



## Agency Capacity and Infrastructure

## Square Pegs: Charter School Authorizers in Non-Charter Agencies

*Nelson Smith*

In a 1985 Newsweek interview, Apple Computer founder Steve Jobs described the team that created the Macintosh as “a group of people going in essence back to the garage, but in a large company.”<sup>1</sup>

Nearly twenty years later, this early example of “intreprenurship” might describe the efforts of charter authorizers toiling within state agencies, school districts, and other large organizations, working from within to help reinvent the very business in which those agencies are engaged.

Of course, the Mac project had the blessing of Jobs and his top brass, who provided the moral and financial backing that emboldened

the “garage” team to challenge their own corporate assumptions. Bureaucracy-embedded authorizers, with some notable exceptions, do not always enjoy such luxury. Instead, they’re “square pegs,” forced to fit into their institutional surroundings.

Of the approximately 600 agencies nationwide that approve and oversee charter schools, to date, the number that were created for that purpose alone can be counted on one hand: Arizona State Board of Charter Schools, District of Columbia Public Charter School Board, and more recently, Colorado State Charter School Institute, Idaho Charter School Commission and Utah State Charter School Board.

The vast majority of charter school offices exist within stereotypical bureaucratic organizations: school districts, county and state departments of education, and universities. This in itself is neither a virtue nor a defect. What separates effective authorizers from weak ones is not their institutional setting, but rather what they do—whether they’re scrupulous or hazy about approving charters; whether they’re transparent and fair or secretive and biased in oversight.<sup>2</sup> But “Square Pegs” do carry an additional burden: managing their environment so that the bureaucracy works for charter schools rather than the other way around.

This Issue Brief explores the conflicts and inherent challenges Square Pegs face and highlights strategies some leading “intrepre-

### Special Expertise and Focus

Many years before she became a leading state education official, Onnie Shekerjian worked as a dental hygienist. Occasionally a patient would ask why the dentist himself couldn’t do the clean n’ floss. Onnie would reply that the dentist does everything from fillings to root canals to crowns—but that she was trained to do one thing and do it well.

Shekerjian compares the focus and specialization of her past profession to that required in her current position on the Arizona State Board for Charter Schools (ASBCS). Unlike school districts that authorize charter schools as just one of many tasks associated with overseeing a school system, the ASBCS has a single mission: to approve the strongest possible charter schools and then hold them accountable for results.

neurial” authorizers have employed to take maximum advantage of their situation while keeping a sharp focus on their work.

## It’s Not That I Don’t Want to Help...

Square Pegs face various kinds of resistance. Some bureaucrats just don’t like charter schools, but more often the problems have to do with mission, structure, and organizational capacity. Chartering is just, well...*different* from what most host agencies do. Consider these essential differences:

- The traditional school district is the sole incorporated entity, with schools as branch offices. The district owns the school buildings, directs curriculum, and negotiates system-wide labor contracts.
- A charter authorizer is essentially a licensing agency that performs oversight to determine which contracts should be renewed after the initial term. Each charter school is separately incorporated, hires its own personnel, determines its own curriculum, and contracts for services.

Imagine the DMV being required by law to open a shop that leased Harley-Davidsons or Burger King being forced to offer Big Macs to its customers. The empire might strike back in a number of ways...

**Indifference.** Despite state laws that stipulate school-system innovation as a rationale for chartering, some state and local education agencies treat charter schools as orphans or unwanted stepchildren rather than as part of the system’s extended family of schools. Several years ago, when a California foundation attempted to survey authorizers in that predominantly district-chartering state, the foundation’s staffer grew frustrated when

district after district could not even tell her the name of the person responsible for charter schools.

**“We’re already doing that.”** Even if a local school board and superintendent are solidly committed to chartering, the structural conflict may show up at other levels. One way of blocking progress is to suggest that charters are simply redundant. In a recent application review process conducted by a school district, the majority of comments from internal staff claimed that student needs were already met by existing district programs—despite long waiting lists for the few charter schools already in operation.

