



# INDIANA STATE BOARD OF EDUCATION

**To:** Indiana State Board of Education  
**From:** Chad E. Ranney – General Counsel  
**Date:** December 9, 2020  
**RE:** **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 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:

- (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.<sup>3</sup>

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 be denied.

### **III. Request(s) and Recommendation(s)**

The Board has received five (5) requests for 1003 Flexibility Waivers from the following school corporations:

- (1) Monroe County Community School Corporation (5740)
- (2) Culver Community School Corporation (5455)
- (3) Urban ACT Academy (9095)
- (4) MSD Pike Township (5350)
- (5) Evansville Vanderburg School Corporation (7995)

A copy of each request is attached for the Board's consideration.

After reviewing the requests, Board staff has determined that all of 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 each of the requests, Board staff recommends the following:

- (1) Monroe County Community School Corporation (5740)
  - a. IC 20-32-8.5 (Reading Deficiency Remediation Plan) – **Deny**

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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).



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b. 511 IAC 6.2-3.1 (Reading Plan) – **Deny**

(2) Culver Community School Corporation (5455)

a. IC 20-30-2-2 (Student Instructional Day; School Flex Instructional Program Instructional Day) – **Grant**<sup>4</sup>

(3) Urban ACT Academy (9095)

a. IC 20-30-2-3 (School Year) – **Grant**<sup>5</sup>

b. IC 20-20-8 (School Corporation Annual Performance Report) – **Grant**

c. IC 20-26-5-34.2 (Bullying Training) – **Deny**<sup>6</sup>

d. IC 20-26-5-34.4 (Child Suicide Awareness and Prevention Policy) – **Deny**<sup>7</sup>

e. IC 20-26-16-4 (School Corporation Police Departments; Minimum Training Requirements) – **Deny**<sup>8</sup>

f. IC 20-26-18 (Criminal Gang Measures) – **Grant**

g. IC 20-33-2-14 (Compulsory Attendance; School Corporation Policy; Exceptions; Service as Page or Honoree of General Assembly) – **Deny**<sup>9</sup>

(4) MSD Pike Township (5350)

a. IC 20-30-2-3 (School Year) – **Grant**<sup>10</sup>

b. IC 20-20-8 (School Corporation Annual Performance Report) – **Grant**

c. IC 20-33-2-14 (Compulsory Attendance; School Corporation Policy; Exceptions; Service as Page or Honoree of General Assembly) – **Deny**<sup>11</sup>

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<sup>4</sup> Consistent with the corporation's request, the request to waive IC 20-30-2-2 should be granted for the limited purpose of permitting the corporation to track the school year in instructional minutes rather than instructional days.

<sup>5</sup> Consistent with the corporation's request, the request to waive IC 20-30-2-3 should be granted for the limited purpose of permitting the corporation to track the school year in instructional hours rather than instructional days. For students in grades 1 through 6, the corporation shall provide at least nine hundred (900) instructional hours during the 2020-2021 school year. For students in grades 7 through 12, the corporation shall provide at least one thousand eighty (1,080) instructional hours during the 2020-2021 school year.

<sup>6</sup> Denial of the request would be consistent with the Board's decision to deny similar waiver requests at its October 7, 2020 business meeting.

<sup>7</sup> Denial of the request would be consistent with the Board's decision to deny similar waiver requests at its October 7, 2020 business meeting.

<sup>8</sup> Denial of the request would be consistent with the Board's decision to deny similar waiver requests at its October 7, 2020 business meeting.

<sup>9</sup> Under IC 20-33-2-14, school corporations are responsible for developing their own attendance policies and are free to outline the conditions for excused absences as they see fit. As such, a school corporation's governing body has the authority to treat absences related to challenges faced by students as a result of the COVID-19 pandemic as excused absences, and a waiver from the Board is not necessary.

<sup>10</sup> Consistent with the corporation's request, the request to waive IC 20-30-2-3 should be granted for the limited purpose of permitting the corporation to track the school year in instructional hours rather than instructional days. For students in grades 1 through 6, the corporation shall provide at least nine hundred (900) instructional hours during the 2020-2021 school year. For students in grades 7 through 12, the corporation shall provide at least one thousand eighty (1,080) instructional hours during the 2020-2021 school year.

