

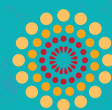


Getting Out of the Way

**Education Flexibility to Boost
Innovation and Improvement
in Ohio**

By Paolo DeMaria and Brinton S. Ramsey,
with Susan R. Bodary
Education First

June 2015



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ADVANCING EDUCATIONAL EXCELLENCE

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Education First is a national, mission-driven strategy and policy consulting firm with unique and deep expertise in education improvement and reform issues. We work closely with policymakers, advocates, and practitioners to design and accelerate ambitious plans in college and career readiness, college completion, STEM strategies, and effective teaching, and we specialize in developing bold policies, planning for implementation, and building widespread, bipartisan support and understanding for change. For further information, please visit our website at www.education-first.com.



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Susan R. Bodary is a trusted reform leader with a proven track record of success in local, statewide and national education initiatives. As a partner at Education First, Susan has advised governors, commissioners and education, business and legislative leaders in Ohio and more than twenty other states on issues related to college– and career–readiness, teacher and leader effectiveness, college completion and STEM. She has served as a founding board member of the Dayton Regional STEM School, Distinguished Policy Associate at the University of Dayton’s School of Education and Allied Professions, and an instructor at Sinclair Community College. Combined with her extensive experience leading non–profit organizations and issue–based coalitions, this background has allowed her to serve clients as diverse as the Ohio Department of Education, Educate Texas, Washington STEM, Change the Equation, Battelle, and schools and districts across the country. Susan holds degrees in public law and organizational communication from Eastern Michigan University.

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Foreword

By Chad L. Aldis and Aaron Churchill

For decades, Ohio policymakers have piled regulations onto public schools. Up to a point, this top-down, input-driven approach made sense, back in an era when too many students weren't receiving even a rudimentary education, and when we weren't nearly as fussy about academic results.

But times have changed. We now realize that students need strong minds—not just strong backs—to compete for jobs in a competitive and knowledge-based economy. Rigorous academic expectations are the “coin of the realm” in contemporary education policy—but there is also now near-universal consensus that youngsters deserve schooling experiences tailored to their individual needs, gifts, and interests.

These powerful forces demand a radically different approach to public education—and especially to the old regulatory regime that ruled it. The state must demand that schools raise their academic performance to ready all Ohio students for success in college or career. (Currently, 40 percent of Ohio's college-going freshmen require some form of remediation.) In return, educators should have the autonomy to design instruction aimed at achieving these ambitious goals and to customize their approaches to accord with their pupils' needs, capabilities, and circumstances. This means that the compliance-based approach to public education must give way to more flexible arrangements.

Ohio has taken some praiseworthy steps in this direction. The state is implementing rigorous school report cards that shine a bright light on academic results. Ohio families have more schooling options than ever before, including public charters, private-school vouchers, and an array of specialty schools like STEM, early-college, and technical-vocational schools. Legislators recently created a competitive-grant program (the Straight A Fund) that has catalyzed more than sixty innovative projects during the past two years.

Yet despite these valuable moves, the state continues to shackle its public schools with a burdensome regulatory regimen. Policymakers understand that this is a problem—and are considering ways to cut some of the red tape. Governor John Kasich and Senate President Keith Faber have both pointed to the need for education “deregulation,” and legislators have responded by introducing bills that would (if enacted) free certain districts from a handful of burdensome state requirements. In our view, however, lawmakers could go much bigger and bolder.

Given the urgency, the promise—and the peril—of deregulating public schools, we sought to create a framework for Ohio policymakers. What should be on the table for deregulation? What are the issues that policymakers should not touch? What are the surest levers to provide educators and local communities with needed flexibility? Should legislators simply repeal laws and start over, or are there other alternatives? And what about local schools? If given greater freedom, how should they wield it, and how can state policymakers safeguard against abuse?

Such knotty questions deserved expert thinking. So we enlisted Paolo DeMaria of Education First (along with two of his colleagues) to author a policy brief that tackles these issues. Paolo is a veteran of Ohio's

policy debates, having worked in leadership roles at the Board of Regents, the Department of Education, and with the legislature and governor’s office. We could think of no one better suited to write a timely, discerning paper on deregulation within an Ohio policy context.

The anchoring principle of Paolo’s fine brief is that, if educational excellence is to be a top-priority for the state, policymakers must vest much greater operational authority with on-the-ground educators and leaders. We understand that this is commonsense. It dates back to the ancient idea of “subsidiarity.” This is the conviction that, whenever possible, the people closest to a problem should have the power as well as the obligation to address it.

It’s also a view that we at Fordham have been pressing for years. Indeed, empowering education leaders on the ground is one reason we support the charter-school model, which allows schools to operate under less state interference. In reports like *Yearning to Break Free* and *Ohio at the Crossroads*, we’ve also documented our belief that district schools should not have to toil under heavy regulation, either.

The present work fleshes out in greater detail the policy mechanisms by which Ohio policymakers can empower local leaders—and nurture the productive use of newfound autonomies. The paper recommends several avenues, including rolling back archaic legislation (we flag areas ripe for repeal), providing for a simple waiver process that districts can use, and creating a culture where deregulatory activity becomes normal and expected, not the exception.

The suggestions for repeal, while we acknowledge can be subject to controversy, are necessary areas of reform. They focus on giving districts the flexibility to fine-tune their staffing arrangements in order to ensure the very best education for their students. Some of these flexibilities have already been given to school leaders in Cleveland’s school district, STEM schools, and charters. We recommend that state policymakers provide the same staffing flexibilities for districts across Ohio.

The paper also insists—and we strongly concur—that granting regulatory relief hinges on an unwavering commitment to state-led, results-based accountability based on rigorous academic standards and assessments. Buckeye policymakers must ensure a fair and transparent system that holds all public schools and districts to account for the outcomes of all their students. Autonomy in exchange for honest-to-God accountability—that’s the bargain.

Experience shows the wisdom of this axiom: Government authorities can tell schools what to do, but they can’t force them to do things well. No government can regulate schools into excellence. Yet all of Ohio’s students deserve an excellent education, and that requires Ohio policymakers to adopt a flexible approach to public-school governance. Baby steps are already being made, and policymakers would do well to make even longer strides forward.

Acknowledgments

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Chad L. Aldis, Vice President of Policy and Advocacy

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Thomas B. Fordham Institute

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Executive Summary

Ohio’s policymakers have worked to fulfill the promise of a “thorough and efficient system of common schools throughout the state” for decades, enacting laws and regulations to address virtually every conceivable aspect of public education. The system of regulations in place today is designed, unintentionally, to deliver exactly the results that our education system produces. The problem is that those results are by no means satisfactory. Ohio’s education system is not the best in the nation; it’s not even in the top ten. States that used to lag behind Ohio are now moving ahead. If we want something better for Ohio, much must change, including today’s burdensome regulatory regimen.

