

GAO Highlights

Highlights of [GAO-16-650](#), a report to congressional requesters

Why GAO Did This Study

Beginning in 2011, Education used its statutory authority to invite states to apply for waivers from certain provisions in the ESEA through its Flexibility initiative. To receive Flexibility waivers, states had to agree to meet other requirements related to college- and career-ready expectations, school accountability and support, and effective instruction. Education approved Flexibility waivers for 43 states. In December 2015, Congress reauthorized the ESEA which modified Education's waiver authority. GAO was asked to review Education's Flexibility initiative.

GAO examined the extent to which Education assessed states' ability to fully implement their Flexibility waivers and the process it used to oversee the waivers. GAO reviewed relevant federal laws, guidance, and key documents related to the Flexibility initiative, such as monitoring reports; and interviewed Education officials. GAO reviewed Education's documents and identified states facing multiple challenges in implementing their waivers. GAO also interviewed officials in five states, selected to reflect a range of challenges states faced in implementing the waivers.

What GAO Recommends

GAO recommends that Education evaluate its Flexibility initiative oversight process to identify lessons learned and incorporate any applicable lessons into its plans for overseeing state implementation of the new law. Education generally agreed and outlined steps to address the recommendation.

View [GAO-16-650](#). For more information, contact Jacqueline M. Nowicki at (617) 788-0580 or nowickij@gao.gov.

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K-12 EDUCATION

Education's Experiences with Flexibility Waivers Could Inform Efforts to Assist States with New Requirements

What GAO Found

Since introducing its Flexibility initiative in 2011—inviting states to request a waiver from certain provisions of the Elementary and Secondary Education Act of 1965 (ESEA) in effect at the time—the Department of Education (Education) has monitored states' efforts and identified challenges to states' ability to fully implement their waivers. According to GAO's analysis of Education letters and monitoring reports, 12 of the 43 states with Flexibility waivers faced multiple challenges that affected their ability to fully implement their waivers. Education used a risk assessment process to document these challenges throughout the waiver approval, monitoring, and renewal phases (see table). For example, Education identified risks with one state's capacity to oversee and monitor schools needing improvement prior to approving the state's waiver in 2013 and noted similar issues, as a result of monitoring, in 2015. Overseeing local districts and schools was particularly challenging for states, according to GAO's analysis of Education documents. Meanwhile, Education has not yet evaluated its process to review, approve, and monitor the Flexibility waivers given to states or incorporated any relevant lessons learned into its plans for implementing the December 2015 reauthorization of the ESEA. According to federal internal control standards, agencies should consider lessons learned when planning agency activities. As Education begins to implement the new law, it has an opportunity to learn from its experiences with the Flexibility initiative and incorporate any applicable lessons learned. Absent such an evaluation, Education may miss opportunities to better oversee state implementation of the new law.

From 2012 to 2015, Education Identified Challenges at Different Points during the Flexibility Initiative in 12 States of 43 Total States with Waivers

State	Waiver Approval	Waiver Monitoring	Waiver Renewal
Alabama	✘	✘	--
Arizona	✘	✘	--
Florida	✘	--	✘
Louisiana	--	✘	✘
Massachusetts	--	✘	✘
Nevada	✘	✘	--
New Hampshire	--	✘	✘
Ohio	✘	--	✘
Oklahoma	✘	--	✘
Pennsylvania	✘	✘	✘
South Dakota	--	✘	✘
Texas	✘	--	✘

✘ State faced a challenge

-- State did not face a challenge

Source: GAO analysis of Department of Education documentation. | GAO-16-650

Note: The Flexibility initiative refers to waivers granted by the Department of Education to 43 states providing relief from certain provisions of the Elementary and Secondary Education Act of 1965 as amended by the No Child Left Behind Act of 2001.