



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: August 11, 2021
RE: **1003 Flexibility Waiver Requests**

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:¹

- (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,² and (2) that granting the waiver will likely:³

- (1) Improve student performance and outcomes;

¹ Ind. Code § 20-31-4.1-4(b).

² Ind. Code § 20-31-4.1-5(a).

³ 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)⁴

The Board has received four requests for a 1003 Flexibility Waiver from the following school corporations:

- (1) South Gibson School Corporation (2765)
- (2) North Adams Community Schools (0025)
- (3) Tri-County School Corporation (8535)
- (4) Eastern Pulaski Community School Corporation (6620)
- (5) Danville Community School Corporation (3325)
- (6) North Gibson School Corporation (2735)
- (7) C A Beard Memorial School Corporation (3455)
- (8) East Noble School Corporation (6060)
- (9) Covington Community School Corporation (2440)
- (10) MSD Pike Township (5350)
- (11) Monroe County Community School Corporation (5740)
- (12) Beech Grove City Schools (5380)
- (13) Bartholomew Consolidated School Corporation (0365)
- (14) Indianapolis Public Schools (5385)

⁴ 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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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) **South Gibson School Corporation (2765)**
 - a. IC 20-30-2-3 (School Year) – **Grant** (2021-2022 school year only)
 - b. IC 20-20-8 (School Corporation Annual Performance Report) – **Grant**
- (2) **North Adams Community Schools (0025)**
 - a. IC 20-30-2-3 (School Year) – **Grant** (2021-2022 school year only)
- (3) **Tri-County School Corporation (8535)**
 - a. IC 20-30-2-2 (Student Instructional Day) – **Grant** (2021-2022 school year only)
 - b. IC 20-30-2-3 (School Year) – **Grant** (2021-2022 school year only)
- (4) **Eastern Pulaski Community School Corporation (6620)**
 - a. IC 20-30-2-3 (School Year) – **Grant** (2021-2022 school year only)
- (5) **Danville Community School Corporation (3325)⁵**
 - a. IC 20-20-8 (School Corporation Annual Performance Report) – **Grant**
 - b. IC 20-26-5-34.2 (Bullying Training) – **Grant**
 - c. IC 20-26-17-4 (School Corporation Employee Health Coverage) – **Grant**
 - d. IC 20-26-18-3; IC 20-26-18-4; IC 20-26-18-6 (Criminal Gang Measures) – **Grant**
 - e. IC 20-30-2-3 (School Year) – **Grant** (2021-2022 school year only)
- (6) **North Gibson School Corporation (2735)**
 - a. IC 20-30-2-2 (Student Instructional Day) – **Grant** (2021-2022 school year only)
 - b. IC 20-30-2-3 (School Year) – **Grant** (2021-2022 school year only)
- (7) **C A Beard Memorial School Corporation (3455)⁶**
 - a. IC 20-30-2-3 (School Year) – **Grant** (2021-2022 school year only)
 - b. 511 IAC 6.1-5-6 (Media Program) – **Grant**
- (8) **East Noble School Corporation (6060)**
 - a. IC 20-30-2-3 (School Year) – **Grant** (2021-2022 school year only)
- (9) **Covington Community School Corporation (2440)**
 - a. IC 20-30-2-3 (School Year) – **Grant** (2021-2022 school year only)

⁵ Unless otherwise noted, all approved waivers would be applicable for the 2021-2022, 2022-2023, 2023-2024, and 2024-2025 school years.

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(10) MSD Pike Township (5350)⁷

- a. IC 20-30-2-3 (School Year) – **Grant** (2021-2022 school year only)
- b. IC 20-20-8 (School Corporation Annual Performance Report) – **Grant**
- c. IC 20-26-5-34.2 (Bullying Training) – **Grant**
- d. IC 20-26-5-34.4 (Child Suicide Awareness and Prevention Policy) – **Grant**
- e. IC 20-26-16-4 (Minimum Training Requirements for School Corporation Police Departments) – **Grant**
- f. IC 20-26-18-2; IC 20-26-18-3; IC 20-26-18-4; IC 20-26-18-6 (Criminal Gang Measures) – **Grant**
- g. 511 IAC 6.2-3.1-2; 511 IAC 6.2-3.1-3; 511 IAC 6.2-3.1-5 (Reading Plan) – **Deny**
- h. IC 20-32-8.5 (Reading Deficiency Remediation Plan) – **Deny**

(11) Monroe County Community School Corporation (5740)

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

(12) Beech Grove City Schools (5380)

- a. IC 20-30-2-3 (School Year) – **Grant** (2021-2022 school year only)
- b. 511 IAC 6.1-5-6 (Media Program) – **Grant**

(13) Bartholomew Consolidated School Corporation (0365)

- a. IC 20-30-2-3 (School Year) – **Grant** (2021-2022 school year only)
- b. 511 IAC 6.2-3.1-3 (Reading Plan; Components) – **Deny**

(14) Indianapolis Public Schools (5385)

- a. IC 20-30-2-3 (School Year) – **Grant** (2021-2022 school year only)
- b. IC 20-26-5-4(a)(3) – **Deny**

⁷ Unless otherwise noted, all approved waivers would be applicable for the 2021-2022, 2022-2023, 2023-2024, and 2024-2025 school years.