A tide is rising in Ohio in favor of education deregulation. Policymakers are coming to the realization that high-quality educational performance—especially in high-need schools—requires options, individualization, and customization. A one-size-fits-all approach to state regulation does not support these approaches. Education leaders, under increasing pressure to deliver better results within improved accountability and data-analysis structures, are clamoring for greater flexibility to meet these rising expectations. Deregulation, and the flexibility it allows, could be an effective strategy to boost innovation and quality in Ohio’s education system.

Deregulation is not an end unto itself, but it has the potential to unleash creativity and innovation when placed into the hands of people who are capable of using it and when used in conjunction with other tools and incentives that focus attention on improving student results. The flexibility that deregulation provides can help districts and schools lift student outcomes as part of an integrated effort to foster innovation and promote a continuous-improvement mindset. Ohio is already

engaged in promoting continuous improvement and is increasingly committed to catalyzing innovation, although these efforts do not form a coherent approach. A strong deregulation strategy would complement these efforts by defining a new foundation from which new choices and alternatives for improving education could flourish.

This policy brief explores the key issues in deregulation through a review of research, examples from other states, and conversations with education leaders across Ohio. The brief also offers recommendations for state policymakers in designing deregulation and flexibility options for districts and schools that lead to greater student achievement, more efficient use of resources, and more widespread innovation in support of student success.

The key issues addressed in this brief include:

- **Regulating what matters and redefining state and district roles.** Ideally, the state should claim and maintain authority in areas where variation from one school to the next is not desirable and is not likely to impact student outcomes. These regulatory areas include setting expectations for educational outcomes and specifying the systems to measure them; maintaining governance and finance structures; and ensuring student health and safety. The state should decrease its level of control and create significantly more flexibility for districts to manage the resources that directly affect educational services to students, such as scheduling, allocation of district resources, staffing and professional development, curriculum and instruction, and technological supports for instruction.

- **Building district capacity to use flexibility to achieve results for students.** District leaders must act thoughtfully when using flexibility to advance the best interest of students. States can support district leaders with access to tools, research, case studies, and networking opportunities as leaders decide how best to manage matters such as length of the school day and year; curricular requirements; and the qualifications, compensation, and contracting requirements for staff. Because districts spend most of their financial resources on these inputs, increased flexibility in these areas allows district leaders to make more targeted and efficient resource allocations.

Ohio’s past attempts to get out of the way of school districts and foster flexibility and innovation have been disjointed and piecemeal. The state presently has a patchwork quilt of options and approaches but no coherent strategy. Districts and schools rarely use the flexibility options available to them. These flexibility options also rarely lead to changes in school and district behavior because they are not part of a coherent improvement strategy or connected to any of the state’s other efforts to promote innovation or continuous improvement.

To address these barriers, this brief offers four recommendations for state policymakers to pursue:

- **Create a regulatory, policy, and operational climate that fosters flexibility and innovation, but retains accountability for results.** Ohio should develop a coherent strategy to foster innovation and promote the adoption of successful innovative practices with regulatory flexibility as a key component. The state should identify and publicize examples,

disseminate research, and provide districts and schools with tools that facilitate self-assessment, adoption, and implementation of new approaches. The state should continue to refine and improve measures of student outcomes for accountability purposes.

- **Modify or eliminate statutes that have the impact of driving up costs or tying the hands of district leaders in efforts to innovate and manage operations.** The state should continue to pursue statutory changes that reflect common-sense operational approaches and promote efficiency.
- **Implement a simple process for allowing all districts and schools to waive state regulations (with certain exceptions) that are inconsistent with plans for improving student achievement.** If a district or school has a plan for improving student outcomes, it should be able to decide for itself what educational-input requirements apply or don’t apply. Teachers and leaders should have the ability to quickly and easily design and implement practices they believe will work with the students in their classrooms and communities.
- **Formally and deliberately identify targets for education deregulation and flexibility on a regular basis.** The state should design and implement a biennial review process to identify opportunities to provide flexibility and eliminate regulations. This mechanism should include an online, web-enabled process for soliciting ideas for flexibility and deregulation from interested parties and the general public, and review and recommendations by an impartial panel of reviewers.

Ohio is already beginning to nurture an innovative culture among schools and districts. However, the state must undertake certain fundamental structural changes that shift authority and autonomy to districts and then get out of the way. Policymakers can enhance these efforts by developing an aggressive and coherent strategy of regulatory flexibility. Ohio's education system is ready to move from good to great. Deregulation permits customization rather than uniformity and puts the interests of students and taxpayers at the forefront of decision making. If the state can truly realize this type of customization and student-centered decision making, it will only mean good things for Ohio students.

Introduction

Ever since its founders agreed on the need for a “thorough and efficient system of common schools throughout the state,”¹ Ohio’s policymakers have worked to fulfill this aspiration, enacting laws and regulations to address virtually every conceivable aspect of public education. Every year, new statutes add pages to the rulebook telling schools what to do and how they ought to do it. State agencies add more of their own. The federal government, not to be outdone, augments this burden, tying its own complex prescriptions and mandates to millions of federal dollars. This growing mountain of rules, regulations, and reporting requirements establishes and perpetuates the status quo, creates an undue burden on schools, and aggravates the task of those seeking flexibility, innovation, customization, and options for their schools, classrooms, and children.

The system of regulations currently in place is perfectly designed—although not intentionally—to deliver the results that our education system produces today. Even though the state’s specifications for operating schools are the same for almost all districts, student achievement results are not where they should be, and throwing more regulations at the problem does not help. Ohio’s education system is not the best in the nation; it’s not even in the top ten. States that used to lag behind Ohio are now moving ahead. Schools and districts have little room to maneuver or make the decisions necessary to serve their students better and increase student achievement. Ohio is at a crossroads: if we want improvement, much must change—and that change must include today’s burdensome regulatory regimen.

What if state government decided to get out of the way? What if, rather than asking, “What more can we tell our schools to do to get better, the state took

a different tack? What if the questions were, “How can we free educators so they can use their expertise, time, and resources to identify and implement strategies that will work best for students?” and “How can we help schools operate efficiently and get the best bang for the buck?” Would such an approach accelerate the state’s efforts to help every child succeed and improve education in Ohio?

“It’ll never happen,” say the cynics. But maybe, in Ohio, it can. Senate president Keith Faber, speaking recently to journalists after an appearance before business groups, said, “We’ve tried this top-down, do-everything-that-Columbus-tells-you in education and it hasn’t produced better results. My question is, why don’t we empower local school districts and local school boards to manage their own districts and then hold them accountable for those results? Education deregulation is going to be a big deal.”² In Ohio, it could and should be a very big deal. The issue is on the table, and the opportunity is at hand. Deregulation, and the flexibility it allows, could be an effective strategy to boost innovation, quality, and outcomes in Ohio’s education system.

