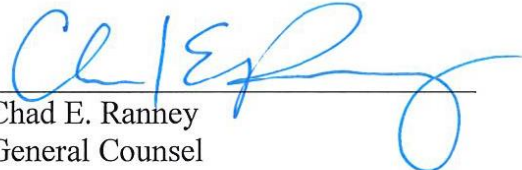
<sup>2</sup> Pursuant to P.L.2-2020, Holy Cross may elect to use its 2018-2019 category or designation of school performance for purposes of applying IC 20-51-4-9.



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### III. Proposed Determination

Taken together, Holy Cross's twenty four percent (24%) increase in total points, which increased the school's grade from an "F" to a "C", and the school's student growth data demonstrate that a majority of Holy Cross's students demonstrated academic improvement during the prior school year, as required under IC 20-51-4-9(b). Therefore, the undersigned recommends Holy Cross's waiver request be granted.

  
Chad E. Ranney  
General Counsel  
Indiana State Board of Education

BEFORE THE INDIANA STATE BOARD OF EDUCATION

IN RE: ) Cause No.:  
HOLY CROSS CENTRAL SCHOOL )

**MEMORANDUM IN SUPPORT OF HOLY CROSS'S  
REQUEST FOR WAIVER FOR DELAY OF A-F CONSEQUENCES**

Holy Cross Central School ("Holy Cross") is requesting a waiver to delay A-F consequences for the 2020-2021 school year pursuant to Ind. Code § 20-51-4-9.

**I. BASIS FOR AGENCY REVIEW**

During the 2017 legislative session, the Indiana General Assembly enacted P.L. 251-2017, which, in relevant part, amended Ind. Code § 20-51-4-9 to include subpart (b), which permits an eligible school subject to consequences to request that the Indiana State Board of Education ("Board") grant a waiver of consequences for one (1) year.

**A. Consequences Under Ind. Code § 20-51-4-9(a)**

In general, an eligible school may accept choice scholarship funds from eligible choice scholarship students enrolled at the school. However, an eligible school that receives any combination of D's or F's in consecutive years will have its ability to receive new choice scholarship students suspended. Under subsection (a), the school's ability to receive choice scholarship students shall remain suspended until the eligible school receives a C or better in consecutive years as prescribed by statute.

**B. Requests For Waiver Or Delay Of Consequences Under Ind. Code § 20-51-4-9(B)**

Indiana Code § 20-51-4-9(b) provides eligible schools with an option to avoid consequences imposed under subsection (a). Pursuant to Ind. Code § 20-51-4-9(b), an eligible school subject to the consequences imposed under subsection (a) may submit a request to the Board to waive consequences for a period of one (1) year. In order to obtain the waiver, subsection (b) provides, in relevant part, that the 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*" (emphasis added). In other words, the Board's ability to grant an eligible school's waiver request is contingent upon whether the eligible school satisfies the legal threshold that a majority of students demonstrated academic improvement during the preceding year. Even if an eligible school satisfies the legal threshold necessary to receive a waiver, the Board may still deny the request. Waivers can only be granted for one year; however, a school may return to the Board and ask for a waiver the following year until it is removed from consequences under the statute.

## **II. HOLY CROSS – AN OVERVIEW**

The Roman Catholic Church of the Archdiocese of Indianapolis (“Archdiocese”) owns and operates the Mother Theodore Catholic Academies, which includes Holy Angels Catholic Schools, St. Philip Neri Catholic School, St. Anthony Catholic School, Holy Cross Central School, and Central Catholic School (“the Schools”). Holy Cross is a non-public school with Freeway Accreditation in Marion County, Indiana.

Holy Cross serves students from early childhood to the eighth grade. All faculty members are certified in the State of Indiana to teach in their assigned instructional areas. During the 2017-2018 school year, Holy Cross educated 223 students, and realized a growth in the following 2018-2019 school year, beginning enrollment at 188 students. This reduction in the number of students was due to the closing of the Pre-Kindergarten program at the School. According to the DOE report, of the 188 student ratio for the 2019-2020 school year, 76.6% of Holy Cross’s students are minorities – 9.6% are Black, 4.8% are Multiracial, and 62.2.% are Hispanic (*see* DOE Compass). Furthermore, approximately 100% of students at Holy Cross receive free or reduced meals (*see* DOE National School Lunch Program Meal Data for 2019-2020 school year), and 51.1% of students are Non-English Language Learners. Finally, 9 of Holy Cross’s students are identified as students in need of special education services (*see* DOE Compass).

