

# Multiple Charter Authorizing Options

The **National Association of Charter School Authorizers (NACSA)** is the trusted resource and innovative leader working with educators and public officials to increase the number of high-quality charter schools in cities and states across the nation. NACSA provides training, consulting, and policy guidance to authorizers and education leaders interested in increasing the number of high-quality schools and improving student outcomes. Visit us at [www.qualitycharters.org](http://www.qualitycharters.org).

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## About NACSA's Policy Guide Series

The growth and quality of a charter school sector is largely dependent on state policies that define approval, monitoring and renewal structures, criteria and processes. NACSA's Policy Guide series is intended to support state legislatures in developing policy environments that promote quality authorizing and high-quality charter schools. Additional copies of this Guide are available upon request.

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# The Value of Multiple Charter Authorizing Options: Quality, Diversity and Choice

“Multiple authorizers” refers to situations where more than one entity is able to authorize charter schools in any given community. The presence of multiple authorizers can strengthen a state’s charter school sector because a diversity of authorizers can promote professional practices among authorizers and provide checks and balances in charter approval, oversight and renewal decisions.

## ■ Background on Multiple Authorizers

As of early 2009, 41 states (including the District of Columbia) have charter school laws that collectively provide an interesting variety of authorizing options.<sup>1</sup> Among those states, 26 states have multiple types of chartering authorities, and 80 percent of the nation’s 4,150 charter schools exist in these states.<sup>2</sup> The chart

below gives an overview of the different types of organizations that authorize charter schools, along with some key benefits and limitations for each type. An example of a strong authorizer is provided for each type of authorizer entity listed.

### Authorizer Options

Type of Organization	Example	Advantages	Potential Disadvantages
Local School District or Board of Education <i>[County or regional school boards, where applicable, offer similar benefits and limitations though they may be more insulated from district and city politics.]</i>	New York City Department of Education	Can offer depth of knowledge and expertise as well as services and facilities; charters can be an element of a portfolio of district schooling options. Local approval maximizes political and community acceptance and support for charters.	Primary focus on traditional district schools; may not embrace – or may be hostile to – chartering; potential friction between charters and other district schools.
Mayor or City Council	Mayor’s Office of Indianapolis; Milwaukee Common Council	Brings political support, high visibility, local knowledge, and access to public and private resources.	Lack of inherent educational expertise or mission; sustainability uncertain in the face of political turnover and shifting priorities. <sup>3</sup>
State Education Agency or Board of Education	Massachusetts Board of Elementary and Secondary Education	Educational knowledge, expertise and capacity; statewide authority; allows charters to be an element of a state portfolio of public schooling options.	Responsibility for all public schools in the state limits focus on charters; may tend to emphasize compliance rather than fostering innovation.

### Authorizer Options *(continued)*

Type of Organization	Example	Advantages	Potential Disadvantages
Independent or Special-Purpose Chartering Board	Colorado Charter Schools Institute	Singular focus on authorizing can build substantial expertise; ability to build authorizing practices from scratch, rather than adapt prior practices.	Community buy-in may be limited; appointed board members less accountable to voters than elected officials.
Higher Education Institution <i>(Includes 2 and 4 year colleges and universities; public and private)</i>	Central Michigan University <i>(public)</i> ; Hamline University <i>(private)</i>	Independent; may have considerable education expertise; access to university resources and partnerships; research capabilities may lead to innovation and best practices.	May lack experience with K-12 education; may intentionally or unintentionally impose a particular educational philosophy or method on schools; community buy-in may be limited; resources may be mainly reserved for higher education; perceived lack of public accountability. <sup>4</sup>
Nonprofit Organization	Thomas B. Fordham Foundation	Independent; may be highly visible and credible; may foster innovative schools; can bring valuable areas of expertise.	May lack experience with K-12 education; resources may be mainly reserved for organization's primary mission; lack of public accountability.

Of the more than 800 active authorizers in the country, the vast majority are school districts. Yet, with a few exceptions, most school districts authorize only

one or two schools. Non-district authorizers tend to authorize much higher numbers of schools.

