



WAIVERS AND FLEXIBILITY REQUESTS

Transitioning to Student-Centered Learning: Policy Solutions for States

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While working with states to implement innovative student-centered learning policies and programs, ExcelsinEd has identified policies and practices that hinder new student-centered learning models. This policy brief series, [Transitioning to Student-Centered Learning: Policy Solutions for States](#), addresses these challenges.

THE CHALLENGE OF PROVIDING FLEXIBILITY AND ADMINISTERING WAIVERS

Each year, more districts and schools across the nation break the mold of traditional education models—whether systemically or programmatically. Some are trying to meet the needs of students by blurring the idea of where and when education can happen while others seek to find innovative staffing solutions. This growing movement creates an urgent need for increased flexibility to facilitate the implementation of these innovative approaches.

As a first step, states often identify policies that are believed to thwart innovation. But embarking on a sweeping overhaul of law and policy is not only a daunting process, it is, in most cases, not a necessary or advisable first step. In fact, [new ExcelsinEd research](#) shows that most states have already established flexibility authority that can be used to promote next generation learning.

FLEXIBILITY IN PRACTICE

Wisconsin shares examples of what flexibility could look like in practice.

- A career academy with most or all core academic instructions delivered in an integrated and applied manner.
- A project-based learning program that allows a student to demonstrate a range of competencies in various content areas that fulfill the graduation requirement through an in-depth, personalized project.

Existing Flexibility

Waivers - Interest in student-centered approaches has led nearly every state legislature to create or expand authorizing provisions under which a state board of education or chief state school officer can consider and approve requests for waivers from state law and regulations. Many of these provisions provide specifically for waivers from seat time requirements or minimum hours of instruction.

Programs - Thirty-three states and Washington, D.C., have established general innovation or pilot programs to explore next generation learning. Most next generation program statutes offer much broader flexibility than waivers. General innovation and pilot programs often allow exemptions that are generally on par with those available to charter schools.

States should enable schools to access existing opportunities to request flexibility from the policies that are hindering innovation. The challenge for states is twofold. First, state education agencies (SEAs) must shift their role as enforcers of policy to one that empowers districts to explore new approaches for improving educational outcomes. And, second, state administrators must navigate the divide between policy and practice while providing the appropriate tools for schools to apply for waivers.

Currently, due to an absence of clear avenues to obtain waivers, many districts have developed their own internal processes to work around the policies that do not support their reform efforts while still staying in compliance. While these solutions may address immediate challenges for schools, they are often not sustainable as models continue to evolve and new needs arise.



Using the flexibility guide below, SEAs can assess their current policies and procedures to improve opportunities for schools to innovate.

STATE SPOTLIGHTS

Alabama Innovative School Systems - *To advance the benefits of local school and school system autonomy in innovation and creativity by allowing flexibility from state laws, regulations and policies.*

Kentucky Districts of Innovation - *To be exempted from certain administrative regulations and statutory provisions to improve the educational performance of students within the district.*

FLEXIBILITY GUIDE

This flexibility guide was conceived from collaboration and conversations with SEA administrators participating in ExcelinEd's Network of State Innovation Partners. It was also inspired by themes that have surfaced in current conversations across the states as the desire for flexibility and innovation in schools grows. The guide outlines steps states can take to ensure schools and districts are aware of what flexibility opportunities are available, understand how these flexibilities can be utilized and develop a process to evaluate and communicate outcomes.

The flexibility guide includes three components: **Building Awareness**, **Designing Clear Application Processes** and **Inspiring Reform**. Each component of the framework encompasses key steps in the process that states can evaluate. The framework serves as a compass for states to identify available flexibilities, to pinpoint where they are in the flexibility guide process, and to improve processes that support innovation within districts. *Communication strategies are incorporated into each step of the process.*

Step 1: Building Awareness

K-12 leaders and practitioners are often unaware of existing opportunities to solve problems or design and implement next generation systems. In fact, even SEA staff themselves can be unaware of policies that have been in place for a long time or that were created for a different purpose. Considering this, states should begin by cataloging opportunities for flexibility and effectively communicating those opportunities to schools.

Questions and Suggestions to Build Awareness

What is the process to inventory the flexibilities that your state offers?

