# 1003 Flexibility

# **Requests Table of Contents**

I.	Basis for Agency Review	2
II.	Requests for 1003 Flexibility Waivers under IC 20-31-4.1-4	2
III.	Request(s) and Recommendation(s)	3
	a. <u>Virtual Instructional Day</u>	5
	b. <u>Instructional Day Requirements</u>	6
	c. School Year Requirement	10



To: Indiana State Board of Education

From: Office of School Support and Transformation

**Date:** March 18, 2024

Subject: 1003 Flexibility Waivers

### **L.** 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 outlined 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.

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



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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.
- (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)

The IDOE has reviewed the submitted applications and applied criteria to determine if the LEA qualifies for a three-year waiver. The criteria are based on the benchmark data in the following categories from the Indiana GPS Dashboard: 3rd-grade Literacy, 6th-grade Math Growth, Graduation Pathways Completion, College & Career Credentials, and Employment & Enrollment. To qualify for a three-year waiver, an LEA must meet or show growth toward the benchmark goals in four out of the five categories listed above.

The Board has received 21 requests for a 1003 Flexibility Waiver from the following school corporations:

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

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



Dr. Katie Jenner, Secretary of Education

(1)	<u>Lawrenceburg Community School Corporation (1620)</u>	P. 5
(2)	Mitchell Community Schools (5085)	P. 6
(3)	Washington Community Schools (1405)	P. 7
(4)	Eastern Pulaski School Corporation (6620)	P. 7
(5)	Elwood Community School Corporation (5280)	P. 8
(6)	Crothersville Community Schools (3710)	P. 8
(7)	North Central Parke Community Schools (6375)	P. 9
(8)	Southern Wells Community Schools (8425)	P. 9
(9)	Tri-County School Corporation (8335)	P. 10
(10)	Fort Wayne Community Schools (0235)	P. 10
(11)	Silver Creek School Corporation (0945)	P. 11
(12)	Wawasee Community School Corporation (4345)	P. 11
(13)	South Henry School Corporation (3415)	P. 12
(14)	North Adams Community Schools (0025)	P. 12
(15)	New Albany Floyd County Consolidated Schools (2400)	P. 13
(16)	Edinburgh Community School Corporation (4215)	P. 13
(17)	East Allen County Schools (0255)	P. 14
(18)	South Newton School Corporation (5995)	P. 14
(19)	Clinton Prairie School Corporation (1160)	P. 15
(20)	Frontier School Corporation (8525)	P. 15
(21)	Triton School Corporation (5495)	P. 16

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. For the statutory and regulatory provisions included in the requests, the Department recommends the following:



#### **Virtual Student Instructional Day Requirement**

The school corporation(s) listed below are requesting the flexibility to waive IC 20-30-2-2.7, to expand the number of virtual student instructional days their corporations may employ during the 2024-2025 school year.

**NOTE:** \*School corporations will have the opportunity to be supported by the Office of Digital Learning during the implementation of their waiver plan. The waiver is approved for up to three school years, contingent upon annual review and renewal by the Indiana State Board of Education.

#### 1) Lawrenceburg Community School Corporation (1620)

a. IC 20-30-2-2.7 (Virtual Student Instructional Day) – **Grant** (2024-2025 school year only\*)

Dispensations	Commitments/Justification
IC 20-30-2-2.7 (Virtual Instructional Day) Limit to 3 virtual student instructional days.	The combined total number of in-person instructional minutes across all grade levels will meet the equivalent of the statutory requirement of 180 days, times the minimum length of an instructional day.
Authorize Lawrenceburg Community School Corporation to count seven (7) additional virtual student instructional days for a total of ten (10) virtual student instructional days.	<ul> <li>Grades 1-6: Students will receive 54,000 minutes of in-person instruction (statutory minimum is 54,000)</li> <li>Grades 7-12: Students will receive 64,800 minutes of in-person instruction (statutory minimum is 64,800)</li> </ul>

#### 2) Mitchell Community Schools (5085)

a. IC 20-30-2-2.7 (Virtual Student Instructional Day) – **Grant** (2024-2025 up to 2026-2027 school year only\*)

