

# **An Analysis of Charter School Authorization**

PREPARED FOR:

**University of Alaska Anchorage**

October 2020

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The University of Alaska Anchorage contracted with McDowell Group to conduct an analysis of state education agency (SEA) and university authorizers, including how they work and what practices lead to successful charter schools. Authorizers are an often unseen, but essential force behind charter schools. While local school districts are by far the most common type of authorizer, charter school advocates view SEAs and universities as important options for overseeing these alternative schools.<sup>1</sup> Following are key findings.

- Among the charter school systems examined in this study, several stand out for their schools' academic performance:
  - **Massachusetts Department of Education**
    - Each year spent at a charter middle school in Boston boosted Massachusetts Comprehensive Assessment System (MCAS) scores by about a fifth of a standard deviation in language arts and more than a third of a standard deviation in math.
    - Charter high school students made equally large gains on test scores.
    - Charter school students scored higher than their traditional public school counterparts on the Scholastic Assessment Test (SAT), especially in math; had higher pass rates on the high school-graduation exam; and were more likely to qualify for a state-sponsored college scholarship.
  - **New York City Charter Schools**
    - In 2017, New York City (NYC) charter school students received an additional 63 days of learning in math and 23 additional days of learning in reading, compared to their peers in traditional public schools.
    - In 2018-19, charter school students had math proficiency rates of 63.2%, compared to 45.6% for district students, and English proficiency rates of 57.3%, compared to 47.4% for district students.
  - **New Orleans Charter Schools**
    - New Orleans students, who were predominantly in charter schools, gained about 65 days of learning in math in the 2014-15 school year and 42 days in 2016-17 over students in other parts of the state.
    - New Orleans students gained an additional 65 days in reading in 2014-15; 47 days in 2015-16, and 36 days in 2016-17, compared to students in the rest of the state.
- Successful charter school systems share the following practices:

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<sup>1</sup> National Association of Charter School Authorizers. "Authorizer Demographics." Accessed July 6, 2020. <https://www.qualitycharters.org/authorizing-by-the-numbers/authorizer-demographics/>.

- **A rigorous charter application and renewal process.**
  - **Consistent and ongoing measures of academic performance and growth.**
  - **Transparency in academic assessments and reporting.**
  - **A focus on best authorizing practices.**
- Other factors that authorizers noted as critical to academic success include:
    - **A strong state charter school law** that enshrines accountability in state statute.
    - **Funding that does not rely on charter school fees** so authorizers do not keep underperforming schools open to protect their income source.
    - **A five-year renewal process** so problems within schools do not linger.
    - **No allowance of “charter shopping,”** in which poorly performing schools may seek another authorizer after losing a charter.
- Each of the three successful charter school systems examined in this study involve state education agencies (SEAs) as authorizers (although not exclusively in the case of New York City and New Orleans). Some advantages of SEAs as authorizers include:
    - **Access to data:** State agencies already collect school test results, making it easier to monitor charter school performance.
    - **Statewide standards and accountability:** SEAs can create consistent standards across the state and provide oversight to help deal with struggling charter schools; they can provide a system of oversight and support for local school districts that serve as charter school authorizers.
    - **Economy of scale:** SEAs tend to be more efficient and effective than local school districts because of better staffing and more resources.
    - **Existing infrastructure:** Expanding a state agency’s previous responsibilities removes the need to create a whole new authorizing agency.

The University of Alaska Anchorage (UAA) contracted with McDowell Group to conduct an analysis of state education agencies (SEAs) and universities as authorizers of charter schools, with a focus on what authorizing practices contribute to academic achievement. This report examines the advantages and drawbacks of university and SEA authorizing, as well as academic outcomes of charter school students and factors contributing to their success. McDowell Group reviewed state laws, authorizing policy, and best practices, documenting approaches taken in other states, including Arizona, Louisiana, Massachusetts, Minnesota, Michigan, and New York.

## Methodology

Research for this report was conducted via a literature review and executive interviews. The literature review included peer-reviewed academic articles, state statutes, and relevant writings by charter schools, university authorizers, and related organizations. Interviews involved 15 administrators in university-authorizing offices, university-authorized charter schools, or state offices that authorize or oversee authorizers.

## Definitions

Several terms are used throughout this analysis, including:

**Authorizer** – (also known in some states as a “sponsor”) an entity approved by a state legislature to bring charter schools into existence. The authorizer reviews and holds schools accountable for their performance and renews their charters if they meet certain criteria.

**Charter** – a contract that provides a set of rules and performance standards to which a charter school is held accountable. The charter allows the school to remain in operation when those standards are met.

**Charter school** – a publicly funded school that operates independently of school districts through contracts with a local or state authority.

**Higher Education Institution (HEI)** – postsecondary education institutions; colleges and universities.

**Local Education Agency (LEA)** – a public board of education or other public authority within a state that oversees education policy and has administrative control over public elementary or secondary schools.

**State Education Agency (SEA)** – a state board of education or other public agency responsible for overseeing public schools.

**Traditional Public Schools (TPS)** – public schools governed by school districts under the oversight of a state board of education.

## History of Charter Schools

Charter schools took off in the United States in the 1990s as part of the “choice movement” in American education. These schools were created in an effort to provide an innovative, tuition-free alternative to traditional public schools. Charter schools receive public funding but operate independently of the local school district, allowing teachers more freedom in designing curricula and classrooms. These alternative schools are required to meet the academic, financial, and operational standards laid out in their charters, which are contracts established by the authorizing body. The authorizer may be a school district, state education agency, independent chartering board, college or university, mayor, municipality, a nonprofit organization, or a for-profit company, depending on state law.

Minnesota adopted the first charter school law in the country in 1991, followed by California in 1992.<sup>2</sup> The charter school movement rapidly spread across the country and by fall of 1999, 1,682 charter schools, serving almost 300,000 students, were open in 33 states.<sup>3</sup> Today 44 states, as well as the District of Columbia, Puerto Rico, and Guam, have laws allowing the creation of charter schools. The nation’s approximately 7,500 charter schools serve about 3.3 million students and are staffed by about 219,000 teachers.<sup>4</sup>

Charter schools have triggered considerable debate in education circles, inspiring ardent supporters and fierce critics. Advocates say charter schools provide parental choice, smaller class sizes, innovative educational practices, the ability to specialize teaching approaches, diverse student bodies, and greater accountability. Critics say that charter schools siphon funding and resources from traditional public schools, inadequately serve children with special needs, promote racial and economic segregation, and provide less accountability.

### In Alaska

Charter schools were introduced to Alaska in 1995, when the Alaska State Legislature passed the Charter School Act. The law was amended in 2001, raising the cap on the number of charter schools from 30 to 60, increasing the maximum length of charter to 10 years, and dropping previous geographic restrictions. In 2010, the Legislature removed the cap on the number of charter schools altogether, and four years later, lawmakers passed a comprehensive education bill that removed some of the barriers for new charter schools.<sup>5</sup> Alaska had 29 charter schools, with about 7,000 students, during the 2017-18 school year.<sup>6</sup>

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<sup>2</sup> Vergari, Sandra. "The politics of charter schools." *Educational Policy* 21, no. 1 (2007): 15-39.

<sup>3</sup> Bettinger, Eric P. "The effect of charter schools on charter students and public schools." *Economics of Education Review* 24, no. 2 (2005): 133-147.

<sup>4</sup> National Alliance for Public Charter Schools, "Data Dashboard," accessed July 1, 2020. <https://data.publiccharters.org/>.

<sup>5</sup> Alaska Department of Education & Early Development website, "Questions and Answers about Charter Schools." Accessed June 29, 2020. [https://education.alaska.gov/alaskan\\_schools/charter](https://education.alaska.gov/alaskan_schools/charter).

<sup>6</sup> National Charter School Resource Center. "Alaska Charter Schools." Accessed July 2, 2020. <https://charterschoolcenter.ed.gov/category/states/alaska>.

## Authorizer’s Role

The authorizer’s job is not to run charters schools on a daily basis but to hold them accountable and ensure they meet charter guidelines and academic standards.

The authorizer has four primary tasks:

1. Review and approve or deny applications for new charter schools.
2. Establish a charter, or contract, under which each school will operate. Set academic expectations.
3. Oversee the charter school for performance and compliance.
4. Decide whether to renew or revoke the school’s charter.

The temptation to overstep the authorizer’s role may especially occur when a charter school is struggling.<sup>7</sup> Authorizers may, however, work with a school to show how to come into compliance.

**Table 1. Charter School Authorizer’s Primary Functions**

Responsibility	Description	Components
<b>Review Applications</b>	Solicit and review applications	<b>Applications usually include:</b> <ul style="list-style-type: none"> <li>• Proposed mission</li> <li>• Educational goals</li> <li>• Financial plans</li> <li>• Structure of governing board</li> </ul>
<b>Establish Charter</b>	Upon approval of applications, authorizer drafts a contract with the charter school	<b>Charters usually include:</b> <ul style="list-style-type: none"> <li>• Length of charter term, usually not more than 5 years</li> <li>• Academic goals</li> <li>• Financial goals</li> <li>• Reporting requirements</li> <li>• Governing board’s bylaws</li> </ul>
<b>Oversee Performance &amp; Compliance</b>	Review school’s compliance; if noncompliance occurs, work with the school to resolve problems	<b>Monitoring includes:</b> <ul style="list-style-type: none"> <li>• Enrollment trends</li> <li>• Compliance with state and federal regulations</li> <li>• Financial planning</li> </ul>
<b>Renew or Revoke Charter</b>	Determine whether to renew the charter, usually at the end of the contract period	<b>Reasons for closure include:</b> <ul style="list-style-type: none"> <li>• Low academic performance</li> <li>• Financial problems</li> <li>• Lack of regulatory compliance</li> </ul>

Source: National Conference of State Legislators

<sup>7</sup> National Association of Charter School Authorizers. “Policy Creating Higher Education Institution Authorizers.” Accessed June 26, 2020. [https://www.qualitycharters.org/wp-content/uploads/2015/08/PolicyBrief\\_Creating HigherEducationInsitutionAuthorizers.pdf](https://www.qualitycharters.org/wp-content/uploads/2015/08/PolicyBrief_Creating HigherEducationInsitutionAuthorizers.pdf).

## State Education Agencies as Authorizers

State agencies began authorizing charter schools in 1991, although most SEAs entered the authorizing business in the late 1990s.<sup>8</sup> Today state laws in 19 states allow SEAs to authorize and 15 of those actively authorize charter schools. Some of these SEAs are the sole authorizer in the state.<sup>9</sup> Most SEAs authorize more than 20 schools.

Sometimes a state agency will serve as an appeals board and may choose to authorize a charter school whose application has been rejected by another type of authorizer. Some states have a two-step authorizing process in which a charter school application must first be approved by an authorizer, often a school district, and then granted final approval by the SEA.

### Advantages and Drawbacks

State agencies have some advantages over other types of authorizers:

- **Existing infrastructure:** Creating authorizing offices within existing SEAs removes the need to create a new agency for authorizing; instead, overseeing charter schools may simply expand a state agency's previous responsibilities.<sup>10</sup>
- **Access to data:** State agencies typically already collect school test results, making it easier for them to monitor a charter school's academic performance.
- **Statewide standards and accountability:** SEAs can provide an authorizing option with uniform standards statewide, as well as a system of accountability for local school districts. Some charter school analyses have found that local school districts do not make ideal authorizers because they lack the infrastructure and resources to handle the job.<sup>11</sup> A state agency can provide the oversight and staff to districts dealing with struggling schools.
- **Economy of scale:** Most SEA authorizers sponsor more than 20 schools.<sup>12</sup> As interviewees in this study noted, authorizers with more schools in their portfolio tend to be more effective and efficient due to an economy of scale that allows for better staffing and more resources. Larger authorizers are more likely to close poorly performing charter schools because their funding is less affected by a school closure.
- **Legitimacy:** SEAs may have additional legitimacy due to their established role overseeing education.<sup>13</sup>

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<sup>8</sup> Palmer, Louann Bierlein, and Rebecca Gau. "Charter school authorizing: Policy implications from a national study." *Phi Delta Kappan* 86, no. 5 (2005): 352-357.

