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No Child Left Behind Waivers

Promising Ideas from Second Round Applications

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Introduction and summary

The Obama administration has offered states the chance to waive some requirements of the No Child Left Behind Act in recognition that parts of the law are dated. States are required, however, to make specific reforms in exchange for increased flexibility.

Waivers are needed because No Child Left Behind is broken in significant ways. The law lacks focus on college and career readiness. The law identifies schools as “in need of improvement” whether they missed achievement targets by a little or a lot. It also prescribes lockstep interventions for those schools, which are not working as well as they could and are not always tailored to the context of the school. Further, the law ensures teachers have credentials to enter the profession but does not ensure they are effective instructors.

Congress must ultimately revise No Child Left Behind to address these problems permanently. Lawmakers have taken some steps to do so but have been stymied by partisan gridlock. With little prospect for bipartisan cooperation in sight, the Obama administration is wise to take action now to ensure states, districts, and schools move forward with education reform while receiving the flexibility they need.

We reviewed applications submitted for the second round of waivers by 26 states plus the District of Columbia to identify what changes states propose to make compared to current law and practice. The Department of Education has approved 22 of the second round proposals at the time of publication and is working with the remaining states to revise their applications. We identified recurring themes and highlighted promising or innovative proposals across all plans, both approved and pending. We also raised questions or concerns where applicable. Overall, we found that states are proposing significant reforms compared to what was required or practiced under No Child Left Behind.

Ours is not an exhaustive or comprehensive analysis. The Department of Education has already reviewed applications in detail and made judgments on the

merits of each. We took a qualitative look across all applications to see what states are doing and to bring attention to interesting or innovative ideas. A few findings emerged from this review:

- **Most states have changed and would change their policies and practices significantly from those under No Child Left Behind.** Change has come as a result of various motivations and has led to some improvements and deliberate shifts in policy, several of which are captured by the waiver applications.
- **The waiver process itself did not appear to stimulate new innovations aside from accountability, but was an opportunity to articulate a new vision for reform.** A number of changes in each state are already underway and in various stages of implementation, but the application process prodded states to articulate a comprehensive plan for improving education.
- **States have proposed interesting and promising ideas in each principle area.** Some states are pushing new ideas, many of which are promising or innovative, by ensuring all students graduate college and career ready, developing differentiated accountability systems, and improving teacher and leader effectiveness.
- **Very few states proposed detailed plans for reducing duplication and unnecessary administrative burden on districts and schools.** The goal of the federal flexibility package is to offer needed relief to states; states could benefit from doing the same for their districts and schools.
- **Very few states detailed how they would use their 21st Century Community Learning Center funding to increase learning time.** About half the states rejected the opportunity for additional federal funding to lengthen the school day, week, or year and those that indicated that they would accept the funding offered little detail on how they would utilize the extra dollars.
- **States are using various sources of funding to implement their plans.** States do not receive new money under the waivers. As a result states demonstrated a willingness to pursue new reform without additional funding.

In the pages that follow, we outline themes across state applications in the major priorities laid out by the Department of Education—college- and career-ready standards, differentiated accountability systems, and supporting effective instruction and leadership. The fourth principle, reducing duplication and burden,

received scant attention in state applications, and as such is not covered in detail in this report. Our report concludes with recommendations for states and the Department of Education, summarized below.

1. **States should be treated as laboratories of reform that set the stage for eventual reauthorization of the Elementary and Secondary Education Act.** Both successes and failures of waiver reforms can and should inform how the act is reauthorized.
2. **The Department of Education should ask for, and states should offer, more detail on aspects of state plans.** We call on states to provide better, clearer information on how they will ensure students have equitable access to effective teachers; how their school rating system is linked to their annual goals; how they will ensure districts and schools engage in comprehensive approaches to school turnaround; how they will increase learning time; and how they will reduce duplication and administrative burden on districts and schools.
3. **The Department of Education should establish a clearinghouse to document and share tools, strategies, and lessons of implementation.** In this way states and districts can learn from the successes and challenges faced and overcome by other states and districts.
4. **States should learn from other states, either by joining consortia or replicating successful practices.** States should consider forming partnerships or consortia with other states to build infrastructure as a group, as opposed to taking on an entire reform alone.
5. **The Department of Education should increase its staffing and capacity to oversee and enforce implementation of waiver plans.** The sheer variety and complexity of state plans, compared to No Child Left Behind, means the department will need to build capacity to ensure states turn their plans into reality.
6. **States should implement their plans as part of a coherent strategy—with clear goals, mid-course corrections, and consequences for failure to make progress.** Any of the innovations discussed in this report will fade quickly if they are not implemented with fidelity and persistence as part of a coherent approach to improving the K-12 education system.

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