



# INDIANA STATE BOARD OF EDUCATION

## INDIANA STATE BOARD OF EDUCATION EXECUTIVE SESSION

November 5, 2014  
9:00 a.m.

Indiana Government Center South  
Auditorium  
302 West Washington Street  
Indianapolis, Indiana 46204

Board Members Present: Superintendent Glenda Ritz (chair), Mr. Troy Albert, Mr. Dan Elsener, Dr. David Freitas, Mr. Gordon Hendry, Mrs. Sarah O'Brien, Dr. Brad Oliver, Mr. B.J. Watts, and Mrs. Cari Whicker.

Mr. Tony Walker attended by phone.

Board Members Absent: Ms. Andrea Neal.

The executive session was held to discuss pending litigation pursuant to Indiana Code Section 5-14-1.5-6.1(b)(2)(B) and for discussion pursuant to Indiana Code Section 5-14-1.5-6.1(b)(7) of records classified as confidential by state or federal statute. I, John Snethen, General Counsel to the Indiana State Board of Education, do hereby certify, pursuant to Indiana Code Section 5-14-1.5-6.1(d), that no subject matter was discussed in the executive session other than the subject matter specified in the public notice.

John Snethen  
General Counsel  
Indiana State Board of Education

INDIANA STATE BOARD OF EDUCATION  
BUSINESS MEETING MINUTES

November 5, 2014  
9:30 a.m.

Indiana Government Center South  
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302 West Washington Street  
Indianapolis, Indiana 46204

Board Members Present: Superintendent Glenda Ritz (chair), Mr. Troy Albert, Mr. Dan Elsener, Dr. David Freitas, Mr. Gordon Hendry, Mrs. Sarah O'Brien, Dr. Brad Oliver, Mr. B.J. Watts, and Mrs. Cari Whicker.

Mr. Tony Walker attended by phone.

Board Members Absent: Ms. Andrea Neal.

**I. CALL TO ORDER**

Superintendent Ritz called the meeting to order, the pledge of allegiance was recited, and roll was called. The roll reflected all members present in person or by phone except Ms. Andrea Neal.

**II. APPROVAL OF AGENDA**

Dr. Oliver requested that Discussion Item M - Roles and Responsibilities of SBOE/DOE be removed from the agenda. Mr. Hendry requested Action Items E - Atypical Schools, F - Approval of Final Placement of Schools into Categories of School Accountability, and G - Approval of Placement of Corporations into Categories of School Accountability, to be addressed after Discussion item A - Resolution of Petition: MSB, CAB, and MEB vs. Benton Community School Corporation. The agenda was approved as amended by a voice vote.

**III. APPROVAL OF MINUTES**

The Board voted to approve minutes from the October 1, 2014 and October 15, 2015 Board business meetings by voice votes.

#### **IV. STATEMENT OF THE CHAIR**

Superintendent Ritz commented that the teacher of the year dinner would be the coming Friday evening. She thanked Dr. Oliver and Ms. Whicker for planning to attend the event. Superintendent Ritz also stated that outreach had provided six trainings with the focus and priority school leadership teams. She stated the Department also has a six-part leadership series for administrators in leading turnaround work. Superintendent Ritz also added that 5,577 educators joined the online communities of practices for standards.

#### **V. BOARD MEMBER COMMENTS AND REPORTS**

- Dr. Freitas stated that two weeks ago he had the opportunity to attend the National Association of State Boards of Education (“NASBE”) conference in Denver. He said there were four from the Board who attended – Mr. Walker, Mr. Hendry, Dr. Freitas, and Dr. Oliver. He went on to say that it was an opportunity to speak with members of state boards of education across the country and that it was a very valuable experience. Dr. Freitas said boards across the country are facing many of the same issues. Lastly, he commented that Mr. Hendry is serving on the Board of Directors of NASBE, and Mr. Walker was elected to some subcommittees and other leadership positions, so Indiana is well represented. Mr. Hendry commented on the importance of the NASBE as a resource for Indiana.
- Dr. Oliver added that three of the four members who attended were on the strategic planning committee and that it’s important to incorporate information gained from membership in NASBE.
- Dr. Oliver then stated that he believed the Board was wise at the last meeting to table any action on the final grades to allow for the Legislative Services Agency (“LSA”) to complete its review. He said this year schools benefited from having more time to address issues with grade calculations. He said when issues with grades come to light, the Board has a responsibility to ensure the grades are fair. Dr. Oliver said the A-F grading system isn’t perfect but it’s important. He went on to say that he hoped the Board would apply the following logic today: 1) to the extent that the current A-F rule is clear in its application, the Board should issue a letter grade, 2) to the extent that the A-F rule is unclear, the Board should unapologetically use all

available data to assign a letter grade that is most reflective of the school's actual performance. Dr. Oliver then expressed disappointment about the Indiana State Teacher's Association having access to embargoed data, the same data that Board staff was denied. He said he learned the Department is requiring Board staff to make a request for the data under the same standard as the media. Dr. Oliver stated that steps should be taken to ensure Board staff has access to critical data so the Board can carry out its functions and duties.

**VI. GENERAL PUBLIC COMMENT (public comments on specific agenda items are taken at the time each item is before the Board)**

- Pastor Anthony Wallace had the floor first. He began by stating that he had a concern about the plan with the IPS Board. He said he looked forward to a meeting with the stakeholders of the community. He expressed concern about temporarily closing Arlington High School. He said the closer would have a significant negative impact on the community, given that the community is an ecosystem. Mr. Wallace also discussed the need to review the policy around expulsions.
- Sue Dillon, President of the Central Time Coalition, was the next speaker. She stated that she wanted to inform the Board about Senate Bill 127, which was adopted in 2005. She said this bill intended to resolve the time zone controversy. It required Indiana to observe daylight savings time, among other things. She said one job left unfinished is that it was never established which counties would be in which time zone, as required by the law. Ms. Dillon gave the Board a copy of the Central Time Coalition's recommendation regarding this issue, which included concerns about students commuting to school before it's light out.