<sup>9</sup> National Association of Charter School Authorizers. "State Board of Education Authorizers." Accessed Aug. 5, 2020. <https://www.qualitycharters.org/state-policy/multiple-authorizers/state-board-of-education-authorizers/>.

<sup>10</sup> Ibid.

<sup>11</sup> Bulkley, Katrina. "Educational performance and charter school authorizers: The accountability bind." *Education Policy Analysis Archives* 9, no. 37 (2001); Mumma, Kirsten Slungaard, and Martin R. West. "Charter School Authorizing in California. Technical Report. Getting Down to Facts II." *Policy Analysis for California Education, PACE* (2018).

<sup>12</sup> National Association of Charter School Authorizers. "State Board of Education Authorizers." Accessed Aug. 5, 2020. <https://www.qualitycharters.org/state-policy/multiple-authorizers/state-board-of-education-authorizers/>.

<sup>13</sup> Ibid.

- **Regulatory authority:** They may have the authority to create or change regulations under the state's charter law.
- **Political distance:** Some SEAs may be more removed from local politics than a school district.

SEAs also face unique challenges as authorizers. Below are some of the drawbacks:

- **Loss of local control:** SEAs may be seen as taking away local control, and board members may be viewed as less accountable to voters than elected officials.
- **More bureaucratic:** They may have a mindset that focuses more on regulatory compliance than performance-based accountability or innovation. They may be reluctant to give charter schools the autonomy that many charter school advocates see as central to this type of school.
- **Politically vulnerable:** Some SEAs may face political pressure, especially if agency leadership changes with each election cycle or if the SEA is a state board whose members are elected.<sup>14</sup>
- **Potential for inadequate funding:** An SEA may lack sufficient staff to handle authorizing responsibilities, especially if SEA funding is tied to federal programs, as it is in some states.

According to one study, about half of the SEA respondents participating in the analysis received funding from their state agency's operating budget and 33% obtained funding from state or federal grants.<sup>15</sup> Compared to other authorizer types, SEAs received the most charter school applications and were the least likely to approve an application, with an overall approval rate of 50%. They also were more likely than other types of authorizers to revoke a charter before the completion of a renewal cycle. The study also found SEAs:

- Were very fair during the application process.
- Maintained strong oversight of charters schools.
- Based application and renewal processes on data.
- Had better staff capacity than other authorizer types.
- Sometimes did not go out on site as much as other authorizers.
- Did not put a strong emphasis on parent and community focus.
- Did not have control over their budgets.

Another study of authorization policies noted that SEAs typically use more comprehensive and advanced analytics for tracking student achievement.<sup>16</sup> They often have more extensive resources and are better able to support charter schools with existing structures. SEAs may, however, be limited when a state is undergoing difficult financial times, during which they may lack sufficient staffing to make quality authorizing a priority.

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<sup>14</sup> Palmer, Louann Bierlein, and Rebecca Gau. "Charter school authorizing: Policy implications from a national study." *Phi Delta Kappan* 86, no. 5 (2005): 352-357.

<sup>15</sup> Gau, Rebecca. "Trends in Charter School Authorizing." Thomas B. Fordham Foundation & Institute (2006), 17-18.

<sup>16</sup>

## Universities as Authorizers

In 1994, Central Michigan University became the first university in the country to authorize charter schools.<sup>17</sup> Michigan Gov. John Engler championed the idea because he believed public school superintendents were too protective of the status quo and charter schools needed to be outside the traditional system to succeed, making universities – rather than school districts – ideal authorizers.<sup>18</sup>

Seventeen states now allow colleges and universities to authorize charter schools, although higher education institutions (HEIs) in only 12 of those states have chosen to do so, as of 2018.<sup>19</sup> In Michigan, Minnesota, New York, and Indiana, universities are some of the largest authorizers in their states.<sup>20</sup> Although results are mixed, universities have been some of the most innovative and effective authorizers in the country.<sup>21</sup>

As of the 2017-18 school year, 45 U.S. universities were charter school authorizers, composing 5% of all types of authorizers in the United States.<sup>22</sup> The number of university authorizers has declined somewhat, from 49 to 45 from school year 2010-11 to school year 2017-18, while the number of school districts, the most prevalent type of authorizer, has increased from 857 to 895 during the same period. Between school years 2020-2011 and 2017-2011, the number of charter school authorizers averaged about 1,000, with 4.5% authorized by an HEI.

**Table 2. Number of Charter School Authorizers by Type, by School Year**

Authorizer Type	2010-2011	2011-2012	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018
Higher Education Institution	49	46	43	47	45	47	42	45
Independent Chartering Board	8	10	14	15	17	18	18	20
School District	857	859	882	944	950	909	909	895
Noneducational Government Entity	2	2	3	3	3	3	3	3
Nonprofit Organization	20	20	19	19	17	18	17	17
State Education Agency*	19	20	18	18	18	20	18	19
<b>Total</b>	<b>955</b>	<b>957</b>	<b>979</b>	<b>1,046</b>	<b>1,050</b>	<b>1,015</b>	<b>1,007</b>	<b>999</b>

Source: National Association of Charter School Authorizers  
\* Not all of these agencies actively authorize charter schools.

<sup>17</sup> CMU The Governor John Engler Center for Charter Schools website. Accessed July 17, 2020. <https://www.thecenterforcharters.org/>.

<sup>18</sup> Ryan, Terry, Idaho Charter School Network. Sept. 21, 2018. *Collaborators: How Universities and Colleges Work With Public Charter Schools in America*. IdEdNew.org. <https://www.idahoednews.org/voices/collaborators-how-universities-and-colleges-work-with-public-charter-schools/>.

<sup>19</sup> National Association of Charter School Authorizers, "Higher Education Institution Authorizers," accessed June 25, 2020. <https://www.qualitycharters.org/state-policy/multiple-authorizers/higher-education-institution-authorizers/>.

<sup>20</sup> Ryan, Terry, Idaho Charter School Network. Sept. 21, 2018. "Collaborators: How Universities and Colleges Work With Public Charter Schools in America." IdEdNew.org. <https://www.idahoednews.org/voices/collaborators-how-universities-and-colleges-work-with-public-charter-schools/>.

<sup>21</sup> National Association of Charter School Authorizers, "Higher Education Institution Authorizers." Accessed June 25, 2020. <https://www.qualitycharters.org/state-policy/multiple-authorizers/higher-education-institution-authorizers/>; Ryan, Terry, Idaho Charter School Network. Sept. 21, 2018. "Collaborators: How Universities and Colleges Work with Public Charter Schools in America." IdEdNew.org. <https://www.idahoednews.org/voices/collaborators-how-universities-and-colleges-work-with-public-charter-schools/>.

<sup>22</sup> National Association of Charter School Authorizers. "Authorizer Demographics." Accessed July 6, 2020. <https://www.qualitycharters.org/authorizing-by-the-numbers/authorizer-demographics/>.

## Goals and Purpose

Universities take on charter school authorization with a variety of purposes:<sup>23</sup>

- To pursue innovation in education
- To provide opportunities to low-income or minority students
- To pave the way for more students to attend college
- To ensure college preparatory programs are adequate
- To foster specialized programs with a focus on science, the arts, or other subjects
- To increase educational choices and provide quality alternatives for a community
- To create professional opportunities that would attract new teachers to the public-school system

A 2004 study that examined why Indiana universities chose or did not choose to move into charter school authorization found that alignment with a university's mission was a key consideration in administrators' decisions.<sup>24</sup> Universities that focus on research often chose not to pursue charter school authorization, whereas Ball State University, which already had a mission of "being a laboratory of innovative public education," became an authorizer.

Some universities develop programs to foster excellence in education in a particular field. Many, such as the University of Texas Tyler (UT Tyler), focus on science, technology, engineering, and mathematics (STEM).<sup>25</sup> The UT Tyler University Academy's mission is to prepare students for a STEM major at a university, meaning they have completed calculus in high school or are calculus-ready upon graduation.

Some universities authorized charter schools to provide opportunities for disadvantaged students. For example, the University of California at San Diego opened the Preuss School in 1999 to prepare minority students for college.<sup>26</sup>

Authors of a 2013 study argue that university authorizers are a possible avenue for increasing student body diversity in charter schools because universities are "a group of sponsors that would appear to be especially concerned with educational opportunity given their faculties' traditional concern with issues of social justice."<sup>27</sup> The researchers state, "Indeed, the role the authorizer has with regard to reviewing and accepting applications gives the authorizer power to shape the charter school movement."<sup>28</sup> Their study, however, found that only a handful of the 33 university authorizer policies reviewed included language about diversity: University of Wisconsin-Milwaukee, the State University of New York, Ball State University, Florida Atlantic University, and university sponsors in Michigan.

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<sup>23</sup> The University of Texas System Office of General Counsel Webinar Series, June 7, 2016, University-Affiliated Charter Schools in Texas: Opportunities, Challenges and Legal Issues, <https://www.utsystem.edu/sites/default/files/offices/systemwide-compliance/swca/materials/ogc-presentation-university-affiliated-charter-schools-june-7-2016.pdf>.

<sup>24</sup> Plucker, Jonathan A., Ada B. Simmons, Suzanne E. Eckes, Kelly E. Rapp, Sarah A. Benton, and Jeffrey Nowak. "University Sponsorship of Charter Schools in Indiana." Center for Evaluation and Education Policy, Indiana University (2004).

<sup>25</sup> UT Tyler University Academy. Accessed July 8, 2020. <https://academy.uttyler.edu/about/>.

<sup>26</sup> Ryan, Terry, Idaho Charter School Network. Sept. 21, 2018. "Collaborators: How Universities and Colleges Work With Public Charter Schools in America." IdEdNew.org. <https://www.idahoednews.org/voices/collaborators-how-universities-and-colleges-work-with-public-charter-schools/>.

<sup>27</sup> Eckes, Suzanne E., and Jonathan A. Plucker. "Segregation in charter schools: The important role of university-based authorizers." *Education and Urban Society* 45, no. 5 (2013): 589-608.

<sup>28</sup> Ibid.

## Advantages and Drawbacks

Some view universities as a good fit for charter school authorization because they already have a focus on education. Universities can provide a number of benefits as charter school authorizers, including the following:<sup>29</sup>

- They can offer an alternative when other entities, such as school districts or state agencies, are unwilling or unable to authorize charter schools.
- They may have goals that are aligned with high-quality authorizing, such as increasing the number of underrepresented students attend college.
- They are often respected organizations that can help charter schools garner community support.

University authorizers also face a number of pitfalls:<sup>30</sup>

- They may have limited structures for public oversight and, therefore, limited accountability in performing their duties.
- Faculty may be so focused on research or teacher preparation that they are not dedicated to quality authorization. This problem can be addressed by establishing an independent office that focuses on charter school administration.
- Legislation allowing universities to become authorizers may create a situation in which a state has too many authorizers, which often leads to wide variations in standards and poor achievement.
- Authorization may jeopardize a university's relationship with the local school board and traditional public-school system if board and faculty members perceive charter schools as a threat to their resources. For example, in Michigan, some school districts refused to accept a university's student teachers if that institution sponsored a charter school.<sup>31</sup>

A study compared university authorizers to other types and noted the following:<sup>32</sup>

- One-third of HEI authorizers obtain all their funding from state appropriations.
- They are more likely than other types of authorizers to charge charter school fees. On average, about half of their funding comes from such fees.
- They are less likely than other types of authorizers to revoke a charter before renewal.

The study's author noted some contradictions in university authorizers: "On one hand, they are free from the fiscal constraints that bind other types of authorizers, yet many operate under state caps that restrict their freedom. They have access to data from their schools, but don't appear to use it well. Despite their greatest strength — fiscal autonomy — their chartering offices do not tap into any additional human resource help their universities offer."<sup>33</sup>

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<sup>29</sup> National Association of Charter School Authorizers. "Policy Brief: Creating Higher Education Institution Authorizers" (August 2015).

<sup>30</sup> National Association of Charter School Authorizers. "Policy Brief: Creating Higher Education Institution Authorizers" (August 2015).

<sup>31</sup> Plucker, Jonathan A., Ada B. Simmons, Suzanne E. Eckes, Kelly E. Rapp, Sarah A. Benton, and Jeffrey Nowak. "University Sponsorship of Charter Schools in Indiana." Center for Evaluation and Education Policy, Indiana University (2004).

