



# INDIANA STATE BOARD OF EDUCATION

**To:** Indiana State Board of Education

**From:** Chad E. Ranney – General Counsel, Indiana State Board of Education

**Date:** October 7, 2020

**RE:** 1003 Flexibility Waiver Request – West Lafayette Community School Corp. (7875)

## **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.

---

<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:<sup>3</sup>

- (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 and Recommendation**

On August 4, 2020, the West Lafayette Community School Corporation ("West Lafayette") submitted the attached 1003 Flexibility Waiver request. After reviewing West Lafayette's request, Board staff has determined that the statutory provision for which a 1003 Flexibility Waiver is being sought cannot be waived pursuant to the limitations set forth in IC 20-31-4.1-7. Therefore, with respect to the provisions in Title 20 of the Indiana Code that West Lafayette is requesting the Board waive, Board staff recommends the following:

- IC 20-36 (High Ability Students) – **DENY**

---

<sup>2</sup> Ind. Code § 20-31-4.1-5(a).

<sup>3</sup> Ind. Code § 20-31-4.1-5(b).



# INDIANA STATE BOARD OF EDUCATION

## Request for HEA 1003 Flexibility Waiver

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

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

**Name:** Abby Weiderhaft

**Email:** weiderhafta@wl.k12.in.us

**Corporation ID #:** 7875 - West Lafayette Com School Corp

**School:** CORP - Corporation Request

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

- To offer flexibility in the administration of education programs or to improve efficiency of school operations
- To promote innovative education approaches to student learning

### **III. FLEXIBILITY REQUEST:**

#### **Statute(s)/Regulation(s):**

- IC 20-36 (High Ability Students)

#### **Goal(s)/Outcome(s):**

The West Lafayette Community School Corporation would like to request consideration from the Indiana Department of Education and the State Board of Education for Indiana Code citation IC 20-36 for the 2020-21 school year due to the extraordinary circumstances and hardships associated with the COVID-19 pandemic. The West Lafayette Community School Corporation is requesting that the Indiana Department of Education allows the corporation to utilize NWEA and locally developed assessments in lieu of the department's preferred general intellectual testing for high ability identification for the 2020-21 school year. According to NWEA, the COVID-19 slide (learning loss) suggests that, nationally, students will return with roughly 70% of the learning gains in reading relative to a typical school year and less than 50% of learning gains in Mathematics. In addition to remediation and reteaching to address these losses, the 2020-21 school year presents unique and time-consuming procedures, such as longer transitions during the school day to periodic onsite shutdowns that will certainly impact student learning and retention. Thus, it is critical that educators are empowered to spend valuable onsite instructional and assessment time evaluating the needs of individual students and focusing on key concepts and instructional strategies that will prepare students to be successful in mastering grade-level standards. For the 2020-21 school year, the corporation proposes to conduct high ability identification through a combination of NWEA testing and locally developed assessments to ensure minimal testing times and increased student-teacher interaction during valuable in-person instruction.



# INDIANA STATE BOARD OF EDUCATION

## **How to Achieve:**

Without an allowance from the Indiana Department of Education regarding testing and identification requirements for high ability testing, the West Lafayette Community School Corporation may not be able to implement testing with fidelity if testing/evaluation is administered through eLearning rather than through onsite instruction. This may have an additional impact of the school returning High Ability grant funding because this particular identification cannot be completed onsite or cannot be completed through eLearning with fidelity. An allowance from the Indiana Department of Education would ensure an optimal amount of quality onsite instruction to those families/students who need in-person instruction while also allowing for eLearning for those families who need or request a virtual option. Lastly, these waivers would preserve the efficacy and fidelity of our assessment and student evaluation tools in order to provide targeted responses to students' needs and abilities with the hopes of equipping these students for success for the 2020-21 school year and beyond.

## **Data/Benchmarks:**

Performance benchmarks will be developed locally in accordance with NWEA and locally developed assessments in alignment with Indiana state standards. Based on student growth within these assessments, administrators and educators will determine if goals/outcomes have been met or if adjustments need to be made to local assessments and remediation/interventions.

## RESOLUTION OF THE BOARD OF SCHOOL TRUSTEES

**WHEREAS**, the COVID-19 pandemic has resulted in a significant loss of learning for students during the 2019-20 school year;

**WHEREAS**, the COVID-19 pandemic may result in periods of eLearning due to temporary or extended shutdowns and restarts during the 2020-2021 school year for some or all students in the district and the amount of onsite instruction may be significantly reduced;

**WHEREAS**, the COVID-19 pandemic creates an extraordinary circumstance that requires schools to provide a safe and socially distancing learning environment, which is optimally achieved through significantly fewer students in the facilities at the same time, based on CDC recommendations.