**VII. CONSENT AGENDA**

- A. 2015 Meeting Dates; B. Common School Construction and Technology Loans;  
C. NWIESC Inter-local Agreement; D. Final Adoption of Rules Set to Expire on January 1, 2015

Dr. Oliver moved to approve the consent agenda and Mr. Watts seconded the motion. The Board changed some meeting dates because of ISTEP testing. The new dates are March 12, May 7 and October 14, 2015. The Board approved the consent agenda, with the date changes, by a voice vote.

## VIII. NEW BUSINESS – ACTION

### A. Resolution of Petition: MSB, CAB, and MEB vs. Benton Community School Corporation

Superintendent Ritz moved that the issue be taken under advisement to allow time to review the hearing examiner’s opinion that was provided during the executive session, and Dr. Oliver seconded. The Board voted 8-2 to carry the motion, with Dr. Freitas and Mr. Hendry voting no.

### E. Atypical Schools

- Superintendent Ritz invited the first speaker to the podium: Robert Sommers. He stated that he has worked in education for almost 40 years. He said he represents Carpe Diem and requested a proper application of the law. He said Carpe Diem was only in its second year when they received their report card this year, and therefore, the growth-only model would be applicable. Mr. Sommers also said Carpe Diem has below the cohort number required for the growth only model and so a “no grade” should be assigned to Carpe Diem. He said he believed this is how the legislature intended small, new schools be treated.
- Dr. Sean Egan, Principal of the Hammond Academy of Science and Technology (“HAST”), was the next speaker. He stated that HAST is an atypical school. He asked the Board to hear their belated appeal of their letter grade. He stated that more weight was given to their high school grade, a D for the 2013-2014 school year, compared to their middle school grade, a B for the 2013-2014 school year, despite the fact that the only calculation used to determine their high school grade was the 10<sup>th</sup> grade ECA pass rates in Algebra and English. He said the high school calculation did not include graduation information or a college and career readiness measure. He said this resulted in an overall grade of a D for the 2013-2014 school year. Dr. Egan said he began to contact people at the Department and the response was that graduation information and college and career readiness was not included because there was no comparative data to calculate improvement of these metrics over time, given that HAST has evolved into a full middle and high school.
- D. Egan said this is unfortunate because HAST had a 93% graduation rate, a 92% college acceptance rate, 90% of their graduates completed three dual credit courses

or more, with one student completing over 50 dual credit hours, 20% of their students received academic honors, he continued, and past graduates have been awarded 1.5 million dollars in college scholarships, amounting to over \$25,000 per student. He said in the past the calculations from the Department did include metrics without prior year data, and that there has been inconsistency in policies used to calculate HAST's grades over the past few years. Upon inquiry from Superintendent Ritz, Dr. Egan said HAST did not originally file an appeal this year within the allotted time.

- Mr. Hendry stated that, regardless of what happens, he had the opportunity to visit HAST with Mr. Walker and that they were impressed with the students, the level of instruction, and the school overall. Superintendent Ritz stated she also visited the school and echoed Mr. Hendry's sentiment.
- Kevin Smith, an attorney for HAST, spoke next. He said he wanted to speak to the procedural background. He stated that he had been in communication with the Department, and understands the window for the appeals is now closed. He said he hoped the Board would consider a belated appeal because of the atypical configuration and the importance of that issue.
- Dan Scott, former Department employee, addressed the Board after Mr. Smith. He stated that his duties at the Department included working on the creation of the current A-F model. He talked about weighting between the K8 and high school models. He said with the K8 model they only look at grades 3-8 because those are the grades with measures in place. He said the issue is having enough data. Mr. Scott stated with the high school model it's more complex because there isn't annual testing. He said that they decided, with judgment from the U.S. Department of Education, that the 10<sup>th</sup> grade ECA really determined what was going on in the high school from grades 9-10. He said the graduation rate and college and career readiness score showed what was going on in grades 11-12.
- Mr. Scott then spoke about concerns around the weighting in the combined model. He said it appears that currently the Department has decided that grades 11 and 12 should be included even if you have 10 grade ECA data as the only performance measure. He said the intent of the model is that only grades 9 and 10 be included. Mr. Scott said including grades 11-12 without performance data would be like including grade 2 in the K8 model.
- Superintendent Ritz asked for clarification on what action would be taken. Robert Guffin, Executive Director to the Board, stated that a Board member asked at the last meeting if there are any other schools configured similarly to Carpe Diem. He

said Debbie Dailey, Director of Accountability for the Department, responded that there were 72. Mr. Guffin stated that since that last meeting Board staff and Department staff worked to identify those schools, and it was determined that 41 of the schools had received a “no grade”, which meant they did not have sufficient data. He stated that 19 of those schools were not atypical, which left 12 schools. Mr. Guffin said of those 12 schools, Board staff asked for additional data regarding the 12 grade and how many students were in the cohort, and eventually received that data. He stated this information was sought so it could be determined if these schools were really atypical. The Department then informed Board staff that they had applied a new model to eight of those schools based on the last meeting to correct the grades. This left four remaining schools. He said the action would be to assign a grade for these four schools because they are atypical schools that fit the same model as Carpe Diem.

