

INnovate

Flexibility Inventory for Indiana's K-12 Schools



Introduction

This Indiana Flexibility Inventory was created during the development of the *Flexibility Guide for Indiana’s K-12 Schools* and designed to highlight and summarize areas of Indiana’s state laws and policies that can be used by local boards of education to obtain exemption from mandates to advance a vision for innovation.

Under current law and policy, there are three primary flexibility tools available to local boards of education and schools:



1. Flexibility through Request

School corporations and schools may request a waiver from state mandates for one of several state-defined purposes, including to support innovation.



2. Flexibility through Innovation Program Participation

Schools participating in any one of several programs are automatically exempt from compliance with certain state mandates.



3. Flexibility through State Delegation of Authority

Through “Home Rule” provisions of the state’s education code, school corporations have significant local-decision-making authority over curriculum development and instructional program design.

Part I. Flexibility through Request

1 1003 Flexibility Waivers	
Flexibility Opportunity	Highlights of Flexibility
<p>Legislative Code</p> <ul style="list-style-type: none"> • House Enrolled Act No. 1003, 121st General Assembly, Second Regular Session. Indiana (2020) • IC 20-31-4.1-4. Request to Waive Certain Requirements • IC 20-31-4.1-5. Approval by State Board • IC 20-31-4.1-6. Authorization to Waive Certain Requirements • IC 20-26-5. Chapter 5. General Powers and Duties • IC 20-27-7. Chapter 7. School Bus Inspection and Registration • IC 20-27-8. Chapter 8. School Bus Drivers • IC 20-27-10. Chapter 10. School Bus Safety • IC 20-28. Article 28 School Teachers • IC 20-29. Article 29. Collective Bargaining for Teachers • IC 20-30-5. Chapter 5. Mandatory Curriculum • IC 20-31. Article 31. Accountability for Performance and Improvement • IC 20-32-4. Chapter 4. Graduation Requirements 	<p>Scope of Flexibility</p> <ul style="list-style-type: none"> • Allows for waiver or modification of a wide array of state mandates; areas excluded from waiver or modification are clearly enumerated. • With the enactment of 1003 Flexibility Waivers, the state shifted from flexibility as a reward generally available to high performers to flexibility available to all schools to better support improvement and innovation. This shift allows districts to rethink their use of flexibility and for the state to support them in achieving a vision for next generation learning. • Note: the State’s new Performance Based Accreditation System is currently under development and will be defined, in large part, by the State Board when it adopts the rules and “legal standards” that will be used to accredit schools. <p>Waiver Authority</p> <p>Any school or group of schools accredited under Indiana’s Performance Based Accreditation System may submit an application to the State Board seeking to waive compliance with any provision in Title 20 or State Board rule (511 IAC), subject to state mandates and limitations. [IC 20-31-4.1-4. Request to Waive Certain Requirements]</p> <p>The State Board is authorized to approve any application <u>only if</u> the waiver request is related to a specific goal or outcome of the school or group of schools and the State Board determines that its approval of the application is likely to:</p> <ol style="list-style-type: none"> 1. Improve student performance and outcomes; 2. Offer the applicant flexibility in the administration of education 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. [IC 20-310-4.1-5. Approval By State Board] <p>This waiver authority is “separate and distinct” from flexibility provided under IC 20-26.5-2 for Coalitions of Continuous Improvement School Districts. [IC 20-31-4.1-6. Authorization to Waive Certain Requirements]</p>

