IN OUR NEW HYBRID WORLD, WHERE DO PUBLIC CHARTER SCHOOLS FIT?

HOW SCHOOLS IN SOME STATES ARE SUCCESSFULLY TAKING “FLEX-BASED INSTRUCTION” INTO THE MAINSTREAM

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1. Introduction

There is no denying the impact that remote and hybrid work has had on American life. Four years after the pandemic, 41% of adults with jobs that can be done remotely are now working a hybrid schedule, a number that continues to grow each year. Hybrid workers report better quality of life, more time spent with family, more savings, and increased productivity.¹

It’s no wonder, then, that Americans are now looking to extend this same flexibility to other areas of life, including school. More than half of parents of school-aged children now say they would prefer their child learn at home at least one day per week. And three-fifths have a favorable view of home-schooling.² Educators are also increasingly interested in opportunities to integrate flexibility into their workplace.³

For many parents, though, putting the words hybrid and school together may conjure up unhappy memories from the pandemic – children glued to screens, teachers racing to adapt, and the resulting learning loss. But in some states, innovative flex-based schools have been successfully executing a hybrid option for students for decades, offering families the ability to optimize and customize their child’s learning experience. Depending on who you ask and in which state, flex-based learning has been called hybrid home-schooling, independent study, blended learning, non-classroom-based learning, pods, or microschools. As this innovative model continues to evolve, its parameters are still being determined. Not strictly virtual – or with any virtual component, its only true defining characteristic is that education occurs partially in a physical classroom, and partially at home or in the community. Guided by academic milestones rather than traditional attendance, it’s a model that allows parents and students to work directly with teachers to use per-pupil funding to customize a curriculum and schedule that works for them.

Allowing parents to assemble educational components of their child’s education and provide them with a personalized learning experience is a growing trend, and one for which charter schools could prove to be an ideal vehicle. Charter schools can offer a structure for learning but also allow for customization and independence within the context of a supportive school culture. They also provide built-in accountability, by-law requirements for special needs students, and public funding. Finally, they lend expertise in building a personalized learning experience for parents intimidated by the idea of creating their child’s ideal education from scratch.⁴

While flex-based learning is not the sole domain of public charter schools, the charter way of thinking is uniquely suited to this model. Flex-based learning allows families to choose an educational option that best fits the needs of their child. They are open to all
students regardless of their ZIP code, and offer flexibility for teachers to provide innovative, high-quality instruction and to design classrooms personalized for students. They are guided by leaders who have the flexibility to try new ideas, hire the staff to implement those ideas with a significant degree of autonomy, and are held accountable by their communities and authorizers.

Untethered from geography and daily attendance mandates, flex-based instruction offers students from all backgrounds more options when it comes to their education. For rural students who might have access to a specific curriculum not offered locally or to a great teacher who lives several hours away. For students who have faced challenges that make attending school difficult, flex-based instruction can offer a pathway back into a traditional classroom.

The model also lends greater flexibility to school leaders looking to build a strong team, decouple quality from large, expensive facilities, and stretch their budget further. It also is attractive to teachers and school leaders looking for a more flexible work environment.

**A week-in-the-life of a flex student:**
- In-person English (ELA) instruction twice a week with their classmates on campus
- Daily virtual math coursework through a nationally recognized virtual STEM provider
- Physical education credits fulfilled at a community rock-climbing gym
- One-day-a-week internship with a local business
- In-person check-in with teacher-advisor to review grades, virtual assignments, and wellness gut-check
- Evening Debate Club preparation with student teammates who have chosen full-time, site-based learning

This customization could be one solution to combatting the current generational malaise in schools, where nationally chronic absenteeism approaches 30%, only 4 in 10 Gen Z students report feeling prepared for their future, and only half say their schoolwork challenges them in a good way.\(^5\) Through site-based apprenticeships and uber-customized curriculum, flex-based instruction “can help students better connect what they are learning in school with what interests them in the community,” says one charter school advocate.\(^6\)

To be certain, flex-based education might never be the right fit for all families. But in a world gone “hybrid,” where will schools fit?
The following case study will examine this question, including current best practices related to flex-based instruction, its challenges, and its future opportunities, and will offer guidance for schools, parents, and legislators interested in extending this model to their own communities.

| 41% of adults now work remotely | More than half of parents would prefer their child learn at home once a week | Only 4 in 10 students feel prepared for the future |

2. What is Flex-based Instruction?

While there is no universal definition for flex-based instruction, for the purposes of this case study, it can be defined as follows:

An alternative instructional strategy that offers the flexibility to meet individual family and student needs, interests, and styles of learning. Through a mix of at-home, virtual, and onsite instruction, students will meet the same educational objectives as their onsite peers through substantially equivalent instruction from credentialed teachers.

