



# Impact of Waivers: Background and Analysis Plan

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and the House Committee on Education  
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## Presentation Overview

- Overview of waiver history
- Review of BLR presentation
- Proposed approach and analysis plan
- Review of waivers in Act 1240 schools
  - Growth in waivers over time
  - Waivers by topic areas
    - Descriptions of waivers by topic area
    - Change in topic areas over time
    - Aggregated categories- instructional and resource use
- Next steps

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## Overview of Waiver History

- Since 1995, charters have been allowed to apply for waivers
  - Conversion charters (1995), Open-enrollment charters (1999)
- With Act 1240 in 2015, districts could apply for any waiver that a charter within their district had
- Act 815 (2019) revised this to allow districts to apply for any waiver that a charter within the state has (not limited to own district)

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## Review of BLR presentation

- In February, BLR presented a detailed detailed analysis of waivers
  - Examined growth in waivers over time (2013- 2020) for:
    - Conversion Charters
    - Open-Enrollment Charters
    - Schools of Innovation
    - Act 1240
  - Compared schools with waivers for at least two years to those without waivers
    - Demographics, performance, expenditures

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## APA's Approach

- To build upon BLR's work and not duplicate it, APA proposes:
  - Focusing on impact of waivers on Act 1240 schools
    - Excluding Conversion Charters and Open-Enrollment Charters
  - Examining the areas that schools receive waivers in, not individual waivers
    - Examining waiver areas individually, as well as aggregated into instructional and resource use categories
    - Excluding waivers for schedule changes
  - Analyzing impact of waivers over time

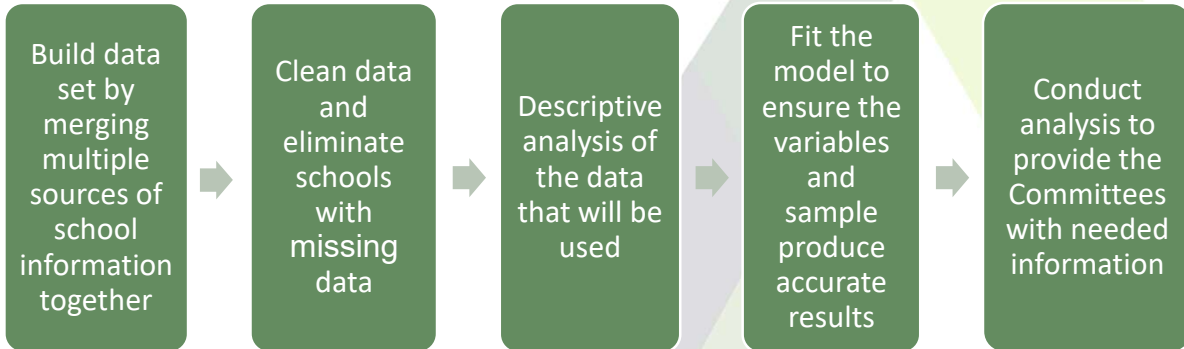
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## Analysis Plan

- To determine the impact of waivers in Act 1240 schools, APA will:
  - Analyze available waiver, demographic performance, and expenditure data from 2015-2019 using a linear regression model
  - Compare the changes in performance outcomes and expenditure levels before (2015-16) and after (2018-19) the implementation of the waiver between schools that have a waiver and those that do not (by individual area or aggregated category)
  - Control for available school characteristics such as:
    - Student need (percentage of students eligible for free and reduced lunch, in special education or are English Learners)
    - School size
    - Grade-level
    - Performance level prior to receiving the waiver

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## Analysis Process



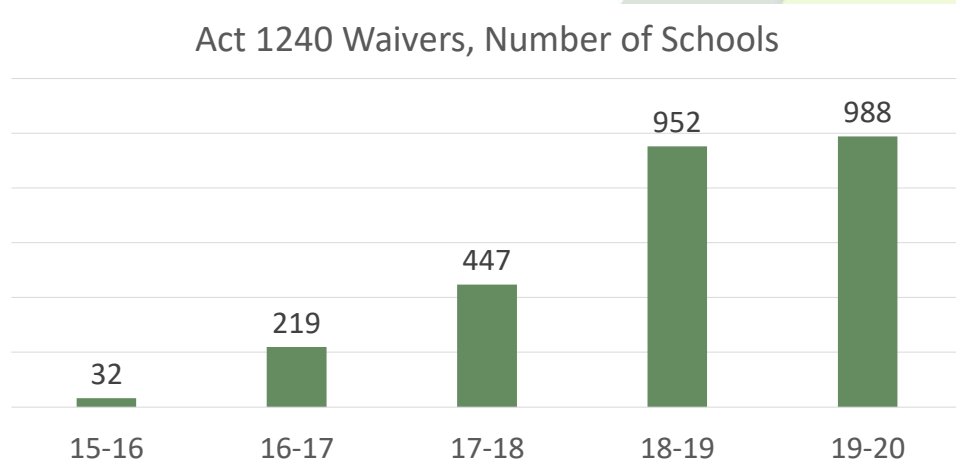
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## Why Focusing on Act 1240 Schools?