**WHEREAS**, the governing body desires to authorize the school leadership to take action to focus all in-person and eLearning instruction and learning on critical educational standards that are essential for students to maintain growth rates in keeping with grade level expectations.

### **NOW, THEREFORE, BE IT RESOLVED BY THE BOARD AS FOLLOWS:**

The Superintendent and/or his or her designee are hereby authorized, empowered and directed, to request from the Indiana Department of Education a waiver for the following:

- IC 20-36 – The West Lafayette Community School Corporation is requesting that the Indiana Department of Education allows the corporation to utilize NWEA and locally developed assessments in lieu of the department's preferred general intellectual testing for high ability identification the 2020-21 school year.

The Superintendent and/or his or her designee are hereby authorized, empowered and directed to use NWEA and other locally developed assessments for the purposes of high ability testing to monitor student growth, identify student ability, and remediate through instruction.

PASSED AND ADOPTED this 3<sup>rd</sup> day of August, 2020.

**AYE**

**NAY**

Ch. R. K.

\_\_\_\_\_

Karen S. Springer

\_\_\_\_\_

Bradley M. H.

\_\_\_\_\_

Melissa Prochnan

\_\_\_\_\_

  
\_\_\_\_\_

  
\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Attested:

  
\_\_\_\_\_, Secretary

West Lafayette Community School Corporation  
Board of Trustees



# INDIANA STATE BOARD OF EDUCATION

**To:** Indiana State Board of Education  
**From:** Chad E. Ranney – General Counsel, Indiana State Board of Education  
**Date:** October 7, 2020  
**RE:** **1003 Flexibility Waiver Request – Brown County School Corporation (0670)**

---

## **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.

---

<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:<sup>3</sup>

- (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 and Recommendation**

On August 27, 2020, Brown County School Corporation ("Brown County") submitted the attached 1003 Flexibility Waiver request on behalf on the following school corporations:

- (1) Brown County School Corporation (0670)
- (2) Charles A. Beard Memorial School Corporation (3455)
- (3) Danville Community School Corporation (3325)
- (4) North Knox School Corporation (4315)
- (5) Paramount School of Excellence – Brookside (9680)
- (6) Paramount School of Excellence – Cottage Home (9060)
- (7) Paramount School of Excellence – Edgewood (9165)
- (8) Wa-Nee Community Schools (2285)
- (9) Western Wayne Community Schools (8355)

---

<sup>2</sup> Ind. Code § 20-31-4.1-5(a).

<sup>3</sup> Ind. Code § 20-31-4.1-5(b).





# INDIANA STATE BOARD OF EDUCATION

After reviewing Brown County's request, Board staff has determined that the schools' application includes the statutorily required information and is eligible for consideration by the Board. With respect to the provisions in Title 20 of the Indiana Code that the group of schools is requesting the Board waive, Board staff recommends the following:

- IC 20-19-9-1 ("Virtual Education Programs") – **DENY**
- IC 20-19-9-4 (Establishment of Virtual Education School) – **DENY**
- IC 20-20-8 (School Corporation Annual Performance Report) – **GRANT**
- IC 20-26-5-34.2 (Bullying Prevention Training) – **GRANT**
- IC 20-26-5-34.4 (Child Suicide Awareness and Prevention Policy) – **GRANT**
- IC 20-26-16-4 (School Corporation Police Departments – Minimum Training Requirements) – **GRANT**
- IC 20-26-18 (Criminal Gang Measures) – **GRANT**
- IC 20-30-2-3 (School Year) – **GRANT**<sup>4</sup>
- IC 20-33-2-3.2 ("Attend") – **DENY**

Consistent with Brown County's request, any waivers granted pursuant to this request should be valid for the duration of the 2020-2021 school year and expire on June 30, 2021.

---

<sup>4</sup> Ind. 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. Brown County's request to waive IC 20-30-2-3 should be granted for the limited purpose of permitting the school corporations listed in the application to track the school year in instructional hours rather than instructional days, as outlined in IC 20-30-2-2. For students in grades 1 through 6, the school corporations listed in the application shall provide at least nine hundred (900) instructional hours during the 2020-2021 school year. For students in grades 7 through 12, the school corporations listed in the application shall provide at least one thousand eighty (1,080) instructional hours during the 2020-2021 school year.



