



# 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:** May 26, 2021  
**Subject:** 1003 Flexibility Waiver Requests

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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.

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;

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

<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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- (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) Culver Community Schools Corporation (5455)
- (2) Triton School Corporation (5495)
- (3) MSD Lawrence Township (5330)
- (4) Frontier School Corporation (8525)
- (5) Lewis Cass Schools (0815)

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) **Culver Community Schools Corporation (5455)**
  - a. IC 20-30-2-3 (School Year) – **Grant**
- (2) **Triton School Corporation (5495)**
  - a. IC 20-30-2-3 (School Year) – **Grant**
- (3) **MSD Lawrence Township (5330)**
  - a. IC 20-19-9-4 (Establishment of Virtual Education School) – **Grant**
- (4) **Frontier School Corporation (8525)**
  - a. IC 20-30-2-3 (School Year) – **Grant**
- (5) **Lewis Cass Schools (0815)**
  - a. IC 20-30-2-3 (School Year) – **Grant**

***NOTE: School corporations seeking a waiver from 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.***



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## Request for HEA 1003 Flexibility Waiver

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

### I. REQUESTOR INFORMATION:

**Name:** Karen Shuman

**Email:** kshuman@culver.k12.in.us

**Corporation ID #:** 5455 – Culver Community Schools Corp

**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 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):** COVID-19 has presented unprecedented challenges to all educators across Indiana. School corporations need more flexibility than ever in their operations to ensure students are receiving as much fundamental education as possible. Culver Community Schools goal is requesting the flexibility to track the school year in metrics of instructional minutes rather than instructional days per student. Currently our Elementary students attend 380 minutes per day and our middle/high school students attend 382 minutes per day. We provide 12,360 minutes of instruction over the required 54,000 minutes to our elementary students and 12,720 minutes over the required 64,800 minutes for our middle/high school students. Our goal is to provide teachers and administrators time to analyze data, assess students mastery and growth, develop instruction and enrichment lessons and further align curriculum to the intended curriculum based on student needs. Our outcome would be to align our educational minutes per student to allow teachers time to track student master of goals, to reduce gaps that have occurred during COVID 19, to design and deliver instruction to further increase student master of learning standards.

**How to Achieve:** by changing the 180 day requirement to minutes of instruction per student we can hold students more accountable on a minutes-per-day than per-school-year measure. Educators and administrators will have the flexibility to address the fluid situation we are in due to COVID 19 and the unpredictability of student absences and



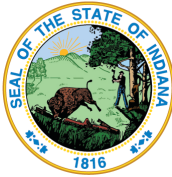
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quarantining. This allows our educators to personalize and maximize the instruction for each student. Teachers contract days and hours would not change.

**Data/Benchmarks:** Culver Community Schools currently is measuring student achievement according to master of a standard. We are currently using Marzano High Reliability systems to design local assessments to measure student growth and mastery of standards. We currently use NWEA to benchmark student growth in Reading and Math. All teachers have reading and math standards within their content standards which they too track to ensure student growth across content areas.



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## Request for HEA 1003 Flexibility Waiver

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

### IV. REQUESTOR INFORMATION:

**Name:** Tom McFarland

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

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

**School:** Corporation Request

### V. 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 advance the mission and purpose of the school or group of schools

### VI. FLEXIBILITY REQUESTED:

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

**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 2021/2022 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. Triton was granted a similar waiver for the 20/21 school year which allowed administration the flexibility to provide a well rounded education to our students. If this waiver would be granted, it would provide the administration 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. Lastly, this waiver would provide the flexibility for administration to address professional development and implement strategies to limit the amount of learning loss that has occurred over the last year.

**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 unprecedented situation we



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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 they are receiving.



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## Request for HEA 1003 Flexibility Waiver

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

### I. REQUESTOR INFORMATION:

**Name:** Troy Knoderer

**Email:** troy.knoderer@msdl.k12.in.us

**Corporation ID #:** 5330 – MSD Lawrence Township

**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

### III. FLEXIBILITY REQUESTED:

**Statute(s)/Regulation(s):** IC 20-19-9-4

**Goal(s)/Outcome(s):** The specific goal or outcome for waiving this provision includes keeping students/families who elect to learn virtually for the 21-22 school year connected to their current home school. A secondary goal for waiving this provision includes more efficient operations. Establishing a virtual school for students who may be temporarily choosing virtual learning would disconnect them from their current school relationships and require the district to add administrative, guidance and social work teams.

**How to Achieve:** The goal of keeping students who are learning virtually connected to their home school will be achieved by maintaining existing relationships between families and the school. Related, the goal of efficient operations will be achieved by maintaining the current administrative, guidance and social work teams at each school and not adding additional staff to support a virtual school.

**Data/Benchmarks:** The performance benchmarks for the goal of keeping students connected include: attendance data, formative assessment data, SEL Panorama data and MTSS data. The performance benchmark for the goal of efficient operations include the corporation's cash balance and staffing expenses.



