



# INDIANA STATE BOARD OF EDUCATION

**To:** Indiana State Board of Education  
**From:** Chad E. Ranney – General Counsel  
**Date:** February 3, 2021  
**RE:** **1003 Flexibility Waiver Requests**

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## **I. Basis for Agency Review**

During the 2020 legislative session, the Indiana General Assembly enacted P.L.92-2020, which, in relevant part, permits a school or group of schools to apply to the State Board of Education (“Board”) for flexibility and to waive compliance with various provisions set forth in Title 20 of the Indiana Code and Title 511 of the Indiana Administrative Code. The flexibility available under P.L.92-2020 is provided in the form of a 1003 Flexibility Waiver.

## **II. Requests for 1003 Flexibility Waivers under IC 20-31-4.1-4**

To obtain a 1003 Flexibility Waiver, schools must submit an application that includes the following:<sup>1</sup>

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

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<sup>1</sup> Ind. Code § 20-31-4.1-4(b).



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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,<sup>2</sup> and (2) that granting the waiver will likely:

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

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

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

The Board has received one (1) request for a 1003 Flexibility Waiver from the following school corporation:

- (1) Lewis Cass Schools (0815)

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

After reviewing the request, it has been determined that the corporation's application includes the statutorily required information and is eligible for consideration by the Board. With respect to the statutory and regulatory provisions included in the request, staff recommends the following:

- (1) Lewis Cass Schools (0815)
  - a. IC 20-24.2-4-2 (Instructional Time) – **Grant**
  - b. IC 20-30-2-3 (School Year) – **Grant**

Consistent with the corporation's request, the waiver should be granted to allow "flexibility to track the school year in metrics of instructional minutes rather than instructional days per student."

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

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



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## Request for HEA 1003 Flexibility Waiver

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

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

**Name:** Dr. Tim Garland

**Email:** garlandt@lewiscass.net

**Corporation ID #:** 0815 – Lewis Cass Schools

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

1. Lewis Cass Schools

### **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

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

**Statute(s)/Regulation(s):** IC 20-24.2-4-2 (Instructional Time); IC 20-30-2-3 (School Year)

**Goal(s)/Outcome(s):** Lewis Cass schools is proud to be a performance-qualified school. Our staff and community has a firm belief in our schools and the education that they provide. However, COVID-19 has presented unprecedented challenges to all educators across Indiana. School corporations need more flexibility than ever in their educational practices to ensure students are receiving as much fundamental education as possible and help reduce the “Academic COVID Slide” our students are experiencing. The “Academic COVID Slide” is due to students missing face to face instruction due to absences for quarantine or illness. Lewis Cass Schools is requesting the flexibility to track the school year in metrics of instructional minutes rather than instructional days per student. Currently, our K-5th grade elementary students attend 330 minutes per day and our Jr./Sr. high school students grades 6-12th grades attend 390 minutes per day for 180 days per year. We provide 10,800 minutes of instruction over the required 54,000 minutes to our elementary students and 5,400 minutes over the required 64,800 minutes for our Jr./Sr. high school students. We are providing our elementary students with 30 extra days of instruction and 15 extra days to our middle/high school students. Our goal is to provide teachers and administrators time to analyze data, assess student mastery and growth, develop instruction and enrichment lessons, and further align curriculum to the intended curriculum based on student needs. Our outcomes would be to align our educational minutes per student to allow teachers time to track student mastery of goals, to reduce gaps that have occurred during COVID 19, and to design and deliver instruction to further increase student mastery of learning standards.

**How to Achieve:** If Lewis Cass Schools is granted this waiver, by changing the 180-day requirement to minutes of instruction per student, teachers and administrators can hold students

more accountable on a minutes-per-day than per-school-year measure and help reduce the “Academic COVID Slide”. Educators and administrators will have the flexibility to address the fluid situation we are in due to COVID 19 and the unpredictability of student absences and quarantining. This allows our educators to personalize and maximize the instruction for each student. Teachers contract days and hours would not change. The waiver would provide the flexibility to increase professional development to staff during contracted time to allow further training and improving our digital platform (Remote Learning) that is required to be offered to students. Lastly, this waiver will allow the flexibility of adapting to the challenges and unforeseen situations that COVID-19 has brought and will continue to bring. Lewis Cass feels this flexibility will improve student performances and outcomes and allow us to offer a higher level of education.

**Data/Benchmarks:** Lewis Cass Schools is measuring student achievement according to mastery of state standards. As a corporation, we are currently using a variety of data from the following local assessments; iReady, NWEA, ALEKS and HMH, which are local assessments designed to measure student growth and mastery of state standards. We currently benchmark student growth in reading and math. All teachers in grades K-10 have reading and math standards within their content standards, which they too track to ensure student growth is attained across content areas.

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www.lewiscass.net



School Board of Trustees:  
Mr. Ryan Zeck - President  
Mr. Rick Lee - Vice President  
Mr. Tim Johnson - Secretary  
Mr. Matt Lewellen- Member  
Mrs. Amy Miller - Member

**Resolution 2021-01**  
**Authorizing the Submission of the HEA 1003 Flexibility Waiver**

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

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

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

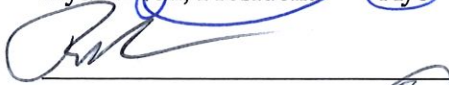
WHEREAS, the School Corporation declares its official intent to provide teachers and administrators time to analyze data, assess student's mastery and growth, develop instruction and enrichment lessons and further align curriculum to the necessary standards for students on their rosters.


WHEREAS, the School Corporation reasonably expects the teacher contract time to not be impacted but student seat time will potentially be reduced from the current 64,800 minutes for preK-5 students and the 70,200 minutes for 6-12<sup>th</sup> grades currently calendared by the 180-day school calendar but not below the minimum 54,000 minutes or 64,800 minutes required respectively.

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

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Adopted this 13 day of January, 2020.  
Board of School Trustees Lewis Cass Schools

  
\_\_\_\_\_  
Ryan Zeck, President  Aye  Nay

  
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Rick Lee, Vice-President  Aye  Nay

Attest:   
\_\_\_\_\_  
~~Tim Johnson, Secretary~~  
Rick Lee, Vice President

\_\_\_\_\_  
Tim Johnson, Secretary  Aye  Nay

  
\_\_\_\_\_  
Matt Lewellen, Member  Aye  Nay

  
\_\_\_\_\_  
Amy Miller, Member  Aye  Nay

*Tim Johnson was in attendance virtually due to being quarantined.* 5