<sup>11</sup> Under IC 20-33-2-14, school corporations are responsible for developing their own attendance policies and are free to outline the conditions for excused absences as they see fit. As such, a school corporation's governing body has the authority to treat absences related to challenges faced by students as a result of the COVID-19 pandemic as excused absences, and a waiver from the Board is not necessary.



# INDIANA STATE BOARD OF EDUCATION

(5) Evansville Vanderburgh School Corporation (7995)

- a. IC 20-30-2-3 (School Year) – **Grant**<sup>12</sup>
- b. IC 20-20-8 (School Corporation Annual Performance Report) – **Grant**

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<sup>12</sup> Consistent with the corporation's request, the request to waive IC 20-30-2-2 should be granted for the limited purpose of permitting the corporation to track the school year in instructional minutes rather than instructional days.



# INDIANA STATE BOARD OF EDUCATION

## Request for HEA 1003 Flexibility Waiver

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

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

**Name:** Debra Prenkert

**Email:** dprenker@mccsc.edu

**Corporation ID #:** 5740 - Monroe County Community School Corporation

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

1. Monroe County Community 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
- To advance the mission and purpose of the school or group of schools

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

**Statute(s)/Regulation(s):** IC 20-32-8.5 (Reading Deficiency Remediation Plan); 511 IAC 6.2-3.1 (Reading Plan)

**Goal(s)/Outcome(s):** Our goals by requesting this waiver are the following: 1) Increase instructional learning time 2) Provide continuity of learning for our students to master grade level Indiana Academic Standards and preparation for ILEARN 3) Proactively intervene to provide targeted interventions and supports to address learning gaps that have been exacerbated as a result of loss of in-person instruction due to the pandemic. 4) Reduce testing time Rationale for Goal #1- Increase instructional learning time: This past August we were unable to start in-person learning on August 5th as initially planned. We began online instruction one week later on August 12th, losing five days which will be made up on the back end of the school year (after statewide assessments have been taken). In-person learning was not an option for our students until September 8th. The current third grade students have cumulatively missed out on 87 in-person days (and that equates to approximately 35,235 minutes) of lost instructional opportunities between the beginning of the pandemic and now. Missing a whole semester of in-person learning is critical for any group of students, but especially early learners who are at a pivotal time for literacy development. Students at the end of second grade and beginning of third grade are still learning to read and not yet reading to learn. Rationale for Goal #2- We know that research shows that in-person learning is best for student growth and engagement. However, as a nation and school corporation we pivoted to online learning and paper packet learning last school year. Packet learning does not compare to the 6 hour and 45-minute student school day we typically have in-person. Our students need continuity of learning due to the starts

and stops that have been associated with the pandemic. The current third grade students not only missed key developmental in-person milestones in learning to read, but also additional in-person intervention and support. We have continued to offer online learning as an option for our students. About 30% of our current third grade students have opted for the online learning option this school year. Teachers have worked tirelessly to provide new content while simultaneously reviewing and incorporating content from 4th quarter last school year. IREAD is a two-week window. If IREAD was waived for our third-grade students, the teachers would be able to provide continuity of high-quality instruction to our students during that window. The gained instructional time of approximately 4,050 minutes would allow us to redirect our teaching and learning practices to support mastery of grade level Indiana Academic Standards and be better prepared for ILEARN. We already know how our students are performing academically and do not gain additional information from IREAD. Rationale for Goal #3- Proactively intervene to provide targeted interventions and supports to address learning gaps that have been exacerbated as a result of loss of in-person instruction due to the pandemic: MCCSC has recently revamped all of our common formative assessments and common summative assessments to include depth of knowledge that align with Indiana blueprints, item specifications, and the performance level descriptors for each essential learning standard. Additionally, all of our pacing guides and curriculum alignment guides were redesigned this summer to include standards from the 4th quarter in the previous grade level so that the current teacher can ensure that any gaps in learning are addressed. Every school in MCCSC has a built-in intervention and enrichment time in their master schedule where students receive focused interventions to fill in any gaps in their learning. Rationale for Goal #4- Reduce testing time: The IREAD assessment does not give us additional data that informs our daily teaching practice. We are asking that the IREAD assessment be waived for our third-grade students since they will already be taking the ILEARN assessment in April. We utilize our common formative assessments and common summative assessments that are directly aligned to the Indiana Academic Standards and give our teachers real time information on the strengths and weaknesses of our students. We ask that a waiver be granted to relieve our students of the unnecessary burden of having to take an additional state mandated assessment that is not predictive or reliable in giving our teachers additional information. It is our belief the performance of our students on ILEARN will improve with additional high-quality instructional time during the 2-week window when IREAD would normally occur.