## **III. FACTS IN SUPPORT OF WAIVER OR DELAY OF CONSEQUENCES**

Holy Cross received a “D” for the 2015-2016 school year, an “F” for the 2016-2017 school year, a “D” for the 2017-2018 school year, and a “C” for the 2018-2019 school year. As Holy Cross received a low category grade for three consecutive years, absent a waiver of consequences, its ability to receive choice scholarship funds for new students will be suspended. In response to the poor academic performance, the Archdiocese and The Mother Theodore Catholic Academies, Inc., entered into a Memorandum of Understanding with the Notre Dame ACE Academy Partnership to provide turnaround services to the five schools – including Holy Cross. In partnership with the University of Notre Dame, Holy Cross is confident about the school’s potential to improve academic performance for all students is working to address the immediate challenges as outlined below and has already demonstrated improvement. ACE Academies has taken significant steps to change the academic culture in the school and ensure a path of academic success for all students. Additionally, ACE implemented a plan for significant changes in school leadership and academic programming for the 2019-2020 school year, further detailed below. Similar steps have been taken for other ACE partnership schools and have yielded significant academic progress – and those schools have already been removed from school consequences due to that academic progress.

### **A. Brief History Of Notre Dame ACE Academies And Holy Cross**

The University of Notre Dame is committed to strengthening and transforming Catholic schools across the nation, particularly those that serve under-resourced and low-income

communities. In 2010, the University of Notre Dame established the Alliance for Catholic Education (“ACE” or “Notre Dame ACE”) Academies. ACE is a comprehensive model of urban school transformation that attends to multiple dimensions of schooling, including curriculum, instruction, assessment, financial management, marketing, leadership, governance, and Catholic school culture. This model for school turnaround establishes a unique partnership with local Catholic dioceses to provide a Catholic education of the highest quality to as many children as possible in under-served and low-income communities. In order to sustain high-quality, low-cost educational excellence in under-served, low-income communities and schools, the establishment of the Notre Dame ACE partnership is dependent upon geographic areas where families can choose to educate their children via voucher programs. Because these schools enroll students who participate in parental-choice scholarship programs, scholarship revenue represents the most significant portion of needed annual funding.

ACE Academy schools are led by high-quality school leaders supervised by the regional Notre Dame ACE Academy Board and trained by ACE in an ongoing faith formation and professional development program. In addition, ACE implements a number of structural features in the educational program known to facilitate school improvement, all of which will be supported by ACE through both a regional and national network of dedicated pastoral and educational professionals.

## **B. History Of ACE Partnership With The Archdiocese**

As noted above, beginning with the 2016-2017 school year, the University of Notre Dame and the Archdiocese and the Mother Theodore Catholic Academies, Inc., entered into a Memorandum of Understanding to establish the Notre Dame ACE Academy Partnership (“Partnership”). The goal of the Partnership was to catalyze comprehensive school excellence by implementing a unique model of urban Catholic schooling supported by parental-choice scholarships and mobilization of the resources of ACE with support of the Archdiocese. This Partnership sought to provide Catholic education of the highest quality to as many children as possible in the under-served communities. The Partnership sought to attend to multiple dimensions of schooling, including excellence in education, Catholic school culture, operational management, and above all else – high-quality academics. The Partnership represents a new model of sponsorship and collaboration to the academic program of the schools.

Notre Dame ACE has partnered with five Catholic Archdiocese schools in Indianapolis, serving approximately 1,150 students. These schools include:

- Central Catholic School – 1155 Cameron Street, Indianapolis, Indiana 46203, serving students in grades PK - 8th Grade \*No longer subject to consequences.
- Holy Angels Catholic School – 2822 Dr. M.L.K. Jr. Street, Indianapolis, Indiana 46208, serving students in grades PK - 6th Grade \*No longer subject to consequences.

- **Holy Cross Central School – 125 North Oriental Street, Indianapolis, Indiana 46202, serving students in grades K - 8th Grade**
- St. Anthony Catholic School – 349 North Warman Avenue, Indianapolis, Indiana 46222, serving students in grades PK - 8th Grade
- St. Philip Neri Catholic School – 545 Eastern Avenue, Indianapolis, Indiana 46201, serving students in grades PK - 8th Grade

The Partnership is focused on several key objectives that support improvements in academic learning and success. The Partnership emphasizes continuous improvement in all aspects of school operations, with a particular focus on Catholic school culture, advancement, and teaching/learning.