<sup>32</sup> Gau, Rebecca. "Trends in Charter School Authorizing." Thomas B. Fordham Foundation & Institute (2006), 20-21.

<sup>33</sup> Ibid.

NACSA states that some of the strongest authorizers in the country have been colleges and universities,<sup>34</sup> but some smaller institutions have focused more on compliance, rather than academic achievement, and some postsecondary institutions have been slow to close schools that are underperforming.<sup>35</sup> A 2001 study noted a lag of rigor in the charter renewal process of some universities.<sup>36</sup> For example, in 1999, a university authorizer in Michigan recommended renewal of all charter school contracts, despite state and national test scores that showed little or negative change at some schools. Staff at another Michigan university said all charters schools under its authority were expected to be reauthorized before the process even began.

Universities have at times allowed “authorizer shopping,” in which a charter school seeks out another authorizer when one revokes its charter, according to NACSA.<sup>37</sup> For example, in 2013, Ball State University in Indiana raised its standards and revoked the contracts of three charter schools.<sup>38</sup> Trine University stepped in and became the authorizer of two of those schools, while Calumet College of St. Joseph authorized the third.

## State Laws

This section highlights relevant sections in current Alaska law and the laws of three other states, Minnesota, Michigan, and Arizona. Each of these states allow higher education institutions (HEIs) to authorize charter schools. In Arizona, authorizers also include the Arizona State Board for Charter Schools and the State Board of Education. These states were selected to reflect a range of approaches to charter school authorizing, beginning with the most restrictive of the three (Minnesota) and ending with the least restrictive (Arizona). The defining characteristic in Minnesota’s law is the relatively high level of state oversight of charter schools and their authorizers. Conversely, Michigan and Arizona enacted laws which allow authorizers a great deal of autonomy.

### Alaska

Alaska enacted its charter school law in 1995 but has yet to allow HEIs to authorize charter schools. Following are the relevant portions of Alaska law concerning charter schools and their authorizers.

#### **AUTHORIZERS**

Only local school districts may authorize charter schools.<sup>39</sup>

#### **APPROVAL AND APPEALS**

If a school board approves the charter application, the State Board of Education and Early Development must review and approve the application. If a school board rejects a charter school application, the applicant may

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<sup>34</sup> National Association of Charter School Authorizers, “Higher Education Institution Authorizers,” accessed June 25, 2020. <https://www.qualitycharters.org/state-policy/multiple-authorizers/higher-education-institution-authorizers/>.

<sup>35</sup> National Association of Charter School Authorizers. “Policy Brief: Creating Higher Education Institution Authorizers.” August 2015.

<sup>36</sup> Bulkley, Katrina. “Educational performance and charter school authorizers: The accountability bind.” *Education Policy Analysis Archives* 9, no. 37 (2001).

<sup>37</sup> National Association of Charter School Authorizers. “Policy Brief: Creating Higher Education Institution Authorizers.” August 2015.

<sup>38</sup> Hinnefeld, Steve. “Charter-school authorizing by private colleges not the norm.” *School Matter: K-12 education in Indiana*. May 8, 2017. <https://inschoolmatters.wordpress.com/2017/05/08/charter-school-authorizing-by-private-colleges-not-the-norm/>.

<sup>39</sup> Alaska Statutes 14.03.250.

appeal the decision to the commissioner.<sup>40</sup> If the commissioner upholds the denial, the applicant may appeal the decision to the State Board.<sup>41</sup>

## **TERM**

The term of a charter cannot exceed 10 years.<sup>42</sup>

## **OVERSIGHT**

A local school board shall provide an approved charter school with an annual program budget. Charter schools are funded by state per-pupil allocations, with up to 4% of those funds allocated to the district for administrative costs.<sup>43</sup> The Department of Education may audit the charter school's program during the term of the contract and take any action necessary to ensure compliance with federal and state law, including withholding money.<sup>44</sup>

## **Minnesota**

In 1991, Minnesota became the first state to enact a charter school law. In 2009, the state took steps to increase accountability among authorizers and adopted a system to periodically evaluate their performance<sup>45</sup>.

## **AUTHORIZERS**

Minnesota law allows the following to be charter school authorizers: local or intermediate school boards, certain non-religiously affiliated charitable organizations, private colleges, nonprofit 501(c)(6) corporations (if the school has operated for at least three years under a different authorizer), and state colleges or universities governed by the Board of Trustees of the Minnesota State Colleges and Universities.<sup>46</sup>

## **REQUIREMENTS AS AN AUTHORIZER**

Authorizers must participate in department-approved training.<sup>47</sup>

Eligible authorizers must apply to the commissioner for approval as an authorizer before submitting any affidavits to charter a school. If the commissioner disapproves the application, the commissioner must notify the applicant of the specific deficiencies in writing and the applicant has 20 business days to address the deficiencies. The commissioner, in determining whether to approve an authorizer, must consider the applicant's:

- infrastructure and capacity to serve as an authorizer
- application criteria and process
- contracting process
- ongoing oversight and evaluation processes

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<sup>40</sup> Ibid.

<sup>41</sup> Alaska Statutes 14.03.253.

<sup>42</sup> Alaska Statutes 14.03.275.

<sup>43</sup> Alaska Statutes 14.03.260.

<sup>44</sup> Alaska Administrative Codes 33.115.

<sup>45</sup> Authorizer Performance," Minnesota Department of Education. Accessed July 27, 2020. <https://education.mn.gov/MDE/dse/chart/auth/>.

<sup>46</sup> 2019 Minnesota Statutes 124E.05 § 1.

<sup>47</sup> 2019 Minnesota Statutes 124E.05 § 2.

- renewal criteria and processes<sup>48</sup>

The applicant also must provide assurance it intends to serve five years as an authorizer.<sup>49</sup>

#### **OVERSIGHT**

The commissioner reviews an authorizer's performance at least every five years but may do so more frequently at the commissioner's discretion or request of another party. The commissioner works with authorizers to develop review criteria.<sup>50</sup> The commissioner may impose corrective action or terminate the contract between the charter school and the authorizer.<sup>51</sup> Each year the authorizer must submit a statement of income and expenditures related to chartering activities.<sup>52</sup>

#### **APPEALS**

No appeals process is allowed. If the commissioner disapproves the authorizer's affidavit, the authorizer has 20 days to address the deficiencies.<sup>53</sup>

#### **ANNUAL FEE**

The annual fee the authorizer may access for monitoring and evaluating a charter school's academic, financial, operational, and student performance must be stated in the charter contract. The authorizer may assess a fee that is the greater of:

- The basic formula allowance for that year; or
- The lesser of:
  - the maximum fee factor (which equals 4.0) times the basic formula allowance for that year; or
  - the fee factor (which equals .015) times the basic formula allowance for that year times the charter school's adjusted pupil units for that year.<sup>54</sup>

## **Michigan**

Michigan passed its charter school law in 1994 Michigan and has relied heavily on charter schools to assist its troubled public education system, particularly in Detroit and other urban areas. Eighty-seven percent of charter schools in Michigan are authorized by an HEI.<sup>55</sup>

#### **AUTHORIZERS**

Michigan law allows local or intermediate school boards, the board of a community college, or the governing board of a state public university to serve as a charter school authorizer.<sup>56</sup>

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<sup>48</sup> 2019 Minnesota Statutes 124E.05 § 3.

<sup>49</sup> 2019 Minnesota Statutes 124E.05 § 4.

<sup>50</sup> 2019 Minnesota Statutes 124E.05 § 5.

<sup>51</sup> 2019 Minnesota Statutes 124E.05 § 6.

<sup>52</sup> 2019 Minnesota Statutes 124E.05 § 8.

<sup>53</sup> Ibid.

<sup>54</sup> 2019 Minnesota Statutes 124E.10 § 3.

<sup>55</sup> Citizens Research Council of Michigan, *Improving Oversight of Michigan's Charter Schools and their Authorizers*, (February 2020,) Report 409, <https://crcmich.org/publications/improving-oversight-of-michigan-charter-schools-and-their-authorizers>.

<sup>56</sup> Michigan Revised School Code 380.502.

## **APPEALS**

An authorizer's decision on issuing, revoking, or reconstituting a charter is final and not subject to review by any court or state agency.<sup>57</sup>

## **LIMITS ON AUTHORIZERS**

An authorizer must certify to the Department of Education it has been accredited by a nationally recognized accreditation body.<sup>58</sup>

## **OVERSIGHT BY AUTHORIZER**

An authorizing body is responsible for each school it authorizes. The authorizer is responsible for overseeing compliance by the board of directors with the established charter and all applicable law.<sup>59</sup>

The authorizer is also responsible for establishing the selection process, length of term and number of charter school board members; ensuring the board operates independently of any educational management service contracted with the school; and ensuring the pupil admission process is fair and open-minded.<sup>60</sup>

The authorizer is the fiscal agent for each school it charters. State aid payments are paid to the authorizer, which forwards the payment to the charter school.

## **REVOCAION BY STATE DEPARTMENT OF EDUCATION**

Except for charter schools that serve special student populations, if a charter school has operated for four years and is among the lowest performing schools in the state for the last three years, the department will notify the school's authorizer and the authorizer will amend its charter, eliminating its authority to operate the age and grade levels at the site for which they are low-performing, effective at the end of the school year. If the charter school only operates at a single site, the authorizing will revoke its charter.<sup>61</sup>

If the department determines the public school options available to the students at a closing charter school are insufficient, and closing the school would result in undue hardship on those pupils, the department may rescind its decision to close the school and instead require the school to implement a school improvement plan.<sup>62</sup>

## **FEE**

An authorizer fee cannot exceed 3% of the total state school aid received by the charter school for that year.

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<sup>57</sup> Michigan Revised School Code 380.507.

<sup>58</sup> Ibid.

<sup>59</sup> Ibid.

<sup>60</sup> Michigan Revised School Code 380.507.

<sup>61</sup> Ibid.

<sup>62</sup> Ibid.

## Arizona

Arizona passed its charter school law in 1994. Arizona's law requires less authorizer oversight than Michigan or Minnesota and has only one HEI authorizer, Arizona State University. Arizona has very few oversight procedures set out in statute. Instead, lawmakers rely on competition and the free market to solve policy problems.<sup>63</sup>

### AUTHORIZERS

Authorizers allowed within Arizona are the State Board of Education, the Arizona State Board for Charter Schools, a university under the Arizona Board of Regents, and a community college district.

### APPLICATION PROCESS

A charter school application will include the following as specified on the authorizer's website:

- A detailed education plan.
- A detailed business plan.
- A detailed operational plan.
- Any other materials required by the sponsor.<sup>64</sup>

### TERM

Charters are effective for 15 years, barring revocation by the state or authorizer.<sup>65</sup>

### FEE

An authorizer may charge a new charter processing fee to any applicant. The fee shall cover the full cost of application review and any needed technical assistance.<sup>66</sup>

### AUTHORIZER OVERSIGHT OF CHARTER SCHOOLS

The authorizer shall review a charter at five-year intervals using the performance framework adopted in the charter (that framework must be publicly available). In deciding whether to renew a charter, an authorizer must consider whether the school is making sufficient academic progress.<sup>67</sup>

## Comparison of State Laws

Of the states discussed, Minnesota law mandates the most state oversight of authorizers. Minnesota not only requires authorizers to prove through a detailed application that they have the capacity to serve as an effective authorizer, and their performance must be reviewed by the Commissioner of Education at least once every five years.<sup>68</sup> Although Michigan requires authorizers to be accredited by a national accrediting agency, the state has

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<sup>63</sup> Katrina Bulkley, *Understanding the Charter School Concept in Legislation*, *International Journal of Qualitative Studies in Education*, 18, 4. (2005) 527-554.

<sup>64</sup> Arizona Revised Statutes 15-183.

<sup>65</sup> *Ibid.*

<sup>66</sup> Arizona Revised Statutes 15-183.

<sup>67</sup> Arizona Revised Statutes 15-183.

