



MULTIPLE AUTHORIZERS IN CHARTER SCHOOL LAWS

What is an Authorizer?

An authorizer is the entity or body approved by the legislature to bring into existence charter schools. Authorizers set up processes and approve charter schools and are accountable for managing and monitoring their progress in compliance with all applicable laws.

What is an Alternative or Multiple Authorizer?

Alternative or Multiple Authorizer is the term given to entities other than local school boards that have authority under state law to approve charter schools. While they are typically bodies outside of the regular education structure of a state (new public boards, universities, municipalities, etc.), sometimes state boards of education authorize charter schools with or without consent from local school boards. In addition, state boards which approve charter schools on appeal may also become an authorizer.

How Many States have Multiple Authorizers?

15 states have multiple chartering authorities. Those states are:

Arizona	Minnesota
Colorado	Missouri
District of Columbia	New Mexico
Florida	New York
Indiana	Ohio
Idaho	South Carolina
Michigan	Utah
	Wisconsin (<i>only in Milwaukee</i>)

Why are Multiple Authorizers Necessary?

All but one of the nation's 41 charter laws (New Jersey) permit school boards to authorize charter schools. Those states have opened less than one quarter of the nation's nearly 4,000 charter schools, while states with multiple authorizers are home to 80 percent of all charter schools. School boards are often unable or unwilling to have fair and impartial processes to vet charter schools, and many that do approve charter schools create friction between the schooling entities.

See *Charter Schools Today: Stories of Inspiration, Struggle & Success*, www.edreform.com/stories

How do they work?

Multiple authorizers consist of staffs and boards that create and supervise the process by which charter applications are taken, reviewed, approved and once schools are running, how they are monitored. They are accountable to state governments and to the public. Most of the time the processes for operations are written either into the law or into regulations adopted by states boards of education. The more detailed the law is, the more effective the authorizer will be. Not all are created equal, however. Those that are more likely to have high numbers of accountable, high quality charter schools tend to have more independence from conventional education bureaucracies, while still being held to high standards and needing to follow clear rules and state regulations governing other public agencies.

Are They Constitutional?

State legislatures in every state have grappled with this issue and case law now exists attesting to the constitutionality of charter schools in every state, even those where school board control is paramount. While interpretations may vary, Courts consistently ruled that wherever a state legislature is tasked with the authority to establish and fund public education, it may create systems for the establishment of other public schools without violating the Constitution. These same cases and legal analyses have also confirmed that states are obligated to provide to charter schools the same funding pools that conventional, public schools receive (i.e. federal, state and local). State legislators or state attorneys who argue otherwise often hide their disagreement with charter schools behind a constitutional cloud, when in reality their disagreements are based on politics or policy, not the intent or direction of the law.

Additional Benefits of Multiple Chartering Authorities

Charter Schools grow and flourish in environments that provide multiple ways for groups to obtain charters to open schools. States that grant universities the ability to charter schools tend to enjoy a robust charter school movement where the resources of higher education are brought to bear on K-12 problems through high standards of accountability, technical assistance and additional oversight. In addition, Indiana has a unique system that allows the mayor's office in Indianapolis to charter schools in the greater Indianapolis area.

As with any charter school, accountability is key. Schools that fail to perform, or do not meet the terms of their charters do not have their charters renewed.

Below are some outstanding examples of these charter school-authorizer partnerships:

- 1) The State University of **New York** was given the authority in 1998 to open a charter school institute, where up to 100 charter school applications could be approved. That office, housed in the Chancellor's office and paid separately by legislative appropriations, is responsible for the highest quality charter schools in New York.
- 2) Any public university in **Michigan** may authorize charter schools. This led seven major universities to open up charter school offices, which are now responsible for the majority of the state's 240 charter schools. These offices focus on quality applicants, and monitor state and federal accountability measures.
- 3) **Indiana** followed Michigan's model and authorized public universities in that state's charter law. Today Ball State University leads the pack in authorizing 17 of the state's 38 schools. The Mayor of Indianapolis also authorizes schools.
- 4) **Wisconsin** gave authority for three branches of the University of Milwaukee system to approve schools in the city, providing a wide degree of choices and boosting that city's appreciation of higher education.
- 5) **Minnesota** passed the nation's first law without universities involved, but amended it later to allow any postsecondary institution to authorize charters. Today the state is home to more than 134 healthy charter schools.
- 6) The initial **Ohio** charter law gave authority to the University of Toledo to charter schools in its area. Today, other state universities and nonprofit organizations can also authorize charter schools (64 of the 296 are authorized by nonprofits or universities, which is 22%).
- 7) **Missouri's** law limits charters to St. Louis and Kansas City, but gives authority to the public universities in both those cities, in addition to the local school boards. It is the universities that have had the most success with charter schools.
- 8) **Washington, D.C.** charter schools can be authorized by the Board of Education or the D.C. Public Charter School Board. The independent board has authorized 37 of the city's 67 charter schools, and 26 percent of public school students now attend a charter school.
- 9) In 2006 the **Florida** Schools of Excellence Commission was created to give charter schools another avenue for authorization. The Commission can authorize schools in districts that have not been granted exclusive authority over charters and may also approve cities and universities to become co-sponsors of charters.
- 10) Federal law governing the public charter school grant program gives priority to state laws, which have multiple authorizers. The states noted above get more federal grant funds than those for which there is a single authorizer.

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