



Los Altos School District

November 30, 2012

VIA FACSIMILE: 650-948-8987

Janet Medlin,
Member, Bullis Charter School
Board of Directors
102 West Portola Avenue
Los Altos, CA 94022

VIA FACSIMILE: 650-947-4989

Wanny Hersey,
Superintendent/Principal
Bullis Charter School
102 West Portola Avenue
Los Altos, CA 94022

Bill Cooper
Mark Goines
Tamara Logan
Doug Smith
Steve Taglio

Re: Proposition 39 Facilities Request 2013-2014
Response to BCS Enrollment Projections

Dear Ms. Medlin and Ms. Hersey:

This letter provides you with the response of the Los Altos School District ("District") to the November 1, 2012 Request for Facilities of Bullis Charter School ("BCS") for the 2013-2014 school year. As provided in 5 CCR § 11969.9(d), the District addresses BCS's enrollment projections for 2013-2014.

INTRODUCTION

As in previous years, the District has received the BCS request for facilities under Proposition 39. Over the past several years, BCS has grown at an average pace of about 45 in-District students per year. This year, BCS projects an increase of 140 in-District students with 127 new students overall.

The LASD Board of Trustees and Administration remain committed to sharing facilities fairly among all public school students within our district. To that end, we have carefully reviewed the BCS projections, and evaluated the raw numbers. The District also felt it important to look at the methodology of BCS's projections, particularly in light of the rapid increase in student enrollment that BCS is projecting.

In order to evaluate the numbers, the District considered the current projections, as well as the historical growth rate of BCS. The District looked at BCS's enrollment projections in the context of BCS's ability to meet its projections in years past, as well as in the context of the

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current community environment. The Board also held a special Board Meeting on November 5, 2012, where we heard input from BCS Board Member Peter Evans, as well as more than 50 community members.

Upon careful consideration, the District has determined that the BCS projected enrollment growth is overly aggressive, and therefore the District is asserting its right to provide counter-projections. Based on the Prop 39 implementing regulations, BCS has until January 2, 2013 to provide a response to this letter. Should BCS elect not to provide a response, the District will provide facilities based on our counter-projections.

SUPPORTING DATA FROM BCS

On November 5, 2012, the LASD Board of Trustees held a special board meeting to consider the BCS enrollment forecast. The District invited BCS to attend and present their projected enrollment, and also received considerable community input. The objective in arranging this meeting was to allow for a more constructive dialogue with BCS regarding its projections. Please extend our thanks to BCS Board Member Peter Evans and BCS founding parent Mr. Fred Gallagher for their participation.

During our discussion, LASD Board members raised a number of questions about the methodology used by BCS in developing these projections. As LASD Board Vice President, I followed up on November 7, 2012 with an email to Mr. Evans to remind him of the questions raised, and further followed up on November 19, 2012 with an additional request for BCS's methodology information. To date, we have received only one of the seven (7) items that Mr. Evans promised to provide. This is unfortunate, as additional information would allow LASD to obtain a better understanding of why BCS feels it can grow at such an unprecedented rate. We would urge BCS to provide the materials requested as soon as possible, so that the District may consider them as part of the 2013-14 facilities process.

Please see Appendix A for copies of the emails sent to Mr. Evans.

NUMERICAL ANALYSIS

In your letter of November 1, 2012, you provided the following projection for 2013-2014 student enrollment:

Grade Level	2012-2013		2013-2014			
	Total Current Student Count	In-District Student Count	Total Student Count	In-District Student Count	Total Difference	In-District Difference
K	60	60	80	80	20	20
1	60	60	80	80	20	20
2	63	62	80	80	17	18
3	63	63	81	80	18	17

4	75	74	75	75	0	1
5	75	73	75	74	0	1
6	48	43	75	73	27	30
7	48	28	50	45	2	17
8	25	12	48	28	23	16
TOTAL	517	475	644	615	127	140

As noted previously, this projection reflects substantial growth over 2012-13. Accordingly, the District reviewed BCS's enrollment projections in multiple ways to determine whether BCS's projected growth was feasible. The District's analysis shows that the 2013-14 forecast has BCS growing at nearly twice its historically highest growth in any year.