Today’s flex-based instruction offers a “build-your-own” approach to education, including elements from school models that include:

- **Microschools**: The modern equivalent of a one-room schoolhouse, class sizes are usually fewer than 15 students of varying ages. The schedule and curriculum are tailored to fit the needs of each class and can include virtual components.

- **Hybrid homeschools**: Students attend classes for several days per week and are homeschooled on the other days. They may be public or private institutions, though currently most are private.

- **Learning pods**: Small groups of children, organized by parents, gather to learn together. Parents either hire a private teacher to facilitate or take turns supervising, and it can include a virtual component.
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Blended learning schools: Full-time blended schools combine virtual instruction with traditional face-to-face instruction in classrooms. Course access and part-time enrollment: Students may enroll in public schools for one or more courses. Offerings vary by state, some allow only private or homeschool students to enroll in district courses, while others, like Idaho, allow charter students to dual-enroll. As of 2021, 12 states allowed students to enroll in public schools part-time, and eight required districts to offer it. Schools can also provide access to courses unavailable at the school site (such as certain languages, orchestra, etc.).

Non-classroom-based learning (NCBs): Schools in which students spend less than 80 percent of their time physically in the classroom. Non-classroom-based models include independent study, project-based learning, remote or distance learning, online learning, asynchronous learning, home study, or a combination of any of these. In California, NCBs are free, public, and open to all students, and they are mandated by law to form written agreements with families.

Independent study: Independent study is an alternative to classroom instruction consistent with a local educational agency’s course of study, aligned with state content standards, and designed to respond to the pupil’s unique educational needs, interests, aptitudes, and abilities.

While in several states these types of schools are private, depending on the state, these learning arrangements could be funded as public schools.

3. Who does flex-based learning work for?

For families and students: A traditional, on-site school is the option that works best for most families, offering a consistent, safe, and social environment, five days a week. While traditional schools can offer some personalization, there are limits to what they can offer to an entire student body. A growing subsection of families are choosing a flex-based instructional model, for a growing number of reasons:

Students with special talents: Students pursuing a sport, music, or other hobby at a high level that requires periods away from onsite schools.

Students with dyslexia, autism, and other special needs: Students with disabilities who would benefit from a highly customizable program involving high levels of family engagement.
Mobile: In California, flex-based charter schools have a 17% student mobility rate, students who move from one school to another after the start of the school year, compared to 3% in site-based charter schools.

At-risk students: Students who face institutional barriers to success and are in danger of exiting school prematurely. This can include student parents, adult students, students facing suspension, students with chronic absenteeism, and more.

Rural students and teachers: Students not in close proximity to their preferred curriculum. Teachers who can lower commuting time to fewer days a week and still provide access to a quality education.

Former home-schoolers: If given the opportunity to select curriculum and lead at-home learning time, many homeschool families are open to receiving support from credentialed teachers, having students learn out of the home for a portion of the week and utilizing public, per-pupil funding where available.

The 2024 Choose to Learn 2024 report from Tyton Partners found that there are three types of parents among those who are open to changing their child’s educational setting or new or different learning pathways (48% of all parents):
1. School supplementers (31% of all K-12 parents)
2. School switchers (5%)
3. Customizers (12%)

Prior to the pandemic, the typical framework for public school choice advocacy was in the context of switching: If a parent wasn’t happy with their zoned school, they should be able to switch. Today, with the proliferation of flexible school models, public charter schools can adapt to serve even more parents who are interested in supplementing or customizing their child’s education.