To be certain, there are risks. Districts and schools can make good use of flexibility and support innovative strategies that help students learn, or they can make poor use of flexibility and create inequities and other negative impacts on learning.³ Ohio must tread a careful path through the deregulation minefield, helping districts to gauge their readiness and capacity to exercise autonomy and create a system that encourages and supports innovation. At the same time, the state must demand strict accountability for improving outcomes for students with varying needs and backgrounds. This is not an easy task—but it is by no means impossible. Research and examples from other districts and

states shed encouraging light on the potential for deregulation to be an engine of educational improvement.

This policy brief builds on existing research as well as conversations with education leaders across the state to answer the question, “How can Ohio policymakers create the conditions that allow districts and schools to exercise local control to identify and implement appropriate strategies that lead to greater student achievement and more effective and efficient use of resources?” (See appendix A for a description of our methodology and a list of interviewees.) To answer this question, we outline key issues to consider in the deregulation debate and offer recommendations for action.

Why Deregulate and Why Now?

Not all education regulation is bad. The origin of regulation lies in government authorities' honorable and well-intentioned embrace of the moral and economic imperative of a good education as the key to individuals' and society's success. Regulation helps ensure universal access to primary and secondary education and advances other objectives such as equity, fairness, and transparency. Policymakers and the public continue to value these broad outcomes and to understand that well-crafted regulations enhance them.

However, prescribing the manner of delivering “education for all,” even when equitable, doesn't guarantee successful outcomes across the state. State regulations specifying institutional inputs and operational practices—things like length of day, seat time, staffing requirements, and teacher qualifications and compensation—ensure a basic level of service delivery but fail to produce consistently excellent results. By regulating these inputs, states tell schools and districts what to do and how to do it rather than setting expectations for the results of schooling. This approach has established an expected way of working and, in some cases, an excuse for complacency, leading to a “this is how we've always done it” attitude and stifling the capacity of educators and leaders to think outside the familiar box.

In the 1980s and 1990s, education reformers and analysts began to realize the limitation of a highly regulated environment. The mounting regulatory burden created barriers to flexibility, innovation, differentiation, and customization in the quest to boost student outcomes. States responded in several ways. Many states, including Ohio, experimented with granting districts more autonomy to stimulate improved achievement. States adopted laws that created “earned flexibility,” easing state regulation when schools or districts reached certain

levels of academic performance. Some states allowed districts to apply for “innovation waivers” to support new approaches to teaching and learning. The state retained the power but graciously allowed districts to petition for flexibility. In most cases, the waivers were limited to a subset of districts, and required petitioners to submit applications and undergo a sometimes lengthy approval process. Sadly, these approaches to foster innovation have had little impact.⁴ Few districts and schools used the new flexibility, and documenting the influence of deregulation on school and student performance has been difficult.[†]

In light of this history, what's different today? First, there is an increasing realization that high-quality schooling requires options, individualization, and customization. A one-size-fits-all approach to state regulation doesn't support these approaches. Recent studies such as the Thomas B. Fordham Institute's *Needles in a Haystack*⁵ and Public Agenda's *Failure is Not an Option*⁶ confirm that improvement isn't the result of top-down requirements and mandates, even for high-need schools. Although top-down mandates can set the floor for the delivery of education services, excellence happens in a bottom-up fashion—when those closest to students are empowered to make decisions and create structures that address their needs. Teachers and school leaders drive excellence when they make a concerted effort to measure themselves, identify challenges, devise and implement innovative practices, customize solutions, and engage in continuous improvement.

Second, states have improved the measurement of educational outcomes—and we're more demanding about those outcomes. Though there is still room for improvement in defining good measures, Ohio's assessment and accountability structures are well established and test-

[†] Although not the focus of this brief, charter schools have also been part of the move to deregulate in Ohio. In many urban areas, including Cleveland, charters have produced improved student outcomes with less regulation. The performance of charters, however, has not been consistently excellent.

ed. School report cards and transparency have, in fact, made a difference. These accountability structures not only paint a broad picture of district or school performance, but they also report the outcomes for groups of students based on gender, race and ethnicity, socioeconomic status, disability, English-language ability, gifted status, and achievement levels. State report cards shed light on districts' efforts to help more students reach college readiness, and offer a way to track the effectiveness of different educational approaches. The rigorous accountability system has placed huge pressures on education leaders to deliver better results, especially at the building and district levels. It has created pressure for teachers, too.

Finally, Ohio's education leaders are demanding greater flexibility to take action in the face of the pressures of the state's accountability system. In a financial environment that promises little in the way of new resources, leaders know they have to make better use of what they have and maximize the bang for the buck. They recognize that new models and innovative approaches hold promise for improvement and understand that regulations limit their ability to pursue them. The 2011 Fordham Institute report *Yearning to Break Free* documents results from a statewide survey of superintendents on the barriers to K-12 education improvement in Ohio.⁷ Overwhelmingly, survey respondents suggested that regulatory relief could result in improved student outcomes because deregulation would enable them to use scarce resources in more specific and targeted ways to improve student learning. Survey respondents also noted that they see tremendous waste in money and time as a result of what are often thought to be senseless regulatory requirements.

"So deregulation is the answer, right?" Not exactly. Deregulation is not an end unto itself. Entrenched interests comfortable with the

status quo, combined with the significant effort required to design and implement new approaches, make it tempting to just go with the flow. But there will be those who will rise to the challenge. Deregulation's greatest power emerges when placed into the hands of people who are capable of using it and when used in conjunction with other tools and incentives that focus attention on improving student results.⁸ Nearly all the staff and administrators who Public Agenda interviewed for the study *Failure is Not an Option* noted that they began to see improvements once they became willing "to experiment with practices, to self-assess and to make adjustments along the way."⁹ Deregulation can make a significant difference in student outcomes as part of an integrated effort to foster innovation and promote a continuous-improvement mindset among schools and districts.

Fortunately, Ohio is already engaged in activity on both fronts. The state is increasingly committed to stimulating innovation. For example, the state's new Straight A Fund,¹⁰ authorized in the last state budget, creates a competitive environment and accompanying funding to catalyze innovative approaches to teaching and learning. The Ohio Improvement Process guides the analysis and development of school and district improvement plans, and the resources provided through the Ohio Leadership Advisory Council nurture a climate of continuous improvement and provide specific guidance to schools and districts about identifying areas of focus and opportunity for change. A strong strategy promoting flexibility would build on these efforts by defining a new context within which alternatives for improving education could flourish.