**Serving many masters.** Chartering tends to upset local superintendents who feel that charter schools take dollars from “their” system and “their” schools, and principals

### Building Support One Step at a Time

The Chicago Public Schools is the country’s third-largest district, with more than 600 schools and nearly 440,000 students. Within CPS is the four-person Charter School Office (CSO), overseeing 20 schools on 26 campuses. The mission of the CSO, “Providing support and services for Chicago’s independently-operated public schools,” leads its staff to focus on creating and maintaining partnerships and close working relationships with other departments throughout the system. Recent successes have included persuading the Human Resources Department to allow charter schools to recruit at the CPS teacher recruitment fair and the Procurement Department to grant charter schools access to CPS discounted purchasing contracts. “The resources and expertise throughout the system are tremendous; however, the need to educate the bureaucracy about what charter schools are and are not is constant,” says Genita C. Robinson, director of the CSO. “My staff and I like to celebrate the little wins when we are simply able to help another CPS employee have the ‘epiphany’ that charter schools are public schools.”

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who resent seeing schools operate under fewer rules than they have to follow. Even the most fair-minded officials in state-level chartering agencies can feel torn. In the words of Massachusetts Commissioner of Education David Driscoll: "It's dangerous and difficult to walk down the yellow line in a two-lane highway. On one hand I feel very comfortable with the process of both [reviewing] new charters and renewals—but at the same time I feel a sense of discomfort... There is a financial impact any time you're talking about dollars following the child."<sup>3</sup>

**Marginalization.** Joe, who heads a multibillion-dollar program serving every district in the state, usually has a big office with a waiting room where supplicants can gather. Evelyn, who oversees the state's charter office, is on a lower floor with a smaller office (or cubicle), because her work involves just 15 schools, and her budget is under \$500K. It matters little that her work may have more far-reaching consequences than Joe's; in bureaucratic terms she's small potatoes.

**The .5 FTE solution.** There's no cut-and-dried calculus for authorizer capacity; a small team that's clever about attracting intra-agency resources can be more effective than a large but inert group. Still there's some evidence that critical mass matters. A study by the Thomas B. Fordham Institute noted that appropriate capacity seems most often found in states with fewer, larger authorizers, who have built the human and financial resources needed to carry out this complex task well.<sup>4</sup> Yet according to a U.S. Department of Education study, on average there are just three charter schools per authorizer nationwide, and authorizers frequently have "limited capacity to serve their schools."<sup>5</sup> When a single employee is

juggling several assignments, charter school responsibilities can get lost in the shuffle.

And the problem with the .5 FTE solution is escalated even further in cases where authorizing responsibilities get dumped on the plate of someone who has no particular interest or background to prepare him/her for the unique responsibilities of chartering. Such is the case in one district where the employee in charge of "Student Assignment" also wears the authorizer hat.

**The passive-aggressive tango.** According to one observer of a big-city charter operation, "Since the Board of Education is the literal authorizer under our legislation, the folks in the school system avoid betraying any support for charters by referring to them as a 'board initiative,' which is another way of saying, 'It's not my job.' They say things like: 'The board wants charter schools, so I have to do what the board says. They're the boss.'"<sup>6</sup>

**Political changes.** Sometimes internal resistance to chartering is a consequence of external political forces. In December 2003, a unanimous Buffalo Board of Education decided to create a new network of district-sponsored charter schools. A team led by Buffalo Public Schools' Director of Planning was created to spearhead the initiative, and accepted proposals from 20 prospective founding groups. Then in May 2004, insurgents supported by the anti-charter teachers' union captured four seats on the Board, and since then the Board has passed a one-year moratorium on new charters.

## So, How Do Square Pegs Make it Work?

Although we tend to write and speak about charter school authorizers as if they were a breed apart, most actually dwell in boxes on big organization charts. Despite the hurdles they face, good work is indeed being done by many of these authorizers. Here's some hard-earned wisdom that emerged from interviews with authorizers who have persevered in the context of non-charter environments:

## Create a Distinct Mission...

Chartering must be seen as a priority worth time, political capital, and other resources. A clear sense of mission can drive the office and become a magnet for needed help and intra-agency resources.

