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To: Indiana State Board of Education

From: Office of School Support and Transformation

Date: May 24, 2023

Subject: 1003 Flexibility Waivers

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.

Requests for 1003 Flexibility Waivers under IC 20-31-4.1-4 II.

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

¹ Ind. Code § 20-31-4.1-4(b).



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specific goal or outcome of the school or group of schools,², 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 Board has received 55 requests for a 1003 Flexibility Waiver from the following school corporations:

- (1) MSD of Southwest Allen County Schools (0125)
- (2) Noblesville Schools (3070)
- (3) Taylor Community School Corporation (3460)
- (4) MSD Lawrence Township (5330)
- (5) Loogootee Community School Corporation (5525)
- (6) West Central School Corporation (6630)
- (7) Lakeland School Corporation (4535)

² Ind. Code § 20-31-4.1-5(a).

³ Ind. Code § 20-31-4.1-5(b).



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- (8) Borden-Henryville School Corporation (935)
- (9) Southern Wells Community Schools (8425)
- (10) MSD of Martinsville (5925)
- (11) Paoli School Corporation (6155)
- (12) Sunman-Dearborn Community School Corporation (1560)
- (13) MSD of New Durham Township (4860)
- (14) Huntington School Corporation (3625)
- (15) School City of East Chicago (4670)
- (16) Franklin Community School Corporation (4225) Franklin Community MS & HS (3457)
- (17) North Newton School Corporation (5945)
- (18) North Central Parke Community School Corporation (6375)
- (19) Elwood Community School Corporation (5280)
- (20) Randolph Central School Corporation (6825)
- (21) MSD of Shakamak (2960) Shakamak Jr-Sr High School (2445)/Shakamak Elementary School (2449)
- (22) Bloomfield School District (2920)
- (23) Tri-County School Corporation (8535) Tri-County Jr/Sr High School (9141)

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:



Virtual Instructional Day

The school corporations listed below are requesting the flexibility to expand the number of virtual learning days their corporations may employ during the 2023-2024 school year.

1) MSD of Southwest Allen County Schools (0125)

a. IC 20-30-2-2.7 (Virtual Instructional Day) – Grant (2023-2024 school year only)

Dispensations	Commitments/Justification
IC 20-30-2-2.7 (Virtual Instructional Day) Limit to 3 asynchronous learning days.	MSD of Southwest Allen County Schools is a performance qualified school district and is therefore not required to provide 180 student instructional days.
Authorize MSD of Southwest Allen County to count three (3) additional asynchronous	Allow three (3) additional and six (6) total asynchronous learning days to be counted towards the 180-day requirement in elementary school (K-8).
instructional days for elementary grades and six (6) additional asynchronous instructional days for secondary grades.	Allow four (4) additional and seven (7) total asynchronous learning days to be counted towards 180-day requirement in secondary grades (9-12).
	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 62,850 minutes of in-person instruction (statutory minimum is 54,000)
	- Grades 7-12: Students will receive 67,455 minutes of in-person instruction (statutory minimum is 64,800)



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2) Noblesville Schools (3070)

a. IC 20-30-2-2.7 (Virtual Instructional Day) – Grant (2023-2024 school year only)

Dispensations	Commitments/Justification
IC 20-30-2-2.7 (Virtual Instructional Day) Limit to 3 virtual student instructional days. Authorize Noblesville Schools to count two (2) additional asynchronous instructional days for a total of five (5) asynchronous 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 K-5: Students will receive 56,550 minutes of in-person instruction (statutory minimum is 54,000) - Grade 6: Students will receive 67,050 minutes of in-person instruction (statutory minimum is 54,000) - Grades 7-12: Students will receive 67,050 minutes of in-person instruction (statutory minimum is 64,800)

School Corporation Annual Performance Report

To reduce duplicative reporting, the school corporation listed below intends to waive statute regarding the publication of the Annual Performance Report in a local newspaper.

3) Taylor Community School Corporation (3460)

a. IC 20-20-8-3 (Publication of Reports; Internal Publication) – **Grant** (2023-2024 school year only)

Dispensations	Commitments/Justification
IC 20-20-8-3 (Publication	Taylor Community School Corporation will publish a link to
Report; Internet Publication)	the IDOE Indiana GPS dashboard on the corporation's
Waive the requirement to	website, as well as for each school on the school's
publish the annual performance	respective web page to promote transparency around student
report in local newspapers.	success.