Regulating What Matters: State and Local Roles Redefined

Ohioans like to talk about local control. Because local governments are more in touch with community needs and demands, it makes sense for them to call the shots in terms of the operations and the delivery of educational services. Local districts are in the best position to understand local contexts and circumstances and to create community buy-in for actions and approaches. What's more, the impetus to improve is strongest among the people who send their children to local schools.

In Ohio, however, the ideal of local control has been diluted. State regulations substantially prescribe how districts will deliver educational services. These regulations hamper and constrain what leaders and educators can do in their schools and for their students. To stimulate more innovation, the balance of control between the state and districts needs recalibration. The state must get out of the business of telling districts how to run schools and, instead, focus on maintaining high expectations for equity and achievement and holding schools accountable for results. At the same time, districts need to step up and bear the responsibility of designing local strategies that are effective and achieve results. Ohio policymakers must reexamine and redefine state and local roles in order to move the system forward.

What should the state's role be?

Ideally, the state should claim and maintain authority in areas where uniform applicability across the state is important and local flexibility would have little impact on improving student outcomes. There are three broad categories of laws and regulations for which the state should play the primary role.

- ***Educational outcomes and systems to mea-***

sure them: The state has a clear interest in specifying the outcomes that the education system should achieve. This includes consistent, minimum expectations for what students should know and be able to do. Laws and rules in this category ensure basic equity of opportunity for all students and set desired achievement levels that are likely to lead to success in college, careers, and life. This category includes academic content standards, requirements for serving the needs of all students, and requirements for graduation. To ensure that progress is made toward appropriate outcomes, the state has an interest in a common accountability system that fairly reflects student learning and allows for comparison across districts and schools. The state also has an interest in the assessments and measures needed to support public reporting of outcome information.

- ***Governance and finance structures:*** The state has a clear interest in defining the structures that deliver educational services. This includes the basic organizational structures of traditional school districts, charter schools, private schools, and home schooling. It also includes specifying good government practices such as open meetings, public records, and ethics requirements. The highly variable nature of local financial capacity demands that the state play a role in defining financing structures including state funding computations, local tax-levy procedures, and accounting and auditing requirements. This category also includes specific interventions when districts are academically failing or facing insolvency (that is, alternative governance struc-

tures like Academic Distress Commissions or Financial Planning and Emergency Commissions).

- **Student health and safety:** Flexibility in student health and safety requirements, including such things as criminal background checks, compliance with building and fire safety codes, building security, and student health requirements, would not improve student outcomes. Allowing variation in these requirements could, in fact, create significant health and safety issues.

Most remaining laws and rules specify or regulate inputs into the educational process, resources used directly in the provision of educational services to students such as time, money, staff, and technology. Laws governing inputs specify the length of the school day and year, curricular requirements, and the qualifications, compensation, and contracting requirements for staff. Ideally, the state should decrease its level of control and create significantly more flexibility for districts in these areas. Because districts spend most of their financial resources on inputs, increased flexibility also allows for more targeted and efficient resource allocation.

We are not suggesting a wholesale and immediate abandonment of all regulations on inputs. We recognize, for example, that the state could not dismantle the current system of teacher licensure and certification overnight. Totally abandoning a minimum specification for hours of instruction could lead to financially strapped schools and districts shutting their doors when they run out of money—a phenomenon that was once prevalent in Ohio but has since been statutorily prohibited. Rather, we are suggesting a deliberate strategy that has the state eliminating many regulations over time and creating greater flexibility and options in others.

An approach like this will require bold and courageous action because it invites vocal debate and criticism. Some policymakers will oppose such a significant level of deregulation, afraid that a few districts and schools will misuse the flexibility and create negative effects for students—a “bad apple” mentality.¹¹ Some may feel more comfortable offering flexibility only to high-performing districts because they have “earned” it and believe there is reduced risk of misuse. To be sure, unleashing the power of flexibility has some risks. However, the state can take steps to minimize these risks by supporting districts in using flexibility effectively. Districts need to assess their current conditions and circumstances, ask the right questions, consider valid options, engage stakeholders, develop plans, and follow good implementation practices. The state can also create a fail-safe mechanism that can identify the misuse of flexibility and rectify it. It must also continue to implement strong, transparent, and effective accountability mechanisms; set new and better outcome measures that drive continuous improvement conversations; and, when necessary, impose consequences for poor performance. Successful deregulation hinges on maintaining a strong state role in defining standards, setting expectations, assessing, and managing accountability.

In the end, the default disposition of the state should be that districts at all performance levels can be trusted to work in the interest of students—that is, to envision different models of education delivery, design new approaches based on proven practices, recruit and develop teams of excellent educators, build buy-in from their staff and community members, implement programs effectively, and then evaluate progress and continuously improve.

What should the district's role be?

If the state's role is to focus on state interests and create greater flexibility around inputs, then the role of districts is to steward that flexibility and apply it to advance the best interests of students. District leaders must harness the power of flexibility. This will require bold but thoughtful action on the part of local leaders. Districts will need to evaluate their current circumstances and assess their capacity to innovate and leverage flexibility. They will need to

be prepared to make more decisions about how best to manage inputs in order to reach desired student outcomes and improvements. They will need to focus on how decisions meet the needs of students rather than the needs of adults. Fundamentally, managing greater flexibility means that districts will need to break the cycle of “we’ve always done it this way” to explore new and better approaches. Many districts in Ohio are doing this already, but given new flexibilities, even more options will become available.

Sidebar 1: How Districts Use Autonomy

A 2014 study of Boston's school autonomy initiatives included research in five peer districts: Baltimore, Denver, Los Angeles, New York City, and Lawrence, Massachusetts. Researchers explored approaches to autonomy in these districts and generated a set of six themes that could have implications for Ohio districts:

- Each district had a distinct theory of action that viewed autonomy as a means to leverage innovative practices to improve student achievement;
- Districts not only varied in their approach to autonomy at the district level, but they typically operated with a portfolio of autonomy levels within the district;
- Each district had restructured their central office staff to provide targeted support to schools, with most creating specialized offices to manage autonomous schools;
- Denver, Baltimore, and Los Angeles, in particular, aggressively invested to support instruction and teacher and leader learning, with an eye toward more effective performance evaluation, teacher and leader career paths, and compensation structures that reinforce strong results and leverage the most effective professionals;
- Each district focuses on developing human capital, particularly to develop the leadership skills of autonomous school leaders; and
- Districts couple the expanded autonomy with strong accountability systems that are applied universally and enable leaders to identify low-performing schools, provide support, and close chronically underperforming schools.

Education Resource Strategies and Center for Collaborative Education, *The Path Forward: School Autonomy and Its Implications for the Future of Boston's Public Schools*, 2014.

