

INnovate

Flexibility Guide for Indiana's K-12 Schools



INDIANA STATE BOARD OF EDUCATION

DECEMBER 2020

DISCLAIMER

This is not a legal document and is not to be relied on as such. Neither the list of areas of flexibility nor information summarizing legislative mandates and administrative rules is exhaustive. The information provided should also not be considered a complete synopsis of the state's requirements or a district's obligations. Passages quoted from the legislative and administrative codes reflect text made available through the website of the Indiana General Assembly as of August 2020. Please consult official versions of the requirements.

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PREFACE

Indiana State Board of Education (Board) believes the ultimate measure of any education system has to be the achievement of the students it serves. Every student should gain what they need to achieve success in life since their success will shape the future. Students are not uniform — each child’s needs are different, and success looks different for each child. To be effective, the education system must work to make every child develop.

K-12 education is among the most demanding of professions. There are few other direct routes by which one can make such a significant impact on the life of another and of which so much is expected.

As the expectation evolves, we constantly learn new methods of instruction, of connection and of influence. But we are also met with new challenges, new standards, and new parameters.

The Board encourages innovation and affording administrators and educators as much flexibility as possible is important — now, more than ever. Indiana offers districts and schools numerous opportunities to exercise flexibility and this document outlines those. Each area of flexibility is highlighted and annotated with citations to relevant sections of the school code and Board rules so that local education leaders can use existing efforts (i.e., strategic planning, comprehensive needs assessments, and improvement strategies) as stepping-stones to innovation.

Determining whether to employ these paths is a decision best made at the local level. As you embark on education improvement and redesign processes, we encourage you to review this with your local stakeholders and implement what would best serve your students.

Thank you for your leadership and service to Hoosier students. You are appreciated.

Sincerely,

B. J. Watts
Chair, Indiana State Board of Education



I. INTRODUCTION

Indiana has taken significant steps to put local education leaders in the driver's seat when it comes to reimagining education and transforming classrooms into 21st-century learning environments capable of meeting the unique needs of the students they serve. As part of Indiana's new Performance Based Accreditation System, the Indiana State Board of Education is expanding access to the flexibility historically offered to schools as a reward for good performance and making it available to all schools, regardless of past performance. This straightforward approach to flexibility, which the Board began implementing at the start of the 2020-2021 school year, coupled with existing opportunities to participate in innovation-focused programs, broadens access to local education leaders' ability to innovate. It also ensures schools are better equipped than ever to provide students with the tools necessary for postsecondary success.

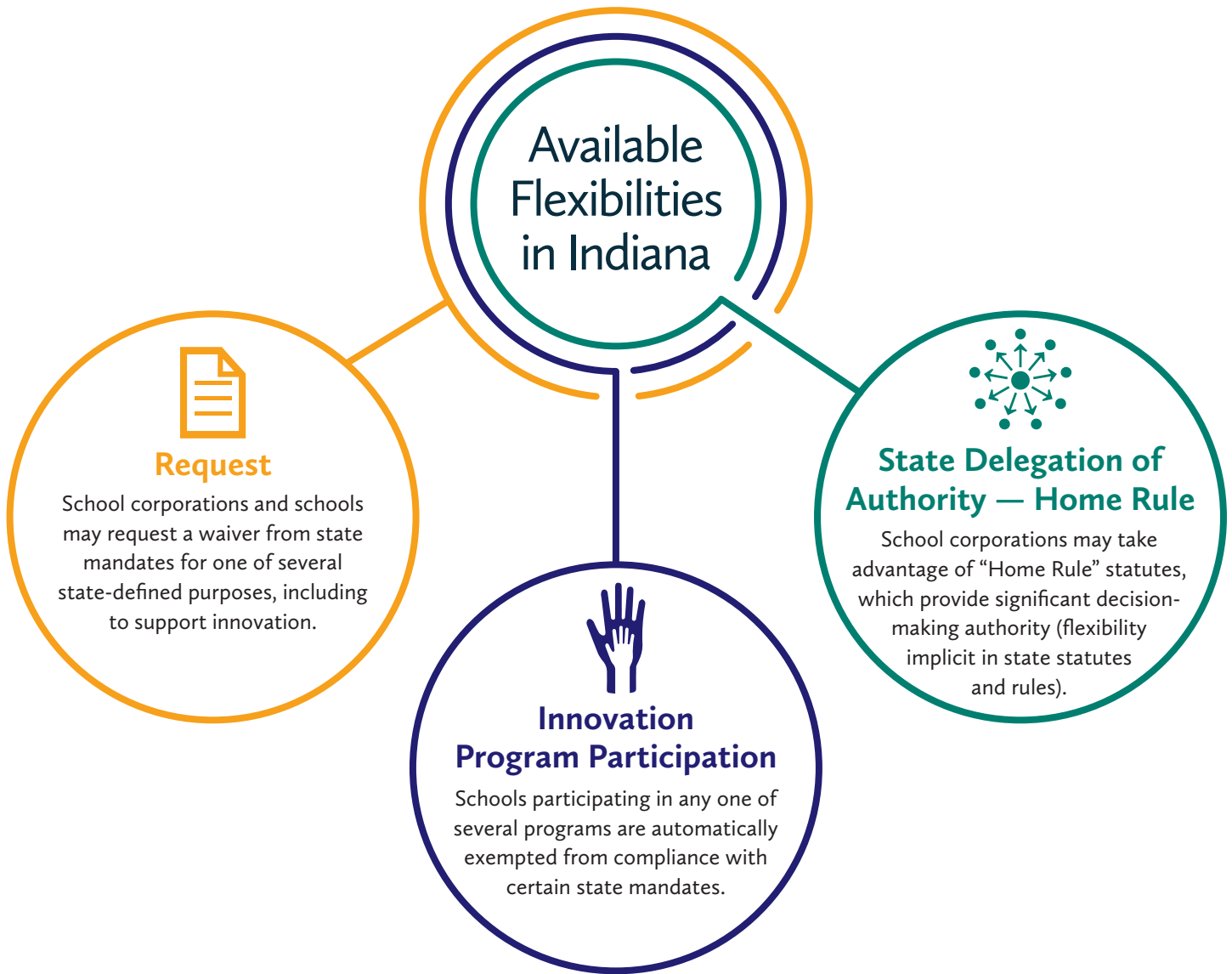
Education leaders across the state have begun to tap into the flexibility that Indiana provides as an incentive for innovation. Their motivations for action are as varied as the contexts and communities in which they exist; however, all are driven by the fact that today's youth must be prepared for postsecondary success in a dynamic world that has changed immeasurably.