- Superintendent Ritz said the definition the Department has applied to atypical schools is the same definition as in the Grew-Sheldrake report. She said the Department applied the same logic and metrics as last year. Dr. Oliver said he appreciated that staff went back to look into this closer. He said Carpe Diem created an obligation to look into this grade issue closer to ensure all these schools are graded fairly. He said these four schools don’t fit the rule and therefore all available data should be used so a fair grade can be assigned.
- Board General Counsel, John Snethen, stated that there is not a definition of atypical in statute, but it is defined in the Boards emergency rule, LSA #14-348. He explained that atypical is defined in the emergency rule as a school that either: 1) lacks a grade level, or 2) has all grade levels but has insufficient data for one or more grade levels. Dr. Oliver asked for advice concerning how to handle these four schools. Mr. Snethen stated that looking at the data points is the most important thing. He went on to say that this is consistent with Grew Sheldrake, as well as the Board’s and the Department’s past practice. Mr. Snethen went on to say this method is consistent with how courts would interpret the emergency rule.
- Upon inquiry from Mr. Hendry, Mr. Snethen addressed the HAST school issue. Mr. Snethen stated that the Board’s discretion is broad. He recommended the Board ask itself two questions: 1) does the school have all grades required by the model, and, if the answer is yes, 2) do all the grades provide the necessary or available data required by the model. If the answer to either of these questions is “no” than the school is an atypical school. Mr. Snethen stated that the decision regarding how to address the atypical school is the Board’s.

- Mr. Elsener said he was disappointed with the lack of fairness of some of the grades issued. He stated a lot of these schools are trying to do good things, and these schools shouldn't be punished just because they are atypical. He stated the Board needs to move forward with these atypical schools in a fair manner. Cynthia Roach, Chief Assessment and Accountability Officer for the Center for Education and Career Innovation, spoke to the Board about recommendations. She said she was hesitant to offer specific recommendations regarding individual schools because the Board needs to look at each of the possibilities and then evaluate the school to get the most accurate grade. She stated the weighting could change a grade, as well as what type of model is applied. Dr. Freitas responded that it's important to treat all similarly situated schools the same. Dr. Oliver said an important issue is where the critical mass of students are. Ms. Roach then discussed the growth only model as a separate issue from the decision to apply the elementary/middle and high school models. Superintendent Ritz responded that the Department has not applied the growth only model to schools that have more grades than just elementary/middle. She stated that has never been an option offered since A-F rule has existed.
- Ms. Dailey addressed the Board after Ms. Roach. She stated that HAST was identified as atypical. She said the issue is whether to accept the belated appeal. Regarding Carpe Diem, she stated that the Department does not consider the growth only model applicable because they do have high school grade levels. Ms. Dailey continued that if the growth only option were applied to Carpe Diem, the school would have sufficient data points to calculate a growth only model so the "no grade" option should not be applied to that school. She said if the growth model only option were provided to this school, and they could not calculate a growth only model for some reason, but an elementary/middle school grade could be calculated, the Department would not provide an option to the school for a "no grade", they would apply the elementary/middle school model. Therefore, she said the Carpe Diem appeal should be denied.
- Ms. Dailey then spoke about the four schools discussed at this meeting. She said the difference between these schools and Carpe Diem is that the inclusion of the high school data is a benefit to most of these schools. Ms. Dailey said the Department recommended continued use of the high school data for these four schools, included with the 9-12 enrollment. Mr. Albert stated that at a prior Board meeting, the Board decided that the best model should be applied to every school; Mr. Albert asked Ms. Dailey if that had been done. Ms. Dailey responded that the Department did not do that, instead they allowed that to be opened up to the appeals process.



- Dr. Freitas made a motion to place the four schools: Lighthouse Christian Academy, King's Academy, Horizon Christian Academy, and Columbus Christian School, in atypical status and Dr. Oliver seconded the motion. The motion carried by a vote of 10-0.
- Dr. Oliver moved, with respect to the four schools in the previous motion, that the elementary/middle school model be applied to all four. Dr. Oliver stated the reason for his motion is because enrollment is greatest in grades 3-8 in these schools. Mr. Elsener seconded the motion. Dr. Freitas asked if this would set new precedent.
- Superintendent Ritz commented that last year the combined model was used, and that each time there is a conversation on how to calculate grades, it changes what the Department does in notifying schools concerning how their grades are going to be calculated the next year. She stated the Department needs clear direction and she thought the Department had clear direction last December. Mr. Snethen stated that it is appropriate for the Board to consider the administrative issues raised when handling these matters. He continued that the Board is setting guidelines for future similar situations. Mr. Snethen stated these will need to be taken on a case by case basis because of the different permutations. He said this is consistent with the Grew/Sheldrake report.
- Dr. Oliver commented that a line needs to be drawn between setting precedent and de facto policy. He said all adjudication type issues the Board deals with sets a precedent, but it doesn't give the Department the authority to advise schools on a policy per se. Mr. Elsener said the only precedent the Board is setting is that care will be taken to ensure the grades issued are fair. Dr. Freitas clarified that if schools have the same fact pattern, they will be handled in the same manner, and Mr. Snethen agreed. Mr. Snethen clarified that the Department should seek guidance if it finds an abnormal fact pattern. Dr. Oliver's motion to apply the elementary/middle school model to the four schools carried by a vote of 9-1; Superintendent Ritz voted no.
- Mr. Walker stated that HAST informed him that they had been told by the Department that their grade was not going to be appealable. Subsequently, it did become appealable and there was some confusion around that issue, he said. Mr. Walker stated HAST claimed they received erroneous information and that that this is why a timely appeal was not filed. Mr. Walker moved to allow HAST's appeal as an atypical school to be reviewed by the Board. Superintendent Ritz responded that everyone is notified of the appeals window time and appeals have not been taken outside the window. Mr. Hendry seconded the motion.

