

# STATE EDUCATION AGENCY/ STATE BOARD OF EDUCATION AUTHORIZERS

## WHY AUTHORIZING MATTERS

Good charter school policy must be part of the solution to address our public education system's greatest problem: too many children lack access to a transformative education. Getting authorizing policy right is critical because good authorizing has the power to transform the lives of not just a few children, but millions.

When done well, authorizing is a catalyst for charter school quality and growth. Unfortunately, the quality of charter laws and authorizing institutions varies across the country, leading to uneven charter availability and quality.

NACSA's policy resources provide information that helps stakeholders understand common authorizing issues and increase the number of high-quality schools available to their students.

## THE ISSUE IN BRIEF

Quality authorizing is the backbone of successful charter schools. Good authorizers—those with strong portfolios of charter schools—are creating better educational opportunities for students across the country.

While the quality of authorizing is more important than the quantity, the number of authorizers in a given jurisdiction or state matters: experience shows that the presence of multiple authorizers can strengthen a state's charter school sector. While NACSA strongly recommends the presence of multiple authorizers, an authorizing structure only works if it creates a quality chartering ecosystem that produces more good schools for children.

A statewide charter authorizer is a vital component of a quality system of multiple authorizers. While NACSA recommends that states adopt an Independent Chartering Board (ICB) if possible, State Education Agency and State Board of Education authorizers (SEA authorizers) are an alternative way to provide statewide access to a high-quality authorizer if an ICB is not politically or legally feasible. The track record of SEA authorizers is mixed, with some excellent statewide authorizers, as well as some that fail to open and sustain quality charter schools.

## NACSA RECOMMENDS

To create the best policy environment for SEA authorizer success, NACSA recommends that states:

1. Create a distinct, independent chartering office with a clear mission;
2. Adopt authorizer principles and standards, such as NACSA's *Principles & Standards for Quality Charter School Authorizing*;
3. Set clear parameters for decision making that reduce the impact of political considerations on authorizer decisions;
4. Provide adequate capacity and resources;
5. Build in oversight and accountability; and
6. Take advantage of the SEA role and share resources.

## OVERVIEW: SEA AUTHORIZERS

As of 2018, 15 states have an active SEA authorizer. In a handful of these states, the SEA is the only authorizer. In others, it is one of many, and sometimes acts as an appellate body with the power to approve or deny applications that other authorizers have denied.

SEAs are typically led by an elected or appointed official selected by the state board, legislature, or governor. State boards of education or the commissioner of education can be the decision-making body within the SEA.

The size, jurisdiction, and authority of SEA authorizers varies widely. Most SEA authorizers oversee more than 20 schools.

SEAs play an important role as appellate authorizers in several states, reviewing applications for charter schools that have been denied by school districts or other authorizers. Additionally, in a handful of states, the SEA is part of a two-step authorizing model: the SEA must review or approve charter applications that have already been approved by another authorizer (typically a school district), who then authorizes the school.

The track record of SEAs is mixed. In recent years, some state agencies have strengthened accountability standards and now implement best practices. Others, however, have a poor performance track record, either because of an overly restrictive or overly permissive authorizing environment.

### ***The value of State Education Agency authorizers***

- **SEAs provide a statewide authorizing option.** They can provide uniform high standards for authorizing

and are removed from local politics. They also have a historic, established role in overseeing public schools, in some cases giving them additional constitutional and political legitimacy. As appellate authorizers, they provide an option for schools denied by other authorizers, such as school districts.

- **SEAs are existing entities, avoiding the need to create a new government agency.** This new role may expand the SEA's responsibilities and reach, but a charter office can also draw on the agency's existing capacity, which reduces staff and resource consumption. For example, the Massachusetts Department of Education's charter school office utilizes financial and legal expertise within the department.
- **SEA authorizers may be able to leverage existing authority and functions to support quality authorizing.** Unlike other authorizers, SEAs have rule-making authority, including the ability to change or promulgate regulations under the state's charter school law. This may enable the SEA to adopt or revise rules to increase charter autonomy or accountability in states with weak laws or to strengthen authorizing practices across the state. In addition, SEAs can use education data they already collect from schools and districts to monitor the performance of charter schools, reducing duplication. In the best scenarios, SEA staff can assist authorizers in developing evaluation tools. For example, the Massachusetts charter office has used its position within the SEA to access information about general K-12 regulations, materials, and state contacts.