How charter schools can adapt to meet the needs of families

<table>
<thead>
<tr>
<th>Non-classroom-based charter schools</th>
<th>Micro charter/pod</th>
<th>Part-time enrollment/course access</th>
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<tbody>
<tr>
<td><strong>Supplementers</strong></td>
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<tr>
<td>Most days in classroom with a flex learning day or two elsewhere</td>
<td>Supplemental learning pod during or after in-school program</td>
<td>School covers costs of accessing courses unavailable at school.</td>
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<td><strong>Customizers</strong></td>
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<tr>
<td>One or two days in classroom and the rest at home or alternate site</td>
<td>Individualized learning path in micro charter</td>
<td>School covers costs of accessing courses unavailable at school.</td>
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<tr>
<td><strong>Switchers</strong></td>
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<td>Leave traditional school for charter school</td>
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For families who don't want full-time homeschooling and can't afford private school, a flex-based school might be a good fit. According to hybrid home-school researcher Dr. Eric Wearne, flex-based instruction is appealing to a large subsection of the American public—the broad middle class. Wearne conducted a survey that concluded that the most popular reasons for choosing a flex-based, hybrid home-school option were smaller class sizes, a better learning environment, and more individual attention. The report by Tyton Partners also found that parents prioritize the learning environment, but that as a result it can be a barrier to switching schools: it found that “the perceived benefits of a school culture are cited as the primary reason for staying in a traditional public or private school setting and not exploring a more customized option.” Charter schools are well poised to develop customized, personalized learning solutions for students that can provide the framework of a school culture with opportunities to supplement or customize their child’s education.

“The customization is really astonishing. Some of our member schools have hundreds of vendor relationships for curriculum, with technology and funding that creates endless options for families.”

ERIC PREMACK, FOUNDRING DIRECTOR
CHARTER SCHOOLS DEVELOPMENT CENTER

For schools and teachers

Schools looking to expand into a flex-based offering do so for many reasons. Depending on the structure of the school, flex-based operators can locate in smaller facilities with fewer amenities, like gyms and cafeterias. Some flex-based options, like GEM Prep in Idaho, use their existing, onsite campuses alongside small satellite buildings to accommodate flex learners when needed.

Others, like California’s IEM Charter Schools, require even less onsite space. They use smaller onsite meeting space, sometimes referred to as learning centers or curriculum libraries. Here, students can take in-person classes, meet with teachers, complete assessments and tutoring, and access other educational resources.

For flex-based schools, physical locations can be as varied as churches, community centers, and shopping center retail space. Flex-based schools also have the option of sharing rental space with other part-time tenants. Notably, in a recent survey by Wearne, no charter school hybrids reported sharing space with other groups. Flex-based schools also have the opportunity to hire qualified teachers looking for flexible or remote work. This could include a veteran teacher looking to teach only one or two classes, without the additional administrative burden of full-time teaching.
Finally, flex-based instruction is reported to be more adaptable to unforeseen challenges, like the COVID-19 pandemic. In a 2021 survey of hybrid home-school leaders, more than 80% said that COVID-19 was much less disruptive, compared to nearby, in-person schools. In a separate survey conducted in 2022 of hybrid home-school teachers, 73% said their schools operated normally for that entire school year, with 86% reporting they had the support they needed to be effective.

4. Challenges of flex-based learning

Funding

With a near-infinite number of configurations, flex-based learning can create a headache for policymakers as they attempt to equitably allocate per-pupil funding. Should a student who spends four days a week at a traditional school receive more funding than a student who only spends one day? Or should both be equal, enabling the one-day student to use their allocated funding on extracurriculars, or helping a school leader recruit more experienced staff? At a time when state budgets are facing cuts across the board, flex-based learning could be seen as a comparable alternative to full-time, in-class instruction.

Moratoriums and regulation

Flex-based schools are by definition innovative, each with its own proprietary formula for student success and parent satisfaction. As they continue to add students and maintain an edge against competing options, some charter advocates argue that a lack of transparency into how they run schools is leading to apprehension from authorizers and policymakers. Following the theft of taxpayer money by the fraudulent non-classroom based A3 charter network from 2016-2019 in California, new scrutiny was placed on the expansion of NCBs in the state.

Critics argued that many of the state’s 330 charter authorizers were too small to have dedicated staff to conduct adequate oversight. In response, the California Senate drafted Senate Bill 593, which would have mandated new requirements for auditors of NCBs, including the identification of large fund transfers. The bill also would have placed new regulations on enrichment vendors and increased teacher oversight. Assembly Bill 1316 sought to limit enrollment and student funding for NCBs and increase how much authorizers could charge charter schools for oversight costs. Ultimately, both bills were shelved, but an agreement was reached to extend an existing moratorium on new NCBs in the state of California until 2026, though NCBs are still allowed to add new students to existing programs.
“I thought the pandemic would have raised the profile of these schools, and finally put this question to bed that they are doing good things for kids,” says one charter advocate in California. “But somehow the pandemic raised more suspicion. Transparency needs to be addressed here – who is in charge, how the money flows – you really have to dig to get that information. At the same time, you have to balance this against innovation, or someone else might come in and take your students.”