## ■ Key Considerations for Policymakers in Multiple Authorizing Options

### How will maintaining a range of authorizer options impact the quality of charter schools and uphold high authorizing standards?

In states with only one type of authorizer, be it a school district, state education agency or independent chartering board, there is a risk that the one authorizer will accumulate undesirable and unchecked behaviors over time. Its application process may become too cumbersome. A change in leadership may

lead to biased decisions. Monitoring systems may become too bureaucratic. The existence of multiple authorizers provides for a check and balance on these types of undesirable behaviors.

### What are the drawbacks of allowing only districts to authorize charter schools?

State policies that empower only the local school district to authorize charter schools are problematic for

**Good authorizing requires a relentless focus on quality – approving only strong applications, providing effective oversight and exercising appropriate interventions.**

a number of reasons. First, they may place chartering responsibilities solely in the hands of districts that do not wish to be authorizers. While some districts embrace the role of authorizing charter schools, others view it as a burden. Authorizing is hard work, and doing it well requires attentiveness, commitment and the dedication of sufficient resources, all of which tend to be lacking in an involuntary authorizer. Second, many districts simply are not interested in approving charter schools that will compete for students and funds. Third, district-only authorizing environments preclude applicants from choosing an authorizer with a chartering approach and oversight style aligned with their school’s needs.

**How many authorizers does a state need for an authorizing environment conducive to quality charters?**

The quality of authorizers is more important than the quantity. More is not necessarily better. While it is desirable to maintain more than one authorizing option, having a large number of authorizers creates its own challenges. If a state has a large number of authorizers, it often means that many authorizers oversee only a small number of schools. In order for an authorizer to build enough capacity and resources to carry out its responsibilities effectively, experience suggests that it needs to authorize five or more schools. Authorizing only one or two schools is unlikely to produce the concentration of expertise and level of staffing needed to make it a serious focus.

In addition, a large number of authorizers can produce extreme variations in standards and practices among authorizers. In a small number of cases, low performing charter schools that have been closed by one authorizer have simply gone to another authorizer

and been approved. The state will be better served by concentrating its support on a smaller number of authorizers committed to chartering with quality.

**Who makes a good authorizer?**

Good authorizing is about function more than form; there is no one particular authorizing option that works best in all circumstances. The quality of an organization’s performance as an authorizer stems largely from its commitment to the work and to the principles of charter schooling. Good authorizing requires a relentless focus on quality – approving only strong applications, providing effective oversight and exercising appropriate interventions. It requires attentiveness and sufficient capacity to handle the volume of work at hand. Essential resources include adequate funding and strong leadership, staffing, and expertise. The success of an authorizer in any state is directly a function of such factors, rather than the type of entity it is.

As the range of authorizing options laid out above demonstrates, organizations of many kinds can bring advantages to authorizing. Just as clearly, there are potential drawbacks to each option, but all of these can be overcome by strong commitment by the authorizer. The charter statute and state policy can raise the quality of all types of authorizers by requiring them to meet professional standards of practice in fulfilling authorizing duties.

**Should non-traditional organizations, such as independent chartering boards, universities and nonprofit groups, be allowed to serve as authorizers?**

While school districts and state education departments might be considered “traditional” authorizers

because they already have responsibility for K-12 public education, there can be a number of benefits to a “bigger-tent” approach that allows non-traditional authorizers. For example, colleges and universities may bring their own educational expertise as well as the capacity to develop authorizer best practices through research. Nonprofit groups may also offer unique areas of expertise and community connections that enhance their ability to serve as authorizers.

For all of their variety, such non-traditional authorizers share an important distinction – they are responsible for only those schools they authorize. District and state education offices generally have oversight obligations for many schools and must divide their energies, resources and loyalties among them. A junior college or foundation acting as an authorizer, for example, can focus entirely on its own relatively small portfolio of charter schools. This can have a positive effect on school and authorizer quality. There are no guarantees, though, that a non-traditional authorizer will be any stronger than a more traditional one. As discussed above, high-quality authorizers are characterized by their commitment to chartering excellence rather than by their organizational form.

