

School Innovation Waivers



Executive Summary

Missouri public schools and districts are subject to federal (e.g., [20 USC Ch. 70](#)) and state (Mo. Rev. Stat. [160-171](#)) education standards and oversight. One approach to increasing school and regional autonomy is the use of education innovation waivers. Innovation waivers allow states, districts, or schools to apply for specific exemptions from existing laws when doing so would have a positive impact on student and teacher outcomes. Schools that apply for state waivers, sometimes called innovation or autonomous schools, are often considered a middle ground between district public schools and charter schools, due to increased school autonomy, while remaining accountable to a locally elected board. [Senate Bill 265](#), [Senate Bill 285](#) and [House Bill 101](#) (also [House Bill 151](#), as amended) would allow schools to apply for innovation waivers, approved by the State Board of Education, that would exempt the school from specific regulations in order to improve student college and/or career readiness, or improve pay, recruitment, retention, training, preparation, or professional development for teachers.

Highlights

- Since 2012, Missouri has received waivers under the Elementary & Secondary Education Act (ESEA), which provide flexibility in some federal education requirements in cases where state policy is more rigorous or comprehensive.
- Twenty-four states (including Kentucky, Oklahoma, Nebraska, Texas, and Mississippi) currently have at least one education innovation program in statute.
- Students who attend innovation schools are most likely to demonstrate improved academic performance in the years immediately following the waiver. Lack of sufficient oversight and/or continuing improvements to innovation programs may explain the lack of long-term effects.
- In some cases, innovation waivers can sustain educational inequities. Programs that involve teachers and communities in the waiver and implementation process are most likely to equitably serve all students.

Limitations

- Innovation waivers are only one factor contributing to student performance and other measures of “school quality.”

This science note was prepared by MOST Policy Initiative, Inc. a nonprofit organization aimed to improve the health, sustainability, and economic growth of Missouri communities by providing objective, non-partisan information to Missouri’s decisionmakers. For more information, contact Dr. Brittany Whitley, Education & Workforce Development Fellow – brittany@mostpolicyinitiative.org. This was prepared on 3/23/21.

Research Background

Most states receive federal education waivers under the Elementary & Secondary Education Act (ESEA).

For the past ten years, the United States Department of Education has allowed states to submit flexibility waivers for nine required Elementary and Secondary Education Act (ESEA) standards (and five additional measures). These waivers allow states to waive certain federal requirements when the state education policy is identified as sufficiently rigorous and comprehensive to “improve educational outcomes for all students, close achievement gaps, increase equity, and improve the quality of instruction.”¹ Notably, ESEA flexibility does not exempt states from certain core requirements, including report card requirements and equity provisions. Forty-three states, including Missouri, have been approved for flexibility under this act; Wyoming and Iowa currently have requests under review. Missouri’s ESEA flexibility waiver, which exempts the state from 12 out of the 14 possible standards, was [granted](#) in 2012 and [renewed](#) in 2015.²

Several states have implemented policies that establish innovation schools.³⁻⁵

In addition to applying for flexibility in federal regulations, states can establish innovation waivers for schools or districts, which exempt the school/district from specific state regulations. [Colorado](#) (2008) and [Tennessee](#) (2012) were two of the first states to establish “innovation schools.” In 2015, [Texas](#) authorized school districts to apply for “districts of innovation” and waive requirements related to some curriculum and budget decisions, as well as school day/year length. Waivers cannot be granted for graduation requirements and state academic & financial accountability measures. Around the same time, [Arkansas](#) and [North Dakota](#) established “schools of innovation” with similar exemptions but identified mandatory elements of state law (may be similar to mandatory requirements for charter schools). Some states (e.g., Georgia, Virginia) have an innovation fund to provide additional financial support for innovative programs.

Students who attend innovation schools are most likely to demonstrate improved academic performance in the years immediately following the waiver.

