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LOS ALTOS SCHOOL DISTRICT; BOARD OF
11 TRUSTEES OF THE LOS ALTOS SCHOOL
DISTRICT; and TIM JUSTUS
12

13 SUPERIOR COURT OF THE STATE OF CALIFORNIA

14 COUNTY OF SANTA CLARA
15

16 BULLIS CHARTER SCHOOL,
Petitioner,
17

18 v.

19 LOS ALTOS SCHOOL DISTRICT;
BOARD OF TRUSTEES OF THE LOS
ALTOS SCHOOL DISTRICT; and TIM
20 JUSTUS, in his capacity as District
Superintendent,
21

22 Respondents.

Case No. 109CV 144569

**DECLARATION OF MICHELE
HUNTOON IN SUPPORT OF
RESPONDENTS' OPPOSITION TO
MOTION TO COMPEL COMPLIANCE
WITH JUDGMENT AND WRIT**

Hearing Date: August 15, 2012

Judge: Hon. Patricia Lucas

Dept: 2

Petition Filed: June 10, 2009

23 I, Michele Huntoon, declare:

24 I am Associate Vice President of School Services, Inc. Founded in 1975, School Services
25 serves as a business, financial, management, and advocacy resource for educational agencies in
26 California. I have over 19 years experience advising public school districts in the areas of
27 finance, budgeting, categorical reporting, charter schools, payroll and MIS issues, revenue limits,
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1 and policies and procedures. I also have extensive experience advising school districts in making
2 measurements of facilities at comparison group schools under Proposition 39, having conducted
3 such an analysis for approximately more than 20 school districts. (Education Code §47614) I
4 have personal knowledge of the matters stated in this declaration and could testify to them if
5 called as a witness.
6

7 1. I have reviewed the March 31, 2012 Final Offer of Facilities by the Los Altos
8 School District ("District") to Bullis Charter School ("BCS"), along with the exhibits that were
9 attached. I also reviewed the methodology used by the District in measuring facilities at the
10 schools, as well as the "Checklist for Space and Size Inventory" for each school.
11

12 2. The California Code of Regulations (Title 5, Section 11969.2[d]) identifies a
13 contiguous site as one that is "a facility on a single site, or two sites that immediately adjoin one
14 another." In addition, if the "in-classroom ADA cannot be accommodated at a single site,
15 contiguous also includes non-adjoining sites, provided that number of sites is minimized and
16 student safety is considered."

17 3. The following offer was provided by the District on March 31, 2012:

- 18 • Facilities at two (2) campuses totaling 11.04 acres
19 ○ 7.67 acre campus at Egan (over 40% of the total site)
20 ○ 3.37 acre campus at Blach
- 21 • 27,600 square feet of teaching space
22 ○ 23,760 square feet at Egan
23 ■ A child care facility to be operated by a District identified licensed
24 provider
25 ■ An outdoor stage, or amphitheater
26 ○ 3,840 square feet at Blach
- 27 ■ 4 classrooms; 2 teaching space and 2 specialized teaching space
28 ■ Shared space for BCS 7th-8th grade students in specified specialized
activities
(i.e., science, physical education, the arts, etc.)
- 10,155 square feet of non-teaching space
○ 7,920 square feet at Egan

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- Full time use of one-half of the city gym at Egan
- 2,235 square feet at Blach

- 517,190 square feet of outdoor space
 - 302,399 at Egan
 - 142,780 at Blach

- BCS students may access either campus without restriction, except for shared specialized teaching space for 7th and 8th graders (i.e., BCS 7th and 8th graders may use Egan and vice versa)

4. The District currently comprises nine schools, including seven schools for grades K-6 and two schools for grades 7-8. The offering by the District has demonstrated, through the supporting documentation provided to us, the following:

- The facilities made sufficient accommodation to the charter school's in-district students.
- The facilities are reasonably equivalent to the facilities in which the charter school's students would be housed if they attended district-run schools.
- The facilities are contiguous, furnished, and equipped.
- The District has made a reasonable effort to ensure that the charter school facilities are near to where the charter school wishes to locate. In addition, the charter has been housed in the same facility in prior years, which provides for a consistency from one year to another without moving BCS unnecessarily.