State-authorized flexibility for innovation, however, is only impactful if it is fully utilized. Historically, one of the primary barriers to school innovation has been understanding what is possible — both within existing opportunities for autonomy and flexibility and through new opportunities created by the State.

The purpose of this guide is twofold: it highlights existing flexibilities available to schools and demonstrates how Indiana's local education leaders can utilize the existing flexibilities to support the development of a vision for education that is student-centered and reflective of their communities' needs.

Education leaders across the state have begun to tap into the flexibility that Indiana provides as an incentive for innovation. All are driven by the fact that today's youth must be prepared for postsecondary success in a dynamic world that has changed immeasurably.

Under current Indiana law and policy, there are three primary flexibility tools available to local school boards and schools:





II. INDIANA'S INNOVATION LANDSCAPE

The education system in Indiana is grounded in a vision that embraces innovation.

But beyond vision, governance structures and styles, state mandates, and strategic priorities are all aspects of the education system that may support or hinder next generation learning efforts. For years, Indiana schools have developed their own strategies and approaches to work within state and federal mandates, most designed to strengthen accountability; close gaps that exist between groups of students on measures of academic, social and emotional growth; and support continuous improvement. There are also requirements that serve to protect the health and safety of students and staff, uphold civil rights, and more.

As these outcomes-focused policy priorities have taken root, state leaders in Indiana have begun to chip away at some vestiges of 20th century system design, such as “seat time” and academic credit requirements, that serve as barriers to innovation.

Like most states, Indiana has established minimum requirements for high school graduation. And although Indiana has also established minimum requirements for instructional days and hours of instruction — on par with many other states — Indiana’s education leaders took a significant step when they eliminated the minimum seat time requirements for awarding high school credits. In fact, school corporations are fully authorized (and may elect) to award credits based on a student’s demonstration of proficiency. Indiana has gone so far as to define “credit” to be “*demonstration of proficiency against the academic standards in a course that meets certain requirements*”¹ — highlighting the state’s efforts to eliminate the barriers to innovation. This flexibility extends to grades 1 through 8 as well — no minimum seat time is required for any subject or course.

State-level policymakers have made flexibility a hallmark of facilitating innovation by providing opportunities for school corporations and schools to identify the state mandates that present additional barriers to innovation and improvement and to request exemption from them. With the enactment of [House Enrolled Act No. 1003-2020 \(HEA 1003²\)](#) during the 2020 legislative session, the Indiana General Assembly established the framework for a new Performance Based Accreditation System — directing the Board to determine the legal standards it will use for accreditation and authorizing the Board to waive compliance with any provision of Title 20 of the Indiana Code (Title 20) or the Board’s Administrative Rules (511 IAC), subject to other state mandates and limitations.

School corporations and schools may request a waiver from state mandates for one of several state-defined purposes, including to support innovation. The broadest waiver opportunity available is the recently established 1003 Flexibility

Indiana will be the national educational leader in academic achievement and college and career readiness through a relentless commitment to innovation in teaching and learning, where students are equipped to make significant contributions in the diverse communities and global marketplace where they live and work.



FLEXIBILITY THROUGH Request

Waiver process approved by the Indiana General Assembly as part of Indiana's new Performance Based Accreditation System. Any school or group of schools accredited under the new system may apply to the Board to waive compliance with any statutory requirement in Title 20 or regulatory requirement in Board rule with the exception of the non-waivable requirements identified in the Code. In addition to the 1003 Flexibility Waiver, three other waiver opportunities have been in existence for a longer period of time: (1) waivers to implement nonstandard courses and curriculum programs; (2) waivers of curriculum and graduation requirements for programs for high ability students; and (3) school improvement plan waivers.

1003 Flexibility Waivers

Indiana's new Performance Based Accreditation System is currently under development and will be defined, in large part, by the Board when it adopts the rules and "legal standards"³ that will be used to accredit schools.

While the accreditation standards themselves may be designed to promote innovation and limit unnecessary regulation, it is the waiver authority included within [HEA 1003](#) that has tremendous potential for district and school leaders seeking to transform student learning at the local level.

WAIVER AUTHORITY

Any school or group of schools accredited under Indiana's Performance Based Accreditation System may submit an application to the Board seeking to waive compliance with any provision in Title 20 or Board rule (511 IAC), subject to other state mandates and limitations.⁴



NON-WAIVABLE PROVISIONS

Despite all of the possibilities [HEA 1003](#) offers, its waiver authority is not limitless. Applicants seeking a 1003 Flexibility Waiver may not request to waive any of the following provisions:⁵

IC	PROVISION
20-26-5	Chapter 5. General Powers and Duties ⁶ <i>Criminal History and Child Protection Index Check (IC 20-26-5-10)</i>
20-27-7	Chapter 7. School Bus Inspection and Registration ⁷
20-27-8	Chapter 8. School Bus Drivers ⁸ <i>School Bus Drivers and Monitors (IC 20-27-8-1); School Bus Driving Summary (IC 20-27-8-2)</i>
20-27-10	Chapter 10. School Bus Safety ⁹ <i>Capacity of School Bus (IC 20-27-10-3)</i>
20-28	Article 28. School Teachers ¹⁰
20-29	Article 29. Collective Bargaining for Teachers ¹¹
20-30-5	Chapter 5. Mandatory Curriculum ¹² <i>Display of U.S. Flag, Pledge of Allegiance (IC 20-30-5-0.5); Constitution (IC 20-30-5-1); Constitutions, Interdisciplinary Course (IC 20-30-5-2); Protected Writings (IC 20-30-5-3); American History (IC 20-30-5-4); Moment of Silence (IC 20-30-5-4.5); Morals Instruction (IC 20-30-5-5); Good Citizenship Instruction (IC 20-30-5-6); Human Sexuality Instructional Requirements (IC 20-30-5-13); Access to Materials, Consent for Participation (IC 20-30-5-17); Contrary Student Instruction Not Permitted (IC 20-30-5-21); Indiana Studies (IC 20-30-5-22)</i>
20-31	Article 31. Accountability for Performance and Improvement ¹³
20-32-4	Chapter 4. Graduation Requirements ¹⁴
20-32-5.1	Chapter 5.1. Indiana's Learning Evaluation Assessment Readiness Network (ILEARN) Program ¹⁵
20-33-1	Chapter 1. Equal Educational Opportunity ¹⁶
20-34	Article 34. Student Health and Safety Measures ¹⁷
20-35	Article 35. Special Education ¹⁸
20-36	Article 36. High Ability Students ¹⁹
20-39	Article 39. Accounting and Financial Reporting Procedures ²⁰
20-40	Article 40. Government Funds and Accounts ²¹
20-41	Article 41. Extracurricular Funds and Accounts ²²
20-42	Article 42. Fiduciary Funds and Accounts ²³
20-42.5	Article 42.5. Allocation of Expenditures to Student Instruction ²⁴
20-43	Article 43. State Tuition Support ²⁵
20-44	Article 44. Property Tax Levies; General Provisions ²⁶
20-46	Article 46. Levies Other than General Fund Levies ²⁷
20-47	Article 47. Related Entities; Holding Companies; Lease Agreements ²⁸
20-48	Article 48. Borrowing and Bonds ²⁹
20-49	Article 49. State Management of Common School Funds; State Advances and Loans ³⁰
20-50	Article 50. Homeless Children and Foster Care Children ³¹
20-51	Article 51. School Scholarships ³²