- Mr. Elsener stated that at the last meeting there were schools that had been given incorrect information by the Department regarding appeals. He asked how many schools were told they can't appeal. Superintendent Ritz stated that all appeals were acted on and that HAST was not told they could not appeal. Mr. Elsener asked Mr. Egan about the issue and restated Mr. Egan's response: that in essence HAST was told their appeal would not be successful.
- Ms. Dailey stated the Department does not tell schools they may not appeal. She said the Department gives information about the appeal window and that they may appeal anything they think is incorrectly calculated. She stated HAST did contact the Department to ask if the 2014 graduation information would be included in the calculation for 2014 grades and the Department's answer was no. She said the 2013 graduation information is used. In 2015, the 2014 graduation data would be used, she clarified. She said graduation data is a year in arrears.
- Mr. Snethen expressed the importance of an appeals cutoff date. In HAST's case, because it received information from the Department that lead it to believe it did not have an appeal, Mr. Snethen stated that the Board has to ask if it was reasonable for HAST to rely on the information from the Department. Superintendent Ritz asked about the effect on the other four schools; Mr. Snethen said that's a different issue not affected by Mr. Walker's motion on the floor. Superintendent stated she wanted to be clear about the statement from the Department. She said the Department did not make any statements regarding this year's appeal, the statement was regarding the denial of 2012 and 2013. Mr. Snethen clarified that the Board vote taken in the fall of 2013 was factually and materially different than what is being presented today. Superintendent Ritz agreed and said the Department did what the Board directed it to do at that time.
- The Board voted on Mr. Walker's motion to allow for HAST's belated appeal. The Board voted 6-4 to allow the appeal, with Mr. Albert, Dr. Oliver, Ms. Whicker, and Superintendent Ritz voting no.
- Mr. Albert recommended the school be given 10 days to submit the appeal. Superintendent Ritz so moved and Mr. Walker seconded. Mr. Snethen stated the appeal needs to be decided by November 15, 2014 because that is when the emergency rule expires. Superintendent Ritz withdrew her motion at that point and asked Ms. Dailey for advice. Ms. Dailey said the issue is how the Board will place the school without another meeting before November 15, 2014. Regarding the data, she said HAST has both its elementary data as well as high school data. She said the Department can get information on additional data points today in order to assist

the Board in issuing some guidance today. Superintendent Ritz recommended tabling this issue until later in the meeting when they had the additional information. She then stated it makes her uncomfortable to place the school without an appeal. Dr. Oliver clarified that the Board had just voted that there is an appeal before the Board concerning HAST. Ms. Dailey stated the Department usually would like to see in writing what they are appealing.

- Superintendent Ritz moved to table the issue until later in the day and Dr. Freitas seconded the motion. The Board voted 10-0 to table the issue.

*F. Approval of Final Placement of Schools into Categories of School Accountability*

- There were several speakers that signed up for public comment concerning this action item. The first speaker was Melissa Brisco, Chief Academic Officer for Wabash schools. Ms. Brisco commented that she had concerns about the appeals process. She stated that upon receiving their preliminary grades, Northfield Junior Senior High School, and Southwood Junior Senior High School noticed that several students who earned dual credit were not listed in the report. The district filed an appeal for both schools. Wabash was told that all questions about the appeals process should be directed to the outreach coordinator. Wabash sent an email to their outreach coordinator to review the appeal to ensure they didn't miss anything, and the outreach coordinator said the appeal was complete. Ms. Brisco stated this was done within the window, and with enough time that corrections could be made or data added had the outreach coordinator so recommended. Wabash later found out from the Department that their appeal lacked sufficient information regarding their dual credit students. The district tried to discuss the issue further but the Department responded that the policy was not to discuss appeals until final grades are released. Ms. Brisco stated that in fairness Wabash should be able to provide the additional dual credit information so the schools can be judged fairly.
- Deputy Superintendent Danielle Shockey stated that there are three opportunities for student data to be cleaned up. She stated Wabash did not clean up the data pursuant to any of these opportunities. Mr. Hendry said there was a screw up here and asked for additional clarification. Ms. Shockey stated that Ms. Brisco understood that the outreach coordinator's opinion is not necessarily binding. She went on to say that the Department's directions are clear that student level evidence is required. Mr. Hendry responded that the outreach coordinator is their liaison to the Department. Ms. Dailey said some evidence is optional, but in this case none of the information for these students was provided. She said the outreach coordinators do

not have a responsibility to review the appeals deeply. Dr. Oliver commented that the Department does not seem to be communicating well. Dr. Oliver asked Ms. Brisco to respond and she said the outreach coordinator stated that he could not say what the grade would be or whether it would be approved, but that he could confirm the appropriate documentation had been submitted. Ms. Brisco said they are supposed to contact the outreach coordinator for advice and questions regarding the process.

- Superintendent Ritz stated there are strict timelines to follow so everyone is treated the same, but the Department is always trying to improve the appeals process and will consider this issue going forward. Mr. Elsener commented that outreach coordinators are there to help schools get the correct data in, especially people in new positions like Ms. Brisco. Ms. O'Brien expressed concern about schools not trusting outreach coordinators, and that this could be a bigger issue of trust and communication. Mr. Watts said what he wants in the end is the school to get the grade they deserved. He stated the Board should consider this information.
- David Chapman, Superintendent of South Vermillion Schools, was the next speaker. He addressed the appeal of South Vermillion High School. He stated there may not be recourse today but his comments could hopefully help schools going forward. He said they appealed the high school's grade based on an error in data. He said there were three documents scanned by his secretary and forwarded to the Department. He was informed that the appeal was received. The next communication he received was a denial of his appeal from the Department due to the fact that the signed assurance statement was not included. Mr. Chapman stated he immediately tried to contact the Department and the outreach coordinator. The only response he got initially was from the outreach coordinator, he said. He stated that he didn't receive a response from the Department until after several attempts and the response was simply that the Department followed the appeals process. Mr. Chapman informed the Board that the document was omitted by mistake. The assurance page did not scan properly, and instead the student transcripts were scanned twice, he said. He stated that they did not realize this mistake until the denial of the appeal because the document was labeled correctly and attached to an email. He asked the Department to allow for corrections of these types of mistakes. He went on to say he submitted the assurance form later, but never got a response from anyone at the Department, including Superintendent Ritz.
- Ms. Dailey informed the Board that the signed assurance form is required for appeals as laid out in the appeals process. Ms. Dailey stated that appeals are consistently denied for failure to provide the assurance form, and this year about

five schools were denied for this reason. Ms. Whicker asked if anyone from the Department calls these schools to let them know the assurance forms were not included in the appeals. Ms. Dailey said the process is to review the appeal information as presented to the Department. Dr. Oliver said he has never known the Department not to be responsive during the appeal period. Superintendent Ritz responded that the Department will review the appeal process. Mr. Elsener said resources need to be aligned with the strategic plan. He said he would like to look at the personnel and training so good service can be provided to the schools. Mr. Elsener said he was very disappointed with the poor customer service provided to these schools, and expressed a particular displeasure with the failure of the Department to contact schools that mistakenly failed to provide signed assurance pages. Mr. Hendry commented that no one is absolving the schools of the duty to provide all the information; however, he said, this is not a federal court process where everything must be done perfectly. He stated he thinks these issues are unfair to schools.

