

**For more information:**  
Contact Christina Ricordati at  
[christinar@qualitycharters.org](mailto:christinar@qualitycharters.org)  
or 312.376.2325.

**National Association of  
Charter School Authorizers**  
105 W. Adams St., Suite 3500  
Chicago, IL 60603-6253  
Phone: 312.376.2300  
Fax: 312.376.2400  
[www.qualitycharters.org](http://www.qualitycharters.org)

### THE ISSUE IN BRIEF

Independent Chartering Boards (ICBs)—sometimes known as state charter commissions or statewide alternate authorizers—are designed to operate as statewide, independent authorizers. Statewide independent authorizers are vital to state charter systems. They provide the expertise, scale, and capacity important to quality authorizing. They also ensure that charter schools have access to more than one authorizer.

### NACSA RECOMMENDS

The National Association of Charter School Authorizers (NACSA) recommends that states:

- Create a statewide Independent Chartering Board (ICB);
- Ensure that there is a transparent ICB appointment process, with a focus on appointing high-quality board members;
- Articulate a clear mission for the ICB that includes principles and standards for quality charter school authorizing;
- Build in sufficient start-up resources and operating support so that the ICB can operate effectively and at scale;
- Empower the ICB to serve as a model for other authorizers that exemplifies best practices and coordinates best practices across the state; and
- Give the ICB a mandate to serve as the state's chartering agency.

This brief draws on ICB examples from several states—Hawaii, Illinois, Washington, and Indiana, among others. A related policy brief in this series, "[NACSA Policy Recommendation: Statewide Authorizers](#)" outlines key elements in state policies.

### The Case for Independent Chartering Boards — A Look at Recent State Policy

"Each state should establish a statewide authorizer whose sole function is to authorize charter schools." —NACSA's One Million Lives Policy Agenda

### Overview—What is an Independent Chartering Board (ICB)?

**Independent Chartering Boards (ICBs)**—sometimes known as state charter commissions or statewide alternate authorizers—are **designed to operate as statewide, independent authorizers**.

Though an ICB may be connected to the state department of education, it is not the same as the state department of education. Moreover, ICBs are not school districts, universities, or not-for-profit

“Having a very clear mission and the power to close schools that aren’t meeting performance standards is part of what defines an effective independent chartering board.”

—Scott Pearson,  
Executive Director of the DC  
Public Charter School Board

organizations, which serve other purposes. ICBs can operate alongside other authorizers, and they serve as independent authorizing entities in their states.

Currently, 13 states have ICBs—including Arizona, Colorado, the District of Columbia, Hawaii, Idaho, Illinois, Indiana, Maine, Missouri, Nevada, South Carolina, Utah, and Washington. (Washington’s Initiative 1240, which passed in November 2012, includes a provision for a statewide chartering commission).

### Why are ICBs important?

**Authorizing is complex and requires expertise, scale, and capacity.** There are currently many small authorizers across the country, including many school districts as well as other types of entities, which authorize only a few schools. As a result, these authorizers often lack the expertise and capacity to evaluate proposals well or to adequately oversee their schools. ICBs provide expertise, scale, and capacity.

**ICBs ensure that charter schools have access to at least one high-quality authorizer.** School districts, universities, non-profit organizations, and state education agencies serve a variety of functions. They may have conflicts of interest (as is often the case with school districts) that prevent them from fairly or adequately performing their functions as authorizers. State contexts vary in ways that shape how many authorizers make sense. ICBs ensure that at least one independent entity exists whose sole function is authorizing schools. In some states, having only one type of authorizer can be too limiting, but having too many authorizers undercuts quality. A mix, with a small number of authorizers in any single jurisdiction including one independent statewide authorizer, can promote high-quality growth.

### Key Factors in Developing Effective ICBs

#### 1) Create a transparent ICB appointment process for board members, with the goal of appointing a truly independent board.

There are a number of factors to consider in designing a high-quality appointment process:

- The most important aspect is to appoint a high-quality board that can fairly and effectively oversee the charter authorizing process. If officials become too focused on appointing pro-charter (or in some cases, anti-charter) board members, they lose sight of the goal of the process: to appoint independent authorizers.
- Include a mix of appointers, e.g. legislative and executive, or one appointer. In either case, it is important to focus on the independent nature of the board and appoint board members who will serve independent of political or other interests.
- Build a balanced board: in developing a new board, or adding new members to an existing board, board members should be appointed with the big picture in mind.
- Provide equitable representation from both political parties.
- Stagger the appointment process, so that turnover happens gradually.
- Create three to four year terms of service and set reasonable term limits.
- Ensure that the board broadly represents the diversity of the state and school population—in terms of race and geography, among other factors.
- Codify qualifications for board members: expertise in public education and charter schools, management, governance, finance, evaluation, etc.

“Because we were incubated as a separate organization within the department of education, the start-up process was much easier. I didn’t have to worry about mundane start-up issues like where to make copies. I could focus my energy on putting all of the key pieces together so that we had high-quality application, approval, and review processes ready to go from the outset.”

