



# Why Universities Choose to Authorize Schools

## A Report on University Authorizing and Lessons for Idaho

### INTRODUCTION AND EXECUTIVE SUMMARY

A quality authorizer can serve as a change agent, a market maker, and a force for quality in public education. Quality authorizing can serve as a quality control check for the charter schools sector and provide lawmakers with the confidence that someone is watching the store and ensuring excellence.

However, deciding to become an authorizing body is not an easy decision. Institutions looking to engage in this activity must balance a number of factors—such as potential benefits and risks to the institution, and political and legal liabilities that the institution might incur—with the desire to help launch more schools that help students reach their full potential.

Institutions that excel at authorizing exhibit two characteristics: will and capacity. Great authorizers believe in the need for education reform and are willing to do something about it. This means they have the will – the political guts – to get involved. The good news is that this does not cost any money. The second thing great authorizers do is build the capacity to charter schools, oversee and support their operations, and evaluate their performance in a top-quality manner. This requires resources – time, talent, and money – in order to build a performance-based, results-oriented team that does this work.

In the nation's 25 years of experience in charter schools, the record shows that independent authorizers—especially state public universities—have what it takes to excel at authorizing. By being outside of the traditional K-12 system, universities are often outside of the political pressures that others experience. They also have an organizational history and an institutional capacity that helps them connect with resources and other organizations needed to be successful. Also, universities have access to researchers to study school and authorizing practices, which can create a loop of continuous feedback to improve chartering practices.

Universities that have chosen to engage in authorizing have also realized that there are benefits to the university beyond fulfilling its mission. These include launching new programs in their colleges of education to train charter school leaders, access to data to research best practices, and an enhanced institutional reputation and reach.

This report provides an overview of university authorizing and helps answer the question: *Why* would a university choose to become an authorizer? It provides some common reasons for becoming an

authorizer, some examples of benefits to universities that have chosen to do this, and a brief overview of resources that are available to help an Idaho university successfully launch a charter schools office. It is intended to showcase experiences to help educate and inform to help decision makers balance competing pressures needed to enter the chartering sector to help more students learn and grow.

#### **CHARTER SCHOOLS AND UNIVERSITIES: WHY CHOOSE TO BECOME AN AUTHORIZER?**

“Charter schools” are a legislative strategy being used by policymakers to advance public education by infusing choice, change and competition into the public education system in order to transform it into a diverse and dynamic education marketplace that fosters academic excellence for all children. They are a different type of public school that are:

- Public schools, governed by boards of directors.
- Free—they are prohibited from charging tuition.
- Open to all—if oversubscribed, an official random selection drawing is conducted.
- Required to administer the state assessments.
- Subject to health and safety codes, like all other public schools.

In 1991, this strategy was first enacted into law by the Minnesota Legislature, and was set into motion by a few pioneering school leaders. Since then, it has been legislatively implemented in 43 states, Puerto Rico, and the District of Columbia. It has blossomed into a national movement of over 6,700 charter public schools educating over 2.9 million students, according to the National Alliance for Public Charter Schools. Approximately one million students are also on waiting lists. Also, according to polling data, 2/3 of Americans are supportive of charter schools.<sup>1</sup>

People and groups that are interested in forming a charter school submit applications to authorizing bodies. A charter school authorizer provides oversight and enforces accountability mechanisms to ensure quality schools exist. Authorizers are responsible for issuing charter contracts to governing boards of schools, holding them accountable to the performance-based terms of their contracts, and making high-stakes decisions about the charter’s renewal at the expiration of its term.

Many state laws empower school districts, approved nonprofit agencies, state commissions, state boards of education, and postsecondary educational institutions to authorize charter schools. However, not all potential authorizers take advantage of the opportunity to issue charters. Many are reluctant to do so because they view new charter schools as competition to existing schools, they do not view it as part of their mission, or because of political pressures to not enter the charter sector.

Origin of university authorizers. In 1993, Michigan became the 9th state to enact a charter school law. This law empowered school districts, intermediate school districts, and community colleges to authorize schools within their geographic boundaries. It also empowered state public universities to charter schools anywhere throughout the state—an innovation in charter law that many have followed.

At the time, Michigan Governor John Engler advanced the idea of universities as authorizes because, he believed, for the charter strategy to be successful it needed to be outside of the traditional public education system because local superintendents were often far more defensive of the status quo

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<sup>1</sup> *The 47th Annual PDK/Gallup Poll of the Public's Attitude Toward the Public Schools.* September, 2015.