APPLICATION REQUIREMENTS AND PROCESS

An applicant seeking a 1003 Flexibility Waiver must first determine the need for a waiver — both the specific provisions the applicant seeks to have waived and the intended impact. The Board is authorized to approve a school's waiver application *only if* (1) the waiver request is related to a specific goal or outcome of the school or group of schools; and (2) the Board determines that approving the application is likely to:

1. Improve student performance and outcomes.
2. Offer the applicant flexibility in the administration of education 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.³³

Then, working within the application process established by the Board,³⁴ the applicant must submit an application that includes the following five things:³⁵

- ▶ A list of the one (1) or more provisions in Title 20 or Board rule (511 IAC) that the school or group of schools is requesting the Board waive.
- ▶ The specific goal(s) or outcome(s) the school or group of schools intends to achieve by waiving the provisions identified in the application.
- ▶ An explanation of how the specific goal(s) 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.
- ▶ The performance benchmarks and data that will be used to determine whether the specific goal(s) or outcome(s) identified by the school or group of schools have been achieved.
- ▶ A resolution adopted by the governing body of the school or group of schools authorizing the submission of the application.

Applications for the 1003 Flexibility Waiver are available through [the Indiana Department of Education's Accountability Center](#).

Following the current school year, the State will establish an application window and review period. All applications submitted during the window will be reviewed and presented to the Board for action. If approved, the waiver(s) will be effective at the start of the next school year. For example, applications submitted during the 2021 window will take effect starting with the 2021-2022 school year if approved.

MONITORING AND MAINTENANCE

After approval of an application, the Board will conduct a periodic review. If the Board determines that the school or group of schools is not meeting the goals or outcomes described in its application, the Board may amend, suspend or revoke a waiver.³⁶

Waivers to Implement Nonstandard Courses and Curriculum Programs

The Board's rules also provide for a waiver that is available to schools seeking to implement nonstandard courses and curriculum programs so long as the school assures the State Department of Education *"that it will conduct a continuing evaluation of the effectiveness of the proposed courses or curriculum programs and provide the department with annual reports of the result of the evaluation as well as a final report at the termination of the waiver period."*³⁷

These waivers allow schools to offer courses or curriculum programs that differ from those authorized by the rules of the Board, which may include differences in content, organization, methods, staffing, course title, instructional materials, and criteria for course or program completion.³⁸ Schools may also use waivers to hire licensed teachers to teach courses outside of their own license area.³⁹ Initial nonstandard course waiver requests must be submitted 5 months prior to the implementation date, however if the request involves a major modification, then the application should be submitted 8 months prior to the implementation date.⁴⁰ [Nonstandard course waivers](#) must be submitted to the Indiana Department of Education. A school wishing to request a nonstandard course waiver for Career and Technical Education courses must fill out a separate waiver request and submit the request to the Governor's Workforce Cabinet.⁴¹

Waiver of Curriculum and Graduation Rules for Programs for High Ability Students

The Indiana Department of Education also is authorized to waive Board rules regarding curriculum and graduation for certain high ability students.⁴² Upon an application by a school corporation, the Department, in accordance with Board rule, may waive rules to allow the following:

- ▶ To allow for high ability students to earn credit through performance-based assessments without having to complete the required amount of instructional time, which may include using rating scales, observation or interviews, portfolios, or structured observations or interviews.⁴³
- ▶ To allow school corporations to be reimbursed for high ability students who take more than two credits in summer school.
- ▶ To allow school corporations to allow instructors who are lacking the prerequisite teacher certification, but have demonstrated expertise, to deliver nonstandard education programs for high ability students.

School Improvement Plan Waivers

Indiana Code requires schools to have a strategic and continuous school improvement plan. These plans may include a request for a waiver of a rule or statute — this type of waiver is relatively broad, however there are some limits.⁴⁴ For example, the following rules may not be waived: (1) rules related to the health or safety of students or school personnel; (2) special education rules under 511 IAC 7; and (3) any rule that if suspended would bring the school into noncompliance with federal mandates. In general, rules related to curriculum and the selection of curricular materials may not be waived; however, waivers are available upon request. Such requests must be included in the school corporation's strategic and continuous school improvement plan and submitted to the Board for consideration.

PANDEMIC-RELATED FLEXIBILITY

In early 2020, the COVID-19 pandemic necessitated that every school make an almost instant shift from traditional instruction and student support to remote instruction and student supports. In fact, for a protracted period of time (which may extend well into the future), all aspects of K-12 public school system administration have been largely or entirely carried out in accordance with emergency measures and governmental orders designed to allow for social distancing and to slow the virus's spread. While hardly any education leader has had the time to think of the COVID response as an opportunity to innovate, some of the flexibilities already put in place by the State have set the stage for district action.



FLEXIBILITY THROUGH

Innovation Program Participation

School corporations may elect to apply for participation in two innovative networks administered by the state. Both — Innovative Network School designation and participation in the Coalition of Continuous Improvement School Districts — have eligibility criteria and application processes that encourage participation by a wide range of schools and districts. Both also offer flexibility from certain state mandates (without the need for a waiver request) as tools for supporting local innovation. For example, Innovation Network Schools are automatically exempted from most statutes applicable to a governing body or school corporation and they can take advantage of the 1003 Flexibility Waiver and modification authority to request additional flexibility if needed to support implementation of an Innovation Network School plan. Similarly, the Department of Education is authorized by the General Assembly to suspend application of a wide range of state mandates for participants in the Coalition of Continuous Improvement School Districts.

Innovation Network Schools

An Innovation Network School is defined in the Indiana Code to mean a school operated by the entity or individuals responsible for the school's operations within a school corporation. This operating entity or individuals is known as the Innovation Network Team.⁴⁵

Any school that is part of a school corporation is eligible to be an Innovation Network School and may be established as such through one of two means.⁴⁶ A charter school may also be established as an innovation network school, and considered a Participating Innovation Network Charter School, if its organizer enters into an agreement for network participation.⁴⁷



Maximize Local Control — Flexibility through State Delegation of Authority:

Innovation schools have extensive flexibility for innovation, including blanket exemptions from the following, with some exceptions specified in statute:

- ▶ An Indiana statute applicable to a governing body or school corporation.
- ▶ A rule or guidelines adopted by the Board, except for those rules that assist a teacher in gaining or renewing a standard or advanced license.
- ▶ A local regulation or policy adopted by a school corporation unless specifically incorporated into the agreement.



