



31 January 2013

Mr. Ken Moore
Bullis Charter School
102 West Portola Avenue
Los Altos, CA 94022

Dear Ken,

Thank you for your letter of January 23, 2013 announcing BCS's intent to accept a facilities allocation that is split between sites at Egan and Blach and calling for further discussion. As you know, the District and the community have long been emphasizing the importance of finding a facilities solution that does not involve the closure of a well-performing neighborhood public school and have proposed an Egan-Blach split as a short-term solution because that is the allocation that best balances the needs of all District pupils—at BCS and the District's other public schools. The District also has long emphasized the need for BCS to participate in public discussions of the facilities issues and is pleased that BCS is coming around to that District idea as well.

Because BCS did not announce its proposal at any of the prior public meetings in which the 2013-14 facilities allocation has been extensively debated and vetted, the District has not been able to fully evaluate BCS's January 23, 2013 proposal. Upon a preliminary read, the proposal needs some work because it again fails to pay sufficient heed to the impact of BCS's proposed configuration on the highly successful programs at Egan and Blach. But the proposal certainly is a step in the right direction, and so the District will be studying it carefully.

As you will see from the preliminary offer of facilities for 2013-14 that the District is now furnishing to BCS, the District has substantially augmented BCS's facilities for 2013-14 and has devised sharing and other arrangements that should enable BCS, Blach and Egan to all thrive and continue their excellent programs without undue detriment or impact felt by any one program. Thus, any reasonable concerns that are articulated in your January 23 letter likely are already fully satisfied by this preliminary offer, but this offer does not impose the type of undue impact on Blach and Egan that your January 23 proposal appears to contemplate. To permit further input and collaboration, the District is scheduling a study session for February 25, to which BCS and any interested members of the public will be invited, to further evaluate and discuss these issues.

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I must comment on one point that was conspicuously absent from your letter and that remains a serious obstacle to any solution—the out-of-control escalation of the litigation by BCS. In just the last seven months, BCS filed a legally unauthorized “motion” in the Santa Clara County Superior Court challenging the District’s 2012-13 facilities offer and lost. BCS then filed a new lawsuit to again challenge the 2012-13 offer and lost again. BCS then refused to produce information that the District requested, so the Court ordered BCS to pay a \$51,000 penalty. BCS then asked the court of appeal to reverse the penalty and lost again. BCS moved the Court to throw out the District’s cross-complaint, but the Court held that the cross-complaint was brought in the public’s interest and the District had a probability of prevailing on it. BCS also has filed several appeals to challenge these many rulings that BCS has lost. To top things off, BCS’s counsel just notified our counsel that BCS is filing yet another “motion” that seeks to retread similar ground. BCS has not accomplished a single thing in this blizzard of unsuccessful legal maneuvers other than to squander hundreds of thousands of public education dollars from both sides and divert countless time and energy from both sides and from our respective communities. Think about all the facilities that could be funded with those millions of squandered dollars and what could have been accomplished with that misplaced time and energy.

As things stand now, the litigation is such a colossal diversion of time, energy and money that the District simply does not have the bandwidth to hold the “bi-weekly study sessions” you call for in your January 23 letter. The District is a public entity whose budget and staff must address the needs of 5000 school pupils at the District’s public schools and at BCS. To cite just one example of how the litigation is an impediment, BCS’s counsel has insisted upon taking the deposition of the District’s Assistant Superintendent on February 8, even though Mr. Kenyon is occupied fully with preparing the District’s preliminary offer of facilities for BCS and must attend to countless other District responsibilities.

You say in your letter that “[w]e stand ready now to work with urgency and transparently with the District between now and April 1st to design a mutually viable short-term solution.” But your actions speak louder than those words because you have refused to call for even a temporary pause in the out-of-control litigation that is a tremendous diversion of resources, time and energy and that is also frankly simply a conversation killer. No thoughtful dialogue is likely to occur if BCS simultaneously is launching grenades at the District. If you really want to pursue a solution, show the community you mean it by pulling the plug on your destructive litigation so we can all refocus those resources and energy where they belong—on our kids.

I look forward to hearing from you shortly.

Sincerely,

A handwritten signature in blue ink, appearing to read "DS", enclosed within a thin black rectangular border.

Doug Smith
President
Los Altos School District Board of Trustees

cc: LASD Board of Trustees. BCS Board of Directors. Santa Clara County Board of Education.