



INDIANA STATE BOARD OF EDUCATION

To: Indiana State Board of Education
From: Chad E. Ranney – General Counsel
Date: January 13, 2021
RE: **1003 Flexibility Waiver Requests**

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:¹

- (1) A list of one or more provisions in Title 20 of the Indiana Code and/or Title 511 of the Indiana Administrative Code the school or group of schools is requesting the Board waive.
- (2) The specific goal(s) and/or outcome(s) the school or group of schools intends to achieve by waiving the provisions identified in the application.
- (3) An explanation of how the specific goal(s) and/or outcome(s) the school or group of schools intends to achieve are likely to be achieved by waiving compliance with the provisions identified in the application.
- (4) The performance benchmarks and data that will be used to determine whether the specific goal(s) and/or outcome(s) identified by the school or group of schools have been achieved.
- (5) A resolution adopted by the governing body of the school or group of schools authorizing the submission of the 1003 Flexibility Waiver application.

¹ Ind. Code § 20-31-4.1-4(b).



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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,² and (2) that granting the waiver will likely:

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

In other words, if the Board determines that a waiver request is not related to a specific goal or outcome of the school or group of schools, the request cannot be granted, and the waiver must be denied. Additionally, if the Board determines that granting a waiver is unlikely to improve student performance and outcomes; offer the school or group of schools making the request flexibility in the administration of educational programs or improve the efficiency of school operations; promote innovative educational approaches to student learning; or advance the mission or purpose of the school or group of schools, the request cannot be granted, and the waiver must be denied. Finally, IC 20-31-4.1-7 contains a list of provisions that may not be waived. Thus, a request to waive any of the provisions enumerated in IC 20-31-4.1-7 cannot be granted and must be denied.

III. Request(s) and Recommendation(s)

The Board has received three (3) requests for 1003 Flexibility Waivers from the following school corporations:

- (1) Monroe County Community School Corporation (5740)
- (2) North Gibson School Corporation (2735)
- (3) South Gibson School Corporation (2765)

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

After reviewing the requests, Board staff has determined that all of the corporations' applications include the statutorily required information and are eligible for consideration by the Board. With respect to the statutory and regulatory provisions included in each of the requests, Board staff recommends the following:

- (1) Monroe County Community School Corporation (5740)
 - a. IC 20-30-2-3 (School Year) – **Grant**

² Ind. Code § 20-31-4.1-5(a).

³ Ind. Code § 20-31-4.1-5(b).



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- (2) North Gibson School Corporation (2735)
 - a. IC 20-30-2-3 (School Year) – **Grant**
 - b. IC 20-20-8 (School Corporation Annual Performance Report) – **Grant**

- (3) South Gibson School Corporation (2765)
 - a. IC 20-30-2-3 (School Year) – **Grant**
 - b. IC 20-20-8 (School Corporation Annual Performance Report) – **Grant**



INDIANA STATE BOARD OF EDUCATION

Request for HEA 1003 Flexibility Waiver

Pursuant to IC 20-31-4.1-4

I. REQUESTOR INFORMATION:

Name: Debra Prenkert

Email: dprenker@mccsc.edu

Corporation ID #: 5740 - Monroe County Community School Corporation

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

1. Monroe County Community School Corporation

II. REASON(S) FOR FLEXIBILITY REQUEST:

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

III. FLEXIBILITY REQUESTED:

Statute(s)/Regulation(s): IC 20-30-2-3 (School Year)

Goal(s)/Outcome(s): Covid-19 has presented unprecedented challenges to all educators across Indiana, Monroe County, and our school corporation. During these uncertain times, Indiana educators need more flexibility than ever in their operations to ensure students are receiving as much foundational instruction as possible. Monroe County Community School Corporation is requesting the flexibility to track the school year in metrics of instructional minutes rather than instructional days. Currently our elementary students attend 355 minutes per day and our middle/high school students attend 385 minutes per day. We provide 9,900 minutes over the required 54,000 minutes to our elementary students and 4,500 minutes over the required 64,800 minutes for our middle/high school students. Two specific outcomes we intend to achieve by waiving this provision include more flexibility in transitioning from in person learning to online learning and offering additional professional development. For example, we would like to maximize instructional time during periods that the group is able to safely provide in-person learning. Monroe County Community School Corporation would also have the ability to include more professional development as we continue to level-up to the need for rapidly evolving instructional models.