Please see the following appendices B and C for information on the mathematical comparison methods:

COMMUNITY INPUT

In addition to the quantitative analysis, LASD also considered the specific circumstances of our community, and the possible impact of the current climate in the community on BCS enrollment projections. Over the past two years, the community has become much more active with respect to BCS. Indeed, community members turn up in record numbers for LASD Board meetings where BCS is on the agenda. Local parents have made presentations to the SCCOE regarding BCS's special education enrollment and recruitment. Another group has become active in scrutinizing the BCS-LASD litigation. Facebook groups engage in heated discussions about the facilities question, and newspaper articles spawn dozens of comments and heated exchanges. In the current climate, it is safe to say that BCS is under heavy scrutiny in the community.

The net effect of all of this is that the District believes there is considerable local pressure running counter to BCS marketing efforts. Community members are engaged, and they are having active discussions with their neighbors about the impact of enrollment growth at BCS and BCS's proposed target of a 900 student school. Other groups are spending substantial energy to counter the BCS marketing claims of "small school environment" because BCS may become the largest school within District boundaries. BCS has never had to swim against a community current this strong. It is reasonable to predict that BCS enrollment will not grow at the pace BCS might otherwise expect.

Please see appendix D, and related exhibits, for additional information on the community input and climate.

LASD COUNTER-PROJECTIONS

Accordingly, LASD is exercising our right to provide counter-projections to the BCS enrollment forecast for 2013-14. The District believes that in light of all of the factors discussed here, the following is a reasonable forecast for BCS student enrollment in 2013-14:

Grade Level	BCS	District
K	80	75
1	80	75
2	80	75
3	80	75
4	75	69
5	74	74
6	73	73
7	45	30
8	28	26
TOTAL	615	572

REGULATORY AND OTHER MATTERS

It is important to note a couple of key legal issues related to this counter projection.

The BCS projected enrollment shows growth of 25% overall, and 29% of in-district students. Based upon LASD discussions with the Santa Clara County Board of Education and Santa Clara County Superintendent, we have been made aware that this would require a material revision to the BCS charter. Should BCS fail to obtain a required charter revision, LASD reserves the right not to provide any facilities.

Also, as you are aware, LASD has sought student names and addresses to verify in-District enrollment and to enable the District to obtain funding reimbursements from neighboring districts. Under the Proposition 39 regulations (section 11969.9(1)), BCS must provide this information upon LASD request. Section 11969.9(l) states: "The charter school must report actual ADA to the school district every time that the charter school reports ADA for apportionment purposes. The reports must include in-district and total ADA and in-district and total classroom ADA. The charter school must maintain records documenting the data contained in the reports. **These records shall be available on request by the school district.**"

BCS has refused to provide such information, even when given the option to do so under an appropriate protective order. LASD is pursuing this matter in the courts. We will also require that BCS provide this information as a condition of the provision of facilities for the 2013-14 school year for all in-District students. The District has a legal

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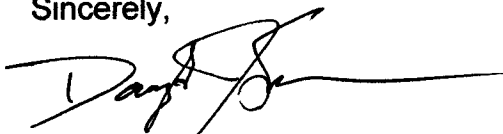
obligation to ensure that we allocate facilities appropriately among in-District students. The only way to verify BCS claims of in-District student counts is for the District to know the students' names and addresses.

CONCLUSION

The District has carefully weighed BCS's projected enrollment for the 2013-14 school year. In providing our counter projections, the District has evaluated the quantitative data of past enrollments, as well as the qualitative information about BCS within our community. We have also provided BCS with the opportunity to provide additional clarifications if they should choose to do so. We look forward to receiving any additional information about the BCS methodology as requested in the email to Mr. Evans on November 7, 2012. Per 5 CCR §11969.9(e), BCS may reaffirm or modify its projections, and may provide further data in response to the District's projections. A reply would be due to the District not later than January 2, 2013, and failure to timely respond would mean that the District's projections would not be subject to challenge.

We look forward to working with BCS to provide facilities for the 2013-2014 school year. Should you have any questions, please do not hesitate to contact us.

Sincerely,

A handwritten signature in black ink, appearing to read "Doug Smith", with a long horizontal line extending to the right.

