



The Potential of ‘Alternative’ Charter School Authorizers

Who grants the right to run charter schools? Originally, local school boards were given this authorizing power. Now, as Ms. Bierlein Palmer explains, there are many different types of authorizers, some of which function better than others.

BY LOUANN BIERLEIN PALMER

IN THE early 1990s a handful of states created independent public charter schools, providing opportunities for teachers and others to develop innovative schooling options. Unlike private schools funded through vouchers or tuition tax credits, these new public schools practice open admissions, accepting all students as space permits. In exchange for freedom from many government rules, they have to deliver results. Those that do so are to remain open; those that do not are to be closed.

Now well into their second decade, charter schools have carved out a niche for themselves across America, serving a growing percentage of students in many communities and states. Yet the public has little understanding of the states’ systems for deciding who gets, keeps, and loses the right to run a charter school. The entities responsible for these decisions are referred to as charter school “authorizers” (or “sponsors” in some states).

The United States has a deep tradition of local control of public schools. Accordingly, local school boards have been granted varying degrees of power to award, deny, renew, and revoke charters in the 41 states and territories that have adopted the reform. Some district authorizers have embraced charter schools as an integral component of their school improvement plans. Others have used them to handle “problem” students or to relieve overcrowding. But far too many others

want little to do with charters. They resent the need to select, assist, and monitor these schools and see them as a drain on resources.

To assuage those groups that were denied charters by local boards, state policy makers initially allowed them to appeal to state boards of education, which could then force the local boards to grant the charters. Some states empowered their state boards to grant charters directly. The first option did little to improve relations between charter schools and local authorities. As for the second, state boards may lack the will and the means to become strong charter authorizers in their own right.

As a result, states have begun turning to “alternative” charter authorizers outside the traditional structures of public school governance.¹ These alternative authorizers include independent state-level charter boards, higher education institutions, city governments, and nonprofit groups. Initial observations suggest that these entities are rapidly becoming the preferred authorizers and are increasingly being asked to develop model authorizing practices.

ASSESSING THE QUALITY OF CHARTER AUTHORIZERS

Researchers have been paying an increasing amount of attention to the role of charter school authorizers. In 2003, the first national study of authorizers concluded that, except for those sponsoring only a few schools (typically local school boards), many were doing an adequate job.² The study also found that state policy environments — shaped by charter school laws and the overall level of support for charter schools, among

■ *LOUANN BIERLEIN PALMER is an associate professor of education at Western Michigan University, Kalamazoo. This article is based upon research supported by the Progressive Policy Institute, Washington, D.C.*

other factors — affected the authorizers' ability to do their jobs. A subsequent study of larger authorizers in 2004 also found that they were making appropriate decisions about the renewal and termination of charters.³ Neither study, however, evaluated authorizers by type (for example, traditional authorizers versus alternative ones).

A national study in May 2006 examined authorizers by type but did not consider state policy contexts.⁴ That study found great variability among authorizers, with some doing their jobs well and others doing them halfheartedly. It also found that independent state charter boards and nonprofit organizations generally did a better job than other authorizers.

The good news from these studies is that many authorizers are taking their jobs of sponsorship seriously. The bad news is that poor authorizing practices are having a detrimental effect on the charter movement. The National Association of Charter School Authorizers offers best-practice recommendations, but there is still policy debate about the best types of authorizers.⁵

With the goal of moving this policy discussion forward, I examined all previous research related to authorizers and collected additional data via interviews and surveys with individuals across the nation.⁶ From such data, I extracted three criteria that appear essential for authorizers to do their jobs well:

1. They *desire to be authorizers* (and for more than a handful of schools).
2. They are relatively *insulated from politics* (so they can make data-driven decisions).
3. They have the *ability to develop infrastructure* (focused primarily on outcomes, not just traditional compliance).

There is no guarantee that any given type of authorizer will perform well, since too much depends on the overall state context and the individuals involved. However, the first criterion simply implies that forcing local school boards (or any entity) to grant charters against their will is bad policy. Requiring state boards to authorize charters on top of their many other duties is also undesirable. New state-level bodies dedicated exclusively to charters or nonprofit groups that want to advance their missions through charters will almost certainly do a better job. The best authorizers are those that actually desire the responsibility.