—Clair Fiddian-Green,  
Executive Director, Indiana  
Independent Charter Board,  
commenting on the 2011  
start-up of the Indiana Board

For example, Illinois legislation requires that: “Members appointed to the commission shall collectively possess strong experience and expertise in public and non-profit governance, management and finance, public school leadership, higher education, assessments, curriculum and instruction, and public education law. All members of the commission shall have a demonstrated understanding of and commitment to public education, including without limitation charter schooling. At least three [of nine total] members must have experience with urban charter schools.”

**2) Ensure that ICBs have a clear mission and that they incorporate principles and standards for quality charter authorizing directly in their work.**

Defining a mission of high-quality charter school authorizing gives an ICB a clear focus on its roles and responsibilities as it enters the charter school sector in the state. An ICB must also have the tools it needs to be effective, such as the power and authority to hold schools accountable for their performance, including closing schools that are not meeting clearly established and agreed upon performance standards.

High-quality performance contracting, for example, is at the heart of effective authorizing. High-quality performance contracts clearly stipulate the rights and responsibilities of the charter school and the authorizer; set the terms of the contract and ensure that the terms are mutually acceptable to both parties; and specify performance standards, evaluation and review processes, and conditions for renewal or non-renewal.

In Washington, the mission of the commission is spelled out in legislation: “The Washington charter school commission is established as an independent state agency whose mission is to authorize high-quality public charter schools throughout the state, particularly schools designed to expand opportunities for at-risk students and to ensure the highest standards of accountability and oversight for these schools.”

Moreover, legislation in Washington, Hawaii, and Illinois requires all authorizers (not just the statewide commission) to develop and maintain policies and practices consistent with NACSA’s *Principles & Standards for Quality Charter School Authorizing* on:

- Organizational capacity and infrastructure
- Soliciting and evaluating charter applications
- Performance contracting
- Ongoing public charter school oversight and evaluation
- Charter and charter contract renewal decision-making

**3) Provide ICBs with sufficient start-up—preferably five years worth of funding and resources—and operating support to establish themselves as effective independent authorizers.**

The initial focus of statewide independent chartering boards should be on developing policies and practices for effective authorizing and oversight. By providing funding and support for start-up costs, policymakers can ensure that independent statewide chartering boards have high-quality staff, as well as high-quality contracting and oversight processes in place by the time they are authorizing schools.

In Hawaii, for example, the legislature set aside \$500,000 to help build and develop the new independent statewide commission. In Indiana, the statewide charter board was initiated as a separate office within the department of education.

In Illinois, by contrast, the statewide commission was created as a new agency, led by recently appointed board members. Staff were hired after the board was up and running. As Greg Richmond, NACSA President and Chair of the Illinois State Charter School Commission, put it, “Doing this inside an existing state agency, you have resources. We were brand new, and we were all volunteers. We spent a great deal of time just figuring out how to hire people, how the state procurement processes worked, etc. It was very challenging.”

“An essential part of our work as a statewide commission is to produce models and resources to help other folks as well.”

—Greg Richmond,  
NACSA President and  
Chair of the Illinois State  
Charter School Commission

Operating support is also essential. In Washington, the law stipulates that “operational and staff support shall be provided by the office of the governor until the commission has sufficient resources to hire or contract for separate staff support, who shall reside within the office of the governor for administrative purposes only.”

#### 4) Create statewide ICBs that can operate at scale.

This means ensuring that ICBs have the staff, resources, and support they need to serve a significant number of schools. One key difference between statewide ICBs and other authorizers is that they are designed for the sole purpose of authorizing schools throughout the state. To do this effectively, they need to operate at scale. The Illinois legislation stipulates, for example, that “the commission shall operate with dedicated resources and a staff qualified to execute the day-to-day responsibilities required of charter school authorizing in accordance with this Article.”

#### 5) Design the statewide independent chartering board to serve as a model for other authorizers, exemplifying best practices and serving as convener and coordinator.

In addition to serving in the direct role of authorizing charter schools, ICBs can also play the vital role of exemplar for other authorizers in the state.

To help meet this goal, policymakers in Illinois required the statewide commission to provide the state board of education and local boards with a biennial report on “best practices in charter school authorizing” including “evaluating applications, oversight of charters, and renewal of charter schools” among other issues.

The Illinois Commission also works with local school boards, who serve as the primary authorizers in the state, as well as charter schools, to help improve authorizer practice.

#### 6) The statewide ICB should serve as the state's chartering agency.

When charter schools first emerged, State Education Agencies (SEAs) were often charged with serving as authorizers, alongside local school boards. Like local school boards, however, SEAs have many competing demands. When it comes to authorizing schools, they often face conflicts similar to local school boards.

By establishing statewide independent chartering boards, policymakers can ensure that the statewide authorizing function is kept separate and independent, and that ICBs operate at scale with the staff and resources needed to serve as effective authorizers and models for other authorizers in the state. They should not be the only authorizer in a state, but they should be the only statewide authorizer.

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This is one in a series of policy briefs, part of a multi-pronged campaign designed to provide one million more children the chance to attend a great school that will prepare them for success throughout their lives.

By engaging authorizers, policymakers and a broad nationwide coalition to close failing charter schools and open many more good ones, the *One Million Lives* campaign is working to get one million more children into 3,000 high-performing schools over the next five years.

To learn more, visit [www.qualitycharters.org/one-million-lives](http://www.qualitycharters.org/one-million-lives).