<sup>68</sup> 2019 Minnesota Statutes 124E.05 § 5.

no periodic state review of authorizer performance.<sup>69</sup> Arizona statutes do not require oversight of authorizers, beyond the approval of an authorizer's initial application. Minnesota also has a level of transparency in how authorizer fees are used that does not exist in the other two states.<sup>70</sup>

Michigan has often received criticism, most recently from the Citizens Research Council of Michigan (CRCM), that the state has little to no meaningful oversight of charter school authorizers. CRCM asserts that beyond the commissioner informing the authorizer that a school is among the lowest performing in the state and should be corrected or closed, the state can do little to change underachieving charter schools.<sup>71</sup> The Michigan Council of Charter School Authorizers disputes the findings of CRCM's report and says it contains factual inaccuracies and was written without contacting any authorizers.<sup>72</sup>

In Arizona there is negligible state oversight of charter authorizers. Besides the mandate that the authorizer review a school's charter at five-year intervals, the state has little involvement in authorizer activity.<sup>73</sup>

## Authorizers' Policy and Practices

Along with strong state laws, solid organizational structures and clear policy guidelines for authorizers are vital to quality oversight of charter schools.<sup>74</sup>

A study by the Thomas B. Fordham Foundation and Institute found that 31% of the authorizers examined were aggressive about applicant screening, student achievement, charter school quality, financial responsibilities, and compliance with laws.<sup>75</sup> Almost half of the authorizers, however, practiced scant oversight of their charter schools.

"Getting authorizing policy right is critical because good authorizing has the power to transform the lives of not just a few children, but millions."

– National Association of Charter School Authorizers

## NACSA Recommendations

NACSA stresses the importance of clear authorizer policy and recommends that some state entity, such as a state department of education or a legislative committee, regularly evaluates authorizers and enforces sanctions against those with poor practices.

NACSA calls for authorizers to follow 12 essential practices:

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<sup>69</sup> Michigan Revised School Code 380.507.

<sup>70</sup> 2019 Minnesota Statutes 124E.05 § 8.

<sup>71</sup> Citizens Research Council of Michigan, *Improving Oversight of Michigan's Charter Schools and their Authorizers*, (February 2020,) Report 409, (available at <https://crcmich.org/publications/improving-oversight-of-michigan-charter-schools-and-their-authorizers>).

<sup>72</sup> Michigan Council Of charter School Authorizers, *A Factual Analysis of Levin Center/CRC Document*, (Available at <https://docs.google.com/viewerng/viewer?url=https://s3-prod.crainsdetroit.com/2020-02/Notes+on+Levin+Center+CRC+Report.pdf>).

<sup>73</sup> Arizona Revised Statutes 15-183.

<sup>74</sup> Bulkley, Katrina. "Educational performance and charter school authorizers: The accountability bind." *Education Policy Analysis Archives* 9, no. 37 (2001); Citizens Research Council of Michigan. February 2020. "Improving Oversight of Michigan Charter Schools and Their Authorizers," Report 409; Palmer, Louann Bierlein, and Rebecca Gau. "Charter School Authorizing: Are States Making the Grade?" Thomas B. Fordham Institute (2003); Rausch, M. Karega, Sean Conlan, and Sherry Tracewski. "Authorizer Practices: What's Working and What's Not. A Qualitative Analysis of Authorizer Evaluations." National Association of Charter School Authorizers (2017).

<sup>75</sup> Gau, Rebecca. "Trends in Charter School Authorizing." Thomas B. Fordham Foundation & Institute (2006).

1. **Clear mission** – Publish a mission statement and make it available to the public.
2. **Adequate staff** – Assign staff to authorizing within the organization or by contract.
3. **Contracts** – Sign a contract, or charter, with each school.
4. **Application criteria** – Establish and document criteria to evaluate charter school applicants.
5. **Application timeline** – Publish application timelines and materials.
6. **Application interview** – Interview all qualified charter applicants.
7. **External expert panel** – Include members outside the organization to review charter applications.
8. **Five-year term** – Grant charter terms of five years only.
9. **Financial audit** – Require and examine annual independent charter school audits.
10. **Renewal criteria** – Establish standards to renew charters.
11. **Revocation criteria** – Establish guidelines for revoking charters.
12. **Annual report** – Provide each charter school an annual performance report.

## Policy Case Studies

Following is a look at policy highlights of three university authorizers that have extensive structures for charter school oversight. They were selected to represent a range of authorizers and for one of the following reasons: 1) being the first university authorizer in the country and a leader in authorizing policy, 2) being the largest university authorizer in the U.S. with a track record of exemplary application standards and strong academic performance, and 3) being a small university authorizer with rigorous standards. These institutions are The Governor John Engler Center for Charter Schools at Central Michigan University (CMU) in Mount Pleasant, Mich.; and The State University of New York (SUNY) Charter Schools Institute in Albany, N.Y.; and Bethel University in St. Paul, Minn.

### THE GOVERNOR JOHN ENGLER CENTER FOR CHARTER SCHOOLS AT CMU

Since Central Michigan University (CMU) became the first university authorizer in the country, it has been a national leader in charter schools and has worked with universities in other states to develop authorizing programs.<sup>76</sup> The Governor John Engler Center for Charter Schools currently authorizes of 57 charter schools, with about 28,000 students.<sup>77</sup>

The center provides an annual report on each school's academic year, addressing expectations laid out in each school's charter.<sup>78</sup> These reports are based on an in-depth data system, which has been recognized by NACSA. Reports for each school are available online. The reports measure reading and math achievement and growth, as well as scores from the Michigan Test of Educational Progress, the Preliminary Scholastic Aptitude Test (PSAT) and the Scholastic Aptitude Test (SAT).

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<sup>76</sup> Corey Northrup, executive director of CMU The Governor John Engler Center for Charter Schools, interviewed July 16, 2020.

<sup>77</sup> CMU The Governor John Engler Center for Charter Schools website, accessed July 17, 2020, <https://www.thecenterforcharters.org/>.

<sup>78</sup> "Authorizing Best Practices," CMU The Governor John Engler Center for Charter Schools website, accessed July 17, 2020, <https://www.thecenterforcharters.org/resource-center/authorizers/best-practices/>.

Among many documents to support charter school administrators, the center provides a 12-page checklist to assist schools as they work on charter renewal. The center does not always view closure as the best option for struggling schools and has developed a process for reconstitution of troubled schools. The center describes itself as a “pioneer in the reconstitution of schools,” which it views as an accountability strategy.

CMU has also developed connections between its charter schools and the university. This includes working with the CMU Admissions Office to connect students with organizations and learning experiences on the university campus. Students at CMU’s partner schools are eligible for two scholarships to attend the university. The CMU Charter School Educator Award also provides 50% tuition assistance for teachers and administrators at partner schools to pursue a graduate degree at the university.

### **SUNY CHARTER SCHOOLS INSTITUTE**

SUNY Charter Schools Institute is the largest university authorizer in the country, the largest authorizer in New York State, and the fifth largest authorizer in the U.S.<sup>79</sup> The institute oversees 212 charter schools, with about 104,000 students, throughout the state.

NACSA named the institute No. 1 in the country for best application process. The charter school center has approved about 38% of the 567 charter school applications it has received since it began authorizing schools in 1999. The rigorous application process allows applicants to emerge from it with a blueprint for creating their school. Below are steps in the process:

1. **Proposal review** from academic, financial, and legal perspectives by institute staff; if applicable, an accountability analysis of student performance data.
2. **External panel of experts review**, at the institute’s discretion.
3. **Interview school’s founders** by institute staff, if the proposal is deemed strong enough after the first two steps.
4. **Request for Amendments (RFA) process**, if possible, to resolve institute concerns and assure compliance with state laws and regulations.
5. **Applicant interview** by the SUNY Charter Schools Committee, if the RFA process yields a strong application.
6. **Institute recommendation of proposals to the committee.** If more strong proposals than available charters exist, the institute uses a scoring system to decide which proposals will be recommended. No appeals are allowed of negative determinations at any stage of the process.
7. **Committee approval or denial** of recommended proposals. Approved proposals are forwarded to the Board of Regents.
8. **Approval by the Board of Regents**, which results in issuance of a five-year charter within 90 days after submission to the Board of Regents.

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<sup>79</sup> SUNY Charter Schools Institute website, accessed July 17, 2020, <https://www.newyorkcharters.org/>.

SUNY-authorized charter schools measure performance on language arts and math exams and compare each school's results with similar schools statewide.<sup>80</sup> The institute conducts a regression analysis to examine a school's performance given students' poverty level. This yields a predicted mean scale score in each test grade for every New York State public school based on its statistics on economically disadvantaged students. Charter schools must show improvements in academic scores, at least to a small degree, to meet institute standards.

The institute states that 91% of its charter school outperform their districts of location in math.<sup>81</sup> In reading and writing, 88% of SUNY charter schools outperform their districts of location. Annual reports of academic achievement and growth for every school in the SUNY system are posted online.

## BETHEL UNIVERSITY

Bethel University's Charter School Authorizing Program is under the umbrella of the university's Department of Education.<sup>82</sup> The program is staffed with one part-time position, the community partnerships coordinator, who works with the department chair and the Bethel Charter School Oversight Committee (BCOC), to manage the program. Bethel oversees three charters school.

The authorizer's policies are laid out in extensive detail in the Bethel University Commissioner-Approved Authorizing Plan 2020.<sup>83</sup> This plan delineates how each aspect of its program align with Minnesota Statutes. The plan and other documents include links that provide structure for the authorizer, including a five-year authorizing budget. The plan also addresses how authorizing duties will be divided between university staff and how the university can ensure it has adequate staff to execute its authorizing responsibilities. The university's ratio for organizational capacity is one part-time partnerships coordinator for every three charter schools. Any increase in the number of schools results in additional coordinator hours. Below is a chart that outlines the responsibilities of each oversight committee member and its legal counsel.

**Table 3. Bethel Charter Oversight Committee Members' Roles**

	Education Department Partnerships Coordinator	Education Department Chair	President's Office Representative	Dean Professional Programs	Ad Hoc Financial Expert	Legal Counsel
Curriculum	✓	✓				
Instruction	✓	✓				
Management	✓		✓	✓		
Facilities	✓		✓			
Finance					✓	
Law						✓

Source: Bethel University Commissioner-Approved Authorization Plan, 2020

<sup>80</sup> SUNY Charter Schools Institute website, "Interpreting the Institute's Comparative Performance Analysis," accessed July 17, 2020, <https://www.newyorkcharters.org/accountability/interpreting-institutes-comparative-performance-analysis/>.

<sup>81</sup> SUNY Charter Schools Institute website, accessed July 17, 2020, <https://www.newyorkcharters.org/>.

<sup>82</sup> "Charter School Authorizing," Bethel University website, accessed July 17, 2020, <https://www.bethel.edu/undergrad/academics/education/community-partnerships/charter-school-authorizing>.

<sup>83</sup> Bethel University Commissioner-Approved Authorizing Plan 2020. <https://www.bethel.edu/undergrad/academics/education/community-partnerships/bethel-aap-revisions-2020-2.pdf>, accessed July 17, 2020.

While the plan notes that university staff already bring a wealth of expertise to their roles, the university has a development and training plan and details what type of training is needed annually by the partnership coordinator, as well as new and current members of the oversight committee. The plan also calls for BCOC members to participate in National Association of Charter School Authorizers training as one way to commit to nationally recognized best practices.

Lastly, the plan also outlines how Bethel holds charter schools accountable to academic outcomes, rather than processes. The system of accountability is largely embedded in the approval and renewal process of a school's charter. Charter renewal is based on a combination of academic performance, site visits, and interviews.

## Funding

Ensuring that authorizers have adequate funding is essential to carrying out their oversight responsibilities. The lack of attention given to authorizers has often led to insufficient funding, which can result in weak review and approval processes for charter schools.<sup>84</sup> That has changed somewhat over time as many came to realize the costs associated with charter school oversight and revised state laws to improve authorizer funding.<sup>85</sup>

While adequate funding is needed, charter school authorization does not require the growth of a large bureaucracy. According to NACSA, "Quality authorizing can be conducted by a lean staff with expertise in school performance accountability and data analysis, school finance, nonprofit governance and management, and legal compliance."

## Funding Mechanisms

Authorizers cover the costs of charter school administration in several ways:

- Fees collected from charter schools.
- State budget appropriations.
- Allocations from the authorizer's parent organization.

Strengths and weaknesses of each of these funding options are described below.

