



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: April 28, 2021
Subject: 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 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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- (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) North Newton School Corporation (5945)
- (2) Brownstown Central Community School Corporation (3695)

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 Newton School Corporation (5945)**
 - a. IC 20-30-2-3 (School Year) – **Grant**
- (2) **Brownstown Central Community School Corporation (3695)**
 - a. IC 20-30-2-2 (Student Instructional Day) – **Grant**



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Request for HEA 1003 Flexibility Waiver

Pursuant to IC 20-31-4.1-4

I. REQUESTOR INFORMATION:

Name: Cathy Rowe

Email: crowe@nn.k12.in.us

Corporation ID #: 5945 – North Newton 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 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): The North Newton School Corporation intends to provide targeted and on-going professional development to our teachers and other staff by carving out time at the end of the instructional day for one hour, one time per week, resulting in thirty-six (36) hours of dedicated professional development. This intentional, professional development time will allow our teachers to engage in high quality professional learning communities (PLC's) across grade levels and departments. These PLC's will engage in targeted dialogue around student assessment data and use this data to inform and improve student achievement. System to system (S2S) data talks are currently taking place throughout the district but need to be expanded upon. By allowing teachers to engage in these talks on a regular basis through a review of data will ensure teachers have the devoted time to work with other teachers to plan for instructional lessons that address skill gaps and enrich school proficiencies. Dedicated professional development will also provide teachers and administrators with valuable time to engage in high quality PD around literacy, math instruction and other content areas. Through the district's comprehensive strategic plan, a focus on literacy and math instruction along with a concentrated focus on infusing literacy concepts throughout all content areas will require targeted and deliberate training in best practices K-12. While the district has worked to provide PD through the use of ELearning days sprinkled throughout the school year, it has not resulted in consistent release time and adequate follow-up and support to see real, lasting change. The



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teachers and administrators know that in order to strengthen and sharpen our instructional focus, teachers need time to collaborate and engage in high quality professional development. We intend to provide teachers with a one hour release time each Wednesday throughout the school year at the end of the instructional day to engage in high quality professional development, collaboration in the PLC's, to align curriculum through mapping, review and analyze student assessment data and to develop lessons that address specific student needs. This cannot be accomplished without providing teacher with on-going and regular release time throughout the school year.

How to Achieve: By engaging teachers and instructional staff in regularly scheduled professional development we will see a marked increase in the number of students who are reaching the national RIT mean scores for reading and math. By allowing teachers time to analyze student assessment data from NWEA and becoming more proficient in its use, they are better able to make instructional changes that result in improved student outcomes. Regularly scheduled and conducted professional development through an early release will also result in an overall increase in the number of students who are identified as being proficient on ILEARN as well as those in the upper 75%, and those who experience high growth. Released time for teachers will allow them to better collaborate around the Indiana Department of Education's tools to assist teachers in learning about test design and in reviewing released items. Teacher collaboration will also result in an increased guaranteed and viable curriculum across our four individual schools. With three separate elementary schools feeding into one central junior/senior high school, it is important that the curriculum at each elementary school is consistent as students transition to the junior high school. Regular, on-going collaboration is needed to ensure that curriculum is regularly reviewed, there is alignment of core assessments and expectations are consistent across the district.

Data/Benchmarks: Baseline data will be gathered at the beginning of the 2021-2022 school year regarding each school's ILEARN and NWEA data relative to student achievement and will be used as our starting point in determining to what extent a professional development release will have on student achievement. Data will continue to be collected from ILEARN, NWEA and other local assessments (Great Leaps, classroom standards mastery tests, etc) will continue to be collected throughout the school year as well. The district should see an increased percentage of students who are identified as proficient on ILEARN and those who experience growth on both ILEARN and NWEA. Other performance benchmarks include the administration of a baseline survey given to all teaching staff to determine the level of collaboration through PLC's at the building and district level. Other indicators include teachers' comfort level with



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interpreting and using assessment data, monitoring student achievement through standards based instruction and teacher proficiency in utilizing high yield instructional strategies.



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Request for HEA 1003 Flexibility Waiver

Pursuant to IC 20-31-4.1-4

I. REQUESTOR INFORMATION:

Name: Tim Taylor

Email: ttaylor@btownccs.k12.in.us

Corporation ID #: 3695 – Brownstown Central Community School Corporation

School: Corporation Request

II. REASON(S) FOR FLEXIBILITY REQUEST:

- To improve student performance outcomes
- 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 20-30-2-2

Goal(s)/Outcome(s): With 2 Targeted Assistance Schools in our corporation, we intended to increase the performance of special education students and overall school performance through the review of standards and collaboration across grade levels.

How to Achieve: Waiving the seat time requirement of IC 20-30-2-2, would allow for targeted professional development towards the above mentioned goals, while still exceeding the state instructional minute requirements in all 3 schools.

Data/Benchmarks: The impact will be measured in special needs student performance and the overall school performance with a focus on curriculum best practice implementation through evaluation and walkthroughs by administrators.