Dispensations	Commitments/Justification
IC 20-30-2-2.7 (Virtual Instructional Day) Limit to 3 virtual student instructional days.	The combined total number of in-person instructional minutes across all grade levels will meet the equivalent of the statutory requirement of 180 days, times the minimum length of an instructional day.
Authorize Mitchell Community Schools to count four (4) additional virtual student instructional days for a total of seven (7) virtual student instructional days.	<ul> <li>Grades 1-6: Students will receive 54,000 minutes of in-person instruction (statutory minimum is 54,000)</li> <li>Grades 7-12: Students will receive 64,800 minutes of in-person instruction (statutory minimum is 64,800)</li> </ul>

#### Instructional Day Requirements<sup>4</sup>

The school corporations listed below are requesting flexibility to waive the statutory minimum requirements outlined in IC 20-30-2-2 (Instructional Time) and count instructional days that do not meet this requirement towards the 180-day minimum outlined in IC 20-30-2-3 (School Year). Each school corporation has a unique purpose for their request, but all generally center around the ability to facilitate job-embedded professional development within the existing teacher contract. In exchange for this flexibility, each school corporation listed below commits to facilitating at least the equivalent number of minutes/hours of instruction to what is required in Indiana law. Each school corporation will accomplish this by lengthening the school day to make up for lost instructional time during a delayed start or early dismissal day.

**NOTE:** All school corporations in this section will continue to conduct 180 instructional days and may only count three virtual instructional days towards the 180-day requirement.

4



### 3) Washington Community Schools (1405)

a. IC 20-30-2-2 (Instructional Time) – **Grant** (2024-2025 up to 2026-2027 school year only)

Dispensations	Commitments/Justification
IC 20-30-2-2 (Instructional Time) Waive the minimum length of a student instructional day, which	Washington Community Schools may conduct eight (8), two (2) hour late starts in the school year to conduct staff professional development.
requires a student instructional day in grades 1 through 6 consists of at least five (5) hours of instructional time and a student instructional day in	The combined total number of in-person instructional minutes across all grade levels will meet the equivalent of the statutory requirement of 180 days, times the minimum length of an instructional day.
grades 7 through 12 consists of at least six (6) hours of instructional - Grades 1-6: So in-person instru	- Grades 1-6: Students will receive 55,780 minutes of in-person instruction (statutory minimum is 54,000)
time.	- Grades 7-12: Students will receive 69,960 minutes of in-person instruction (statutory minimum is 64,800)

#### 4) Eastern Pulaski School Corporation (6620)

a. IC 20-30-2-2 (Instructional Time) – **Grant** (2024-2025 up to 2026-2027 school year only)

Dispensations	Commitments/Justification
IC 20-30-2-2 (Instructional Time) Waive the minimum length of a student instructional day, which	Eastern Pulaski School Corporation may conduct thirty-six (36), fifty (50) minute early releases in the school year to conduct staff professional development.
requires a student instructional day in grades 1 through 6 consists of at least five (5) hours of instructional time and a student instructional day in	The combined total number of in-person instructional minutes across all grade levels will meet the equivalent of the statutory requirement of 180 days, times the minimum length of an instructional day.
grades 7 through 12 consists of at least six (6) hours of instructional	- Grades 1-6: Students will receive 62,100 minutes of in-person instruction (statutory minimum is 54,000)
time.	- Grades 7-12: Students will receive 72,540 minutes of in-person instruction (statutory minimum is 64,800)

### 5) Elwood Community School Corporation (5280)

a. IC 20-30-2-2 (Instructional Time) – Grant (2024-2025 school year only)

Dispensations	Commitments/Justification
IC 20-30-2-2 (Instructional Time) Waive the minimum length of a student instructional day, which	Elwood Community School Corporation may conduct eight (8), two (2) hour late starts in the school year to conduct staff professional development.
requires a student instructional day in grades 1 through 6 consists of at least five (5) hours of instructional time and a student instructional day in	The combined total number of in-person instructional minutes across all grade levels will meet the equivalent of the statutory requirement of 180 days, times the minimum length of an instructional day.
grades 7 through 12 consists of at least six (6) hours of instructional	- Grades 1-6: Students will receive 63,840 minutes of in-person instruction (statutory minimum is 54,000)
time.	- Grades 7-12: Students will receive 69,240 minutes of in-person instruction (statutory minimum is 64,800)

### 6) Crothersville Community Schools (3710)

a. IC 20-30-2-2 (Instructional Time) – **Grant** (2024-2025 up to 2026-2027 school year only)

