



# Indiana Department of Education

Dr. Katie Jenner, Secretary of Education

**To:** Indiana State Board of Education  
**From:** Office of Accountability, Indiana Department of Education  
**Date:** September 1, 2021  
**RE:** 1003 Flexibility Waiver Requests

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

During the 2020 legislative session, the Indiana General Assembly enacted P.L. 92-2020, which, in relevant part, permits a school or group of schools to apply to the State Board of Education (Board) for flexibility and to waive compliance with various provisions set forth in Title 20 of the Indiana Code and Title 511 of the Indiana Administrative Code. The flexibility is provided in the form of a 1003 Flexibility Waiver.

## **II. Requests for 1003 Flexibility Waivers under IC 20-31-4.1-4**

To obtain a 1003 Flexibility Waiver, schools must submit an application that includes the following:<sup>1</sup>

- (1) A list of one or more provisions in Title 20 of the Indiana Code and/or Title 511 of the Indiana Administrative Code the school or group of schools is requesting the Board waive.
- (2) The specific goal(s) and/or outcome(s) the school or group of schools intends to achieve by waiving the provisions identified in the application.
- (3) An explanation of how the specific goal(s) and/or outcome(s) the school or group of schools intends to achieve are likely to be achieved by waiving compliance with the provisions identified in the application.
- (4) The performance benchmarks and data that will be used to determine whether the specific goal(s) and/or outcome(s) identified by the school or group of schools have been achieved.
- (5) A resolution adopted by the governing body of the school or group of schools authorizing the submission of the 1003 Flexibility Waiver application.

After reviewing a school's 1003 Flexibility Waiver request, the Board may grant the school a waiver if the Board determines (1) that the waiver request is related to a specific goal or outcome of the school or group of schools,<sup>2</sup> and (2) that granting the waiver will likely:<sup>3</sup>

- (1) Improve student performance and outcomes;

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<sup>1</sup> Ind. Code § 20-31-4.1-4(b).

<sup>2</sup> Ind. Code § 20-31-4.1-5(a).

<sup>3</sup> Ind. Code § 20-31-4.1-5(b).



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- (2) Offer the school or group of schools making the request flexibility in the administration of educational programs or improve the efficiency of school operations;
- (3) Promote innovative educational approaches to student learning; or
- (4) Advance the mission or purpose of the school or group of schools.

In other words, if the Board determines that a waiver request is not related to a specific goal or outcome of the school or group of schools, the request cannot be granted, and the waiver must be denied. Additionally, if the Board determines that granting a waiver is unlikely to improve student performance and outcomes; offer the school or group of schools making the request flexibility in the administration of educational programs or improve the efficiency of school operations; promote innovative educational approaches to student learning; or advance the mission or purpose of the school or group of schools, the request cannot be granted, and the waiver must be denied. Finally, IC 20-31-4.1-7 contains a list of provisions that may not be waived. Thus, a request to waive any of the provisions enumerated in IC 20-31-4.1-7 cannot be granted and must ultimately be denied.

### III. Request(s) and Recommendation(s)<sup>4</sup>

The Board has received a request for a 1003 Flexibility Waiver from the following school corporation(s):

#### (1) North Harrison Community School Corporation (3180)

After reviewing the requests, it has been determined that the corporations' applications include the statutorily required information and are eligible for consideration by the Board. With respect to the statutory and regulatory provisions included in the requests, the Department recommends the following:

#### (1) North Harrison Community School Corporation (3180)

- a. IC 20-30-2-3 (School Year) – **Grant** (2021-2022 school year only)

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<sup>4</sup> School corporations seeking a waiver from IC 20-30-2-2 and/or IC 20-30-2-3 shall provide at least 54,000 minutes of instruction to students in grades 1 through 6 and at least 64,800 minutes of instruction to students in grades 7 through 12. Additionally, superintendents shall continue to certify the amount of instructional time conducted during the school year as required by law.