Douglas J. Smith
Vice President, LASD Board of Trustees
Chair, District Subcommittee for Prop 39

APPENDIX A

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Appendix A: Emails from Doug Smith

Follow-up from LASD Board Meeting

Doug Smith <doug@smith4lasd.com> Wed, Nov 7, 2012 at 11:07 PM

To: Peter Evans <peterevans.bcs@evanscentral.com>

Cc: Randy Kenyon <rkenyon@lasdschools.org>

Peter-

Thanks again for coming over to the LASD meeting last night. I sincerely hope that we are able to work more collaboratively this year to develop a Prop 39 offer for BCS that stays out of the courts.

As you know, LASD has until 12/1 to reply to the BCS forecast. The information in the initial letter was helpful, but the District will need to look at the forecast you've provided and make our own determination of how accurate it is. As such, if you can provide information that explains a bit more about the methodology and back up data, that would be useful for the LASD Board. I made the following notes last night based on questions we asked/ discussed with you:

1. Can we please get a copy of the report you provided back to the county on your outreach efforts for minority and other student groups
2. You spoke of a form that BCS uses to assess parental interest in enrolling next year. Could you please provide us a copy of that form
3. Please provide all data BCS has on attrition by grade 3. level, by year.
4. Please provide the % of students who are offer a space who actually enroll. (This number will be less than 100% based on the number of students who are offered space, but don't matriculate for whatever reason)
5. Please provide copies of any studies BCS performed to ensure that growing at 29% this year won't impact your program quality
6. Please provide any documents and feedback received from existing parents about the proposed growth of the school to 900 students.
7. Also, to ensure that the District's allocation of furniture and equipment does not produce a windfall to the charter school that would violate Prop. 39's fair sharing premise, the District requests that Bcs provide an inventory of all furnitue and equipment that has been made available to Bcs pupils from any source for the 2012-2013 year. Although the District does not agree with the definition of furniture and equipment that Bcs adopted in it's recent court arguments, for purposes of this information request, the District requests an inventory of all items that fall within hat Bcs definition.

Finally, I do want to reiterate that the District remains committed to the letter we sent in October. We are committed to sharing facilities on a reasonably equivalent basis with BCS. In order to do that, we will need BCS to supply the names and addresses of the BCS students for the 2013-14 year so that we can ensure we are correctly counting in-district and out-of-district attendance. If you have any questions related to that letter, or the requests here, please reach out to me.

The District will use this information to help us assess the likelihood that BCS will meet the projected growth targets you have set. We would like to receive these documents by 11/15/2012. That would allow us time to review the documents and include them in developing our response to your forecast. Thanks again for coming to the meeting and presenting on Monday.

Best wishes,
DJS

—
Douglas J. Smith
Board of Trustees, Los Altos School District

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Smith4LASD.com Mail - Follow-up from LASD Board Meeting
<https://mail.google.com/mail/u/1/?ui=2&ik=9470831c77&view=pt&q=pe...>
1 of 2 11/30/2012 12:58 PM

www.smith4lasd.com
(650) 967-4499
blog: <http://lasdobserver.blogspot.com>

Smith4LASD.com Mail - Follow-up from LASD Board Meeting
<https://mail.google.com/mail/u/1/?ui=2&ik=9470831c77&view=pt&q=pe...>
2 of 2 11/30/2012 12:58 PM

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Follow-up from LASD Board Meeting

Doug Smith <doug@smith4lasd.com> Mon, Nov 19, 2012 at 4:20 PM
To: Peter Evans <peterevans.bcs@evanscentral.com>, Wanny Hersey
<whersey@bullischarterschool.com>
Cc: Randy Kenyon <rkenyon@lasdschools.org>

Peter-

This is just a follow-up to see if you were planning on providing any of the information that you promised at the LASD Board meeting on November 5th. The District would like to be able to include this backup information as a way of better understanding the BCS analysis of the projected enrollment in the Prop 39 facilities request for 2013-14.

Please let us know if you will be able to provide this material. As you are aware, our response is due back to BCS Dec 1st, so time is of the essence.