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

addressing the need to support our teachers with additional support and professional development.

Data/Benchmarks: Monroe County Community School Corporation will use a variety of performance benchmarks and data to determine whether these specific goals and outcomes have been achieved. For example, Monroe County Community School Corporation will track the number of instructional minutes completed each day to ensure the time correlates with the required instructional days for the school year. Specifically, we can gather stakeholder input on in-person and online learning days. Additional data we can use includes descriptive logs/plans evidencing how we managed the instructional minutes, which can help determine whether we met our goal in maximizing the time spent during in-person learning. Additionally, we will continue to monitor the progress level of education our students receive. Monroe County Community School Corporation has been identified as a high performing school corporation and with our current instructional day and the 180-day requirement, we are over the minimum requirement of 54,000 required minutes at the elementary level and 68,800 required minutes at the secondary level. We provide anywhere from 4,500 to 9,900 additional minutes of instruction at the secondary and elementary levels, respectively. The waiver would also provide the flexibility to increase professional development to staff during contracted time to allow further training and improving our digital platform. Lastly, this waiver will also allow the flexibility of adapting to the challenges and unforeseen situation that COVID-19 has brought upon us all. Monroe County Community School Corporation feels this flexibility will improve student outcomes by providing additional support to our students and teachers.



COPY

MONROE COUNTY COMMUNITY SCHOOL CORPORATION
BOARD OF SCHOOL TRUSTEES

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

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

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

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

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

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

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

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

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

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



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

Martha Street

Carl

Bob L

Keith Helen

AYES

NAY

Attest:

Martha Street
Secretary of Governing Body



INDIANA STATE BOARD OF EDUCATION

Request for HEA 1003 Flexibility Waiver

Pursuant to IC 20-31-4.1-4

I. REQUESTOR INFORMATION:

Name: Dr. Eric Goggins

Email: egoggins@ngsc.k12.in.us

Corporation ID #: 2735 – North Gibson School Corporation

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

1. North Gibson School Corporation

II. REASON(S) FOR FLEXIBILITY REQUEST:

- To improve student performance and 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 groups of schools

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. Indiana Code 20-30-2-3 requires school corporations to conduct at least one hundred eighty (180) student instructional days each school year. It also requires the superintendent of each school corporation to certify to the department the number of student instructional days conducted during the school year.

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

If this waiver would be granted, the School’s intention would be to provide at a minimum the 54,000 required minutes at the elementary level and the 64,800 minutes at the junior- senior high level. With the length of our current instructional day and the 180-day requirement, we provide over 6,000 additional minutes at each building. The waiver would provide the administration the flexibility to not have to make up inclement weather days which would extend the school year further into the summer or cause Saturday makeup days. The waiver

would provide flexibility to increase professional development to staff during contracted time to allow further training and improve the School's digital platform that is required to be offered to students. Finally, this waiver will allow the flexibility adapting to the challenges and unforeseen situations that COVID-19 has brought upon us. The School feels this flexibility will improve student performances and outcomes and allow us to offer a high level of education.

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

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

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

Goal(s)/Outcome(s): Because of COVID-19, educators are faced with an additional layer in administrative planning and reporting. The School 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 School will be able to avoid reporting requirements that provide information that is duplicative in nature or not needed by State officials.

Data/Benchmarks: The School intends to utilize a few performance benchmarks and data to determine whether the specific outcome has been achieved. For example, the School 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 School will have a baseline of its current reporting requirements and can monitor its progress in minimizing duplicative information or information not used by DOE or State Board by continuously tracking and monitoring those requirements each year.

