

MULTIPLE CHARTER SCHOOL 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 VALUE OF MULTIPLE CHARTER SCHOOL AUTHORIZERS: QUALITY, DIVERSITY, AND CHOICE

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 does matter. Why? Because experience shows that the presence of multiple authorizers can strengthen a state's charter school sector. A diversity of authorizers can promote professional practices among authorizers and provide checks and balances in charter approval, oversight, and renewal decisions. But too many authorizers in a given community can dilute the overall quality of the charter sector, so it is critical for policymakers to strike the right balance.

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.

BACKGROUND

As of 2018, multiple authorizers exist in 19 of 45 states with charter laws, representing roughly 50 percent of the nearly 7,000 charter schools in the country.¹

There are six types of authorizers nationwide. More detailed information on the most common types of alternative authorizers—Independent Chartering Boards, State Education Agencies, and Higher Education Institutions—can be found in our resources.

TYPE OF AUTHORIZER	EXAMPLE
Independent Chartering Board (ICB)	DC Public Charter School Board
State Education Agency (SEA)	Massachusetts Department of Education
Higher Education Institution (HEI)	State University of New York
Local Education Agency (LEA)	Nashville Metro Public Schools
Non-Educational Government Entity (NEG)	Mayor's Office of Indianapolis
Nonprofit Organization (NPO)	Thomas B. Fordham Foundation

Allowing only school districts to authorize charter schools is problematic.

1. While some school districts embrace the role of an authorizer, many view it as a burden. Authorizing is complex work; doing it well requires commitment and the dedication of sufficient resources.
2. School districts are often reluctant or opposed to approving new charter schools that they perceive as competition for funds and students.
3. District-only authorizing environments prevent the sanctioning of bad authorizers, since doing so would eliminate charter schools from that jurisdiction.

Multiple authorizers can provide checks and balances on unwanted behaviors.

There is always a risk that an authorizer will adopt inappropriate behaviors over time, such as a cumbersome application process, or that a change in leadership will lead to biased decisions. The existence of multiple authorizers provides checks and balances on these types of behaviors: it allows for consequences for the authorizers who do not uphold their duties, without restricting charter school growth.

Too many authorizers can stifle quality.

In a state with many authorizers, each one often oversees only a small number of schools. For an authorizer to build enough capacity and resources to carry out its responsibilities effectively, it should authorize five or more

¹ Overview of Independent Chartering Boards: <http://www.qualitycharters.org/wp-content/uploads/2018/05/Overview-of-Independent-Chartering-Board-Authorizers.pdf>; Overview of State Education Agencies: <http://www.qualitycharters.org/wp-content/uploads/2018/05/Overview-of-State-Education-Agency-Authorizers.pdf>; Overview of Higher Education Institutions: <http://www.qualitycharters.org/wp-content/uploads/2018/05/Overview-of-Higher-Education-Institution-Authorizers.pdf>

schools. Authorizing only one or two schools is unlikely to produce the concentration of expertise and staffing needed to ensure quality authorizing. A large number of authorizers in a jurisdiction can also produce extreme variations in standards and practices among authorizers. In some cases, low-performing schools closed by one authorizer will go to another authorizer for approval (known as “authorizer shopping”). In these situations, a state is better served by having a smaller number of authorizers committed to quality chartering; quality is more important than quantity.

Good authorizing is about what gets results; there is no one particular authorizing structure that works best in all circumstances.

Good authorizing is about function more than form; there is no one particular authorizing option that works best in all circumstances. 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. Adequate funding and strong leadership, staffing, and expertise are essential resources.

RECOMMENDATIONS AND BEST PRACTICES FOR STATE POLICYMAKERS

- **Identify institutions that will embrace the authorizing role.** Quality authorizing is closely linked to a commitment and capacity to do the work. Every state’s mix of authorizers should be committed to professionally fulfilling the role. Authorizers should be required to apply or register to be able to authorize.
- **Offer charter school applicants at least two quality authorizer options.** The presence of at least two quality authorizers provides choice to charter applicants and promotes authorizer quality.
- **Give authorizers the resources to do it well.** Authorizer fee structures or other funding streams should be available to authorizers to ensure they have the resources to build capacity to perform their job well. There is no one best formula for authorizing funding, but it should be set by the state and applied uniformly across all authorizers. If funding will be generated by collecting a fee from authorized charter schools, two to three percent of per-pupil funding is usually considered adequate.
- **Hold all charter school authorizers to high standards.** 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. When the authorizer’s practices are weak or inappropriate, or the performance of their portfolio is especially poor, sanctions should be available.

APPENDIX: LIST OF CHARTER SCHOOL AUTHORIZERS BY STATE

STATE	AUTHORIZERS ALLOWED BY LAW	ON APPEAL ONLY	LIMITED JURISDICTION	ALLOWED BUT NOT CURRENTLY IN OPERATION
Alabama	ICB			LEA
Alaska	LEA			
Arizona	ICB, HEI			SEA
Arkansas	SEA			
California	LEA	SEA		
Colorado	LEA	ICB	ICB	
Connecticut	SEA			
Delaware	LEA, SEA			
District of Columbia	ICB			
Florida	LEA		HEI	
Georgia	LEA, ICB, SEA			
Hawaii	ICB			HEI, NEG, NFP
Idaho	LEA, ICB			HEI
Illinois	LEA	ICB		
Indiana	LEA, HEI, ICB, NEG			
Iowa	LEA			
Kansas	LEA			
Kentucky			LEA, NEG	
Louisiana	LEA, SEA			
Maine	ICB			LEA
Maryland	LEA			
Massachusetts	SEA			
Michigan	LEA, HEI			
Minnesota	LEA, HEI, NFP			
Mississippi	ICB			
Missouri	LEA, HEI, ICB			SEA
Montana	<i>No Charter Law</i>			
Nebraska	<i>No Charter Law</i>			
Nevada	LEA, ICB			HEI
New Hampshire	LEA, SEA			
New Jersey	SEA			

STATE	AUTHORIZERS ALLOWED BY LAW	ON APPEAL ONLY	LIMITED JURISDICTION	ALLOWED BUT NOT CURRENTLY IN OPERATION
New Mexico	LEA, SEA			
New York	LEA, SEA, HEI			
North Carolina	SEA			
<i>North Dakota</i>	<i>No Charter Law</i>			
Ohio	LEA, SEA, HEI, NFP			SEA, NEG
Oklahoma	LEA, HEI	SEA	ICB, NEG	
Oregon	LEA	SEA		HEI
Pennsylvania	LEA	SEA		
Rhode Island	SEA			
South Carolina	LEA, ICB, HEI			
<i>South Dakota</i>	<i>No Charter Law</i>			
Tennessee	LEA	SEA	ICB	
Texas	LEA, SEA			
Utah	LEA, ICB, HEI			
<i>Vermont</i>	<i>No Charter Law</i>			
Virginia	LEA			
Washington	ICB, LEA			
<i>West Virginia</i>	<i>No Charter Law</i>			
Wisconsin	LEA, HEI		NEG	
Wyoming	LEA			

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

Learn more about NACSA at www.qualitycharters.org.

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