Of the 1,150 students in the Indianapolis Notre Dame ACE Academies, approximately 188 students attend Holy Cross. Moreover, approximately 100% of students in the Indianapolis Notre Dame ACE Academies qualify for free or reduced lunch, and the majority belongs to a racial minority group. Furthermore, of the five Notre Dame ACE Academy schools in Indianapolis, two schools – Holy Cross and Holy Angels – received failing grades based on educational results prior to the ACE. With the support from ACE Partnership and the State Board of Education, Holy Angels was able to apply for and receive a waiver for their “C” grade in 2017-2018 school year. Unfortunately, in the 2017-2018 school year the school saw a drop in the school accountability grade. At that time, the Archdiocese and ACE choose to not apply for an extension of our Choice Waiver. Instead, ACE worked with the Archdiocese leadership to make significant changes to the leadership and teaching staff at the school, reinforced professional development for teachers and implemented additional curriculum and educational supports.

**C. Notre Dame ACE Recognized Significant Challenges When It Partnered With Holy Cross And Immediately Implemented Changes For Long-Term Sustainability**

Notre Dame ACE has been partnered with Holy Cross for three (3) years, and has seen significant academic and non-academic improvements as a result of the transformation and school turnaround process. At the outset of the partnership, Notre Dame ACE identified significant academic shortfalls that were prevalent at Holy Cross, including retention rates. Identifying the immediate issues, ACE made significant investments in Holy Cross to enrich not only the Indianapolis students who are afforded the opportunity to attend Holy Cross, but also the community. Since 2016, Holy Cross has realized the following achievements and/or has taken the following steps to achieve academic achievement in the following ways:

- As of Fall 2019, Holy Cross has retained 85% of its students, which has significantly improved since 2016-2017 from 67%.

- ACE Notre Dame reinforced its governance model for hiring and evaluating school leaders. The school leadership committee of this board, which evaluates and hires school leaders, is led by Notre Dame faculty and is joined by representatives of the Archdiocese. The leadership committee replaced the school leaders at Holy Cross and hired a new principal to begin the 2019-2020 school year, Cara Swinefurth. Mrs. Swinefurth joined the leadership team as principal after having served in the Archdiocese of Indianapolis for the past 20 years. Mrs. Swinefurth led St. Thomas Aquinas Catholic School as principal from 2012 through 2019 and led Our Lady of Lourdes Catholic School from 2005 through 2012. She was also a teacher at Our Lady of Lourdes from 1999 through 2005. She brings a proven record of demonstrated academic growth, years of experience, and strong leadership skills to the Holy Cross community. For the 2018-2019 academic year under her leadership the school received a blue ribbon by the US Department of Education. Notre Dame redirected additional interventions and supports last year resulting in a “C” on ILEARN. For the 2019-2020 year it was determined during the leadership transition it would be beneficial to continue these additional supports.
- Holy Cross reconstituted at the end of the 2018-2019 school year, requiring all teachers to re-apply and interview for his or her position for the following school year (fall 2019). This allowed Holy Cross to analyze its current teaching staff and decline to continue to employ those who demonstrated low student growth on NWEA MAP and on ISTEP. In total, Holy Cross replaced six (6) classroom teachers as a result of performance.
- Holy Cross continues to identify new strategies and interventions to address ISTEP/ILEARN pass rates. In the spring of 2019, Holy Cross analyzed current lesson plans and daily instruction to ensure it aligned with the rigors of the ILEARN assessment.
- ACE Notre Dame doubled the regional support to Holy Cross for the 2019-2020 academic year. Two ACE Academy Regional Directors spent time on campus. One is a Math specialist and the other is a former principal from the Archdiocese who supported her school through a dramatic increase in enrollment and influx of a vulnerable student population

While these interventions are beginning to produce positive results, the stark reality facing Holy Cross – the suspension of new scholarship students – will undermine and seriously hinder Notre Dame ACE’s ability to continue to provide education of the highest quality to under-served communities, such as Holy Cross. This is evidenced by the necessary yet difficult decision to suspend two pre-school programs provided by Holy Cross for the 2019-2020 school year. This decision came as a result of the potential suspension of new scholarship students. This decision affected approximately 40 preschoolers who otherwise would have received pre-kindergarten services. The loss of choice scholarship funds will seriously hinder Notre Dame ACE’s ability to



continue to provide services and support to these under-served schools, including other academic programs like pre-kindergarten.

**D. Analysis Of State Data Demonstrating Academic Improvement During The Preceding School Year**

Holy Cross presents information that it believes demonstrates, during the 2018-2019 school year, a majority of students exhibited academic improvement from the preceding school year, as follows:

**1. A-F Accountability Data**

Since the partnership with ACE, Holy Cross has demonstrated improvement on the accountability system grades. Holy Cross demonstrated an increase in the total number of earned points for the 2018-2019 school year and received an overall accountability score of 72.9; this is an increase from a score of 58.6 for the 2017-2018 school year. This improvement is also reflected in Holy Cross achieving a “C” accountability system grade, a significant move in the right direction as compared to years prior to the ACE Partnership.