- **California Department of Education.**

Before Marta Reyes arrived at the California Department of Education (CDE), a review of CDE's Charter School Division found that the mission of the office was unclear, and that the oversight and authorizing functions were not mutually reinforcing.<sup>7</sup> Assuming office, the new director focused on creating a common mission: that by 2006, her office would be recognized as the foremost state charter office in the country. Decisions about office organization and staff flowed from this focus, reinforced by facilitated workshops and off-site retreat time for division staff to develop the strategic plan to accomplish the vision. Since the office generated a good deal of work for finance, facilities, and other CDE divisions, but coordination had been spotty, Reyes made a point of inviting these external stakeholders to participate in the strategy sessions.

## ...And Emphasize its Alignment with the Organization's Objectives.

In order to get the attention and resources it deserves, chartering must be viewed as a good fit with the mission of the overall organization—one that people in the organization can readily grasp.

- **Ball State University.** With 11 charter schools currently operating, Ball State is Indiana's only collegiate authorizer—and sees chartering as mission-driven. According to Roy A. Weaver, Dean of Ball State Teachers College: "Far from being an abandonment of public education, this decision reflects the university's long-standing commitment to being engaged with innovations in public education—in all its forms—throughout the state."<sup>8</sup> At the request of Marty Dezelan, who heads the charter office, the Dean put together a "kitchen cabinet" of Teachers College

leaders to brainstorm problems and guide Dezelan on University procedures.

## Gain Access to Leadership

Agency leadership can send powerful signals about whether chartering is a priority, and whether other staff should make much of an effort to cooperate. Does the authorizer regularly meet with the chief? Does the head of the State Board make sure that charter issues are given appropriate time on the docket? Even the physical proximity of the chartering office can shape staff perceptions of its status.

- **California Department of Education.**

When Superintendent of Public Education Jack O'Connell named charter veteran Marta Reyes director of the Golden State's Charter School Division, it spoke clearly of his support for the movement. As a signal, he moved Reyes and her new staff to the fifth floor of CDE headquarters, just down the hall from his own suite.

## Recruit Your Neighbors

Any experienced authorizer will tell you that relationships are critical. For some, this means primarily relationships with charter schools. But for Square Pegs, their intra-organizational relationships are equally important, and they may be powerfully shaped by authorizers' responsibilities. Those who serve as fiscal agents for their schools will need a friend in the exchequer. Those who conduct aggressive monitoring and oversight should cultivate talented staff from other offices to serve on review teams, or to provide expertise on knotty issues like special education.

- **New York City Department of Education.** The Charter School Office in the New York City Department of Education (NYC DoE) has three staff to

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carry out two critical jobs. First, the office is an authorizer and has all the responsibilities related to the approval and oversight of autonomous public schools. But the district's relationship with charter schools does not end there. NYC DoE also serves all 32 of New York City's charter schools (including those chartered by the State University of New York and the state's Board of Regents) in areas such as food

service, transportation, and special education referrals and IEP development. Fulfilling these dual roles requires the Charter School Office to use wisely the expertise and resources of DoE colleagues. For example, the office calls on other Department experts in areas such as Teaching and Learning, Special Education, and arts programs for the

review of charter school applications. The larger agency also provides compliance and regulatory monitoring, and the Office of Auditor General provides oversight of financial operations.

### Watch Your Wallet

There is no doubt that quality authorizing requires financial resources, but it's rare that a state or district earmarks sufficient funds for the task. Perhaps it's just coincidence, but according to one national study, eight of the ten states providing "least adequate" authorizer funding are states that limit chartering to local school districts.<sup>9</sup> With resources so tight, it's doubly important that monies targeted for charter work not disappear into the bureaucratic black hole.

- **San Diego Unified School District.**

Brian Bennett, who heads the charter office for San Diego Unified, got an important guarantee from Superintendent Alan Bersin when he took the job: the 1% administrative fee charged to charter schools is dedicated solely to charter oversight.

### "Let it Shine..."

When in-house authorizers are confident that the charter model has something to offer public education in general, they look for ways to infiltrate the surrounding system.

- **Massachusetts Department of**

**Education.** The "garage team" that got charters rolling for the Massachusetts Department of Education was a fountain-head of innovation, coined "the Harvard of charter school authorizers" in an early study of the movement.<sup>10</sup> They developed an accountability framework that was not only replicated across the country by other authorizers, but also helped transform how the Bay State's education agency conducts oversight for all the state's public schools. Today, the Massachusetts school and district accountability system closely mirrors the charter school accountability system in both process and content.