### CHARTER SCHOOLS FEES

Charter school fees are typically based on a percentage of the per-pupil funding for that school. This provides a relatively steady source of authorizer funding that is linked to the number of students enrolled and which increases if an authorizer approves multiple charter schools. In Michigan, Minnesota, Missouri, New York, and Wisconsin, about half the funding for university authorizers came from charter school fees.<sup>86</sup>

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<sup>84</sup> Eckes, Suzanne E., and Jonathan A. Plucker. "Segregation in charter schools: The important role of university-based authorizers." *Education and Urban Society* 45, no. 5 (2013): 589-608.

<sup>85</sup> Palmer, Louann Bierlein, and Rebecca Gau. "Charter School Authorizing: Are States Making the Grade?" *Thomas B. Fordham Institute* (2003).

<sup>86</sup> Gau, Rebecca. "Trends in Charter School Authorizing." Thomas B. Fordham Foundation & Institute (2006).

The strength of this funding method is its reliability. The downsides are that it diverts money for charter school operations to the authorizer, may encourage authorizers to approve weak charter schools, and may spur authorizers to reauthorize schools that should not continue operating.<sup>87</sup>

### **STATE BUDGET APPROPRIATIONS**

State appropriations for authorizers are line-items allocations in the state operating budget. For state universities that are authorizers, this funding method does not divert operational funds from the charter school or force a university to cover its authorizing costs from its own budget.<sup>88</sup> This type of funding is most commonly used for SEA authorizers, such as an education department or statewide charter board. Budget appropriations may not provide financial stability from year to year, as they depend on the legislative budget process and are vulnerable to political shifts. The New York State Legislature, for example, cut the State University of New York Charter Schools Institute funding from \$1 million to \$707,000 between 2010 and 2015.<sup>89</sup>

### **BUDGET ALLOCATIONS FROM A PARENT ORGANIZATION**

Authorizers may also be funded by allocations from the umbrella organization. This often occurs in states in which the charter school law does not address authorizer funding.<sup>90</sup> For an HEI authorizing office, the university would allocate authorizing funds. For an SEA authorizer, funds would come from the education department's operating budget. This method allows the organizations to allocate funds for charter school authorization much like it assigns funds for other operations, but funding could change with new leadership or shifting financial priorities. Also, for diligent authorizers within agencies that fully support charter schools, this approach may work well; however, if state law assigns charter school authorization to an agency that does not put a high priority on charter schools, it may allocate minimal funding to the authorizing office, making it difficult to carry out its duties.

### **HYBRID APPROACH**

While each of these funding mechanisms come with advantages and disadvantages, NACSA suggests a potential hybrid mechanism using two funding sources:

- A state-funded base dollar amount for every authorizer, and
- A percentage of per-pupil revenue from each authorized charter school.

This reduces both the incentive to approve unworthy charters for financial reasons and the amount of money diverted from charter school operations. NACSA suggests that states could fund authorizers more efficiently by providing new authorizers a larger base amount and well-established authorizers a smaller base amount.

## **Potential Pitfalls**

Authorizer funding can cause conflict, particularly when authorizers in the same area charge different amounts. In Arizona, for example, two state-based authorizers did not charge fees, while a school district charged 10% of

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<sup>87</sup> National Association of Charter School Authorizers. "Policy Brief: Charter School Authorizer Funding" (2009).

<sup>88</sup> Ibid.

<sup>89</sup> National Association of Charter School Authorizers, "Policy Creating Higher Education Institution Authorizers," accessed June 29, 2020, [https://www.qualitycharters.org/wp-content/uploads/2015/08/PolicyBrief\\_CreatingHigherEducationInsitutionAuthorizers.pdf](https://www.qualitycharters.org/wp-content/uploads/2015/08/PolicyBrief_CreatingHigherEducationInsitutionAuthorizers.pdf)

<sup>90</sup> National Association of Charter School Authorizers. "Policy Brief: Charter School Authorizer Funding" (2009).

its schools' operating revenues to cover authorizing duties.<sup>91</sup> In Michigan, a university authorizer used some of its authorizing funds to create a scholarship fund for charter school graduates to attend that university, triggering scrutiny of its actions.

NACSA cautions that authorizers should not get into the business of granting charters to generate profits through fees or supplementary service contracts.<sup>92</sup> Fees should be used only to cover the costs of administration, service agreements should be handled separately, and all financial operations should be public and transparent.

## **Alaska**

In Alaska, where only school districts may serve as authorizers, charter schools receive the same amount of per-pupil funding that a traditional public school in the same district receives.<sup>93</sup> School districts are allowed to keep up to 4% of that funding to cover the district's administrative (or authorizer) costs for the school. The charter school's costs related to facilities, such as rent, utilities, and maintenance, may not be included in the budget used to calculate administrative costs. The local school board must itemize administrative costs in a report that is provided to the charter school.<sup>94</sup>

## **Model Funding Law**

The National Alliance for Public Charter Schools reviews state's charter school laws and scores them on how well they match up to a model law. This ideal law includes 21 components, one of which is adequate funding for authorizers. The National Alliance's four criteria for adequate authorizer funding is as follows:

1. A statewide formula that guarantees authorizer funding is not subject to annual legislative appropriations.
2. A requirement to publicly report detailed authorizer expenditures.
3. A separate contract for any services a school purchases from an authorizer.
4. A prohibition on authorizers requiring schools to purchase services from them.

Alaska received a score of four out of eight points (with two points per item) for authorizer funding because its law includes the first two items (1 and 2) but lacks the second two (3 and 4). States that met all four of the National Alliance's criteria for strong authorizer funding are Colorado, Florida, Louisiana, Maine, Minnesota, Nevada, Ohio, Tennessee, and Washington.

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<sup>91</sup> Gau, Rebecca. "Trends in Charter School Authorizing." Thomas B. Fordham Foundation & Institute (2006).

<sup>92</sup> National Association of Charter School Authorizers, accessed July 2, 2020. <https://www.qualitycharters.org/state-policy/multiple-authorizers/higher-education-institution-authorizers/>.

<sup>93</sup> Alaska Department of Education & Early Development website, 2020. "Questions and Answers about Charter Schools." [https://education.alaska.gov/alaskan\\_schools/charter](https://education.alaska.gov/alaskan_schools/charter).

<sup>94</sup> National Alliance for Public Charter Schools website, "Adequate Authorizer Funding," accessed June 26, 2020, <https://www.publiccharters.org/our-work/charter-law-database/components/5>.

# Academic Performance

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Researchers have studied charter schools' academic performance extensively in the last two decades and found extremely mixed results. In a review of 35 studies between 2000 and 2006, 15 studies showed positive results for charter school performance, 10 had neutral or mixed results, and 10 had negative results.<sup>95</sup>

Similarly, a 2011 policy brief for The Albert Shanker Institute summarizes results for a number of studies on charter school performance and found a wide variation in student achievement.<sup>96</sup> Of these studies, three studies found student performance at charter schools to be stronger than that of students in the traditional public school system, two studies found academic performance to be roughly the same, one study found it to be worse or not discernibly different, and two studies found performance to be worse in charter schools. Most based performance on the results of various standardized tests.

An overall conclusion in a meta-analysis by the Center for Reinventing Public Education (CRPE) was that "charters underperform traditional public schools in some locations, grades, and subjects, and outperform traditional public schools in other locations, grades, and subjects."<sup>97</sup>

## Performance by Authorizer Type

Similarly, studies have found certain common characteristics among authorizer types but have not found one type of authorizer to be definitively more effective than others. Both university and SEAs have had mixed success as authorizers.<sup>98</sup>

A couple of studies have focused on whether authorizer type correlates with student achievement. One study analyzed 10 years of test results in Minnesota and found no significant relationship between the type of charter school authorizer and student performance.<sup>99</sup> Another study found charter schools authorized by nonprofit organizations showed lower achievement gains than schools overseen by other types of authorizers, but overall found that authorizer type is only one factor among many that contribute to performance and "surely not the most important factor."<sup>100</sup>

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<sup>95</sup> Carlson, Deven, Lesley Lavery, and John F. Witte. "Charter school authorizers and student achievement." *Economics of Education Review* 31, no. 2 (2012): 254-267.

<sup>96</sup> Di Carlo, Matthew. "The Evidence on Charter Schools and Test Scores." The Albert Shanker Institute. December 2011. 2-3.

<sup>97</sup> Ibid.

<sup>98</sup> National Association of Charter School Authorizers. "Policy Brief: Creating Higher Education Institution Authorizers" (August 2015); National Association of Charter School Authorizers. "State Board of Education Authorizers." Accessed Aug. 5, 2020. <https://www.qualitycharters.org/state-policy/multiple-authorizers/state-board-of-education-authorizers/>; Palmer, Louann Bierlein, and Rebecca Gau. "Charter School Authorizing: Are States Making the Grade?" Thomas B. Fordham Institute (2003).

<sup>99</sup> Carlson, Deven, Lesley Lavery, and John F. Witte. "Charter school authorizers and student achievement." *Economics of Education Review* 31, no. 2 (2012): 254-267.

<sup>100</sup> Zimmer, Ron, Brian Gill, Jonathon Attridge, and Kaitline Obenauf. "Charter School Authorizers and Student Achievement." *Education Finance and Policy* 9(1) (December 2014), 80.

A 2003 study found that states with fewer authorizers, which served larger numbers of schools, did a better job overseeing charter schools.<sup>101</sup> The study's authors stated that universities and statewide authorizers were among the larger institutions that were better at creating the needed infrastructure for authorizing and better-equipped to dedicate adequate staff and develop specialized expertise in authorizing.

## High-Performing Charter School Systems

While charter school performance has varied greatly, as has that of each type of authorizer, some individual charter schools systems have outstanding academic records. The question then is *why do charter schools under certain authorizers produce students who excel or make major academic gains?*

Following is an overview of three charter school systems that have strong academic performance and a look at the factors that have contributed to their success.

### Massachusetts Department of Education

Massachusetts charter schools, and particularly those in the Boston area, are often held up as examples of academic excellence and charter school achievement. Charter schools first opened in Boston in 1994 and now serve tens of thousands of students in the Boston area.<sup>102</sup>

#### ACADEMIC GAINS

One analysis found Boston charter schools produced students who achieved significant gains on test scores in the Massachusetts Comprehensive Assessment System (MCAS).<sup>103</sup> These gains include the following:

- Each year spent at a charter middle school in Boston boosted MCAS scores by about a fifth of a standard deviation in language arts and more than a third of a standard deviation in math.
- Charter high school students made equally large gains on test scores.
- Charter school students scored higher than their traditional public school counterparts on the Scholastic Assessment Test (SAT), especially in math.
- Charter school students had higher pass rates on the high school-graduation exam.
- They also were more likely to qualify for a state-sponsored college scholarship.

#### FACTORS OF SUCCESS

Researchers and educators have attributed Massachusetts' charter school success to a combination of factors:

<sup>104</sup>

- The state's longstanding emphasis on education.
- A robust charter school law.
- A rigorous charter application and renewal process.

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<sup>101</sup> Palmer, Louann Bierlein, and Rebecca Gau. "Charter School Authorizing: Are States Making the Grade?" Thomas B. Fordham Institute (2003), 23.

<sup>102</sup> Lehman, Charles Fain. "Boston Charter Schools Successfully Scale Up." Massachusetts Charter Public School Association (May 6, 2019).

<sup>103</sup> Angrist, Joshua D., Sarah R. Cohodes, Susan M. Dynarski, Parag A. Pathak, and Christopher D. Walters. "Charter Schools and the Road to College Readiness: The Effects on College Preparation, Attendance and Choice. Understanding Boston." *Boston Foundation* (2013).

<sup>104</sup> Moss, Emily. "Massachusetts Charter Schools: Why Do They Outrank Their Counterparts across the Nation?" *Harvard Political Review* (February 2018). <https://harvardpolitics.com/united-states/massachusetts-charter-schools-why-do-they-outrank-their-counterparts-across-the-nation/>.

- Only one authorizer allowed under state law – the Massachusetts Department of Education.
- The prohibition of for-profit Education Management Organizations (EMOs) to run charter schools.
- The Boston Charter Alliance, a support network that promotes the sharing of best practices between 15 charter schools in Boston.