***ISTEP, ILEARN Historical Letter Grades, Performance, and Growth***

	2013	2014	2015	2016	2017	2018	2019 ILEARN
<b>Holy Cross</b>	C	D	D	F 45.3	D 67.1	F 58.6	C 72.9

In addition to the growth shown by the “C” accountability grade, Holy Cross’s growth domain for grades 3-8 has seen significant academic growth in ELA and Math, realizing 51.1% of Holy Cross students are Non-English Language Learners. During the 2018-2019 school year, Holy Cross demonstrated significant growth points in ELA and Math for students assigned to the Top 75% Growth category as well as the bottom 25% Growth Category compared to growth points in 2017-2018.

<b>Holy Cross Central</b>	<b>2015-2016</b>	<b>2016-2017</b>	<b>2017-2018</b>	<b>2018-2019</b>	<b>Change from 17/18-18/19</b>
<i>Performance Domain Weighted Points</i>	14.90	18.25	16.50	13.75	<b>-2.75</b>
<i>Growth Domain Weighted Points</i>	30.35	48.80	42.05	59.15	<b>+17.1</b>

<b>Holy Cross Central</b>	<b>2015-2016</b>	<b>2016-2017</b>	<b>2017-2018</b>	<b>2018-2019</b>	<b>Change from 17/18-18/19</b>
<i>Overall Points</i>	<b>45.3</b>	<b>67.1</b>	<b>58.6</b>	<b>72.9</b>	<b>+14.3</b>
<i>Overall Grade</i>	F	D	F	C	<b>+2 letter grades</b>
<b>ELA</b>					
<i>ELA Pass Rate</i>	38.0%	47.4%	45.1%	33%	<b>-12.1</b>
<i>ELA Growth Weighted Points</i>	33.45	55.10	46.50	53.35	<b>+6.85</b>
<i>ELA Top 75% Growth</i>	61.8	100.7	93.1	114.5	<b>+21.4</b>
<i>ELA Bottom 25% Growth</i>	72.0	119.6	92.9	98.8	<b>+5.9</b>
<b>Math</b>					
<i>Math Pass Rate</i>	21.5%	25.6%	20.9%	22%	<b>+1.1</b>
<i>Math Growth Weighted Points</i>	27.20	42.50	37.60	64.90	<b>+27.3</b>
<i>Math Top 75% Growth</i>	47.3	77.6	65.8	110.7	<b>+44.9</b>
<i>Math Bottom 25% Growth</i>	61.5	92.4	84.5	148.9	<b>+64.4</b>

## 2. ISTEP Results

Holy Cross's 2019-2020 projected ILEARN Proficiency scores are also projected to increase derived from the winter Northwest Evaluation Association Measures of Academic Progress (NWEA MAP data). NWEA MAP data focuses on growth, not just achievement. We saw similar positive gains mirroring the growth and achievement gains on spring 2019 ILEARN.

**NWEA MAP Data**

<b>Holy Cross</b>	<b>% of students demonstrating academic growth</b>			<b>% of students who met their growth projections (within the standard error)</b>		
	<b>Spring 2017 to Spring 2018</b>	<b>Spring 2018 to Spring 2019</b>	<b>CHANGE</b>	<b>Spring 2017 to Spring 2018</b>	<b>Spring 2018 to Spring 2019</b>	<b>CHANGE</b>
Math	86%	87%	+1	55%	73%	+18
Reading	71%	85%	+14	59%	73%	+14
Language	79%	83%	+4	73%	77%	+4
	<b>Fall 2017 to Spring 2018</b>	<b>Fall 2018 to Spring 2019</b>	<b>CHANGE</b>	<b>Fall 2017 to Spring 2018</b>	<b>Fall 2018 to Spring 2019</b>	<b>CHANGE</b>
Math	89%	90%	+1	59%	67%	+8
Reading	75%	87%	+12	54%	68%	+14
Language	72%	82%	+10	62%	68%	+4

**IV. CONCLUSION**

Holy Cross has demonstrated, during the 2018-2019 school year, a majority of students exhibited academic improvement from the preceding school year. As such, Holy Cross requests that the Board finds that it has satisfied the waiver requirements contained in Ind. Code § 20-51-4-9. We ask for your favorable consideration of our request.



If you have questions or need additional information please contact Heather Willey, legal counsel for ACE at [Heather.Willey@btlaw.com](mailto:Heather.Willey@btlaw.com) or 317-231-6448 (direct). Thank you.