



# INDIANA STATE BOARD OF EDUCATION

## HEA 1003 Flexibility Waiver Report

Pursuant to IC 20-31-4.1-9

### I. Introduction

This report is being submitted in accordance with IC 20-31-4.1-9 which requires the Indiana State Board of Education (“Board”) to do the following:

- (1) Prepare a report that includes a:
  - (A) summary of the compliance waiver requests received by the Board; and
  - (B) description of compliance waiver requests that were approved and compliance waiver requests that were denied by the Board.
- (2) Submit the report prepared under subdivision (1) to the general assembly in an electronic format under IC 5-14-6.

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 (“applicant”) to apply to the 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. *See* IC 20-31-4.1-4. The flexibility available to schools under P.L.92-2020 is provided in the form of a compliance waiver (“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) A list of one or more provisions in Title 20 of the Indiana Code and/or Title 511 of the Indiana Administrative Code the applicant is requesting the Board waive;
- (2) The specific goal(s) and/or outcome(s) the applicant 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 applicant 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 applicant have been achieved; and
- (5) A resolution adopted by the applicant’s governing body authorizing the submission of the 1003 Flexibility Waiver application.

After reviewing an applicant’s 1003 Flexibility Waiver request, the Board is authorized to grant a waiver if the Board determines the waiver request is related to a specific goal or outcome of the applicant and that granting the waiver is likely to do one of the following:

- (1) Improve student performance and outcomes;
- (2) Offer the applicant 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 applicant's mission or purpose.

In other words, if the Board determines that an applicant's waiver request is not related to a specific goal or outcome of the applicant, 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 applicant flexibility in the administration of educational programs or improve the efficiency of school operations; promote innovative educational approaches to student learning; or advance the applicant's mission or purpose, 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. Summary of Requests Received by the Board**

As of the date of this report, the Board has received sixty-six (66) 1003 Flexibility Waiver requests including seventy-eight (78) distinct requests. A summary of the total requests can be found in the tables below.

### **IV. Description of Requests Approved/Denied by the Board**

As of the date of this report, the Board has approved sixty-eight (68) of the seventy-eight (78) of the distinct 1003 Flexibility Waiver requests, eight (8) requests were withdrawn, and 2 (two) were denied. A summary of the specific requests that were approved, withdrawn, or denied can be found in the tables below.

2023 Requests by Submitter	
Corporations	64
Charters	1
Nonpublics	2
<b>TOTAL</b>	<b>66</b>

2023 Requests by Approval	
Approved	68
Denied	2
Withdrawn	8
<b>TOTAL</b>	<b>78</b>

2023 Summary of 1003 Flexibility Waiver Requests					
Citation	Explanation	Total Approved	Total Denied	Number of Requests	
IC 20-19-9-4	Establishment of Dedicated Virtual Education School; Separate School Identification Number; Rules	3	0	0	3
IC 20-20-8	APR Publication	1	0	0	1
IC 20-26-11-17	Student Transfer Tuition Report	1	0	0	1
IC 20-26-17-4	Employee Health Coverage Cost Remediation Plan	1	0	0	1
IC 20-34-5-15	Diabetes Training for School Nurses	1	0	0	1
IC 20-30-6-8	Student Safety Course	1	0	0	1
IC 20-30-8-9	Lower Alternative Program Age Requirements	0	1	0	1
IC 20-30-2-2	Student Instructional Day (reduce length)	0	1	0	1
IC 20-30-2-3/IC 20-30-2-2	School Year / Student Instructional Day (report in unit of cumulative minutes)	53	0	0	53
IC 20-30-2-7	Limitation of Virtual Learning Days	7	0	0	7
<b>TOTAL</b>		<b>68</b>	<b>2</b>	<b>0</b>	<b>70</b>