Thanks
DJS

[Quoted text hidden]

Smith4LASD.com Mail - Follow-up from LASD Board Meeting
<https://mail.google.com/mail/u/1/?ui=2&ik=9470831c77&view=pt&q=pe...>
1 of 1 11/30/2012 12:59 PM

APPENDIX B

Appendix B: BCS Annually Overstates Projected Enrollment vs. Actual Enrollment.

BCS has customarily overstated its projected in-District enrollment versus its actual in-District enrollment. For instance, in 2009-2010 BCS projected 18 7th graders, but did not offer 7th grade and therefore, had 0 in-District 7th graders. The District has taken this customary overstatement of projected enrollment versus actual enrollment into account, and its analysis is set forth below. Below is a chart of the variances each year between BCS's in-District enrollment projections and its actual (claimed) in-District enrollment:

	BCS Projections	BCS Provided Fall Enrollment	Variance	Variance Percentage
2004-2005	141	120	-21	-15%
2005-2006	143	165	+22	+15%
2006-2007	207	195	-12	-6%
2007-2008	248	241	-7	-3%
2008-2009	310	301 ¹	-9	-2.9%
2009-2010	327 K-6 18 7 th Grade 345 TOTAL	306 K-6 ² 0 7 th Grade 306 TOTAL	-21 (K-6 only) -18 7 th Grade	-6.4% INFINITE
2010-2011	360 K-6 21 7 th Grade 381 TOTAL	363 K-6 15 7 th Grade 378 TOTAL	+3 K-6 -6 7 th	+0.17% K-6 -29% 7 th
2011-2012	405 K-6 32 7 th Grade 17 8 th Grade 454 TOTAL	406 K-6 13 7 th Grade 14 8 th Grade 433 TOTAL	+1 K-6 -19 7 th Grade -3 8 th Grade	+0.25% K-6 -60% 7 th Grade -18% 8 th Grade
2012-2013	439 K-6 40 7 th Grade 14 8 th Grade 493 TOTAL	435 K-6 28 7 th Grade 12 8 th Grade 475 TOTAL	- 4 K-6 -12 7 th Grade - 2 8 th Grade	-1% K-6 -30% 7 th Grade -14.3% 8 th Grade

The District calculated the average variance percentage between BCS's projected in-District enrollment for the respective grade levels versus its actual (claimed) in-District enrollment at those grade levels, and noted it results in an in-District enrollment projection of 573 in-District students.

¹ According to 2009-2010 facilities request, Exhibit to Hersey Decl.

² According to 2010-2011 facilities request, Exhibit to Hersey Decl.

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Specifically, the variance average from the above-chart for grades K-6 was -2.1%. BCS projected 542 in-District grades K-6 students for 2013-2014, and 2.1% fewer students amounts to 530 students in grades K-6.

In addition, BCS's variance average from the above-chart for 7th grade was infinite. However, if one assigns a minimum of a -100% variance for 2009-2010, then BCS's 7th grade variance average was -54.75%. Applying a variance of -55% to BCS's in-District projection of 45 7th grade students for 2013-2014, results in an enrollment projection of 20 in-District students in the 7th grade.

In addition, BCS's variance average for 8th grade was -16.15%. If one applies -16.15% to BCS's projected 8th grade in-District enrollment of 28, it results in a figure of 23 in-District 8th grade students.

Based on the foregoing, the District in-District enrollment projection for BCS would be reasonable at approximately 573 in-District students.

APPENDIX C

Appendix C: BCS Has Never Grown By More Than 72 in-District Students

BCS claims it will grow by an additional 140 in-District students for 2013-2014. BCS's historical in-District increase has averaged 48 in-District students per year, and its highest enrollment increase in any one year was 72. The following chart shows BCS's annual in-District enrollment and its additional in-District enrollment by year:

Year	In-District Enrollment	Added In-District
04-05	120	
05-06	165	+45
06-07	195	+30
07-08	241	+46
08-09	301	+71
09-10	306	+5
10-11	378	+72
11-12	433	+55
12-13	475	+42

Given that BCS' average in-District enrollment increase has been 48, and its highest enrollment increase was 72, the District could reasonably consider a projected in-District enrollment increase somewhere between 48-72. However, the District has taken into account BCS's recruiting efforts to counter-project an in-District enrollment increase of 97 students.

