California Department of Education  
Executive Office  
SBE-002 (REV. 11/2017)

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# MEMORANDUM

**DATE:** April 13, 2023

**TO:** MEMBERS, State Board of Education

**FROM:** TONY THURMOND, State Superintendent of Public Instruction

**SUBJECT:** Mid-Project Report on Charter Verified Data Support: Timeline, Actions and Planning

This memorandum provides a mid-project report on the progress completed by the California Department of Education (CDE), in contract with WestEd, to study and recommend any updates to expand the list of valid and reliable assessments, as required by California *Education Code* Section 47607.2 (c)(2), to be used as “verified data.”

## Summary of Key Issues

California *Education Code (EC)* Section47607.2 requires charter school authorizers to consider “verified data” for renewals of charter schools that meet the criteria defined in EC Section 47607.2(a)(2). Pursuant to *EC* Section47607.2, “verified data” is defined as assessment data from nationally-recognized, valid, peer-reviewed, and reliable sources that are externally produced. It also includes postsecondary outcomes. Pursuant to *EC* Section 47607.2(c)(2), the State Board of Education (SBE), at its November 2020 meeting, adopted an approved list of valid and reliable assessments that can be used to measure increases in academic achievement. The full text of *EC* sections 47607 and 47607.2 is provided in Attachment 2.

The 2022–23 state budget provides $400,000 in one-time funding for the CDE to contract with an outside vendor to expand the list of valid and reliable assessments to be used in the charter school renewal process, in accordance with the requirements of *EC* sections 47607 and 47607.2. The CDE contracted with WestEd to engage education partners about the verified data process; review criteria for verified data and identify an expanded list of valid and reliable assessments; and assist with the implementation of the criteria to define verified data and approved list of valid and reliable assessments. The mid-project report from WestEd is included in Attachment 1.

## Summary of Previous State Board of Education Discussion and Action

In October 2019, the SBE received an Information Memorandum, Charter School Legislation Updates: Assembly Bill (AB) 1505 and AB 1507, which provided an overview of the legislation (<https://www.cde.ca.gov/be/pn/im/infomemooct2019.asp>).

In May 2020, the SBE received an Information Memorandum, Implementation Update: AB 1505 and AB 1507, with additional details on work related to this legislation (<https://www.cde.ca.gov/BE/pn/im/documents/jun20memocsd01.docx>).

In September 2020, the SBE received an Information Memorandum, which provided a mid-project report on the progress completed by the CDE, in contract with WestEd, to study and recommend indicators that may be used as verified data” required by AB 1505 (<https://www.cde.ca.gov/be/pn/im/documents/sep20amard01.docx>).

In November 2020, the SBE approved the criteria to define verified data, and the list of valid and reliable assessments and measure of postsecondary outcomes (<https://www.cde.ca.gov/be/ag/ag/yr20/documents/nov20item14.docx> and <https://www.cde.ca.gov/be/ag/ag/yr20/documents/nov20item14addendum.docx>).

## Attachment(s)

* Attachment 1: Mid-Project Report on Charter Verified Data Support: Timeline, Actions, and Planning. (3 pages)
  + Appendix 1: Education Partners End of Meeting Surveys (1 page)
  + Appendix 2: 2023 Charter School Assessment Landscape Survey (3 pages)
  + Appendix 3: Test Publisher Requests (5 pages)
* Attachment 2: Full Text of California *Education Code* sections 47607 and 47607.2 (10 pages)

## Attachment 1

### Mid-Project Report on Charter Verified Data Support: Timeline, Actions, and Planning

This attachment was prepared by WestEd on behalf of the California Department of Education (CDE) for the State Board of Education (SBE).

#### Background

The CDE is contracting with WestEd to expand the list of valid and reliable assessments to be used in the charter school renewal process, in accordance with the requirements of California *Education Code* sections 47607 and 47607.2. Through this contract, WestEd is engaging educational partners about the verified data process; reviewing criteria for verified data and identifying an expanded list of valid and reliable assessments; and assisting with the implementation of the criteria to define verified data and approved list of valid and reliable assessments.

### Timeline

Table 1 summarizes the key milestones completed and anticipated under this project.