**How to Achieve:** By waiving the IREAD 3 assessment for our third-grade students we will be able to provide our students 4,050 additional minutes of increased instructional learning time during the window that we would normally be giving IREAD. Our second goal of continuity of learning will occur because we will be able to continue with high quality instruction during the two-week window that would normally be reserved for practice tests, sections of the assessment, and make ups that have to be given to students who are absent. The third goal will be accomplished because additional support and targeted intervention can occur during the two-week IREAD window, and that will allow us to fill in any gaps that still exist and be better prepared as we head into ILEARN. The fourth goal is to reduce testing time which will also be accomplished by waiving IREAD for our third-grade students.

**Data/Benchmarks:** We will use our common summative assessments as benchmark data to determine growth made by increased instructional time and ILEARN data to determine overall summative assessment data. It is our belief that the benefit our students will gain from increased instructional time and opportunities to learn and decreasing testing time, will not only enhance their learning of Indiana Academic State Standards but our common summative assessments as well. Our students will also be more emotionally and mentally ready to take ILEARN as they will likely not have testing fatigue from taking multiple high stakes tests in a row. We are one of very few corporations to utilize a growth-based report card, so we have up to date data on each student for each essential standard for each quarter. Benchmark data is collected on our essential learnings and reported to parents quarterly. In addition, our students participate in Study Island and Exact Path Diagnostics and this data is utilized to monitor progress throughout the year.



COPY

MONROE COUNTY COMMUNITY SCHOOL CORPORATION  
BOARD OF SCHOOL TRUSTEES

**RESOLUTION 2020-22**  
**AUTHORIZING PERFORMANCE BASED WAIVER DURING THE NOVEL CORONAVIRUS**  
**(COVID-19) HEALTH EMERGENCY FOR IREAD-3**

**WHEREAS**, the Monroe County Community School Corporation recognizes that the United States, the State of Indiana, and Monroe County are facing an unprecedented health crisis due to the outbreak of the 2019 Coronavirus (COVID-19); and

**WHEREAS**, it is necessary to have the MCCSC Board of School Trustees approve the waiver of IREAD-3 from the State Board of Education;

**WHEREAS**, House Enrolled Act 1003 ("HEA1003") permits a school or groups of schools to submit an application (the "Waiver Application") to the Indiana State Board of Education ("State Board") requesting flexibility and to waive compliance with any provision in Title 20 or 511 IAC in order to do one or more of the following:

- (1) Improve student performance and outcomes.
- (2) Offer the School flexibility in the administration of educational programs or improve the efficiency of school operations.
- (3) Promote innovative educational approaches to student learning.
- (4) Advance the mission or purpose of the School or group of schools.

**WHEREAS**, the School desires to submit a waiver application to the State Board of Education in accordance with HEA 1003 by providing the specific goals or outcomes that the School intends to achieve by waiving provisions of Title 20 and 511 IAC and outlining how the specific goals or outcomes are likely to be achieved through the waiver process;

**WHEREAS**, HEA 1003 requires the governing body of MCCSC to adopt a resolution approving submission of waiver applications;

**WHEREAS**, the governing body desires to authorize the administration to timely take all appropriate and necessary action to submit the waiver application to the State Board;

**WHEREAS**, the board acknowledges that Indiana Code IC 20-32-8.5-2 (a2) requires an emphasis on a method for making determinant evaluations by grade 3 that might require remedial action for the student...if reading skills are below the standard and 511 IAC (6 and 7) stipulates ...a requirement that all students taking ISTEP and IMAST assessments take the IREAD-3 assessment and ... retention of a student in grade 3 if the student does not achieve a passing score on the IREAD-3 assessment during the previous school year or during a subsequent attempt at passing IREAD-3;

**THEREFORE, BE IT RESOLVED** that the MCCSC Board of School Trustees hereby authorize the Superintendent to take all the appropriate and necessary actions to submit an IREAD-3 waiver application to the State Board.



**THIS RESOLUTION** adopted this 27<sup>th</sup> day of October 2020 by at least a majority vote of the entire Board in a public meeting.