Hard to categorize

Even advocates for flex-based learning say that if you were to “audit 10 different schools, you’d get 10 different answers on what they offer” in terms of this model. And while these advocates argue that this “variation is a feature, not a bug,” it makes understanding, categorizing, regulating, and funding these schools a challenge. Advocates have yet to even agree on a name for this type of educational option.

It can also be a challenge for facilities. In Georgia, a group of hybrid home-schools found itself at odds with the local fire marshal over their certificate of occupancy. Education happened partially inside of a church building, but were they a church or a school? As the sector continues to grow, conflicts with local regulators and school districts are expected to follow suit.

Facilities

Just because you need less space, it doesn’t mean you need no space at all. As the popularity of flex-based instruction continues to grow in a world gone hybrid, these schools will need to expand. And while most flex-based charter schools report being satisfied with their current facilities, most say they will not have adequate space within the next five years.

5. The role charter schools can play in flex-based learning

Flex-based learning has many attributes that align with the public charter movement. They allow families to choose the educational option that best fits the needs of their child and offer flexibility for teachers to provide innovative, high-quality instruction that is personalized for students. They are guided by leaders who value innovation and have been given the flexibility to try new ideas and implement them at scale. Research shows that families who choose flex-based learning run by a public charter school vary from traditional flex-based learners in several ways. In a survey of California flex-based learning options, charter school families were, on average, slightly more diverse, less wealthy, and less educated compared to the families of private, religious
hybrid home-schoolers, who were more ethnically diverse, wealthier, and better educated than families in their sponsoring school district. Like the Tyton report findings that families fall into categories of switchers, supplementers, and customizers, flex-charter families tend to place more value on individualized attention, character development, and learning environment than on religion, safety, or formal academic issues when choosing a hybrid homeschool compared to their private, religious counterparts.\textsuperscript{22}

Researcher Eric Wearne characterizes this split as being pulled in to flex-based charter schools due to their quality and flexibility, rather than feeling pushed out of traditional public schools over curriculum and other concerns. “The charter parents I spoke to held a lot less criticism of traditional public schools they would say, “I just really like the teachers, I really like the vibe, it makes me and my child happier and more comfortable,” Wearne says.\textsuperscript{23} Notably, most flex-charter parents he surveyed also resided in areas where in-person public charter schools were not a readily available option, and thus simply switching to a new school isn’t as easy.

Free to all and encompassing a far more vast set of curricula ranging from career and technical education (CTE) to classical to Waldorf – flex-based charter options can offer more families more options when it comes to the quality education they seek.

As a public school, flex-based charter schools can also cast a wider net for rural and low-income students looking for specific enrichment programs and extracurricular activities.\textsuperscript{24}

For students with special needs, flex-based charter schools are not only required to serve them as public schools, but they also offer a more personalized program specific to the needs of each learner. Flex-based charter schools can increase inclusion, expand access to qualified specialists, and create greater flexibility when it comes to pacing and completion of work.\textsuperscript{25} A survey of parents of students with disabilities found that they preferred this instructional model to traditional schools.\textsuperscript{26}

Untethered by some residency and location requirements, paired with leading-edge innovation that the charter movement is known for, public charter schools could offer one route to the expansion of flex-based learning in states where policy, funding, and legislation align.

\textbf{6. Flex-based learning in California}

In most states, policies governing flex-based education either don’t yet exist, rely exclusively on in-person daily attendance, or restrict public charter access to the option.
But in California, flex-based learning classified as non-classroom-based learning (NCBs) has been an option through public charter schools since 1993.

Today, NCBs in California serve 213,000 students, just over 30% of all charter school enrollment in the state. Contrary to the name, NCBs are schools in which students do spend time in a physical classroom. But they also offer a range of models that allow for 20% or more instruction outside of a classroom. Without traditional, daily attendance at a physical location, how do we know students are engaged in school?

NCBs in California follow the education code set for the state’s Independent Study program, as well as existing state charter law and NCB funding formulas. Notably, per-pupil NCB funding in California is derived from students’ accomplishments and education deliverables, which is then converted to an attendance measure.

**NCB Compliance Expectations in California:**
- Schools form a written contract of expectations with families.
- Students must be taught by a Local Educational Agency (LEA)-certified teachers, at a ratio of no more than 25:1.
- Teachers meet on a regular basis with students and their families.
- Attendance is determined by the teacher each school day, combining minutes of synchronous instruction with equivalent daily time value of student work products.
- Coursework is audited annually by the LEA governing board to be substantially equivalent to in-person instruction.
- As public schools, students must participate in state-based assessments.