#### Table 1: Key Milestone Summary

| **Date** | **Milestone** |
| --- | --- |
| December 2022 | WestEd and CDE kickoff work. |
| January 4, 2023 | CDE identifies education partners for the charter verified data project. |
| January 16 – February 10, 2023 | 2023 Assessment Landscape Survey Window |
| January 23, 2023 | WestEd holds January Education Partners meeting via Zoom. |
| January 31, 2023 | WestEd invites test publishers to submit evidence for assessment review (“Email #1”). |
| February 7, 2023 | WestEd reminds test publishers to submit evidence for assessment for review (“Email #2”). |
| February 14, 2023 | WestEd sends final reminder to test publishers to submit evidence for assessment for review (“Email #3”). |
| February 7 - February 14, 2023 | WestEd makes individual phone calls to publishers who have not responded to email outreach. |
| February - March 2023 | WestEd analyzes evidence of assessments’ technical quality and obtains any necessary clarifications. |
| March 16, 2023 | WestEd holds March Education Partners meeting via Zoom. |
| March - April 2023 | WestEd drafts April memo to SBE. |
| April 2023 | WestEd drafts final report to CDE. |
| May 17-18, 2023 | SBE meeting |
| May - June 2023 | WestEd assists CDE with the implementation of the approved list of valid and reliable assessments. |
| May - June 2023 | WestEd completes any technical revisions to report (if applicable). |

### Key Activities

#### 2023 Assessment Landscape Survey

As part of this project, WestEd has created a charter school assessment landscape survey (see appendix 2) that was modeled after the data assessment survey created by WestEd in 2020. The primary purpose of the assessment landscape survey was to gather a broad understanding of what assessments California charter schools currently use for monitoring the academic progress of their students to inform WestEd’s outreach to test publishers. The CDE and WestEd partnered to send the landscape survey to all California charter schools. The CDE and WestEd also asked attendees of the January 2023 Education Partners meeting to disseminate information regarding the assessment landscape survey. The survey was open for charter schools to complete between January 16 and February 10, 2023. During this survey window, 388 responses were collected.

#### Test Publisher Communication

Based on responses from charter schools in the assessment landscape survey, WestEd’s project team generated a list of the assessment products in use in California. The team built the list by analyzing survey responses from charter schools to determine what assessments were mentioned by at least one charter school in the state. After removing a few mentions that were not assessments, the project team contacted every publisher that had an assessment mentioned at least once on the assessment landscape survey. In late January 2023, WestEd invited 45 test publishers to submit evidence of technical quality. Publishers that had an assessment already on the adopted academic progress indicators (referred to as “existing” publishers) list were invited to submit evidence of technical quality if their assessment had substantially changed since the 2020 review. Publishers that did not have their assessment currently on the adopted academic progress indicators list (referred to as “new” publishers) were invited to submit evidence of technical quality (see appendix 3 for invitation letters).

Each publisher received three emails and an individual phone call if no email response was received between January 31 and February 14, 2023. WestEd received submissions of evidence from 20 publishers to review. Of these submissions, 17 were new assessments not on the verified data list from 2020, and three were requests for administrative changes (such as updating the assessment’s name) to assessments currently on the verified data list.

#### Education Partners Meetings

During the first Education Partners meeting on January 23, 2023, WestEd shared the results of the 2020 work related to verified data and shared the scope of WestEd’s 2023 work. The first meeting informed key education partners of the project’s progress to date, gathered information about what questions remain in the field related to verified data, and asked education partners to share the assessment landscape survey link. At the second education partners meeting on March 16, 2023, WestEd shared results from the assessment landscape survey, updated partners on outreach and submission received from test publishers, and discussed recommended data use guidance related to verified data. Education partners learned about the 2020 work and the planned 2023 activities; in addition, they raised questions about supports needed to successfully integrate verified data into the renewal process. Both meetings had a post-event survey to collect information on how well education partners understand the verified data process and to gather any remaining questions from the group (see Appendix 2).

#### COVID-19 Implications

While many project activities mirrored WestEd’s work in 2020, the COVID-19 pandemic necessitated additional steps for the WestEd team. First, our outreach to publishers included new language requesting information about changes to administration procedures brought on by the pandemic as well as evidence of different norms or interpreting scores in light of the COVID-19 pandemic, if they were applicable. Second, the WestEd team has been reviewing proposed edits to the data use procedures to reflect changes in practice brought on by the pandemic.

#### Final Report and Presentations

Before the May 2023 SBE meeting, WestEd will provide a report to the CDE. The report will include the results of the 2023 assessment landscape survey, a summary of the reviews of evidence, and recommendations for additional assessments to include as academic progress indicators that meet the requirements of verified data. WestEd staff will be available to present information about the project and its recommendations at the May 2023 SBE meeting upon the CDE’s request.

## Appendix 1: 2023 California Charter School Assessment Landscape Survey

### Charter School Assessment Landscape Survey

As part of the California charter school renewal process related to the verified data requirements in California *Education Code* Section 47607.2, WestEd is helping the California Department of Education (CDE) better understand from charter school staff which assessments you are administering at your school. NOTE: If you are contributing feedback for more than one school, please complete one survey for each school.

Your feedback is important. The survey should take no more than 5 minutes. Thank you for participation. The survey will close on Friday, February 10 at 5 pm PST.

#### Survey Questions

##### **1. What is the name of the charter school you are answering for? (Please write the full name of the school.)**

(Open text box provided for respondents to complete.)