Martha Stout  
Carl  
Bob L  
Keith Helen  
   
   
 

**AYES**

**NAY**

**Attest:**

Martha Stout  
**Secretary of Governing Body**



# INDIANA STATE BOARD OF EDUCATION

## 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 School Corporation

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

1. Culver Community School Corporation

### **II. REASON(S) FOR FLEXIBILITY REQUEST:**

- To offer flexibility in the administration of education programs or to improve efficiency of school operations

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

**Statute(s)/Regulation(s):** IC 20-30-2-2 (Student instructional day; school flex program instructional day)

**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. We are providing our elementary students with 32 extra days of instruction and 33 extra days to 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 mastery of goals, to reduce gaps that have occurred during COVID 19, to design and deliver instruction to further increase student mastery 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 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 mastery of a standard. We currently are 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.

## **Resolution 2020-20**

### **Authorizing the Submission of the 1003 Flexibility Waiver**

WHEREAS, Culver Community Schools Corporation (the "School Corporation") intends to submit a Flexibility Waiver to the State Board of Education to approve a waiver of the 180 day requirement for the School Year established in IC 20-30-2-3 to a school year based on instructional minutes.

WHEREAS, the School Corporation reasonably expects student instructional minutes to meet or go beyond the requirements of 54,000 minutes for grades K-6 and 64,800 minutes for grades 7-12 in a school year.

WHEREAS, the School Corporation expects to track individual student minutes and their growth on established learning standards; and to address student gaps that have occurred due to COVID 19 closures; and to deliver instruction to further student mastery of established learning standards aligned to grade level mastery.

WHEREAS, the School Corporation declares its official intent 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 necessary standards for students on their rosters.

WHEREAS, the School Corporation reasonably expects the teacher contract time to not be impacted but student seat time will potentially be reduced from the current 66,360 minutes for

preK-5 students and the 77,520 minutes currently calendared by the 180 day school calendar but not below the minimum 54,000 minutes or 64,800 minutes required respectively.

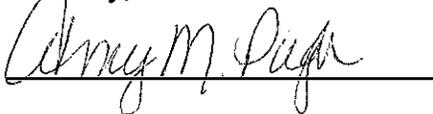
NOW, THEREFORE, BE IT RESOLVED, that the Board of School Trustees authorizes the Superintendent to request the waiver of 180 day school calendar requirement from the State Board of Education.

*Passed and Adopted this 16<sup>th</sup> day of November, 2020.*

President, Board of School Trustees



Secretary, Board of School Trustees



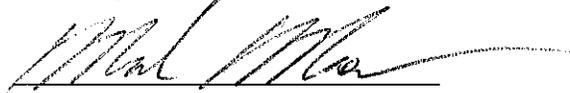
Member, Board of School Trustees



Member, Board of School Trustees



Member, Board of School Trustees



Member, Board of School Trustees



Member, Board of School Trustees





# INDIANA STATE BOARD OF EDUCATION

## Request for HEA 1003 Flexibility Waiver

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

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

**Name:** Brenice Armstrong

**Email:** brenice.armstrong@urbanact.org

**Corporation ID #:** 9095 - Urban ACT Academy

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

1. Urban ACT Academy

### **II. REASON(S) FOR FLEXIBILITY REQUEST:**

- To offer flexibility in the administration of education programs or to improve efficiency of school operations

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

1. **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. Urban Act is requesting the flexibility to track the school year in metrics of instructional hours rather than instructional days. One specific outcome Urban Act intends to achieve by waiving this provision includes more flexibility in transitioning from in-person learning to e-learning. For example, Urban Act would like to maximize instructional time during periods that the group is able to safely provide in-person learning. By waiving this provision, Urban Act could lengthen the hours it is able to meet for in-person learning. Urban Act would also have the ability to include more professional development as it continues to level-up to the need for rapidly evolving instructional models.

**How to Achieve:** By waiving compliance with this provision, Urban Act is able to achieve these specific goals and outcomes because Urban Act will not be constrained to tracking the school year in metrics of instructional days. Instead, Urban Act will be able to be nimble 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:** Urban Act intends to use a variety of performance benchmarks and data to determine whether these specific goals and outcomes have been achieved. For example, Urban Act will track the number of instructional hours completed each day to ensure the hours correlate with the required instructional days for the school year.