1 1003 Flexibility Waivers

Flexibility Opportunity	Highlights of Flexibility
<ul style="list-style-type: none"> • IC 20-32-5.1. Chapter 5.1. Indiana’s Learning Evaluation Assessment Readiness Network (ILEARN) Program • IC 20-33-1. Chapter 1. Equal Educational Opportunity • IC 20-34. Article 34. Student Health and Safety Measures • IC 20-35. Article 35. Special Education • IC 20-36. Article 36. High Ability Students • IC 20-39. Article 39. Accounting and Financial Reporting Procedures • IC 20-40. Article 40. Government Funds and Accounts • IC 20-41. Article 41. Extracurricular Funds and Accounts • IC 20-42. Article 42. Fiduciary Funds and Accounts • IC 20-42.5. Article 42.5. Allocation of Expenditures to Student Instruction • IC 20-43. Article 43. State Tuition Support • IC 20-44. Article 44. Property Tax Levies; General Provisions • IC 20-46. Article 46. Levies Other than General Fund Levies 	<p>Non Waivable Provisions</p> <p>In spite of the broad possibilities 1003 Flexibility Waivers offers, its waiver authority is not limitless. An applicant may not request to waive any of the following provisions: [IC 20-31-4.1-4. Request to Waive Certain Requirements]</p> <ul style="list-style-type: none"> • IC 20-26-5. Chapter 5 General Powers and Duties <ul style="list-style-type: none"> ○ Criminal history and child protection index check (IC 20-26-5-10) • IC 20-27-7. Chapter 7 School Bus Inspection and Registration • IC 20-27-8. Chapter 8 School Bus Drivers <ul style="list-style-type: none"> ○ School bus drivers and monitors (IC 20-27-8-1) ○ School bus driving summary (IC 20-27-8-2) • IC 20-27-10. Chapter 10 School Bus Safety <ul style="list-style-type: none"> ○ Capacity of school bus (IC 20-27-10-3) • IC 20-28. Article 28 School Teachers • IC 20-29. Article 29 Collective Bargaining for Teachers • IC 20-30-5. Chapter 5 Mandatory Curriculum <ul style="list-style-type: none"> ○ Display of U.S. flag; Pledge of Allegiance (IC 20-30-5-0.5) ○ Constitution (IC 20-30-5-1) ○ Constitutions; Interdisciplinary Course (IC 20-30-5-2) ○ Protected writings (IC 20-30-5-3) ○ American History (IC 20-30-5-4) ○ Moment of Silence (IC 20-30-5-4.5) ○ Morals instruction (IC 20-30-5-5) ○ Good citizenship instruction (IC 20-30-5-6) ○ Human sexuality instructional requirements (IC 20-30-5-13) ○ Access to materials; consent for participation (IC 20-30-5-17) ○ Contrary student instruction not permitted (IC 20-30-5-21) ○ Indiana studies (IC 20-30-5-22) • IC 20-31 Article 31. Accountability for Performance and Improvement • IC 20-32-4 Chapter 4. Graduation Requirements

1 1003 Flexibility Waivers

Flexibility Opportunity	Highlights of Flexibility
<ul style="list-style-type: none"> • IC 20-47. Article 47. Related Entities; Holding Companies; Lease Agreements • IC 20-48. Article 48. Borrowing and Bonds • IC 20-49. Article 49. State Management of Common School Funds; State Advances and Loans • IC 20-50. Article 50. Homeless Children and Foster Care Children • IC 20-51. Article 51. School Scholarships 	<ul style="list-style-type: none"> • IC 20-32-5.1 Chapter 5.1 Indiana’s Learning Evaluation Assessment Readiness Network (ILEARN) Program • IC 20-33-1 Chapter 1. Equal Educational Opportunity • IC 20-34 Article 34. Student Health and Safety Measures • IC 20-35 Article 35. Special Education • IC 20-36 Article 36. High Ability Students • IC 20-39 Article 39. Accounting and Financial Reporting Procedures • IC 20-40. Article 40. Government Funds and Accounts • IC 20-41. Article 41 Extracurricular Funds and Accounts • IC 20-42. Article 42 Fiduciary Funds and Accounts • IC 20-42.5. Article 42.5 Allocation of Expenditures to Student Instruction • IC 20-43. Article 43 State Tuition Support • IC 20-44. Article 44 Property Tax Levies; General Provisions • IC 20-46. Article 46. Levies Other than General Fund Levies • IC 20-47. Article 47 Related Entities; Holding Companies; Lease Agreements • IC 20-48. Article 48 Borrowing and Bonds • IC 20-49. Article 49 State Management of Common School Funds; State Advances and Loans • IC 20-50. Article 50 Homeless Children and Foster Care Children • IC 20-51. School Scholarships <p>Application Requirements and Process</p> <p>Working within application requirements prescribed by the State Board, the applicant must address the following three things:</p> <ul style="list-style-type: none"> • A list of the one (1) or more provisions in Title 20 or State Board rule (511 IAC) that the school or group of schools is requesting the State Board waiver. • The specific goal(s) or outcome(s) that the school or group of schools intends to achieve by waiving the provisions identified in the application. • An explanation of how the specific goal(s) 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.

