



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 Independent or Multiple Authorizer?

Independent 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 Independent Multiple Authorizers?

15 states have an independent chartering authority, in addition to local school boards and/or a state board. Those states are:

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

*The DC Board of Education transferred all charter school authorizing power to the DC Public Charter School Board. While this is the only authorizer in the city, it is a very effective, independent authorizer and is therefore included in this list.

Why are Multiple or Independent Authorizers Necessary?

All but two of the nation's 41 charter laws (New Jersey and Hawaii) permit school boards to authorize charter schools. Those states have opened less than one quarter of the nation's nearly 4,600 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 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 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. 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.

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.

States with multiple chartering authorities have almost four times more charter schools than states that only allow local school board approval. Local boards are also more likely to grant charters when state laws permit multiple authorizers. These states are also home to the highest quality charter schools.

There are a few very strong authorizers that can serve as models to other states looking to increase the number of chartering authorities, ensuring a robust charter school movement in their state. The following are some outstanding examples of independent university authorizers:

1. Central Michigan University

Michigan's charter law allows any public university to authorize, and nine major universities have opened up charter offices. The largest of these university authorizers, which is also the nation's largest, is Central Michigan University (CMU). It was the first authorizer to issue a charter contract under Michigan's charter school law, which took effect in 1993. Currently, CMU is authorizing 58 schools serving nearly 30,000 students in the state.

As an authorizer, CMU is charged with issuing charter contracts. It has also created The Center for Charter Schools to monitor the actions of charter public schools' boards of directors and their compliance with the contract and all applicable laws; serve as the fiscal agent to receive school aid payments; and forward those payments to the schools.

During the 2006-07 school year, 100 percent of CMU's elementary and middle schools made Adequate Yearly Progress (AYP), up from roughly 89 percent the year before. No schools qualified as in need of improvement under No Child Left Behind (NCLB). Eighty six percent of CMU's charter schools made AYP, compared with 83 percent throughout the state of Michigan, and 69 percent of host districts.

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2. Ball State University

Indiana followed Michigan's model and allowed public universities to serve as charter authorizers in the state law. Ball State University is currently the only university in Indiana authorizing charters, and today sponsors 29 charter schools serving nearly 8,800 students. Ball State sponsored schools are ahead of other charter schools in Indiana in meeting AYP standards. In the 2007-08 school year, 47 percent of schools made AYP, compared with 44 percent of charter schools sponsored by other entities.

The Ball State Office of Charter Schools has developed an accountability framework to help their schools

succeed. Within the accountability framework, the office monitors performance in academic achievement, organizational management, financial stability, school satisfaction, and compliance with Ball State requirements and charter school law.

As part of the accountability framework, schools undergo annual reviews that include site visits, classroom observations, evaluations of standardized tests, financial reviews, and analyses of school-specific measures. The reviews are structured to help schools continue to improve and develop.

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3. State University of New York (SUNY)

The State University of New York was given the authority in 1998 with the passage of the state charter law to grant 100 charters. In 1999, the Charter Schools Institute, an office within SUNY was created, which is responsible for authorizing some of the highest quality charter schools in the state. Currently, SUNY sponsors 49 charter schools serving over 15,000 students.

Guided by the rigorous standards set by the Board of Trustees, the Institute's oversight of SUNY authorized charter schools is comprehensive, including: evaluating initial applications for the opening of charter schools; providing technical assistance and guidance to schools where necessary; requiring schools to take remedial action or placing schools on probation; conducting a comprehensive evaluation when a school applies to renew its charter; and reporting to the school and the public on each school's performance and progress.

In the 2007-08 school year, 92 percent of SUNY charters outperformed their local districts on the state math exam, and 76 percent outperformed their local district on the state English language arts exam. Individually, 28 SUNY authorized charter schools exceeded the statewide average of 81 percent of students at proficiency levels on the state math exam.

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