Moreover, Urban Act will conduct community surveys to get feedback on the transition from instructional days to hours. Specifically, Urban Act can gather from such surveys whether there is a preference in lengthening schools days when able to meet for in-person instruction and during periods of closure, treat some of those days as pure closure days rather than e-learning days. Additional data the school can use includes descriptive logs evidencing how Urban Act managed the instructional hours, which can help determine whether Urban Act met its goal in maximizing the time spent during in-person learning.

## **2. Statute(s)/Regulation(s): IC 20-20-8 (School Corporation Annual Performance Report)**

**Goal(s)/Outcome(s):** Because of COVID-19, educators are faced with an additional layer in administrative planning and reporting. Urban Act is seeking a waiver in these provisions to ease the administrative burden placed on the school due to COVID-19 by minimizing duplicative reported information or information not needed by State officials.

**How to Achieve:** By waiving compliance with these provisions, the Urban Act will be able to avoid reporting requirements that provide information that is duplicative in nature or not needed by State officials.

**Data/Benchmarks:** Urban Act intends to utilize a few performance benchmarks and data to determine whether the specific outcome has been achieved. For example, Urban Act can conduct an internal audit of the current reporting requirements provided by the school annually and work with DOE and State Board in determining what/if any reporting requirements are not being utilized by DOE and State Board or/are duplicative in nature. In doing so, Urban Act will have a baseline of its current reporting requirements and can monitor its progress in minimizing duplicative information or information not used by DOE or State Board by continuously tracking and monitoring those requirements each year.

## **3. Statute(s)/Regulation(s): IC 20-26-5-34.2 (Bullying Training); IC 20-26-5-34.4 (Child Suicide Awareness and Prevention Policy); IC 20-26-16-4 (School Corporation Police Departments; Minimum Training Requirements); IC 20-26-18 (Criminal Gang Measures)**

**Goal(s)/Outcome(s):** One of the biggest challenges schools face due to COVID-19 is ensuring they are meeting the requisite instructional days due to mandated closings. As such, Urban Act is seeking flexibility in professional development and training requirements to minimize the time and expense of training requirements, resulting in more attention on instructional time.

**How to Achieve:** By waiving compliance with these provisions, Urban Act will be able to reallocate the time spent on professional development and training to more time for instruction. Additionally, the school can utilize the savings from less training and professional development to offset anticipated shortfalls.

**Data/Benchmarks:** One performance benchmark Urban Act intends to utilize is to compare time and expense incurred on professional development in prior years to the current school year. In doing so, the school can track its savings in time and expense for training and professional development through waiver compliance of this provision. Moreover, Urban Act can track the additional instruction time they will have due to minimized hours in training and professional development.

**4. Statute(s)/Regulation(s):** IC 20-33-2-14 (Compulsory Attendance; school corporation policy; exceptions; service as page or honoree of general assembly)

**Goal(s)/Outcome(s):** During uncertain and ever-fluctuating circumstances, educators across Indiana have faced challenges with student attendance in a wholly remote or virtual environment. As COVID-19 cases across the state soar, students face unprecedented levels COVID-19 related health challenges in their families and broadband connectivity issues as a result of transitions back to a wholly virtual learning environment. As such, Urban Act is seeking flexibility in the types of absences that qualify as an excused absence to include absence related to challenges faced by students as result of the COVID-19 pandemic.

**How to Achieve:** By waiving compliance with this provision, Urban Act is able to achieve these specific goals and outcomes because the group will not be constrained to an attendance policy that does not account for unforeseen COVID-19-related absences from school. Urban Act will, to the best of its ability, maintain accurate daily records of attendance for each student. By allowing for flexibility, Urban Act can avoid punitive attendance tracking that does not account for new obstacles faced by its students.

**Data/Benchmarks:** Urban Act Academy will continue to comply with all state and federal reporting requirements on attendance records and reports. Urban Act will continue to monitor the wellbeing and academic progress of missing students, habitually truant students, and chronically absent students in accordance with Ind. § 31-30 through Ind. Code § 31-40.

**RESOLUTION AUTHORIZING  
PERFORMANCE BASED ACCREDITATION WAIVER**

*Whereas* : URBAN ACT Academy ( the “School”) strives to provide students the best learning environment, allowing them to maximize their potential.

