1003 Flexibility

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To: Indiana State Board of Education

From: Office of School Support and Transformation

Date: January 29, 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: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.

¹ 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 schools², and (2) that granting the waiver will likely:³

- (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 24 requests for a 1003 Flexibility Waiver from the following school corporations:

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² Ind. Code § 20-31-4.1-5(a).

³ Ind. Code § 20-31-4.1-5(b).



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



Establishment of Virtual Education School

The schools listed below request to waive compliance with IC 20-19-9-4 regarding establishing a dedicated virtual school. To ensure the performance of students participating in virtual education can be tracked specifically, the Office of School Support and Transformation has requested that corporations develop goals and share data related to student performance.

1) MSD Lawrence Township (5330)

a. IC 20-19-9-4 (Establishment of dedicated virtual education school) – **Grant** (2024-2025 to 2026-2027 school year only)

Dispensations	Commitments/Justification
IC 20-19-9-4 (Establishment of dedicated virtual education school) Waive the requirement to establish a dedicated virtual school/separate school number when the school corporation reaches the statutory threshold of students receiving virtual instruction.	MSD Lawrence Township will accurately report attendance data to IDOE, which identifies all students who participate in virtual instruction.



Virtual Instructional Day

The school corporation(s) listed below are requesting the flexibility 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.

2) MSD of Wabash County (8050)

- a. IC 20-30-2-2.7 (Virtual Instructional Day) **Grant** (2024-2025 up to 2026-2027 school year only*)
- b. IC 20-30-2-3 (School Year) **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 MSD of Wabash County to count five (5) additional virtual student instructional days for a total of eight (8) virtual student instructional days.	MSD of Wabash County shall conduct three (3) full days of professional development in lieu of the reduced number of student instructional days.
IC 20-30-2-3 (School Year). Each school year must have 180 instructional days. Authorize MSD of Wabash County to conduct a school year that consists of 177 instructional days.	 Grades 1-6: Students will receive 54,000 minutes of in-person instruction (statutory minimum is 54,000) Grades 7-12: Students will receive 64,800 minutes of in-person instruction (statutory minimum is 64,800)



3) Elkhart Community Schools (2305)

a. IC 20-30-2-2.7 (Virtual 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 Elkhart Community School Corporation to count three (3) additional virtual student instructional days for a total of six (6) virtual student instructional days.	 Grades 1-6: Students will receive 58,410 minutes of in-person instruction (statutory minimum is 54,000) Grades 7-12: Students will receive 69,880 minutes of in-person instruction (statutory minimum is 64,800)

Instructional Day Requirements⁴

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.

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4) South Gibson School Corporation (2765)

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	South Gibson School Corporation may conduct two (2), 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 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)

5) Jay School Corporation (3945)

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	Jay School Corporation may conduct four (4), 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 55,500 minutes of in-person instruction (statutory minimum is 54,000)
time.	- Grades 7-12: Students will receive 65,760 minutes of in-person instruction (statutory minimum is 64,800)



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6) West Central School Corporation (6630)

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	West Central School Corporation may conduct eight (8), 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 62,940 minutes of in-person instruction (statutory minimum is 54,000)
time.	- Grades 7-12: Students will receive 70,680 minutes of in-person instruction (statutory minimum is 64,800)

7) Loogootee Community School Corporation (5525)

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	Loogootee Community School Corporation may conduct nine (9), 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 72,720 minutes of in-person instruction (statutory minimum is 54,000)
time.	- Grades 7-12: Students will receive 70,470 minutes of in-person instruction (statutory minimum is 64,800)



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8) North Daviess Community Schools (1375)

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 Daviess Community Schools may conduct four (4), two (2) hour early releases and eight (8), two (2) 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	- Grades 1-6: Students will receive 60,300 minutes of in-person instruction (statutory minimum is 54,000)
time.	- Grades 7-12: Students will receive 72,000 minutes of in-person instruction (statutory minimum is 64,800)



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9) MSD of Steuben County (7615)

- a. IC 20-30-2-2 (Instructional Time) **Grant** (2024-2025 up to 2026-2027 school year only)
- b. IC 20-30-2-3 (School Year) **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 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.	MSD of Steuben County may conduct thirty-five (35), sixty (60) minutes late starts in a school year to conduct staff professional development. MSD of Steuben County shall conduct three (3) full days of professional development in lieu of the reduced number of 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.
IC 20-30-2-3 (School Year). Each school year must have 180 instructional days. Authorize MSD of Steuben County to conduct a school year that consists of 177 instructional days.	 Grades 1-6: Students will receive 65,124 minutes of in-person instruction (statutory minimum is 54,000) Grades 7-12: Students will receive 70,764 minutes of in-person instruction (statutory minimum is 64,800)



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10) Franklin Community School Corporation (4225)

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 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.	Franklin Community School Corporation may conduct thirty-five (35), fifteen (15) minute late starts for grades 7-12 only through the course of the 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 7-12: Students will receive 68,625 minutes of in-person instruction (statutory minimum is 64,800)