The second criterion suggests that high-quality authorizing often means making tough decisions, such as granting a charter over the objections of a teacher union or terminating one over the objections of parents. State and local boards, especially those whose members are elected or appointed by elected officials, are susceptible

to political pressure. Universities and nonprofit groups, however, are more insulated from such influences and can be expected to make more decisions based on facts and fewer based on politics.

Finally, as the third criterion suggests, high-quality authorizing depends on high-quality infrastructure. Authorizers need adequate funding and staff members who can “think outside the box” about charters. Authorizers from the realm of traditional school governance often have other pressing concerns and a regulatory notion of compliance with rules. Nonprofits, state charter boards, and other “outsiders” are much more likely to engage in new types of thinking that can help charter schools flourish.

With these three criteria in mind, let us examine what is happening across the nation in reference to alternative authorizers.

THE ALTERNATIVE AUTHORIZER LANDSCAPE

Forty states and the District of Columbia now have charter schools. Of these, 14 have one or more types of alternative charter authorizers. The other 27 use a combination of local, regional, and state board authorizers.⁷

Separate state-level charter boards. As of January 2007, six states and the District of Columbia had created separate state-level chartering boards: the Arizona State Board for Charter Schools (1994), the Colorado Charter School Institute (2004), the District of Columbia Public Charter School Board (1996), the Florida Schools of Excellence Commission (2006), the Idaho Public Charter School Commission (2004), the South Carolina Public Charter School District (2006), and the Utah State Charter Board (2004).

Generally, the members of such state-level commissions or boards are appointed by one or more public officials, such as the governor or legislative leaders. In some states, those appointed must represent certain constituencies (e.g., the business community or charter school operators) or possess particular expertise (e.g., public finance or curriculum). In all cases, their sole purpose is to review, approve, and oversee charter schools within their state. And in most states that have such entities, they tend to charter the vast majority of schools (e.g., 90% in Arizona and 75% in Utah).

Such separate chartering boards clearly have a *strong desire* to serve as authorizers. They are more likely than other authorizers to have the interest, knowledge, and “will” to take chartering seriously. Unlike other kinds of authorizers, these boards can focus exclusively on high-quality authorizing practices and decisions. They

are also filled with members who have expertise in accountability models, finance, facilities, and the like.

On the other hand, separate chartering boards have only *moderate political insulation*. Because the members of the boards are generally appointed by elected officials, they reflect the political views of the officials who appoint them and are subject to a degree of political influence. Staggering appointments over time and requiring that members be nominated by others or possess certain expertise can help mitigate this influence, but in a number of states, concerns have been voiced about what happens when the state's political leadership changes.

A number of these chartering boards have only limited political insulation provided by the legislation that created them. Of the seven state-level entities created for the sole purpose of authorizing charter schools, only those in Arizona, the District of Columbia, and Florida are completely independent. The Utah panel's decisions are subject to approval by the state board of education. The state boards of education in Colorado, Idaho, and South Carolina can hear appeals and overturn the decisions of their states' chartering boards. Although one can argue that these are necessary public checks and balances, such practices also bring the influence of political election cycles into what is ideally a data-based decision-making process.

Despite limited political insulation, as newly created entities focused on charter reform issues, these chartering boards do have a *fairly strong ability to develop infrastructure* that is focused on outcomes. However, adequate, dependable funding is a problem for some chartering boards, since they must often rely on direct annual state appropriations, which are certainly subject to changes in the political and economic winds. This situation forces such boards to turn to employees of the state department of education for various functions, and state departments lean toward traditional compliance rather than a focus on outcomes. However, if funding is available, strong infrastructures focused on outcomes can be created.

On the whole, the potential for separate state chartering boards to be high-quality authorizers is high, despite some difficulties with funding and political influence.

Higher education institutions. Eight states (Florida, Indiana, Michigan, Minnesota, Missouri, New York, Ohio, and Wisconsin) permit higher education institutions to directly authorize charter schools.⁸ As of January 2007, 24 public and 12 private higher education institutions in seven states were serving as authorizers for one or more schools. The largest include Central Michigan University, with 57 charter schools, and the

State University of New York (SUNY), with 46.

There are many interesting stories regarding how higher education institutions became involved in chartering. Most involve a political relationship between a charter-friendly governor and an institution's board of trustees. And most also feature significant resistance from traditional education groups associated with higher education institutions, such as colleges of education and faculty unions. For these reasons, I argue that, on average, higher education institutions have at best a *moderate desire* to become authorizers.