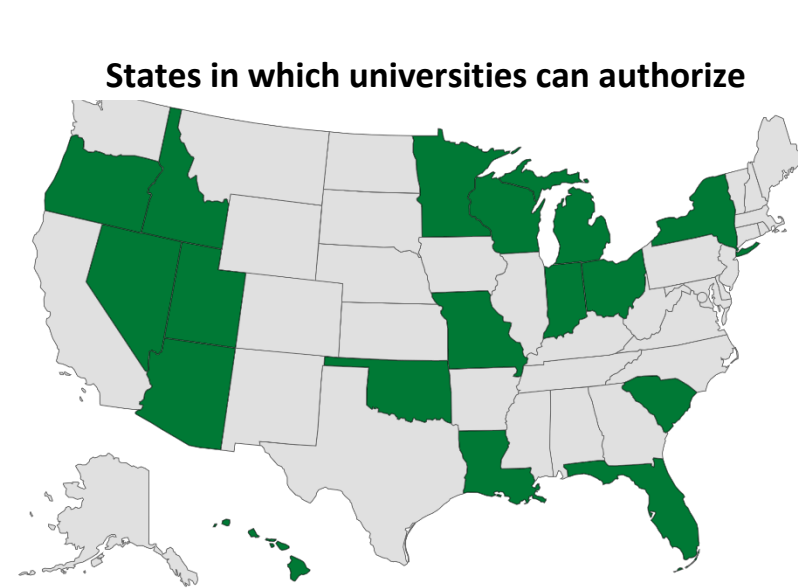
than everyone else.<sup>2</sup> Further, it is unlikely that district authorizers will move beyond the regulatory-driven, compliance-based accountability systems that are the hallmark of public education or the troubling hit-and-miss formation of new schools that is raising questions about the ability of charter schools to deliver improvement on the scale that our country needs.

Under this new law in 1994, the Central Michigan University (CMU) Board of Trustees built upon its 100 year history of leadership in improving public education by becoming the first public body in Michigan, and the first university in the nation, to charter a public school. The first schools chartered by CMU opened in 1994. Later that year, Michigan’s charter law faced legal challenges that lasted until 1997, when the Michigan Supreme Court affirmed the law’s constitutionality. CMU also faced pressure from its faculty, alumni, and school districts that hired CMU graduates to get out of the charter sector.

However, believing that chartering schools was an extension of its mission, CMU continued its authorizing activities and built many of the systems, processes, and practices used by successful independent authorizers throughout the country.

More importantly, though, CMU’s commitment to chartering has improved the lives of thousands of students. Today, CMU charters 62 schools serving 32,000 students throughout the state. Because of rigorous practices of creating and maintaining high standards, CMU is known as the “Gold Standard” for authorizing and overseeing charter schools, and has been recognized by many, including both the Michigan and U.S. Departments of Education, National Association of Charter School Authorizers (NACSA), Center for Education Reform, and other leading individuals and organizations.

Growth of university authorizing. Other universities followed CMU’s leadership in entering into the charter sector. In 1995, another Michigan university, Grand Valley State University (GVSU) began chartering schools. GVSU was followed by several other Michigan universities—Northern Michigan University, Lake Superior State University, Oakland University, Saginaw Valley State University, Eastern Michigan University, and Ferris State University—as well as a tribally controlled community college that serves students throughout the state, Bay Mills Community College.



The idea also advanced beyond Michigan. For example, in 1998, the New York Legislature created the Charter Schools Institute within the State University of New York (SUNY) system to serve as an authorizing body. Legislatures throughout the country soon followed. Today, 17 state laws empower universities to serve as authorizing bodies according to the Center for Education

<sup>2</sup> Goenner, James N. "Michigan's Chartering Strategy." *Education Next*. Summer, 2012.

Reform.<sup>3</sup> These states also generally provide for the funding for university authorizers to execute their responsibilities without burdening the university's general fund. These funds come through either collecting an "oversight fee" for each school chartered by the university, through a state appropriation, or a combination of sources.

A total of 47 higher education institutions were authorizing charter schools at the end of the 2014-15 school year, according to NACSA.<sup>4</sup> These include universities, like CMU, that have their origins in training public school teachers. They also include several universities located in urban and metropolitan areas, such as:

- Indiana University – Purdue University Indianapolis
- Metropolitan State University
- Missouri State University
- Oakland University
- University of Central Oklahoma
- University of Missouri – Kansas City
- University of Missouri – St. Louis
- University of Wisconsin – Milwaukee
- Weber State University

Why universities choose to authorize schools. There are many reasons why policymakers look to universities to engage in authorizing. Universities are independent and often isolated from political pressures that others may experience. Universities also have access to experience, resources and partnerships that others do not. They also have access to research capabilities that may lead to innovation and best practices.<sup>5</sup>

Once empowered to be authorizers, there are several reasons why universities choose to exercise this ability. Significant reasons include:

- An alignment to a university's mission. Several universities chose to become authorizers as natural outgrowths of their missions. As noted earlier, for example, CMU's chartering activities were a natural outgrowth of its century-old mission of improving public education in the state.

Other institutions have seen it as an outgrowth of their mission of improving education within their region. For example, Washington University in St. Louis, Missouri, cited their decision to begin chartering schools as a natural extension of the university's long-term strategy to focus on key issues affecting the St. Louis region.<sup>6</sup> The University of Wisconsin-Milwaukee has a similar regional function. Per its Web site, its mission is to work with "community organizations, parent groups, educators and other individuals who are committed to improving the quality of education for children in the City of Milwaukee to charter successful, innovative schools."<sup>7</sup>

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<sup>3</sup> Though 17 states allow for universities to authorize charter schools, universities are not currently active authorizers in six of them—Oregon, Idaho, Nevada, Hawaii, Louisiana, and South Carolina.

