

# Flexibility Opportunities for Schools & Corporations

TitleCon2025 - Georgia Watson

# OBJECTIVES: 1003 FLEXIBILITY WAIVERS

**Eligibility Requirements, Purpose, & Applications**

**Instructional Time Guidance**

**Common Waiver Requests**

**Uncommon Waiver Requests**



# 1003 Flexibility Waiver: General Information

# ELIGIBILITY FOR 1003 FLEXIBILITY WAIVERS

## Pursuant to Indiana Code (IC) 20-31-4.1

Schools/groups of schools may request that the State Board of Education (SBOE) waives compliance with any provision in Title 20 or 511 IAC (unless on list of non-waivable provisions). **Requests must be tied to:**

1. Improvement of student performance & outcomes;
2. Flexibility in administration of educational program/improvement of efficiency in school operations;
3. Promotion of innovative educational approaches to student learning
4. Advancement of the mission/purpose of the school/group of schools
5. Promotion of High School Redesign, or
6. Aligned to Primary Literacy

# PURPOSE OF 1003 FLEXIBILITY WAIVERS

The purpose of this waiver is to transform the educational experience.

**What specific goals or outcomes will be achieved by waiving the provision?**

- Enhance student learning opportunities?
- Promote innovation?
- Increase equitable access to effective teachers?

**How will data and benchmarks be used to measure and monitor student performance outcomes?**



# TIMELINE FOR 1003 FLEXIBILITY WAIVERS



## Process

- **January – April:** Submit waiver application
- **March – June:** IDOE reviews and provides recommendation to the State Board of Education (SBOE)
- **April – July :** SBOE makes final determination  
Dates are subject to change

SBOE periodically reviews compliance with waivers and may amend, suspend, or revoke an approved waiver if goals are not met.

# APPLICATION REQUIREMENTS



## Application

- Identify provisions being requested to waive.
- Provide specific goals/outcomes intended to be achieved by waiving the provision/s.
- Provide how specific goals/outcomes are likely to be achieved
- Provide performance benchmarks and data that will be used to measure achievement of specific goals/outcomes.
- Pass a resolution from the school's governing body approving the waiver request.

# COMMON CHALLENGES

## Common Mistakes & Application Deficiencies

- General goals and insufficient rationale
- Request is not aligned to transforming the educational experience for students
- Board resolution lacks specific details that provide transparency
- Provision is unwaivable



# Waiver Duration Guidelines

# GPS DASHBOARD & WAIVER ELIGIBILITY DURATION

- IDOE will review the submitted applications and apply criteria to determine the duration of the waiver (one or three years).
- Criteria are based on the benchmark data from the Indiana GPS Dashboard and applied to specific waiver request.
- Criteria: third grade literacy, sixth grade math growth, Graduation Pathways completion, college & career credentials, and employment & enrollment.
- To qualify for a three-year waiver, an LEA must meet or show growth toward the benchmark goals in four of the five categories listed above, otherwise LEAs will receive a one-year waiver.

## WAIVER DURATION: ONE OR THREE YEARS

- Applications seeking to waive IC 20-30-2-2 (instructional time) & IC 20-30-2-3 (school days) are eligible for a three-year waiver using the GPS dashboard criteria.
- Applications seeking to waive IC 20-30-2-2.7 (virtual student instructional days) are eligible for a three-year waiver with a commitment to a partnership with IDOE's Office of Digital Learning.
- One-year waivers may be granted for applications not meeting established criteria.

# Guidance on Instructional Time for schools

# GENERAL INSTRUCTIONAL TIME REQUIREMENTS

**Each school year must consist of at least 180 instructional days provided over a minimum of 9 months. To contribute to the 180 total, a day must consist of the minimum amount of instructional time**

- **Grades 1-6: 5 hours**
- **Grades 7-12: 6 hours**
  - Does not include lunch or recess
  - May include passing periods
  - May be in-person, virtual synchronous or a combination



# INSTRUCTIONAL TYPES



**In-person Instruction-** provided in real-time, teacher and student are in the same physical space



**Virtual synchronous-** provided in real-time, teacher and student are in different physical space



**Virtual asynchronous** - provided at different times, teacher and student are in different physical space

# WHAT CONSTITUTES AN INSTRUCTIONAL DAY

- Instructional days may consist of in-person and virtual instruction
- To be considered an instructional day and count towards the require 180 instructional days, 50% of instructional time must be provided as in-person instruction, virtual synchronous, or a combination of both
- In other words, 50% of instruction must be in real-time for the day to count.
- If 50% of students attend school in person and receive 50% in-person and/or synchronous instruction, that counts as an instructional day towards the 180 day requirement ex. PSAT day.



## INSTRUCTIONAL DAY: EXCEPTIONS

- By law, schools are allowed **three virtual student instructional days per school year**.
  - These days count towards the 180 day requirement.
  - Instruction on these days can consist of more than 50% asynchronous instruction.
- Instructional days where a delay or early dismissal occurs in response to an incident that could jeopardize the safety of students and staff *may* contribute to the 180 day requirement.
  - Requires an instructional time waiver through IDOE's Office of Accountability.



# Common Waiver Requests

# INSTRUCTIONAL TIME WAIVER: IC 20-30-2-2

- Used to waive the minimum instructional time:
  - Grades 1-6: 5 hours
  - Grades 7-12: 6 hours
- Request this waiver for late start/early dismissal days that result in less than the required minimum instructional time.
- Schools must list the planned amount of instructional time the students will receive once the time for late start/early dismissal **has been removed** on the waiver application.
  - Failure to do so will result in a processing delay of the application.

## SCHOOL DAYS WAIVER: IC 20-30-2-3

- Used to waive the minimum 180 instructional day requirement
- Generally requested for professional development days
- Schools must list the planned amount of instructional time the students will receive once the time for professional development days **has been removed** on the waiver application
  - Failure to do so will result in a processing delay of the application

# VIRTUAL STUDENT INSTRUCTIONAL DAYS: IC 20-30-2-2.7

- Used to waive the number of virtual student instructional days that count towards the 180 instructional day requirement.
- Request this waiver for additional asynchronous virtual instructional days where students will receive more than 50% asynchronous instruction.



# UNCOMMON WAIVER REQUESTS

**IC 20-20-8: Annual Performance Report - Repealed**

**511 IAC 6.1-5.6 - Media Specialist**

**IC 20-19-2-14.7 - Civic Education Standards**

**511 IAC 6-8-2: Implement Nonstandard Courses & Curriculum ([Request Form](#))**

# IMPORTANT 1003 FLEXIBILITY WAIVER DOCUMENTS

- [Application Link](#)
- [1003 Flexibility Waiver Memo](#)
- [Flexibility Guide for Indiana's K-12 Schools](#)

# Questions?

[schoolimprovement@doe.in.gov](mailto:schoolimprovement@doe.in.gov)

 @EducatelN



***THANK YOU!***