*Whereas*: House Enrolled Act 1003 (2020) (“HEA 1003”) permits a school or groups of schools to submit an application (the “Waiver Application”) to the Indiana State Board of Education (“State Board”) requesting flexibility and to waive compliance with any provision in Title 20 or 511AC in order to do one or more of the following:

- (1) Improve student performance and outcomes.
- (2) Offer the School flexibility in the administration of educational programs or improve the efficiency of school operations.
- (3) Promote innovative educational approaches to student learning.
- (4) Advance the mission or purpose of the School or group of schools.

*Whereas*: The School desires to submit a Waiver Application to the State Board of Education in accordance with HEA 1003 by providing the specific goals or outcomes that the School intends to achieve by waiving provisions of Title 20 and 511AC and outlining how the specific goals or outcomes are likely to be achieved through the waiver process.

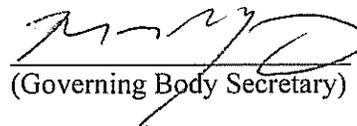
*Whereas*: HEA 1003 requires the governing body of the School (the “Governing Body”) to adopt a resolution approving the submission of Waiver Applications.

*Whereas*: The Governing Body desires to authorize the administration to timely take all appropriate and necessary action to submit the Waiver Applications to the State Board.

*Therefore be it Resolved That*: The administration of the School Board is hereby authorized to take all the appropriate and necessary action to submit Waiver Applications to the State Board.

Approved by the Governing Body on this 19th day of November, 2020.

Morgan S. Galbreth  
(Governing Body President)

  
(Governing Body Secretary)



# INDIANA STATE BOARD OF EDUCATION

## Request for HEA 1003 Flexibility Waiver

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

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

**Name:** Flora Reichanadter

**Email:** drflora@pike.k12.in.us

**Corporation ID #:** 5350 – MSD Pike Township

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

1. MSD Pike Township

### **II. REASON(S) FOR FLEXIBILITY REQUEST:**

- To offer flexibility in the administration of education programs or to improve efficiency of school operations

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

1. **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. MSD of Pike Township is requesting the flexibility to track the school year in metrics of instructional hours rather than instructional days. One specific outcome MSD of Pike Township intends to achieve by waiving this provision includes more flexibility in transitioning from in-person learning to e-learning. For example, MSD of Pike Township would like to maximize instructional time during periods that the Township is able to safely provide in-person learning. By waiving this provision, MSD of Pike Township could lengthen the hours it is able to meet for in-person learning. MSD of Pike Township would also have the ability to include more professional development as it continues to level-up to the need for rapidly evolving instructional models.

**How to Achieve:** By waiving compliance with this provision, MSD of Pike Township is able to achieve these specific goals and outcomes because MSD of Pike Township will not be constrained to tracking the school year in metrics of instructional days. Instead, MSD of Pike Township will be able to be nimble 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:** MSD of Pike Township intends to use a variety of performance benchmarks and data to determine whether these specific goals and outcomes have been

achieved. For example, MSD of Pike Township of Pike Township will track the number of instructional hours completed each day to ensure the hours correlate with the required instructional days for the school year. Moreover, MSD of Pike Township will conduct community surveys to get feedback on the transition from instructional days to hours. Specifically, MSD of Pike Township can gather from such surveys whether there is a preference in lengthening schools days when able to meet for in-person instruction and during periods of closure, treat some of those days as pure closure days rather than e-learning days. Additional data the Township can use includes descriptive logs evidencing how MSD of Pike Township managed the instructional hours, which can help determine whether MSD of Pike Township met its goal in maximizing the time spent during in-person learning.

## **2. Statute(s)/Regulation(s):** IC 20-20-8 (School Corporation Annual Performance Report)

**Goal(s)/Outcome(s):** Because of COVID-19, educators are faced with an additional layer in administrative planning and reporting. MSD of Pike Township is seeking a waiver in these provisions to ease the administrative burden placed on the school due to COVID-19 by minimizing duplicative reported information or information not needed by State officials.

**How to Achieve:** By waiving compliance with these provisions, the MSD Pike Township will be able to avoid reporting requirements that provide information that is duplicative in nature or not needed by State officials.

**Data/Benchmarks:** MSD Pike of Pike Township intends to utilize a few performance benchmarks and data to determine whether the specific outcome has been achieved. For example, MSD of Pike Township can conduct an internal audit of the current reporting requirements provided by the school annually and work with DOE and State Board in determining what/if any reporting requirements are not being utilized by DOE and State Board or/are duplicative in nature. In doing so, MSD Pike of Pike Township will have a baseline of its current reporting requirements and can monitor its progress in minimizing duplicative information or information not used by DOE or State Board by continuously tracking and monitoring those requirements each year.