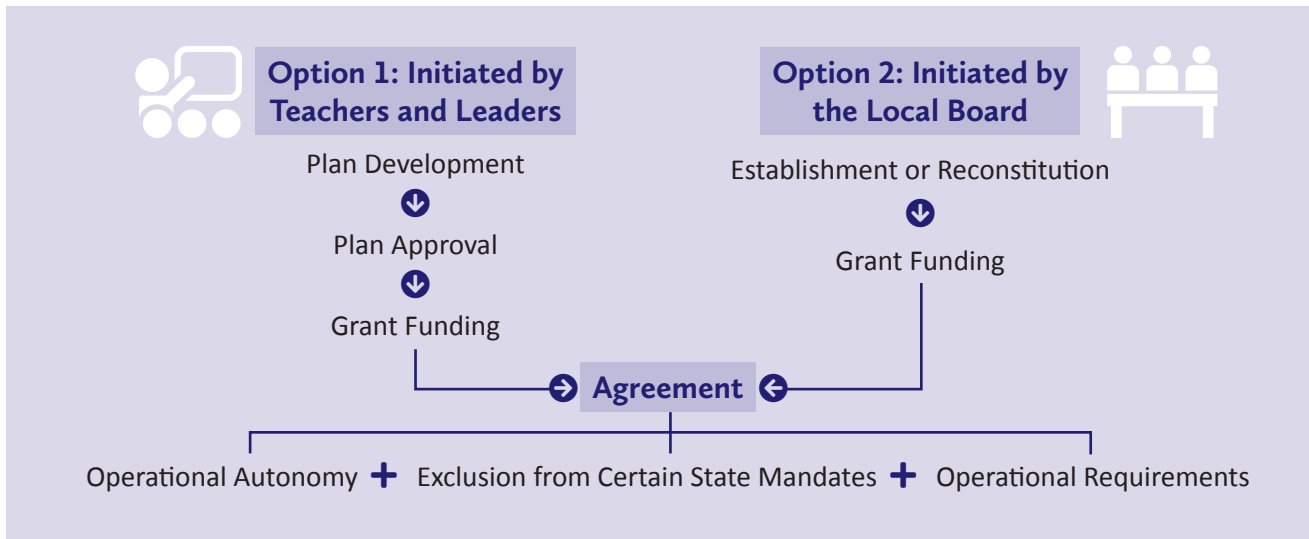
Don't Discount Deregulation — Flexibility through Request: If needed, a school or group of schools participating in an Innovation Network might request to have state mandates waived or modified to support its Innovation Network School Plan.

FINDINGS OF THE GENERAL ASSEMBLY

The General Assembly recognizes that to further the goals of high-quality public education throughout Indiana, each school corporation and public school should have the freedom to create the optimal learning environment. The General Assembly finds that this can be accomplished by allowing for greater flexibility, innovation, and efficiency. Further, the General Assembly recognizes the importance of retaining and attracting the nation's best teachers by allocating significantly more resources into the classroom and giving teachers freedom from burdensome regulations.⁴⁸

Step-By-Step: Designing an Innovation Network School

A school that is part of a school corporation may be established as an Innovation Network Schools through one of two different processes, each of which has specific criteria and other factors to be considered. Both also require action by the governing body (local board) of the school corporation.



OPTION 1. INITIATED BY TEACHERS AND LEADERS

Plan Development: Two or more teachers AND a principal, superintendent, OR any combination of principals/ superintendents, all of which are currently employed by a school corporation, may submit a plan to the Local Board of the school corporation for the establishment of an Innovation Network School.⁴⁹ A Local Board is required to develop a program to provide support to teachers and administrators who wish to establish an innovation network school.⁵⁰

Plan Approval: In reviewing a plan, the Local Board may consider innovations in the following areas:

- Whether the plan:
 - increases teacher salaries;
 - achieves financial sustainability for teacher salary increases under clause (A) by reallocating other funds, including local, private, state, or federal funds; and
 - develops measures for determining how the innovations or teacher empowerment improves the quality of classroom instruction; and increases the attractiveness of teaching;
- Class size and schedule;
- Length of school day or year;
- Use of technology to deliver highly effective instruction;
- Staffing models for teachers, paraprofessionals, and administrators;
- Teacher recruitment, training, preparation, and professional development;
- School governance and the roles, responsibilities, and expectations of principals in Innovation Network Schools;
- Preparation and counseling of students for transition to higher education or careers; and
- Whether the plan incorporates a school model that uses job redesign or technology to extend the reach of effective or highly effective teachers to more students for more pay within budget.

Grant Funding: A Local Board may request a grant from the Board for costs associated with plan development and implementation.

OPTION 2. INITIATED BY THE LOCAL BOARD

Establishment or Reconstitution: A Local Board, of its own accord, may establish a (new) Innovation Network School or reconstitute a school as an Innovation Network School.

Grant Funding: A Board that establishes an Innovation Network School or reconstitutes an eligible school as an Innovation Network School is not eligible for a grant from the Board under [IC 20-25.7-7](#) for costs associated with plan development and implementation.

BOTH OPTIONS

Agreement: The Local Board is required to enter into an agreement with an Innovation Network Team to establish a school (or reconstitute a school) as an Innovation Network School. The agreement must specify, among other things:

- ▶ The Innovation Network Team authorizes the Department of Education to include the school's performance assessment results when calculating the school corporation's performance assessment;
- ▶ Performance goals and accountability metrics for the school; and
- ▶ Grounds for termination of the agreement.



The Local Board must notify the Department within thirty days of entering into an agreement.

Note: A Local Board may also enter into an agreement with a charter organizer to reconstitute an eligible school as a Participating Innovation Network Charter School or to establish a Participating Innovation Network Charter School within the boundary of the school corporation. Any such agreement is subject to additional requirements established in the Indiana Code.

Operational Autonomy: The Innovation Network Team shall have full operational autonomy to run the Innovation Network School as provided in the agreement. For any collective bargaining agreement under [IC 20-29](#) entered into after July 1, 2015, a governing body is not bound by its collective bargaining agreement for employees of an Innovation Network School. Employees of an Innovation Network Team may organize and create a separate bargaining unit to collectively bargain with the Innovation Network Team under [IC 20-29](#).