In addition, administrators within Massachusetts' authorizing office noted several other reasons the state has maintained high standards:<sup>105</sup>

- **A limit on the number of charter schools** so that school operators are competing and only the best receive charters.
- **Funding that does not rely on charter school fees.** The state's general administration fund is the authorizing office's primary funding source, augmented by some federal money.
- **A five-year renewal process,** so problems within schools do not linger.
- **No allowance of "charter shopping,"** in which poorly performing schools may seek another authorizer after losing a charter.

The Massachusetts Department of Elementary and Secondary Education (DESE), which oversees 78 charter schools, is known for an especially clear and rigorous charter school renewal process.<sup>106</sup> "The Massachusetts Department of Education is probably the authorizer whose renewal process is most frequently held up as a 'model,' " according to one study.<sup>107</sup>

Massachusetts relies on statewide test results as a primary source of academic assessment, but schools' accountability plans may also call for other assessment measures, including SAT or ACT scores.<sup>108</sup> For charter renewal and mid-charter evaluations, the authorizing office sends a multi-person team to schools to gather qualitative data to be used in combination with test scores and other quantitative data. These teams interview stakeholders, observe classrooms, examine curricula and instructional materials, and check on support for students with disabilities. Unlike some states, Massachusetts is not an "automatic closure" state, where schools are shut down automatically if certain quantitative requirements are unmet.<sup>109</sup> "We take a wholistic approach and we look for improvements," an authorizing administrator said.

Massachusetts' charter school success has sometimes been tied to "No Excuses" practices. One analysis of two dozen Massachusetts charter schools found a correlation between No Excuses policies and strong student achievement.<sup>110</sup> The No Excuses model focuses on a formal discipline system, reading and math achievement, and substantially longer instructional time compared to that of traditional public schools. No Excuses disciplinary practices, often used in urban charter schools on low-income students of color, have been both lauded for producing strong academic results, and criticized for being unduly harsh and even racist. Following

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<sup>105</sup> Alison Bagg, director, Office of Charter Schools and School Redesign, Massachusetts Department of Elementary and Secondary Education, interviewed Sept. 29, 2020; Alyssa Hopkins, Charter Applications, Office of Charter Schools and School Redesign, Massachusetts Department of Elementary and Secondary Education, interviewed Sept. 29, 2020.

<sup>106</sup> Bulkeley, Katrina. "Educational performance and charter school authorizers: The accountability bind." *Education Policy Analysis Archives* 9, no. 37 (2001), 22-23.

<sup>107</sup> *Ibid.*

<sup>108</sup> Alison Bagg, director, Office of Charter Schools and School Redesign, Massachusetts Department of Elementary and Secondary Education, interviewed Sept. 29, 2020; Alyssa Hopkins, Charter Applications, Office of Charter Schools and School Redesign, Massachusetts Department of Elementary and Secondary Education, interviewed Sept. 29, 2020.

<sup>109</sup> *Ibid.*

<sup>110</sup> Angrist, Joshua D., Parag A. Pathak, and Christopher R. Walters. "Explaining charter school effectiveness." *American Economic Journal: Applied Economics* 5, no. 4 (2013): 1-27.

public debate over disciplinary incidents, many No Excuses schools dropped some of their most controversial practices in 2018 and 2019, and the model has fallen out of favor in some parts of the country.<sup>111</sup>

Critics have at times charged that the success of Boston charter schools has hinged on serving an advantaged population.<sup>112</sup> In 2010, the state raised its cap on funds that go to charter schools with successful track records and required charter schools to actively recruit more students without English language proficiency or in need of special education. By 2015, the number of Boston charter schools doubled. A 2019 study found that following this expansion, the new charter schools' academic performance was on par with that of parent campuses. Students at the new charter schools outperformed their traditional public school counterparts significantly in math, and to a lesser degree in English. The study attributed the success to:

- Centralized management of its teachers.
- Uniform teaching practices.
- Replicating high-performing existing charter schools at the new campuses, rather than allowing new providers and approaches.

## **New York City Charter Schools**

New York City (NYC), which has had charter schools for 20 years, has a history of academic excellence among its charter schools. Three authorizers oversee these schools: The New York State Education Department (NYSED) Board of Regents, which currently authorizes 63 NYC schools; The State University of New York (SUNY), overseeing 167 schools; and the New York City Department of Education, overseeing 38 schools.<sup>113</sup>

New York City charter schools are in high demand, with about three applicants per charter school seat in Harlem and the South Bronx.<sup>114</sup> Some 81,300 students apply for 33,000 available seats in the city overall, leaving 48,300 applicants waitlisted.

### **ACADEMIC GAINS**

New York City charter schools significantly outperform neighboring traditional public schools. According to Stanford University's Center for Research on Education Outcomes (CREDO) in 2017, NYC charter school students received an additional 63 days of learning in math and 23 additional days of learning in reading, compared to their peers in traditional public schools. In 2018-19, charter school students had math proficiency rates of 63.2%, compared to 45.6% for district students, and English proficiency rates of 57.3%, compared to 47.4% for district students.<sup>115</sup>

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<sup>111</sup> Strauss, Valerie. "Some 'no-excuses' charter schools say they are changing. Are they? Can they?" *The Washington Post*. Aug. 29, 2019.

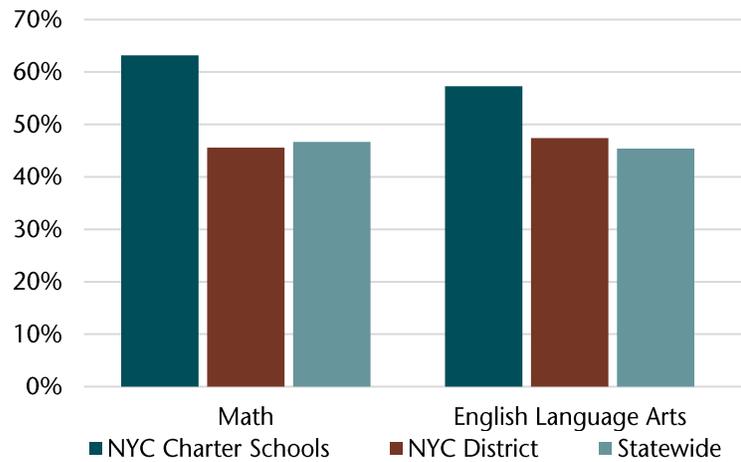
<sup>112</sup> Lehman, Charles Fain. "Boston Charter Schools Successfully Scale Up." Massachusetts Charter Public School Association (May 6, 2019).

<sup>113</sup> "New York State Charter School Fact Sheet," New York State Education Department, August 2020, <http://www.p12.nysed.gov/psc/facts/nyscsfactsheet080420.pdf>.

<sup>114</sup> NYC Charter School Center 2019-20 Lottery Estimates.

<sup>115</sup> "Academic Proficiency in NYC Charter Schools, 2019-2020," New York City Charter School Center, accessed Sept. 16, 2020, <https://www.nycharterschools.org/sites/default/files/resources/factsheet-Proficiency.pdf>.

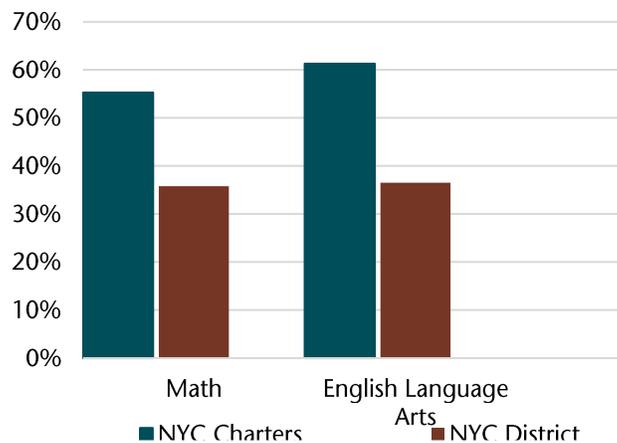
**Chart 1. Academic Proficiency in NYC Charter Schools, 2018-19**



Source: New York City Charter School Center

The proficiency gap was even more pronounced among economically disadvantaged students in New York City. In this group, 55.3% of charter school students were proficient in math, compared to 35.8% in the district, and 61.3% of charter school students were proficient in English language arts, compared to 36.5% in the district.

**Chart 2. Academic Proficiency among Economically Disadvantaged NYC Students, 2018-19**



Source: New York City Charter School Center

### **FACTORS OF SUCCESS**

Like Massachusetts, New York has demanding charter school application and renewal processes. NYSED approves only 8% of its charter school applications, according to an NYSED administrator. Schools also face the

possibility of closure if they fail to meet academic or operational goals. Twenty charter schools have been closed in New York City to date.<sup>116</sup>

The New York City Charter School Center also cites a strong teacher workforce as essential to the city's charter schools. New York City had an estimated 10,500 charter school teachers in 2019-20, with an average teacher to student ratio of 1:13.<sup>117</sup> About 56% of these teachers hold a master's or doctorate degree. About 38% have been teaching for at least six years. Roughly half of them are teachers of color. The average base salary of a NYC charter school teacher is \$68,800.

A 2009 report, tied the following policies to New York City charter school achievement, although it emphasized these are associations rather than proven causes:<sup>118</sup>

- A long school year
- A greater number of minutes devoted to English each school day
- A small rewards/small penalties disciplinary policy
- Teacher pay based to some degree on performance rather than seniority and credentials
- A mission statement that emphasized academic performance rather than other goals

A Harvard University study examined 39 New York City charter schools and found that the following measures showed no correlation with academic effectiveness: class size, per pupil expenditure, the fraction of teachers with no certification, and the fraction of teachers with an advanced degree.<sup>119</sup> The analysis found five policies that did correlate with school effectiveness:

- frequent teacher feedback
- the use of data to guide instruction
- high-dosage tutoring
- increased instructional time
- high expectations

The NYSED system also depends on three authorizer-related features, which allow its success, according to state administrators:

- **A clear and rigorous renewal process**, with an emphasis on clarity so schools know exactly what is needed to succeed.
- **A strong state law** that enshrines critical charter school concepts, such as autonomy (freedom from bureaucratic red tape) and accountability (imminent closure when standards are not met).
- **Transparency of outcomes**, in which all performance measures are made public and posted online.

Steady feedback and communication between authorizers and charter school administrators are a key part of the NYSED system, according to the state authorizer. These include one-page summaries of a school's academic outcomes, listing test scores and state standards, and financial dashboards that show how a school is managing

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<sup>116</sup> "Accountability and Oversight of NYC Charter Schools, New York City Charter School Center, viewed Sept. 15, 2020, <https://www.nyccharterschools.org/sites/default/files/resources/factsheet-Accountability.pdf>.

<sup>117</sup> "NYC Charter School Teacher Snapshot, 2020-2021," New York City Charter School Center, viewed Sept. 15, 2020, <https://www.nyccharterschools.org/sites/default/files/resources/factsheet-NYC-CS-Teachers.pdf>.

<sup>118</sup> Hoxby, Caroline M., Sonali Murarka, Jenny Kang. "The New York City Charter Schools Evaluation Project: How New York City's Charter Schools Affect Achievement" (September 2009).

<sup>119</sup> Dobbie, Will, and Roland G. Fryer Jr. "Getting beneath the veil of effective schools: Evidence from New York City." *American Economic Journal: Applied Economics* 5, no. 4 (2013): 28-60.

its finances. Also, a liaison within NYSED regularly communicates with each charter school via regularly scheduled site visits, newsletters, a list serve, and other means.

Critics have claimed that NYC charter schools produce better academic results because they push out low-performing students, raising overall charter school test scores. A 2015 study examined these claims and found that low performing students, who tend to change schools more often than other students, are no more likely to exit a charter school than a traditional public school.<sup>120</sup>

## **New Orleans and the Recovery School District**

Charter schools have been a key part of the public-school transformation that has taken place in Louisiana since Hurricane Katrina struck in August 2005. Before the storm, New Orleans' education system was known as one of the least effective in the country. Two years before Katrina, the Louisiana governor and Legislature launched a Recovery School District (RSD) to take over the state's lowest performing schools. Following the hurricane, the Legislature turned 110 of New Orleans' 127 schools over to the RSD.<sup>121</sup> That district transformed all of the RSD schools into charter schools. The last traditional public school in New Orleans converted to a charter school in 2019, making New Orleans the first major city in the United States to have no traditional public schools.<sup>122</sup>

Academic performance at New Orleans' schools has dramatically improved, so much so that the city is often cited as an example of charter school success. The state has continued to push for improvements in scholastic achievement and is trying to increase school performance standards by 2025.

