



CALIFORNIA
DEPARTMENT OF
EDUCATION

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Note: This letter supersedes and replaces a letter on the same subject dated June 2007 from Marta Reyes, Director, Charter Schools Division. The changes were developed in consultation with the American Civil Liberties Union representing plaintiffs in the *Williams* litigation. New text appears in ***bold and italics***. Text that has been deleted and explanations appear in footnotes.

Dear Charter School Administrators and Authorizers:

**Subject: New Opportunity to Participate in the *Williams* Settlement:
Careful Consideration Recommended**

In August 2004, legislation was enacted to implement a settlement agreement in the case of *Eliezer Williams, et al. v. State of California, et al. (Williams)*, ***a class action suit pertaining to*** instructional materials, safe and decent school facilities, and qualified teachers.¹ As a key part of the *Williams* settlement, some specific funding was appropriated to help many of the affected public schools address their deficiencies, as well as to conduct monitoring activities. All non-charter schools in deciles 1 through 3 on the 2003 base API were automatically subject to the *Williams* settlement provisions, including increased monitoring. Importantly, however, charter schools were given the option of participating. Only a very few charter schools volunteered to participate in the *Williams* settlement.

Recently, Assembly Bill (AB) 607 (Chapter 704, Statutes of 2006) became operative. This bill updates the *Williams* settlement provisions by, among other things, changing to the 2006 base API for determining the schools in deciles 1 through 3. A new list of schools was generated and appears on the California Department of Education (CDE) Web site at <http://www.cde.ca.gov/eo/ce/wc/documents/Copyofwmsmonitorlist2006.xls>.²

As was the case in 2004, charter schools again have the ability to "opt in" to participation in the *Williams* settlement. **However, we strongly recommend careful consideration before deciding to opt in. If a charter school opts in, the school becomes bound by all the Education Code requirements that are the foundation of the *Williams* settlement for a three-year period.**³ The *Williams*-settlement requirements include:

¹ Deleted text: "A class action suit, *Williams* alleged that students in schools ranked in deciles 1 through 3 on the 2003 base Academic Performance Index (API) were not provided equal access..." The revised text is technically accurate.

² Deleted text: "Although some facility repair funding remains available from 2004, AB 607 did not appropriate any new funding for *Williams*-related activities, and the CDE anticipates little (if any) additional funding being appropriated over the next three years." The deleted sentence may not be accurate.

³ Deleted text: "...and would likely receive little (if any) additional funding." The deleted text may have led to an inaccurate conclusion.

- Purchase and make available for every student instructional materials in ***the core subject areas of English-language arts, mathematics, history-social science, and science.***⁴
- Undertake and report on a thorough facilities review.
- Annually produce a School Accountability Report Card (SARC) that specifically addresses the students' access to state-adopted instructional materials and the condition of the school's facilities.
- Allow the county superintendent of schools to audit within specified timeframes the adequacy and sufficiency of instructional materials, the certification and assignment of teachers, teacher vacancies, and the maintenance of facilities.

In the event that your charter school wishes to participate in the *Williams* settlement, an "Opt in" Form is attached. Only by returning the form will your school participate. **By taking no action, your school will not participate in the *Williams* settlement. Because of the three-year cycle concept incorporated in AB 607, a charter school that "opted in" to the *Williams* settlement in 2004 is no longer considered to be subject to *Williams* requirements (beginning in 2007-08), unless the school is still in deciles 1 through 3 and executes a new "Opt in" Form.**⁵

If your charter school is considering participation in the *Williams* settlement, CDE strongly encourages you to review the following to gain a complete understanding of the requirements of participation.