In successful, innovative educational models, we see examples of what breaking the cycle looks like. We see places where master teachers emerge and are able to manage the learning of larger groups of students, especially with the aid of technology. We see teacher leaders taking on more significant responsibility in overseeing instructional practices and being compensated accordingly. We see instances where teachers are assigned to schools and classes based on where they can have the greatest impact. We see examples where community partnerships add value and improve efficiency. Many of these practices have proven records of success and can serve as models for others.

Districts can learn from each other about which approaches have shown success and what conditions are necessary for flexible approaches to work. In McKinsey and Company's *How the World's Most Improved School Systems Keep Getting Better*,¹² researchers argue that education entities at different stages of improvement need different degrees of autonomy. The report describes an improvement progression along which schools and systems move from poor to fair to good to great. School systems that are moving from good performance to great performance need—and are apt to make good use of—greater autonomy. Their resources and capacity are growing, and increased autonomy can generate further innovation and continued improvement in performance. Systems moving from poor to fair performance, however, typically benefit from a more prescriptive structure because they do not have the capacity (including leadership)

to handle the decision making that greater autonomy requires.

McKinsey is not clear about who exactly should decide whether a district or school is ready for more autonomy, but examples from districts that have had some success with flexibility suggest that the district itself should have this power. In Boston and the District of Columbia, the school districts have decided and calibrated the balance of autonomy and prescriptiveness among buildings. They have provided selective flexibility to schools in staffing, choice of curriculum, and scheduling, among other things. They have also withheld flexibility when appropriate. (See appendix B for descriptions of deregulation in these districts.)

Ohio should give all districts the same degree of flexibility to decide how to deliver educational services in their schools and then let district leaders decide whether and how to use these flexibilities. Of course, not all districts will immediately rush to take advantage of these new freedoms. The inertia of the status quo is strong, and exercising autonomy can create tension and anxiety. Districts will respond in many ways. Some districts will embrace the opportunity to thoughtfully explore, design, and implement new approaches. Others will adopt a wait-and-see attitude but eventually pursue changes as they see others succeed. Still others will be satisfied with what they have and do nothing. If Ohio policymakers loosen the constraints on districts—and if district leaders use their new flexibilities wisely—over time, more successful approaches to education will emerge, with more students benefiting.

Sidebar 2: The Federal Role

Though not the subject of this paper, it is worth mentioning that federal regulations of education programs also create barriers to innovation. Ohio should pursue ways to address this additional challenge. Federal regulations are notorious for creating compliance burdens and imposing restrictions that challenge and frustrate innovators and reformers. Each federal funding stream comes with regulations requiring that funds be used for separately identifiable purposes, a requirement that often restricts innovative approaches to school reform. In recent years, the federal government has made some progress in fostering more holistic approaches and has experimented with some regulatory flexibility. Unfortunately, beyond lobbying for greater flexibility—something worth pursuing in the context of current ESEA reauthorization efforts—and helping schools and districts better understand and leverage federal flexibility, the state has little power to improve the federal regulatory climate.

Ohio's Current Flexibility Toolbox

Ohio's past attempts to get out of the way of school districts and foster flexibility and innovation have been disjointed and piecemeal. The state has a patchwork quilt of options and approaches but no coherent strategy or theory of change. Here are the mechanisms that Ohio currently uses to provide flexibility (see appendix C for more detail on these options):

- **High-performing district blanket exemption:** Ohio has a law that provides a blanket exemption to high-performing districts receiving (for the 2013–14 school year) a grade of A for the number of performance indicators met and for the state's value-added measure. Districts can exempt themselves from a relatively broad range of regulations. The only requirement is that the district pass a resolution to enable the allowed flexibilities and that the resolution have the written consent of the teachers' employee representative. Districts do not use this option extensively. Pending legislation (S.B. 3 of the 131st General Assembly)³³ would add additional exemptions for high-performing schools, including exemptions from minimum or maximum class-size requirements and certain teacher-licensure requirements.
- **Innovation waivers:** Ohio has two programs that provide flexibility in the name of innovation. One, enacted in 2011, allows school buildings to undergo a process that results in an Innovation School designation. Two or more schools can apply to form an Innovation Zone, and a district can apply to be a District of Innovation. This statute demonstrates Ohio's desire to foster innovation, but the relatively extensive processes involved, including securing the approval of a majority of the administrators and teachers, makes it cumbersome. Districts have rarely used this option.

The second program is the Innovative Education Pilot Program waiver. Districts can apply to waive a number of state regulations in the name of piloting innovations. Such waivers require the consent of the teachers' employee representative. These waivers have been widely used but, generally, only for adding more teacher professional-development days to district calendars, resulting in fewer days with students in attendance.

- **Building-level waiver:** In addition to the innovation waiver referenced above, Ohio has provided the Cleveland Metropolitan School District with an approach to granting building-level autonomy. The law allows the district CEO and the teachers' union to appoint a corrective-action team to develop an improvement plan for a particular building. The plan may contain provisions that supersede the district's collective-bargaining agreement. Currently, this framework applies only to Cleveland.
- **Statutory alternatives:** There are a few programs that allow districts or schools to choose from a number of statutory alternatives. For example, schools can choose from two different teacher-evaluation configurations, schools can employ unlicensed teachers for short durations, and individuals can obtain teaching licenses through a number of paths, including as part of Teach for America. Districts that participate in the state's Race to the Top grant can choose an alternative approach to teacher compensation. The Cleveland Metropolitan School District also has a number of statutory alternatives for a variety of district processes and activities.
- **Charter schools:** Since the late 1990s, Ohio has allowed charter schools (also known as community schools), which operate with greater

autonomy (although charter schools are subject to more regulations than most people think!). Districts have the ability to authorize a conversion charter (that is, converting all or a portion of an existing district school to a charter), and certain districts have the ability to start a new charter within their geographic jurisdiction. The numbers of students educated in these settings has grown significantly over the past few years, although they constitute a small percentage of total students. Recently, the state has renewed its attention to accountability and performance expectations for these options because evidence of their success is mixed.¹⁴

- **Emergency intervention:** Ohio has two mechanisms that provide alternative governance and extraordinary regulatory flexibility to districts in extreme difficulty. The state can appoint Academic Distress Commissions to oversee districts that receive a failing grade on their report card three years in a row. Financial Planning and Emergency Commissions are appointed for districts that are projecting insolvency. Distress Commissions have had limited success, though only two have come into existence (in Youngstown and Lorain). Financial Commissions have a long track record of successfully helping districts restore financial solvency.
- **Regulatory review:** Ohio has a well-established regulatory review process requiring that state agencies revisit rules every five years. In some instances, this process is an effective driver of deregulation. For example, the current five-year review of the state's school operating standards by the State Board of Education will likely result in the rescission of a requirement of cer-

tain staffing ratios for art, music, and physical education teachers and other ancillary student-support positions. Often, however, agencies handle regulatory review in a perfunctory manner without much deep deliberation and discussion about continuing need or impact.