##### **2. Is your school operated by a charter management organization (CMO)?**

* Yes
* No
* Other (please specify)

##### **3. What is the name of the charter management organization (CMO)?**

(Open text box provided for respondents to complete.)

##### **4. Does your charter school participate in the Dashboard Alternative School Status?**

* Yes
* No
* Not sure

##### **5. What is the student enrollment at your charter school? (Please enter a number.)**

(Open text box provided for respondents to complete.)

##### **6. Which grade(s) do you serve? (Select all that apply.)**

* Kindergarten (K)
* First Grade (1)
* Second Grade (2)
* Third Grade (3)
* Fourth Grade (4)
* Fifth Grade (5)
* Sixth Grade (6)
* Seventh Grade (7)
* Eighth Grade (8)
* Ninth Grade (9)
* Tenth Grade (10)
* Eleventh Grade (11)
* Twelfth Grade (12)

##### **7. What externally produced assessments do you use to monitor growth in schoolwide performance and performance of all subgroups of pupils? (Select all that apply.)**

* Achieve3000
* ACT / ACT Aspire / PreACT
* Acuity
* Advanced Placement (AP)
* aimswebPlus
* Assessing Math Concepts (AMC)
* Developmental Reading Assessment (DRA3)
* Dynamic Indicators of Basic Early Literacy Skills (DIBELS)
* easyCBM
* English Language Proficiency Assessments for California (ELPAC)
* Exact Path (Edmentum)
* FastBridge
* Fountas & Pinnell Benchmark Assessment Systems
* HMH Reading Inventory
* International Baccalaureate (IB) Assessments
* iReady
* Let's Go Learn
* Lexia RAPID Assessment
* Map Growth (NWEA)
* Mathematics Assessment Resource Service (MARS) Mathematics Assessment Project
* Mathematics Diagnostic Testing Project (MDTP)
* mCLASS (Amplify)
* PSAT/SAT
* READ 180
* Reading Plus / DreamBox Learning
* Riverside Interim Assessments
* Smarter Balanced Interim Comprehensive Assessments (SBAC ICA)
* Smarter Balanced Summative Assessments
* STAR Assessments (Renaissance)
* Study Island (Edmentum)
* Wide Range Achievement Test (WRAT)
* Other (please list all)
* (Open text box provided for respondents to complete.)

##### **8. Of the assessments you selected previously, are you currently using any to show annual growth? If so, how are you using them? (Please describe calculations or summaries presented; if you use indicated more than one assessment above, please be sure to specific the assessment to which your comments refer.)**

(Open text box provided for respondents to complete.)

##### **9. You indicated above that your school serves students across elementary, middle, or high school grades. For each grade or grade span, please indicate what assessments you administer.**

(Open text box provided for respondents to complete.)

## Appendix 2: Education Partners End of Meeting Surveys

### January 23, 2023: Post Meeting Survey

#### Survey

As part of the California charter school renewal process related to the verified data requirements in California *Education Code* Section 47607.2, WestEd is helping the California Department of Education (CDE) convene education partners to gather their feedback. Your feedback is important. Thank you for your participation!

##### **1. How well do you feel you understand the verified data process?**

(Open text box provided for respondents to complete.)

##### **2. What would you like to hear more about in the March Education Partners meeting regarding the verified data process?**

(Open text box provided for respondents to complete.)

### March 16, 2023: Post Meeting Survey

#### Survey

As part of the California charter school renewal process related to the verified data requirements in California *Education Code* Section 47607.2, WestEd is helping the California Department of Education (CDE) convene education partners to gather their feedback. Your feedback is important. Thank you for your participation!

##### **1. How well do you feel you understand the assessment review process related to verified data?**

(Open text box provided for respondents to complete.)

##### **2. What other questions do you still have about the verified data process?**

(Open text box provided for respondents to complete.)

## Appendix 3: Test Publisher Requests

### “New” Test Publisher Letter

Dear [Contact] at [Test Publisher]:

As you may know, the California State Board of Education (SBE) at its November 2020 meeting approved criteria to define the verified data and academic progress indicators related to Education Code 47607.2. See <https://www.cde.ca.gov/sp/ch/verifdatacrit.asp>. We are reaching out to your organization based on information gathered in a survey of California charter schools, some of which noted they use your assessment in their school. Please note we are not reviewing curricular components of instructional programs, but rather validated assessment components of programs that can be used to show student growth. Specifically, we are reviewing technical evidence to create a list of valid and reliable assessments that 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 for each school (Ed Code 47607.2 (c)(2)).

This May, the California Department of Education (CDE) will recommend to the SBE any updates to expand the list of valid and reliable assessments. In support of this process, WestEd will convene stakeholders and education officials in January and May to discuss the CDE’s final recommendations to the SBE, culminating in an action item before the SBE.