- Chris Gibson, Principal of New Tech Institute, addressed the Board. He said New Tech appealed their assigned grade based on an incorrect use of the model. He said they received a letter from the Department that their appeal had been denied. He continued that the letter contained a typographical error. Mr. Gibson stated he tried to contact the Department on four consecutive days without a response. He stated he finally spoke with an employee at the Department, and New Tech received a new letter that stated that there was no error in the letter. The new letter contained instructions that no information about their appeal would be discussed until final grades are issued. He said this left New Tech without any answers as to their grade. Mr. Gibson stated the Department is still using the 9-10 model despite the fact that they now have complete cohort for grades 9-12 and a graduation cohort. He commented that the school is doing better than the grade assigned reveals. He said the grade assigned is not accurate and they have no solid answers why. He asked the Board to reconsider New Tech's grade.
- Ms. Dailey responded that the 9-10 provision within the rule was used. She said they do have a 2014 graduation cohort, but they did not have a 2013 graduation cohort. Ms. Dailey said all available data was used in calculating New Tech's grade. Ms. Dailey said graduation cohort information for the current year is not available for the calculation of the current year's grade.
- Upon inquiry by Dr. Oliver, Mr. Snethen explained that once a final grade is issued, there is a statutory remedy to correct errors. He described it as akin to a motion to correct error. He explained that the appeal during the grade embargo period is a

federal requirement that schools be given the opportunity for a robust appeal. After grades are released, errors can be corrected pursuant to IC 20-31-8-6. The Superintendent then announced a short recess.

-- RECESS --

- Superintendent Ritz announced that there was another speaker wishing to make public comment. Dr. Dennis Van Duyne, Superintendent of West Noble Schools, addressed the Board. He said commented that West Noble School District has the highest Hispanic population in the state. Dr. Van Duyne stated that they have the highest cohort of limited-English speaking students in the state and have made great progress. He said he was concerned with the appeal process, not the grade. He stated they had incorrect data that prevented West Noble from getting the grade they deserve. He said when four students left their school they put in accurate information of how they left, but that information is three years old. Since then, he said, some of them have changed their course path, reentered school, and some information has now come to light. Dr. Van Duyne stated that the first chance they had to update the information was in this appeal process. West Noble received a rejection for not providing optional documentation, he stated. He said information was provided that the students left, and that he didn't know why additional documentation would be required. He went on to say if requiring additional documentation is a policy, the Department needs to inform schools about that. Dr. Van Duyne asked that grades be approved in this meeting but that the Department be directed to review the additional information, and that the reviewer be someone different than the first reviewer.
- Ms. Dailey responded that in West Noble's case, four students were submitted to be removed off of the graduation cohort. She said the information submitted was reviewed and there was no evidence that these students should be removed from the cohort. Ms. Dailey stated that the evidence showed that the cohort was properly displaying the exit status of these students as submitted through the application center.
- Dr. Van Duyne stated that when the students exited the school, they submitted the information that is on the current exit report. He stated that information is no longer correct. He explained that information came to light after the fact involving the whereabouts of the students. He said when the students left, they were reported as being out of West Noble's system. Upon inquiry by Dr. Freitas, he stated that in the appeal he submitted names, STN numbers, dates, and where they went. The facts

- were not submitted he stated. He also said he submitted the Department home school number for the student who was home schooled.
- Dr. Freitas asked if there was enough information provided in the appeal to make a decision. Ms. Dailey responded that the 2013 real time submission window was open from August of 2013 to November of 2013. She said the expectation for cohort clean-up is that those records be corrected in real time by November. Ms. Dailey stated in this case there were no records of any transfers out of state in the system so the appeal was denied.
  - Ms. O'Brien requested that the appeals process be placed on the December agenda as an action item. She said many of the examples heard today could have been rectified with something as simple as a compliance officer. She said a better appeals process needs to be in place before next year.
  - Dr. Oliver moved to approve the letter grades as presented, including the atypical schools with a grade change. Dr. Oliver added to his motion that all schools that presented substantial issues with their grade placement should be able to work with the Department after this grade placement pursuant to IC 20-31-8-6. Dr. Oliver said the Board wants the grades for these schools to be accurate. Upon inquiry by Mr. Watts, Mr. Snethen stated that, with regard to New Tech, there is an alternative model that would probably better suit them.
  - Dr. Oliver restated the motion for clarity. He moved to approve the letter grades as submitted in the grade packet provided to the Board, but also including the actions taken today regarding atypical schools. Mr. Albert seconded the motion. Mr. Watts asked if that motion would include schools like South Vermillion, Wabash, etc. Dr. Oliver clarified that those schools could still appeal the grades assigned today under the statutory provision IC 20-31-8-6. Dr. Oliver asked that the Department provide a report back to the Board at the next meeting. Mr. Elsener asked if there was any way to hold the grades back so they are not released before the errors are corrected. Mr. Snethen stated that Dr. Oliver's motion was probably the best course of action. Superintendent Ritz restated again the motion as a motion to approve the letter grades, plus the four schools that were handled under the Atypical Schools Action Item. Mr. Albert again seconded the motion. Dr. Freitas expressed concern about releasing a grade that is not accurate. He went on to say that HAST was told their appeal would be heard today. The Board discussed that grades released today could still be appealed under IC 20-31-8-6.
  - Ms. Dailey informed the Board that when grades are brought back to the Board under IC 20-31-8-6, it is placed on the agenda as an action item to change that

official placement. Ms. Dailey stated that new findings and a recommendation would be brought to the Board at that time. Mr. Snethen stated that the schools that presented today could be treated as oral appeals and ruled on today by the Board. The Board voted on Dr. Oliver's motion to approve the letter grades as submitted in the grade packet provided to the Board, including the actions taken today regarding atypical schools. The motion carried by a vote of 10-0.