# INDIANA STATE BOARD OF EDUCATION

## Request for HEA 1003 Flexibility Waiver

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

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

**Name:** Dr. Laura Hammack

**Email:** lhammack@brownco.k12.in.us

**Corporation ID #:** 0670 - Brown County School Corporation

**School:** CORP - Corporation Request on behalf of the following school corporations:

1. Brown County Schools
2. Charles A. Beard Memorial Schools
3. Danville Community School Corporation
4. North Knox School Corporation
5. Paramount School of Excellence
6. Wa-Nee Community Schools
7. Western Wayne Schools

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

**How to Achieve:** By waiving compliance with this provision, the group is able to achieve these specific goals and outcomes because the group will not be constrained to tracking the school year in metrics of instructional days. Instead, the group 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:** The members of the group intend to use a variety of performance benchmarks and data to determine whether these specific goals and outcomes have been achieved. For example, the group 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, the group will conduct community surveys to get feedback on the transition from instructional days to hours. Specifically, the group 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 group can use includes descriptive logs evidencing how the group managed the instructional hours, which can help determine whether the group 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. The group 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, the group will be able to avoid reporting requirements that provide information that is duplicative in nature or not needed by State officials.

**Data/Benchmarks:** Members of the group intend to utilize a few performance benchmarks and data to determine whether the specific outcome has been achieved. For example, the group 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, the group 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, the group 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, the group will be able to reallocate the time spent on professional development and training to more time for

instruction. Additionally, the group can utilize the savings from less training and professional development to offset anticipated shortfalls.

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

**4. Statute(s)/Regulation(s):** IC 20-19-9-1 (“Virtual Education Program”); IC 20-19-9-4 (Establishment of Virtual Education School); IC 20-33-2-3.2 (“Attend”)

**Goal(s)/Outcome(s):** The current definitions of “virtual education program” and “attend” as well as the mandate to create dedicated virtual education schools were intended for a pre-COVID-19 world when public educational entities could do long-term planning to provide virtual education options. Members of the group, however, need to be able to quickly adapt to changes in the COVID-19 situation based on the advice of health officials. The specific goal that the group intends to achieve by waiving these provisions is to allow the members of the group to offer virtual or hybrid learning programs without unnecessary restriction. The group seeks waiver of compliance with these provisions only for school term 2020-2021.

**How to Achieve:** By waiving compliance with these provisions, members of the group will have the necessary flexibility to implement forms of instruction best suited to each member’s local situation without unnecessary regulation. In doing so, the group will be better positioned to continue to provide instruction to students and minimize risks to student and staff safety.

**Data/Benchmarks:** Performance benchmarks that will be used to determine whether this specific goal has been achieved include monitoring academic measures of student performance and evaluating student attendance data throughout the school year.



# BROWN COUNTY SCHOOLS

NASHVILLE, INDIANA

## RESOLUTION AUTHORIZING PERFORMANCE BASED ACCREDITATION WAIVER

**Whereas :** Brown County Schools ( 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 20th day of August, 2020.

  
Carol Bowden, President

  
Marlene Barnett, Secretary



**RESOLUTION AUTHORIZING  
PERFORMANCE BASED ACCREDITATION WAIVER**

**Whereas :** Charles A. Beard Memorial Schools ( 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.

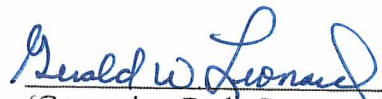
**Whereas:** HEA 1003 requires the governing body of the School (the "Governing Body") to adopt a resolution approving the submission of Waiver Applications.

**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 18 day of Aug., 2020.

  
(Governing Body President)

  
(Governing Body Secretary)

**RESOLUTION AUTHORIZING  
PERFORMANCE BASED ACCREDITATION WAIVER**

**Whereas :** Danville Community 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 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 10<sup>th</sup> day of August, 2020



(Governing Body President)



(Governing Body Secretary)

## RESOLUTION AUTHORIZING PERFORMANCE BASED ACCREDITATION WAIVER

**Whereas** North Knox School Corporation 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.

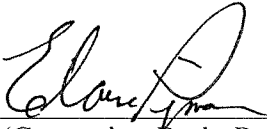
**Whereas:** The School desires to submit a Waiver Application to the State Board of Education in accordance with HEA 1003 by providing the specific goals or outcomes that the School intends to achieve by waiving provisions of Title 20 and 511AC and outlining how the specific goals or outcomes are likely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

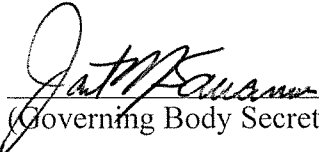
**Whereas:** HEA 1003 requires the governing body of the School (the “Governing Body”) to adopt a resolution approving the submission of Waiver Applications.