Exclusion from Certain State Mandates: Within certain restrictions, the following do not apply to an Innovation Network School:

1. An Indiana statute applicable to a governing body or school corporation.
2. A rule or guideline adopted by the Board, except for those rules that assist a teacher in gaining or renewing a standard or advanced license.
3. A local regulation or policy adopted by a school corporation unless specifically incorporated in the agreement established under this chapter.

However, a school must generally comply with statutes applicable to charter schools ([IC 20-24-8-5](#)), staff performance evaluations ([IC 20-28-11.5](#)), and employment of teachers and other personnel in charter schools ([IC 20-24-6](#)).

Operational Requirements: An Innovation Network School may not refuse enrollment to a student who lives in the school's attendance area, but each timely applicant must be given an equal chance of admission if the number of applicants exceeds capacity at the program, class, grade, or building level.

An Innovation Network Team and the Local Board must hold a joint public meeting at least two times each year to discuss issues and progress concerning the school.

Coalition of Continuous Improvement School Districts

The Board is authorized to approve a coalition of continuous improvement school districts and to offer “flexibility and innovation to schools to improve student outcomes.”⁵¹ The coalition must be designed to:

- ▶ Improve student performance and outcomes;
- ▶ Offer coalition members flexibility in the administration of educational programs; and
- ▶ Promote innovative educational approaches to student learning.

A legislatively-established cap on coalition membership expands every year, starting with a maximum of 8 members during the 2018-2019 school year and expanding to a maximum of 30 members in the 2021-2022 school year.⁵²

SUSPENSION OF RULES AND MANDATES

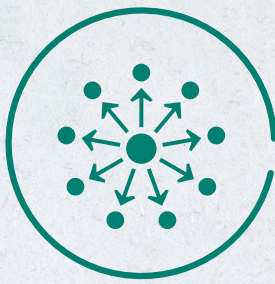
In order to promote innovation within the coalition, the Indiana General Assembly permitted the coalition to suspend certain provisions in Title 20 and Board rule in accordance with the coalition’s plan. The provisions the coalition and its members may suspend include, but not limited to, the following:

- ▶ Statutes and rules concerning curricular materials (IC 20-26-12-1; IC 20-26-12-2; IC 20-26-12-24; IC 20-26-12-26; and 511 IAC 6.1-5-5)
- ▶ Rules concerning teacher licenses (511 IAC 16; and 511 IAC 17)
- ▶ Statutes concerning Indiana’s Performance Based Accreditation System (IC 20-31-4.1)⁵³

PROGRAM REQUIREMENTS

Now that the coalition has been established, school corporations, eligible schools, or accredited nonpublic schools may submit applications to the Board to become members of the existing coalition.⁵⁴





FLEXIBILITY THROUGH

State Delegation of Authority — Home Rule

Indiana's approach to school corporation governance reserves huge swaths of responsibility and decision-making for school and school corporation leaders.

Indiana Code⁵⁵ charges governing bodies with administering the affairs of a school corporation. This broad decision making authority, commonly referred to as "Home Rule," includes statements such as the following:

- ▶ "[T]he policy of the state is to grant to each school corporation **all the powers needed** for the effective operation of the school corporation."⁵⁶
- ▶ "Any doubt as to the existence of a power of a school corporation must be resolved **in favor of the existence of the power...**"⁵⁷
- ▶ "A school corporation has: (1) all powers granted to the school corporation by statute or through rules adopted by the state board; and (2) all other powers necessary or desirable in the conduct of the school corporation's affairs, even if the power is not granted by statute or rule...The powers that school corporations have under subsection (b)(1) are listed in various statutes. However, these statutes do not list the powers that school corporations have under subsection (b)(2). The omission of a power from a list does not imply that school corporations lack that power."⁵⁸

In addition to the authority reserved for local leaders, one of the state's most expansive and explicit delegations of authority allows a local school corporation to design most aspects of the instructional program made available in its schools, including curriculum offerings at each grade level, graduation pathways, programs available to students, and more. Each aspect of instructional design highlighted below provides some opportunity for local decision-making and innovation.

Curriculum Offerings

Each school corporation in the state can decide for itself how to "develop and implement a curriculum for kindergarten through grade 12 that provides a planned sequence of learning experiences of adequate breadth and depth" so that each student is educated to have the "knowledge, skills, maturity, social competence, and motivation to be: (1) prepared to succeed in further education; (2) an effective participant in the global economy; (3) a positive influence in the community; and (4) an active citizen in American democracy."⁵⁹

Although the state does not prescribe the curriculum or define the four requirements for knowledge, skills, maturity, social competence, and motivation, Administrative Code does require that students be provided with specific opportunities which include but are not limited to the following:

- ▶ "Use language to think and communicate effectively, both orally and in writing."
- ▶ "Use mathematical knowledge and methods to solve problems."
- ▶ "Understand and apply scientific knowledge and methods. (6) Make use of technology and understand its limitations."
- ▶ "Express oneself through the arts and understand the artistic expression of others."
- ▶ "Understand other languages and cultures."
- ▶ "Acquire the capacity to meet unexpected challenges."⁶⁰

There are specific requirements in the Administrative Code for elementary schools, middle schools, and high schools.

- ▶ An elementary school has the flexibility to not use the reading framework, as outlined in the Code, if the Board determines that the school falls into one of the top 2 performance categories and 90% of students pass the IREAD-3 assessment during the school year immediately preceding the utilization of the framework.⁶¹
- ▶ The curriculum in middle level schools must include a “*balance of learning experiences in [certain] academic areas,*” career information models, exploratory activities, and it must develop students’ ability to apply subject matter skills to solve personal, school, and community problems.⁶²
- ▶ In high school, the curriculum must include a “*sufficient number and variety of courses*” so that students are able to fulfill diploma requirements within 4 years.



Minimum Requirements for High School Graduation

Students must complete at least 40 credits in order to graduate from high school.⁶³

- ▶ School corporations may establish graduation requirements that exceed the minimum standards established in the Administrative Code, in which case the local standards will take precedence.
- ▶ Without seat time requirements, districts are fully authorized (and may elect) to award credits on the basis of a student’s demonstration of proficiency. Note that this flexibility also extends to grades 1-8.
- ▶ Students have the option to complete courses by correspondence, provided the student obtains the approval of the local school board, and the school board has the option of establishing a maximum number of credits acceptable for meeting graduation requirements.⁶⁴
- ▶ Students may also meet high school graduation requirements through training and experience obtained in the United States Armed Forces. Credit may also be awarded for overseas instruction through “*accredited colleges and universities as recommended by the respective colleges and universities.*”⁶⁵
- ▶ Students may individualize their graduation requirements to align to their postsecondary goal.⁶⁶

High Ability Programs

Indiana schools are required to provide high ability students with “*appropriately differentiated curriculum and instruction in core academic [content] areas*” in grades K-12.⁶⁷

- ▶ School corporations must create plans that include requirements for providing an appropriate educational experience to high ability students in the schools — this must include student assessments that identify high ability students using “*multifaceted assessments to ensure that students are not identified by traditional assessments because of economic disadvantage, cultural background, underachievement, or disabilities are included.*”
- ▶ The Department may waive curriculum and graduation rules for programs for high ability students. (See previous section.)