<sup>4</sup> *2014 Overview of the State of Charter School Authorizing.* NACSA.

<sup>5</sup> *Policy Guide: Multiple Charter School Authorizing.* NACSA. July, 2009.

<sup>6</sup> Wechtenheiser, K. *Stepping Up: University Leadership in the Charter Sector.* NACSA. December, 2008.

<sup>7</sup> <http://uwm.edu/education/community/charter-schools/>

- Studying what works in public education. Chartering schools provides colleges of education with a unique opportunity to build upon a tradition of engaging in K-12 education to study best practices—the establishment of laboratory schools—to help them refine their instruction.

This study can occur through researching the substantial amount of school- and student-level data that an authorizer collects each year. University authorizers have historically allowed for this research to occur in an ad-hoc fashion. However, GVSU, for example, is studying data from its portfolio of chartered schools through an initiative called EdLabs. This initiative is later in this paper.

Or, studying best practices can occur in a more hands-on approach. Though not authorizers, two universities—Stanford University and the University of Chicago—have helped establish and partner with charter schools. Stanford partners with East Palo Alto Academy, which is a charter high school that focuses on ways to enhance learning for low-income students and English language learners.<sup>8</sup> Initially launched in 1998, the University of Chicago Urban Education Institute operates four campuses on Chicago’s south side that span all grades from pre-K to 12. They currently have a 100 percent college placement rate.<sup>9</sup>

- Teacher and school leader placement. University authorizers have also used their portfolio of schools to help in placing teachers and school leaders in career opportunities. This is done through formal and informal partnerships between a university’s authorizing office and its college of education. Formal programs include Ball State University’s certificate in charter school leadership<sup>10</sup> and CMU’s Master’s in Education Leadership with an emphasis in charter school leadership, which is profiled below.
- Student recruitment opportunities. As both a way to expose students to a university environment and to create a more seamless pathway for students to attend college, several university authorizers are reaching out to students in schools they charter with opportunities. These typically include sponsoring visits to the university’s main campus for high school students and the opportunity for the university to have a visible presence in the schools it charters.

Some programs are more formalized. Lake Superior State University, for example, offers a series of summer camps called Superior Adventures for students of schools chartered by LSSU. Through these camps held on LSSU’s campus, students “get firsthand experience of what it is like to learn and work in state of the art science laboratories and classrooms.”<sup>11</sup> Camps included math and STEAM camps for 7<sup>th</sup> and 8<sup>th</sup> graders, and leadership camps for high school students.

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<sup>8</sup> <https://ed.stanford.edu/about/partnerships>

<sup>9</sup> <http://www.uchicagocharter.org/page.cfm?p=500>

<sup>10</sup> <http://cms.bsu.edu/academics/collegesanddepartments/online/academics/programs/graduate/certificates/charterschools>; note that the program is currently not enrolling students because it is undergoing revisions.

<sup>11</sup> Lake Superior State University Charter Schools Newsletter. November, 2014.

CMU and Ferris State University have also established scholarships to encourage students of their charter schools to attend their institutions.<sup>12 13</sup>

- Policymakers are looking to universities. Because of the policy reasons outlined earlier, governors and legislators are increasingly looking to universities to take an expanded leadership role in the charter sector. Recent changes in charter law in Wisconsin, Oklahoma, and Indiana, for example, were specifically designed to empower universities with this ability.

Some universities have historically seen this empowerment as an opportunity to enhance their reputations and presences. Others have viewed it as executing a legislative charge. In both instances, though, the final result is the same: more universities are stepping up to meet the charge given to them by the legislature.

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<sup>12</sup> [http://www.thecenterforcharters.org/modules.php?name=Pages&sp\\_id=485&pmenu\\_id=437](http://www.thecenterforcharters.org/modules.php?name=Pages&sp_id=485&pmenu_id=437)

<sup>13</sup> <https://ferris.academicworks.com/opportunities/4349>

## PROFILES OF HOW UNIVERSITIES WERE ENHANCED THROUGH AUTHORIZING

As described earlier, there are multiple reasons why policymakers look toward universities to become charter school authorizers, and several common reasons why universities choose to engage in this activity. Below are profiles of how several leading university authorizers have used the opportunity to authorize schools not just to provide more choices for children, but also to help build their institution.

Central Michigan University (MI). As noted earlier, in 1994 CMU became the first university in the state to authorize a charter school. Founded as a normal college, the university views its involvement as expanding upon a tradition of leadership that began in the late 1800's when it educated its first public school teachers. Though engaging in authorizing was challenging for the university at first, it has benefitted not only the thousands of children who have attended CMU-chartered schools, but also the university itself. Today, CMU's charter schools office exists as a center within the university's College of Education and Human Services. Two notable benefits are:

- Enhancing CMU's reputation. Today, CMU is the nation's foremost leading authorizer, chartering 62 schools that serve nearly 31,000 Michigan students. In building this portfolio, CMU has pioneered new assessments that measure student growth over time, new uses of data that provide targeted feedback to teachers and administrators to improve student performance, new practices to ensure that schools are governed and managed in the best interest of students and parents, and new tools to streamline compliance and allow school leaders to spend more time focusing on their primary mission of educating students.