### Have Thick Skin.

When it comes to the crunch, it helps to "know thyself:"

- **San Diego Unified School District.** As a district-based authorizer, says San Diego's Brian Bennett, "You run the risk of being attacked by everybody. You're seen as anti-district when dealing with fiscal and liability issues, but then get called a traitor to charter schools when you agree with the district about a compliance issue." He adds that the only way to deal with such perceptions is to be honest and consistent with both sides.

- **Miami-Dade Public Schools:** Carlo Rodriguez, head of the charter office for Miami-Dade Public Schools, waded into a complicated school-site issue by urging members of the Doral City Council to approve locating a new charter school in an industrial park near the Miami International Airport. A local newspaper reported his remarks, adding, "It wasn't clear whether he was speaking on behalf of his employer or the charter school."<sup>11</sup> When a TV reporter repeated the print comment on-camera, Rodriguez simply

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responded: “I work for the students and families of Miami-Dade County.”

## Create an Extranet

No matter how well an authorizer gets along with the agency at large, it makes sense to cultivate additional resources that can help get the job done from the outside.

- **New Jersey Department of Education.**

The New Jersey Department of Education (NJ DoE) is the sole charter school authorizer in the Garden State. With 48 active charter schools and six more in the pipeline, authorizer Rochelle Hendricks must be aggressive in finding needed help. She has established close liaison with NJ DoE offices that handle special education, teacher licensing, assessment, and data collection. But she’s also made a point of helping to stabilize and build capacity in the state’s charter school resource center—which is able to do some of the technical assistance work that can’t be managed by the 11-member staff in the state agency.

- **Volunteers of America of Minnesota.**

Volunteers of America of MN is 107-year-old human-services organization that has authorized nine charters, with four currently open. Justin Testerman is the one-man staff, with a streamlined approach to oversight based in three questions: (1) Are charter school processes legal?; (2) Do they align with and support the learning program?; and (3) Are they supported by research and best practice? Testerman is also working closely with the leaders of Minnesota’s Chartered School Sponsors Project, a consortium of charter authorizers (called sponsors in Minnesota) that helps build efficiencies for similar outfits that are lightly staffed. The Sponsors Project aims to gather and disseminate information about best practices for charter sponsors. One early example is a benchmarking exercise on oversight and technical assistance costs.

## Lateral Handoffs

Finally, a few state-level agencies have concentrated important functions of review and advisement in adjacent bodies focused directly on charter issues, while leaving final decisions with the authority named in state law. This is a step that can’t be undertaken lightly, and may require new law or regulations.

- While the **California State Board of Education** is a statutory authorizer, its policy and oversight work is supported by two full-time staff within the CDE Charter School Division and an appointed Advisory Commission on Charter Schools. The Commission, composed of nine members and currently including five founders of charter schools, advises the State Board on funding, accountability, and renewal issues.
- Although North Carolina law allows for multiple charter school authorizers, the **North Carolina State Board of Education (SBE)** has the final word for each school approval and is thus in effect the sole authorizer for the state. The SBE relies on the state’s Department of Public Instruction (DPI) Charter School Office and Charter School Advisory Committee (CSAC) to conduct much of its charter management and policy duties. While the DPI Charter School Office manages the day-to-day charter operations of the State, the Advisory Committee makes recommendations to the SBE on policies and procedures relating to charter schools. This diverse committee of 15 includes charter school officials, public school employees, business and community leaders, members of local boards of education, and county commissioners. It reviews charter applications and advises the State’s final decision regarding granting, renewing, and revoking charters.

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- **The State University of New York** created a separate entity, the Charter Schools Institute (CSI), to handle its chartering work. CSI is functionally a freestanding, single-purpose organization whose sole mission is to create and oversee strong charters. CSI reports to SUNY's gubernatorially appointed board, which has the final say on approvals and renewals, but CSI's recommendations carry great weight.