Postsecondary Enrollment Programs

School corporations must adopt policies to implement postsecondary enrollment programs.

- ▶ Administrative Code gives discretion to school corporations to establish supplemental postsecondary education programs and establish procedures to permit students, even below 11th grade, to enroll in and attend courses at eligible institutions.⁶⁸

eLearning Day Program

The eLearning day program provides flexibility for schools to provide an instructional day “away from traditional time limits and brick and mortar settings.” This program has “evolved into an engaging instructional model used in many Indiana schools to keep the sequence of learning going in spite of weather and other challenges. More importantly, it has provided teachers and students the opportunity to engage with digital resources, to collaborate virtually, and to develop digital skills that are used and valued beyond K-12.”⁶⁹

- ▶ Through amendments in 2019, Indiana schools and school corporations are no longer required to request approval from the Indiana Department of Education to implement eLearning days.

Future Ready Schools

The Future Ready Schools program helps district leaders plan and implement personalized, research-based digital learning strategies so all students can achieve their full potential. Future Ready Schools is “free, bold effort to maximize digital learning opportunities and help school districts move quickly toward preparing students for success in college, a career, and citizenship.”⁷⁰ This program seeks to provide districts with “resources and support to ensure that local technology and digital learning plans align with instructional best practices, are implemented by highly trained teachers, and lead to personalized learning experiences for all students, particularly those from traditionally under-served communities.”

- ▶ The Future Ready Framework provides a roadmap to digital transformation and the dashboard helps school leadership set up and implement technology practices in their schools and districts.





III. SUGGESTED NEXT STEPS

The areas of flexibility highlighted in this guide can be utilized, as needed, for designing innovative, 21st-century learning systems. Consider these steps as you embark on meeting the unique needs of your students and communities:

Establish a corporation or school vision and goals for next generation learning

- ▶ When establishing your vision and goals, consider alignment with the state’s strategic education vision and goals, as well as areas of flexibility and innovation that are supported by the state.
- ▶ Solicit input from a broad range of stakeholders throughout your community to build support. Community stakeholders may include parents/families, teachers, students, administrators and others.
 - During this process identify strategies to involve historically marginalized students, families and community members.
- ▶ Consider developing a portrait of a graduate who embodies the postsecondary skills and competencies graduates will be equipped with once your next generation learning vision and goals are implemented.
- ▶ Identify instructional, curricular and classroom assessment strategies that will be necessary to support the vision.

Evaluate the key components of your vision against your current reality to identify potential implementation barriers.

- ▶ Identify potential barriers to implementation and areas of need, such as instructional, curricular, and classroom assessment strategies that will be necessary to support your vision.

Utilize this guide to identify how the available flexibilities can address the barriers.

- ▶ Flexibility requests should stem from your vision and goals for students, not simply requirements you may find burdensome.
 - Focus on those policy requirements that may actually preclude you from taking steps to achieve your vision.

- ▶ Review the guidance in this document to understand the steps needed to access each of the three types of flexibility the State has made available:
 - Flexibility through Request;
 - Flexibility through Innovation Program Participation; and
 - Flexibility through State Delegation of Authority — Home Rule.

Identify the performance benchmarks you will need to collect to determine the impact of the flexibilities you are utilizing.

- ▶ Benchmarks and targets for success should be established and shared with community stakeholders when the vision and goals are established.
- ▶ Eventually, be ready to share these data — good and bad — in order to continue refining implementation of your next generation learning vision.

Provide feedback to state education leadership and policymakers regarding the ways in which flexibility has been used in support of the vision, as well as any barriers that still exist.

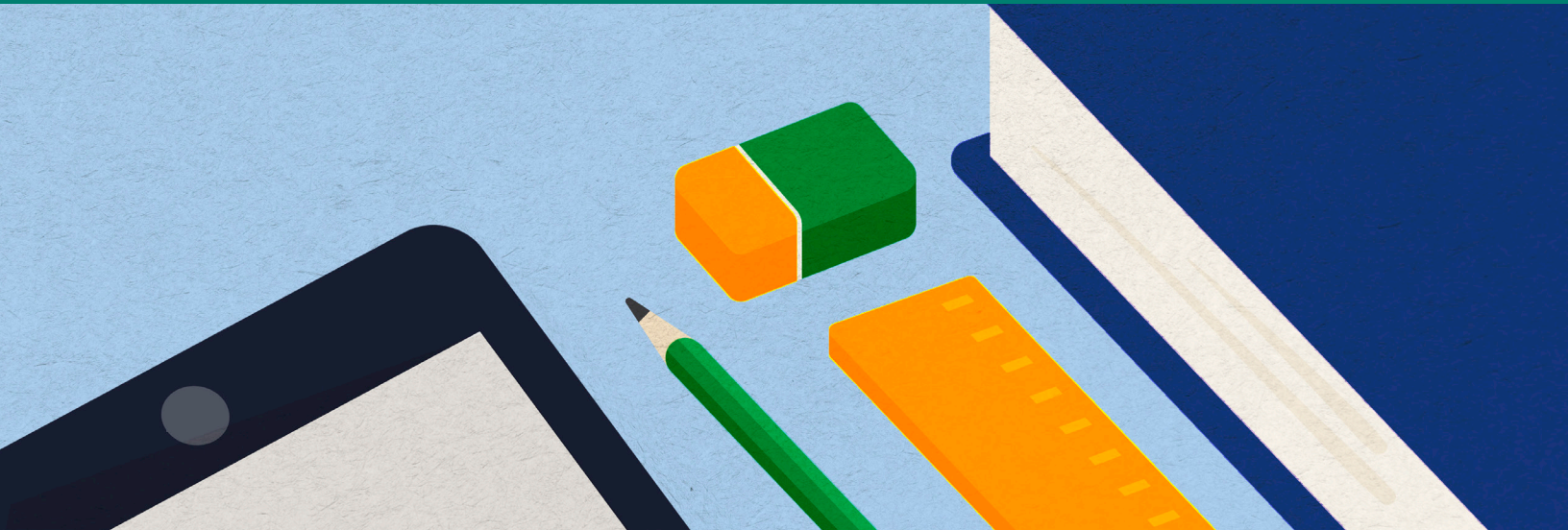
- ▶ Communicating the impact of the utilized flexibilities and barriers that still exist to practitioners, administrators and policymakers will help determine whether exemptions from laws and regulations have had a positive impact on innovation. With this information, stakeholders can work together to make needed changes.