CMU has today become a national resource for chartering. Other authorizers and policymakers routinely look to CMU for its leadership in this area. CMU charter leaders have been asked to testify before the state legislature and Congress. The College of Education and Human Services has launched an online journal, *The Charter School Resource Journal*,<sup>14</sup> as well as other resources for charter founders.

- Master's in Charter Schools Leadership. Developed in partnership with the Detroit-based Skillman foundation and the National Charter Schools Institute, CMU launched a concentration of Charter Schools Leadership as part of its Master's of Educational Leadership program. Per the program's Web site: "This unique online master's degree program is designed for dedicated educators interested in enhancing their skills and education credentials for charter school leadership. As the number of new charter schools in the U.S. is rapidly rising, leaders with knowledge of the special challenges of charter school administration are needed."<sup>15</sup>

Grand Valley State University (MI). Another pioneering university authorizer, GVSU chartered its first 3 schools in 1995, serving a total of 350 students. In its 21st year as an authorizer, GVSU today charters 71 school buildings, serving over 34,000 students, making it the largest authorizing body in the state. Though the charter schools office exists outside of the university's College of Education, it has fostered partnerships within the College and others divisions of the university. These include:

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<sup>14</sup> <https://www.cmich.edu/colleges/ehs/unit/csrlj/Pages/default.aspx> Note that this initiative is not directly affiliated with CMU's authorizing office, The Governor John Engler Center for Charter Schools.

<sup>15</sup> <http://global.cmich.edu/faculty/academic-programs/charter.aspx>

- EdLabs. Launched in 2015, EdLabs at GVSU is a unique initiative that supports and facilitates research-based inquiry within the portfolio of GVSU’s charter schools. The initiative supports third-party research organizations, GVSU and non-GVSU faculty, and internal charter schools office staff to conduct studies by coordinating access to schools and data, cleaning data, writing, and thought partnership. This initiative provides researchers with access to this robust data warehouse that includes student-level, building-level, district-level, and community-level data of student assessment, health, school operations, school governance, school finance, and more. Findings are considered for their potential to improve oversight and support for GVSU’s charter school students. Current research projects through this initiative are:
  - What is the effect of providing teachers with training on Evidence-Based Literacy Instruction?
  - Are GVSU charter school office visits to the university effective at increasing college motivation and readiness for 11<sup>th</sup> grade students?
  - What is the average tenure of teachers with the GVSU CSO authorized schools? Are there differences by location and by educational management organization?
  - What sort of universities do GVSU authorized charter school teachers attend? Are there differences by locations and educational management organizations?
- MI-School.net. Prior to the launch of the EdLabs initiative, GVSU’s Charter Schools Office had launched a unique partnership in 2009 with the university’s Dorothy Johnson Center for Philanthropy and the Michigan Council of Charter School Authorizers to make data available to stakeholders through reports and mapping. This project, Mi-School.net, integrated charter and traditional school assessment and financial data with community health, crime, and economic data into a single, public website.
- Professional development. GVSU provides numerous professional development opportunities for teachers and administrators in schools that it charters. These are provided at no cost to participants and are funded out of the oversight fee collected by the university. Professional development opportunities include workshops, in-school trainings, and a learning network. Most notably, though, GVSU’s Charter Schools Office was the first in the state to provide financial support to teachers, administrators, and counselors employed at GVSU-chartered schools to attend GVSU’s Master’s of Education and Educational Specialist programs.<sup>1617</sup> This is a significant benefit to those working at GVSU-chartered schools, and also helps drive enrollment within the College of Education.

Ball State University (IN). The Indiana charter school law was passed in 2001, allowing Ball State University (BSU) along with others the ability to authorize charter schools. BSU is currently one of the largest authorizer of charter schools in Indiana and was the first university in Indiana to charter public

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<sup>16</sup> <http://www.gvsu.edu/cso/gvsu-med-program-14.htm>

<sup>17</sup> Central Michigan University also provides similar assistance:

[http://www.thecenterforcharters.org/modules.php?name=Issues&sp\\_id=120](http://www.thecenterforcharters.org/modules.php?name=Issues&sp_id=120)



schools. Without BSU's leadership, along with the Mayor of Indianapolis, the number of charter schools operating statewide would be negligible.<sup>18</sup>

As a division of the university's Teachers College, BSU's Charter Schools Office describes its reasons for authorizing as such: "As a leader in innovation in education and with a strong background in teaching and learning, the university is well positioned to help ensure that charter schools provide high-quality educational experiences for the students they serve."<sup>19</sup>

- Differentiating the University. BSU's decision to charter schools was an intentional decision to enhance the university's overall presence in the state. As an institution without branch campuses, charter schools allowed BSU to connect with areas of the state in a way they could not have otherwise done so.<sup>20</sup>

Also, BSU's status as the first university in Indiana to charter schools matches the university's strategy to "clearly differentiate Ball State University from other four-year universities in Indiana and become recognized as one of the most innovative and attention-worthy undergraduate-focused institutions nationwide."

