



THE IMPORTANCE OF MULTIPLE AUTHORIZERS IN CHARTER SCHOOL LAWS

What is an Authorizer?

An authorizer is an entity or body approved by the state legislature to bring charter schools into existence. Authorizers set up application processes and approve or deny charter school applications. Most importantly, authorizers are accountable for managing and monitoring their charter schools' academic record and organizational viability, while also ensuring that they are in compliance with all applicable laws. An authorizer can be a school board, state board of education, or an independent entity. Charter schools are accountable to their authorizers for state and federal accountability requirements.

What is an independent or multiple authorizer?

An independent or multiple authorizer is the term given to entities other than local boards or the state board that have authority under state law to approve charter schools. They are typically bodies outside of the regular education structure of a state and can include independent, statewide charter school boards (which are separate from the state department of education), colleges and universities, and municipalities.

Why are multiple authorizers important?

Permitting the creation of independent authorizers is one of the most important components of a strong charter law. The data show that states with multiple chartering authorities have almost three and a half times more charter schools than states that only allow local school board approval. About 78 percent of the nation's charter schools are in states with multiple authorizers or a strong appeals process. These states are also home to the highest quality charter schools, as evidenced by state test scores, numerous credible research studies and ongoing observation.

States that do not have multiple authorizers create hostile environments for charters because school boards often view charter schools as competition and reject applications not based on merit, but on politics. Without objective oversight from multiple authorizers, charter schools have no alternatives for approval, and quality growth in a state is severely stunted. School board hostility has prevented certain states, such as Maryland, Tennessee, and Rhode Island from meeting growing demand for school choice.

How many states have independent, multiple authorizers?

16 states have independent chartering authorities, in addition to the state or local boards. Those states are:

Arizona	Missouri
Colorado	Nevada
District of Columbia	New York
Idaho	Ohio
Illinois	Oklahoma
Indiana	South Carolina
Michigan	Utah
Minnesota	Wisconsin

How do they work?

Multiple authorizers consist of staff 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. While held to standards by the state, these staff members are independent of the traditional district education system and can make decisions for their charter schools without the interference of the state or local school boards. Most of the time the processes for operations are written either into the law or into regulations adopted by state 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 all other public agencies.

Are They Constitutional?

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. States that have created independent charter school boards, such as in Washington, DC, or allow the mayor's office to charter, as in Indianapolis, Indiana, ensures that a staff and budget is solely used to properly manage charter schools, and most importantly, to make sure that they are academically successful. Strong performance management tools to gauge success have been created in New York and Washington, DC that are used as models for both charter schools and conventional public school systems across the country.

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 independent 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 230 charter school applications can 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) The independent DC Public Charter School Board is the only charter school authorizer in **Washington, DC** after the DC Board of Education transferred all charter school authorizing power over to them. While it is the only authorizer, it is a model to the nation for its effective oversight and performance management tools that hold schools accountable and the DC PCSB schools consistently outpace conventional public school achievement. Slightly more than forty percent of DC public school students now attend a charter school.
- 3) Any public university in **Michigan** may authorize charter schools. This led to ten major universities opening up charter school offices, which are responsible for the majority of the state's over 300 charter schools. These offices focus on quality applicants, and monitor state and federal accountability measures.
- 4) **Indiana** followed Michigan's model and authorized public universities in that state's charter law. Today Ball State University leads the pack in authorizing nearly half of the state's 63 schools. The Mayor of Indianapolis also authorizes schools and recent changes in law created a state charter school board that will also sponsor schools, will permit additional universities and nonprofit organizations to sponsor, and opens up virtual school enrollment.
- 5) **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. Unfortunately, Wisconsin's bill to create a statewide authorizing commission failed to pass in 2011.

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- 6) **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 160 healthy charter schools.
- 7) 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.
- 8) **Missouri's** law limits charters to St. Louis and Kansas City, but gives authority to the public universities in both cities, in addition to the local school boards. It is the universities that have had the most success with charter schools.
- 9) In July 2011, **Illinois** governor signed into law the creation of a statewide charter school commission (in addition to local boards across the state), which will serve as an authorizer focusing on quality and accountability. Commission members were selected this fall, and we expect to see many quality applications from Illinois' suburbs that have been rejected by their school boards for too long.
- 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.

CHARTER SCHOOL FAST FACTS

There are more than 5,700 charter schools serving more than 1.8 million children across the country. Charters schools are growing at a rapid pace. For the 2011-2012 school year, 511 new charter schools opened in 40 states and the District of Columbia.

Today, 41 states and the District of Columbia have charter school laws in place.

Of the 41 laws that CER ranked in 2011 only 13 have strong laws that do not require significant revisions. Get more information on states' charter law grade, ranking at analysis at www.charterschoolresearch.com.

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