For example, in Michigan, public higher education institutions were slow to embrace charters because of pressure from unions and local school boards. But pressure from then-Gov. John Engler, who appointed many of those institutions' trustees, proved to be even stronger. Indeed, survey results for my study found 83% of Michigan respondents saying that outside political pressure was a key factor in their decision to become authorizers. In a similar vein, New York's governor appoints SUNY's board of trustees, and former Gov. George Pataki had to "encourage" its initial involvement with charters.

In Minnesota no strong state-level political pressure existed for public institutions to be involved in chartering, and, as a result, the larger state universities are not involved. To date, only six smaller public higher education institutions have granted charters, with half of those later handing off their chartering responsibilities to other sponsors. Observers attribute the lack of interest to pressure from Education Minnesota, the state's combined NEA/AFT union affiliate, which represents both K-12 teachers and some of the state's public post-secondary faculty members.

On the other hand, some public universities have entered chartering for educational reasons. For example, survey data revealed that Ball State University in Indiana was motivated in part by political pressure, but also by the belief that chartering would advance its mission and create research opportunities. Two public universities in the Kansas City, Missouri, area quickly embraced charter schools (sponsoring 16 of them) as part of their community outreach efforts. They see this as a way to support their mission.

A number of Minnesota's private higher education institutions have also jumped into the chartering breach. For example, Hamline University began sponsoring charter schools to help prepare its prospective teachers, and Concordia University is focused on supporting second-language learners as part of its community outreach program. Capella University, an online institution, plans to sponsor online charter schools.

Despite lots of internal and external political pressure, higher education authorizers overall have been able to create *fairly strong political insulation*, which allows them to make decisions based upon data. Once higher education boards accept chartering responsibility, most appear to take it to heart and use their own authority to shelter data-based decision making. As one university survey respondent put it, the institution's board members "are enormous supporters of this policy initiative and have withstood enormous political pressure to make sure that they wielded their power with care and thoughtfulness and as stewards of the students in the schools they authorized."

Finally, many higher education institutions have a *fairly strong ability to develop infrastructure*, and they often create high-performing chartering offices. Some are financed through fees paid by the schools they charter; others receive state appropriations or tap other university resources. Some are housed in administrative rather than academic departments to shield them from internal and external politics and are staffed by experienced K-12 educators.

Most higher education institutions, especially public institutions, that currently serve as charter authorizers were not eager to do so, but they quickly grew into the job. Many report being pressured from above to embrace charters and pressured from below to keep them at arm's length. Those that have accepted the duty and received adequate financial support, however, have done an admirable job.

Nonprofit organizations as authorizers. Nonprofit groups are the newest charter school authorizers. Currently, only Minnesota and Ohio allow them to sponsor schools. As of January 2007, there were 25 nonprofit organizations that had authorized one or more

charter schools (for a total of 145 schools). The largest include two nonprofits created exclusively to deal with charter schools: the Friends of Ascension in Minnesota (chartering 16 schools) and the Ohio Council of Community Schools (chartering 45 schools).

With the exception of the two nonprofits that were created specifically to focus on charter schools, the other nonprofits are existing organizations that met some prescribed criteria (e.g., a certain amount in assets) that allowed them to apply to become authorizers. Most have a focus on meeting community needs within their missions and see chartering as an extension of their work with children and families.

Overall, nonprofit organizations have only a *moderate desire* to become authorizers. All of the nonprofit authorizers who responded to the survey in Ohio and Minnesota said that they became involved because improving educational outcomes through charters clearly supports their missions to improve opportunities for children and families. All the survey respondents also noted that their boards are firmly committed to sponsoring charter schools and that they, as nonprofits, offer an important outsider's view of how best to support children and families.

Yet some organizations want nothing to do with the process at all. In Ohio and Minnesota only a small fraction of potentially eligible nonprofits have any interest in becoming charter authorizers. Some are concerned about liability issues, and others have their hands full with other matters. But in each state, enough interested and highly committed organizations have chosen to become involved.

Those organizations that take on the challenge have been able to build *strong political insulation*. Members of nonprofit boards are less likely than elected or appointed officials to base their decisions about charters on politics and more likely to base them on data. Many of these organizations are highly visible, enjoy strong credibility, and have lower-income constituencies that tend to support charter schools. For example, one survey respondent noted that nonprofit authorizers are "open-minded and not clouded by political pressures." Another said: "The lack of political influence is a big thing. Many of our schools . . . find it particularly difficult to find an authorizer. . . . We [nonprofits] are able to come in from the outside and authorize the school with a good degree of credibility."