Under the state plan, charter schools are authorized by the Louisiana State Board of Elementary and Secondary Education (BESE) or a local school district. Failing schools that were placed into the Recovery School District, overseen by the BESE, can be transferred back to a local school district after they have improved their academic performance.

### **ACADEMIC GAINS**

A 2018 study found that New Orleans' reforms increased the following between 2005 and 2014:<sup>123</sup>

- Student achievement by 11 to 16 percentiles.
- High school graduation rates by 3 to 9 percentage points.
- The college entry rate by 8 to 15 percentage points.
- College graduation rates by 3 to 5 percentage points.

A 2019 study by Stanford University's Center for Research on Education Outcomes (CREDO) showed that New Orleans' students continued to outperform their peers in other parts of the state, where traditional public schools are predominant. New Orleans students gained about 65 days of learning in math in the 2014-15 school

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<sup>120</sup> Winters, Marcus. "Pushed Out? Low-Performing Students and New York City Charter Schools," National Charter School Resource Center, March 2015.

<sup>121</sup> Langhorne, Emily. "Ed Reformers Rejoice: New CREDO Report Shows Student Progress in New Orleans Has Continued," *Forbes*, May 21, 2019.

<sup>122</sup> Jewson, Marta. "New Orleans becomes first major American city without traditional schools," *The Lens*, July 1, 2019, <https://thelensnola.org/2019/07/01/new-orleans-becomes-first-major-american-city-without-traditional-schools/>

<sup>123</sup> Harris, Douglas N. and Matthew F. Larsen, "What Effect Did the New Orleans School Reforms Have on Student Achievement, High School Graduation, and College Outcomes?" Education Research Alliance Policy Brief, July 15, 2018.

year and 42 days in 2016-17 over their counterparts in other parts of the state. Similarly, these students gained an additional 65 days in reading in 2014-15; 47 days in 2015-16, and 36 days in 2016-17.

**Table 4. Learning Days of New Orleans' Students over statewide peers**

	Math	Reading
2014-15	65 days	65 days
2015-16	---*	47 days
2016-17	42 days	36 days

Source: CREDO

\*Not statistically significant

The state grades schools based on their academic performance. In 2005, 62% of New Orleans schools received an F grade from the state.<sup>124</sup> By 2018, only 8% of the city's schools were in the failing category. Similarly, the city college-entry rate rose from 37% in 2004 to 61% in 2017.

### FACTORS OF SUCCESS

New Orleans' transformation of its public schools is based on several reasons, according to the CEO of New Schools for New Orleans:<sup>125</sup>

- **High levels of accountability:** Since 2006, no operator of a charter school that performed below state requirements was allowed to continue running that school.
- **School choice:** Student can apply to any school in the city regardless of location. This means that schools are more equitable and no longer stratified by income, with students from wealthier families attending stronger schools.
- **A requirement to fill open seats:** All New Orleans schools are required to accept new students for any open seat in any grade regardless of the time of year. This is intended to keep the highest-demand schools at maximum capacity so they can benefit the most students.
- **An engaged community:** More than 400 community members are members of charter boards, bringing expertise from many fields to help charter management.
- **Equitable funding:** The city's schools are funded not only on the number of students enrolled, but also on the number of students with additional needs and intensity of those needs.
- **Autonomy:** Principals, teachers, and charter networks make school decisions, including schedules and curricula, rather than a school district.

Some critics attribute the improvements not to charters schools and school choice, but to the post-Katrina infusion of money into the area, the increase in per-pupil funding, structural changes in school governance, and the reduction of poverty among New Orleans residents.<sup>126</sup> As of 2018, an additional \$1,400 was spent on each student per year in comparison to pre-hurricane spending levels. A 2015 Brookings Institute study showed that those living in extreme poverty in New Orleans dropped from 39% in 2000 to 30% in 2009-13. New Orleans was ranked second among large U.S. cities in poverty before Katrina, but by 2009-13, it was 40<sup>th</sup> in the nation.

<sup>124</sup> Dobard, Patrick, CEO of New Schools for New Orleans. "Dobard: From Strong Accountability to Open Enrollment and Community Engagement, 10 Reasons New Orleans's Schools Are Succeeding," *The74Million*. May 14, 2019, <https://www.the74million.org/article/dobard-from-strong-accountability-to-open-enrollment-and-community-engagement-10-reasons-why-new-orleans-schools-are-succeeding/>.

<sup>125</sup> *Ibid.*

<sup>126</sup> Burris, Carol. "The real story of New Orleans and its charter schools," *The Washington Post*, Sept. 4, 2018.

Others argue that the highest-performing charter schools screen and exclude students by not reporting open seats, recruiting high-achieving students, or encouraging poor-performing students to transfer, a claim backed up by research from the Education Research Alliance.<sup>127</sup>

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<sup>127</sup> Mitchell, Corey. "Did the Charter Takeover Improve New Orleans' Schools?" Education Week, July 17, 2018.

To gain a better understanding of authorizing experiences and practices, McDowell Group interviewed 15 administrators who work in state-agency or university authorizing offices. Authorizing programs varied in size. The smallest had just one staff member and three charter schools in its portfolio, while the largest had a staff of 30 that oversees 214 charter schools. Following are key themes that emerged in interviews.

## Advantages of University Authorization

The advantages to colleges and universities authorizing charter schools fall into three general categories, according to those interviewed:

“The university is less beholden to politics.”

**Universities provide educational expertise, partnerships, and resources that are often less available to other types of authorizers.** Authorizing offices are frequently within a university’s education department, tapping into the campus’ education experts. This also allows educators to gain feedback on real-life learning from charter schools, and, in turn, provide the schools with information on college preparation. Universities also have expertise in data evaluation, online learning, school governance, and special education, and can provide charter schools technical assistance and student teachers.

“Universities can have a more sophisticated operation than a school district, which may not have dedicated personnel for charter schools.” In addition, universities can have a greater reach by working with charter schools around the state, whereas school districts are confined to authorizing charter schools within district boundaries, one interviewee said.

“When you have a university as an authorizer, you have folks with a deeper understanding of what teaching and learning look like.”

**Universities are in a better position to prepare students for college.** University administrators said their campuses hold various activities to expose charter school students to college studies and life, including campus tours, class shadowing, and visits by university staff to charter schools. Students at some charter schools may take courses at the authorizing university. One university has a Connections Committee composed of faculty,

“Our approach is less bureaucratic and more relationship-based than the state’s. We’re a smaller team and we have a lighter and more personal touch.”

who meet with charter school students to talk about university programs. College course credits may not only increase a student’s likelihood of college attendance, but may also help retain students who otherwise would have left the state for college. Several of the universities authorize charter schools with large populations of economically disadvantaged students, who might not otherwise have considered college. “We help them understand college is a possibility.”

**A university can be more independent than other types of authorizers.** Three interviewees said universities are often outside the politics that affect state authorizing agencies and school districts. This can be particularly important when those entities include people who oppose charter schools philosophically. One administrator mentioned “the inherent conflict when the authorizer is the school district,” because district staff may view

charter schools as competing for resources. A university can avoid this debate over allocation of district resources.

## Drawbacks of University Authorization

Among the problems with authorizing, interviewees mentioned a heavy workload (noted by three administrators), funding problems, difficulties that arise from overseeing a small number of charter schools. Four participants mentioned that universities with larger portfolios tend to be more effective and efficient. If funded by charter school fees, a large authorizer is less likely to keep an underperforming school open because closing it will not affect the authorizer's finances as much.

"I think authorizing is a lot more work than folks tend to think."

Some colleges and universities have discontinued authorizing. This is often because overseeing charters schools does not mesh with their overall mission or because they lack staff and resources to handle the job, especially if their portfolio of charter schools is small.

"University professors tend to have lots of really great ideas and they want to guide the school. That's great if they're on the board, but they can't do that from the authorizer's seat."

Overstepping the authorizer's role may be tempting to university faculty focused on improving education. Several interviewees emphasized that an authorizer's role is to oversee – not operate – a charter school. One state administrator said that university faculty may have the mistaken belief that they can shape a charter school's studies, but that is not the role of the authorizer. "Authorizers focuses on outcomes, not inputs. The charter school board has control over inputs." In her state, faculty from a

community college explored setting up an authorizing office and then dropped the idea when they learned that as an authorizer, they would not be able to shape the school's curriculum. She said that in this case, a solution would be to set up an authorizing office within the college or university and have the faculty with curriculum ideas sitting on the charter school board to steer the school's direction.

Arizona is a state that does not follow this model in which an authorizer stays out of daily school operations. Arizona State University serves as both authorizer and operator of its charter schools, according to a state administrator.

## Advantages of State Agency Authorization

Administrators noted a number of advantages of having a state agency as an authorizer:

- **Access to data** needed to monitor school performance.
- **Regular contact with other state authorities** who monitor nutrition, safety and other issues affecting students.
- **Requirements of transparency** expected of a state agency, which lead to stronger decision-making.
- **Systems that provide checks and balances**, which help maintain standards in schools. The state can provide layers of decision-making that increases accountability.

- **The absence of a local school district’s inherent conflict of interest** when they authorize their own schools. Districts may not be fully committed to charter schools because they perceive charter schools as siphoning resources from their other campuses.
- **Better positioning to do the highly specialized duties of an authorizer.** Districts often don’t have the staff to devote themselves to the very specific job of charter oversight. “You can’t be a generalist. We’re professionals and we’re a little bit out of the fray.”

## Drawbacks of State Agency Authorization

Interviewees noted several problems that come with SEA authorizing:

“The state is not as nimble (with change) because of the many stakeholders that have to be involved in the process.”

- **Difficulty in obtaining a new charter** because of a tightly managed system (the flip side of having stringent requirements that lead to quality schools).
- **Resistance from local districts** that may be reluctant to receive input from an outside agency. “They feel that we’re carpetbaggers coming in and that we don’t understand the local context.”
- **Being slow to innovate** in schools or try new models because of rigorous standards and the public review process for any change.

## Autonomy vs. Accountability

Six interviewees brought up the issue of autonomy vs. accountability, which at the crux of charter school philosophy. Charter schools have more freedom than traditional public schools in that they can shape their own curricula and classrooms independently of state requirements. However, they can be shut down if they do not meet standards. Interviewees said authorizers need to find the right balance between strong oversight and not getting into the details of daily management.

Autonomy can be undermined by appeals processes, if an authorizer rejects a charter school application or revokes a charter, according to two administrators. Another problem is authorizer shopping, in which schools seek out another authorizer after failing to meet standards. One university administrator agreed with those statements, but also said that having a second authorizing option can be beneficial when politics are involved. For instance, in her state, the only other authorizer besides universities is the state education department, which is run by a highly politicized board of regents that includes strong opponents of charter schools. She said at

“I think it's a mindset knowing you can't micromanage your schools and that's not the role of an authorizer.”

“That's the bargain – you get to do what you want to build your own schools and have your own kingdom, but at the end of the day, you have to make a strong case for why your schools should be in existence.”

“You're given autonomy for who you hire and how you teach, and you exchange that for accountability – living up to the charter.”

times her university has approved charters of schools that met standards but were not approved by the state due to politics.

“Limiting the number of authorizers is important. A lot of research supports this – keeping it at or below three.”

## State Law

The majority of those interviewed believe the quality of a state law is tied to charter school outcomes. Those in systems with high-performing schools were more emphatic that carefully structured state laws are important for charter school success.

Authorizers from high-performing charter school systems noted the importance of the following in state law:

- **A five-year charter renewal period.** This is long enough for new schools to get on step, but not so long that problems linger without being addressed. One noted that a 10-year renewal period does not promote quality schools because of the lack of accountability in the years between renewal.
- **Adequate, stable funding that does not include charter school fees.** Such fees can cause an authorizer to keep a poorly performing school open, simply because closure would cut the authorizer’s funding, potentially forcing the office to cut staff or close.
- **Purposes and goals of charter schools clearly defined in state law.** Massachusetts law, for instance, lists seven purposes for creating charter schools, and these purposes are used to guide the direction and oversight of the school.
- **A legal requirement that students demonstrate academic progress** for the charter to be renewed. Also, state law should clearly state what academic standards charter schools must meet.

