
The State Board of Education Updates Assessment Criteria for Charter Schools

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At its May 2023, meeting, the State Board of Education (SBE) adopted updated assessment criteria for charter school petitions, including amended criteria for defining verified data, procedures for using verified data, and new academic progress indicators within the SBE's verified data list.

Background

Charter schools operate independently from other public schools, but they require oversight from the school district or county board that authorizes them. In 2019, Governor Newsom signed Assembly Bill (AB) 1505, which overhauled many aspects of the charter school authorization process, including petition and renewal approval criteria and timelines. The bill also required authorizers to consider "verified data" for renewals of certain charters. For a more in-depth analysis of AB 1505, please see [Lozano Smith Client News Brief No. 49](#).

Updates to Assessment Criteria for Charter Schools

The California Education Code requires charter authorizers to consider "verified data" for charter school renewals falling within the low-performing and middle-performing categories as determined by a charter's California School Dashboard data. Verified data is defined as assessment data from nationally-recognized, valid, peer-reviewed, reliable sources that are externally produced and can be used as alternative information to show that a school achieved measurable increases in academic achievement, as defined by at least one year's progress. At its November 2020 meeting, the SBE adopted an approved list of 14 valid and reliable assessments that could be considered "verified data."

Following requests from some assessment providers to update and make administrative changes to the verified data list, California Department of Education (CDE) received a one-time funding appropriation of \$400,000 to contract with an outside vendor to expand the list of valid and reliable assessments that could be considered "verified data." In December 2022, CDE contracted with WestEd to develop an expanded list of valid and reliable assessments. At the SBE's May 2023 meeting, it adopted the following:

(1) an update to the criteria used to define verified data, relaxing the requirement that a data source must include results of at least 95 percent of eligible students, based on the disruption the COVID-19 pandemic caused for the 2019–20 and 2020–21 school years;

(2) an update to verified data incorporating any special administrative guidance related to the COVID-19 pandemic for the 2019–20 and 2020–21 school years, but expanding the ability of a charter to present evidence of learning disruptions due to the same which resulted in school closures; and

(3) an update to the academic progress indicators, adding 10 new indicators for inclusion within the approved verified data list and revising the previously approved list of indicators to include grade levels and minor programmatic name changes for clarity.

During the meeting, in response to public comment and concerns raised by Board members, the SBE adopted additional updates revising the amendments as follows:

- “An authorizer may consider evidence of the impacts of global pandemic or natural disasters on [the 95 percent] participation and may waive this requirement if there is evidence that selection bias has not occurred (e.g., the school has not excluded students who are likely to score lower, on average, than students who took the assessment).”
- Data “for assessments that report student data for those groups” must include all student groups that have at least 11 students (using the groups and minimum reporting size from the Dashboard).
- Charters schools shall present data for the student groups whose California Assessment of Student Performance and Progress (CAASPP) performance placed the school in the middle or low performance category “when appropriate data for those student groups is available.” The amendment included the following language, “Appropriate data will meet the minimum size for the student group and wherever possible, be considered in terms of student group norms.”
- Finally, CAASPP data and methodologies for analyzing it that are mutually agreed upon by the chartering authority and charter school may be used to supplement Dashboard results. The updated language included an example of CAASPP data — “(e.g., CORE Student Growth Percentiles).”

Takeaways:

- Charter authorizers should familiarize themselves with the expanded list of academic progress list indicators maintained by the SBE, in light of the anticipated uptick in renewal petitions in the coming year.
- Authorizers may wish to dialogue with their charter schools regarding anticipated sources and use of verified data, and the role of verified data in the renewal process.
- While a data source must include the results of at least 95 percent of eligible students, in order to be eligible for inclusion as verified data, consistent with the U.S. Department of Education’s flexibility for state accountability purposes in 2019–20 and 2020–21 due to the COVID-19 pandemic, the 95 percent participation rate requirement should not apply for those years, but the requirement cannot be waived if there is evidence of selection bias.

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- Just as charter schools must affirm that assessments were administered consistent with the test’s publishers’ administration and test security procedures, this affirmation also includes any special administration guidance related to the COVID-19 pandemic, if applicable for 2019–20 and 2020–21.
- Charter schools may now present evidence of learning disruptions due to the COVID-19 pandemic and/or natural disasters that resulted in school closures, as opposed to the previously mandated “for petitions considered in the 2020-21 school year.”

If you have any questions about the updates to the assessment criteria, or charter assessment in general, please contact the author of this Client News Brief or an attorney at one of our [eight offices](#) located statewide. You can also subscribe to our [podcast](#), follow us on [Facebook](#), [Twitter](#) and [LinkedIn](#) or download our [mobile app](#).

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