An important topic for discussion will be the technical merits and capabilities of assessments currently used in California’s charter schools to capture and demonstrate one year’s progress in academic achievement. **For your assessment to be considered for the approved list, we request that you provide us with technical and non-technical documentation for review:**

1) For which grade levels and subjects (English Language Arts and/or Mathematics) can your assessment(s) be used to measure student achievement?

2a) Is it possible for results from your assessment(s) to be used to demonstrate that a school achieved measurable increases in academic achievement, as defined by at least one year’s progress for each year in school, in English Language Arts and/or Mathematics?

2b) If yes, exactly how would one year’s progress be demonstrated by a school that is using your assessment(s)? Please include specific details such as benchmarks and any necessary calculations.

2c) If yes, how do you ensure the information is accurately interpreted and appropriately used in making educational decisions?

1. Please provide as much robust high-quality evidence as possible regarding each of the following elements of the assessment(s). Please provide evidence for both subjects of assessment(s), English Language Arts and Mathematics, if possible, or specify to which subject assessment(s) the evidence refers:
   * Evidence of the scientific evidence base for the assessment(s), including the use of research and theory to inform the selection of assessment(s) targets, the methods and measures used in the assessment(s), and the assessment(s) process(es)
   * Evidence of the assessment(s) alignment to the California Common Core State Standards for all grade levels offered
   * Evidence of assessment(s) validity for the stated purpose(s)
   * Evidence of assessment(s) reliability for the stated purpose(s)
   * Evidence of the assessment(s) content and/or construct validity for the specific subject matter
   * Evidence of the norming process and norming sample used to establish appropriate growth for one year of study (Please note the size and whether the population of students included reflect the diversity in background characteristics and performance of students in California. Also indicate if the norming process took place within the last 3 years.)
   * For Spanish versions, evidence that the assessment(s) was normed for the performance of students who speak Spanish as their native language
   * Evidence that the assessment(s) are free of bias against any students, are fair, and have been designed using the principles of Universal Design
   * Evidence that the administration of assessment(s) is supported by guidance, resources, training, and customer support (including any special administration guidance related to the Covid-19 pandemic, if applicable)
   * Evidence of the integration of appropriate assessment accommodations/accessibility resources for students with disabilities and English learners
   * Evidence of the accuracy and utility of scoring, score interpretation, and reporting
   * Evidence of safeguards in place around data transmission, data privacy, and data security
   * Evidence of different norms / interpreting scores in light of the Covid-19 pandemic, if applicable

Please submit your assessment information as text responses with references to related documents, technical manuals, or online resources (i.e. See provided Document A, Section 2)**,** as well as any questions, to Kelly Wynveen ([kelly.wynveen@wested.org](mailto:kelly.wynveen@wested.org)) by **February 17, 2023**.

Best,

Kelly Wynveen

Program Associate, WestEd

### “Existing” Test Publisher Letter

Dear [Contact] at [Test Publisher]:

As you may know, the California State Board of Education (SBE) at its November 2020 meeting approved criteria to define the verified data and academic progress indicators related to Education Code 47607.2, which currently includes [INSERT ASSESSMENT NAME OF PUBLISHER]. See <https://www.cde.ca.gov/sp/ch/verifdatacrit.asp>. Verified data 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 for each school (Ed Code 47607.2 (c)(2)).

This May, the California Department of Education (CDE) will recommend to the SBE any updates to expand the list of valid and reliable assessments. In support of this process, WestEd will convene stakeholders and education officials in January and May to discuss the CDE’s final recommendations to the SBE, culminating in an action item before the SBE.

If [INSERT ASSESSMENT NAME] has not substantially changed, you do not need to take any action; the assessment will remain on the approved list. If the name of the assessment has changed but the assessment has not substantially changed in other ways, please let us know so the approved list will reflect the name change accurately. If the assessment previously submitted in 2020 has substantially changed, you will need to submit technical and non-technical information on the current assessment for our review, otherwise only the assessment submitted in 2020 will remain on the approved list. If you are submitting information on the current assessment**, we request that you provide us with technical and non-technical documentation for review:**

1) For which grade levels and subjects (English Language Arts and/or Mathematics) can your assessment(s) be used to measure student achievement?

2a) Is it possible for results from your assessment(s) to be used to demonstrate that a school achieved measurable increases in academic achievement, as defined by at least one year’s progress for each year in school, in English Language Arts and/or Mathematics?

2b) If yes, exactly how would one year’s progress be demonstrated by a school that is using your assessment(s)? Please include specific details such as benchmarks and any necessary calculations.

2c) If yes, how do you ensure the information is accurately interpreted and appropriately used in making educational decisions?