**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 August, 2020.

  
(Governing Body President)

  
(Governing Body Secretary)



**RESOLUTION AUTHORIZING  
PERFORMANCE BASED ACCREDITATION WAIVER**

**Whereas :** PSOE ( 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.

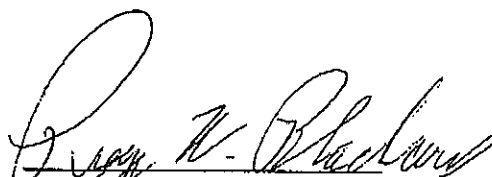
**Therefore be it Resolved That:** The administration of the School Board is hereby authorized to take all the appropriate and necessary action to submit Waiver Applications to the State Board.

Approved by the Governing Body on this 25 day of August, 2020.

**rudet**

Dot Computed, o-US, o-SAC,  
ourSubscribes,  
email=THOMAS.FRUDE@rudet.com  
Check 2020.08.25 21:48:45 -0400

(Governing Body President)

  
(Governing Body Secretary)

**RESOLUTION AUTHORIZING  
PERFORMANCE BASED ACCREDITATION WAIVER**

**Whereas :** Wa-Nee Community Schools ( 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.

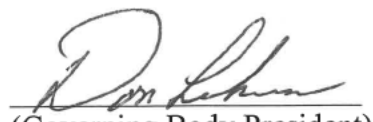
**Whereas:** The School desires to submit a Waiver Application to the State Board of Education in accordance with HEA 1003 by providing the specific goals or outcomes that the School intends to achieve by waiving provisions of Title 20 and 511AC and outlining how the specific goals or outcomes are likely 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 24<sup>th</sup> day of August, 2020.

  
(Governing Body President)

  
(Governing Body Secretary)

# WESTERN WAYNE SCHOOLS

## RESOLUTION #7-2020

### AUTHORIZING PERFORMANCE BASED ACCREDITATION WAIVER

**Whereas:** Western Wayne Schools 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 Western Wayne Schools to adopt a resolution approving the submission of Waiver Applications.

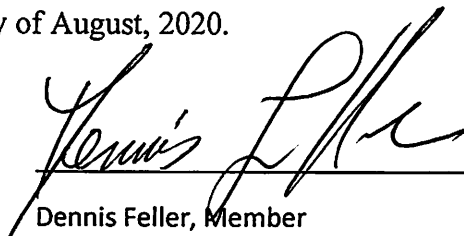
**Whereas:** The Governing Body desires to authorize the administration to timely take all appropriate and necessary action to submit the Waiver Applications to the State Board.

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

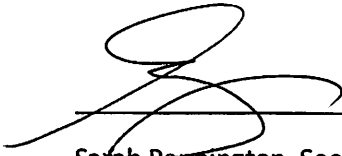
Approved by the Governing Body on this 12<sup>th</sup> day of August, 2020.



Alan Austin, Vice President



Dennis Feller, Member



Sarah Pennington, Secretary



Phil Pflum, Member



# INDIANA STATE BOARD OF EDUCATION

**To:** Indiana State Board of Education

**From:** Chad E. Ranney – General Counsel, Indiana State Board of Education

**Date:** October 7, 2020

**RE:** 1003 Flexibility Waiver Request – Bartholomew Consolidated School Corp. (0365)

---

## **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.

---

<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:<sup>3</sup>

- (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 and Recommendation**

On September 21, 2020, Bartholomew Consolidated School Corporation ("Bartholomew") submitted the attached 1003 Flexibility Waiver request on behalf on the following school corporations:

- (1) Bartholomew Consolidated School Corporation (0365)
- (2) Beech Grove City Schools (5380)

After reviewing Bartholomew's request, Board staff has determined that the schools' application includes the statutorily required information and is eligible for consideration by the Board. With respect to the provisions in Title 20 of the Indiana Code that the group of schools is requesting the Board waive, Board staff recommends the following:

- IC 20-19-9-1 ("Virtual Education Programs") – **DENY**
- IC 20-19-9-4 (Establishment of Virtual Education School) – **DENY**
- IC 20-20-8 (School Corporation Annual Performance Report) – **GRANT**
- IC 20-20-40-13 (Restraint and Seclusion Commission – Duties; Rules; Notice Requirement; Training; Elements of Plan) – **DENY**
- IC 20-26-5-34.2 (Bullying Prevention Training) – **GRANT**

---

<sup>2</sup> Ind. Code § 20-31-4.1-5(a).

<sup>3</sup> Ind. Code § 20-31-4.1-5(b).