1 1003 Flexibility Waivers

Flexibility Opportunity	Highlights of Flexibility
	<ul style="list-style-type: none"> • The performance benchmarks and data that will be used to determine whether the specific goal(s) or outcome(s) identified by the school or group of schools have been achieved. • A resolution adopted by the governing body of the school or group of schools authorizing the submission of the application. <p>There are additional local approval requirements which must be met before an application may be submitted to the State Board.</p> <ul style="list-style-type: none"> • An application from a governing body of a school corporation must include a copy of the resolution adopted by the governing body approving the submission of the application; • An application from a charter school must include written authorization by the charter school organizer approving the submission of the application; and • An application from a nonpublic school must include written authorization by the person or agency in active charge and management of the nonpublic school approving the submission of the application. <p>The state board may grant approval of a waiver as part of a school's application for accreditation.</p> <p>Monitoring and Maintenance</p> <p>After approval of an application, the State Board will conduct a periodic review. If the State Board determines that the school or group of schools is not meeting the goals or outcomes described in its application, the State Board may amend, suspend, or revoke a waiver.</p>

2 Additional Waivers	
Flexibility Opportunity	Highlights of Flexibility
<p>Legislative Code</p> <ul style="list-style-type: none"> IC 20-31-4-6. Compliance with Legal Standards <p>Administrative Code</p> <ul style="list-style-type: none"> 511 IAC 6-8-2. Waiver to Implement Nonstandard Courses and Curriculum Programs 511 IAC 6-8-1. Definitions 511 IAC 6-9.1-3. Rule Waivers 511 IAC 6.2-3. Strategic and Continuous School Improvement and Achievement Plan 511 IAC 6.2-3-2 Waivers <p>Additional Resources</p> <ul style="list-style-type: none"> IDE. School Improvement Plans Avon Community School Corporation. Avon High Ability Program 	<p>Scope of Flexibility</p> <p>Allows for waiver or modification of:</p> <ul style="list-style-type: none"> Nonstandard courses and curriculum programs; Curriculum and graduation rules for programs for high ability students; and School improvement plans. <p>Overview</p> <p>Schools and districts have opportunities to take advantage of flexibility in specific areas by requesting waivers from state mandates -</p> <ul style="list-style-type: none"> Waivers to Implement Nonstandard Courses and Curriculum Programs: To receive a waiver, a school must provide the Department “<i>evidence that the proposed course or curriculum program will better serve its students other than any authorized by the rules of the board ... [and] [a]ssure the department that it will conduct a continuing evaluation of the effectiveness of the proposed courses or curriculum programs and provide the department with annual reports of the result of the evaluation as well as a final report at the termination of the waiver period.</i>” [511 IAC 6-8-2. Waiver to Implement Nonstandard Courses and Curriculum Programs] Waiver of Curriculum and Graduation Rules for Programs for High Ability Students: The Department may also waive certain curriculum and graduation rules for high ability students. [511 IAC 6-9.1-3. Rule Waivers] Rules that may be waived include rules addressing instructional time, summer school credit reimbursement, and teacher certification requirements. School Improvement Plan Waivers: Schools must have a strategic and continuous school improvement plan (see IC 20-31-4-5; 511 IAC 6.1-1-4). According to Indiana Code and Administrative rule, a plan may include a request for a waiver of a rule or statute. [IC 20-31-4-6; 511 IAC 6.2-3-2] Any rule may be waived except for: <ul style="list-style-type: none"> Rules related to the health or safety of students or school personnel; Special education rules; Suspension of the rule would bring the school into noncompliance with federal statutes or regulations; The rule concerns curriculum or curricular materials. <ul style="list-style-type: none"> However, upon request of the governing body and under a plan, the State Board may waive for a school any statute or rule relating to curriculum or selection of curricular materials.