Dispensations	Commitments/Justification
IC 20-30-2-2 (Instructional Time) Waive the minimum length of a student instructional day, which	Crothersville Community Schools may conduct six (6), two (2) hour early releases in the school year to conduct staff professional development.
requires a student instructional day in grades 1 through 6 consists of at least five (5) hours of instructional time and a student instructional day in	The combined total number of in-person instructional minutes across all grade levels will meet the equivalent of the statutory requirement of 180 days, times the minimum length of an instructional day.
grades 7 through 12 consists of at least six (6) hours of instructional	- Grades 1-6: Students will receive 62,280 minutes of in-person instruction (statutory minimum is 54,000)
time.	- Grades 7-12: Students will receive 67,680 minutes of in-person instruction (statutory minimum is 64,800)



#### 7) North Central Parke Community Schools (6375)

a. IC 20-30-2-2 (Instructional Time) – **Grant** (2024-2025 up to 2026-2027 school year only)

Dispensations	Commitments/Justification
IC 20-30-2-2 (Instructional Time) Waive the minimum length of a student instructional day, which	North Central Parke Community Schools may conduct twenty-eight (28), one (1) hour early releases in a school year to conduct staff professional development.
requires a student instructional day in grades 1 through 6 consists of at least five (5) hours of instructional time and a student instructional day in	The combined total number of in-person instructional minutes across all grade levels will meet the equivalent of the statutory requirement of 180 days, times the minimum length of an instructional day.
grades 7 through 12 consists of at least six (6) hours of instructional	- Grades 1-6: Students will receive 54,000 minutes of in-person instruction (statutory minimum is 54,000)
time.	- Grades 7-12: Students will receive 64,800 minutes of in-person instruction (statutory minimum is 64,800)

#### 8) Southern Wells Community Schools (8425)

a. IC 20-30-2-2 (Instructional Time) – Grant (2024-2025 school year only)

Dispensations	Commitments/Justification
IC 20-30-2-2 (Instructional Time) Waive the minimum length of a student instructional day, which	Southern Wells Community Schools may conduct five (5), one (1) hour late starts in a school year to conduct staff professional development.
requires a student instructional day in grades 1 through 6 consists of at least five (5) hours of instructional time and a student instructional day in	The combined total number of in-person instructional minutes across all grade levels will meet the equivalent of the statutory requirement of 180 days, times the minimum length of an instructional day.
grades 7 through 12 consists of at least six (6) hours of instructional time.	- Grades 7-12: Students will receive 69,900 minutes of in-person instruction (statutory minimum is 64,800)



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# 9) Tri-County School Corporation (8335)

a. IC 20-30-2-2 (Instructional Time) – Grant (2024-2025 school year only)

Dispensations	Commitments/Justification
IC 20-30-2-2 (Instructional Time) Waive the minimum length of a student instructional day, which requires a student instructional day in grades 1 through 6 consists of at least five (5) hours of instructional time and a student instructional day in grades 7 through 12 consists of at least six (6) hours of instructional time.	Tri-County School Corporation may conduct twenty-four (24), one (1) hour late starts in a school year to conduct staff professional development.  The combined total number of in-person instructional minutes across all grade levels will meet the equivalent of the statutory requirement of 180 days, times the minimum length of an instructional day.  - Grades 1-6: Students will receive 63,180 minutes of in-person instruction (statutory minimum is 54,000)  - Grades 7-12: Students will receive 68,220 minutes of in-person instruction (statutory minimum is 64,800)

#### **School Year Requirement**

The school corporations listed below are requesting flexibility to waive the statutory minimum requirements for a school year outlined in IC 20-30-2-3, which requires 180 instructional days. All of the applications below are seeking flexibility to offer staff professional development within the existing teacher contract, and all commit to providing the minimum equivalent of in-person instructional minutes that would serve as the equivalent of 180 instructional days.

#### 10) Fort Wayne Community Schools (0235)

Dispensations	Commitments/Justification
IC 20-30-2-3 (School Year) Each school year must have 180 instructional days.	Fort Wayne Community Schools shall conduct four (4) full days of professional development in lieu of the reduced number of student instructional days.
Authorize Fort Wayne Community Schools to conduct a school year that consists of 176 instructional days.	The combined total number of in-person instructional minutes across all grade levels will meet the equivalent of the statutory requirement of 180 days, times the minimum length of an instructional day:  - Grades 1-6: Students will receive 64,240 minutes of in-person instruction (statutory minimum is 54,000)
	- Grades 7-12: Students will receive 76,560 minutes of in-person instruction (statutory minimum is 64,800)