# INDIANA STATE BOARD OF EDUCATION

- IC 20-26-5-34.4 (Child Suicide Awareness and Prevention Policy) – **GRANT**
- IC 20-26-16-4 (School Corporation Police Departments – Minimum Training Requirements) – **GRANT**
- IC 20-26-18 (Criminal Gang Measures) – **GRANT**
- IC 20-30-2-3 (School Year) – **GRANT**<sup>4</sup>
- IC 20-33-2-3.2 (“Attend”) – **DENY**

Consistent with Bartholomew’s request, any waivers granted pursuant to this request should be valid for the duration of the 2020-2021 school year and expire on June 30, 2021.

---

<sup>4</sup> Ind. 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. Bartholomew’s request to waive IC 20-30-2-3 should be granted for the limited purpose of permitting the school corporations listed in the application to track the school year in instructional hours rather than instructional days, as outlined in IC 20-30-2-2. For students in grades 1 through 6, the school corporations listed in the application shall provide at least nine hundred (900) instructional hours during the 2020-2021 school year. For students in grades 7 through 12, the school corporations listed in the application shall provide at least one thousand eighty (1,080) instructional hours during the 2020-2021 school year.



# INDIANA STATE BOARD OF EDUCATION

## Request for HEA 1003 Flexibility Waiver

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

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

**Name:** Jim Roberts

**Email:** robertsj@bcsc.k12.in.us

**Corporation ID #:** 0365 – Bartholomew Consolidated School Corp.

**School:** CORP - Corporation Request on behalf of the following school corporations:

1. Bartholomew Consolidated School Corporation
2. Beech Grove City Schools

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

**How to Achieve:** By waiving compliance with this provision, the group is able to achieve these specific goals and outcomes because the group will not be constrained to tracking the school year in metrics of instructional days. Instead, the group 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:** The members of the group intend to use a variety of performance benchmarks and data to determine whether these specific goals and outcomes have been achieved. For example, the group 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, the group will conduct community surveys to get feedback on the transition from instructional days to hours. Specifically, the group 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 group can use includes descriptive logs evidencing how the group managed the instructional hours, which can help determine whether the group 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. The group 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, the group will be able to avoid reporting requirements that provide information that is duplicative in nature or not needed by State officials.

**Data/Benchmarks:** Members of the group intend to utilize a few performance benchmarks and data to determine whether the specific outcome has been achieved. For example, the group 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, the group 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 20-20-40-13 (Restraint and Seclusion Commission – Duties; Rules; Notice Requirements; Training; Elements of Plan); 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, the group 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, the group will be able to reallocate the time spent on professional development and training to more time for instruction. Additionally, the group can utilize the savings from less training and professional development to offset anticipated shortfalls.



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

**4. Statute(s)/Regulation(s):** IC 20-19-9-1 (“Virtual Education Program”); IC 20-19-9-4 (Establishment of Virtual Education School); IC 20-33-2-3.2 (“Attend”)

**Goal(s)/Outcome(s):** The current definitions of “virtual education program” and “attend” as well as the mandate to create dedicated virtual education schools were intended for a pre-COVID-19 world when public educational entities could do long-term planning to provide virtual education options. Members of the group, however, need to be able to quickly adapt to changes in the COVID-19 situation based on the advice of health officials. The specific goal that the group intends to achieve by waiving these provisions is to allow the members of the group to offer virtual or hybrid learning programs without unnecessary restriction. The group seeks waiver of compliance with these provisions only for school term 2020-2021.

**How to Achieve:** By waiving compliance with these provisions, members of the group will have the necessary flexibility to implement forms of instruction best suited to each member’s local situation without unnecessary regulation. In doing so, the group will be better positioned to continue to provide instruction to students and minimize risks to student and staff safety.

**Data/Benchmarks:** Performance benchmarks that will be used to determine whether this specific goal has been achieved include monitoring academic measures of student performance and evaluating student attendance data throughout the school year.

**RESOLUTION AUTHORIZING  
PERFORMANCE BASED ACCREDITATION WAIVER**

**Beech Grove City Schools** 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.

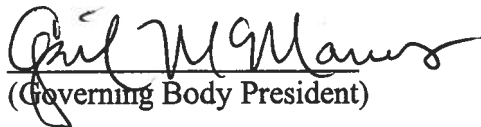
**Whereas:** The School desires to submit a Waiver Application to the State Board of Education in accordance with HEA 1003 by providing the specific goals or outcomes that the School intends to achieve by waiving provisions of Title 20 and 511AC and outlining how the specific goals or outcomes are likely 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 8<sup>th</sup> day of September , 2020.