2 Additional Waivers	
Flexibility Opportunity	Highlights of Flexibility
	<p>Example</p> <p>Avon Community School Corporation (Curriculum and Graduation Rules for Programs for High Ability Students). The Avon Community School Corporation’s High Ability Program has created a Broad Based Planning Committee which is <i>“committed to researching and understanding the needs of high ability students in order to make meaningful recommendations that will ultimately maximize opportunities for the students to attain their highest potential.”</i></p>

Part II. Flexibility through Innovation Program Participation

3 Innovation Network Schools	
Flexibility Opportunity	Highlights of Flexibility
<p>Legislative Code</p> <ul style="list-style-type: none"> IC 20-25.7. Article 25.7 Innovation Network Schools <p>Additional Resources</p> <ul style="list-style-type: none"> Indianapolis Public Schools. Innovation Network Schools Cold Spring School. About Us IDE. Indiana Again Increases Number of STEM Certified Schools 	<p>Scope of Flexibility</p> <ul style="list-style-type: none"> Local decision-making in the Indianapolis Public School System to provide “<i>greater flexibility, innovation, and efficiency</i>” in the delivery of education. [IC 20-25.7. Article 25.7 Innovation Network Schools] Subject to waivers as described in Part I. The following do not apply to Innovation Network schools: <ul style="list-style-type: none"> An Indiana statute applicable to a governing body or school corporation. A rule or guideline adopted by the State Board, except for those that assist a teacher in gaining or renewing a standard or advanced license. A local regulation or policy adopted by a school corporation unless specifically incorporated in the agreement. <p>Overview</p> <p>Indiana Code creates the Innovation Network Schools to give school corporations and public schools the ability to implement “<i>greater flexibility, innovation, and efficiency</i>” in the delivery of education. [IC 20-25.7. Article 25.7 Innovation Network Schools], Through this Innovation Network Schools statute, the General Assembly recognizes that “<i>each school corporation and public school should have the freedom to create the optimal learning environment</i>” in order to further goals of high quality public education within the state.</p> <p>A plan may be submitted to local boards by two or more teachers; principals; superintendents; or any combination thereof. A local board may also choose to establish an innovation network school or reconstitute an eligible school as an innovation network school. The plan must identify an innovation or innovations identified in the list enumerated in statute. [IC 20-25.7. Article 25.7. Innovation Network Schools] Indiana Code lists the innovations available to all Innovation Network Schools.</p> <p>Example</p> <p>Cold Spring School. Cold Spring School is a STEM certified Innovative School within the Indianapolis Public Schools Network. STEM certified schools use project-based learning, community engagement, entrepreneurship, student centered classrooms, integration into humanities and related arts, and out-of-school STEM activities.</p>

4 Coalition of Continuous Improvement School Districts

Flexibility Opportunity	Highlights of Flexibility
<p>Legislative Code</p> <ul style="list-style-type: none"> IC 20-26.5-2-2. Chapter 2. Establishment of Continuous Improvement School Districts IC 20-26.5-2-3. Suspension of Statutes or Rules <p>Additional Resources</p> <ul style="list-style-type: none"> Indiana State Board of Education. Coalition of Continuous Improvement School Districts 	<p>Scope of Flexibility</p> <ul style="list-style-type: none"> Local decision-making regarding program design, including flexibility as to what educational programs will be offered, within requirements established in legislative code and board rule The goal of the coalition is to offer “<i>flexibility and innovation to schools to improve student outcomes.</i>” [IC 20-26.5-2-2. Chapter 2. Establishment of Continuous Improvement School District] Coalition members may suspend curriculum requirements as well as statutes and rules concerning curricular materials, teacher licenses, adoption of academic standards, and the performance based accreditation system. Subject to waivers as described in Part I. Statute enumerates what rules cannot be waived or modified. The flexibility provided under the 1003 Flexibility Waivers (See Part I) is separate and distinct from flexibility provided under IC 20-26.5-2 regarding the Coalition of Continuous Improvement School Districts. <p>Overview</p> <p>The State Board is authorized to approve a coalition of continuous improvement school districts. [IC 20-26.5-2-2. Chapter 2. Establishment of Continuous Improvement School Districts] The state is limited in approving only one coalition, which includes at least 4 and no more than 8 entities, including school corporations, eligible schools defined in law, and accredited nonpublic schools.</p> <p>The coalition must be designed to:</p> <ul style="list-style-type: none"> Improve student performance and outcomes; Offer coalition members flexibility in the administration of educational programs; and Promote innovative educational approaches to student learning. <p>Coalition members may replace high school courses on the high school transcript with courses on the same subject matter with equal or greater rigor to the required high school course and may count that course as satisfying the diploma requirements. [IC 20-26.5-2-3. Suspension of Statutes or Rules]</p>