1. Please provide as much robust high-quality evidence as possible regarding each of the following elements of the assessment(s). Please provide evidence for both subjects of assessment(s), English Language Arts and Mathematics, if possible, or specify to which subject assessment(s) the evidence refers:
   * Evidence of the scientific evidence base for the assessment(s), including the use of research and theory to inform the selection of assessment(s) targets, the methods and measures used in the assessment(s), and the assessment(s) process(es)
   * Evidence of the assessment(s) alignment to the California Common Core State Standards for all grade levels offered
   * Evidence of assessment(s) validity for the stated purpose(s)
   * Evidence of assessment(s) reliability for the stated purpose(s)
   * Evidence of the assessment(s) content and/or construct validity for the specific subject matter
   * Evidence of the norming process and norming sample used to establish appropriate growth for one year of study (Please note the size and whether the population of students included reflect the diversity in background characteristics and performance of students in California. Also indicate if the norming process took place within the last 3 years.)
   * For Spanish versions, evidence that the assessment(s) was normed for the performance of students who speak Spanish as their native language
   * Evidence that the assessment(s) are free of bias against any students, are fair, and have been designed using the principles of Universal Design
   * Evidence that the administration of assessment(s) is supported by guidance, resources, training, and customer support (including any special administration guidance related to the Covid-19 pandemic, if applicable)
   * Evidence of the integration of appropriate assessment accommodations/accessibility resources for students with disabilities and English learners
   * Evidence of the accuracy and utility of scoring, score interpretation, and reporting
   * Evidence of safeguards in place around data transmission, data privacy, and data security
   * Evidence of different norms / interpreting scores in light of the Covid-19 pandemic, if applicable

Please submit your assessment information as text responses with references to related documents, technical manuals, or online resources (i.e. See provided Document A, Section 2),as well as any questions, to Kelly Wynveen ([kelly.wynveen@wested.org](mailto:kelly.wynveen@wested.org)) by **February 17, 2023**.

Best,

Kelly Wynveen

Program Associate, WestEd

## Attachment 2

## Full Text of California *Education Code* sections 47607 and 47607.2

### Education Code Section 47607

(a)(1) A charter may be granted pursuant to Sections 47605, 47605.5, 47605.6, and 47606 for a period not to exceed five years.

(2) A chartering authority may grant one or more subsequent renewals pursuant to subdivisions (b) and (c) and Section 47607.2. Notwithstanding subdivisions (b) and (c) and Section 47607.2, a chartering authority may deny renewal pursuant to subdivision (e).

(3) A charter school that, concurrently with its renewal, proposes to expand operations to one or more additional sites or grade levels shall request a material revision to its charter. A material revision of the provisions of a charter petition may be made only with the approval of the chartering authority. A material revision of a charter is governed by the standards and criteria described in Section 47605.

(4) The findings of paragraphs (7) and (8) of subdivision (c) of Section 47605 shall not be used to deny a renewal of an existing charter school, but may be used to deny a proposed expansion constituting a material revision. For a material revision, analysis under paragraphs (7) and (8) of subdivision (c) of Section 47605 shall be limited to consideration only of the impact of the proposed material revision.

(5) The chartering authority may inspect or observe any part of the charter school at any time.

(b) Renewals and material revisions of charters are governed by the standards and criteria described in Section 47605, and shall include, but not be limited to, a reasonably comprehensive description of any new requirement of charter schools enacted into law after the charter was originally granted or last renewed.

(c) (1) As an additional criterion for determining whether to grant a charter renewal, the chartering authority shall consider the performance of the charter school on the state and local indicators included in the evaluation rubrics adopted pursuant to Section 52064.5.

(2) (A) The chartering authority shall not deny renewal for a charter school pursuant to this subdivision if either of the following apply for two consecutive years immediately preceding the renewal decision:

(i) The charter school has received the two highest performance levels schoolwide on all the state indicators included in the evaluation rubrics adopted pursuant to Section 52064.5 for which it receives performance levels.

(ii) For all measurements of academic performance, the charter school has received performance levels schoolwide that are the same or higher than the state average and, for a majority of subgroups performing statewide below the state average in each respective year, received performance levels that are higher than the state average.

(B) Notwithstanding subparagraph (A), if the two consecutive years immediately preceding the renewal decision include the 2019–20 school year, the chartering authority shall not deny renewal for a charter school if either of the following apply for two of the three years immediately preceding the renewal decision:

(i) The charter school has received the two highest performance levels schoolwide on all the state indicators included in the evaluation rubrics adopted pursuant to Section 52064.5 for which it receives performance levels.

(ii) For all measurements of academic performance, the charter school has received performance levels schoolwide that are the same or higher than the state average and, for a majority of subgroups performing statewide below the state average in each respective year, received performance levels that are higher than the state average.