APPENDIX D

Appendix D: BCS's Recruiting Will Be Hampered by Its Projected Growth and by Bad Publicity

The largest component of BCS's projected increase in its in-District enrollment projection results from BCS's assumption that marketing efforts for student recruitment will cause its in-District enrollment to rise by 140 students. However, an analysis of the facts available does not support this assumption.

A. BCS will lose a claimed advantages over the District schools or private schools with which it competes.

1. BCS Would Be Largest School in Los Altos.

For years, BCS has repeatedly marketed itself as a small school. (See, Exhibit 1, Declaration of Roberto Rivera, paragraph 3.c.) However, BCS's 2013-2014 enrollment projection states BCS's belief that it will have a total of 644 students for 2013-2014. At 644 students, BCS would be the largest school in the Los Altos School District boundaries.

BCS must have found that labeling itself a "small school" is advantageous because the term "small school" is stated in not less than three or four places on BCS's website. (See, Exhibit 2, BCS Website pages printed on November 8, 2012.)

Now, at a projected 644 students BCS will become the largest school in Los Altos, and will be forced to shed its label as a small school. BCS has also discussed growing to 900 students. If BCS continues to use the "small school" label, it will be misleading the public.

If BCS no longer uses the "small school" label, then it may lose a recruitment advantage. Based on comments in the Los Altos Town Crier, it appears that at least some parents of BCS students and/or potential BCS students find that the potential growth of BCS will take away its "small school" model and make BCS less desirable. (See, Exhibit 3, Town Crier articles dated October 17, 2012 AND November 29, 2012, and comments.)

2. BCS's Claims Regarding Student-Teacher Ratios and Class Sizes

BCS has made claims about its student-teacher ratio and its small class sizes, but BCS's student-teacher ratio and/or class sizes may go up if BCS grows.

For example, BCS's website claims its student-teacher ratio is 9:1 for Kindergarten. However, BCS states it has 60 Kindergarten students and its website lists four (4) Kindergarten teachers. If the information BCS has provided on its own website is correct, then its student-teacher ratio in Kindergarten is 15:1, not 9:1.

In addition, BCS claims 20 students per class in grades K-3, but according to its Facilities Request, BCS has 30 students per class in Kindergarten (60 Kindergarten students; 2 allocated classes for Kindergarten).

B. Community Objections and Publicity Regarding Litigation With BCS Will Affect BCS's Growth

In the last school year, it was widely reported that Los Altos community members made allegations that BCS discriminates against special education students to the Santa Clara County Board of Education ("SCCOE"), which have received local news coverage.

In fact, one of the items that came to light in the last year was that BCS routinely seeks donations in the range of \$5,000 from its students' families. (See, Exhibit 1, paragraph 3.h-3.i.). Again, such information has been publicized in the community.

BCS simultaneously claims that parent-donated BCS foundation moneys are not used to fund litigation and that there is no special fund for paying its multi-million dollar legal fees. However, BCS claims to have incurred attorneys' fees of \$1.3 million in the 2009-10 case. There has also been an award of sanctions exceeding \$50,000 to the District. Based on such figures, the District estimates that BCS is spending approximately \$1100 per child per year for legal expenses. As ongoing facts bring light to the legal burden borne by BCS families, they may become less willing to remit the large annual 'request' of nearly \$5000 when over 20% of their donation pays lawyers.

Further stoking the seeds of discontent with BCS in the communities comprising the Los Altos School District, BCS recently lost several motions in court regarding its facilities litigation with the District. First, its motion to enforce writ compliance related to the 2009-2010 facilities request was denied, and BCS has appealed. Second, BCS's counsel was sanctioned over \$50,000 in the 2009-2010 litigation for discovery abuse. Third, BCS's expedited motion on the 2012-2013 Facilities Offer was also denied on a tentative ruling, and the formal ruling is expected shortly. Whether BCS's prevails on these motions in the trial court or in the court of appeal, these decisions have been highly publicized and give BCS negative press in real time.