- Superintendent Ritz then stated that Wabash, South Vermillion, West Noble, New Tech, and HAST would be reviewed by the Department and then brought back to the Board within the clean-up process as an action item. Mr. Guffin stated that HAST was told their appeal would be handled at today's meeting. He went on to say the Board could direct the Department in terms of what to do with these five schools, rather than have a report done. He recommended making decisions on these schools today when they are released. Dr. Oliver said the grades have just been released. Superintendent Ritz said the same process that has been used in the past will be used here.
- Dr. Freitas commented that each of these five schools should be taken one by one today to correct their grades, and if there is not enough information to decide today the issue can be tabled. Superintendent Ritz stated there is no data for these schools other than for HAST.
- Regarding HAST, Dr. Freitas moved to apply the elementary/middle school model to HAST, resulting in a B grade. Dr. Oliver seconded the motion. The motion carried 9-1 with Superintendent Ritz dissenting.
- Dr. Oliver made a motion that the remaining five schools come back to the Board next meeting with all data considered. Mr. Hendry moved that there be an official communication from the Department to the superintendents of the affected schools that reflects the action taken today, and spells out what was discussed and what the path forward will look like. Superintendent Ritz asked if Mr. Hendry was requesting that the Department issue a letter that it will be considering the appeal and will make another determination to be presented to the Board; Mr. Hendry agreed. Dr. Oliver seconded Mr. Hendry's motion and clarified that the letter should state that the Board will reconsider the grade at the next Board meeting and change the grade if the data warrants it. Mr. Elsener requested that a copy of the letter be sent to the Board immediately. The Board voted to carry the motion by a vote of 10-0.

*G. Approval of Placement of Corporations into Categories of School Accountability*



Dr. Albert moved to approval of placement of corporations into categories of school accountability and Dr. Oliver seconded. Ms. Whicker asked about corporation grade changes as a result of some of the school grade changes and Superintendent Ritz said they would be brought back to change if needed. The motion carried 10-0.

*B. Recommendation of Lead Partner for IPS*

- Mr. Guffin stated the recommendation from Teresa Brown, Assistant Superintendent of Outreach, is that Marzano Research Laboratory (“Marzano”) will work with IPS regarding John Marshall High School. Mr. Guffin also directed the Board to a document previously provided that outlines roles and responsibilities. He said this is the document that would be put into a contract between Marzano and the Department. Superintendent Ritz asked for Public Impact’s recommendation, and Mr. Guffin stated that Public Impact’s report would occur at the next meeting. Ms. Shockey stated there was one recommended change to the roles and responsibilities: that they would be aligned to the turnaround principles.
- Dr. Ferebee commented that IPS was involved in the selection of Marzano, but has not yet had a chance to look at the roles and responsibilities document. Dr. Freitas moved to approve Marzano as the lead partner for IPS and Mr. Watts seconded. The motion carried 9-0 (Mr. Walker could not be heard by phone).

*C. Final Approval of CORE Content Tests and Cut Scores for Physical Education and Health*

Ms. Shockey informed the Board that there were no public comments concerning the cut scores. Mr. Watts moved to approve the CORE content tests and the panel recommended cut scores for Physical Education and Health, and Dr. Freitas seconded. The motion carried 9-0 (Mr. Walker could not be heard by phone).

*D. Establishing New Accountability Bonus Targets and Weights for 2014-15 Accountability*

Dr. Oliver moved to readopt the current targets and weights for 2014-15 accountability and Mr. Watts seconded the motion. The motion carried 9-0 (Mr. Walker’s vote could not be heard).

*H. Testing Windows for 2014-15 Accuplacer, WIDA and NCSC Assessments*

Mr. Watts moved to approve the following testing windows: January 22, 2015 through April 1, 2015 for Accuplacer, March 30, 2015 through May 15, 2015 for NCSC, and January 21, 2015 through February 27, 2015 for WIDA, and Mr. Albert seconded the motion. The motion carried 9-0 (Mr. Walker could not be heard).

I. Final Approval of Rule Language for 13-560 (Special Education and Related Services by Choice Schools)

Dr. Freitas moved to adopt the final language of LSA document #13-560 and Mr. Watts seconded. The Board voted 9-0 to approve the language (Mr. Walker could not be heard).

J. Final Approval of Rule Language for 13-561 (Requirements for the Education and Special Education and Related Services of Children Who Are Placed in a Facility Under the Written Order of a Physician)

Mr. Elsener moved to adopt the final language of LSA document #13-561 and Ms. O'Brien seconded. The Board voted 9-0 to approve the language (Mr. Walker could not be heard).

-- RECESS --

**IX. BEST PRACTICES**

The Board did not discuss this item.

