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

21 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
 22 COUNTY OF SANTA CLARA

23 BULLIS CHARTER SCHOOL,  
 24  
 25 Petitioner,

26 v.

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

Respondents.

Case No. 109CV144569

**DECLARATION OF JEFFREY BAIER 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 JEFFREY BAIER**

I, Jeffrey Baier, declare:

1. I am the Superintendent 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. Of the facilities allocated to Bullis Charter School for the 2012-13 school year, the portion that is located on the approximately 18 acre campus that BCS shares with the Egan Junior High School can accommodate well more than 360 students. During the period when I served as principal of Almond Elementary School, in 2002-03, Almond's 579 students shared the Egan campus. In 2003-04 Santa Rita Elementary School's 541 students did the same. The 2012-2013 offer allocates substantially more buildings and acreage to BCS than the facilities that are referenced in the document from which it quotes to support its claim of a 360 maximum capacity.

3. During the periods when Almond And Santa Rita shared the campus with Egan, students from both schools continued to perform exceedingly well while on the shared Egan campus. The schools remained strong draws for their respective communities. This has also been true of the period that BCS has shared the campus with Egan. As I understand it, its API scores and other measurables have remained high and it has continued to draw applications and continued to have a long waiting list for admission.

4. As the Superintendent of a public school district, I adhere to a number of fundamental principles. First, our schools must be open to all who reside within the District who seek a public education. Second, we must provide that education free of charge to all and regardless of means. Although we gratefully accept donations from the Los Altos Educational Foundation to help support our programs, we never suggest or intimate that donations are essential. Nor do we attempt to target students for enrollment in the District whose families can donate more money. Finally, we try to be as open, transparent and accountable to the public, who pays for these schools.

1 I declare under penalty of perjury under the laws of the state of California that the foregoing  
2 is true and correct. Executed on 23 JUL, 2012 in Los Altos, California.

3  
4  
5 By \_\_\_\_\_  
Jeffrey Baier