ENDNOTES

- 1 511 IAC 6-7-1. Definitions. <http://iac.iga.in.gov/iac/T05110/A00060.PDF>
- 2 House Enrolled Act No. 1003. 121st General Assembly, 2nd Regular Session. Indiana (2020) <http://iga.in.gov/legislative/2020/bills/house/1003#document-d2fb0d05>
- 3 IC 20-31-4.1-1. "Legal standards." <http://iga.in.gov/legislative/laws/2020/ic/titles/020#20-31-4.1>
- 4 IC 20-31-4.1-4. Request to Waive Certain Requirements. <http://iga.in.gov/legislative/laws/2020/ic/titles/020#20-31-4.1-4>
- 5 IC 20-31-4.1-4. Request to Waive Certain Requirements. <http://iga.in.gov/legislative/laws/2020/ic/titles/020#20-31-4.1-4>
- 6 IC 20-26-5. Chapter 5. General Powers and Duties. <http://iga.in.gov/legislative/laws/2020/ic/titles/020#20-26-5>
- 7 IC 20-27-7. Chapter 7. School Bus Inspection and Registration. <http://iga.in.gov/legislative/laws/2020/ic/titles/020#20-27-7>
- 8 IC 20-27-8. Chapter 8. School Bus Drivers. <http://iga.in.gov/legislative/laws/2020/ic/titles/020#20-27-8>
- 9 IC 20-27-10. Chapter 10. School Bus Safety. <http://iga.in.gov/legislative/laws/2020/ic/titles/020#20-27-10>
- 10 IC 20-28. Article 28. School Teachers. <http://iga.in.gov/legislative/laws/2020/ic/titles/020#20-28>
- 11 IC 20-29. Article 29. Collective Bargaining for Teachers. <http://iga.in.gov/legislative/laws/2020/ic/titles/020#20-29>
- 12 IC 20-30-5. Chapter 5. Mandatory Curriculum. <http://iga.in.gov/legislative/laws/2020/ic/titles/020#20-30-5>
- 13 IC 20-31. Article 31. Accountability for Performance and Improvement. <http://iga.in.gov/legislative/laws/2020/ic/titles/020#20-31>
- 14 IC 20-32-4. Chapter 4. Graduation Requirements. <http://iga.in.gov/legislative/laws/2020/ic/titles/020#20-32-4>
- 15 IC 20-32-5.1. Chapter 5.1. Indiana's Learning Evaluation Assessment Readiness Network (ILEARN) Program. <http://iga.in.gov/legislative/laws/2020/ic/titles/020#20-32-5.1>
- 16 IC 20-33-1. Chapter 1. Equal Educational Opportunity. <http://iga.in.gov/legislative/laws/2020/ic/titles/020#20-33-1>
- 17 IC 20-34. Article 34. Student Health and Safety Measures. <http://iga.in.gov/legislative/laws/2020/ic/titles/020#20-34>
- 18 IC 20-35. Article 35. Special Education. <http://iga.in.gov/legislative/laws/2020/ic/titles/020#20-35>
- 19 IC 20-36. Article 36. High Ability Students. <http://iga.in.gov/legislative/laws/2020/ic/titles/020#20-36>
- 20 IC 20-39. Article 39. Accounting and Financial Reporting Procedures. <http://iga.in.gov/legislative/laws/2020/ic/titles/020#20-39>
- 21 IC 20-40. Article 40. Government Funds and Accounts. <http://iga.in.gov/legislative/laws/2020/ic/titles/020#20-40>
- 22 IC 20-41. Article 41. Extracurricular Funds and Accounts. <http://iga.in.gov/legislative/laws/2020/ic/titles/020#20-41>
- 23 IC 20-42. Article 42. Fiduciary Funds and Accounts. <http://iga.in.gov/legislative/laws/2020/ic/titles/020#20-42>
- 24 IC 20-42.5. Article 42.5. Allocation of Expenditures to Student Instruction. <http://iga.in.gov/legislative/laws/2020/ic/titles/020#20-42.5>
- 25 IC 20-43. Article 43. State Tuition Support. <http://iga.in.gov/legislative/laws/2020/ic/titles/020#20-43>
- 26 IC 20-44. Article 44. Property Tax Levies; General Provisions. <http://iga.in.gov/legislative/laws/2020/ic/titles/020#20-44>
- 27 IC 20-46. Article 46. Levies Other than General Fund Levies. <http://iga.in.gov/legislative/laws/2020/ic/titles/020#20-46>
- 28 IC 20-47. Article 47. Related Entities; Holding Companies; Lease Agreements. <http://iga.in.gov/legislative/laws/2020/ic/titles/020#20-47>
- 29 IC 20-48. Article 48. Borrowing and Bonds. <http://iga.in.gov/legislative/laws/2020/ic/titles/020#20-48>
- 30 IC 20-49. Article 49. State Management of Common School Funds; State Advances and Loans. <http://iga.in.gov/legislative/laws/2020/ic/titles/020#20-49>
- 31 IC 20-50. Article 50. Homeless Children and Foster Care Children. <http://iga.in.gov/legislative/laws/2020/ic/titles/020#20-50>
- 32 IC 20-51. Article 51. School Scholarships. <http://iga.in.gov/legislative/laws/2020/ic/titles/020#20-51>
- 33 IC 20-31-4.1-5. Approval by State Board. <http://iga.in.gov/legislative/laws/2020/ic/titles/020#20-31-4.1-5>
- 34 The application process established by the Board includes the option of including a waiver request in an accreditation application.
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- 36 IC 20-31-4.1-8. Review by the Board. <http://iga.in.gov/legislative/laws/2020/ic/titles/020#20-31-4.1-8>
- 37 511 IAC 6-8-2. Waiver to Implement Nonstandard Courses and Curriculum Programs. http://iac.iga.in.gov/iac/iac_title?iact=511&iaca=6&submit=+Go+
- 38 511 IAC 6-8-1. Definitions. <http://iac.iga.in.gov/iac/T05110/A00060.PDF>
- 39 IDE. Memorandum: Nonstandard Course Waiver (July 27, 2018). https://www.doe.in.gov/sites/default/files/news/pilot-coursenscwguidancesp-memo-autosaved-july-27.pdf?utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term=
- 40 IDE. Memorandum: Nonstandard Course Waiver (July 27, 2018). https://www.doe.in.gov/sites/default/files/news/pilot-coursenscwguidancesp-memo-autosaved-july-27.pdf?utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term=
- 41 Indiana Governor's Workforce Cabinet. Career and Technical Education. About CTE. <https://www.in.gov/gwc/2445.htm>
- 42 511 IAC 6-9.1-3. Rule Waivers. http://iac.iga.in.gov/iac/iac_title?iact=511&iaca=6&submit=+Go+
- 43 511 IAC 6-9.1-1. Definitions. http://iac.iga.in.gov/iac/iac_title?iact=511&iaca=6&submit=+Go+
- 44 IC 20-31-4-6. Compliance with Legal Standards. <http://iga.in.gov/legislative/laws/2018/ic/titles/020#20-31-4>; 511 IAC 6.2-3. Strategic and Continuous School Improvement and Achievement Plan. <https://www.in.gov/sboe/files/511-iac-62.pdf>; 511 IAC 6.2-3-2. Waivers. <https://www.in.gov/sboe/files/511-iac-62.pdf>; IDE. School Improvement Plans. <https://www.doe.in.gov/school-improvement/school-improvement-plans>