Further, BSU has chartered many schools in predominately poor, urban communities providing hope and opportunity to parents and communities. Again, this aligns very well with the following values listed under the Values and Statements section of the university's strategic plan. "We accept our individual and institutional responsibilities to improve the economic vitality and quality of life in the greater society we serve. We seek healthy and productive living, social justice, and environmental sustainability for Indiana, the nation, and the global community."<sup>21</sup>

State University of New York (SUNY) Charter Schools Institute (NY). The history of SUNY's involvement in charter schools is unique; however, it showcases how the institution stepped up to meet the legislature's desire to expand the charter sector.

The state's 1998 charter schools law grants the SUNY Board of Trustees authorizing power to grant charters for the purpose of organizing and operating independent charters. The Charter Schools Institute was established in 1999 as a separate entity within the university system to assist the trustees in fulfilling this charge. Per the Institute's Web site, currently, 146 charter schools authorized by SUNY operate or are approved to open across New York State: 127 are located in or around New York City and 19 are located in upstate New York.

- Rising to the challenge. When recalling when SUNY was famously written into the state's charter schools act in exchange for a legislative pay raise, one trustee was quoted as recalling it as: "As Trustees we set a strict policy for ourselves and the staff that our job was to administer the law according to its legislated strictures. We were very careful to not have any other policy goals than the goals of the law [which include a focus on improving student learning and

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<sup>18</sup> CITE 2008 Ball State Strategic Plan Review

<sup>19</sup> Ball State University Office of Charter Schools Brochure. See <http://cms.bsu.edu/-/media/WWW/DepartmentalContent/CharterSchool/PDF/Brochure09.pdf>

<sup>20</sup> Wechtenheiser, K. *Ibid.*

<sup>21</sup> 2008 Ball State Strategic Plan, *Ibid.*

achievement]... We knew that the political community and the legislature would be monitoring us closely.”<sup>22</sup>

From this, SUNY has built the systems, processes, and procedures to become one of the nation’s premier authorizers. It has served as a model to many other universities, including the University of Wisconsin-Milwaukee, which credits SUNY for assistance in developing its systems.<sup>23</sup> It was also the model for Wisconsin’s 2015 legislation expanding charter schools, which is profiled within this document.

University of Wisconsin-Milwaukee (WI). Initially enacted in 1993 to allow districts to authorize charter schools, Wisconsin’s charter schools law was amended in 1998 to allow the University of Wisconsin-Milwaukee to charter schools.<sup>24</sup> Today, the university charters 13 schools.

To execute this law, UW-M established a charter schools office within its College of Education, as well as a six member Charter School Advisory Committee that has representation from all five departments of the College on it. This committee advises in all aspects of the office’s operations. Two other committees that ensure that the university community has input into the process have also been established: the Charter School Application Review Committee and the Charter School Evaluation Committee.<sup>25</sup>

- Furthering to UW-M’s urban mission. The university sees its chartering authority as part of something greater: “The University interprets its responsibility to authorize charter schools as a part of a larger attempt to improve education for children and in this instance, the education of children in the City.”<sup>26</sup> In other words, chartering helps the university further its mission.

The use of charters as a way to further this mission is evident throughout UW-M’s chartering process. When describing what the university is looking for in charter applicants, for example, UW-M specifically looks for applications where “[t]he charter school should be developed to improve the overall education conditions for children who live in the City” and “[the charter school should reflect and be consistent with the UWM-SOE Urban Mission in all respects.”

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<sup>22</sup> As quoted in Wechtenheiser, K. *Ibid*.

<sup>23</sup> University of Wisconsin-Milwaukee Charter Schools Office, Appendix Z.

<sup>24</sup> Wisconsin charter law was subsequently amended to allow UW-M to also authorize schools in counties contiguous to Milwaukee.

<sup>25</sup> University of Wisconsin-Milwaukee Charter Schools Office, Appendix C.

<sup>26</sup> <http://uwm.edu/education/community/charter-schools/application-process/>

## PROFILES OF HOW LAWMAKERS ARE ASKING UNIVERSITIES TO LEAD

As noted earlier, policymakers in several states have been expanding universities authorizing abilities. Common underlying reasons for this are because universities are independent and often isolated from political pressures that others may experience. Universities also have access to experience, resources and partnerships that others do not. They also have access to research capabilities that may lead to innovation and best practices.

More simply put, universities have both the ability and resources to effectively execute the charter strategy.

Three notable states in which more universities have been empowered to serve as authorizers are Wisconsin, Oklahoma, and Indiana.

Wisconsin (Law revised in 2015). When the Wisconsin legislature looked to expand independent charter schools to more areas of the state, policymakers ultimately looked to universities and tribally controlled colleges as the primary vehicles to do so.

Wisconsin's charter law was originally enacted in 1993 and, under the original law, only districts were allowed to authorize schools. In 1998, the law was amended to allow for charters to be established in the City of Milwaukee by the University of Wisconsin-Milwaukee. UW-M began chartering schools in the subsequent year. Subsequently, the Milwaukee Common Council was granted authorizing authority; the University of Wisconsin-Parkside in Racine was granted authorizing authority for the limited purpose of chartering one, small, school for a special purpose; and UW-M's geographic territory was expanded to allow it to authorize schools in counties contiguous to Milwaukee.