❄️ Part III. Flexibility through State Delegation of Authority — Home Rule

5 Determination of the Instructional Program, Curriculum, and Basic Standards	
Flexibility Opportunity	Highlights of Flexibility
<p>Administrative Code</p> <ul style="list-style-type: none"> 511 IAC 6-7-1. Graduation Requirements for Students Who Begin High School in the 2006-2007 School Year or a Subsequent Year 511 IAC 6.1-5.0.6. General Curriculum Principles 511 IAC 6.1-5-2.6. Elementary Curriculum 511 IAC 6.1-5-3.6. Middle Level Curriculum 511 IAC 6.1-5-4.5. High School Curriculum 511 IAC 6.1-5-9. Homework Policy Required 511 IAC 6.2-3. Rule 3. Strategic and Continuous School Improvement and Achievement Plan 511 IAC 6.2-3.1. Rule 3.1 Reading Plan 511 IAC 6-7-1. Definitions (Credit Accumulation) 511 IAC 6-10. Rule 10. Postsecondary Enrollment Program <p>Legislative Code</p> <ul style="list-style-type: none"> IC 20-36. Article 36. High Ability Students <p>Additional Resources</p> <ul style="list-style-type: none"> IDE. Graduation Pathways. 	<p>Scope of Flexibility</p> <ul style="list-style-type: none"> Local decision-making regarding program design and curriculum development, within requirements established in Administrative Code. Subject to waivers as described in Part I. <p>Overview</p> <p>A local board of education is responsible for determining the instructional program of a school district, including ensuring that the program meets requirements established by the state mandates. Specifically, a district’s instructional program must comply with requirements which include but are not limited to the following:</p> <ul style="list-style-type: none"> Curriculum Offerings: A school corporation must <i>“develop and implement a curriculum for kindergarten through grade 12 that provides a planned sequence of learning experiences of adequate breadth and depth”</i> so that each student is educated to have the <i>“knowledge, skills, maturity, social competence, and motivation to be: (1) prepared to succeed in further education; (2) an effective participant in the global economy; (3) a positive influence in the community; and (4) an active citizen in American democracy.”</i> [511 IAC 6.1-5.0.6. General Curriculum Principles] Curriculum offerings must include certain requirements for each level of schooling: <ul style="list-style-type: none"> ELEMENTARY CURRICULUM: An elementary curriculum that meets certain requirements however schools have flexibility regarding the reading framework. [511 IAC 6.1-5-2.6. Elementary Curriculum] MIDDLE CURRICULUM: A curriculum similar to elementary school, with some additions including a <i>“balance of learning experiences in [certain] academic areas”</i>, career information models, exploratory activities, and it must develop students’ ability to apply subject matter skills to solve personal, school, and community problems. [511 IAC 6.1-5-3.6. Middle Level Curriculum] HIGH SCHOOL CURRICULUM: all courses and learning areas as required by the Administrative Code, including a <i>“sufficient number and variety of courses”</i> so that students are able to fulfill diploma requirements within 4 years. [511 IAC 6.1-5-4.5. High School Curriculum] High School Graduation: Students must complete at least 40 credits. And although Indiana has established minimum instructional days and hours of instruction requirements that are on par with many other states, this state took the significant step of eliminating its minimum seat requirements for awarding high school

