

# INDEPENDENT CHARTERING BOARD AUTHORIZERS

## WHY AUTHORIZING MATTERS

Good charter school policy must be part of the solution to address our public education system's greatest problem: too many children lack access to a transformative education. Getting authorizing policy right is critical because good authorizing has the power to transform the lives of not just a few children, but millions.

When done well, authorizing is a catalyst for charter school quality and growth. Unfortunately, the quality of charter laws and authorizing institutions varies across the country, leading to uneven charter availability and quality.

NACSA's policy resources provide information that helps stakeholders understand common authorizing issues and increase the number of high-quality schools available to their students.

## THE ISSUE IN BRIEF

Quality authorizing is the backbone of successful charter schools. Good authorizers—those with strong portfolios of charter schools—are creating better educational opportunities for students across the country.

While the quality of authorizing is more important than the quantity, the number of authorizers in a given jurisdiction or state matters: experience shows that the presence of multiple authorizers can strengthen a state's charter school sector. While NACSA strongly recommends the presence of multiple authorizers, an authorizing structure only works if it creates a quality chartering ecosystem that produces more good schools for children.

Independent Chartering Boards (ICBs)—sometimes known as state charter commissions or statewide alternate authorizers—operate as statewide authorizers. They are vital to quality state charter systems, and provide the expertise, scale, and capacity critical to quality authorizing.

## NACSA RECOMMENDS

NACSA recommends that states:

1. Create an Independent Chartering Board (ICB) that serves the entire state;
2. Ensure a transparent ICB appointment process, focused on naming high-quality board members;
3. Articulate a clear mission for the ICB that includes principles and standards;

4. Build in sufficient start-up resources and operating support;
5. Empower the ICB to serve as a best-practice model for other authorizers and coordinate best practices across the state.
6. Ensure that the ICB serves as the state's chartering agency.

## OVERVIEW: ICB AUTHORIZERS

Independent Chartering Boards—also known as state charter commissions or statewide alternate authorizers—operate as statewide authorizers. Though an ICB may be connected to the state department of education, it is distinct from the department. ICBs are not school districts, universities, or nonprofit organizations, which are other forms of alternative authorizers. ICBs can operate alongside other authorizers, and currently, 18 states have ICBs.

### *The value of Independent Chartering Board authorizers*

- **ICBs provide expertise, scale, and capacity.** There are many small authorizers across the country, including many school districts, which authorize only a few schools. As a result, they often lack the expertise and capacity to evaluate proposals well or to adequately oversee their schools.
- **ICBs ensure that charter schools have access to at least one high-quality authorizer.** School districts, universities, nonprofit organizations, and state education agencies serve a variety of functions. They may have conflicts of interest that prevent them from fairly or adequately performing their functions as authorizers.
- **ICBs ensure that at least one independent entity exists whose sole function is authorizing schools.** In some states, having only one type of authorizer can be too limiting, but having too many authorizers undercuts quality. A mix, with a small number of authorizers in any single place, including one independent statewide authorizer, can promote high-quality growth in the charter school sector.

### *Potential pitfalls of ICB authorizers, if good policies are not in place*

- **Community buy-in may be limited.** ICBs can have real or perceived distance from the communities their schools serve. This is especially true if the demographics of the ICB's board and staff don't reflect the community's demographics.
- **There may be a loss of local control.** Appointed board members may be perceived as less accountable to voters than elected officials. In areas where local control is especially valued, it may be difficult to justify the benefits of an ICB. This may also be the case if the state's constitution requires local control.

### **Key factors in developing ICBs**

1. **Create a transparent, high-quality ICB appointment process for board members, focused on naming a truly independent and representative board that includes:**
  - Above all, appointing a board that can fairly and effectively oversee the charter authorizing process. If officials become too focused on appointing pro-charter (or in some cases, anti-charter) members, they risk the quality of the ICB’s charter school portfolio
  - Ensuring that the board broadly represents the diversity of the state and school population—in terms of race and geography, among other factors.
  - Having one or more appointers, e.g. legislative and executive, who will appoint board members committed to serving independent of political or other interests.
  - Providing equitable representation from both political parties.
  - Staggering the appointment process, so turnover happens gradually.
  - Creating three- to four-year terms of service and setting reasonable term limits.
  - Codifying qualifications for board members: expertise in public education and charter schools, management, governance, finance, evaluation, etc.
2. **Ensure that ICBs have a clear mission of high-quality charter school authorizing and incorporate principles and standards, such as NACSA’s Principles & Standards for Quality Charter School Authorizing, directly in their work.** An ICB must also have tools to be effective, such as the power and authority to hold schools accountable for their performance, which includes closing schools that are not meeting performance standards.
3. **Provide ICBs with sufficient start-up—preferably five years of funding and resources—and operating support to establish themselves as effective authorizers.** The initial focus of ICBs should be on developing policies and practices. This ensures that ICBs have high-quality staff, contracting, and oversight processes in place by the time they begin authorizing schools.
4. **Create ICBs that can operate at scale, with the staff, resources, and support they need to serve a significant number of schools.**
5. **Design the ICB to serve as a model for other authorizers, exemplifying best practices and serving as convener and coordinator.**
6. **The ICB should serve as the state’s chartering agency.** When charter schools first emerged, State Education Agencies (SEAs) were often charged with serving as authorizers, together with local school

boards. Like local school boards, however, SEA authorizers face conflicts and competing demands. By establishing ICBs, policymakers can ensure that the statewide authorizing function is kept independent.

## CONCLUSION

NACSA strongly recommends that every state create an Independent Chartering Board as part of a quality state charter system. Lessons from existing, successful ICB authorizers can be applied at the policy and implementation level to create the best foundation for success.

For more information on Independent Chartering Boards and authorizing practices, visit the National Association of Charter School Authorizers: [www.qualitycharters.org](http://www.qualitycharters.org).

NACSA develops quality authorizing environments that lead to a greater number of quality charter schools.

Learn more about NACSA at [www.qualitycharters.org](http://www.qualitycharters.org).

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