- **Legislative review:** The Ohio legislature will periodically pass legislation to rescind statutory requirements. This does not happen on a predictable or regular basis, but rather will occur when issues are brought to the attention of legislators. For example, in 2011, the legislature repealed the requirement that teacher reductions in force be based on seniority (thereby ending the last-in-first-out approach to teacher layoffs that had been previously required by law).

Although this list appears quite impressive, there is little cohesiveness among these tools. Many of the options are rarely used or rarely lead to changes in school and district behavior. Many require districts to jump through complicated hoops and obtain additional approvals beyond the local board of education. There is little connection to any of the state's other efforts to promote innovation or continuous improvement. Clear communication about flexibility and how to use it is limited. Ohio policymakers end up in the awkward position of having multiple complex tools, reluctance by districts to use them, yet district leaders clamoring for more relief.

Recommendations

Ohio policymakers need to do more to allow and encourage districts to adopt and implement innovations and make decisions about effective allocation of resources. They need to make it as easy as possible for district leaders to adopt flexible approaches within the schools they operate. Policymakers should also remove barriers that divert or waste financial resources that districts could spend more effectively on improving student outcomes. We offer four recommendations on how state leaders can begin to provide greater regulatory relief to districts, assuming Ohio maintains strict accountability for outcomes.

1. Create a regulatory, policy, and operational climate that fosters flexibility and innovation, but retains accountability for results.

Most school leaders and teachers care deeply about their students and their academic achievement. However, they may not always know what “different” or “better” looks like. They may have difficulty envisioning anything other than what they have always done. These educators may not know what choices they would have under a more flexible regulatory environment and what those choices may allow them to accomplish.

The Ohio Department of Education should develop a strategy to foster innovation and promote the adoption of successful innovative practices to scale in schools and districts. This would include identifying and publicizing examples, disseminating research, and assisting districts and schools with tools that facilitate self-assessment, adoption, and implementation. Providing information to help contextualize innovations so that different varieties of districts—rural, urban, suburban, large, small, and so forth—can identify what would work best for them could substantially boost this work. The state’s effort could also include promot-

ing resource-allocation tools to help districts make the best use of scarce resources¹⁵ and continuing to identify better measures of student outcomes for accountability purposes.

The department’s strategy could start by integrating regulatory flexibility and promising innovations into its Straight A Fund program. The state should share examples that illustrate how flexibility with regard to inputs can help improve the success of innovative approaches—especially if the added flexibility for which this brief calls is implemented. The department should also infuse the Ohio Improvement Process with information and examples of flexible approaches that can help districts and schools address continuous improvement goals.

The department should not only leverage its own ability to communicate and engage with schools and districts but also pursue the collaboration of the state’s Educational Service Centers (which already support Ohio’s school districts), the Ohio Leadership Advisory Council, and the state’s major state education associations, which perform extensive outreach and information dissemination.

A broad statement from state government authorities, including the General Assembly, the State Board of Education, and the Department of Education, should publicly declare an intention to limit state regulations to outcomes and the systems to measure them, governance and financing structures, and student health and safety issues, for which consistency across the state is fundamental.

2. Modify or eliminate statutes that drive up costs or tie the hands of district leaders to flexibly implement, innovate, and manage operations.

State lawmakers can enact a number of statutory

changes that reflect common-sense operational approaches and promote efficiency. These suggestions do not reflect new ideas. In most cases, there are comparable actions that have already been taken but with limited applicability. Some of the potential areas of action include the following:

a. Eliminate seniority as a consideration in layoffs of nonteaching employees. The state has already eliminated seniority as a factor for consideration in layoffs of teaching staff. Why shouldn't it do the same with regard to nonteaching staff?

b. Allow greater flexibility for districts to manage nonteaching staff. For all practical purposes, nonteaching staff gain tenure (continuing contract status) more quickly than teachers do, making it difficult for schools to change how they manage certain nonteaching functions.

c. Expand opportunities for schools to use more non-licensed individuals, with proper supervision and evaluation. The state has already expanded the authority of STEM schools to use non-licensed staff for up to forty hours per week. Why not extend this flexibility to all districts?

d. Eliminate districts' ability to collectively bargain away management rights, including the right to assign staff. Ohio's collective-bargaining law specifically enumerates management rights of employers (including school districts) and indicates that employers are not required to bargain those rights. The statute then goes on to permit employers, if they choose, to bargain away management rights. There are too many examples where, in times of financial constraints, districts have bar-

gained away their management rights—their flexibility to make fundamental management decisions about the operations of schools. This was the case in Cleveland, and it took legislation to restore those rights.

e. Eliminate any structural requirements on teacher salary schedules. Current law allows compensation approaches that are based either on education and experience or on performance. However, there may yet be other valid variations that could support innovative programming. Why not let districts negotiate and design compensation approaches that work best to meet goals for their students?

f. Allow districts to remove teachers, including tenured teachers, if they are evaluated as ineffective for more than two years, and allow districts to remove principals if buildings do not meet established academic-performance standards. The General Assembly clarified the meaning of “good and just cause for termination” in this way for the Cleveland Metropolitan School District. Why not do the same for all districts?

Sidebar 3: Educator Involvement in Leveraging Flexibility

Ask the principal of any high-performing school about the importance of teachers in achieving results and no doubt the response will be that teachers are fundamental. Teacher involvement and collaboration in a school's operation are critical to success. In a recent report, the Center for American Progress highlights examples of union-management collaborations achieving significant results in improving student outcomes. However, how much explicit authority should teachers or their union leadership have to approve alternative education approaches or the use of regulatory flexibility?

The various examples of waivers and exemptions examined for this study showed a wide range of teacher approval requirements. Formal mechanisms for educator approval—either through voting or requiring the approval of union leadership—may create another bottleneck to the process and may vest too much veto power in the hands of a few stakeholders. At the same time, teachers may have a strong interest in new approaches but may find it hard to express their interests.

The requirement for regulatory flexibility should include opportunities for consultation and involvement of educators in the design of the innovative approach and the ability to create an implementation team of administrators and teachers with the passion and buy-in that can allow reforms to take root. The default posture should be to give credible reforms a reasonable opportunity to work without imposing rigorous approval requirements.

Center for American Progress, *Teachers Unions and Management Partnerships: How Working Together Improves Student Achievement*, 2014.

3. Implement a simple process for allowing all districts to waive state regulations (with certain exceptions) that are inconsistent with plans for improving student achievement.

Today, Ohio makes it complicated for a district to do something different. Even if district leaders have a plan that they think will be better for students, they have to go through a cumbersome application process with the state. Why not make flexibility simpler for Ohio districts?