11) Cowan Community Schools (1900)

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 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.	Cowan Community Schools may conduct six (6), two (2) hour late starts through the course of the 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 60,480 minutes of in-person instruction (statutory minimum is 54,000) - Grades 7-12: Students will receive 67,680 minutes of in-person instruction (statutory minimum is 64,800)



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12) Blackford County Schools (0515)

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.	Blackford County Schools may conduct three (3), two (2) hour late starts through the course of the 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 61,740 minutes of in-person instruction (statutory minimum is 54,000) - Grades 7-12: Students will receive 69,912 minutes of in-person instruction (statutory minimum is 64,800)

13) Wes-Del Community Schools (1885)

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.	 Wes-Del Community Schools may conduct ten (10), two (2) hour late starts through the course of the 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 58,200 minutes of in-person instruction (statutory minimum is 54,000) Grades 7-12: Students will receive 69,000 minutes of in-person instruction (statutory minimum is 64,800)



14) Delphi Community School Corporation (0775)

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 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.	Delphi Community School Corporation may conduct thirty-six (36), one (1) hour late start, starting through the course of the 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 68,040 minutes of in-person instruction (statutory minimum is 54,000) - Grades 7-12: Students will receive 70.740 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.



15) Borden-Henryville School Corporation (0935)

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.	Borden-Henryville School Corporation shall conduct one (1) full day of professional development in lieu of the reduced number of student instructional days.
Authorize Borden-Henryville 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 65,920 minutes of in-person instruction (statutory minimum is 54,000)
	- Grades 7-12: Students will receive 66,710 minutes of in-person instruction (statutory minimum is 64,800)

16) Tipton Community School Corporation (3460)

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.	Tipton Community School Corporation shall conduct three (3) full days of professional development in lieu of the reduced number of student instructional days.
Authorize Tipton 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 75,600 minutes of in-person instruction (statutory minimum is 54,000)
	- Grades 7-12: Students will receive 75,600 minutes of in-person instruction (statutory minimum is 64,800)



17) Frankton-Lapel Community Schools (5245)

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. Authorize Frankton-Lapel Community Schools to conduct a	Frankton-Lapel Community Schools shall conduct two (2) full days of professional development in lieu of the reduced number of 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:
school year that consists of 178 instructional days.	- Grades 1-6: Students will receive 62,100 minutes of in-person instruction (statutory minimum is 54,000)
	- Grades 7-12: Students will receive 69,300 minutes of in-person instruction (statutory minimum is 64,800)



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18) School City of Mishawaka (7200)

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.	The School City of Mishawaka shall conduct two (2) full days of professional development in lieu of the reduced number of student instructional days.
Authorize the School City of Mishawaka to conduct a school year that consists of 178 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 69,420 minutes of in-person instruction (statutory minimum is 54,000)
	- Grades 7-12: Students will receive 74,760 minutes of in-person instruction (statutory minimum is 64,800)

19) Lafayette School Corporation (6445) Vinton Elementary (8117) only

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

Dispensations	Commitments/Justification
IC 20-30-2-3 (School Year) Each school year must have 180 instructional days.	Vinton Elementary in Lafayette School Corporation shall conduct a four (4) day school week with extended instructional minutes per day. The combined total number of in-person instructional minutes across all grade levels will meet the
Authorize Vinton Elementary in Lafayette School Corporation to	equivalent of the statutory requirement of 180 days, times the minimum length of an instructional day:
conduct a school year that consists of 149 instructional days.	- Grades 1-5: Students will receive 63,325 minutes of in-person instruction (statutory minimum is 54,000)



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20) Clay Community Schools (1125)

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. Authorize Clay Community Schools to conduct a school year that consists of 175 instructional days.	Clay Community Schools shall conduct five (5) full days of professional development in lieu of the reduced number of 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: Grades 1-6: Students will receive 63,000 minutes of in-person instruction (statutory minimum is 54,000)
	- Grades 7-12: Students will receive 74,200 minutes of in-person instruction (statutory minimum is 64,800)

21) Liberty-Perry Community School Corporation (1895)

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

Dispensations	Commitments/Justification
IC 20-30-2-3 (School Year). Each school year must have 180 instructional days.	Liberty-Perry Community School Corporation shall conduct three (3) full days of professional development in lieu of the reduced number of student instructional days.
Authorize Liberty-Perry 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 60,300 minutes of in-person instruction (statutory minimum is 54,000)
	- Grades 7-12: Students will receive 69,840 minutes of in-person instruction (statutory minimum is 64,800)



22) Clarksville Community School Corporation (1000)

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.	Clarksville Community School Corporation shall conduct three (3) full days of professional development in lieu of the reduced number of student instructional days.
Authorize Clarksville 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 60,300 minutes of in-person instruction (statutory minimum is 54,000)
	- Grades 7-12: Students will receive 68,055 minutes of in-person instruction (statutory minimum is 64,800)