Minnesota State law was held up by an administrator from another state as an example of state statutes that hold authorizers to higher standards with clear policy guidelines. One university administrator said strong state laws should not allow for-profit charter schools because they complicate the environment (in part with lobbying efforts). She also believes states should limit the number of authorizers because a few authorizers have proven to be better at maintaining high-quality schools than a wide array of authorizers (including numerous school districts within a state).

In contrast to those who spoke out for using state laws as vehicles for accountability, Arizona has kept its state laws intentionally broad to give authorizers as much autonomy as possible. “In Arizona, we like to keep things out of state statute.” A state administrator said this gives authorizers the ability to change schools very quickly when they are not performing. She said NACSA criticizes Arizona statutes for their looseness, but the state has almost 540 charter schools that outperform traditional public schools in every area.

“The actual quality of the law is most important. It starts with the policy and it trickles down.”

One interviewee said he is concerned about statutes that guarantee a charter school the right to open if it meets certain technical requirements, such as community support via a petition or adequate startup funding. “Then they’re not looking at the quality of a program. They’re looking at the right to have a school for school-choice sake.”

Following are other aspects of state law interviewees mentioned to promote charter school success:

- **Require authorizer and charter-school board training.** Board members are typically new at their jobs, which can be particularly difficult as schools are launched. “The first three years are always a mess.”
- **Do not allow an appeals process when an authorizer does not approve or renew a charter.** Appeals undermine the authorizer’s authority to hold a school accountable.

## Authorizer Funding

Charter school fees were the primary source of funding for most of the organizations whose administrators participated in interviews. Some authorizers receive 1.5% to 3% of the funding granted for school operations, while other authorizer fees were based on complex formulas with as many as eight variables. One SEA authorizer receives 3% of a \$95.5 million federal grant that funds charter schools in its state. Most administrators interviewed said that fees cover their costs, but with some caveats. First, charter school fees are sufficient when an authorizer has a larger portfolio, but may be inadequate if an authorizer oversees only a few schools. Second, an authorizer funded by charter school fees may be reluctant to close underperforming schools because losing a school will diminish the authorizer’s funding and could alter its ability to do its job, according to one interviewee.

Several interviewees emphasized the importance of funding that does not come from charter school fees. “It

“There are people who are frustrated with existing school options, but they don’t have the resources to help them go forward with a charter school.”

puts authorizers in a bizarre bind because it gives them a perverse incentive to keep those schools open.”

One interviewee said that the best way to provide authorizer funding is to write into state law a requirement that a certain amount of state funding be allocated to an authorizer every year to regulate charter schools, just as other state regulators are funded. This could be a flat fee or an amount based on the total

number of charter seats. Without this, authorizer funding is uncertain due to political shifts, or it is problematic because it comes from fees from schools that may need to be shut down.

Interviewees made several suggestions as to how to improve authorizer funding:

- **Provide a flat fee to authorizers for unreimbursed expenses,** such as reviewing an application for a charter school that does not win approval. “You never get reimbursed for the schools you deny applications.”
- **Consider the number of school sites when calculating funding.** “If we have one charter school with 1,000 students, my time spent on one campus is much less than on five schools with 200 kids on each campus.”
- **Provide a charter school planning grant that helps launch a school before per-pupil funding begins.** New charter schools are eligible for a U.S. Department of Education grant, but an authorizer has to have approved the school before it can receive the money. “As an authorizer, I want to see a pretty well-developed plan to move ahead with the charter school. It’s a Catch-22 for schools.”

- **Simplify the funding formula.** “Our formula currently has eight variables.”
- **Calculate authorizer funding in coordination with the budget cycle.** In one state, authorizer funding is calculated one month before it is paid and schools do not know authorizer costs while they are preparing their budgets.

## Best Practices

Administrators noted several practices that help maintain high standards:<sup>128</sup>

- **A demanding initial process** for awarding a charter. “The number one place that leads to calamity is the new school process. It’s so much easier to not open a new school than to close one.”
- **A strong renewal process**, in which authorizers are not afraid to shut down underperforming schools. “We don’t close schools soon enough.”
- **A limit on the number of charter schools** so that school operators are competing and only the best receive charters.
- **Clearly communicated expectations.** This includes providing regular straightforward feedback and sharing it with the school community.
- **A strong relationship between the authorizer and the charter school**, which augments communication and helps address problems. School visits, quarterly meetings to review contracts and goals, and authorizing staff’s attendance at charter school board meetings are important parts of relationship-building.

Several administrators emphasized the fine balance between holding schools accountable without taking over daily operations, especially when schools are struggling. But one interviewee said that the authorizer is not simply the enforcer. Sometimes the authorizer needs to coach, explaining what is needed to improve performance and work with the school on how to achieve it.

“I think of our role as a referee and a youth referee, because there are times you have to coach too.”

“A really good relationship with the schools is important. If I can call a school and say, ‘I heard this happened. What are you doing to solve that problem?’ it goes over better than just sending them a letter following state statute.”

“Watching a poorly trained board is like watching 6-year-olds play baseball, where everyone runs to first base at the same time.”

“You need to have a rigorous application process. You can’t say yes to everyone who would increase your fees.”

“It should never be a surprise that the school is doing well or not doing well.”

<sup>128</sup> Alison Bagg, director, Office of Charter Schools and School Redesign, Massachusetts Department of Elementary and Secondary Education, interviewed Sept. 29, 2020; Alyssa Hopkins, Charter Applications, Office of Charter Schools and School Redesign, Massachusetts Department of Elementary and Secondary Education, interviewed Sept. 29, 2020.

One administrator discussed the importance of developing a portfolio with the right number of charter schools. Authorizers often have difficulty functioning and covering costs with only one or two schools, but if a portfolio grows too large, an authorizer might not have enough time to hold each school accountable. Another administrator said tailoring a charter school to the student population's needs is important. For example, that might include looking at the

number of English learners or students on free and reduced lunches and addressing their needs so they are ready to learn. Two interviewees cited the importance of training for both the authorizing staff and charter school board.

## Problematic Practices

Interviewees listed several practices that can diminish charter school quality or make the authorizer's job difficult:

- **Allowing charter schools to "shop" for an authorizer** when they fail to meet standards.
- **Allowing underperforming schools to remain open** because they provide authorizing funds.
- **Overseeing charter schools that have different models**, particularly if the authorizer is small. "If you have a pre-K school and a STEM-focused prep school, you have to deal with them very differently. It's twice as much work and then some."

"By having a single authorizer, you don't have the shop-around syndrome. The real horror stories that we hear in other states is because they can shop around."

"The strength of our accountability is that it's pretty wholistic. We don't just look at what kids scored on state assessments."

## Academic Accountability

"Some people say it takes four to five years to turn a school around. We believe having a student in a failing school for four to five years is unjust."

Transparency about academic performance varied considerably among those who were interviewed. Authorizers that oversee high-performing charter schools typically post reports of academic performance online, while others, when asked, were sometimes vague or inconclusive about scholastic achievement within their systems. Three interviewees indicated schools under their authorizing authority had mixed academic results, in part from serving disadvantaged and academically challenged populations. Two participants said they were unable to track academic trends because standardized tests had changed too frequently to make accurate comparisons.

Standardized statewide assessments are the primary tool authorizers use for measuring academic progress, although these are sometimes augmented by other tests, such as the Scholastic Assessment Test (SAT) and the American College Testing (ACT). One university uses a school performance analysis that takes into account the number of economically disadvantaged students and an academic growth measure, looking at both individual and class improvement. This university authorizer oversees charter schools in which 91% of

"If you don't have good governance or solid finances, the academics will eventually fail."

students outperform those in neighboring schools in math and 88% outperform their TPS counterparts in reading and writing.

One state administrator said she believes charter schools are held to higher expectations than traditional public schools (TPS) because the former in her state are closed down when they fail to meet standards, whereas TPS are almost never shut down. Failing charter schools are given one year to meet standards, and if they do not, their charters are revoked, she said. "There is no leniency for excuses. We will not listen to the argument that students are not capable."

Wisconsin relies on standardized assessments, including the ACT, and its Wisconsin School Report Card, which measures every public school in student achievement, growth, closing gaps, and post-secondary success. Minnesota evaluates not only schools, but also charter school authorizers with the Minnesota Authorizer Performance Evaluation System (MAPES). MAPES has 20 measures for accountability that are reviewed on a five-year cycle. Information is gathered through data reviews, interviews, and stakeholder meetings.

One interviewee said that a dean tracked students who transitioning from one high school to a university and found that most had dropped out by the end of the first semester or first year. "We've had a high graduation rate. But when a school does a lot to support kids to get through high school, sometimes they can't get through college on their own."

Other comments on academic accountability include:

- "I would love to see a portfolio model where kids aren't being judged just by numbers and we look at their growth.
- "Testing would be throughout the year instead of just once a year. Looking at their progress over time would be better for student growth and school accountability."
- "There should be a wider array of accountability measures besides just tests, such as school climate measures."

# Appendix A: Interview Protocol

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Hi, this is \_\_\_\_\_ with McDowell Group. We're a research firm based in Alaska and we're working with the University of Alaska to learn more about university authorization of charter schools. We thought you could offer some insight into how charter schools and university authorization work. Do you have some time to answer some questions?

1. How long have universities served as authorizers of charter schools in your state?
2. What can a university offer to a charter school that a different type of authorizer might not?
3. What are the drawbacks or challenges to becoming a charter school authorizer?
4. What is the funding mechanism that covers the costs of being an authorizer?
  - a. Does it adequately cover the costs of authorization? If not, please explain.
  - b. If you could improve the funding mechanism for charter school authorization, how would you do it?
5. Does having a university as an authorizer of charter schools improve K-12 education outcomes?
  - a. Has the university's role as authorizer affected students' likelihood of attending a university? Please explain.
6. What makes authorizers effective or ineffective in ensuring student success at charter schools?
7. What are the most important authorizer practices to ensure quality in a charter school?
8. Please describe the system you use to measure charter school success and student achievement.
  - a. How well is it working?
  - b. Are there other indicators of the university's role in enhancing academic performance, such as increased enrollment in advanced placement courses or dual credit courses?
  - c. What could be done to improve the system of accountability?
9. For university-authorized charter schools that have been operating for four or more years, do the students, on the average, score higher in math and English on the ACT than those students not in a university-authorized charter school?
10. Is there a correlation between state law and quality of charter schools?
  - a. Please explain why or why not.
  - b. (If the respondent believes there is a connection) What is needed in a state law to promote charter school success?
11. Has being an authorizer affected your relationship with the local school board, traditional public schools, or the community at large? Please explain.
12. Would you like to address any misconceptions about university authorization of charter schools or charter schools in general?
13. Is there anything else you'd like to add related to charter schools or charter school authorization?
14. Is there anyone you recommend we talk to?

## Appendix B: Interviewees

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**Alison Bagg**, Director, Massachusetts Department of Elementary and Secondary Education, Office of Charter Schools and School Redesign

**Ashley Berg**, Executive Director, Arizona State Board for Charter Schools

**Dr. Candice Carter-Oliver**, CEO of Confluence Academies (St. Louis, Missouri)

**Cole Dietrich**, Assistant Director of Charter Schools and Special Programs, Indiana Department of Education

**David Frank**, Executive Director, New York State Education Department Charters School Team

**Maureen Foley**, Director for New Charters, SUNY Charter Schools Institute

**Paula Higgins**, Supervisor for the Charter Center, Minnesota Department of Education

**Alyssa Hopkins**, School Development Manager, Massachusetts Department of Elementary and Secondary Education, Office of Charter Schools and School Redesign

**Dr. Gerry Kettenbach**, Director of Charter School Sponsorship, University of Missouri College of Education

**Barbara Moscinski, Performance Oversight Coordinator**, New York State Education Department

**Corey Northrop**, Executive Director, The Governor John Engler Center for Charter Schools at Central Michigan University

**Heather Johnson Ross**, Partnerships Coordinator in Education, Bethel University (Minnesota)

**Aaron Seligman**, Director, University of Wisconsin Office of Educational Opportunity

**Jenn Thompson**, Director, Idaho Public Charter School Commission

**Peter Wieczorek**, Director, Northwest Passage High School (Coon Rapids, Minnesota)

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