Again, members of the communities within the Los Altos School District attendance area have commented that BCS's litigious nature does not help it maintain a positive bond with the community and some potential families that BCS is attempting to recruit will not enroll at BCS.

The District has also filed suit against BCS for declaratory relief. As the litigation ensues and the facts receive greater notoriety, additional families may decide that they do not want to their child enrolled at BCS.

One indication of the public's support of BCS's opponents is that Anna Song, a SCCOE Board Member who voted against BCS's charter renewal, was re-elected. It was widely publicized in the local media that charter schools had put over \$250,000 and political capital behind the campaign of the opponent of Ms. Song, and the public chose to keep Ms. Song on the SCCOE Board.

C. Overall Effect on Marketing Efforts

Based on the foregoing, it would be reasonable to conclude that BCS will not be 100% successful in its marketing efforts. In fact, it would be reasonable to conclude that BCS will gain approximately 70-75% or less, of its projected enrollment increase of 127 students. Based on this factor, the District finds that it would be reasonable to conclude that BCS will have a projected in-District enrollment increase of between 88-95 students.

EXHIBIT 1

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BURKE, WILLIAMS & SORESENSEN, LLP
8 2440 West El Camino Real, Suite 620
Mountain View, CA 94040-1499
9 Tel: 650.327.2672 Fax: 650.688.8333

10 Attorneys for Respondents
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,

17 Petitioner,

18 v.

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

22 Respondents.

Case No. 109CV 144569

**DECLARATION OF ROBERTO RIVERA
IN SUPPORT OF RESPONDENTS'
OPPOSITION TO MOTION TO ENFORCE
JUDGMENT**

Judge: Hon. Patricia Lucas

Dept: 2

Petition Filed: June 10, 2009

23
24 I, Roberto Rivera, declare:

25 1. I am over the age of 18 years, and hold an private investigator's license from the
26 State of California – Department of Consumer Affairs, Bureau of Security and Investigative
27 Services, license number 20124. I have personal knowledge of the matters stated in this
28 declaration and could testify to them if called as a witness.

- 1 -

1 2. I attended a Bullis Charter School recruitment meeting on November 15, 2011 at
2 Bullis Charter School, and made a video recording of part of the meeting that also included audio
3 recording. The person making the presentation referenced in this declaration was Principal
4 Wanny Hersey.

5 3. I have read the contents of this declaration, reviewed the video and audio
6 recording, and based on my personal knowledge from attending the meeting as well as my review
7 of the video and audio recording, the following transcription of the Bullis Charter School's
8 presentation at the meeting on November 15, 2011 is true and correct. (References are to the
9 minute:seconds on the disc of the recording, as reflected by Windows Media Player):

10 a. From 15:58 to 16:25:

11 "A lot of times, people don't know what a charter school is. We have
12 found that a lot of people still think that charter schools are private schools. We
13 are a public school and because we are a public school, we are tuition free. We
14 do not charge tuition and our parents do not, are not required, to pay tuition. We
15 are open to the residents in the state of California, but as you all know, we do
16 have preference areas... "

17 b. From 19:40 to 20:19:

18 "As I say to all staff members, prospective staff members, and to all our
19 family members and prospective family members, if you do not believe in this
20 mission statement, then Bullis Charter School is not the best place for you. It is
21 really simple. Because as I said, everything we do is geared around the mission
22 statement. So if you do not believe in global citizenship, if you do not believe
23 that you are going to support the staff as well as the students, then this is not the
24 best place for you. . ."

25 c. From 20:30 to 20:53:

26 "We are a very small school. Currently 465 students. That's a K-8
27 program. We have small class sizes. Our Kindergarten classes are 20 students or
28 less, 3rd grade- 20 students or less and our 4th grade classes are 20-25 students -

1 with a maximum of 25.”

2 d. From 22:10 to 22:35:

3 “Here are some pictures of classrooms. Wanted you to see that all
4 classrooms look different, they're very warm and welcoming. They're age
5 appropriate – whether there are tables for the primary classes or individual desks
6 for the upper grades. And so our classrooms are configured to be conducive to
7 working together in groups or students working in partners or station work. . .”