## **4. Statute(s)/Regulation(s):** IC 20-33-2-14 (Compulsory Attendance; school corporation policy; exceptions; service as page or honoree of general assembly)

**Goal(s)/Outcome(s):** During uncertain and ever-fluctuating circumstances, educators across Indiana have faced challenges with student attendance in a wholly remote or virtual environment. As COVID-19 cases across the state soar, students face unprecedented levels COVID-19 related health challenges in their families and broadband connectivity issues as a result of transitions back to a wholly virtual learning environment. As such, MSD of Pike Township is seeking flexibility in the types of absences that qualify as an excused absence to include absence related to challenges faced by students as result of the COVID-19 pandemic.

**How to Achieve:** By waiving compliance with this provision, MSD of Pike Township is able to achieve these specific goals and outcomes because the group will not be constrained to an attendance policy that does not account for unforeseen COVID-19-related absences from school. MSD of Pike Township will, to the best of its ability, maintain accurate daily records of attendance for each student. By allowing for flexibility, MSD of Pike Township can avoid punitive attendance tracking that does not account for new obstacles faced by its students.

**Data/Benchmarks:** MSD of Pike Township will continue to comply with all state and federal reporting requirements on attendance records and reports. MSD of Pike Township will continue to monitor the well being and academic progress of missing students, habitually truant students, and chronically absent students in accordance with Ind. § 31-30 through Ind. Code § 31-40.

**RESOLUTION AUTHORIZING  
PERFORMANCE BASED ACCREDITATION WAIVER**

**Whereas :** The Metropolitan School District of Pike Township (the “School”) strives to provide students the best learning environment, allowing them to maximize their potential.

**Whereas:** House Enrolled Act 1003 (2020) (“HEA 1003”) permits a school or groups of schools to submit an application (the “Waiver Application”) to the Indiana State Board of Education (“State Board”) requesting flexibility and to waive compliance with any provision in Title 20 or 511AC in order to do one or more of the following:

- (1) Improve student performance and outcomes.
- (2) Offer the School flexibility in the administration of educational programs or improve the efficiency of school operations.
- (3) Promote innovative educational approaches to student learning.
- (4) Advance the mission or purpose of the School or group of schools.

**Whereas:** The School desires to submit a Waiver Application to the State Board of Education in accordance with HEA 1003 by providing the specific goals or outcomes that the School intends to achieve by waiving provisions of Title 20 and 511AC and outlining how the specific goals or outcomes are likely to be achieved through the waiver process.

**Whereas:** HEA 1003 requires the governing body of the School (the “Governing Body”) to adopt a resolution approving the submission of Waiver Applications.

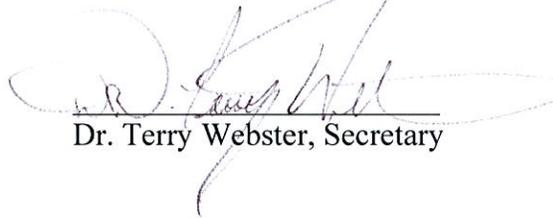
**Whereas:** The Governing Body desires to authorize the administration to timely take all appropriate and necessary action to submit the Waiver Applications to the State Board.

**Therefore be it Resolved That:** The administration of the School Board is hereby authorized to take all the appropriate and necessary action to submit Waiver Applications to the State Board.

Approved by the Governing Body on this 12 day of November, 2020.



Mr. Eric Huffine, President



Dr. Terry Webster, Secretary

**REQUEST FOR HEA 1003 FLEXIBILITY WAIVER  
PURSUANT TO IC 20-31-4.1-4**

**I. REQUESTOR INFORMATION**

**Name:** Dr. David Smith  
Superintendent

**Email:** [david.smith@evsck12.com](mailto:david.smith@evsck12.com)

**Corporation ID # 7995**– Evansville Vanderburgh School Corporation

**School:** CORP

**II. REASON(S) FOR FLEXIBILITY REQUEST**

1. To improve student performance outcomes
2. To offer flexibility in the administration of education programs to improve the efficiency of school operations

**III. FLEXIBILITY REQUEST**

**Statute(s) / Regulation(s)**

**1. 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. Indiana 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.