The strongest positive impacts of innovation schools are observed in the first few years after the waiver is granted. On average, schools in Tennessee’s innovation zones have higher math and science scores than schools outside of innovation zones for the first two years after program implementation, after which there are no significant differences between school types.⁶ Innovation schools in Denver, Colorado also reported similar effects of academic improvements that fade after two years.⁷ Some of the implementation challenges recorded include limited resources, lack of waiver oversight, and lack of shared decision making power among teachers, administrators and parents.^{4,8} In Texas, there was evidence that schools were not responding/adapting over time and that state oversight was insufficient to ensure quality programs over time.⁸ Additionally, when teachers and parents are not included in the planning

process, teachers are likely to report increased constraints on their time without additional compensation.⁴

The proposed innovation program in Missouri would allow waivers to be submitted related to plans that improve “student readiness for employment, higher education, vocational training, technical training, or any other form of career and job training, increasing the compensation of teachers, or improving the recruitment, retention, training, preparation, or professional development of teachers.” For additional context on the current state of these issues in Missouri, please see the MOST Policy Initiative published Science Notes related to [K-12 college & career readiness](#) and [teacher recruitment & retention](#).

In some cases, innovation waivers can create or sustain educational inequities.

Reduced state or district oversight also has been associated with barriers to equity and inclusion for underserved student populations.^{4,9} Within a district, schools may have different abilities to access local and state resources and support systems. Additionally, the time/location of public meetings (if required) may not be accessible for all parents to contribute to, resulting in a subset of families & administrators driving changes across a school. The MOST Policy Initiative [Science Note on K-12 Education Structures](#) provides additional information about the impacts of centralization on K-12 educational equity. Finally, there is no evidence that increasing school autonomy via innovation waivers improves school segregation or broader educational inequities. In fact, schools with higher autonomy (e.g., charter schools) tend to have higher rates of school segregation than traditional public schools.¹⁰

References

1. U.S. Department of Education. (2016). ESEA Flexibility. Retrieved from <https://www2.ed.gov/policy/elsec/guid/esea-flexibility/index.html>.
2. U.S. Department of Education. (2015). Missouri ESEA Flexibility Request. Retrieved from <https://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/mo.html>.
3. ExcelinEd. (2019). State Progress Toward Next Generation Learning: A National Landscape. Retrieved from <https://excelined.org/wp-content/uploads/2019/06/ExcelinEd.Innovation.NextGenerationLearning.NationalLandscape.Report.pdf>.
4. White, T., & Noble, A. (2020). Rethinking “Innovation Schools”: Strengths and Limitations of Autonomy-Based School Improvement Plans in Contexts of Widening Racial Inequality. National Education Policy Center. Retrieved from <http://nepc.colorado.edu/publication/autonomy>.
5. Patrick, S., Worthen, M., Frost, D., & Truong, N. (2018). Innovation zones: Creating policy flexibility for competency-based personalized learning. Aurora Institute. Retrieved from <https://files.eric.ed.gov/fulltext/ED590496.pdf>.
6. Pham, L., Henry, G.T., Kho, A., & Zimmer, R. (2019, July). School turnaround in Tennessee: Insights after six years of reform. Nashville, TN: Tennessee Education Research Alliance. Retrieved October 2, 2020, from https://peabody.vanderbilt.edu/TERA/turnaround_after_six_years.php
7. Gigliotti, P. (2020). School Autonomy in Denver: The Impact of Innovation Schools, Working Paper 240, *National Center for the Study of Privatization in Education, Teachers College, Columbia University*. Retrieved from <http://ncspe.tc.columbia.edu/working-papers/WP240.pdf>.
8. Childs, J. (2018). Districts of innovation: Combating a wicked problem in education. *Voices of Reform: Educational Research to Inform and Reform*, 1(1), 23-40. <http://dx.doi.org/10.32623/1.00004>
9. Castagno, A. E., & Hausman, C. (2017). The Tensions Between Shared Governance and Advancing Educational Equity. *The Urban Review*, 49(1), 96–111. <https://doi.org/10.1007/s11256-016-0383-8>
10. Whitley, B. (2020). Science Note: Charter School Expansion. Retrieved from https://mostpolicyinitiative.org/wp-content/uploads/2020/11/CharterSchoolExpansion_ScienceNote.pdf