



# Indiana Department of Education

Dr. Katie Jenner, Secretary of Education

**To:** Indiana State Board of Education

**From:** Office of School Support and Transformation  
Katherine Hollander, School Support Specialist

**Date:** July 18, 2022

**Subject:** 1003 Flexibility Waivers

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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.

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<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 Board has received two requests for a 1003 Flexibility Waiver from the following school corporations:

- (1) Paoli Community School Corporation (6155)
- (2) Loogootee Community School Corporation (5255)

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:

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

The school corporations listed below intend to waive compliance with IC 20-30-2-3 regarding school calendar. It is the intention of these corporations to measure their school year in instructional minutes rather than 180 instructional days in order to accommodate professional learning for all staff. Indiana law requires an instructional day for students in grades 1-6 consists of at least five (5) hours of instructional time. A student instructional day for students in grades 7-12 consists of at least six (6) hours of instructional time.

- (1) **Paoli Community School Corporation (6155)**
  - a. IC 20-30-2-3 (Instructional Time) – **Grant** (2022-2023 school year only)
- (2) **Loogootee Community School Corporation (5255)**
  - a. IC 20-30-2-3 (Instructional Time) – **Grant** (2022-2023 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:** Greg Walker

**Email:** walkerg@paoli.k12.in.us

**Corporation ID #:** 6155 – Paoli Community School Corporation

**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 educational approaches to student learning
- To advance the mission or purpose of the school or group of schools

### III. FLEXIBILITY REQUESTED:

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

**Goal(s)/Outcome(s):** Paoli Community School Corporation would like to have flexibility from the 180-school day accountability measure. Throop Elementary School and Paoli Jr.-Sr. High School both exceed the state minimum requirements for the number of instructional minutes. Throop Elementary provides 8,100 minutes of instruction over the required 54,000 for elementary students. Paoli Jr.-Sr. High School provides 5,400 minutes more than the required 64,800 minutes for our jr.-sr. high school students. Throop Elementary School is providing the equivalent of twenty-seven (27) additional instructional days per year for our elementary school students. Paoli Jr.-Sr. High School is providing the equivalent of fifteen (15) additional instructional days per year for our jr.-sr. high school students. Our goal is to use some of this instructional time to provide teachers and administrators the time to analyze data, assess student mastery and growth, develop instruction and enrichment lessons, and align curriculum to the intended curriculum based on student's needs. The outcome for Paoli Community School Corporation would be to align instructional minutes per student to allow teachers time to track student mastery of goals, reduce learning gaps that have occurred due to Covid-19 disruptions, and to improve, design, and deliver instruction to increase student master of learning standards and facilitate student growth.

**Strategic Plan:** Paoli Community School Corporation, by changing the 180-day instructional day accountability measure to minutes of instruction per student, will hold students more accountable on a minutes-per-day measure than a days-per-school year measure. The flexibility will allow teachers and administrators to hold professional



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development opportunities for one thousand, six hundred twenty (1,620) minutes. The professional development time provides educators the ability to personalize and maximize instruction for each student. Teacher contract days and hours would not change.

Providing teachers a longer time block to complete professional development will better solidify the new learning that takes place. The additional time will allow professional development facilitators to fully implement effective training. This will also provide teachers with the opportunity to collaborate and practice their newly learned skills. Each professional development activity will build on the last allowing administrators and teachers to monitor the progress throughout the year.

Below is an anticipated timeline for professional development.

## Anticipated PD Schedule

Date		PD	Objectives: Teachers will...
9/7/22	1/2 day	Data Driven Instruction / Analytics Training	*Access and utilize Analytics data in the EES program *Familiarize themselves with available data *Utilize data to drive instruction
		Student Mastery Utilizing Learning Goals	*write and assess effective LGs based on standards
10/5/22	1/2 day	Checks for Understanding by Providing Timely and Effective Feedback	*utilize formative assessment to make informed, in-the-moment, instructional decisions *develop a process for providing student feedback
11/2/22	1/2 day	Higher Order Questioning and Thinking	*incorporate HO questions into instruction to develop a culture of HO thinking
12/7/22	1/2 day	Gradual Release	*learn/revisit and utilize the me/we/two/you method
1/4/22	1/2 day	Questioning Techniques (HO, Wait Time, Opt Out, etc.	* utilize best practices in questioning to develop a higher level of understanding for their students
2/1/22	1/2 day	Data Review	* review current data and revise lesson plans as needed
3/1/22	1/2 day	Rigor	* learn to create an environment in which each student is expected to learn at high levels, each student is supported so he or she can learn at high levels, and each student demonstrates learning at high levels



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4/5/22	1/2 day	Differentiation	* develop instructional skills to provide and equitable education to all students
5/3/22	1/2 day	Curriculum Map Review	*review current curriculum maps and revise as needed

**Data/Benchmarks:** Paoli Community School Corporation uses I-READY as a formative assessment to track student progress in Reading, Language, and Math. The I-READY formative assessments are given three times each year. Teachers will communicate with parents concerning the starting point of each student and any progress and mastery of academic standards that occur during the school year. The one thousand six hundred twenty (1,620) minutes will be used to provide professional development to teachers on lesson.

Teacher instruction and pedagogy will improve as measured by our teacher evaluation rubric. The average score on Indicator 2.4 Checks for Understanding will increase to 3.57 for elementary teachers (an increase of 0.17 or 5%) and increase to 3.36 for high school teachers (an increase of 0.16 or 5%).