Establishment of Virtual Education School

The schools listed below are requesting to waive compliance with IC 20-19-9-4 regarding the establishment of 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.

4) MSD Lawrence Township (5330)

a. IC 20-19-9-4 (Establishment of dedicated virtual education school) – **Grant** (2023-2024 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 statutory threshold of students receiving virtual instruction.	MSD of Lawrence Township will accurately report attendance data to IDOE which identifies all students that participate in virtual instruction.



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 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.

5) Loogootee Community School Corporation (5525)

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.	Loogootee Community School Corporation may conduct a two (2) hour late start once a month for 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 60,000 minutes of in-person instruction (statutory minimum is 54,000) - Grades 7-12: Students will receive 65,760 minutes of in-person instruction (statutory minimum is 64,800)

⁴ Some corporations in this section have requested waiver of IC 20-30-2-3 (School Year) and IC 20-30-2-2 (Instructional Time). Upon review of these applications, the Indiana Department of Education (IDOE) determined that the requested flexibility can be achieved through an instructional time waiver only and therefore recommends that all corporations requesting a waiver of IC 20-30-2-3 instead receive a waiver of IC 20-30-2-2.



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6) West Central School Corporation (6630)

a. IC 20-30-2-2 (Instructional Time) – Grant (2023-2024 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.	West Central School Corporation may offer two (2) hour early dismissal four times a semester to conduct staff development activities. 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 62,940 minutes of in-person instruction (statutory minimum is 54,000) - Grades 7-12: Students will receive 70,680 minutes of in-person instruction (statutory minimum is 64,800)

7) <u>Lakeland School Corporation (4535)</u>

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. AND 511 IAC 6.1-5-6 (Media Specialist) Waive the requirement that Lakeland School Corporation hire a certified media specialist.	Lakeland School Corporation may conduct early release twice per month 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 65,400 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) Lakeland School Corporation will staff school libraries with paraprofessional who will assist students with book checkouts, budgets, and internet safety. Lakeland School Corporation will formulate a partnership with the



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LaGrange County Public Library to aid when needed regarding professional development, book information, and purchasing requests.

8) Borden-Henryville School Corporation (0935)

a. IC 20-30-2-2 (Instructional Time) – Grant (2023-2024 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	Borden-Henryville School Corporation may offer up to three (3) two-hour delayed start days to allow for professional development and data analysis to inform instruction.
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.	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 59,200 minutes of in-person instruction (statutory minimum is 54,000) - Grades 7-12: Students will receive 65,700 minutes of in-person instruction (statutory minimum is 64,800)

9) Southern Wells Community Schools (8425) - Southern Wells Jr/Sr HS (9058)

Dispensations	Commitments/Justification
Waive the minimum length of a student instructional day which requires a student instructional day in grades 7 through 12 consists of at least six (6) hours of	Southern Wells Community Schools may offer up to five (5) delayed start days to allow for professional development and data analysis to inform instruction. 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 69,900 minutes of in-person instruction (statutory minimum is 64,800)



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10) MSD of Martinsville (5925)

a. IC 20-30-2-2 (Instructional Time) – Grant (2023-2024 school year only)

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 Martinsville may conduct a 1-hour and 2-hour delay once a week to allow for weekly PLC meetings where teachers would engage in a regular cycle of planning instruction.

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 60,000 minutes of in-person instruction (statutory minimum is 54,000)
- Grades 7-12: Students will receive 65,400 minutes of in-person instruction (statutory minimum is 64,800)

11) Paoli School Corporation (6155)

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.	Paoli Community School Corporation may conduct early release days for students the first Wednesday of each month for professional development time. 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 minutes of in-person instruction (statutory minimum is 54,000) - Grades 7-12: Students will receive minutes of in-person instruction (statutory minimum is 64,800)



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12) Sunman-Dearborn Community School Corporation (1560)

a. IC 20-30-2-2 (Instructional Time) – **Grant** (2023-2024 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.	Sunman-Dearborn Community School Corporation may incorporate up to eight (8) two-hour early dismissal days for students to conduct teacher 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 a minimum of 65,640 minutes of in-person instruction (statutory minimum is 54,000) - Grades 7-12: Students will receive a minimum of 66,360 minutes of in-person instruction (statutory minimum is 64,800)

