

**MEMORANDUM**

To: Freeway School Administrators

From: Maggie Paino, Director of Accountability  
Office of Accountability

Date: April 27, 2018

Re: Senate Enrolled Act 354 – Freeway School Corporations

**Background:**

SEA 354-2018 added a new section to the Indiana Code pertaining to freeway accredited schools. In order to maintain freeway accreditation, a school must meet all minimum educational benefits annually. IC 20-26-15-15 provides freeway schools that did not meet the required minimum educational benefits with the opportunity to request from the Indiana State Board of Education (Board) a waiver from the minimum educational benefits requirement. The waiver is effective for a period of not more than 36 months. If requested, the Board must grant the waiver. Each freeway school may request only one waiver from the Board. A school granted a waiver may continue to operate as a freeway school regardless of whether it met the required minimum educational benefits for the term of the granted waiver. IC 20-26-15-15 became effective as of March 15, 2018, and expires on January 1, 2022.

**Guidance:**

Current freeway schools have different contract expiration years. Further, actions taken by the Board in recent years provided flexibility to some freeway schools as it pertained to the minimum educational benefits. The table below summarizes the different possible expiration dates, based on four different scenarios:

1. **Natural contract expiration:** the school annually meets all minimum educational benefits, and does not need to be considered for any flexibility. All current freeway contracts are effective for a period of five years.
2. **Hold harmless expiration:** the Board granted the school an additional school year to try and meet the minimum educational benefits, due to the change in standards tested during the 14/15 school year and the drop in proficiency seen statewide. The Board only provided this option to freeway schools with contracts set to expire in 2017 and 2018.
3. **Immediate waiver request expiration:** the school requests a waiver from the Board as provided for under IC 20-26-15-15 during 2018 (statute effective 3/15/2018). The

freeway accreditation would be extended for three years from the date the Board granted the waiver.

4. **Latest possible waiver request expiration:** the school does not need to request a waiver from the minimum educational benefits until its last year under the contract because the school failed to meet the minimum educational benefits during the last school year of its contract. A school may request a waiver until January 1, 2022 (expiration date of IC 20-26-15-15).
5. **Contract renewal expiration:** the school met all minimum educational benefits at the end of the contract period, and was granted a renewal for another 5 year accreditation term.

Based on this information, the most beneficial course of action differs based on the expiration year of the freeway school's contract, as well as the school's performance on the minimum educational benefits. As such, the following is put forward:

#### 2017 Renewals

- Make determinations as to whether the school met the minimum educational benefits upon receipt of the 2017-2018 data
- If the school met the minimum educational benefits: renew the freeway contract through 2022
- If the school did not meet the minimum educational benefits: notify school of opportunity to request a waiver from the Board

#### 2018 Renewals

- Make determinations as to whether the school met the minimum educational benefits upon receipt of the 2018-2019 data
- If the school met the minimum educational benefits: renew the freeway contract through 2022
- If the school did not meet the minimum educational benefits: notify school of opportunity to request a waiver from the Board

#### 2020 Renewals

- Make annual determinations as to whether the school met the minimum educational benefits
- If the school met the minimum educational benefits: renew the freeway contract through 2022
- If the school did not meet the minimum educational benefits: notify school of opportunity to request a waiver from the Board

2021 Renewals

- Make annual determinations as to whether the school met the minimum educational benefits
- If the school met the minimum educational benefits: renew the freeway contract through 2022
- If the school did not meet the minimum educational benefits: notify school of opportunity to request a waiver from the Board



Contract Expiration	Hold Harmless Expiration	Immediate Waiver Request Expiration	Latest Possible Waiver Request Expiration	Contract Renewal Expiration	Notes
2017	2019	2021	2022	2024	<ul style="list-style-type: none"> <li>Data for the “hold harmless” year is unavailable until fall 2018, school will hold accreditation through the 2018-2019 school year to avoid revocation mid-year</li> <li>Contract renewal could extend beyond the expiration of the statute, and potentially impede upon new accreditation statutes</li> </ul>
2018	2020	2021	2023	2025	<ul style="list-style-type: none"> <li>Data for the “hold harmless” year is unavailable until fall 2019, school will hold accreditation through the 2019-2020 school year to avoid revocation mid-year</li> <li>Contract renewal could extend beyond the expiration of the statute, and potentially impede upon new accreditation statutes</li> </ul>
2020	N/A	2021	2023	2025	<ul style="list-style-type: none"> <li>Waiver could extend contract beyond the expiration of the statute, and potentially impede upon new accreditation statutes</li> <li>Contract renewal could extend beyond the expiration of the statute, and potentially impede upon new accreditation statutes</li> </ul>
2021	N/A	2021	2024	2026	<ul style="list-style-type: none"> <li>Immediate waiver request would be ineffective unless school did not meet MEBs in 2017-2018 school year</li> <li>Waiver could extend contract beyond the expiration of the statute, and potentially impede upon new accreditation statutes</li> <li>Contract renewal could extend beyond the expiration of the statute, and potentially impede upon new accreditation statutes</li> </ul>
2022	N/A	2021	2025	2027	<ul style="list-style-type: none"> <li>Immediate waiver request would cut the contract short unless the school did not meet MEBs in 2017-2018 school year</li> <li>Waiver could extend contract beyond the expiration of the statute, and potentially impede upon new accreditation statutes</li> <li>Contract renewal could extend beyond the expiration of the statute, and potentially impede upon new accreditation statutes</li> </ul>

If you have any questions, please contact Maggie Paino at (317) 232-9185 or email [mpaino@doe.in.gov](mailto:mpaino@doe.in.gov).