



Santa Clara County Office of Education

Mary Ann Dewan, Ph.D.

County Superintendent of Schools

October 2, 2019

Members of the Governing Board  
C/O Brian Köhn, Interim Superintendent  
Bullis Charter School

**RE: Bullis Charter School Enrollment**

Dear Members of the Governing Board:

This correspondence is sent on behalf of the Santa Clara County Board of Education and the Santa Clara County Office of Education (collectively "County"), Bullis Charter School's ("BCS") authorizing and oversight agency. As you are no doubt aware, the Los Altos School District ("LASD") recently sent the County the enclosed correspondence raising a number of concerns and making a variety of allegations related to BCS's admissions and enrollment preferences and practices and the results thereof.

As an initial matter, while not raised in the LASD letter, the County is concerned that BCS's implementation of any enrollment preference for pupils who reside within the boundaries of the former Bullis-Purissima Elementary School attendance area will run afoul of the prohibition in Education Code Section 47605(d)(2)(B)(iii)<sup>1</sup> against any charter school admission preferences that "result in limiting enrollment access for pupils with disabilities, academically low-achieving pupils, English learners, neglected or delinquent pupils, homeless pupils, or pupils who are economically disadvantaged, as determined by eligibility for any free or reduced-price meal program, foster youth, or pupils based on nationality, race, ethnicity, or sexual orientation." Such a result could also potentially violate the state and/or federal Constitutions and/or other applicable anti-discrimination laws. Based on information currently available to the County, at a minimum, the former Bullis-Purissima Elementary School attendance area appears to house a disproportionately low number of socio-economically disadvantaged students (and perhaps students with other protected characteristics), so the use of this preference appears likely to "limit enrollment access" for at least socio-economically disadvantaged students.

Therefore, on or before **October 12**, BCS must either (1) confirm that it will not implement any preference for Bullis-Purissima Elementary School attendance area residents in order to ensure compliance with Section 47605(d)(2)(B)(iii) or (2) provide a thorough and

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<sup>1</sup> All further statutory references are to the Education Code.

complete explanation, including the legal basis and any supporting evidence, as to why this preference will not violate the prohibition in Section 47605(d)(2)(B)(iii). If BCS chooses the latter option, the explanation must not be limited only to addressing socio-economically disadvantaged students, but all of the protected categories set forth in this provision of the Education Code.

LASD's letter raises a number of concerns and makes a variety of allegations and requests related to LASD's stated concern that BCS has engaged and/or will engage in practices that have a discriminatory impact, are discriminatory, and/or have led to segregation, including but not limited to the Bullis-Purissima Elementary School attendance area preference. Of course, the County is concerned about such allegations and takes these issues very seriously. At this time the County is affording BCS the opportunity to respond to the allegations in LASD's letter. It is necessary that BCS's response be complete and substantive, and address the multifarious issues and allegations raised by LASD. We require that BCS's response not be limited to generalities, but be clear, specific, and based in law and in fact, and that BCS provide all available evidence and applicable legal arguments substantiating its position.

BCS's response must explain whether and how BCS has been and/or will continue operating in compliance with state and federal law, and any changes that may be necessary to bring BCS into compliance with law. Additionally, if BCS has any suggested remedies for any concerns that it concedes are well-founded or that – even if the allegations are disputed by BCS – could lead to resolution of these allegations and concerns and increased confidence in the fairness and equality of BCS's admissions and enrollment practices and procedures, we would appreciate you sharing those with us. Please provide this response by no later than **October 23**.

The County appreciates your anticipated cooperation and prompt attention to these matters.

Very truly yours,

A handwritten signature in black ink, appearing to read "Mary Ann Dewan".

Mary Ann Dewan, Ph.D.  
County Superintendent

Enclosure

cc: Santa Clara County Board of Education