- Includes majority of schools
  - In 2019-20, 94 percent of all schools in the state had a waiver through Act 1240
- Since waivers have only been granted since 2015, the study team can evaluate the impact of waivers over time
  - Have available waiver, performance and expenditure data for this period
  - Allows for comparison between “treatment” and control group (with waivers vs. without waivers in specific areas and aggregated categories)
  - Conversion Charters and Open-Enrollment Charters have been allowed waivers since 1995, no ability to examine impact (before and after) based upon available data

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## Growth in Waivers for Act 1240 Schools



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## Why Waiver Areas vs. Individual Waivers?

- A waiver is granted for each ADE Standard, Statute or Accreditation Rule individually (and occasionally for subcomponents therein)
  - However, there are multiple individual waivers that overlap and address the same issue (topic area), as categorized by ADE
    - For example, there are a number of standards, statutes and rules that require a certified teacher. Therefore, a school would receive multiple individual waivers to employ a non-certified teacher
- On average, Act 1240 schools had 5-10 individual waivers (decreasing in the average number of waivers from 2015-16 to 2019-20), but these waivers were only in 2-3 topic areas

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## Chart: Individual Waivers in Each Topic Area, Part 1

Topic Area	Statute	ADE Rule	Accreditation Standard	Total Individual Waivers
Teacher Licensure	11	2	4	17
Library Media	7	-	5	12
Salaries/Compensation/Personnel Policies	7	1	3	11
Curriculum	1	-	9	10
Class Size and Teaching Load	1	1	6	8
Flexible Schedule	4	-	3	7
Alternative Learning Environment	3	1	2	6
Personnel Policies	6	-	-	6
Board of Directors	4	-	-	4
Guidance and Counseling	1	-	3	4
Principal	1	-	3	4

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## Chart: Individual Waivers in Each Topic Area, Part 2

Topic Area	Statute	ADE Rule	Accreditation Standard	Total Individual Waivers
Attendance	2	1	-	3
Grading Scale	1	1	1	3
Advanced Placement	1	1	-	2
Credit Hours	-	-	2	2
Student Services	1	1	-	2
Superintendent	2	-	-	2
Achievement Gap Task Force	1	-	-	1
College Credit	1	-	-	1
Duty-Free Lunch	-	-	1	1
Facilities	-	-	1	1
Planning Periods	1	-	-	1

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## Waivers by Topic Area

- In 2019-20, at least 5% of schools with Act 1240 waivers had waivers in the following topic areas:
  - Flexible Schedule (99%)
  - Teacher Licensure (26%)
  - Attendance (14%)
  - Library Media (10%)
  - Credit Hours (9%)
  - Class Size and Teaching Load (8%)
  - Salaries/Compensation/Personnel Policies (8%)
- Following slides will describe each of these waiver topic areas and related individual waivers that a 1240 school has received
  - Note, these include individual waivers that a 1240 school has received and is not exhaustive of all related standards, rules and statutes that are possible

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## Description of Flexible Schedule Waivers

- Waivers in this area are related to having a different school calendar or schedule
- Individual waivers include:
  - Start and end date for school year
  - School day hours
  - Definitions, rules and requirements for “planned instructional time”

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## Description of Teacher Licensure Waivers

- Waivers in this area are primarily related to having a non-licensed teacher
- Individual waivers include:
  - Requirements to have a qualified or certified teacher
  - Definition of “qualified teacher”
  - Licensure rules and requirements
  - Certification to teacher subject or grade
  - Requirement to have 3 credit hours of Arkansas history to be licensed
  - Parental notice of non-licensed teacher

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## Description of Attendance Waivers

- Waivers in this area are for attendance requirements in 9-12 grade
- Individual waivers include:
  - Requirement that students in grades 9-12 have to schedule and attend a full school day (no less than 350 minutes of planned instructional time each day to graduate)
  - Attendance record and report requirements