Given their unique flexibility, NCBs in California serve a variety of student populations. Around one-third of all NCBs are classified as Dashboard Alternative Status Schools (DASS), schools that serve a high proportion of at-promise (at-risk) students.

**The Charter School of San Diego**, an Altus school, is an NCB that serves at-risk students in grades 6-12. A recipient of The Malcolm Baldrige National Quality Award, the nation’s highest presidential honor for performance excellence, the school relies on a year-round, personalized blended learning model that helps students complete credits at an accelerated pace. While most schoolwork is completed online to reduce distractions, students are required to visit one of 19 in-person student resource centers two to three times a week for in-person instruction and tutoring. According to school officials, 500 students transfer back to the San Diego Unified School District each year. Others graduate and go on to college or workforce opportunities.
Elsewhere in the state, families interested in flex-based educational options are finding success at NCBs like Springs Charter Schools. Identified as a gap-busting Charter Management Organization by Stanford University’s Center for Research on Education Outcomes (CREDO) in its latest survey, Springs serves more than 10,000 students at 20 in-person campuses. It also runs six distinct flex-based learning programs for families interested in greater customization and flexibility. More than 2,500 students are primarily learning from home, with regular visits from credentialed teachers. Through Springs’s Venture program, teachers offer one to three hours of direct instruction, small group intervention, and office hours daily. For grades 9-12, Keys College & Career Prep Independent Study allows students to work independently and attend weekly meetings with their teacher. They have opportunities to select academy classes, online foreign language, in-person and online learning center classes, internships, and CTE courses.

**SCHOOL SPOTLIGHT: Innovative Education Management (IEM)**

IEM Schools serve 8,000 Pre-K-12 students at three campuses across 18 counties in California. NAPCS sat down with IEM Communications and Development Officer Cynthia Rachel to learn more about the type of California parent choosing flex-based instruction, and why.

**What type of parent do you see coming through your doors?**

Our motto is “when parents choose, students succeed.” No one knows a child better than their parents, no one has a greater vested interest in their success, and so we really value the primary role of the parent in students’ education. We have parents that, for whatever reason, weren’t loving their onsite school options. They feel like there has to be a better way. We have former home-schoolers who are ready to hand some but not all of that responsibility over to accredited teachers, as long as they can help choose the curriculum. They also get access to per pupil funding through an organization like IEM, but can use it within the legal parameters — how they see fit. We are also seeing an uptick in first responder families, for example, who aren’t interested in virtual learning exclusively, but with a few days a week at home a parent who is a nurse or a highway patrol can actually participate in their child’s learning and be more of a presence in their lives.

**In practice, how do you work with a family to decide what will work best for their student at IEM?**

We use an instructional funding model. When a student enrolls, they are assigned a curriculum budget. Parents, education specialists, and the student then come together to
develop a personalized learning plan for that child based on their specific interest and ability. Using diagnostic scores and other measures, we use a software called Curriculum Wizard, which generates the top-5 best fits for math and ELA curriculum out of hundreds of potential options from our online vendors. Then, for the “fun stuff,” like PE and music, families typically select local private options within the community. Some of our families are Waldorf families, some prefer no tech at all, and for our youngest learners, daily synchronous instruction is mandated by the state.

I’ll give you an example. We had an autistic student who began with us as a chronological second grader. Socially, he was at the kindergarten level, and academically, he was testing at a fourth-grade level. His parents wanted him to socialize with kids his own age while still being challenged. Through a school like IEM, academics and socialization don’t have to occur simultaneously. We worked with the family to set up curriculum at academically appropriate levels and level and enrichment at the age and maturity level that was right for him. He ended up graduating from a private high school, which his family didn’t ever think would be possible. We were able to meet all of his needs, which wouldn’t have been possible in a traditional school.

Has it been challenging to build a school culture when students don’t see each other in person frequently?

For a long time, our families were really only interested in helping them connect to their local home-school community. These are groups that plan standing park days, field trips, etc.

Now, we are seeing much more desire from parents for school-specific opportunities. Coming out of COVID, we are welcoming more and different students who love the customization but also want that community! We are in the process of developing a coordinator for these types of experiences. We also have a lot of school-wide contests and promotions, hiking clubs, in-person training opportunities, networking and more. We want our kids to know that no matter how they choose to learn, they are a part of something bigger. Our teachers are also really good at encouraging and providing opportunities for families to connect.

