



Indiana Department of Education

Dr. Katie Jenner, Secretary of Education

1003 Flexibility Waivers Frequently Asked Questions

Number	Question	Answer
1	What is the 1003 Flexibility Waiver?	1003 Flexibility Waivers allow any school or group of schools that are state accredited to apply for the Indiana State Board of Education (SBOE) to waive compliance with any statutory requirement in Title 20 or regulatory requirement in Board rule except for non-waivable requirements identified in Code. This limits the authority to waive a statute to Title 20 of Indiana Code or Title 511 of Indiana Administrative Code in addition to the non-waivable statutes outlined in the law. More information about the Flexibility Waiver program and a list of the non-waivable laws can be found on pages 6-8 of the <u>attached flexibility guide</u> .
2	Will a beta version of a resolution to the Board suffice and hit all necessary items for the new 1003 Flexibility Waiver?	No. The beta version of a resolution to the Board will not meet the board resolution requirements. A new application will need to include a detailed explanation of the request and an implementation plan.
3	Can the 1003 Flexibility Waiver be used for weather-related and unplanned school closures?	By law, schools are allowed to have three asynchronous eLearning days. Schools do not have to apply for a waiver for these three eLearning days. Schools will have to apply for a waiver for additional asynchronous eLearning days. Schools are encouraged to incorporate snow days into their calendar in order to avoid any issue with the number of school days, as 180 days are required by law.
4	Can schools with a 1003 Flexibility Waiver count instructional minutes instead of days so they can use that flexibility to avoid making up canceled days due to snow or other cancellation?	No. Schools with a 1003 Flexibility Waiver receive flexibility pursuant to the plan they submitted and that was approved by SBOE. Therefore, flexibility is contingent on implementing the proposed plan with fidelity, any deviations from that plan, including the number of instructional minutes they have proposed, could result in the loss of flexibility. Example: School A receives flexibility to count instructional minutes instead of days because they want to conduct early release weekly, shortening the day to four hours (240 minutes). The normal student school day is 7.5 hours (450 minutes). Without the waiver, one day per week would not count as an instructional day; however, the school accumulates enough total minutes given the length of their normal school day.



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<p>Because the school counts instructional minutes, 8,640 minutes are “banked”, the equivalent of about 19 instructional days. However, because their authority to count minutes is contingent upon implementing the student schedule outlined above, this school cannot unilaterally determine to not make up a school day as this would substantively deviate from the plan approved by SBOE.</p> <p>If a school applied for and was granted flexibility based on performance, there is no plan they must follow. Therefore, they can take advantage of these “banked” instructional minutes to justify not making up the canceled school day given they would still meet the minimum of 64,800 minutes without it. The reason they have this additional autonomy is based on how they earned their flexibility.</p> <p>The guidance on instructional time for school is linked here for reference.</p>																	
5	Can I submit a 1003 Flexibility Waiver for two asynchronous days while still protecting three days allowed for weather closures?	Yes, this is something that can be asked for in the application.. The application will need to be specific about the need to change instructional time and must include data showing how the waiver will positively impact the student educational experience.															
6	Can a school corporation use flexibility related to instructional time to	Yes, with explicit approval. The limitation on synchronous instructional days outlined in IC 20-30-2-2.7 impacts the number of asynchronous learning days that can be applied to the minimum requirement for instructional days/time. So, if the school has accumulated enough															



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	provide more than three asynchronous learning days?	instructional days/hours/minutes to fulfill the statutory minimum, excess time is not regulated and may be delivered in any environment (synchronous, asynchronous, or in-person). Once approved, the corporation commits to implementing their model as presented; so, any additional asynchronous days should be included in the request if the corporation plans to implement them. Applicants may also request to waive IC 20-30-2-2.7, but those requests often require applicants to participate in additional IDOE programming around asynchronous learning.
7	Can a 1003 Flexibility Waiver be used to count hours/minutes instead of days to meet the minimum instructional time requirements in IC 20-30-2-3 (180 instructional days)?	Yes. A school can request a waiver from IC 20-30-2-2 to remove the minimum instructional day requirement pursuant to a plan to accumulate enough in-person or synchronous learning time to meet the equivalent of the minimum instructional day length multiplied by 180 days. The plan must demonstrate a clear purpose and need for flexibility.
8	Our school corporation wants to have four two-hour delays (one per quarter) next year across the district and have specific professional development at each level. Would this fall under the same waiver for the flexibility to waive days and count minutes instead?	Before submitting a 1003 Flexibility Waiver, check to see if one is needed based on the situation. The law requires grades one through six have at least five hours of instructional time and grades seven through 12 have at least six hours of instructional time. If incorporating the two-hour delays still allows for the corporation to follow this law, a waiver is not needed. If adding the delays causes the corporation to fall under the amount of required instructional time, a waiver to count instructional time as minutes is necessary..
9	Can 1003 Flexibility Waivers be used to impact Career and Technical Education (CTE) course funding?	No. Funding for CTE courses are authorized by IC 20-43-8-7.5, which is a non-waivable statute. See the flexibility guide for more information.
10	Can 1003 Flexibility Waivers be used to	1003 Flexibility Waivers should not be used to address course titles and descriptions. CTE courses and dual credit requirements for these courses



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	accommodate Ivy Tech dual credit requirements?	are handled by the Governor's Workforce Cabinet. More information about their processes can be found here .
11	If waivers are in different areas (e.g. instructional days, dyslexia, required training), should those be separate applications and resolutions?	Multiple waiver applications can be submitted for waivers in different areas.
12	Can an application be submitted to waive pending legislation?	No. Waivers are only applicable for passed legislation.
13	Can a corporation request a waiver for the current laws regarding training requirements such as criminal organizations training?	Yes.

For additional information, please email SchoolImprovement@doe.in.gov

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