Nonprofit authorizers also have a *fairly strong ability to develop infrastructure*. Successful nonprofits often have savvy grant writers and experience with the challenges of starting and managing an organization. They have strong ties to their communities, and their staff mem-

bers are accustomed to working with children and families in nontraditional ways. With appropriate funding, these entities can assemble the types of staffs needed to focus on high-quality authorizing.

Overall, the idea of nonprofit organizations serving as charter authorizers is working fairly well. On average, some nonprofit groups have a fairly strong interest in sponsoring charters, are relatively well insulated from politics, and — with adequate funding — stand a good chance of becoming high-quality authorizers.

Municipal offices as authorizers. Three states allow a designated municipal office to charter schools, while one allows its new state-level chartering board to approve any interested municipalities as co-sponsors.

The mayor's office in Indianapolis can grant charters within the city's boundaries and is actively involved in the chartering process. Indeed, Mayor Bart Peterson's support for charter schools has been the subject of considerable attention, and the mayor's office won Harvard University's 2006 Innovation in American Government Award.

The Milwaukee City Council can also award charters locally, and it does so as part of the city's broader school choice program. The District of Columbia City Council can designate a charter authorizer but has chosen not to do so, given the work already being done by the city's independent chartering board. Florida's new state-level chartering board can sponsor schools in partnership with municipalities.

My observations suggest that, on average, municipal entities have only a *moderate desire* to become authorizers. There are certainly exceptions, but, given all of their other responsibilities, mayors and city councils are unlikely to have much interest in authorizing and overseeing schools. Nonetheless, those local politicians who are focused on education reform issues can bring significant assets to the table.

Even if they are interested, there is *limited political insulation* for these entities. It takes a very strong mayor or city council to base charter school decisions on data rather than politics. As elected officials, they are accountable to their constituents for results, but they are also subject to strong political pressure from a range of interest groups.

On the other hand, municipal entities do have *moderate ability to develop infrastructure*. Clearly, mayors and city councils can leverage numerous resources to support their agendas. Although their offices may lack hands-on expertise with schools, they are experts at delivering and monitoring other important social services and can find talented individuals to help them

create high-quality charter authorizing systems.

Overall, few municipal offices have expressed a strong desire to become involved in chartering, and they are inherently subject to political pressure. But they possess many of the tools needed to become high-quality authorizers.

PULLING IT ALL TOGETHER

As of January 2007, five state-level boards, 24 public and 12 private higher education institutions, two municipal offices, and 24 nonprofit organizations had authorized one or more charter schools.⁹ These entities are often the preferred authorizers, chartering a significant percentage of their states' charter schools. Arizona's state chartering board had granted 90% of that state's charters, Utah's had awarded 75%, Michigan's universities had approved 81%, and Minnesota's colleges and nonprofits had granted 66%. Ball State University and the mayor's office in Indianapolis had awarded virtually all of Indiana's charters (93%). Even relative newcomers, such as Idaho's state chartering board and Ohio's nonprofit organizations, are sponsoring a significant share of their states' charter schools.

But more important than the number of charter schools is the fact that policy makers and researchers are increasingly seeing alternative authorizers as adding value to the charter school movement and, by extension, to public education as a whole. Minnesota's nonprofits and private universities have sponsored a number of innovative, community-focused schools. Michigan's university authorizers are considered national leaders in the push for high-quality authorizing practices. The District of Columbia's independent chartering board has outperformed the city school board as an authorizer. The Indianapolis mayor's chartering office is considered one of the finest in the country. Meanwhile, the state-level chartering boards in Utah and Idaho are focusing on the quality of school oversight.

Policy makers believe that such alternative entities can serve as model authorizers. For example, Colorado's state chartering board was tasked specifically with encouraging the creation of high-quality charter schools for at-risk students and modeling superior charter authorizing policies for school districts. In a similar vein, Florida's new state chartering board is required to develop, promote, and disseminate best practices for charter school sponsors.