Multiple legislative attempts were made to establish a statewide charter schools commission, or an entity that would establish a body that would certify nonprofit organizations to serve as authorizing bodies. For example, Gov. Scott Walker proposed in his 2015-16 biennial budget the creation of a "Charter School Oversight Board, which will oversee the approval of new independent charter school authorizers, with the goal of ensuring accountability, quality and diverse educational options, while preserving local control."<sup>27</sup> None were successful. Instead, during the 2015 budget negotiations, the Legislature chose to:

- Establish an office within the University of Wisconsin system, similar to the Charter Schools Institute at SUNY, to authorize schools in Madison and Milwaukee.
- Remove all caps on UW-Parkside's authorizing ability.
- Empower two, tribally controlled community colleges with limited authorizing authority.
- Allow the county executive of Waukesha County to authorize schools there.

UW is currently in the process of establishing this system-level office. Conversations with UW officials indicate that they are looking to authorize schools that first open in the fall of 2017.

Oklahoma (Law revised in 2015). Enacted in 1999, Oklahoma's charter schools law has provided for multiple entities, including the state's university system, to authorize charter schools. However, state law allowed charters only to be opened in districts with more than 5,000 students in Oklahoma

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<sup>27</sup> Division of Executive Budget and Finance, Department of Administration. *Budget in Brief*. February 2015.

and Tulsa counties and in districts that have schools on the states' school improvement list. Per the National Association of Public Charter Schools, this resulted in allowing charter schools to open in only 21 of the state's 521 districts.<sup>28</sup>

Charter advocates had unsuccessfully tried to establish a statewide charter schools commission to allow for statewide growth. These efforts were unsuccessful.<sup>29</sup> During the 2015 legislative session, however, advocates were successful in enacting charter expansion legislation<sup>30</sup> that empowers the state's higher education system. Key provisions of this new law are:

- Eliminates population restrictions on where new charters can locate.
- Removes enrollment requirements that limited where the Oklahoma State System of Higher Education and community colleges can authorize schools.
- Specifies that any school district may authorize a charter school located within the district (subject to the restrictions regarding virtual education providers).
- Allows the State Board of Education to authorize applications upon appeal from being denied by a local school district.

As with Wisconsin, Oklahoma stakeholders are currently working to implement this new law and create systems and processes to begin to charter schools.

Indiana (Law revised in 2011). Indiana's charter schools law was originally enacted in 2001. As described earlier in this paper, limited active, independent authorizers existed in the early years: Ball State University and the Mayor of Indianapolis. This provided applicants for options both within Indianapolis and throughout the state. Charters were able to grow through these options.

The 2010 elections resulted in a change in the balance of power in the state Legislature. The author of the state's original charter schools law, Rep. Brian Bosma, was elected Speaker of the House. Speaker Bosma sponsored legislation, HB 1002, at the start of the 2011 session to substantially build upon the previous law to facilitate growth of charters. As enacted into law, this bill created a new, independent, authorizing body—the Indiana Charter School Board. It also empowered multiple public and private colleges and universities with the ability to choose to become authorizers. Three high education institutions—Grace College, Trine University, and Calumet College—have since chosen to become authorizers.

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<sup>28</sup> <http://www.publiccharters.org/get-the-facts/law-database/states/OK/>

<sup>29</sup> See the legislative history of Senate Bill 573 of 2013, for example.

<sup>30</sup> See Senate Bill 782 of 2015.

## CROSSWALKING IDAHO’S AUTHORIZING REQUIREMENTS TO BEST PRACTICES

Commitment and capacity are the hallmarks of any good authorizer. Institutions that are willing to put their reputation on the line, choose principle over popularity, and do the right things for the right reasons make the best authorizers. While these characteristics are not isolated to any one type of institution, the record to date suggests that independent entities—including universities and nonprofit boards that have statewide jurisdiction and are not directly part of the K-12 system—tend to be more effective authorizers.

A quality authorizer can serve as a change agent, a market maker, and a force for quality in public education. A strong alignment between those who make the law and those who implement it is essential. Quality authorizing can serve as a quality control check for the charter schools sector and provide lawmakers with the confidence that someone is watching the store and ensuring excellence.

Though specific requirements and how they are executed vary from state to state and authorizer to authorizer, core functions remain the same. This similarity exists because, in essence, each charter school—regardless of where it is located—has a natural life cycle. It begins with an idea, or charter application, and continues throughout the school’s existence. This document provides a crosswalk of essential elements authorizing through this life cycle required under Idaho charter law and regulation to national models and best practices for each area.

Review applications and issue charter contracts. Once a university chooses to become an authorizer, one of the first core activities that it must undertake is reviewing applications and issuing charters. National best practices suggest that charter contracts should be initially issued for five-year terms;<sup>31</sup> however, Idaho limits the ability to do this. Many universities adopt chartering policies to guide in this process (see Appendix X for examples) that specify what elements the university prioritizes. These elements routinely include the articulation of a promising vision, the proposed academy’s educational goals, curriculum, instructional design, assessment and evaluation, a proposed sound plan of operations including personnel, facilities, a business plan, and compliance – and the ability to implement a high-quality school.