What do you think flex-based learning can offer a 21st century student?

Flex-based learning is a better representation of what they will experience when they enter the workforce, which is changing so quickly. The idea that you have to go to school or work and sit there all day to be considered productive is obsolete. We know that students, just like employees, can be successful even if you aren’t sitting across from them every day.
Our model reflects that, and so does our focus on college and career readiness. We not only offer these opportunities in-house, we partner with local businesses, programs, and community colleges, because the sooner they are exposed the less intimidating these opportunities become.

**What advice would you give to schools and parents looking to start this model in their own state?**

Most importantly, daily, in-person attendance can’t be tied to funding. Allies are important, too. The home-school community can be a good ally and while there are some home-schoollers who will never want to participate in state-funded anything, there are others who would relish the opportunity to use credentialed teachers and public funding to take some of the burden off. Most importantly, you have to be open to letting go of what school should look and feel like. If it looked and felt the same as traditional school, our students would be there.

**7. Other states finding success**

While California has, by far, the most robust flex-based learning program in the country, other states are also finding success, either due to explicit laws governing its existence or a lack thereof.

**Arizona**

A recent Gallup Arizona survey found that 75% of Arizonans want their schools to have greater flexibility to tailor learning to each child. But until 2021, students needed to be physically present in school for instructional hours to be counted. That changed with HB 2862, which now allows traditional public and charter schools to adopt an instructional time model (ITM) to meet instructional hour requirements, providing greater flexibility for determining how instructional hours are provided to students, including time spent in remote courses, project-based learning, mastery-based learning, weekend courses, or evening courses. So far, more than half of Arizona schools and districts have adopted ITMs.

In 2021, ASU Preparatory Academy, a public charter network that educates more than 8,000 students, launched a number of flexible learning options after a survey of parents showed that families were looking for more opportunities to customize their child’s learning environment. Combining elements of ASU Prep Digital, a fully virtual option, ASU Prep Digital+ microschools now allows students to choose to learn from a site from one to four days a week. Each student is paired with a Personalized Learning Advisor, who helps guide students through individual learning goals at their own pace and level.
At the ASU Prep Academies Arizona campuses, students can now choose to learn remotely one day a week, with an optional flex day on Fridays. ASU Prep also helps to coordinate Learning Pods for students in grades K-5 to connect via family-driven activities and other interests.

**Idaho**

Gem Prep is a K-12 public charter network in Idaho. In addition to eight traditional, in-person charter schools, Gem Prep also offers a fully online option, as well as an offering dubbed Learning Societies. Similar to a microschool or learning pod, Learning Societies enroll Gem Prep Online students in small, mixed-age groups of students who learn together in person with support from onsite staff.

School leader Jason Bransford says Learning Society students utilize the same content, pacing and extracurriculars as in-person students, with an additional focus on what he calls earned autonomy. “When students join a Learning Society, they are with us all day, every day at first. They have to demonstrate proficiency to move up and show us strong performance and growth. If they can do that, we create a self-directed learning plan that allows you to not come to school on the days that don’t work for your family and pace your own assignments. They earn their autonomy.”

Learning Society students participate in all standardized state testing, monthly interim assessments, and weekly readiness quizzes. They are marked as attending if they are successfully following and advancing through their individualized plan.

Families who opt in run the gamut, from those whose students want to be challenged more to those whose students are struggling academically and feel lost in the crowd. Jason says there are many benefits to this model. First, students are being prepared for the world that awaits them. “If I micromanage a student, is that really preparing them for success in today’s hybrid economy? We help them adjust to having flexibility in their schedules.”

It also gives students and teachers more and better options. “Our goal is always practice and reinforce learning in person. But say you live in rural Emmet; you can now access one of our high-quality math teachers in downtown Boise. Smaller groups of students allow for Learning Societies to change the pace of instruction as needed. Teachers are able to cut down on long commutes and stay in their community, which helps vest them in the work.” It’s part of what Jason says gives Learning Societies an extended family feel, where everyone knows each other’s siblings, teachers and parents, which supports not only academic accountability, but personal accountability.

Categorized as Blended or Self-Directed Learning Schools by the Idaho State Legislature, Learning Societies meet state-defined quality standards established for online programs.
Gem Prep students are marked as attending and advance based on mastery of content instead of seat time. “Our lawmakers care about results and getting kids access to an equitable education, and they give us the flexibility and creativity to make that happen.”