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

### IV. REQUESTOR INFORMATION:

**Name:** Daniel Sighting

**Email:** dsighting@frontier.k12.in.is

**Corporation ID #:** 8525 – Frontier School Corporation

**School:** Corporation Request

### V. REASON(S) FOR FLEXIBILITY REQUEST:

- To improve student performance outcomes

### VI. FLEXIBILITY REQUESTED:

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

**Goal(s)/Outcome(s):** Frontier School Corporation would like to have flexibility from the 180 school day accountability measure. Frontier Elementary School and Frontier Jr.-Sr. High School both exceed the state minimum requirements for the number of instructional minutes. Frontier Elementary provides 13,500 minutes of instruction over the required 54,000 minutes for elementary students. Frontier Jr.-Sr. High School provides 5,400 minutes more than the required 64,800 minutes for our jr.-sr. high school students. Frontier Elementary is providing the equivalent of nineteen (19) additional instructional days a year. Frontier Jr.-Sr. High School is providing the equivalent of twelve (12) additional instructional days a year for our jr.-sr. high school students. Our goal is to use some of the instructional time to conduct parent-teacher conferences. Additionally, the time would be used 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 Frontier 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 mastery of learning standards and facilitate student growth.

**How to Achieve:** Frontier 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 than days-per-school year measure. The flexibility will allow teacher and administrators to hold parent-teacher conferences, professional development opportunities for one thousand eight hundred (1,800) minutes. The parent-teacher conferences and professional development time provides educators the ability to personalize and maximize instruction for each student. Teacher contract days and hours would not change.





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**Data/Benchmarks:** Frontier School Corporation uses NWEA as a formative assessment to track student progress in Reading, Language, and Math. The NWEA 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 eight hundred (1,800) minutes will be used to provide professional development to teachers on lesson creation, delivery, and assessment. Students will be tracked and progress toward mastery of academic standards will be noted. The professional development time allows teachers the time to develop individualized lessons to different needs of learners. All teachers have reading and math standards within their content standards which they too track to ensure student growth across content areas.



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## Request for HEA 1003 Flexibility Waiver

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

### VII. REQUESTOR INFORMATION:

**Name:** Tim Garland

**Email:** garlandt@lewiscass.net

**Corporation ID #:** 0815 – Lewis Cass Schools

**School:** Corporation Request

### VIII. 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

### IX. FLEXIBILITY REQUESTED:

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

**Goal(s)/Outcome(s):** Lewis Cass schools is proud to be a performance-qualified school. Our staff and community has a firm belief in our schools and the education that they provide. However, COVID-19 has presented unprecedented challenges to all educators across Indiana. School corporations need more flexibility than ever in their educational practices to ensure students are receiving as much fundamental education as possible and help reduce the “Academic COVID Slide” our students are experiencing. The “Academic COVID Slide” is due to students missing face to face instruction due to absences for quarantine or illness. Lewis Cass Schools is requesting the flexibility to track the school year in metrics of instructional minutes rather than instructional days per student. Currently, our K-5th grade elementary students attend 330 minutes per day and our Jr./Sr. high school students grades 6-12th grades attend 390 minutes per day for 180 days per year. We provide 10,800 minutes of instruction over the required 54,000 minutes to our elementary students and 5,400 minutes over the required 64,800 minutes for our Jr./Sr. high school students. We are providing our elementary students with 30 extra days of instruction and 15 extra days to our middle/high school students. Our goal is to provide teachers and administrators time to analyze data, assess student mastery and growth, develop instruction and enrichment lessons, and further align curriculum to the intended curriculum based on student needs. Our outcomes would be to align our educational minutes per student to allow teachers time to track student mastery of goals, to reduce gaps that have occurred during COVID 19, and to design and deliver instruction to further increase student mastery of learning standards.



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**How to Achieve:** If Lewis Cass Schools is granted this waiver, by changing the 180-day requirement to minutes of instruction per student, teachers and administrators can hold students more accountable on a minutes-per-day than per-school-year measure and help reduce the “Academic COVID Slide”. Educators and administrators will have the flexibility to address the fluid situation we are in due to COVID 19 and the unpredictability of student absences and quarantining. This allows our educators to personalize and maximize the instruction for each student. Teachers contract days and hours would not change. The waiver would provide the flexibility to increase professional development to staff during contracted time to allow further training and improving our digital platform (Remote Learning) that is required to be offered to students. Lastly, this waiver will allow the flexibility of adapting to the challenges and unforeseen situations that COVID-19 has brought and will continue to bring. Lewis Cass feels this flexibility will improve student performances and outcomes and allow us to offer a higher level of education.

**Data/Benchmarks:** Lewis Cass Schools is measuring student achievement according to mastery of state standards. As a corporation, we are currently using a variety of data from the following local assessments; iReady, NWEA, ALEKS and HMH, which are local assessments designed to measure student growth and mastery of state standards. We currently benchmark student growth in reading and math. All teachers in grades K-10 have reading and math standards within their content standards, which they too track to ensure student growth is attained across content areas.