**X. DISCUSSION AND REPORTS**

K. Accountability Update

- Superintendent Ritz announced that this item would be moved up on the agenda because the presenter, Dr. Damian Betebenner, had a flight to catch later in the afternoon. Before Dr. Betebenner spoke, Steve Baker, Principal of Bluffton High School, had the floor for public comment. He directed the Board to slides 15 and 16 of Dr. Betebenner's presentation, which dealt with weighting options for college and career readiness ("CCR"). He stated that currently CCR takes up 30% of the school

grade and the cap is 25%. Mr. Baker said this means if 25% of a school's cohort of seniors obtain CCR verification, the school gets four points. He said with so many schools achieving the 25% goal, he is concerned with the Board raising the percentage cap. He said one reason for his concern is with dual credit courses, because teachers must have a master's degree to teach dual credit. Mr. Baker stated this creates a problem because he has issues motivating teachers to be credentialed to teach dual credit courses. He stated this and other factors will cause lower CCR scores in the future and the Board should consider that when addressing the issue of raising the percentage cap.

- Dr. Betebenner addressed the Board using a PowerPoint presentation.<sup>1</sup> He began by giving a background of his prior work with the Indiana regarding using data longitudinally to look at growth. He provided an overview of student growth and also spoke about deliberations that are ongoing in Indiana as the result of changes in the way growth is going to be measured. Dr. Betebenner stated that growth in Indiana has centered on individual student progress, and gave the Board an overview of what individual growth means. He explained that growth amounts are hard to interpret and require context. He said one way to acquire that context is peer based comparison. Peers are children starting at the same achievement level, he said. Dr. Betebenner went on to point out that peer based comparisons are limited and that there should also be criteria as well as peer based comparisons for a complete interpretation. He explained that a criterion-referenced interpretation examines the quantity against a set of standards, like student performance on the ISTEP, for example.
- Dr. Betebenner commented that the transition to a new assessment aligned to the new standards has little or no effect on peer-based analysis. It does have a larger impact on criterion-referenced analyses, he said. Dr. Betebenner then gave a timeline for how things could look going forward with the transition. He informed the Board that legislation in Indiana prohibiting the use of "peer-based growth" prohibits the use of any defensible growth measures in the coming assessment transition years.
- Claire Fiddian-Green, Special Assistant to the Governor for Education Innovation, gave some background on the work of the Accountability Systems Review Panel ("Panel"). She stated that there was consensus that the current model for measuring

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<sup>1</sup> Dr. Betebenner's presentation can be found at  
[http://www.in.gov/sboe/files/Betebenner\\_Presentation\\_Indiana\\_110514.pdf](http://www.in.gov/sboe/files/Betebenner_Presentation_Indiana_110514.pdf)

growth was difficult for people to understand. She explained they then looked at different models of growth. Some models were too simple or did not contain enough information about student growth. That left the Panel with Option D. Ms. Fiddian-Green stated that the new system will require a new baseline that will not be immediately established. She said there will be technical challenges the Board will need to figure out.

- Ms. Dailey spoke more about the transition. She said for 2014-2015 there is a form of growth which consists of one year projected targets using equipercentile concordance mapping to establish what those targets are on the new scale. She said by 2018 there will be four years of test data that can establish the baseline student growth percentile analyses. This will create a defensible system, she stated, because the targets will not be arbitrary. Ms. Dailey explained that a values table would be used to hit certain growth measures.
- Dr. Oliver asked about ways to establish a baseline sooner. Ms. Fiddian-Green stated that Dr. Derek Briggs said that would be high risk psychometrically. Dr. Betenner said any time a test is changed this happens regarding the criterion-referenced piece.
- Dr. Betebenner then continued his presentation. He outline the different options for growth during the transition. He explained that Option D had the most desirable technical characteristics. He then informed the Board regarding some of the details of Option D.
- Ms. Fiddian-Green and Ms. Dailey then discussed policy considerations for the Board.<sup>2</sup> Ms. Fiddian-Green began by giving a recap of the discussions the Board has had in prior meetings: 1) that the Board slightly favored proficiency over growth in terms of the weighting but would continue to deliberate on that issue, 2) that the Board was ok with the distribution of grades presented for Option D, 3) with regard to multiple measures, the Board concurred with the A-F Panel in limiting the addition of other measures that are more subjective, such as principal effectiveness and parent surveys, but that the Board will continue to deliberate on this issue and consider other research based factors.
- Ms. Fiddian-Green then explained student growth percentiles and Ms. Dailey explained the Panel's selection of observed growth. Ms. Dailey stated that the observed growth metric utilizes baseline student growth percentiles and has the lowest correlation to proficiency scores and best reflects the Panel's desire to measure individual student growth in a manner that differentiates from proficiency

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<sup>2</sup> This presentation can be viewed at [http://www.in.gov/sboe/files/Policy\\_Considerations\\_on\\_A-F-11-05-2014.pdf](http://www.in.gov/sboe/files/Policy_Considerations_on_A-F-11-05-2014.pdf)

results. Ms. Dailey outlined the transition to growth Option D and multiple categories and presented the Board with some issues that will need to be addressed in the move forward to a new A-F system.

-- RECESS --

A. SBOE Staff Update

- Mr. Guffin made a clarification that Board staff was tasked by the Board with the responsibility to present roles and responsibilities for the contract between IPS and Marzano.

B. Turnaround Academy Updates

Superintendent Ritz asked the Board if there were any questions regarding the reports received regarding the turnaround academies. None of the Board members had questions.

C. Teacher Licensure Exams and Cut Scores

- Ms. Shockey said originally the Board asked for a report in a year from the time of implementation in the field. She went on to explain that because of concerns in the field the item was requested on today's agenda by Ms. Whicker. She said both Pearson and the Department have been proactive in getting more professional development out to the field.
- Ms. Regnier commented that the Board approved test cut scores in August of 2013. At that time there was a discussion around the when pass rate information would be brought back to the Board, she said. At that time the Board asked for that information in a year. She went on to say as they have been reviewing that information, and over the past few months there have been concerns raised about some of the core assessments. Ms. Regnier reminded the Board that all the pass rates set were recommitted by the score setting committees. She continued that the Department and Pearson had concerns around the pass rates being too low but the sample size is still small. Ms. Regnier said the issue is being studied by the Department to be proactive and then the Board can change the cut scores if it wants to at a later meeting once all of the information has been gathered.