5 Determination of the Instructional Program, Curriculum, and Basic Standards

Flexibility Opportunity	Highlights of Flexibility
<ul style="list-style-type: none"> • IDE. Indiana Code and Gifted Standards • IDE. Office of High Ability Education 	<p>credits. [511 IAC 6-7.1. Graduation Requirements for Students Who Begin High School in the 2006-2007 School Year or a Subsequent Year]</p> <ul style="list-style-type: none"> ○ Without seat time requirements, districts are fully authorized (and may elect) to award credits on the basis of a student’s demonstration of proficiency. This flexibility also extends to grades 1-8. ○ School corporations may establish graduation requirements that exceed the minimum standards established in the Administrative Code, in which case the local standards will take precedence. • Graduation Pathways: In Indiana, students may individualize their graduation requirements to align to their postsecondary goal. [IDE. Graduation Pathways; 511 IAC 6-7.1 Graduation Requirements for Students Who Begin High School in the 2006-2007 School Year or a Subsequent Year] • High Ability Programs: Indiana schools are required to provide high ability students with “<i>appropriately differentiated curriculum and instruction in core academic [content] areas,</i>” in grades K-12. [IC 20-36. Article 36. High Ability Students] [See also IDE. Indiana Code and Gifted Standards; IDE. Office of High Ability Education] Administrative Code provides for waivers of specific rules for high ability students. • Postsecondary Enrollment Program: School corporations must adopt policies to implement postsecondary enrollment programs. Administrative code also gives discretion to the school corporation to establish a supplemental postsecondary education program and establish procedures to permit students, even below 11th grade, to enroll in and attend courses at eligible institutions. [511 IAC 6-10. Rule 10. Postsecondary Enrollment Program] • Reading Plan (with exemptions): Elementary schools are required to submit reading plans that include research-based programs for scientifically-based reading. [511 IAC 6.2-3.1. Rule 3.1 Reading Plan] Schools that are in one of the top 2 performance categories in the state and have 90% of students pass the IREAD-3 test during the school year immediately preceding the submission of the plan are exempt.

6 eLearning Day Program

Flexibility Opportunity	Highlights of Flexibility
<p>Legislative Code</p> <ul style="list-style-type: none"> IC 20-30-2-1. Curriculum <p>Additional Resources</p> <ul style="list-style-type: none"> IDE. eLearning Day Program IDE. eLearning Day Best Practice Considerations and Checklist IDE. eLearning Day Implementation Toolkit Franklin Township. FTELEARN 	<p>Scope of Flexibility</p> <ul style="list-style-type: none"> Program may be designed to support an innovation-centric vision. Subject to waivers as described in Part I. <p>Overview</p> <p>The eLearning day program provides flexibility for schools to provide an instructional day “<i>away from traditional time limits and brick and mortar settings.</i>” This program has “<i>evolved into an engaging instructional model used in many Indiana schools to keep the sequence of learning going in spite of weather and other challenges. More importantly, it has provided teachers and students the opportunity to engage with digital resources, to collaborate virtually, and to develop digital skills that are used and valued beyond K-12.</i>” [IDE. eLearning Day Program]</p> <p>eLearning Day Programs are governed by Indiana Code, and with amendments in Spring 2019, Indiana schools and corporations are not required to request approval from the Indiana Department of Education to implement eLearning days. [IC 20-30-2-1]</p> <p>Example</p> <p>Franklin Township. Franklin Township created resources to prepare for eLearning days. This central location for all of the eLearning resources includes information on CO-VID19, District PD, K-12 Tiers, Devices, and Additional Items.</p>

7 Future Ready Schools

Flexibility Opportunity	Highlights of Flexibility
<p>Additional Resources</p> <ul style="list-style-type: none"> • IDE. Future Ready Indiana • Future Ready Schools. Future Ready Dashboard 	<p>Scope of Flexibility</p> <ul style="list-style-type: none"> • Program may be designed to support an innovation-centric vision. • Subject to waivers as described in Part I. <p>Overview</p> <p>Future Ready Schools help district leaders plan and implement personalized, research-based digital learning strategies so all students can achieve their full potential. It is a <i>“free, bold effort to maximize digital learning opportunities and help school districts move quickly toward preparing students for success in college, a career, and citizenship.”</i> [IDE. Future Ready Indiana] This program seeks to provide districts with <i>“resources and support to ensure that local technology and digital learning plans align with instructional best practices, are implemented by highly trained teachers, and lead to personalized learning experiences for all students, particularly those from traditionally under-served communities.”</i> This program is led by a group of national organizations, along with the Alliance for Excellent Education and US Department of Education. Future Ready supports school leaders with new professional development tools and digital learning resources. In 2009, Indiana adopted legislation that allowed districts to incorporate more digital learning opportunities and forego traditional textbook adoption. Indiana Department of Education’s Office of eLearning promotes digital learning and supports schools through various programs and professional learning opportunities.</p>