If district leaders develop a plan for improving student achievement, they should be able to

decide what educational-input requirements apply or don't apply to the district as a whole or to an individual school. Teachers and leaders should have the ability to quickly and easily design and implement practices they believe will work with the students in their classrooms. All the district board would need to do is pass a resolution indicating what they will do, how they decided, how stakeholders were involved, what improvements they expect in student achievement, and what state regulations will no longer apply. The resolution could be limited to a fixed period (for example, three years) but subject to renewal by the

district board, thereby requiring it to periodically affirm its choices.

In the interest of preventing misuse of this simple flexibility, the state could create a fail-safe feature that would allow the state board of education to review a district's resolution if the board receives sufficient evidence that the proposed plan does not have the best interest of students in mind and overturn the resolution in cases where the board determines the resolution would result in harm to student outcomes or student well being. The state should not require additional approvals but allow the resolution to prevail over conflicting provisions in collective-bargaining agreements entered into following the enactment of this new process.

4. Formally and deliberately identify targets for education deregulation and flexibility on a regular basis.

This already happens informally around budget time every two years. A group of districts or stakeholders wants some freedom or flexibility. Lists of ideas get circulated to policymakers. Items get added and deleted. The ideas are vetted by a small handful of stakeholders. Legislative language gets drafted, and the proposal gets included in a bill.

Why not do this more formally and regularly? The state should design and implement a biennial review process, perhaps starting in the early fall of even-numbered years (in anticipation of a new General Assembly being seated in the early days of each odd-numbered year). This mechanism should include an online, web-enabled process for soliciting ideas for flexibility and deregulation from interested parties and the general public. A submission period would be followed by the convening of a small group of independent reviewers, perhaps appointed by the governor, state auditor, president of the senate, and speaker of the house and who would not have conflicts of interest. These independent reviewers would consider sugges-

tions, review current laws, seek input, and make recommendations for modification or elimination. The process would be staffed by the Department of Education and include a framework of guiding questions to shape the review and ensure that the work has a likelihood of positive impact on student outcomes, limits unintended consequences, and eliminates statutes that are no longer necessary or no longer serve a purpose.

Conclusion

Despite all the reforming and all the additional resources, Ohio's education system is still nowhere near where it needs to be. Too many young people are dropping out or failing to finish with the knowledge needed for success in life and career. Over the past three decades, the state has made great progress through its adoption and implementation of standards, assessments, and accountability structures. State leaders should continue to focus on ensuring rigorous standards and strict accountability. However, they must also undertake certain fundamental structural changes that shift authority and autonomy to districts. District leaders and teachers must commit to learning about promising innovations, identifying those that they believe can work in their context and conditions, and engaging in the planning and change management that leads to excellence.

Ohio has already begun to nurture an innovative culture among schools and districts. Policymakers can enhance these efforts by developing an aggressive and coherent strategy of regulatory flexibility. The state must clearly articulate, widely disseminate, and simplify access to flexibility. Schools and districts, on the other hand, must create clearly articulated, widely disseminated, and easy-to-understand innovation or school-improvement plans that lay out their vision for improving education for all students. Districts cannot use flexibility as an excuse to curtail services to certain students or avoid structural budget problems.

Some will say that flexibility is too risky and that no one knows what districts will do with it. However, if we continue to do what we've always done, we will continue to get what we've always gotten. Ohio's education system is ready to move from good to great. Deregulation permits customization rather than uniformity and puts the interests of students and taxpayers first. If we can truly realize this type of customization and student-centered decision making and educational programming, it can only mean good things for Ohio students.

Appendixes

Appendix A: Methodology

Background for this paper came from a review of the literature on deregulation and flexibility options nationwide, a review of Ohio legislative actions in support of deregulation, and interviews with education leaders in Ohio to gather their thoughts and perspectives on deregulation options in the state. Research and interviews were conducted in February 2015.

We are grateful for the time taken by those interviewed and the perspective they offered on the topic of deregulation. The willingness of those interviewed to discuss this subject should in no way be interpreted as support for the conclusions or recommendations in this paper. Conclusions and recommendations are solely those of the authors.

- Richard Lewis and Damon Asbury (Ohio School Boards Association)
- Tom Ash (Buckeye Association of School Administrators)
- Eric Gordon (Cleveland Metropolitan School District)
- Rick Bowman (Sciotoville Community School)
- Judy Hennessey (Dayton Early College Academy)
- Steve Dackin (Former Superintendent, Reynoldsburg City Schools)
- Adrienne O’Neill (Stark County Education Partnership)
- Melissa Cropper, Debbie Tully, and Darold Johnson (Ohio Federation of Teachers)

Appendix B: Two Examples of Districts Using Deregulation and Flexibility

The districts in the examples described below have used flexibility options to create an organized system of autonomous schools. Although each system is different, depending on state and local contexts, these two examples offer ideas on what is possible when districts allow flexibility in school design and management.

Boston Public Schools (BPS) Autonomous Schools Options

Nearly one in three students in the Boston Public Schools attend one of four types of autonomous schools within BPS: pilot, innovation, commonwealth charter schools, and Horace Mann charter schools. Each type of school has a different set of autonomies over personnel, budget, and the structure of the school day.¹⁶ In general, all of the autonomous schools have more flexibility over these resources than traditional schools do.

- **Pilot schools:** Begun in 1994 as an option to charter schools, pilot schools are run by a governing board but function within the BPS system, and their teachers are members of the Boston Teachers Union, which agreed to waive mandates of their collective-bargaining agreement for each school if the school’s teachers agree to this during the application process for pilot status. Pilot schools are

entitled to blanket exemptions from a variety of rules and regulations including full authority to hire and release teachers and autonomy over budgets, governance, curriculum and assessment, and the school calendar. The district currently operates twenty-three pilot schools.

- **Innovation schools:** In-district, charter-like schools that operate with greater autonomy and flexibility with regard to curriculum, staffing, budget, schedule, professional development, and adherence to district policies. Applicants can convert an existing school or create a new school but must develop an innovation plan that includes measurable goals to assess student achievement and school performance.
- **Commonwealth charter schools:** These district-authorized schools operate statewide and are run by a board of trustees with complete authority over operations. Teachers are not union members and schools are fully independent of district regulations and may develop their own procedures for evaluation, staffing, pay, and professional development.
- **Horace Mann charter schools:** Part of Boston's innovation zone, Horace Mann charters are independent charter schools operated and managed by a board of trustees that has complete authority over operations. However, unlike other commonwealth charter schools, Horace Mann charters have some connections to the district. Funding is provided in a lump sum set at the BPS average, money flows to the school through the central office, and teachers can belong to the local union and are employed on the district's pay scale. To date, only eight schools have Horace Mann status due in part to difficulties of motivation and incentives for applicants and in part to challenges related to negotiating the necessary agreements with local union and district officials.

