

**1003 Flexibility
Requests Table of Contents**

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Indiana Department of Education

Dr. Katie Jenner, Secretary of Education

To: Indiana State Board of Education
From: Office of School Support and Transformation
Date: August 14, 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.

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

¹ Ind. Code § 20-31-4.1-4(b).



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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 Board has received 5 requests for a 1003 Flexibility Waiver from the following school corporations:

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| (1) | Northwest Allen County Schools (0225) | P. 4 |
| (2) | Tippecanoe Valley School Corporation (4445) | P. 5 |
| (3) | Smith-Green Community Schools (9197) | P. 5 |
| (4) | Manchester Community Schools (8045) | P. 6 |
| (5) | Bartholomew Consolidated School Corporation (0365) | P. 6 |

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

² Ind. Code § 20-31-4.1-5(a).

³ Ind. Code § 20-31-4.1-5(b).



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

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 the applications below are seeking flexibility to offer staff professional development within the existing teacher contract and all commit to providing the minimum number in-person instructional minutes that would serve as the equivalent of 180 instructional days.

1) Northwest Allen County Schools (0225)

- a. IC 20-30-2-3 (School Year) – **Grant** (2023-2024 school year only)

Dispensations	Commitments/Justification
<p>IC 20-30-2-3 (School Year) Each school year must have 180 instructional days.</p> <p>Authorize Northwest Allen County Schools to conduct a school year that consists of 177 instructional days.</p>	<p>Northwest Allen County Schools shall conduct three (3) full days of professional development in lieu of the reduced number of student instructional days.</p> <p>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:</p> <ul style="list-style-type: none">- Grades 1-6: Students will receive a minimum of 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)



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2) Tippecanoe Valley School Corporation (4445)

a. IC 20-30-2-3 (School Year) – **Grant** (2023-2024 school year only)

Dispensations	Commitments/Justification
<p>IC 20-30-2-3 (School Year) Each school year must have 180 instructional days.</p> <p>Authorize Tippecanoe Valley School Corporation to conduct a school year that consists of no more than three (3) fewer instructional days than the required 180 instructional day calendar.</p>	<p>Tippecanoe Valley School Corporation shall conduct no more than three (3) less instructional days than the 180 instructional day calendar for the purpose of starting summer school early.</p> <p>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:</p> <ul style="list-style-type: none"> - Grades 1-6: Students will receive 63,000 minutes of in-person instruction (statutory minimum is 54,000) - Grades 7-12: Students will receive 66,240 minutes of in-person instruction (statutory minimum is 64,800)

3) Smith-Green Community Schools (9197)

a. IC 20-30-2-3 (School Year) – **Grant** (2023-2024 school year only)

Dispensations	Commitments/Justification
<p>IC 20-30-2-3 (School Year) Each school year must have 180 instructional days.</p> <p>Authorize Smith-Green Community Schools to conduct a school year that consists of no more than two (2) fewer instructional days than the required 180 instructional day calendar..</p>	<p>Smith-Green Community Schools shall conduct two (2) full days of professional development in lieu of the reduced number of student instructional days.</p> <p>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:</p> <ul style="list-style-type: none"> - Grades 1-6: Students will receive 63,000 minutes of in-person instruction (statutory minimum is 54,000) - Grades 7-12: Students will receive 70,200 minutes of in-person instruction (statutory minimum is 64,800)



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4) Manchester Community Schools (8045)

a. IC 20-30-2-3 (School Year) – **Grant** (2023-2024 school year only)

Dispensations	Commitments/Justification
<p>IC 20-30-2-3 (School Year) Each school year must have 180 instructional days.</p> <p>Authorize Manchester Community Schools to conduct a school year that consists of no more than three (3) fewer instructional days than the required 180 instructional day calendar.</p>	<p>Manchester Community Schools shall conduct three (3) full days of professional development in lieu of the reduced number of student instructional days.</p> <p>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:</p> <ul style="list-style-type: none"> - Grades 1-6: Students will receive 61,050 minutes of in-person instruction (statutory minimum is 54,000) - Grades 7-12: Students will receive 69,510 minutes of in-person instruction (statutory minimum is 64,800)

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.

5) Bartholomew Consolidated School Corporation (0365)

a. IC 20-19-9-4 (Establishment of dedicated virtual education school) – **Grant** (2023-2024 school year only)

Dispensations	Commitments/Justification
<p>IC 20-19-9-4 (Establishment of dedicated virtual education school)</p> <p>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.</p>	<p>Bartholomew Consolidated School Corporation will accurately report attendance data to IDOE which identifies all students that participate in virtual instruction.</p>