(C) Notwithstanding subparagraphs (A) and (B), a charter school eligible for technical assistance pursuant to Section 47607.3 shall not qualify for renewal under this paragraph.

(D) A charter school that meets the criteria established by this paragraph and subdivision (a) of Section 47607.2 shall not qualify for treatment under this paragraph.

(E) The chartering authority that granted the charter may renew a charter pursuant to this paragraph for a period of between five and seven years.

(F) A charter that satisfies the criteria in subparagraph (A) or (B) shall only be required to update the petition to include a reasonably comprehensive description of any new requirement of charter schools enacted into law after the charter was originally granted or last renewed and as necessary to reflect the current program offered by the charter.

(3) For purposes of this section and Section 47607.2, “measurements of academic performance” means indicators included in the evaluation rubrics adopted pursuant to Section 52064.5 that are based on statewide assessments in the California Assessment of Student Performance and Progress system, or any successor system, the English Language Proficiency Assessments for California, or any successor system, and the college and career readiness indicator.

(4) For purposes of this section and Section 47607.2, “subgroup” means numerically significant pupil subgroups as defined in paragraph (1) of subdivision (a) of Section 52052.

(5) To qualify for renewal under clause (i) of subparagraph (A) or (B) of paragraph (2), subparagraph (A) of paragraph (1) or (2) of subdivision (a) of Section 47607.2, or paragraph (3) of subdivision (a) of Section 47607.2, the charter school shall have schoolwide performance levels on at least two measurements of academic performance per year in each of the two consecutive years immediately preceding the renewal decision. To qualify for renewal under clause (ii) of subparagraph (A) or (B) of paragraph (2), subparagraph (B) of paragraph (1) or (2) of subdivision (a) of Section 47607.2, or paragraph (3) of subdivision (a) of Section 47607.2, the charter school shall have performance levels on at least two measurements of academic performance for at least two subgroups. A charter school without sufficient performance levels to meet these criteria shall be considered under subdivision (b) of Section 47607.2.

(6) For purposes of this section and Section 47607.2, if the dashboard indicators are not yet available for the most recently completed academic year before renewal, the chartering authority shall consider verifiable data provided by the charter school related to the dashboard indicators, such as data from the California Assessment of Student Performance and Progress, or any successor system, for the most recent academic year.

(7) Paragraph (2) and subdivisions (a) and (b) of Section 47607.2 shall not apply to a charter school that is eligible for alternate methods for calculating the state and local indicators pursuant to subdivision (d) of Section 52064.5. In determining whether to grant a charter renewal for such a charter school, the chartering authority shall consider, in addition to the charter school’s performance on the state and local indicators included in the evaluation rubrics adopted pursuant to subdivision (c) of Section 52064.5, the charter school’s performance on alternative metrics applicable to the charter school based on the pupil population served. The chartering authority shall meet with the charter school during the first year of the charter school’s term to mutually agree to discuss alternative metrics to be considered pursuant to this paragraph and shall notify the charter school of the alternative metrics to be used within 30 days of this meeting. The chartering authority may deny a charter renewal pursuant to this paragraph only upon making written findings, setting forth specific facts to support the findings, that the closure of the charter school is in the best interest of pupils.

(d) (1) At the conclusion of the year immediately preceding the final year of the charter school’s term, the charter school authorizer may request, and the department shall provide, the following aggregate data reflecting pupil enrollment patterns at the charter school:

(A) The cumulative enrollment for each school year of the charter school’s term. For purposes of this chapter, cumulative enrollment is defined as the total number of pupils, disaggregated by race, ethnicity, and pupil subgroups, who enrolled in school at any time during the school year.

(B) For each school year of the charter school’s term, the percentage of pupils enrolled at any point between the beginning of the school year and census day who were not enrolled at the conclusion of that year, and the average results on the statewide assessments in the California Assessment of Student Performance and Progress system, or any successor system, for any such pupils who were enrolled in the charter school the prior school year.

(C) For each school year of the charter school’s term, the percentage of pupils enrolled the prior school year who were not enrolled as of census day for the school year, except for pupils who completed the grade that is the highest grade served by the charter school, and the average results on the statewide assessments in the California Assessment of Student Performance and Progress system, or any successor system, for any such pupils.

(2) When determining whether to grant a charter renewal, the chartering authority shall review data provided pursuant to paragraph (1), any data that may be provided to chartering authorities by the department, and any substantiated complaints that the charter school has not complied with subparagraph (J) of paragraph (5) of subdivision (c) of Section 47605 or with subparagraph (J) of paragraph (5) of subdivision (b) of Section 47605.6.

(3) As part of its determination of whether to grant a charter renewal based on the criterion established pursuant to subdivision (c) and subdivisions (a) and (b) of Section 47607.2, the chartering authority may make a finding that the charter school is not serving all pupils who wish to attend and, upon making such a finding, specifically identify the evidence supporting the finding.