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## Description of Library Media Waivers

- Waivers in this area are primarily related to having a certified library media specialist and associated rules around duties and required services for students
- Individual waivers include:
  - Requirements to have a certified library media specialist
  - Minimum percentage of the library media specialist's time spent as an information specialist (no less than 1/3)
  - Duties that can be completed by a library media specialist vs. assistant
  - Class size for library instruction

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## Description of Credit Hour Waivers

- Waivers in this area are for the minimum of hours for unit of credit
- Individual waivers include:
  - Requirements for 120 “clock hours” for a unit of credit to be awarded unless the district awards units of credit based on subject matter competency
  - Requirement for a minimum average six-hour day or minimum thirty (30) hour week

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## Description of Class Size and Teaching Load Waivers

- Waivers in this area are related to class size and teaching load
- Individual waivers include:
  - Kindergarten class size (20:1, maximum of 22 with a half time aide)
  - Class size in grades 1-3 (23:1, maximum of 25)
  - Class size in grades 4-6 (25:1, maximum of 28)
  - In grades 7-12, a teacher shall not be assigned more than 150 students; an individual academic class shall not exceed 30 students (except in “exceptional cases” or for courses that “lend themselves to large group instruction”)
  - Compensation for teaching more than the maximum number of students permitted

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## Description of Salary/Compensation/ Personnel Policy Waivers

- Waivers in this area are related to staff salaries/compensation and personnel policies
- Individual waivers include:
  - School district requirements for personnel policies, salary schedules, minimum salaries, and documents posted to district websites
  - Minimum teacher compensation schedule requirements
  - Minimum sick leave
  - Minimum hourly rate for full-time classified employees and required annual increases
  - Paid breaks for certain employees
  - Requirements for required personnel policy committee
    - Who serves on committee, how teachers are elected to committee, organization and operation rules

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## Waivers by Topic Area, Over Time

- Looking at waivers by topic over time:
  - Largest increases in waivers have been related to flexible schedules, particularly since 2018-19
  - Fairly stable number of schools with waivers in most other topic areas over past three years

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Table: Number of Act 1240 Schools with a Waiver in a Topic Area, Part 1

	15-16	16-17	17-18	18-19	19-20
Flexible Schedule	10	136	212	951	979
Teacher Licensure	30	116	293	311	258
Attendance	0	110	146	143	143
Library Media	0	54	84	91	102
Credit Hours	22	33	79	88	87
Class Size and Teaching Load	2	21	68	73	79
Salaries/Compensation/Personnel Policies	4	57	59	55	79
Grading Scale	13	23	29	27	28
Facilities	19	19	19	19	19
Principal	0	3	3	14	15
<b>Total Schools</b>	<b>32</b>	<b>219</b>	<b>447</b>	<b>952</b>	<b>988</b>

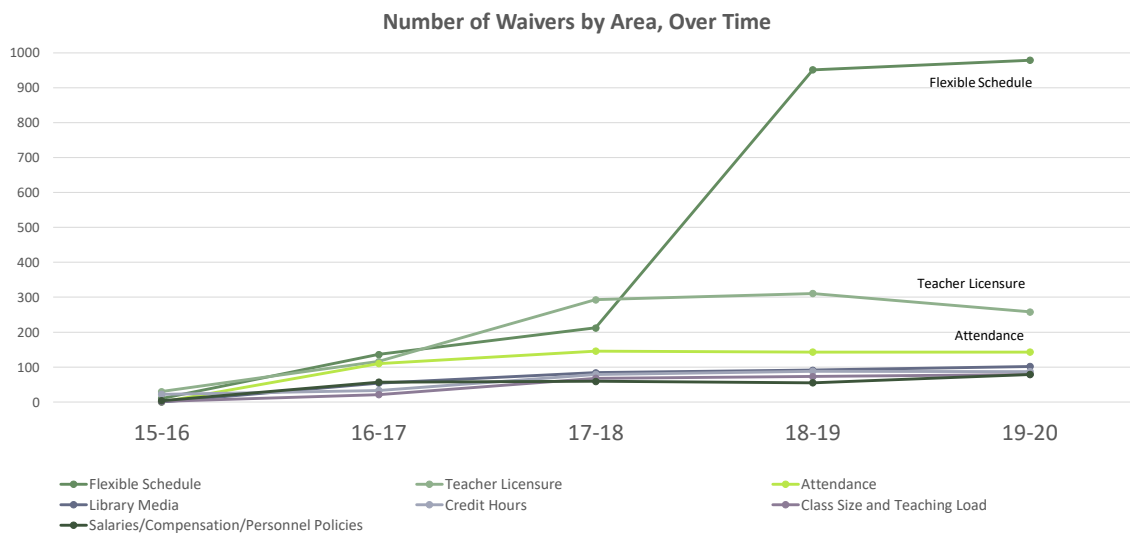
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Table: Number of Act 1240 Schools with a Waiver in a Topic Area, Part 2