  
(Governing Body President)

  
(Governing Body Secretary)

**RESOLUTION AUTHORIZING  
PERFORMANCE BASED ACCREDITATION WAIVER**

**Whereas:** The Bartholomew Consolidated School Corporation (the "School") strives to provide students the best learning environment, allowing them to maximize their potential.

**Whereas:** on March 6, 2020, Governor Eric J. Holcomb issued Executive Order 20-02 declaring a state public health disaster emergency due to COVID-19 and has extended the public health emergency through subsequent Executive Orders to September 25, 2020; and

**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:** Due to the additional administrative burdens placed on the School due to COVID-19, 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 for the 2020-2021 school year beginning in August of 2020.

Approved by the Governing Body on this 14th day of September, 2020.

  
\_\_\_\_\_  
Jeff Caldwell, School Board President

  
\_\_\_\_\_  
Pat Bryant, School Board Secretary



# INDIANA STATE BOARD OF EDUCATION

**To:** Indiana State Board of Education  
**From:** Chad E. Ranney – General Counsel, Indiana State Board of Education  
**Date:** October 7, 2020  
**RE:** **1003 Flexibility Waiver Request – Baugo Community Schools (2260)**

---

## **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.

---

<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:<sup>3</sup>

- (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 and Recommendation**

On September 10, 2020, Baugo Community Schools ("Baugo") submitted the attached 1003 Flexibility Waiver request. After reviewing Baugo's request, Board staff has determined that the school's application includes the statutorily required information and is eligible for consideration by the Board. With respect to the provisions in Title 20 of the Indiana Code that Baugo is requesting the Board waive, Board staff recommends the following:

- IC 20-30-2-2 (Student Instructional Day) – **DENY**
- IC 20-30-2-3 (School Year) – **DENY**

---

<sup>2</sup> Ind. Code § 20-31-4.1-5(a).

<sup>3</sup> Ind. Code § 20-31-4.1-5(b).



# INDIANA STATE BOARD OF EDUCATION

## Request for HEA 1003 Flexibility Waiver

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

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

**Name:** Sanders Sanders

**Email:** bsanders@baugo.org

**Corporation ID #:** 2260 – Baugo Community Schools

**School:** CORP - Corporation Request

### **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 REQUEST:**

#### **Statute(s)/Regulation(s):**

- IC 20-30-2-3; IC 20-30-2-2

#### **Goal(s)/Outcome(s):**

We are asking for permission to waive the instructional minutes requirements one day per week to increase teacher collaboration and planning to react to our school reentry plan. Baugo Community Schools is currently offering in-person instruction 5 days per week for every child K-12 in addition to a virtual learning option. About 12% of our students are using the virtual option. Both the virtual classroom and the in-person instructional setting are simultaneously led by the same teacher. When students who are COVID-19 close contacts or symptomatic, we permit them to slide into the virtual setting to ensure they do not lose instruction while working with their same teacher.

#### **How to Achieve:**

Our problem is that we are having our teachers do two things at the same time. They are working incredibly hard and are giving enormous amounts of personal time to make this happen. We believe that we could lessen the burden for them by sending students home on an early release one day per week for the purposes of team collaboration and planning. Although those days would not meet the daily instructional minute requirements, we do not miss them by much. This would only be a short term solution due to COVID-19 pandemic and would be eliminated once we were no longer



# INDIANA STATE BOARD OF EDUCATION

using the virtual option. We believe that our students are better served by our traditional, in-person instructional setting. We recognize that during this pandemic, a flexible, virtual option is important but it has required a much more significant amount of time from teachers than anticipated. With the waiver, teachers would have additional time to plan lessons that better respond to the two audiences simultaneously. At times, teachers will use this uninterrupted time meet more purposefully with virtual students independently of their in-person students. We believe our alternative would be to transition to an eLearning protocol on Fridays that would be even more cumbersome for teachers and families and would likely yield poorer outcomes than those that will occur by the limited loss of instruction that will occur by the early release.

## **Data/Benchmarks:**

Our goal is to ensure that our students are making one years growth in one years time. We focus very specifically on reading and math skills and measure them using iReady diagnostic in elementary classrooms. We focus on course completion in secondary classrooms. We believe that looking closely at virtual learners' performance pre/post early release would illustrate the benefits that this waiver will have on our community. Certainly this waiver will have a positive impact on the morale of an already burdened teaching staff due to the additional responsibilities associated with the COVID-19 pandemic.