### ***Potential pitfalls of SEA authorizers, if good policies are not in place***

- **Community buy-in may be limited.** SEAs can have real or perceived distance from the communities their schools serve. This is especially true if the demographics of the SEA's board and staff are not representative of the community's demographics.
- **There may be a loss of local control.** In states with appointed SEA leaders, board members may be perceived as less accountable to voters than elected officials. In areas where the idea of local control is especially valued, it may be difficult to justify the benefits of the SEA as an authorizer.
- **SEAs can be more vulnerable to political changes or pressures than other types of authorizers.** In states with appointed or elected leaders of SEAs, turnover may occur with every election cycle, leading to shifts in the SEA's approach to charter authorizing. For example, an agency led by an official elected on an anti-charter platform may be unwilling or unlikely to support the SEA charter office. Differing political views between political appointees and career staff may lead to a lack of mission alignment. A lack of political independence can also lead to authorizing decisions based on factors other than school quality, as when officials choose to block a school's approval or closure for political reasons.
- **Authorizing may require a different mindset than many other SEA roles.** Historically, one of the primary functions of the SEA has been to ensure schools' compliance with myriad state and federal

program requirements, creating a “check-the-box” mindset. SEA staff may find it challenging to focus on performance-based accountability and may take a more regulatory oversight approach that undermines charter autonomy. In addition, the SEA may have institutional commitments to policies or practices, which can make leaders or staff reluctant to embrace the autonomy that charter schools require to innovate. SEA staff may also perceive their role as providing services to and oversight of traditional public K-12 schools and may be hostile to charters.

- **Ensuring adequate staff capacity can be challenging.** Effective authorizing requires dedicated staff skills, capacity, and resources, but many SEAs operate with limited staffing tied to federal program funds. In some cases, states have staffed authorizing offices by re-assigning or double-staffing SEA staff from other offices who may not have the right skills for the authorizing role.

### **Key factors in developing SEA authorizers**

1. **Have a clear mission for a distinct, independent chartering office within the SEA.** State policymakers should ensure that the office is able to hire staff with specialized skills and expertise related to authorizing, rather than requiring the office to fill positions with existing SEA staff. A clear mission also ensures that stakeholders understand the purpose of the SEA authorizer and helps to foster a culture of quality.
2. **Adopt authorizer standards: 22 states have adopted standards based on NACSA’s *Principles & Standards for Quality Charter School Authorizing*.** These standards establish clear expectations for authorizer practice so that authorizing is not entirely dependent on the commitment and vision of individual authorizers. Louisiana’s charter school law, for example, outlines specific requirements for its SEA authorizer: “BESE (Board of Elementary and Secondary Education) shall engage in an application process that complies with the latest principles and standards for quality charter school authorizing, as promulgated by the National Association of Charter School Authorizers ...”
3. **Set clear parameters for decision making that reduce the impact of political considerations on authorizer decisions.** Authorizing legislation must clearly define decision-making responsibilities. While SEA staff may do the work of authorizing, significant decisions such as charter school approval or renewal may need to be approved by the state education executive or state board. Before granting authority to a state chief, superintendent, or commissioner, states should consider how these offices are filled, since political factors may affect chartering decisions by elected or appointed leaders.
4. **Provide adequate capacity, staff, and funding for charter offices.** Policymakers must ensure that charter offices have the tools to succeed. Effective authorizers need dedicated staff to oversee the charter approval process, ensure adequate oversight and monitoring of existing schools, and manage

charter revocation when necessary. Dedicated capacity enables authorizers to develop and implement the necessary tools of quality authorizing, including performance frameworks, contracts, renewal terms, and closure procedures. Many authorizers also hire consultants, application reviewers, and interviewers during application and renewal periods to supplement their own staff capacity.

5. **Build in oversight and accountability.** Policymakers should ensure that SEA authorizers—as well as any others—are held accountable for their performance. This includes periodic evaluations and regular reporting to a state oversight agency. In many states, the SEA or board of education has oversight responsibility for authorizers. When the SEA is the authorizer, however, it should be held accountable and subject to regular monitoring by an outside entity. If there are concerns about the SEA’s willingness or ability to be a strong authorizer, states should periodically assess their SEA programs’ effectiveness and ongoing viability.
6. **Take advantage of the SEA role and share resources.** SEA authorizers should seek opportunities to reduce compliance burdens for their schools and staff. Existing SEA departments may collect information to monitor compliance with federal programs and state regulations that overlap with information authorizers need to oversee their schools. Open resource sharing between the charter office and the SEA can reduce compliance and administrative burdens by allowing the authorizing office to use data collected by other offices to inform its authorizing work. Alternatively, the charter office could serve as a one-point data and information collection center for charter schools that can then share this information with other offices across the SEA.

## CONCLUSION

States interested in creating a statewide charter school authorizing option may consider state education agencies and state boards of education. While there are some drawbacks to this approach, SEAs can provide high-quality statewide authorizing options—whether through independent authorizing or by serving as appellate authorizers.

For more information on SEA authorizers and authorizing practices, visit the National Association of Charter School Authorizers: [www.qualitycharters.org](http://www.qualitycharters.org).

NACSA develops quality authorizing environments that lead to a greater number of quality charter schools.

Learn more about NACSA at [www.qualitycharters.org](http://www.qualitycharters.org).

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