	15-16	16-17	17-18	18-19	19-20
Alternative Learning Environment	0	5	11	10	11
Planning Periods	0	8	12	11	11
Guidance and Counseling	0	5	9	8	10
College Credit	9	9	9	9	9
Curriculum	0	8	12	11	9
Duty-Free Lunch	0	6	6	5	5
Superintendent	0	3	3	2	5
Achievement Gap Task Force	0	3	5	4	4
Student Services IR	0	3	7	6	4
Advanced Placement	0	3	3	2	2
Board of Directors	0	3	3	2	2
<b>Total Schools</b>	<b>32</b>	<b>219</b>	<b>447</b>	<b>952</b>	<b>988</b>

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Chart: Waivers by Topic Area, Over 5% of Act 1240 Schools (by 2019-20)



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## Aggregated Topic Areas: Waivers with Potential Impact on Instruction/Student Outcomes

- Teacher Licensure
- Attendance
- Library Media
- Credit Hours
- Class Size and Teaching Load
- Salaries/Compensation/Personnel Polices
- Principal
- Alternative Learning Environment
- Planning Periods
- Guidance and Counseling
- Curriculum
- Duty-Free Lunch
- Superintendent
- Achievement Gap Task Force
- Student Services
- Advanced Placement

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## Aggregated Topic Areas: Waivers with Potential Impact on Resource Use/Expenditures

- Teacher Licensure
- Attendance
- Library Media
- Credit Hours
- Class Size and Teaching Load
- Salaries/Compensation/Personnel Polices
- Facilities
- Principal
- Alternative Learning Environment
- Planning Periods
- Guidance and Counseling
- Duty-Free Lunch
- Superintendent
- Student Services

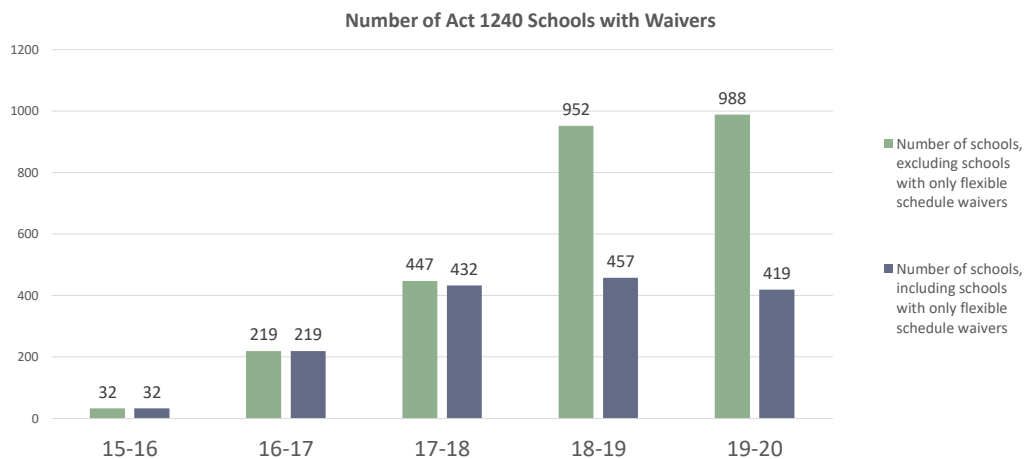
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## Why Exclude Flexible Schedule Waivers?

- As shown in the prior slides, and noted in BLR presentation, nearly all Act 1240 schools (99% in 2019-20) have a waiver to allow for a flexible schedule
  - Specifically, a waiver for Statute A.C.A §§ 6-10-106, uniform dates for beginning and end of school year (to adjust start date to align fall semester with winter break)
- Since nearly universal, cannot compare the impact of those that have these waivers with those that do not
- Unlikely to have instructional or resource use impact

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Chart: Change in Number of Act 1240 Schools Once Flexible Schedule Waivers are Excluded



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## Next Steps

- Feedback from Committees on waiver impact analysis plan
  - Any modifications?
  - Addressing areas of interest or concern with waivers?
- Presentation of impact analysis results in June

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Questions?

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