5. The offering to BCS is consistent with the District's current grade level configuration. The District minimized the number of non-contiguous school sites—minimizing the number of sites to two—in the methodology utilized in the offer to ensure that the school site is reasonably sufficient and equitable.

6. I found the methodology used by the District in determining the number of sites (two) and grade level configurations (K-6 and 7-8) was consistent with standards ensued by other California school districts offering Proposition 39 facilities to charter schools operating within school district boundaries with more than 80 in-district students. As part of the analysis, the District took safety issues into consideration to ensure that all students were safe. The facilities

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DECLARATION OF MICHELE HUNTOON IN SUPPORT OF OPPOSITION
TO MOTION TO COMPEL ENFORCEMENT OF JUDGMENT

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1 offered are reasonable and sufficiently equitable in order to accommodate the projected
2 enrollment for the 2012-13 fiscal year based on adjustments by the District. If the students of
3 BCS were to attend a school within Los Altos, as an in-district student in the traditional program,
4 the configuration would be consistent.

5
6 7. The District has gone to extensive lengths to ensure that the facilities provided to
7 BCS are reasonable and equitable sharing of space requirement at both sites, as demonstrated
8 through its supporting documentation. For example, the District has explicitly determined through
9 the identification of specific timeframes for shared space to allow for planning of the daily
10 routines by BCS and the District to eliminate any problems during the school day for efficient and
11 effective learning.

12
13 8. We found the District utilized the same consideration for the charter school
14 students as for the students of the District and was reasonably equivalent along with ensuring the
15 facilities to be contiguous. In the charts attached as Exhibit 1 hereto, the District provides the
16 average comparison of the square footage versus ADA, which demonstrates the District did not
17 provide less consideration to the students of BCS than to the students attending the traditional
18 program related to facilities.

19
20 9. The industry standard of 960 square feet was used in determining square feet. The
21 District used this industry standard of classroom units as part of its documentation. The California
22 School Accounting Manual defines Classroom Units, as follows:

23 The classroom unit (CU) allocation factor is the number of units of space occupied
24 by each program. The CU provides a method of converting each program's square
25 footage into a standardized allocation factor. Although the term "classroom unit"
26 was derived from using an "average" classroom as the basis for the measurement,
27 all types of space are included in the CU count, not just classrooms.

28 When calculating CUs, count space that is occupied by an identifiable function or

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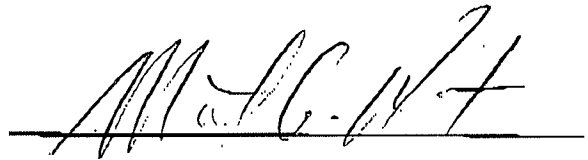
1 activity. If multiple programs share an area, the CU is allocated to each program
2 on the basis of the percentage of hours the room is used by each program. Report
3 noninstructional programs that occupy space in district administration facilities as
part of the district administration program.

4 Common-use areas are considered to benefit all programs and are not included in
5 the calculation of CUs. They include areas such as school offices, media centers,
6 libraries, corridors, restrooms, faculty rooms, unoccupied rooms, and outdoor
areas (swimming pools, ball fields).

7 Instruction and office areas. For "people-occupied" areas, such as instruction or
8 office space, a room that falls with the general range of 800 to 1,100 square feet
9 counts as one (1.0) CU. Areas that fall outside this range are converted to CUs by
10 dividing the actual square footage by 960. For example, a room occupying 1,200
11 square feet is 1.25 CU (1,200 divided by 960). Examples of areas converted to
CUs by using 960 might include large areas, such as science labs, computer labs,
multipurpose rooms, and gymnasiums; small areas, such as cubicles for speech
therapy; and agency-wide administration facilities.

12 10. The level of supporting documentation provided to demonstrate the offering to
13 BCS has been very thorough, which in comparison to the industry standard could be considered
14 above and beyond.
15

16 I declare under the penalty of perjury under the laws of the State of California that the
17 foregoing is true and correct. Executed this 23 day of July, 2012, in Long Beach, California.
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21 Michele Huntoon
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