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Letting Schools Innovate

By Chris Braunlich

12/6/2010 – Charter schools are independent public schools given additional flexibility from regulations, in exchange for greater accountability in outcomes. If they don't produce, they are shut down.

Bring the subject up with most school board members in Virginia, and the question will be: "If providing flexibility is good, why don't traditional public schools get the same relief?"

It's a valid complaint.

After all, the paperwork alone can be a killer. While on the Fairfax County School Board, I once asked for a list of the reports that had to be collected from each school, aggregated and sent to the state. In one five-month period, there were 32 of them – all of them demanding manpower and most of them with very little emphasis on student outcomes.

Obtaining relief from regulations fostering that sort of paperwork is a reasonable goal and one the Virginia Board of Education has begun addressing – although there are some notable gaps.

Over the past year, the Board has consolidated 18 sets of regulations – in areas ranging from health education curriculum to school activity funds -- into one. For the first time, they added a provision allowing local school systems to request a waiver by providing "documentation of the need for a waiver."

But "need" is not defined and the State Board's language notes "In view of the budget reductions school divisions are facing, permitting the waiver of regulations could serve to reduce the administrative burden on school divisions."

Fair enough – saving money is certainly important. But would "improving the education of students" qualify as well? Isn't that the ultimate goal of a public school system?

Four areas where successful charter schools in other states often challenge established procedures are in school start times, staffing formulas, budget line items, and teacher hiring. Successful charter schools start earlier in the year, end later in the year and are open more hours per day. Staffing and budgeting is based on the needs of the individual school, not a bureaucratic rule. Flexibility in teacher hiring practices is based on teacher effectiveness in the classroom.

Yet most of these areas are mandated by state law and are beyond the scope of what the State Board of Education can alter absent legislative changes by the General Assembly.

Another option to streamline the public education system might be to consider a version of the “Red Tape Reduction Act” signed into law in June by Louisiana Governor Bobby Jindal.

That law essentially allows Pelican State public schools to emulate charter schools by providing schools more flexibility on curriculum, textbooks, instructional time, staffing formulas, hiring practices, and budget. Any public school can seek a four-year waiver of significant state laws and regulations, provided they have the support of both their local School Board and a majority of the school’s teachers.

The key criteria in Louisiana, however, is not budgetary: its academic improvement. Local officials must submit a written application that not only details what rules they want waived, but also what they propose instead – and what benefits students would receive from the new plan.

Any waiver granted by the state board wouldn’t apply to federal regulations, student safety, accountability standards or graduation requirements. Schools would have to show improvement or the waivers would not be renewed. And low-performing schools granted such waivers have an added incentive: If they don’t improve, they face a state take-over.

Applied here in Virginia, it means schools would be free to extend the length of their school day or academic year to provide remediation or model other best practices. They could exceed the staffing ratios if they have certain classes taught by a highly effective teacher. They could re-arrange their curriculum model to focus more time on reading, math, or other areas. And more.

But those schools would still need to demonstrate success in academic outcomes through pass rates on the state Standards of Learning examinations.

Nothing would require local school divisions to take that leap. But as Rapides Parish (LA) School Superintendent Gary Jones noted in commenting on the Louisiana legislation, such a law would “give them the freedoms they need to implement positive changes for our students. With this law, we’ll be able to pursue more innovative ideas for improving student achievement, which will benefit the state as a whole.”

I’ve heard any number of school board members say that they could accomplish the same things successful charter schools do – more, in fact – if only they had the flexibility. A law like the “Red Tape Reduction Act” gives them that chance. In short, it makes a bargain with local school districts: “We’ll give you the flexibility you need. You produce the results.”

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