## Conclusion

By definition, the term "charter" conjures up an image of an independent, autonomous school with authority to make decisions and employ resources as deemed fit. One might assume that the entity that empowers the existence of charter schools—authorizers—

would mirror such structure. However, more often than not, charter school authorizers are not autonomous, freestanding entities, but rather show up as a small box on a much larger organizational chart.

As some leading authorizers have proven, being a "Square Peg" is not a virtue or defect in itself. It's the authorizer's ability to work within and through the bureaucracy that determines an authorizer's effectiveness. Indeed, large systems have the advantage of important resources that can be deployed to support chartering functions, and some authorizers are particularly effective in turning their host bureaucracy into an infrastructure of support. Good authorizers learn how to make the Square Peg fit, often by reshaping the hole.

## Endnotes

- 1 *Newsweek* interview, September 30, 1985.
- 2 See the National Association of Charter School Authorizers' *Principles and Standards for Quality Charter School Authorizing*, [www.charterauthorizers.org](http://www.charterauthorizers.org).
- 3 Comments at Massachusetts State Board of Education meeting, February 25, 2003.
- 4 Palmer, Louann Bierlein and Rebecca Gau. *Charter School Authorizing: Are States Making the Grade?* Thomas B. Fordham Institute, June 2003.
- 5 U.S. Department of Education: *A Decade of Public Charter Schools: Evaluation of the Public Charter Schools Program: 2000-2001 Evaluation Report*. SRI International, November 2002.
- 6 Anonymous, personal communication with author.
- 7 *Findings and Recommendations on the Division of Charter Schools, California Department of Education*. Consultant Report: New American Schools, September 2003.
- 8 Message from the Dean of Teachers College. <http://www.bsu.edu/teachers/charter/message.html>; June 22, 2004.
- 9 Palmer and Gau. p. 114.
- 10 Finn, Chester, Bruno Manno, and Gregg Vanourek. *Charter Schools in Action: Renewing Public Education*. Princeton University Press, 2000.
- 11 "Black Gawk Down." *Miami New Times*, April 1, 2004.

## About the Author

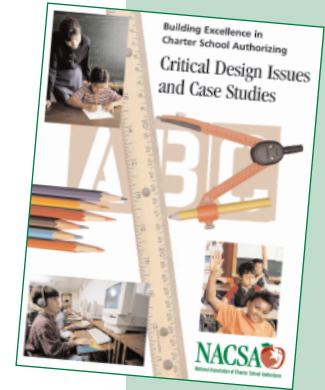
Nelson Smith is the Executive Director of the Charter School Leadership Council. Previously, Smith served as Vice President for Policy and Governance at New American Schools and was the first Executive Director for the District of Columbia Public Charter School Board.

# Your “Go To” Resource for the Charter School Authorizer Community

[www.charterauthorizers.org](http://www.charterauthorizers.org)

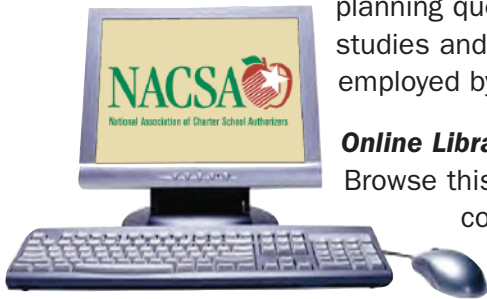
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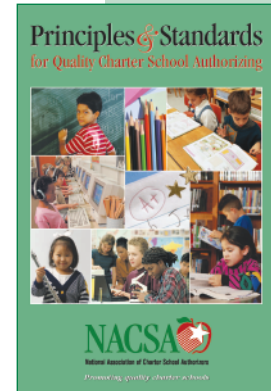
## **Online Library of Charter School Authorizer Resources**

Browse this easily searchable resource offering an online compendium of authorizer-developed policies, protocols and tools for all areas and phases of chartering practice.



## **Principles and Standards for Quality Charter School Authorizing**

Adopted by NACSA’s membership, the *Principles and Standards* create a framework for authorizer practice and highlight the importance of effective authorizing for the overall quality of charter schools.



www.charterauthorizers.org  
(703) 683-9703 (tel.)  
(703) 683-9703 (fax)  
1125 Duke Street  
Alexandria, VA 22314



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