So far, Gem Prep’s Learning Societies have a 100% retention rate. There have been some growing pains, says Jason, which is bound to happen when you create something brand new for families. “These are parents who have flexibility in their own careers and see an in-between learning option as something they want for their own families. I think once people understand what we are building, it has the potential to be one of the fastest growing school sectors moving forward.”

8. Creating a supportive environment for flex-based learning

In many states, funding and authorization is tied to in-person, daily attendance and age-based progression. But in states like California and Idaho, school leaders and flex-based advocates have utilized existing state laws governing Independent Study and Mastery-Based Education to innovate beyond what Idaho education leaders call early-20th century education design principles.34

Idaho’s Mastery-Based Education Model:

In Idaho, each school and school district is responsible for creating its own instructional program and student-centered learning models. This flexibility allows for greater collaboration between schools, students, and families.

Following a 2013 Governor’s Task Force for Improving Education, the Idaho State Legislature in 2015 approved implementation of a system in which students could advance based on mastery of content instead of seat time. Although the state legislature does require that schools provide minimum hours of instructional time each school year, these requirements do not include the traditional seat-time approach to credit accumulation. As of 2022, the state of Idaho’s Mastery Education Network has provided grants and technical support to more than 100 schools and districts to implement a more flexible, personalized approach to education.32

Mastery-based education also includes a legislature-approved designation called Self-Directed Learning, defined as an approach in which a student, “demonstrates mastery of content knowledge through grades, assessments, or mastery-based learning rubrics.” Once a student is designated as a Self-Directed Learner, the student has the right to flexible learning, which includes flexible attendance, attending school virtually, extended learning opportunities, and “any other agreed-upon learning inside or outside the classroom.”33
Still, a number of roadblocks exist to expansion. When successful California flex-based operator Springs Charter Schools expanded to Tennessee, they soon discovered that the state did not have a flex-learning option for funding purposes – students would be required to be in person full-time, five days a week.

Considering the demand among families for increased access to flex-based charter school options, what can policymakers do to ensure more families have access to these unique, highly customizable options?

1. **Develop policies, such as mastery or competency-based education, for measuring student engagement in charter schools for the purposes of funding and accountability.** In many states, full-day in-person student attendance is the only metric used to measure student engagement with school. However, for flex-based charter schools to thrive, they need alternatives to in-person attendance that allow students to demonstrate that they have engaged with required content and made adequate academic progress. In California, the state’s independent study law allows for students to “generate attendance” by submitting “assignments, assessments, or other indicators that evidence that the pupil is working on assignments.” Used as an alternative to in-person attendance, allowing students and families to submit deliverables demonstrating engagement with content allows for flex-based charter schools to be appropriately funded, held accountable, and ensures students are making adequate academic progress.
2. **Exempt charter schools from bureaucratic requirements that may inhibit implementation of flex-based instruction, including teacher credentialing.** Given flex-based charter schools have the ability to provide increased flexibility for high-performing educators, including those that may be located out of state to facilitate remote instruction, it is critical that state-level credentialing requirements be waived to ensure flex-based charter schools are able to both recruit and retain a wide-range of capable educators.

3. **Tailor charter school accountability tools to account for the unique components of flex-based charter schools.** Given flex-based charter schools require a unique approach to measuring student engagement and are more likely to be over-represented among alternative schools (as seen in California), it is critical that authorizers adjust accountability expectations to measure the successes of these unique programs.

4. **Ensure financial oversight and transparency of flex-based charter schools is adequate and relates to the school’s size and programmatic approach.** Because charter schools are public schools operating with public funds, there should be confidence that these funds are being spent appropriately. To that end, certain flex-based charter schools, especially those that oversee a network of flex-based programs, or are implementing a large home-schooling component, may need to report additional financial information.

**WAIVERS**

Over the past decade, some states have pursued a waiver approach from state requirements that inhibit blended learning. This includes the creation of “districts of innovation” that remove seat time-based restrictions, support access to high-quality online courses and expand flexibility for what time of year state assessments are taken.37

**Ohio:** A 2012 law passed in support of blended learning, requiring that whenever the Ohio State Board of Education adopts standards, that it also provides information to schools on the “use of blended or digital learning in the delivery of the standards.” It also provides flexibility for schools implementing blended learning on seat-time, personnel, and facilities requirements.

**Rhode Island:** Rhode Island has chosen a regulatory route to support blending learning, with a rule stating that the Department of Education must “promote and support customized learning experiences for all learners through quality and engaging online content and programs.”
Arkansas: In 2013, Springdale Public School District was awarded a grant to promote individualized, innovative education. The district piloted competency-based progressions as the primary determinant of course completion and requested waivers from some seat-time and graduation requirements.