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## Request for HEA 1003 Flexibility Waiver

*Pursuant to IC 20-31-4.1-4*

### I. REQUESTOR INFORMATION:

**Name:** Lance Richards

**Email:** lrichards@nhcs.k12.in.us

**Corporation ID #:** 3180 - North Harrison Com School Corp

**School:** Corporation Request

### II. REASON(S) FOR FLEXIBILITY REQUEST:

- To improve student performance outcomes
- To offer flexibility in the administration of education programs or to improve efficiency of school operations
- To promote innovative education approaches to student learning
- To advance the mission and purpose of the school or group of schools

### III. FLEXIBILITY REQUESTED:

**Statute(s)/Regulation(s):** IC 20-30-2-3

**Goal(s)/Outcome(s):** We request the flexibility to track the school year in metrics of instructional hours and/or minutes rather than instructional days during the upcoming 2021-2022, 2022-2023, 2023-2024, and 2024-2025 school years. One specific outcome we intend to achieve by waiving this provision includes lengthening the time we will be able to meet for in-person learning to maximize instructional time. We may also utilize half-days for professional development to provide educators more time to analyze data, develop student performance objectives and assess student progress, develop instruction and enrichment lessons, and further align curriculum to the intended curriculum based on student needs. Our corporation meets the 54000 and 64800 minutes for elementary and secondary instruction.

**How to Achieve:** By waiving compliance with this provision, we will be able to use flex time with more concentrated professional development for educators. We will not be constrained to tracking the school year in metrics of instructional days and can maximize in-person instruction. This additional time for professional development is critical to helping our students and staff overcome the challenges that have been thrust upon us at this time.

**Data/Benchmarks:** We intend to use a variety of performance benchmarks and data to determine whether these specific goals and outcomes have been achieved. For example, we will track the number of instructional time completed each day to ensure the correlation with the required instructional days for the school year. Moreover, we will get feedback from the school community on the transition from instructional days to time to note any significant differences. Specifically, we can gather from the



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feedback whether there is a preference in the longer school days when able to meet for in person instruction and during periods of closure. We may consider some of those days as pure closure days rather than e-learning days. Additional data, we can use monitor curriculum advancement to see how we managed as a corporation the instructional time, which can help determine whether we met the goal in maximizing time spent during in-person learning. Our corporation meets the 54000 and 64800 minutes for elementary and secondary instruction.

**Supplemental Information Provided by Corp.:** Our multi-year professional development plan focuses specifically on three areas as we work toward alignment with state initiatives in STEM, PBL and Digital Learning and coincides with our multi-year flexibility request. We have scheduled 8 early release days (two-hour blocks) across the academic calendar to allow staff to engage in professional development in implementing STEM curriculum and PBL instructional strategies with the incorporation of digital learning practices. Each of these two-hour sessions (4 per semester) will allow our teaching staff to engage in new learning as outlined in our STEM Acceleration and Digital Learning Grants followed by collaborative planning for successful and consistent implementation of these initiatives in our classrooms across all academic areas. Using these two-hour blocks for professional development will allow us to positively impact student learning through the incorporation of 21st Century instructional strategies and will minimally impact instructional time. Our teaching staff will have the support of a STEM Coach, as well, to further ensure successful implementation. North Harrison exceeds instructional minute requirements at both the elementary and secondary levels even with the subtraction of these 960 minutes for professional development across the year.

At North Harrison, we regularly employ several benchmarks to monitor student achievement. In Grades K-8, we will continue to administer Exact Path Diagnostics through Edmentum in August, January and May as an adaptive assessment to monitor student achievement and measure individual student growth in math and language arts. Study Island through Edmentum will be administered in both the early fall and the early spring semesters to assess student mastery of grade level Indiana Academic Standards, so instruction can be altered accordingly to meet student learning needs. Having the flexibility to offer early-release professional development time as part of this multi-year plan will also provide our teachers with the opportunity to collaboratively consider the impact of incorporating new technology-enhanced instructional strategies in STEM and PBL on student learning relevant to IAS.