Idaho Statutory/Regulatory Requirement	National Model or Best Practice
Petitions submitted to University President or designee. (R 101.01.a)	The president may wish to formally designate another person (i.e., the charter schools office director) to receive petitions. See the model letter from CMU in Appendix A.
State law prescribes required elements of a petition. (33-5205(3))	
State department of education must conduct a sufficiency review on an application prior to its submission. (33-5211(4))	

<sup>31</sup> *Principles and Standards for Quality Charter School Authorizing*. NACSA. 2015 Edition.

<p>Petition must be received by September 1 to begin operating in the upcoming school year. (33-5203(b))</p>	
<p>Must hold a hearing within 75 days of receipt (unless extended by mutual agreement) on the petition. (33-5205(2))</p> <p>Must provide notification to the district in which the school will be located no less than 30 days prior to the hearing.</p> <p>Public must be given an opportunity to participate in the hearing</p> <p>Within 75 days of the hearing, the application must approve, deny, provide a written response with deficiencies.</p>	<p>State law seems to be written for authorizers with boards. See the model boards from UW-M in Appendix B and Bay Mills Community College in Appendix C for examples.</p> <p>Legal research should occur as to whether the university board can delegate final approval to another entity, or if it must ascend to university’s governing board.</p>
<p>Within 75 days of approving a charter application, the charter board and the authorizing body must execute a performance certificate that sets academic and operational expectations, and clarifies roles and responsibilities. (33-5205B(1))</p>	<p>The performance certificate appears substantially similar to many performance frameworks and educational goals established in charter contracts nationally.</p>
<p>Performance certificate executed by the president of the charter school board and the president of the chartering entity’s governing board. (33-5205B(2))</p>	<p>The president may wish to formally designate another person (i.e., the charter schools office director) to receive petitions. See the model letter from CMU in Appendix A.</p>
<p>Petition must be approved by January 1 to begin operating in the upcoming school year. (33-5203(c))</p>	
<p>University cannot approve more than 1 new charter in a school district per year. (33-5205(1)(a))</p>	
<p>Petition may be approved or denied, but cannot be referred to another authorizing body. (R 101.01.b)</p>	
<p>Initial charter term is for a three-year period. (33-5205(6))</p>	

Authorizer may establish reasonable pre-opening conditions. (33-5206(6))	NACSA encourages establishing reasonable conditions. As an example, see material from North Carolina in Appendix D.
Denial by a university authorizer is final (no appeals process). (R 101.01.c)	

Transfer of charters. Unlike some other states, Idaho law contains provisions that specify how a charter school can transfer from one authorizer to another. This continues to be an emerging area of state laws. Charter advocates generally support transfers under the right circumstances, but generally do not want to create opportunities for poor-performing schools to avoid accountability by “authorizer shopping.”

Idaho Statutory/Regulatory Requirement	National Model or Best Practice
Charter and performance certificate may be transferred from one authorizer to another if agreed to by the initial authorizer, the charter board, and the new authorizer. (33-5205A(1))	
Request may be initiated by 1) the charter board, or 2) the initial authorizer. (33-5205A(1))	
If parties fail to reach an agreement, it is appealable to the State Board of Education. (33-5205A(3))	

Oversight responsibilities. A core function of every authorizing body is to oversee the performance of the schools that it charters. Generally, this oversight should be sufficient to ensure that each charter is operating in compliance with statute, rules, and the performance-based terms of the contract. To fulfill these obligations, many research-based and field-tested systems have been developed to provide essential oversight and individualized support of schools. Also, several national and state entities, including NACSA, have developed standards and guidelines to help guide oversight responsibilities.

Idaho Statutory/Regulatory Requirement	National Model or Best Practice
Authorizer responsible for continually monitoring performance and providing oversight for legal compliance.  Authorizer is empowered require or conduct activities to fulfill this requirement. (33-5209C(1))	Portfolio and performance management software, Epicenter, <sup>32</sup> is in use by authorizers in 12 states and the District of Columbia to oversee more than 1,200 charter schools. It would automate most mandated requirements. See information later in this document.
Authorizer responsible for ensuring that each school it charters meets the terms of its charter	

<sup>32</sup> Epicenter is a product of the National Charter Schools Institute.

and the general education laws of the state. (33-5210(1))	
Authorizer must annually publish a report on the performance of each charter it oversees. (33-5209C(2))	
Authorizer must provide notice to DOE if it believes a school will not remain fiscally sound during the duration of its charter term. (33-5209C(3))	
If the authorizer believes a law has been broken, it must provide notice to the charter school and the entity responsible for enforcing that law. (33-5209C(4))	

Reauthorizing or closing schools. Reauthorization is a significant point for authorizers and schools. Reauthorization means the charter contract will soon expire and a determination must be made if the academy has achieved the goals established in its contract. Three core questions guide the charter reauthorization process:

- Is the school’s academic program successful?
- Is the school’s organization viable?
- Is the school demonstrating good faith in following the terms of its charter and applicable law?

