

Granting Waivers and Exemptions

Center on Innovation & Improvement

Research on change efforts such as the New American Schools comprehensive school reform initiative (Berends, Bodilly, & Nataraj Kirby, 2002) and Edison Schools (Gill et al., 2005) document the importance of giving educators the flexibility to implement significant changes. States have established advisory processes to examine existing regulations and propose changes to remove barriers to improvement, replacing regulation with results-based accountability. States have also provided waiver and exemption processes that allows districts to request relief from particular regulations that restrict their innovation.

Collective bargaining agreements between districts and staff organizations can also create obstacles to change (Hannaway & Rotherham, 2006), as can local policies set by school boards (Hill, 2003). One barrier to improvement identified by California's state policymakers, for example, was the set of collective bargaining provisions allowing senior teachers to transfer within school districts until very close to the start of school. This made it difficult for districts to hire and place new teachers on a reasonable timeline. The state enacted new legislation in 2006 that allows principals to hire teachers after April 15 regardless of whether they are seniority-based transfers (Scott & Rhee, 2006). Vermont established standards that guide state department of education policies, including one requiring that "any rule or law should advance student performance, but not in such a rigid manner as to foreclose alternate means of achieving goals" (State of Vermont Board of Education, 1992, January 21, pp. 3-4 in Lusi, 1997).

Action Principles

For State

1. Establish a process for continuous review of state regulations and examination of proposed legislation and regulation to reduce regulatory burden on districts and schools.
2. Provide waiver and exemption procedures whereby districts can petition for relief from regulations that restrict innovation.
3. Grant charter-like autonomy to schools in the process of turnaround or transformation.
4. Amend state collective bargaining statutes and regulations that limit the ability of districts and schools to make justifiable changes in staffing policies and procedures.
5. Use state policy- and rule-making authority to place constraints on the barriers thrown up by districts.

For District

1. Establish a process for continuous review of district policy to reduce burden on schools and principals.
2. Provide waiver and exemption procedures whereby schools can petition for relief from district policy that restricts their innovation.
3. Grant charter-like autonomy to schools in the process of turnaround.
4. Negotiate for changes in collective bargaining agreements to provide principals with greater control over the hiring, placement, and retention of staff.

References and Resources

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