**RESOLUTION OF THE BOARD OF SCHOOL TRUSTEES OF THE BAUGO  
COMMUNITY SCHOOLS REGARDING EARLY RELEASE OF STUDENTS DURING  
2019 NOVEL CORONAVIRUS (COVID-19) HEALTH EMERGENCY**

**WHEREAS**, the United States and the State of Indiana are facing a health crisis due to the outbreak of the 2019 Novel Coronavirus (COVID-19); and

**WHEREAS**, the outbreak of COVID-19 in the U.S. has caused state and local governments across the country to limit social gatherings, close public offices and close public schools to limit the spread of the virus; and

**WHEREAS**, the President of the United States has declared a national emergency due to the COVID-19 outbreak and has declared a national disaster because of the effects of same; and

**WHEREAS**, Governor Eric Holcomb has announced several restrictions in the State of Indiana to limit the spread including providing school corporations 20-day waivers for lost instructional days due to closure of schools during the outbreak; and

**WHEREAS**, The Board of School Trustees of Baugo Community Schools is empowered to conduct the business of Baugo Community Schools pursuant to various provision of the Indiana School Code; and

**WHEREAS**, the Board acknowledged the benefits to allow teachers to have additional plan time by allowing students to be dismissed early on assigned days, based on teachers teaching additional classes; and

**WHEREAS**, the Board acknowledges that in case of a health-related emergency closure, students may be dismissed from school early; and

**WHEREAS**, The Board recognizes that Indiana Code 20-30-2-3, states that students must be in attendance one hundred and eighty (180) instructional days; and

**WHEREAS**, the Board recognizes that Indiana Code 20-30-2-2 states that at least five hours of instructional time for grades one through six, and at least six hours of instructional time for grades seven through twelve must be provided to students per day.



**NOW, THEREFORE, BE IT RESOLVED**, that the Board of School Trustees of Baugo Community Schools, does resolve in the event of an early dismissal of students of the District that:

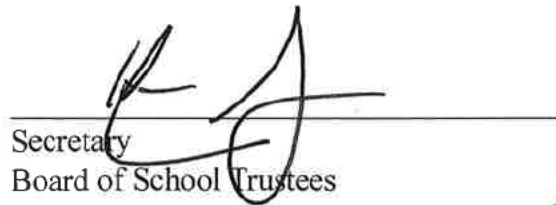
The Board authorizes the Superintendent to release some or all students at his discretion based upon the daily needs of the school corporation, specifically early dismissal on Fridays in order for teachers to have additional planning time.

The Board hereby instructs the Superintendent to seek approval and/or request a waiver from the Department of Education prior to the modification of the student schedule if it would be in violation of Indiana Code 20-30-2-3 and Indiana Code 20-30-2-2.

**PASSED AND ADOPTED** by the Board of School Trustees, on the 9th day of  
September, 2020.



President  
Board of School Trustees



Secretary  
Board of School Trustees





# INDIANA STATE BOARD OF EDUCATION

**To:** Indiana State Board of Education

**From:** Chad E. Ranney – General Counsel, Indiana State Board of Education

**Date:** October 7, 2020

**RE: 1003 Flexibility Waiver Request – Switzerland County School Corporation (7775)**

---

## **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.

---

<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:<sup>3</sup>

- (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 and Recommendation**

On September 22, 2020, Switzerland County School Corporation ("Switzerland") submitted the attached 1003 Flexibility Waiver request. After reviewing Switzerland's request, Board staff has determined that the school's application includes the statutorily required information and is eligible for consideration by the Board. With respect to the provisions in Title 20 of the Indiana Code that Switzerland is requesting the Board waive, Board staff recommends the following:

- IC 20-30-2-1 ("Instructional Time") – **DENY**
- IC 20-30-2-2 (Student Instructional Day) – **GRANT**<sup>4</sup>

Consistent with Switzerland's request, any waivers granted pursuant to their request should be valid for the duration of the 2020-2021 school year and expire on June 30, 2021.

---

<sup>2</sup> Ind. Code § 20-31-4.1-5(a).

<sup>3</sup> Ind. Code § 20-31-4.1-5(b).

<sup>4</sup> Consistent with Switzerland's request, IC 20-30-2-2 should be waived for the limited purpose of permitting Switzerland to conduct quarterly two-hour delays.