(e) Notwithstanding subdivision (c) and subdivisions (a) and (b) of Section 47607.2, the chartering authority may deny renewal of a charter school upon a finding that the school is demonstrably unlikely to successfully implement the program set forth in the petition due to substantial fiscal or governance factors, or is not serving all pupils who wish to attend, as documented pursuant to subdivision (d). The chartering authority may deny renewal of a charter school under this subdivision only after it has provided at least 30 days’ notice to the charter school of the alleged violation and provided the charter school with a reasonable opportunity to cure the violation, including a corrective action plan proposed by the charter school. The chartering authority may deny renewal only by making either of the following findings:

(1) The corrective action proposed by the charter school has been unsuccessful.

(2) The violations are sufficiently severe and pervasive as to render a corrective action plan unviable.

(f) A charter may be revoked by the chartering authority if the chartering authority finds, through a showing of substantial evidence, that the charter school did any of the following:

(1) Committed a material violation of any of the conditions, standards, or procedures set forth in the charter.

(2) Failed to meet or pursue any of the pupil outcomes identified in the charter.

(3) Failed to meet generally accepted accounting principles, or engaged in fiscal mismanagement.

(4) Violated any law.

(g) Before revocation, the chartering authority shall notify the charter school of any violation of this section and give the school a reasonable opportunity to remedy the violation, unless the chartering authority determines, in writing, that the violation constitutes a severe and imminent threat to the health or safety of the pupils.

(h) Before revoking a charter for failure to remedy a violation pursuant to subdivision (f), and after expiration of the school’s reasonable opportunity to remedy without successfully remedying the violation, the chartering authority shall provide a written notice of intent to revoke and notice of facts in support of revocation to the charter school. No later than 30 days after providing the notice of intent to revoke a charter, the chartering authority shall hold a public hearing, in the normal course of business, on the issue of whether evidence exists to revoke the charter. No later than 30 days after the public hearing, the chartering authority shall issue a final decision to revoke or decline to revoke the charter, unless the chartering authority and the charter school agree to extend the issuance of the decision by an additional 30 days. The chartering authority shall not revoke a charter, unless it makes written factual findings supported by substantial evidence, specific to the charter school, that support its findings.

(i) (1) If a school district is the chartering authority and it revokes a charter pursuant to this section, the charter school may appeal the revocation to the county board of education within 30 days following the final decision of the chartering authority.

(2) The county board of education may reverse the revocation decision if the county board of education determines that the findings made by the chartering authority under subdivision (h) are not supported by substantial evidence. The school district may appeal the reversal to the state board.

(3) If the county board of education does not issue a decision on the appeal within 90 days of receipt, or the county board of education upholds the revocation, the charter school may appeal the revocation to the state board.

(4) The state board may reverse the revocation decision if the state board determines that the findings made by the chartering authority under subdivision (h) are not supported by substantial evidence. The state board may uphold the revocation decision of the school district if the state board determines that the findings made by the chartering authority under subdivision (h) are supported by substantial evidence.

(j) (1) If a county board of education is the chartering authority and the county board of education revokes a charter pursuant to this section, the charter school may appeal the revocation to the state board within 30 days following the decision of the chartering authority.

(2) The state board may reverse the revocation decision if the state board determines that the findings made by the chartering authority under subdivision (h) are not supported by substantial evidence.

(k) If the revocation decision of the chartering authority is reversed on appeal, the agency that granted the charter shall continue to be regarded as the chartering authority.

(l) During the pendency of an appeal filed under this section, a charter school whose revocation proceedings are based on paragraph (1) or (2) of subdivision (f) shall continue to qualify as a charter school for funding and for all other purposes of this part, and may continue to hold all existing grants, resources, and facilities, in order to ensure that the education of pupils enrolled in the school is not disrupted.

(m) Immediately following the decision of a county board of education to reverse a decision of a school district to revoke a charter, all of the following shall apply:

(1) The charter school shall qualify as a charter school for funding and for all other purposes of this part.

(2) The charter school may continue to hold all existing grants, resources, and facilities.

(3) Any funding, grants, resources, and facilities that had been withheld from the charter school, or that the charter school had otherwise been deprived of use, as a result of the revocation of the charter, shall be immediately reinstated or returned.

(n) A final decision of a revocation or appeal of a revocation pursuant to subdivision (f) shall be reported to the chartering authority, the county board of education, and the department.

(o) The requirements of this section shall not be waived by the state board pursuant to Section 33050 or any other law.

### EC Section 47607.2

(a) (1) The chartering authority shall not renew a charter if either of the following apply for two consecutive years immediately preceding the renewal decision:

(A) The charter school has received the two lowest performance levels schoolwide on all the state indicators included in the evaluation rubrics adopted pursuant to Section 52064.5 for which it receives performance levels.