This is not to say that alternative authorizers have no disadvantages or that other types of authorizers cannot be effective. Indeed, many local school boards, state boards, and county and regional boards are con-

TABLE 1.
Scores on Criteria for High-Quality Authorizing

Type of Authorizer	Criterion		
	Desire to Be Authorizer	Political Insulation	Ability to Develop Infrastructure
Separate State Chartering Boards	Strong	Moderate	Fairly Strong
Universities	Moderate (mainly private)	Fairly Strong	Fairly Strong
Nonprofits	Moderate	Strong	Fairly Strong
Municipalities	Moderate	Limited	Moderate
State Boards of Education	Limited	Limited	Moderate
County/Regional Boards	Very Limited	Very Limited	Limited
Local District Boards	Very Limited	Very Limited	Limited

sidered high-quality authorizers. The Chicago Public Schools, for example, actively solicit and oversee charter schools as part of the city's Renaissance 2010 efforts. The Massachusetts, North Carolina, and Texas state boards of education are also considered strong charter school sponsors.

The best authorizers, regardless of their type, want the job, insulate themselves sufficiently from politics to do the job well, and have the money and other tools they need to focus on quality. However, alternative authorizers often have a stronger desire than traditional authorizers to get involved in chartering and can base their decisions on data rather than politics. When provided with adequate funding, alternative authorizers can secure staff members and create systems focused on outcomes rather than on compliance with rules. Table 1 shows how the seven types of charter authorizers score on the three criteria on average.¹⁰

The bottom line is not how well a given authorizer performs, but how well the schools they authorize serve students. All alternative and traditional authorizers should be judged on the basis of how students in their sponsored schools perform. Unfortunately, until all states have full-scale value-added accountability systems that track gains made by the same students over time, it will remain difficult to link charter schools' performance with the quality of their authorizers.

There clearly is no "one best authorizing system" for any given state. Much depends on the policy environment, constitutional issues, and individual leaders. Alternative authorizers, however, are playing a vital role in the charter school movement and are often found in states that are seeking to raise the level of accountability of authorizers. And these alternative authorizers will continue to be key players in the creation of high-quality charter schools.

1. Some would categorize all authorizers other than local district boards as "alternative authorizers," but for the purposes of this research, only those traditionally not involved with K-12 schools are deemed alternative authorizers.

2. Louann Bierlein Palmer and Rebecca Gau, *Charter School Authorizing: Are States Making the Grade?* (Washington, D.C.: Thomas B. Fordham Institute, 2003).

3. Bryan Hassel and Meagan Batdorff, *High-Stakes: Findings from a National Study of Life-or-Death Decisions by Charter School Authorizers* (Chapel Hill, N.C.: Public Impact, 2004).

4. Rebecca Gau, *Trends in Charter School Authorizing* (Washington, D.C.: Thomas B. Fordham Institute, 2006).

5. *Principles & Standards for Quality Charter School Authorizing*, rev. ed. (Chicago: National Association of Charter School Authorizers, 2005).

6. To obtain data for this study, e-mail exchanges along with follow-up telephone interviews occurred with one or more primary state-level contacts within each state currently allowing alternative authorizers. In addition, an electronic survey was sent to a primary contact at each of the nonprofit and university authorizers to obtain insights regarding their authorizing activities.

7. For summary details regarding all 41 charter laws, see Bryan Hassel, Todd Ziebarth, and Lucy Steiner, *A State Policymaker's Guide to Alternative Authorizers of Charter Schools* (Denver: Education Commission of the States, 2005).

8. In addition to the eight states that permit higher education institutions to authorize charter schools directly, public higher education institutions can co-sponsor schools with the state chartering board in Florida and with the state board of education in North Carolina. The law in Texas indicates that such entities can be authorizers, but this is interpreted to mean that a university may bring a charter proposal to its state board of education under a different section of law, but the state ultimately authorizes such schools.

9. For a complete listing of these states and the number of authorizers and charter schools within each, see Louann Bierlein Palmer, "Alternative Charter School Authorizers: Playing a Vital Role in the Charter Movement," Progressive Policy Institute, Policy Report, December 2006, available at www.ppionline.org. Click on "Education."

10. These conclusions are generally in line with the national authorizer survey referred to above. See Gau, op. cit. That study concluded that nonprofits and separate state chartering boards were the strongest authorizers, based upon self-reported data. However, the results differ in that Gau concluded that municipalities and higher education entities are equal to state boards of education and county and local school boards. These differences are primarily due to using different criteria to draw conclusions.



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408 N. Union St.
P.O. Box 789
Bloomington, Indiana 47402-0789
812/339-1156 Phone
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