When empowering non-traditional authorizers, states need to take special care to infuse public accountability. They can do so by establishing clear eligibility criteria and demanding that such authorizers meet standards of public accountability and transparency. State law and policy should establish clear requirements, incentives, and noncompliance penalties to ensure that any non-public authorizer fulfills its public responsibilities and upholds the public interest.<sup>5</sup>

One increasingly prevalent form of non-traditional authorizing is a statewide independent chartering board. Over the last several years states such as Colorado, South Carolina and Georgia have established such boards to stimulate chartering and provide a quality alternative to more localized authorizer options. One of the strengths of statewide chartering boards is their independence, but this can present challenges as well. In Florida, a statewide board was found by the state’s Supreme Court to be inconsistent with provisions in the state’s constitution requiring local control of the public schools.<sup>6</sup> Colorado has similar local control provisions in its state constitution and was able to craft a statewide authorizer law that meets those provisions. Effective legislation establishing independent chartering boards needs to address such considerations.

## ■ Recommendations and Best Practices for State Policymakers on Multiple Authorizers

In establishing the types of organizations in a state that can authorize charter schools, NACSA recommends the following best practices:

- **Tap authorizers that will embrace the chartering role.** Quality authorizing is closely linked to a commitment and capacity to do the work. In considering the types of organizations best suited to fulfill the authorizing role, state policymakers should ensure that the state’s authorizing portfolio includes organizations that are highly committed to fulfilling the role professionally.
- **Ensure that authorizers have sufficient resources to do their work.** If authorizer revenues are generated as a percentage of the revenues of the schools they oversee, new authorizers will face severe capacity constraints until they approve a number of schools. This may take a year or two or longer. It is important for policymakers to determine how to provide adequate authorizer resources until then.
- **Offer applicants at least two quality authorizer options in a given jurisdiction.** Doing so provides choice to charter applicants and promotes authorizer quality.

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- **Empower and invest in authorizers likely to oversee multiple schools.** Authorizers should reach a scale sufficient to maintain staff dedicated to chartering and adequate resources to carry out all chartering responsibilities effectively. Authorizers with at least five schools are more likely to have the capacity to perform their authorizer functions well. Adequate funding and a viable strategy for developing human capital devoted to the authorizing function are essential for quality authorizing.
- **Hold all authorizers to high standards.** Authorizer accountability is an important element in charter school quality. Just as charter schools are held accountable for results, authorizers should be expected to prove themselves. A well-developed state system for evaluating authorizer performance against professional standards of practice can ensure all types of authorizers are effectively fulfilling their responsibilities.

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<sup>1</sup> In many chartering states, districts are empowered (and may be required) to serve as authorizers. State charter law generally grants them automatic authorizing status. In Ohio, district chartering authority must be sought and can be lost. There is considerable variety in states where other authorizer options are allowed – often, the state charter law establishes chartering authority for specified entities (as for the State University of New York and the Colorado Charter Schools Institute), but in other cases, eligible entities must obtain state approval to serve as authorizers (as with non-profit groups in Ohio and Minnesota). This issue is addressed in more detail in the NACSA Policy Guide on Authorizer Oversight.

<sup>2</sup> See National Alliance for Public Charter Schools (February 2009). *Authorizers and Appeals*.

<sup>3</sup> As of this writing, Indianapolis is the only city with mayoral chartering authority. Several other states currently have

pending legislation to establish mayoral chartering authority. See generally, *Harnessing Resources Through Mayor-Authorized Charter Schools*, National Resource Center on Charter School Finance and Government, 2008.

<sup>4</sup> See generally, Wechtenhiser, K., Authorizer Issue Brief #17, *Stepping Up: University Leadership in the Charter School Sector*, National Association of Charter School Authorizers, December 2008.

<sup>5</sup> As of this writing, Ohio and Minnesota allow for non-profit organizations to serve as authorizers. Minnesota and Missouri allow private universities to authorize charter schools.

<sup>6</sup> *Duval County Sch. Bd. v. State Bd. of Educ.*, Case No. 1D07-6041 (Florida First District Court of Appeal). As a result of this ruling, section 1002.335 of the Florida Statutes was struck down and the Florida Schools of Excellence Commission was dissolved effective January 15, 2009.