In their 2014 study, Dan French and his colleagues suggest that BPS's approach to autonomy is overly complex and lacking an overall strategic vision.¹⁷ Varying capacity among school leaders and inconsistent levels of support and flexibility from the district have created obstacles to the kind of innovation for which district leaders are looking. Even as these study results were published, BPS has already taken steps to address the challenges of managing the varying degrees of flexibility and creating equitable access to resources. In part, BPS has done this through implementing weighted student funding, which provides dollars based on the number of students adjusted to reflect student needs instead of allocating staff positions; extending hiring autonomy to all schools; and beginning a new approach to school accountability.

District of Columbia Public Schools (DCPS) Autonomous Schools Program¹⁸

DCPS launched its Autonomous Schools Program in 2009 with its successful application for a Race to the Top federal grant. The program set up three models for autonomous schools, providing them with varying degrees of flexibility and autonomy from district policies as a strategy for both turning around low-performing schools and rewarding successful ones.

- **Autonomous schools:** These schools are granted autonomy as a reward for high performance. A school can apply for autonomous status if 75 percent of its students are proficient in math and reading or if the school has averaged 10 percent growth in reading and math over the previous three years. DCPS gives Autonomous Schools flexibility in textbook adoption, budget allocation, schedul-

ing, professional development, and curriculum.

- **Partnership schools:** In an effort to address issues of weak or inexperienced leaders and teachers, DCPS set up Partnership Schools, run by outside organizations that are granted autonomy in the hope that they will dramatically improve student performance in low-performing schools. Because DCPS cannot authorize charter schools, it uses the partnership model, which maintains a stronger connection to the central office but offers flexibility in staffing, budgeting, instruction, and scheduling.
- **DC Collaborative for Change (DC3):** DC3 is not a school model as much as it is a network of both low-performing and high-performing schools that have been granted autonomy as a tool for innovating with curriculum and professional development. DC3 provides DCPS with a tool to increase schools' capacity without a complete takeover. DC3 schools, a network of ten from across the city and across performance levels, commit to working together to improve professional and leadership capacity at the schools. DCPS granted these network schools autonomy in exchange for a promise to improve results—a risky proposition, as DCPS did not first require a minimal level of performance. DC3 schools agree to share materials and intellectual resources across the network, and DCPS granted them more control over budgeting and professional development, staffing, and scheduling.

The DCPS example highlights a portfolio management strategy option for addressing a range of flexibility and autonomy options. DCPS has mixed a centralized evaluation system with expanded flexibility at selected schools and is working to balance a strong central office with a measure of site-based autonomy. Such an arrangement requires active support from the central office and demands that the central office take on a very different role for itself, as it releases control to schools in some areas but continues to play an important role in evaluating school performance, issuing requests for proposals for new schools, and closing down low-performing schools.

Appendix C: Table of Current Ohio Deregulation Approaches

Regulatory Flexibility	Description	Use
High-Performing District Exemption <i>(ORC 3302.05; OAC 3301-15-02)</i>	Any school district that receives a grade of A for the number of performance indicators met and for the value-added dimension can, by adoption of a resolution of its board, exempt itself from certain regulations for up to five years. Rules specify limitations on what can be exempted and require the written consent of the teachers' employee representative. No state approval is required.	None known
Innovation Schools / Innovation School Zones / School District of Innovation <i>(ORC 3302.06-3302.068)</i>	This program allows buildings within districts to engage in a collaborative planning process that leads to the development of an innovation plan. A majority of administrators and a majority of teachers working in the school must consent to the plan. The plan can include the waiver of provisions of the local collective-bargaining agreement and the waiver of provisions of state law and rule (some exceptions apply). The plan must be then submitted for approval to the local school board, which then submits it for approval to the state board of education. The plan must specify the regulations that a school needs waived in order to support the innovation. The state board can only reject these waivers if they threaten the financial condition of the district or are determined to be harmful to student outcomes.	None known
Innovative Education Pilot Program <i>(ORC 3302.07; OAC 3301-46-01)</i>	This program allows boards of education to submit to the state board of education an application proposing an innovative education pilot program that requires exemption from a variety of statutory provisions or rules (except laws related to the state's retirement systems, laws regarding school staff and employees, and laws regarding the education of students with disabilities). It must include the consent of the teachers' employee representative.	Numerous. Historically, these have been used largely for creating more professional-development days for teachers to implement new curricular programs (and reducing the number of days that students are in attendance).
Rule-by-rule waiver authority <i>(ORC 3301.07 (0))</i>	The state board of education is authorized to grant waivers for any of the state's operating standards and financial practices standards. State approval is required.	None known
Community Schools <i>(ORC Chapter 3314)</i>	Community schools, Ohio's version of charter schools, can be created under certain circumstances and operate under a different regulatory framework than traditional public schools. ¹ Districts can authorize conversion charter schools without state approval, and certain districts may authorize startup charters with state approval.	Ohio has over 350 community schools serving over 100,000 students.
Academic Distress Commission <i>(ORC 3302.10)</i> Financial Planning and Emergency Commission <i>(ORC 3316.05)</i>	Ohio law authorizes an Academic Distress Commission to be established to take over a school district when it has met certain criteria for poor performance. Ohio law also authorizes a Financial Planning and Emergency Commission to take over a school district's finances in order to restore fiscal solvency. These commissions are given certain extraordinary authority to take action and override contracts and so forth.	Ohio has Academic Distress Commissions in place in Youngstown and Lorain. Ohio currently has five Financial Planning and Emergency Commissions in place.
Cleveland Metropolitan School District Statutes <i>(ORC 3311.71 - 3311.87)</i>	Special legislation was enacted in 1998 that created a mayoral-control governance model for Cleveland. Then in 2012, Am. Sub. H.B. 525 of the 129th General Assembly was enacted and granted the districts flexibilities in a number of regulated areas. ² This was done in response to a new plan for revitalizing the district and improving student outcomes developed by the mayor and the school district working with other interested stakeholders including the business and philanthropic communities.	Flexibility is being used extensively in the Cleveland Metropolitan School District

¹ An excellent analysis by the Legislative Services Commission provides an overview of state regulations that apply and don't apply to community schools. It can be found at <http://www.lsc.ohio.gov/membersonly/131educationlaws.pdf>.

² The analysis of the enacted version of H.B. 525 by the Legislative Service Commission provides a good overview of the regulations applicable to the Cleveland Metropolitan School District. It can be found at <http://www.lsc.ohio.gov/analyses129/12-hb525-129.pdf>.

Endnotes

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- ¹⁵ Education Resource Strategies has a number of excellent tools that help districts examine opportunities and tradeoffs to use resources more effectively: <http://www.erstrategies.org/info/tools>. Another excellent tool is the Government Finance Officers Association Smarter School Spending program: <http://smarterschoolspending.org/gfoa-best-practices>.
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