# 11) Silver Creek School Corporation (0945)

a. IC 20-30-2-3 (School Year) – **Grant** (2024-2025 school year only)

Dispensations	Commitments/Justification
IC 20-30-2-3 (School Year) Each school year must have 180 instructional days.	Silver Creek School Corporation shall conduct three (3) full days of professional development in lieu of the reduced number of student instructional days.
Authorize Silver Creek School Corporation to conduct a school year that consists of 177 instructional days.	The combined total number of in-person instructional minutes across all grade levels will meet the equivalent of the statutory requirement of 180 days, times the minimum length of an instructional day:
	- Grades 1-6: Students will receive 62,835 minutes of in-person instruction (statutory minimum is 54,000)
	- Grades 7-12: Students will receive 66,375 minutes of in-person instruction (statutory minimum is 64,800)

# 12) Wawasee Community School Corporation (4345)

Dispensations	Commitments/Justification
IC 20-30-2-3 (School Year) Each school year must have 180 instructional days.	Wawasee Community School Corporation shall conduct three (3) full days of professional development in lieu of the reduced number of student instructional days.
Authorize Wawasee Community School CorporationSchools to conduct a school year that consists of 177 instructional days.	The combined total number of in-person instructional minutes across all grade levels will meet the equivalent of the statutory requirement of 180 days, times the minimum length of an instructional day:
177 msu ucuonar days.	- Grades 1-6: Students will receive 56,640 minutes of in-person instruction (statutory minimum is 54,000)
	- Grades 7-12: Students will receive 66,375 minutes of in-person instruction (statutory minimum is 64,800)



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# 13) South Henry School Corporation (3415)

a. IC 20-30-2-3 (School Year) – **Grant** (2024-2025 up to 2026-2027 school year only)

Dispensations	Commitments/Justification
IC 20-30-2-3 (School Year) Each school year must have 180 instructional days.	South Henry School Corporation shall conduct three (3) full days of professional development in lieu of the reduced number of student instructional days.
Authorize South Henry School Corporation to conduct a school year that consists of 177 instructional days.	The combined total number of in-person instructional minutes across all grade levels will meet the equivalent of the statutory requirement of 180 days, times the minimum length of an instructional day:
	- Grades 1-6: Students will receive 62,835 minutes of in-person instruction (statutory minimum is 54,000)
	- Grades 7-12: Students will receive 70,092 minutes of in-person instruction (statutory minimum is 64,800)

### 14) North Adams Community Schools (0025)

Dispensations	Commitments/Justification
IC 20-30-2-3 (School Year) Each school year must have 180 instructional days.	North Adams Community Schools shall conduct a three (3) full days of professional development in lieu of the reduced number of student instructional days.
Authorize North Adams Community Schools to conduct a school year that consists of 177 instructional days.	The combined total number of in-person instructional minutes across all grade levels will meet the equivalent of the statutory requirement of 180 days, times the minimum length of an instructional day:
	<ul> <li>Grades 1-6: Students will receive 63,877 minutes of in-person instruction (statutory minimum is 54,000)</li> <li>Grades 7-12: Students will receive 67,761 minutes of in-person instruction (statutory minimum is 64,800)</li> </ul>



# 15) New Albany Floyd County Consolidated Schools (2400)

a. IC 20-30-2-3 (School Year) – **Grant** (2024-2025 up to 2026-2027 school year only)

Dispensations	Commitments/Justification
IC 20-30-2-3 (School Year) Each school year must have 180 instructional days.	New Albany Floyd County Consolidated Schools shall conduct three (3) full days of professional development in lieu of the reduced number of student instructional days.
Authorize New Albany Floyd County Consolidated Schools to conduct a school year that consists of 177 instructional days.	The combined total number of in-person instructional minutes across all grade levels will meet the equivalent of the statutory requirement of 180 days, times the minimum length of an instructional day:
	- Grades 1-6: Students will receive 58,410 minutes of in-person instruction (statutory minimum is 54,000)
	- Grades 7-12: Students will receive 66,021 minutes of in-person instruction (statutory minimum is 64,800)