(B) For all measurements of academic performance, the charter school has received performance levels schoolwide that are the same or lower than the state average and, for a majority of subgroups performing statewide below the state average in each respective year, received performance levels that are lower than the state average.

(2) Notwithstanding paragraph (1), if the two consecutive years immediately preceding the renewal decision include the 2019–20 school year, the chartering authority shall not renew a charter if either of the following apply for two of the three years immediately preceding the renewal decision:

(A) The charter school has received the two lowest performance levels schoolwide on all the state indicators included in the evaluation rubrics adopted pursuant to Section 52064.5 for which it receives performance levels.

(B) For all measurements of academic performance, the charter school has received performance levels schoolwide that are the same or lower than the state average and, for a majority of subgroups performing statewide below the state average in each respective year, received performance levels that are lower than the state average.

(3) A charter school that meets the criteria established by this subdivision and paragraph (2) of subdivision (c) of Section 47607 shall only qualify for treatment under this subdivision.

(4) The chartering authority shall consider the following factors, and may renew a charter that meets the criteria in paragraph (1) or (2) only upon making both of the following written factual findings, specific to the particular petition, setting forth specific facts to support the findings:

(A) The charter school is taking meaningful steps to address the underlying cause or causes of low performance, and those steps are reflected, or will be reflected, in a written plan adopted by the governing body of the charter school.

(B) There is clear and convincing evidence showing either of the following:

(i) The school achieved measurable increases in academic achievement, as defined by at least one year’s progress for each year in school.

(ii) Strong postsecondary outcomes, as defined by college enrollment, persistence, and completion rates equal to similar peers.

(C) Clauses (i) and (ii) of subparagraph (B) shall be demonstrated by verified data, as defined in subdivision (c).

(5) Verified data, as defined in subdivision (c), shall be considered by the chartering authority until June 30, 2025, for a charter school pursuant to this subdivision, operating on or before June 30, 2020, only for the charter school’s next two subsequent renewals.

(6) For a charter renewed pursuant to this subdivision, the chartering authority may grant a renewal for a period of two years.

(b) (1) For all charter schools for which paragraph (2) of subdivision (c) of Section 47607 and subdivision (a) of this section do not apply, the chartering authority shall consider the schoolwide performance and performance of all subgroups of pupils served by the charter school on the state indicators included in the evaluation rubrics adopted pursuant to Section 52064.5 and the performance of the charter school on the local indicators included in the evaluation rubrics adopted pursuant to Section 52064.5.

(2) The chartering authority shall provide greater weight to performance on measurements of academic performance in determining whether to grant a charter renewal.

(3) In addition to the state and local indicators, the chartering authority shall consider clear and convincing evidence showing either of the following:

(A) The school achieved measurable increases in academic achievement, as defined by at least one year’s progress for each year in school.

(B) Strong postsecondary outcomes, as defined by college enrollment, persistence, and completion rates equal to similar peers.

(4) Subparagraphs (A) and (B) of paragraph (3) shall be demonstrated by verified data, as defined in subdivision (c).

(5) Verified data, as defined in subdivision (c), shall be considered by the chartering authority for the next two subsequent renewals until January 1, 2026, for a charter school pursuant to this paragraph.

(6) The chartering authority may deny a charter renewal pursuant to this subdivision only upon making written findings, setting forth specific facts to support the findings, that the charter school has failed to meet or make sufficient progress toward meeting standards that provide a benefit to the pupils of the school, that closure of the charter school is in the best interest of pupils and, if applicable pursuant to paragraphs (2) and (3), that its decision provided greater weight to performance on measurements of academic performance.

(7) For a charter renewed pursuant to this subdivision, the chartering authority shall grant a renewal for a period of five years.

(c)(1) For purposes of this section, “verified data” means data derived from nationally recognized, valid, peer-reviewed, and reliable sources that are externally produced. Verified data shall include measures of postsecondary outcomes.

(2) By January 1, 2021, the state board shall establish criteria to define verified data and identify an approved list of valid and reliable assessments that shall be used for this purpose.

(3) No data sources other than those adopted by the state board pursuant to paragraph (2) shall be used as verified data.

(4) Notwithstanding paragraph (3), a charter school under consideration for renewal before the state board’s adoption pursuant to paragraph (2) may present data consistent with this subdivision.

(5) Adoption of the criteria pursuant to this subdivision shall not be subject to the requirements of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

(6) The state board may adopt and make necessary revisions to the criteria in accordance with the requirements of the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code).

(7) Upon adoption of a pupil-level academic growth measure for English language arts and mathematics, the state board may reconsider criteria adopted pursuant to this subdivision.

(d) This section shall remain in effect only until January 1, 2026, and as of that date is repealed.