**RESOLUTION AUTHORIZING
PERFORMANCE BASED ACCREDITATION WAIVER**

WHEREAS, the North Gibson 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 51 IAC in order to do one or more of the following:

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

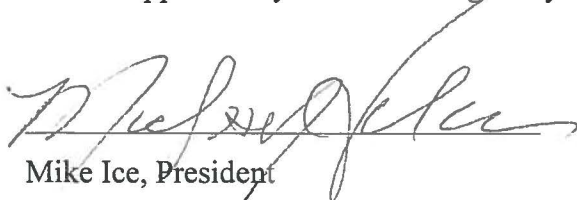
WHEREAS, the School desires to submit a Waiver Application to the State Board of Education in accordance with HEA 1003 by providing the specific goals or outcomes that the School intends to achieve by waiving provisions of Title 20 and 51 IAC and outlining how the specific goals or outcomes are likely to *be* achieved through the waiver process.

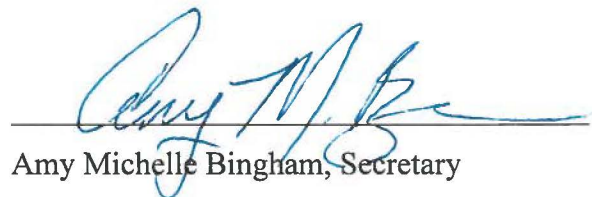
WHEREAS, HEA 1003 requires the governing body of the School (the "Governing Body") to adopt a resolution approving the submission of Waiver Applications.

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

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

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


Mike Ice, President


Amy Michelle Bingham, Secretary



INDIANA STATE BOARD OF EDUCATION

Request for HEA 1003 Flexibility Waiver

Pursuant to IC 20-31-4.1-4

I. REQUESTOR INFORMATION:

Name: Dr. Stacey Humbaugh

Email: Stacey.humbaugh@sgibson.k12.in.us

Corporation ID #: 2765 – South Gibson School Corporation

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

1. North Gibson School Corporation

II. REASON(S) FOR FLEXIBILITY REQUEST:

- To improve student performance and 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 groups of schools

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. Indiana Code 20-30-2-3 requires school corporations to conduct at least one hundred eighty (180) student instructional days each school year. It also requires the superintendent of each school corporation to certify to the department the number of student instructional days conducted during the school year.

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

If this waiver would be granted, South Gibson's intention would be to provide at a minimum the 54,000 required minutes at the elementary level and the 64,800 minutes at the junior-senior high level. With the length of our current instructional day and the 180-day requirement, we provide over 6,000 additional minutes at each building. The waiver would provide the administration the flexibility to not have to make up

inclement weather days which would extend the school year further into the summer or cause Saturday makeup days. The waiver would provide flexibility to increase professional development to staff during contracted time to allow further training and improve South Gibson's digital platform that is required to be offered to students. Finally, this waiver will allow the flexibility adapting to the challenges and unforeseen situations that COVID-19 has brought upon us. South Gibson feels this flexibility will improve student performances and outcomes and allow us to offer a high level of education.

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

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

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

Goal(s)/Outcome(s): Because of COVID-19, educators are faced with an additional layer in administrative planning and reporting. South Gibson 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, South Gibson will be able to avoid reporting requirements that provide information that is duplicative in nature or not needed by State officials.

Data/Benchmarks: South Gibson intends to utilize a few performance benchmarks and data to determine whether the specific outcome has been achieved. For example, the School 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, South Gibson will have a baseline of its current reporting requirements and can monitor its progress in minimizing duplicative information or information not used by

DOE or State Board by continuously tracking and monitoring those requirements each year.

**RESOLUTION AUTHORIZING
PERFORMANCE BASED ACCREDITATION WAIVER**

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

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

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


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

WHEREAS, HEA 1003 requires the governing body of 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 15th day of December, 2020.



Steve Gruszewski, President



Dr. Conway Cox, Secretary