### 16) Edinburgh Community School Corporation (4215)

Dispensations	Commitments/Justification
IC 20-30-2-3 (School Year). Each school year must have 180 instructional days.	Edinburgh Community School Corporation shall conduct three (3) full days of professional development in lieu of the reduced number of student instructional days.
Authorize Edinburgh Community School Corporation to conduct a school year that consists of 177 instructional days.	The combined total number of in-person instructional minutes across all grade levels will meet the equivalent of the statutory requirement of 180 days, times the minimum length of an instructional day:
	- Grades 1-6: Students will receive 59,400 minutes of in-person instruction (statutory minimum is 54,000)
	- Grades 7-12: Students will receive 68,400 minutes of in-person instruction (statutory minimum is 64,800)



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# 17) East Allen County Schools (0255)

a. IC 20-30-2-3 (School Year) – **Grant** (2024-2025 up to 2026-2027 school year only)

Dispensations	Commitments/Justification
IC 20-30-2-3 (School Year). Each school year must have 180 instructional days.	East Allen County Schools shall conduct four (4) full days of professional development in lieu of the reduced number of student instructional days.
Authorize East Allen County Schools to conduct a school year that consists of 176 instructional days.	The combined total number of in-person instructional minutes across all grade levels will meet the equivalent of the statutory requirement of 180 days, times the minimum length of an instructional day:
	- Grades 1-6: Students will receive 60,065 minutes of in-person instruction (statutory minimum is 54,000)
	- Grades 7-12: Students will receive 67,809 minutes of in-person instruction (statutory minimum is 64,800)

#### 18) South Newton School Corporation (5995)

a. IC 20-30-2-3 (School Year) – **Grant** (2024-2025 school year only)

Dispensations	Commitments/Justification
IC 20-30-2-3 (School Year). Each school year must have 180 instructional days.	South Newton School Corporation shall conduct one (1) full day of professional development in lieu of the reduced number of student instructional days.
Authorize South Newton School Corporation to conduct a school year that consists of 179 instructional days.	The combined total number of in-person instructional minutes across all grade levels will meet the equivalent of the statutory requirement of 180 days, times the minimum length of an instructional day:
	- Grades 1-6: Students will receive 65,335 minutes of in-person instruction (statutory minimum is 54,000)
	- Grades 7-12: Students will receive 68,915 minutes of in-person instruction (statutory minimum is 64,800)



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# 19) Clinton Prairie School Corporation (1160)

a. IC 20-30-2-3 (School Year) – **Grant** (2024-2025 school year only)

Dispensations	Commitments/Justification
IC 20-30-2-3 (School Year). Each school year must have 180 instructional days.	Clinton Prairie School Corporation shall conduct three (3) full days of professional development in lieu of the reduced number of student instructional days.
Authorize Clinton Prairie School Corporation to conduct a school year that consists of 177 instructional days.	The combined total number of in-person instructional minutes across all grade levels will meet the equivalent of the statutory requirement of 180 days, times the minimum length of an instructional day:
	- Grades 1-6: Students will receive 60,600 minutes of in-person instruction (statutory minimum is 54,000)
	- Grades 7-12: Students will receive 68,940 minutes of in-person instruction (statutory minimum is 64,800)

### 20) Frontier School Corporation (8525)

Dispensations	Commitments/Justification
IC 20-30-2-3 (School Year). Each school year must have 180 instructional days.	Frontier School Corporation shall conduct five (5) full days of professional development in lieu of the reduced number of student instructional days.
Authorize Frontier School Corporation to conduct a school year that consists of 175 instructional days.	The combined total number of in-person instructional minutes across all grade levels will meet the equivalent of the statutory requirement of 180 days, times the minimum length of an instructional day:
	- Grades 1-6: Students will receive 63,000 minutes of in-person instruction (statutory minimum is 54,000)
	- Grades 7-12: Students will receive 65,625 minutes of in-person instruction (statutory minimum is 64,800)



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# 21) Triton School Corporation (5495)

a. IC 20-30-2-3 (School Year) – **Grant** (2024-2025 school year only)

Dispensations	Commitments/Justification
IC 20-30-2-3 (School Year). Each school year must have 180 instructional days.	Triton School Corporation shall conduct five (5) full days of professional development in lieu of the reduced number of student instructional days.
Authorize Triton School Corporation to conduct a school year that consists of 175 instructional days.	The combined total number of in-person instructional minutes across all grade levels will meet the equivalent of the statutory requirement of 180 days, times the minimum length of an instructional day:
	- Grades 1-6: Students will receive 60,000 minutes of in-person instruction (statutory minimum is 54,000)
	- Grades 7-12: Students will receive 70,800 minutes of in-person instruction (statutory minimum is 64,800)