Data and information used to answer these three core questions is continuously collected and evaluated through an authorizer’s oversight operations over the life of the charter contract. This information guides reauthorization decisions.

One way academy performance is differentiated is through the length of the charter contract. Charter schools that exceed their performance-based goals are generally reauthorized for longer periods of time, such as a seven-year period. Schools that meet their goals are generally reauthorized for a base amount of time, such as five years. Schools that have not met all their goals, but are demonstrating solid progress may be reauthorized for three years. Schools not delivering, but that are committed to turning around, are generally issued a one-year probationary contract. Schools that are unwilling or unable to deliver results are closed.



Idaho Statutory/Regulatory Requirement	National Model or Best Practice
Charters and performance certificates may be renewed (or not renewed). Authorizer must provide a report to the charter board and the SBE on this action within 14 days of its occurrence. (33-5209C)	Multiple tools for guiding charters through the reauthorization process exist. See CMU's 2016 reauthorization checklist, for example <sup>33</sup> .
Charters may be revoked or not renewed subject to applicable law. (33-5209C(5) et seq.)	A process for this is established in state law.
Authorizers must develop a process for school closure and dissolution to ensure a smooth transfer for students and parents. (33-5212)	Many states have developed wind-up and dissolution processes to ensure an orderly transfer. See Michigan's and New York's, for example, in Appendix [X].

**TOOLS TO STREAMLINE THE OVERSIGHT PROCESS**

Several systems, processes, and procedures have been developed to oversee and support the authorizing process over the last 25 years. These include the development of principles and standards from state and national authorizing organizations, including NACSA. It also includes the development of portfolio- and performance-management software, such as Epicenter.

Epicenter is a product of the National Charter Schools Institute that is currently in use by authorizers in 12 states and the District of Columbia to oversee the performance of more than 1,200 charter schools. Epicenter streamlines and automates many core compliance functions so they become routine, freeing authorizers and school leaders up to spend more time on their core mission. It maintains all documents in one searchable location that is accessible, viewable, and shareable to all stakeholders. It automates transparency and reporting requirements, and also helps prepare for board meetings.

Most importantly, though, Epicenter has the ability to collect and report information on school performance. Epicenter imports data from submissions to provide key measures of a school's — or a portfolio of schools' — academic and financial performance. It also shows key information at a glance about the students you serve.

These tools, and others, have helped transform authorizing, especially for university authorizers. Utilizing them drives down time needed on core authorizing functions and allows them to focus on other items core to the university's mission, such as those described in this paper.

<sup>33</sup> [http://www.thecenterforcharters.org/modules.php?name=Documents&op=viewlive&sp\\_id=1068](http://www.thecenterforcharters.org/modules.php?name=Documents&op=viewlive&sp_id=1068)

## RESOURCES AND CONTACTS AVAILABLE TO ASSIST

### National Resources

- National Charter Schools Institute. [www.charterinstitute.org](http://www.charterinstitute.org)
- National Association of Charter School Authorizers. [www.qualitycharters.org](http://www.qualitycharters.org)
- National Association of Public Charter Schools. [www.publiccharters.org](http://www.publiccharters.org)
- National Charter Schools Research Center. [www.charterschoolcenter.org](http://www.charterschoolcenter.org)

### State-Based Authorizing Associations

- Michigan Council of Charter School Authorizers. [www.mccsa.us](http://www.mccsa.us)
- Ohio Association of Charter School Authorizers. [www.oacsa.org](http://www.oacsa.org)
- Florida Association of Charter School Authorizers. <http://www.floridacharterauthorizers.org/>

### Individual University Authorizers

- The Governor John Engler Center for Charter Schools at Central Michigan University
- Grand Valley State University Charter Schools Office

## ABOUT THE NATIONAL CHARTER SCHOOLS INSTITUTE

The National Charter Schools Institute's mission is to transform public education and power performance, productivity and accountability breakthroughs that help people win for kids. Our team is made up of passionate professionals who are committed to excellence and known for their integrity. We envision a day when all students will have access to a diverse marketplace of exceptional schools where they can learn, grow and prepare for success in college, work and life.

The Institute is governed by a nine member board of directors and is led by its President and CEO, James N. Goenner, Ph.D. Jim is highly respected in the education reform community and was inducted into the National Charter Schools Hall of Fame in 2010. Under his leadership, the Institute is focused on winning hearts and minds, influencing policy and practice and delivering great programs, tools and services designed to power breakthrough, rather than incremental improvements.

We see the charter schools movement as a way to expand choice and competition and drive the transformation of public education into a more market-based system of schools. We believe this emerging educational marketplace needs transparent and trustworthy academic, fiscal and operational performance measures that parents can use to make informed decisions, and the public can use to ensure accountability.

The Institute was founded in 1995 as the Michigan Resource Center for Charter Schools by former Michigan Governor John Engler and Central Michigan University. Its original mission was to support and guide the implementation of Michigan's newly adopted charter schools law. Based on its impact and the need for its services nationally, the United States Congress provided \$1 million in 2001 for the Institute to legally separate from the University and expand its scope of services. The Institute is a Michigan non-profit corporation with federally recognized 501(c)(3) status.