

California Department of Education

Executive Office

SBE-003 (REV. 11/2017)

exec-gad-sept22item01

California State Board of Education
**September 2022 Agenda**
**Item #03**

## Subject

Update on the Dashboard Alternative School Status Request for a Waiver Pursuant to Section 8401 of the Elementary and Secondary Education Act of 1965.

## Type of Action

Action, Information

## Summary of the Issue(s)

The Dashboard Alternative School Status (DASS) holds alternative schools and alternative schools of choice accountable for modified methods of measurement for accountability indicators on the California School Dashboard (Dashboard), when appropriate. In May 2018, the State Board of Education (SBE) approved the methodology for calculating the DASS graduation rate. The SBE approved using a grade 12 graduation rate for all DASS schools instead of the four-year cohort rate. During the September 2019 meeting, the SBE approved modified the Academic Indicator Status cut scores for two levels only: “Very Low” and “Low” for DASS schools.

On October 5, 2020, the U.S. Department of Education (ED) provided an update on the high-risk status of California’s Title I, Part A grant. During a review of the amendments submitted to ED in January 2020, the ED reviewed the DASS modified methods and raised concerns about California’s use of DASS “modified measures” on the Academic Indicator and the Graduation Rate Indicator on the Dashboard. In response to the ED’s October 2020 letter, in January 2021, the SBE adopted amendments to the Every Student Succeeds Act (ESSA) State Plan, which included a description of the proposed modifications made to the Academic Indicator cut scores and the one-year graduation rate that were developed for DASS schools.

In January 2022, the ED denied the proposed amendments to California’s Consolidated ESSA State Plan. As a result, in March 2022, the SBE approved the submission of a waiver to the ED to request the continued use for DASS schools to maintain the DASS modified methods for calculating the Academic and Graduation Rate Indicators. The waiver request was submitted to the ED on April 15, 2022. On July 27, 2022, the ED declined California’s waiver request.

It is important to note that this denial affects the requirements under the ESSA. State law, as provided by the California *Education Code* Section 52052(d) continues to permit the use of the DASS program and reporting of data separately for alternative schools. Accordingly, the CDE will continue to seek and recommend opportunities to the SBE to display DASS data in a prominent manner on the Dashboard and in our public reporting of data, such as the CDE’s web reporting system, DataQuest. The reporting of these data is critical to local educational agencies (LEAs) who support at-promise students in alternative school settings.

However, due to the late timing of this correspondence from the ED, the CDE is limited in the ability to pursue additional options for the 2022 Dashboard and identification of schools as required under ESSA. The CDE requests that the SBE provide direction in terms of next steps to meet the requirement under ESSA for school identifications based on the 2022 Dashboard and future Dashboards.

Based on this direction from the SBE, the CDE can engage in a conversation with ED for short-term options for moving forward for the current year (2022 Dashboard) and long-term options for the 2023 Dashboard and beyond.

The short-term options for the SBE’s consideration are the following:

* Work with ED on a more realistic timeframe to come into compliance and discuss available options to meet the requirements of the annual differentiation and identification of schools under ESSA.
* Modify the ESSA Comprehensive Support and Improvement (CSI) eligibility to identify CSI Low Performing Schools (also known as 5 percent of schools) by school type (i.e., elementary, middle, high, and DASS schools).

Additionally, the long-term options for the SBE’s consideration are the following:

* Modify all measures permitted under ESSA to exclude students with partial attendance. (Note: ESSA does not permit the use of this option for the Graduation Rate Indicator.)
* Incorporate an extended-year adjusted cohort graduation rate to give credit to schools in which students are receiving a regular high school diploma beyond our current 4-year and 5-year combined graduation rate.
* Continue to display Modified Measures on the Dashboard for informational purposes. Note that the Dashboard currently utilizes results on state indicators for eligibility determinations for CSI. The continued inclusion of the DASS one-year Graduation Rate would be a departure from this practice. Additionally, in this scenario the CDE would continue to calculate and include the one-year Graduation Rate on the Dashboard for informational purposes in order to allow schools and districts to be able to analyze a measure of success for their local planning purposes to improve student outcomes.

It is important to keep in mind that any schools identified in the 2022 Dashboard will need to meet the specified exit criteria approved in the COVID-19 Addendum for this year. The COVID-19 Addendum allowed the CDE to make changes in the following ways: 1) revised the state’s long-term goals and interim progress by shifting the timeline forward by two years for measurements of interim progress; 2) excluded the College/Career Indicator from the state’s accountability system for the 2021–22 school year due to the limitations of 2021 statewide grade eleven assessment data; 3) shifted forward timelines by one year for identifying schools; and 4) revised the entrance and exit criteria for schools identified for support.

## Recommendation

The CDE requests that the SBE provide direction to the CDE in terms of short-term and long-term steps as to how to meet the requirement to include all schools in its system of annual meaningful differentiation using the same Academic Achievement and Graduation Rate indicators for DASS and non-DASS schools based on data from school year 2021–22 and for school identifications for the 2022 Dashboard and for future years.

The CDE further recommends that the SBE delegate authority to CDE, subject to approval of the SBE Executive Director, to engage in discussions with the US Department of Education per the SBE’s direction to resolve issues prior to release of the 2022 California School Dashboard.

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

In July 2017, the SBE approved criteria for schools to apply for Dashboard Alternative School Status (DASS) (<https://www.cde.ca.gov/be/ag/ag/yr17/documents/jul17item01.doc>).

In March 2018, the SBE reviewed proposed revisions for the 2018 Dashboard, including the incorporation of modified methods for DASS schools (<https://www.cde.ca.gov/be/ag/ag/yr18/documents/mar18item01.docx>).

In May 2018, the SBE approved methodology for calculating the one-year graduation rate and directed the CDE to conduct analyses of enrollment data when it became available (<https://www.cde.ca.gov/be/ag/ag/yr18/documents/may18item02.docx>).

In January 2021, the SBE approved and update to California’s ESSA Plan to use modified methods for DASS for the Academic and Graduation Rate Indicators. The item also provided an overview of the COVID-19 State Plan Addendum, which is a streamlined process offered by ED for use in the 2020–21 school year in response to the COVID-19 waivers approved by ED in March 2020. (<https://www.cde.ca.gov/be/ag/ag/yr21/documents/jan21item04.docx>)

In February 2022, the CDE presented the SBE with an Information Memorandum, which provided information on the letter from ED that denied the State Plan amendments related to clarifying the DASS program (<https://www.cde.ca.gov/be/pn/im/documents/feb22memogad01.docx>).

In March 2022, the SBE approved the submission of a waiver to the ED to allow the application of the DASS modified methods to continue for the Academic and Graduation Rate Indicators (<https://www.cde.ca.gov/be/ag/ag/yr22/documents/mar22item04.docx>)

In August 2022, the CDE presented the SBE with an Information Memorandum which provided information on the letter from ED that denied the waiver request to maintain DASS modified methods business rules for calculating the Academic and Graduation Rate Indicators (<https://www.cde.ca.gov/be/pn/im/documents/aug22memogad01.docx>).

## Fiscal Analysis (as appropriate)

For the prior fiscal year, California’s total kindergarten through grade twelve funding within the 2022–23 California Budget Act was $127.1 billion:

* State: $78.9 billion (61.4 percent)
* Local: $37.0 billion (28.8 percent)
* Federal: $11.0 billion (8.6 percent)

The Every Student Succeeds Act funds are a portion of the total federal funding amount.

## Attachment(s)

* None