- If there is not already an effective process in place, engage department stakeholders to develop a process to catalog and document all opportunities. The result should be a resource that is easily accessible, user-friendly and offers ideas.
- SEA leadership should first engage the different departments and divisions internally to ensure that there is consistent messaging.
- Waiver opportunities might be found in federal or state law or in state board regulations, and the report should include the relevant citations.
- The list should also clearly state which policies are not available for exemption such as health, safety and civil rights requirements.
- If possible, identify previously approved waivers that can be used as examples.



Do schools have access to and understanding of the opportunities to request flexibility or waivers already available?

- Identify the current methods in place to communicate available opportunities to schools.
- Document the historical usage. How many applications have been received? Approved? Rejected? Why?

What communication strategies can be implemented to facilitate increased awareness and adoption of flexibility opportunities?

- Develop a plan to share the inventory with districts and schools. This should include not only posting on the SEA website but sharing via newsletters, emails, etc.
- Create urgency to prioritize the development of additional outreach channels to schools.

Step 2: Designing Clear Application Processes

After developing an inventory of flexibilities and communicating these opportunities, state leaders can structure an application process that allows innovative leaders to easily request available flexibilities.

Questions and Suggestions for Process Development

Has the state solicited feedback from participating districts and schools regarding the current application process?

- Conduct outreach to districts and schools that have previously submitted applications to gain insight into what is working and what improvements can be made.
- Locate applications used in other states to gather ideas.

Do waiver requests include a rationale for why flexibility is needed, a description of the innovative practices schools seek to implement and an explanation of how the waiver or exemption will facilitate implementation?

- Consider allowing schools to submit amendments for additional flexibility as they seek to implement their innovation plans. When designing an innovation plan, school leaders are unlikely to have a full understanding of which specific policies will be likely to impede progress. However, they may be discovered during implementation.

Is there a plan in place to improve the application process over time?

- Conduct ongoing reviews of the goals and limitations of the flexibility and waiver request process to enable continuous improvements that ensure accessibility and use by districts.

STATE SPOTLIGHTS

The Illinois State Board of Education has a [policy waiver website](#) that contains an overview checklist and a [downloadable application](#).

Arkansas has a comprehensive website that includes [applications for Schools of Innovation](#) as well as [general district waiver requests](#) and other supportive documents.

South Carolina has developed a comprehensive website supporting [personalized learning](#), including the [flexibility to support personalized learning](#).



Step 3: Inspiring Broader Reform

Policymakers have authorized a range of different programs and initiatives to inspire change and innovation—all with the common goal of clearing away policy obstacles that stand in the way of student-centered learning. The final step of this flexibility framework is to develop a plan that annually communicates the results of these waiver requests to state policymakers. With this information policymakers can determine what kind of long-term changes are needed to help all schools. Ultimately, waivers from laws and regulations that facilitate innovation and improve outcomes for students should be targets for broader reform.

Questions and Suggestions for Inspiring Reform

How is the state agency collecting and analyzing flexibility and waiver requests, both approved and denied?

- Processes should be identified that analyze the most common requests, the reasons why flexibility is requested and alternate processes being developed.
- This should be an agency-wide effort with input from all divisions.

What impact has the flexibility from state laws and regulations had on the work schools and districts are doing to design and implement their innovation plans?

Is there a process in place to communicate the results in ways that directly address the original goal and provide an intentional feedback loop to policymakers?

If the waivers are part of a broader innovation or pilot program, do you have a plan to communicate progress and impact?

- These programs typically have distinct student outcomes as a goal. Ensuring that progress is frequently communicated will help sustain legislative support.

See ExcelinEd's policy brief [Evaluating Progress and Impact](#) for detailed recommendations and suggested metrics.

STATE SPOTLIGHTS

Colorado produces an [Annual Report of Approved Innovation Waivers](#) that includes a description of the innovations implemented and the Top 10 Most Requested Waivers.

The Arkansas Department of Education [reported their most frequently requested waivers](#), and the state legislature also compiled research on [district and school level waivers](#), noting the different types and impacts.

The underlying premise of these initiatives is that burdensome policies and regulations stand in the way of schools being able to meet the needs of their students. And this final step is especially critical. Identifying the most frequently requested waivers, understanding *why* they were requested and cataloging their proposed solutions provides essential information for policymakers. This strategic approach prevents the unsustainable creation of a patchwork of exemptions for innovation and, instead, provides the tools to build toward long-term, system reform.