1. **Is a charter public school required to participate in the *Williams* settlement?** No, charter schools that are listed on the Web site as being ranked in deciles 1 through 3 on the 2006 base API may opt in if they do so by **Friday, September 14, 2007.**⁶ However, as noted above, participation is an "all or nothing" proposition for a three-year period, and the CDE recommends careful consideration before deciding to opt in.
2. **How do we know if a charter school is eligible to participate?** Eligible charter schools on the list, ranked in deciles 1 through 3, can be found on the CDE *Williams* settlement Web site at <http://www.cde.ca.gov/eo/ce/wc/documents/Copyofwmsmonitorlist2006.xls>.
3. **Do we receive additional funding if we "opt in"?** Not necessarily. Some emergency facility funding will be available. The Office of Public School Construction (OPSC)

⁴ Deleted text: "...the four core subject areas that have been adopted by the State Board of Education (SBE)." The revised text is clearer.

⁵ No text deleted. The added sentence clarifies the status of a charter school that "opted in" to the *Williams* settlement in 2004. Such a school does not continue to participate in the *Williams* settlement, unless the school is still in deciles 1 through 3 and executes a new "Opt In" Form.

⁶ The deadline was extended from August 10, 2007, to provide sufficient time for consideration of the changes reflected in this letter.

administers the funding.⁷ If you have questions on this issue, please contact OPSC directly at (916) 445-3160.

4. **Is there a difference between direct funded and locally funded charter schools in deciding whether to participate?** No, it is the decision of the charter school to participate, regardless of whether the school is direct funded or locally funded.
5. **How does a charter school opt in?** Charter schools choosing to participate must complete and submit Attachment 1 to the CDE by **Friday, September 14, 2007.**⁶
6. **Does a charter school have to submit anything to opt "out"?** No, only to opt "in." If a charter school (**even a charter school that "opted in" in 2004**) does nothing, it will **not** be included in the *Williams* settlement **for this three-year cycle.**⁸

If you have general *Williams*-related questions regarding charter schools, please contact Julie Klein, Education Fiscal Services Assistant, Charter Schools Division, at (916) 322-1646 or by e-mail at JKlein@cde.ca.gov. If you have *Williams*-related questions regarding school facilities, please contact Lisa Constancio, School Facilities Planning Division, at (916) 445-4889 or by e-mail at LConstancio@cde.ca.gov. If you have *Williams*-related questions regarding School Accountability Report Cards, please contact Rachel Perry, Policy and Evaluation Division, at (916) 319-0633 or by e-mail at RPerry@cde.ca.gov. If you have *Williams*-related questions regarding instructional materials, please contact Susan Martimo, Curriculum Frameworks and Instructional Resources Division, at (916) 319-0446 or by e-mail at SMartimo@cde.ca.gov.

Sincerely,

Greg Geeting, Interim Director
Charter Schools Division

Attachment

⁷ Deleted text: "...but these funds will likely be limited again (as they were in 2004) only to charter schools meeting certain prerequisites. As noted above, the CDE anticipates little (if any) additional funding for *Williams*-related activities being appropriated (other than for monitoring activities)." The deleted text may have led to an inaccurate conclusion.

⁸ Added text clarifies that even charter schools that "opted in" in 2004 will no longer be participating in the *Williams* settlement unless they continue to qualify and "opt in" again.

**2007 Williams Settlement
Charter School "Opt In" Form**

Charter School Name _____

CDS Code _____

Contact Person _____

Contact Information Phone Number E-mail Address

School Address _____

School's 2006 Base API (Please Circle) 1 2 3

____ Our charter school is choosing to participate in the *Williams* settlement and to be bound to the related requirements of statute.

I understand and agree that by choosing to participate in the *Williams* settlement, the charter school is bound by all related requirements of statute. I have read and understand the requirements of the legislation implementing the *Williams* Settlement Agreement.

Signature of Charter School Administrator _____

Date _____

If your school chooses to participate in the *Williams* settlement, please return this form by **Friday, September 14, 2007***, to:

Julie Klein
California Department of Education
1430 N Street, Suite 3800
Sacramento, CA 95814
(916) 322-1646

* The deadline was extended from August 10, 2007, to provide sufficient time for consideration of the changes reflected in this letter.