- Ms. Whicker stated she had been hearing concerns from elementary teachers and principals who have excellent student teachers who can't pass the exam. Ms. Whicker also stated she has received information that teachers are having a real tough time passing this new more rigorous test with the current cut scores. Ms. Whicker said she wants the licensure testing to be rigorous, but the cut scores as they are cause her concern. She pointed out that the pass rate for the bar exam in Indiana is around 74%, while the pass rate for the English/language arts middle school exam is 8%. Ms. Whicker stated she wanted to make sure the process was fair. Superintendent Ritz agreed with Ms. Whicker.
- Dr. Freitas asked if a low pass rate is a sufficient reason to modify the cut scores. Ms. Regnier responded that because the standard setting process in this situation lacked live test taker data information, the Board could revisit the cut scores upon review of that information that is now becoming available. Upon further inquiry by Dr. Freitas, Ms. Regnier stated they have not looked at pass rate by institution. Superintendent Ritz asked if the cut scores reflect teachers taking the test for the first time or teachers adding a content area and Ms. Regnier responded that it could be both, other than elementary because that is not a content area that can be added by just taking a test.
- Ms. Regnier stated that on December 11, ten of the areas, including middle school math, will be reviewed by panels here in Indianapolis. Ms. Whicker asked about retroactive application if the cut scores are changed. Ms. Regnier responded that that Board could address that issue as fairness would require. Ms. Regnier stated there is no limit in the amount of times the test can be taken, but the test taker must wait 30 days between tests. Ms. Regnier stated that this issue will be brought back to the Board soon once all the information has been received.

*G. School Turnaround Committee Update*

Mr. Elsener, Chair of the School Turnaround Committee, request this agenda item be moved up because he had a prior obligation he had to attend at the end of this meeting. He said the committee had met four times in Gary, Indianapolis and Evansville. He said there has been a spirit of cooperation. Mr. Elsener also stated that the committee has learned that some schools are much better off because of the turnaround work done. Mr. Elsener stated the committee has learned that intervention must be based on continuous improvement and cooperation. He also stated that the committee learned that the schools are part of a system, and taking over one school at a time doesn't get the job done. He also said the number of

people sent to help these schools should be decreased, but that their roles and responsibilities should be defined tightly. Mr. Elsener said the committee will have recommendations to the legislature and the Board concerning improvement of the turnaround laws, policies, and practice. Superintendent Ritz asked about the two schools coming up for intervention, and Ms. Fiddian-Green said the additional schools will be addressed by the full Board since the Public Impact report will deal with schools already in intervention.

*D. Gary Community Schools Bussing Update*

Superintendent Ritz informed the Board that the Department has been in continuous communication with Gary regarding this issue. She said the issue has been settled and a payment plan has been put in place. Superintendent Ritz stated that there will not be an interruption in service.

*E. School Quality Review Findings Update*

- Ms. O'Brien said her concerns were around confusion about the availability of the year four reports. Ms. Teresa Brown commented that the reports were completed and sent to Mr. Guffin. Ms. Brown stated that the reports had been sent to the schools once Board staff had reviewed them. Ms. Brown said that all the principals have been contacted to present their plans, and that regional sessions had been conducted that included the distribution of supporting documents. Dr. Freitas stated that the reports were very good, and recommended looking in the future to see if there are continuing trends in the areas that need improvement in particular schools. Ms. Brown stated that will be helpful, that the data has not been available in the past, and that the Department plans to look at this information going forward as the data becomes available.
- Ms. O'Brien inquired about what happens once the schools submit plans for improvement. Ms. Brown responded that the Department visits the school with the rubric to rate their progress. She said the outreach coordinators will also help the schools make progress.

*F. Strategic Planning Committee Update*

Mr. Hendry, Chair of the Strategic Planning Committee, said the committee had not met since the last Board meeting, but will be meeting again next week. He said there

are a number of things on the agenda, which includes recommendations to the legislature. No other members of the committee had comments.

*H. Career Council Core 40 Subcommittee Update*

Superintendent Ritz said there are four task forces combining into two. She said it's a robust committee with lots of stakeholder involvement and further updates are forthcoming.

*I. NCLB Waiver Update*

Dr. Oliver asked about the status regarding communication with the U.S. Department of Education. Ms. Shockey stated that that information has been requested and they have been told guidance regarding waiver renewals is forthcoming.

*J. Assessment Update*

- Dr. Michele Walker, Director of Student Assessment with the Department, addressed the Board. She distributed a copy of the RFP review process and asked for questions from the Board. She stated the Department has sent out a survey and had a great response. Dr. Walker then walked through an overview of how the review work will take place, and the general makeup of the review committee. Dr. Walker also gave the Board a timeline of the review. Dr. Walker said the identity of the reviewers is confidential. Dr. Oliver expressed concern that this information wouldn't be disclosed to the Board in the interest of transparency. Mr. Snethen stated he would look into the issue. Dr. Oliver also stated he felt there is a disconnect because he was under the impression from his time on the assessment committee that the Board would be more involved in selecting the vendor.
- Dr. Walker explained that the evaluation group is reviewing the proposals against the rubric that was developed based on things of interest to the state. She stated the review will be in detail and confidential. Dr. Oliver said he was under the impression the Board would be involved, and now is being told the Board would not be involved at all. Dr. Walker said the process is defined by the Indiana Department of Administration. Dr. Walker stated that they do want to involve the Board in the process as evaluators. Dr. Oliver asked Board staff to follow up.



L. IDOE Update on Information Regarding Ebola

Superintendent Ritz stated that information has been provided to the Board and asked for questions. None of the Board members had questions. She stated the Department has been working with the Department of Health regarding this issue.

**XI. BOARD OPERATIONS**

The Board operations item was not discussed.

**XII. ADJOURNMENT**

Superintendent Ritz invited a motion to adjourn and Board voted to adjourn the meeting.