55% or more of high school students will meet their iReady Diagnostic 1 to Diagnostic 3 Annual Typical Growth targets each year. This is an increase of 5%.

69% or more of elementary students will meet their iReady Diagnostic 1 to Diagnostic 3 Annual Typical Growth targets each year. This is an increase of 5%.



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## Request for HEA 1003 Flexibility Waiver

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

### I. REQUESTOR INFORMATION:

**Name:** Brian Harmon

**Email:** bh@loogootee.k12.in.us

**Corporation ID #:** 5255 – Loogootee Community School Corporation

**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 educational approaches to student learning
- To advance the mission or purpose of the school or group of schools

### III. FLEXIBILITY REQUESTED:

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

**Goal(s)/Outcome(s):** Loogootee Community Schools will provide targeted and continuous professional development to our teachers and other staff by using 40 minutes of classroom time and 20 minutes of staff time at the end of the first, third, and fifth Wednesday of every month. This results in 20 hours of dedicated professional development for the staff throughout the school year. The professional development is designed to promote innovative educational approaches for enhanced student learning. Teachers have different preparatory times throughout the day, thus a common time of professional collaboration across all grade levels is needed for teachers to work together and to learn how to enhance their craft. Training held during these early release times include, but are not limited to, project-based learning, makerspaces, school safety, test security and proctoring, new technologies & software, student data reviews & dialogue, curriculum mapping & CFA creation, teaching strategies & the use of supplemental websites, etc. As a result of our efforts, 80% or more students will show growth in their all to spring NWEA testing reported scores by an increase of 5% or more.

**Strategic Plan:** By waiving the compliance of this provision on these designated Wednesdays, teachers will be required to attend numerous professional development strategies that would not be available or that the entire staff would not be able to attend without these devoted professional development sessions. By allowing teachers to participate in regular training through a review of student and school data, it will help to ensure teachers have the time to work with other teachers to plan for instructional



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lessons that address skill gaps and that enhance presentation strategies. Dedicated professional development will provide teachers and administrators with time to engage in high quality professional development within their content areas, while integrating math and language arts skills into them. Our focus for next few years is reading and math instruction. Our enhanced focus, created collaboratively with Anna Cook and Courtney Flessner with the infusion of literacy concepts throughout all content areas, will require targeted and deliberate training in best practices K-12. Our focus this year will include improving mathematics and reading teaching strategies for all teachers in the corporation. Below is the 2022-23 early release professional development agenda topics for this school year.

## **Aug 17**

- LES, LMS, LHS - Safe Schools

## **Sept 7**

- LES, LMS, LHS - Effective First Minutes of Each Class Training

## **Sept 21**

- LES, LMS, LHS - NWEA Data Meeting

## **Oct 5**

- LES, LMS, LHS - P/T Conferences

## **Oct 19**

- LES, LMS, LHS - Test Security & Integrity Training ([LINK](#))

## **Nov 2**

- LES, LMS, LHS - Learning Connection Math Big Concepts

## **Nov 16**

- LES - Guided Reading
- LMS, LHS - Guided Reading across Content Areas

## **Nov 30**

- LES, LMS, LHS - Critical Thinking Math Posters

## **Dec 7**

- LES, LMS, LHS - Curriculum mapping / Pacing Guides / CFAs

## **Jan 4**

- LES, LMS, LHS - NWEA Data Meeting

## **Jan 18**

- LES, LMS - Curriculum mapping / Pacing Guides / CFAs
- LHS - AP training / Curriculum mapping / Pacing Guides / CFAs

## **Feb 1**

- LES - Using Context Clues when Reading
- LMS, LHS - Using Context Clues across Content Areas when Reading

## **Feb 15**

- LES - Guided Reading
- LMS, LHS - Guided Reading across Content Areas

## **Mar 1**

- LES - IREAD training / Differentiated Teaching Strategies
- LMS, LHS - Differentiated Teaching Strategies





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## Mar 15

- LES, LMS, LHS - Conceptual Understanding

## Apr 5

- LES - ILEARN Training
- LMS - ILEARN Training + Leslie, Doug, & Madelyn
- LHS - Science textbook adoption / Curriculum mapping / Pacing Guides

## Apr 19

- LES, LMS - Curriculum mapping / Pacing Guides / CFAs
- LHS - AP training / Curriculum mapping / Pacing Guides / CFAs

## May 3

- LES, LMS, LHS - ILEARN / IREAD / NWEA Data Review

## May 17

- LES, LMS, LHS - 2022-23 Curricular Action Plan Development

**Data/Benchmarks:** 80% or more students will show growth in their all to spring NWEA testing reported scores by an increase of 5% or more.

Teacher attendance will be taken for each early release training session. Teacher discussions, surveys, student data analyses from ILEARN, SAT, NWEA, and CFAs, and yearly teacher evaluations are collected, performed, and used to monitor the effectiveness of the early release training outcomes and the use of covered topics.

An increased percentage of students who are identified as proficient on ILEARN and those who experience growth on both ILEARN and NWEA should be shown as an effect of this professional development time.

Other performance benchmarks include the administration of a baseline survey given to all teaching staff to determine the level of collaboration through PLCs at the building and district level. Other indicators include teachers' comfort level with interpreting and using assessment data, monitoring student achievement through standards-based instruction and teacher proficiency in utilizing high yield instructional strategies.