- 45 IC 20-25.7-3-4. "Innovation network school." <http://iga.in.gov/legislative/laws/2020/ic/titles/020#20-25.7-3-4>; IC 20-25.7-3-5. "Innovation network team." <http://iga.in.gov/legislative/laws/2020/ic/titles/020#20-25.7-3-5>
- 46 IC 20-25.7-3-3. "Eligible school." <http://iga.in.gov/legislative/laws/2020/ic/titles/020#20-25.7-3-3>
- 47 IC 20-25.7-3-6. "Participating Innovation Network Charter School." <http://iga.in.gov/legislative/laws/2020/ic/titles/020#20-25.7-3-6>
- 48 IC 20-25.7-2-1. Findings. <http://iga.in.gov/legislative/laws/2020/ic/titles/020#20-25.7-2-1>
- 49 IC 20-25.7-4-3. Establishment of Innovation Network School by Teachers. <http://iga.in.gov/legislative/laws/2020/ic/titles/020#20-25.7-4-3>
- 50 IC 20-25.7-4-11. Development of Program to Support Establishment of an Innovation Network School. <http://iga.in.gov/legislative/laws/2020/ic/titles/020#20-25.7-4-11>
- 51 IC 20-26.5-2-2. Chapter 2. Establishment of Continuous Improvement School Districts. <http://iga.in.gov/legislative/laws/2020/ic/titles/020#20-26.5-2-2>; See also Indiana State Board of Education. Coalition of Continuous Improvement School Districts. <https://www.in.gov/sboe/2819.htm>
- 52 IC 20-26.5-2-2. Membership in Coalition. <http://iga.in.gov/legislative/laws/2020/ic/titles/020#20-26.5-2-2>
- 53 IC 20-26.5-2-3. Suspension of Statutes or Rules. <http://iga.in.gov/legislative/laws/2020/ic/titles/020#20-26.5-2-3>
- 54 IC 20-26.5-2-1. Establishment of Coalition. <http://iga.in.gov/legislative/laws/2019/ic/titles/020/#20-26.5-2>
- 55 IC 20-26-2-2. "Governing Body." <http://iga.in.gov/legislative/laws/2020/ic/titles/020#20-26-2-2>
- 56 IC 20-26-3-1. State Policy. <http://iga.in.gov/legislative/laws/2020/ic/titles/020#20-26-3-1>
- 57 IC 20-26-3-2(b). School Corporation Powers; Resolution of Doubted Existence. <http://iga.in.gov/legislative/laws/2020/ic/titles/020#20-26-3-2>
- 58 IC 20-26-3-3. School Corporation Powers; Extent. <http://iga.in.gov/legislative/laws/2020/ic/titles/020#20-26-3-3>
- 59 511 IAC 6.1-5-0.6. General Curriculum Principles. <http://iac.iga.in.gov/iac/T05110/A00061.PDF>. Note that IC 20-31-4 was repealed by statute in March, 2020. These rules however will remain in effect until the earlier of: (1) the date that administrative rules are adopted under IC 20-31-4.1-10; or (2) July 1, 2021.
- 60 511 IAC 6.1-5-0.6. General Curriculum Principles. <http://iac.iga.in.gov/iac/T05110/A00061.PDF>
- 61 511 IAC 6.1-5-2.6. Elementary Curriculum. <http://iac.iga.in.gov/iac/T05110/A00061.PDF>
- 62 511 IAC 6.1-5-3.6. Middle Level Curriculum. <http://iac.iga.in.gov/iac/T05110/A00061.PDF>
- 63 511 IAC 7.1. Graduation Requirements for Students Who Begin High School in the 2006-2007 School Year or a Subsequent Year. <http://iac.iga.in.gov/iac/T05110/A00060.PDF>
- 64 511 IAC 6-7.1-8. Correspondence Courses; Credit. <http://iac.iga.in.gov/iac/T05110/A00060.PDF>
- 65 511 IAC 6-7.1-9. Military Experience. <http://iac.iga.in.gov/iac/T05110/A00060.PDF>
- 66 IDE. Graduation Pathways. <https://www.doe.in.gov/graduation-pathways>; 511 IAC 6-7.1 Graduation Requirements for Students Who Begin High School in the 2006-2007 School Year or a Subsequent Year. <http://iac.iga.in.gov/iac/T05110/A00060.PDF>
- 67 IC 20-36. Article 36. High Ability Students. <http://iga.in.gov/legislative/laws/2020/ic/titles/020#20-36>; See also IDE. Indiana Code and Gifted Standards. <https://www.doe.in.gov/highability/indiana-code-and-gifted-standards>; IDE. Office of High Ability Education. <https://www.doe.in.gov/highability>. Note the Office of High Ability Education administers grants that support school corporations in the development of local programs and services for high ability students and provides resources, workshops, and materials suited to the needs of the high ability population.
- 68 511 IAC 6-10. Rule 10. Postsecondary Enrollment Program. <http://iac.iga.in.gov/iac/T05110/A00060.PDF>
- 69 IC 20-30-2-1. "Instructional Time." <http://iga.in.gov/legislative/laws/2020/ic/titles/020#20-30>; IDE. eLearning Day Program. <https://www.doe.in.gov/elearning/elearning-day-program>; IDE. eLearning Day Best Practice Considerations and Checklist. <https://www.doe.in.gov/sites/default/files/elearning/elearning-day-best-practices-3.pdf>; IDE. eLearning Day Implementation Toolkit. <https://www.doe.in.gov/sites/default/files/elearning/elearning-toolkit-7.pdf>
- 70 IDE. Future Ready Indiana. <https://www.doe.in.gov/elearning/future-ready-indiana>



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