POST-PANDEMIC LEGISLATIVE CHANGES

Following the COVID-19 pandemic, a number of states changed the way they allocate student funding as it relates to student counts, largely in response to innovative district offerings, like hybrid and fully virtual instruction.

Indiana (H.B. 1001) now reviews student attendance for the purpose of classifying students as either in-person or virtual for their spring and fall enrollment counts. Students are classified as virtual if they receive at least 50% of instructional services virtually. This distinction is important, because virtual students receive 85% of the foundation amount that in-person students receive.

North Dakota (S.B. 1232) permits school districts and governing boards of non-public schools to adopt a policy to allow students to engage in virtual instruction and continue to qualify for the average daily enrollment count, which is used by the state to allocate funds.

Texas (S.B. 15) allows school districts and charter schools that receive a C or higher on the state's accountability rating to establish their own remote learning program independent from the Texas Virtual School Network. Students in the program are counted the same as other students in determining average daily attendance. The state limits participation to 10% of the total district or charter enrollment.

CATEGORIZATION

As flex-based learning grows, state legislators and agencies will increasingly be responsible for making decisions that affect families. With so many iterations of flex-based learning across public charter, homeschool and private education, it can be a challenge to create a one-size-fits-all accountability structure. Policymakers run the risk of homogenizing the innovation that makes these schools not only unique, but successful for students and appealing to the families seeking them out. According to researcher Eric Wearine, a lighter regulatory hand is preferable for this particular model. “You have to let the schools take the lead -- this is a field where educators have been successful for many years, and when legislators come in and want to be helpful, they can accidentally make things worse.”
IN OUR NEW HYBRID WORLD, WHERE DO PUBLIC CHARTER SCHOOLS FIT?

“You have to let schools take the lead...”

DR. ERIC WEARNE

SETTING A DIFFERENT STANDARD

For each of these flex-based options, setting a new standard for accountability – across funding mechanisms, legislation, and regulation – will be critical. This will require a mindset shift from policymakers, who according to Eric Premack, “historically, want to see what they are funding.” Premack and others believe this is an outdated view, since large, full buildings do not necessarily translate to positive academic outcomes for all students.

Considerations for new or updated policies include: funding and authorization not tied to traditional measures of student engagement (e.g., attendance); a new definition of student engagement tied to successful work completion and/or mastery; changes to the definition and requirements of buildings where learning occurs; and accountability and funding tied to factors like college and career enrollment. For some flex-based learning options like alternative NCBs in California, it could make sense to evaluate student progress over shorter periods of time as they transition in and out of site-based learning.

For this expansion to ultimately be possible in more states, Premack says it will take a knowledgeable and wide-ranging group of advocates. This will include homeschoolers and other choice-focused parents where current options are thin on the ground, parents, and student groups, and teachers who are interested in joining the hybrid workforce alongside the rest of the economy. Above all, he says “to get this over the finish line, each state is going to need folks who understand the legislative and regulatory arena, legal advocacy, school finance, attendance and instructional vision – and then wrap all that around a long-term policy vision for what we want the future of education to look like in this country.”
Appendix


6 Julie Umansky and Ricardo Soto Interview Conducted by Lauren Bennitt, November 13, 2023


8 National Hybrid Schools Project, Kennesaw State University, Coles College of Business, https://www.kennesaw.edu/coles/centers/education-economics-center/national-hybrid-schools-project/index.php


11 California Dept. of Education, “Independent Study Programs,” https://www.cde.ca.gov/sp/eo/is/#:

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17 Kristen Taketa., “‘It really is time’: Four years after one of history’s largest charter fraud cases, some say California is overdue for reform,” San Diego Union-Tribune, December 24, 2023, https://www.sandiegouniontribune.com/news/education/story/2023-12-24/four-years-after-one-of-the-largest-charter-fraud-cases-in-history-some-say-california-is-overdue-for-reform

18 Julie Umansky and Ricardo Soto Interview Conducted by Lauren Bennitt, November 13, 2023

19 Dr. Eric Wearne Interview Conducted by Lauren Bennitt, December 13, 2023


23 Dr. Eric Wearne Interview Conducted by Lauren Bennitt, December 13, 2023


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33 Idaho State Legislature, Section 33-512D https://legislature.idaho.gov/statutesrules/idstat/title33/t33ch5/sect33-512d/


