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 LOS ALTOS SCHOOL DISTRICT; BOARD OF  
 TRUSTEES OF THE LOS ALTOS SCHOOL  
 DISTRICT; and TIM JUSTUS

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
 COUNTY OF SANTA CLARA

BULLIS CHARTER SCHOOL,

Petitioner,

v.

LOS ALTOS SCHOOL DISTRICT;  
 BOARD OF TRUSTEES OF THE LOS  
 ALTOS SCHOOL DISTRICT; and TIM  
 JUSTUS, in his capacity as District  
 Superintendent,

Respondents.

Case No. 109CV144569

**DECLARATION OF ALYSSA  
 GALLAGHER IN SUPPORT OF  
 RESPONDENTS' OPPOSITION TO  
 MOTION TO COMPEL COMPLIANCE  
 WITH JUDGMENT AND WRIT AND  
 CROSS-MOTION FOR DECLARATORY  
 RELIEF**

Date: August 15, 2012  
 Time: 9:00 a.m.  
 Dept: 2

Judge: Hon. Patricia Lucas

**DECLARATION OF ALYSSA GALLAGHER**

I, Alyssa Gallagher, declare:

1. I am the Assistant Superintendent of Instruction for the Los Altos School District ("LASD"). I have personal knowledge of the following facts and could and would competently testify thereto if called as a witness.

2. I have reviewed the declaration of Wanny Hersey In Support Of Bullis Charter School's Motion To Compel Compliance. In it, Ms. Hersey asserts that the District's offer of facilities undermines Bullis' operation of a K-8 school program because the facilities are on two separate campuses. I believe this is untrue or overstates the case for the following reasons.

3. LASD offers a highly effective K-8 program and all of its K-6 students are on separate campuses from its 7-8 students. This is not unusual. I believe almost all public schools separate older junior high or middle school students from younger elementary students.

4. In addition, in response to the following paragraphs from Ms. Hersey's declaration:

**Responding to Hersey Paragraph 11**

5. While Bullis' 7th and 8th grade students currently serve as "buddies" and role models to K-6 students, a buddy program can effectively be run utilizing older elementary students as buddies. In LASD, our elementary schools implement very successful "buddy programs" with older students assuming the leadership roles that are integral to our character development programs. The BCS programs that require older students to fulfill leadership roles wouldn't be inhibited by a split campus as there would still be older peers for the primary students on campus.

**Responding to Hersey Paragraph 12**

6. LASD utilizes teaching specialists in a variety of content areas including music, Physical Education and CSTEM, a class that teaches collaboration, creativity and critical thinking through the STEM subjects of science, technology, engineering and math, for students in grades K-6. These teachers effectively teach robust programs at all seven elementary schools. Schedules are created that allow for teachers to travel while still maximizing instructional time for students. Schedules could be created at BCS that allow for Mandarin teachers; Art, music & drama

1 specialists, and KidLead “Koaches” to travel between two sites to continue providing high quality  
2 instructional programs.

3 **Responding to Hersey Paragraph 13**

4 7. BCS identifies other critical staff members that serve the entire K-8 student  
5 population. The needs that each of these staff members fill can continue be met as follows.

6 8. BCS currently has one school counselor meeting the needs of their entire school  
7 population of 450 plus students. The American School Counselor Association recommends the  
8 ratio of students to counselors not exceed 250:1. LASD has addressed this by utilizing a  
9 combination of District Counselors and counselors from Community Health Awareness Council.

10 CHAC is a nonprofit mental health services agency located in Mountain View, California that offers  
11 school based counseling for schools in addition to offering counseling, therapy, support groups,  
12 classes, and psychoeducational programs to local children, adults, and families.

13 9. Schedules can be created to allow for subject matter specialists to continuing serving  
14 the entire K-8 population without cutting access for students. LASD effectively utilizes traveling  
15 specialists to provide instructional programs at all seven elementary schools.

16 10. It is not uncommon for special education and administrative staff to serve students at  
17 multiple school sites. With technology and mobile access, both special educators and administrators  
18 can be reached easily. All special education services are dependent on individual student needs and  
19 goals developed by the IEP team. Special Education services must be looked at on a case by case  
20 basis dependent on student needs.

21 **Responding to Hersey Paragraph 15**

22 11. Physical Education can occur in a variety of locations. The state of California  
23 mandates 200 minutes of Physical Education for students every 10 days. There is no mandate that  
24 says all 200 minutes of the Physical Education must take place in a gym. In fact, it would be  
25 impossible to implement a standards based Physical Education program solely using a gym. There  
26 are many skills that are more appropriate to be taught outside on a field. In LASD, the majority of  
27 our elementary PE programs are taught outside and our Jr. Highs utilize a combination of outdoor  
28

1 and indoor space to best implement a standards based PE program.

2 12. The 14 minute long period Ms. Hersey references is for a free play/brunch break.

3 13. BCS could easily convert some of the over-allocated space at Blach (4 portable  
4 buildings for 27 students) into locker rooms with the installation of an internal wall in one of the  
5 portables.

6 **Responding to Hersey Paragraph 16**

7 14. The 504 Plan Services Ms. Hersey references are a function of the regular education  
8 program and therefore do not require separate facilities.

9 15. Like BCS, many LASD schools do not have a servery for hot lunch. Our schools  
10 have contracted with vendors who then assume the responsibility for the legal criteria for food  
11 temperature prior to serving. It is legal to serve hot lunch without a specified servery. Students who  
12 qualify for a free or reduced lunch have lunches provided by a contracted server and would not then  
13 be impacted by not having a servery.

14 **Responding to Hersey Paragraph 19**

15 16. It is not clear how Ms. Hersey is defining a "school day," which normally ends  
16 around 3:30 p.m. Each of our LASD elementary schools run enrichment programs after school but  
17 we do not count that as part of our "school day."

18  
19 I declare under penalty of perjury under the laws of the sate of California that the foregoing  
20 is true and correct. Executed on 7/23, 2012 in Los Altos, California.

21  
22  
23 By Alyssa Gallagher  
24 Alyssa Gallagher  
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