13) MSD of New Durham Township (4860)

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 New Durham may offer up to six (6) early dismissal days for students (three per semester) for 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 59,560 minutes of in-person instruction (statutory minimum is 54,000) Grades 7-12: Students will receive 67,636 minutes of in-person instruction (statutory minimum is 64,800)



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14) Huntington School Corporation (3625)

a. IC 20-30-2-2 (Instructional Time) – **Grant** (2023-2024 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.	Huntington County School Corporation may offer up to six (6), two-hour delays for 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 K-5: Students will receive 61,200 minutes of in-person instruction (statutory minimum is 54,000) - Grades 6-8: Students will receive 68,400 minutes of in-person instruction (statutory minimum is 64,800) - Grades 9-12: Students will receive 71,100 minutes of in-person instruction (statutory minimum is 64,800)

15) School City of East Chicago (4670)

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.	School City of East Chicago may offer up to four (4) late start days per month for professional development, team planning, and data analysis. 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 57,200 minutes of in-person instruction (statutory minimum is 54,000) - Grades 7-12: Students will receive 67,100 minutes of in-person instruction (statutory minimum is 64,800)



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16) Franklin Community School Corp (4225) – Franklin Community MS & HS (3457)

a. IC 20-30-2-2 (Instructional Time) – **Grant** (2023-2024 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 7 through 12 consists of at least six (6) hours of instructional time.	Franklin Community Schools may shorten one school day per week in grades 7-12 below the statutory minimum number of hours to conduct weekly 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 67,500 minutes of in-person instruction (statutory minimum is 64,800)

17) North Newton School Corporation (5945)

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.	North Newton School Corporation may conduct one hour weekly early release for students to allow time for teacher 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 61,200 minutes of in-person instruction (statutory minimum is 54,000) - Grades 7-12: Students will receive 65,280 minutes of in-person instruction (statutory minimum is 64,800)



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18) North Central Parke Community School Corporation (6375)

a. IC 20-30-2-2 (Instructional Time) – **Grant** (2023-2024 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.	North Central Parke Community School Corporation may conduct early release for students every week for 30 weeks for teacher professional learning community time. 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 63,900 minutes of in-person instruction (statutory minimum is 54,000) - Grades 7-12: Students will receive 66,600 minutes of in-person instruction (statutory minimum is 64,800)

19) Elwood Community School Corporation (5280)

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.	Elwood Community School Corporation may conduct a late start for students once a month (eight total) for teacher 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 63,840 minutes of in-person instruction (statutory minimum is 54,000) - Grades 7-12: Students will receive 69,240 minutes of in-person instruction (statutory minimum is 64,800)



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20) Randolph Central School Corporation (6825)

a. IC 20-30-2-2 (Instructional Time) – **Grant** (2023-2024 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.	Randolph Central School Corporation may conduct weekly early release for students to allow for teacher 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 1-5: Students will receive 56,650 minutes of in-person instruction (statutory minimum is 54,000) - Grade 6: Students will receive 56,650 minutes of in-person instruction (statutory minimum is 54,000) - Grades 7-12: Students will receive 67,016 minutes of in-person instruction (statutory minimum is 64,800)

21) MSD of Shakamak (2960)- Shakamak Jr-Sr High School (2445)/Shakamak Elementary School (2449)

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 Shakamak may conduct eight (8) student early release days to conduct staff development activities. 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 1-5: Students will receive 63,180 minutes of in-person instruction (statutory minimum is 54,000) - Grade 6: Students will receive 66,960 minutes of in-person instruction (statutory minimum is 54,000) - Grades 7-12: Students will receive 66,960 minutes of in-person instruction (statutory minimum is 64,800)



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22) Bloomfield School District (2920)

a. IC 20-30-2-2 (Instructional Time) – **Grant** (2023-2024 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.	Bloomfield School District may conduct weekly early release for students on Fridays for Middle School and High School. 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 66,300 minutes of in-person instruction (statutory minimum is 64,800)

23) Tri-County School Corporation (8535) – Tri-County Jr/Sr High School (9141)

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.	Tri-County School Corporation may conduct a delayed start for students weekly on Wednesdays to allow time for 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 68,220 minutes of in-person instruction (statutory minimum is 64,800)