



# INDIANA STATE BOARD OF EDUCATION

**To:** Indiana State Board of Education  
**From:** Chad E. Ranney – General Counsel, Indiana State Board of Education  
**Date:** November 10, 2020  
**RE: 1003 Flexibility Waiver Request – Triton School Corporation (5495)**

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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 available under P.L.92-2020 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).



# INDIANA STATE BOARD OF EDUCATION

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 and Recommendation**

On October 10, 2020, Triton School Corporation ("Triton") submitted the attached 1003 Flexibility Waiver request. After reviewing Triton's request, Board staff has determined that the schools' application includes the statutorily required information and is eligible for consideration by the Board. With respect to the provisions in Title 20 of the Indiana Code that Triton is requesting the Board waive, Board staff recommends the following:

- IC 20-30-2-3 (School Year) – **GRANT**<sup>4</sup>

Consistent with Triton's request, any waivers granted pursuant to this request should be valid for the duration of the 2020-2021 school year and expire on June 30, 2021.

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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).

<sup>4</sup> Ind. Code § 20-30-2-3 requires school corporations to conduct at least one hundred eighty (180) student instructional days each school year. It also requires the superintendent of each school corporation to certify to the department the number of student instructional days conducted during the school year. Triton's request to waive IC 20-30-2-3 should be granted for the limited purpose of permitting Triton to track the school year in minutes rather than instructional days, as outlined in IC 20-30-2-2. For students in grades 1 through 6, Triton shall provide at least fifty-four thousand (54,000) minutes of instruction during the 2020-2021 school year. For students in grades 7 through 12, Triton shall provide at least sixty-four thousand eight hundred (64,800) minutes of instruction during the 2020-2021 school year.



# INDIANA STATE BOARD OF EDUCATION

## Request for HEA 1003 Flexibility Waiver

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

### **I. REQUESTOR INFORMATION:**

**Name:** Tom McFarland

**Email:** tmcfarland@triton.k12.in.us

**Corporation ID #:** 5495 – Triton School Corporation

**School:** CORP - Corporation Request on behalf of the following school corporation(s):

1. Triton School Corporation

### **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

### **III. FLEXIBILITY REQUESTED:**

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

**Goal(s)/Outcome(s):** COVID-19 has presented unprecedented challenges to all educators across Indiana. During these uncertain times, Indiana educators need more flexibility than ever in their operations to ensure students are receiving as much fundamental education as possible. Triton is requesting to change the metric for our school year to be based on minutes rather than days. The past several years, Triton has labeled a performance standard school and with the extended school day, has been able to provide a high level of education to our students. With the delayed start to the school year and re-adopting the calendar, the current calendar has minimal breaks, no built in days for inclement weather, and extends further into the summer than ever before. If this waiver would be granted, it would provide the administration would the flexibility to offer a high level of quality education by engaging students in-person through the longer day, rather than force the need to provide digital learning during inclement weather days or extend the school year into the summer even further, when warm weather causes distractions and hinders student engagement.

**How to Achieve:** By waiving the 180 day requirement and basing the school year on equivalent minutes, Triton would be able to achieve these specific goals and outcomes because we will not be constrained to tracking the school year based on days. Instead, the group will be able to have the flexibility to address the fluid situation we are in due to COVID-19 and ensure students are maximizing the little time they may have for in-person learning this school year.

**Data/Benchmarks:** Triton will use a variety of data and benchmarks to determine whether these specific goals and outcomes have been achieved. Triton will track the number of educational minutes each day to ensure they meet the minimum requirements based on 180 days. We will continue to monitor the progress and level of education our students receive to ensure this waiver doesn't hinder the quality of education are receiving.

## Triton School Corporation

### 2020/2021 180 Day Instructional Waiver Request

Per IC 20-31-4.1-5, Triton School Corporation is requesting that the State Board of Education waive the 180 day instructional requirement for students and allow our school year to be based on the required equivalent minutes rather than days. The past 3 years Triton has been labeled a performance qualified school district, which has offered Triton the flexibility in the administration of our educational programs and improve the efficiency of the school operations.

Due to the ongoing challenges that COVID-19 has brought upon our school corporation, as well as everyone else, we feel that it would be very beneficial to have this flexibility to provide a quality education to our students. We have already re-adopted a new calendar due to the delayed start of the school year that includes the required 180 instructional days. This re-adopted calendar provides shorter breaks and extends the school year beyond the typical school year. It becomes very difficult to engage student learning without an occasional break or into the summer months when warmer weather causes an increased distraction to students.

If this waiver would be granted, Triton's intentions would be to provide at minimum the 54,000 required minutes at the Elem and 64,800 minutes at the Jr/Sr HS. With the length of our current instructional day and the 180 day requirement, we provide over 6,000 additional minutes at each building. The waiver would provide the administration the flexibility to not have to make up inclement weather days which would extend the school year further into the summer or cause Saturday make up days. The waiver would provide the flexibility to increase professional development to staff during contracted time to allow further training and improving our digital platform that is required to be offered to students. Lastly, this waiver will allow the flexibility adapting to the challenges and unforeseen situations that COVID-19 has brought upon us all. Triton feels this flexibility will improve student performances and outcomes and allow up to offer a higher level of education.

Board Approved 10/12/20