# INDIANA STATE BOARD OF EDUCATION

## Request for HEA 1003 Flexibility Waiver

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

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

**Name:** Rod Hite

**Email:** rhite@switzsc.org

**Corporation ID #:** 7775 – Switzerland County School Corporation

**School:** CORP - Corporation Request

### **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 promote innovative education approaches to student learning
- To advance the mission and purpose of the school or group of schools

### **III. FLEXIBILITY REQUEST:**

#### **Statute(s)/Regulation(s):**

- IC 20-30-2-1; IC 20-30-2-2

#### **Goal(s)/Outcome(s):**

We are focusing our professional development efforts on Marzano High Reliability Schools. We are focusing on ways to have a guaranteed and viable curriculum. This requires we use the crosswalk of the new standards, develop common formative assessments using the state blueprints and instructional guidance. We have multiple buildings that must find time to collaborate in best implementation practices. Through this process we will monitor student achievement by grade level performance and growth looking at each cohort individually. We will then break that same information into subgroup categories. This will allow us to focus on our special needs and free/reduced groups which are currently identified as under performing. The shared best practices not only align grade level and common content areas the collaboration time will be utilized to work within department and subject areas to look at vertical alignment as much as we look at horizontal alignment to standards. This will help us develop a district curriculum guide. We will also use the time to complete all required training within contract time for teachers.



# INDIANA STATE BOARD OF EDUCATION

## **How to Achieve:**

With a quarterly two hour delay we can save on the cost of substitute teachers and allow teachers to review best practices put in place through our district Professional Development days. We hold three half day sessions with subs currently within our district to work as grade levels and subject areas to implement the research proven Dr. Marzano High Reliability Schools methods. These two hour delays allow teachers to discuss what is working and not working from a practical application point of view beyond the established expectation from the training. The cost savings to the district is substantial but just as important is the change in teaching methods within the classroom and the impact it has on student achievement. Required training will take place one time per year for CPR by our SRO & Nurse but also the training videos through Safe Schools will be completed within the contract time.

## **Data/Benchmarks:**

The district has spent two years developing common formative standards based assessments. These assessments are used in conjunction with the current ClearSite benchmark tests. The work between the two should align with our ILEARN assessment at the elementary and junior high levels. At the high school we are focusing on the progression of coursework leading to CTE courses, AP courses, and required pathways. The progress is monitored throughout the year in monthly protocol meetings held in each building with each grade level or common subject area. These meetings monitoring the performance of students helps with the information exchange on what is working and what is not working when the two hour delay days are implemented. Currently missing last year's ILEARN our outcome data is not available but our Airways, currently ClearSite data was promising. During these two hour delay days our students are given enhanced assignments the day prior. As a K-12 one to one school district each student is able to continue their day as an extension of the classroom virtually during these delays and then return the same day to brick and mortar instruction. As new superintendent to the district two years ago this is a new approach to student achievement for Switzerland County School Corporation. We will see teachers stay in compliance with all safety required training.

**RESOLUTION OF THE BOARD OF SCHOOL TRUSTEES FOR THE  
SWITZERLAND COUNTY SCHOOL CORPORATION REGARDING  
WAIVER OF SEAT TIME REQUIREMENTS FROM THE  
STATE BOARD OF EDUCATION**

WHEREAS it is necessary to have board action to approve the waiver of seat time requirements from the State Board of Education.

WHEREAS as a 1 to 1 school, Switzerland County School Corporation is able to give assignments or enrichment activities virtually.

WHEREAS with two schools currently serving as Targeted Assistance Schools due to failing letter grades in special education, Switzerland County School Corporation needs time to develop curriculum plans and review current practices.

WHEREAS the two other schools also need time to review standards, collaborate within department and grade level.

WHEREAS the waiver would be modeled in similar fashion to an inclement weather two hour delay and/or an E-Learning day.

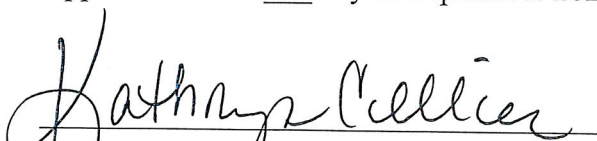
WHEREAS the impact will be measured in special needs student performance, the overall school performance with a focus on curriculum best practice implementation through evaluation and walkthroughs by administrators.

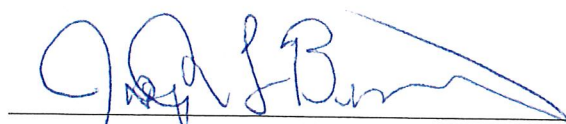
WHEREAS, the time waived will be used for teacher training during their contract time and professional development.

WHEREAS, the number of teachers who are behind on their required training will show improvement over the course of the next year.

THEREFORE BE IT RESOLVED, that the Board of School Trustees authorizes the Superintendent to request the waiver of seat time requirements from the State Board of Education.

Approved on the 21<sup>st</sup> day of September 2020

  
Kathryn Collier Board President

  
Joe Bennett Board Secretary