The Evansville Vanderburgh School Corporation (EVSC) is requesting the flexibility to track the school year in metrics of instructional minutes rather than instructional days, as outlined in Indiana Code 20-30-2-2. For students in grades 1 through 6, EVSC shall provide at least fifty-four thousand (54,000) instructional minutes during the 2020-2021 school year. For students in grades 7 through 12, EVSC shall provide at least sixty-four thousand eight hundred (64,800) instructional minutes during the 2020-2021 school year.

If this waiver would be granted, EVSC’s intention would be to provide at a minimum the 54,000 required minutes at the elementary level and the 64,800 minutes at the junior-senior high level. With the length of our current instructional day and the 180-day requirement, we

provide at least 2700 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 makeup days. The waiver would provide flexibility to increase professional development to staff during contracted time. Finally, this waiver will provide the flexibility to adapt to the challenges and unforeseen situations that COVID-19 has brought upon us. EVSC feels this flexibility will allow us to maximize in-person instruction in order to improve student performances.

**How to Achieve:** By waiving compliance with this provision, EVSC is able to achieve these specific goals and outcomes because EVSC will not be constrained to tracking the school year in metrics of instructional days. Instead, EVSC will be able to address the fluid situation it faces due to COVID-19 and ensure students are maximizing the time they may have for in-person learning this school year.

**Data/Benchmarks:** EVSC intends to use a variety of performance benchmarks and data to determine whether these specific goals and outcomes have been achieved. For example, EVSC will track the number of additional minutes each day to ensure it meets the minimum requirements based on 180 days. In addition, EVSC will continue to monitor the progress and level of education received by students to ensure this waiver does not hinder the quality of education they are receiving. Additional data EVSC can use includes descriptive logs evidencing how EVSC managed the instructional hours, which can help determine whether EVSC met its goal.

**2. Statute(s)/Regulation(s): IC 20-20-8 (School Corporation Annual Performance Report)**

**Goal(s)/Outcome(s):** Because of COVID-19, educators are faced with an additional layer in administrative planning and reporting. EVSC is seeking a waiver in these provisions to ease the administrative burden placed on schools due to COVID-19 by minimizing duplicative reported information or information not needed by State officials.

**How to Achieve:** By waiving compliance with these provisions, EVSC will be able to avoid reporting requirements that provide information that is duplicative in nature or not needed by State officials.

**Data/Benchmarks:** EVSC intends to utilize a few performance benchmarks and data to determine whether the specific outcome has been achieved. For example, EVSC can conduct an internal audit of the current reporting requirements provided by the school annually and work with DOE and State Board in determining what/if any reporting requirements are not being utilized by DOE and State Board or/are duplicative in nature. In doing so, EVSC will have a baseline of its current reporting requirements and can monitor its progress in minimizing duplicative information or information not used by DOE or State Board by continuously tracking and monitoring those requirements each year.

**RESOLUTION AUTHORIZING  
PERFORMANCE BASED ACCREDITATION WAIVER**

**WHEREAS**, the Evansville Vanderburgh School Corporation (the "School") strives to provide students the best learning environment, allowing them to maximize their potential.

**WHEREAS**, House Enrolled Act 1003 (2020) ("HEA 1003") permits a school or groups of schools to submit an application (the "Waiver Application") to the Indiana State Board of Education ("State Board") requesting flexibility and to waive compliance with any provision in Title 20 or 511 IAC in order to do one or more of the following:

- (1) Improve student performance and outcomes.
- (2) Offer the School flexibility in the administration of educational programs or improve the efficiency of school operations.

**WHEREAS**, the School desires to submit a Waiver Application to the State Board of Education in accordance with HEA 1003 by providing the specific goals or outcomes that the School intends to achieve by waiving provisions of Title 20 and 511 IAC and outlining how the specific goals or outcomes are likely to *be* achieved through the waiver process.

**WHEREAS**, HEA 1003 requires the governing body of the School (the "Governing Body") to adopt a resolution approving the submission of Waiver Applications.

**WHEREAS**, the Governing Body desires to authorize the administration to timely take all appropriate and necessary action to submit the Waiver Applications to the State Board.

**THEREFORE, BE IT RESOLVED THAT** the administration of the School Board is hereby authorized to take all the appropriate and necessary action to submit Waiver Applications to the State Board.

Approved by the Governing Body on this \_\_\_\_ day of December, 2020.

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Jeff Worthington, President

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Chris Kiefer, Secretary