

TO: Superintendents, Principals and School Leaders
FROM: Office of School Accountability
DATE: July 3, 2020
RE: 2020-2021 Policy for 180 Instructional Day Waiver Request

Pursuant to IC 20-30-2, all public and state accredited nonpublic schools must conduct at least 180 instructional days during a given school year. Public schools that do not conduct at least 180 instructional days during a school year shall have the subsequent August tuition support distribution reduced to reflect the actual amount of instructional days provided unless the Indiana Department of Education (IDOE) grants a waiver from this tuition support penalty. IDOE may grant a waiver of a particular amount of cancelled days so long as the school submits a waiver request to IDOE, and the cancellations are due to extraordinary circumstances.

In support of the 180 instructional day requirement, IDOE strongly suggests that all school corporations build at least five make-up days into the school calendar. Planning for five make-up days is part of planning for the unexpected. Extraordinary circumstances can warrant waivers for an entire school corporation after the corporation has rescheduled five days of instruction due to extraordinary circumstances.

Instructional Day Waiver Type	Conditions for Granting Instructional Day Waiver	Prerequisite Conditions for Instructional Day Waiver	COVID-19 Closures Eligible for Waiver
Type 1: Fewer than all schools in the School Corporation	<ul style="list-style-type: none"> Documented Extraordinary Circumstances Waiver Request Submitted to IDOE* 	None	Yes -- only if individual school operations cease.
Type 2: All schools in the School Corporation	<ul style="list-style-type: none"> Documented Extraordinary Circumstances Waiver Request Submitted to IDOE* 	Five instructional days have been cancelled and rescheduled. Corporation has closed for two or more additional days beyond the first five leading to eligibility for 2 for 1 make up schedule.	Yes -- only if corporation operations cease and prerequisite conditions have been met.

**Requests should be submitted to the IDOE within 10 days of the cancelled day of school.*

For the 2020-2021 school year, IDOE will implement its Instructional Day Waiver policy as it has in the past with no changes planned due to COVID-19. Key elements of the Instructional Day Waiver Policy are listed below (**This guidance may be subject to change even during the 2020-2021 school year**):

- COVID-19 is considered an extraordinary event warranting school closure during the 2020-2021 school year in the same way a snow day is considered an extraordinary event. COVID-19 related closures may be necessary if staff availability or school operations are threatened in some way making it impossible for the school or school corporation to deliver services onsite or virtually. Such circumstances would occur only

when the local situation makes it impossible for the school or corporation to execute its continuous learning plan.

- **Type 1 Instructional Day Waivers** (see table above) will only be granted if there is an unexpected, extraordinary event that impacts less than the entire student population of a school corporation. IDOE will approve such waiver requests due to the challenges resulting from having a corporation make up a day for only part of the corporation.
- **Type 2 Instructional Day Waivers** (see table above) will be granted if certain conditions are met. IDOE will utilize the “two-for-one” policy that has been in effect the last three school years. School corporations are still expected to make up the first five cancelled days using the make-up days originally built into the calendar. After the fifth cancelled day, IDOE will waive one day for every two additional canceled days. After the fifth cancelled day, school corporations will receive waivers for odd numbered cancellations, e.g., cancelled days 7, 9, 11, etc. Corporations are still expected to make up all days not waived pursuant to IC 20-30-2-4.
 - As an example, a school corporation with seven cancelled days would need to reschedule six of the days and would be eligible for a waiver for the seventh day. If the school corporation would then need to cancel two additional days, only one of the additional days would need to be made-up, the other would be eligible for a waiver.
 - *Keep in mind that the make-up days must be conducted on a day other than the original cancelled day. For example, if January 14, 2021 is cancelled due to excessive snowfall and made up on February 17, 2021, that day would count toward the five days. If, January 14, 2021 was originally scheduled to be an in-classroom day and was made an eLearning day due to excessive snowfall, that day would not count toward the 2 for 1 calculation because the original instructional day was not cancelled.*
- As has been the practice, public schools do not need to submit a waiver request for two-hour delays and two-hour early releases in response to an incident that could jeopardize the safety of students or that are planned to provide professional development. Days where a school uses a two-hour delay or two-hour early release count as full instructional days.
- **For nonpublic schools:** Since nonpublic schools do not receive tuition support, a waiver from the tuition support reduction penalty is not necessary. However, it is strongly suggested that accredited nonpublic schools still conduct 180 instructional days.

All Instructional Day Waiver requests should be submitted electronically at <https://form.jotform.com/82175824139966>.

Please contact schoolaccountability@doe.in.gov if there are any questions regarding instructional day requirements or waiver requests.