8 e. From 43:45 to 44:23:

9 “We have field trips that really enhances the learning and really allows
10 them to see what they learn is applied out in the real world. And so, we go to a lot
11 of those wonderful places with the students. Then we have every grade level has
12 field trips; but in 4th to 6th, we do have some very special ones, this is the
13 overnight trips. So, in 4th grade, they go to Gold Country. In 5th grade, our 5th
14 graders just came back from outdoor ed in West Petaluma. . .”

15 f. From 44:43 to 45:00:

16 “And in fifth grade our students had the opportunity to go to Williamsburg
17 and Washington DC (inaudible) as part of their 5th grade social studies
18 curriculum. . .”

19 g. From 45:02 to 46:05:

20 “In 6th grade, our students go to Costa Rica.”

21 h. From 50:22 to 52:00 :

22 “The other wrinkle. The other way the students, our parents, really help is
23 – as you may know, we've been hearing a lot recently about the funding gap that
24 we have at Bullis Charter School in the news. But I wanted to show this picture
25 we don't have one . . . (inaudible) But, if you look in terms of government, local
26 public funding, there is a tremendous gap between what Bullis Charter School
27 gets, as well as what the regular public schools get, public funding, and if you add
28 on to other revenues like parcel taxes and other local revenues you will see that

1 they are getting 50 % more. So again, this is from the 2009-2010 data. This does
2 not include any foundations or PTA, this is purely government funding. So, this
3 particular year (2009-2010) the gap is \$3,700, this year (2011-2012) we're looking
4 at \$4,300 of a funding gap. So our parents are much aware of this and really,
5 quite frankly, help us with their efforts."

6 i. From 52:46 to 53:18

7 "We are the school that we are because of the hard work of not only our students
8 and faculty, but because of parent volunteers. We want our parents to help share
9 their expertise and passion, whether it's in the classroom or whether they're
10 working on the strategic action team that they are now. . . (inaudible) they help
11 support our foundation help us close the gap in terms of funding. . ."

12 I declare under the penalty of perjury under the laws of the State of California that
13 the foregoing is true and correct. Executed this 18 day of July, 2012, at

14 San Jose, California.



15
16 ROBERTO RIVERA

EXHIBIT 2

How does Bullis Charter School fit into the area?

Bullis Charter School (BCS), as a small, independent public school, is able to bring a choice in public education to families in Los Altos and Los Altos Hills, and surrounding communities. State education authorities have stated that choice in public schools creates healthy competition, which stimulates continual improvements in all public schools.

How does a charter school respond to students' needs?

At Bullis Charter School, every child is embraced as a multi-talented individual with unique learning styles and needs. BCS guides students in the process of learning, developing creative thinkers and problem solvers with a life-long love of learning. Because BCS is a charter school, there is freedom to innovate beyond the rules required of public school districts, yet there is strict accountability to meet or exceed state standards. For instance, the school's small size gives it the flexibility to develop and use the most effective teaching practices available, including a longer school day to allow time for enhanced programs.

What are the class sizes?

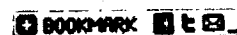
Classes in kindergarten through 3rd grade average less than 20 students; classes in 4th through 8th grade average 25 students. We are committed to maintaining a small school because research shows that "smaller learning environments create happier, safer, higher achieving students." (Oxley 2001)

EXHIBIT 3

Bullis Charter School should contain expansion: Other Voices

Written by Sarah Gerfen

WEDNESDAY, 28 NOVEMBER 2012



As a teacher raised and educated in the excellent public schools here, I am dumbfounded by the methods Bullis Charter School uses to control the community and the Los Altos School District.

It is despicable that the charter school sues the district for "equitable" facilities and continues to grow beyond a reasonable size. Its proposed enrollment expansion to 644 students places the charter school's population well beyond that of any other school in the district, on a site that is shared with another school.

Anyone who has tried to position him- or herself in the neighborhood of Egan Junior High School near West Portola Avenue, Los Altos Avenue and San Antonio Road at approximately 3:15 p.m. knows that traffic is horrendous. Drivers arriving and departing the school on West Portola will simply block the street until they are able to enter and exit the lot.

Last year an Egan student severely broke his leg just after school was let out and required emergency services to stabilize the situation. Emergency medical services were unable to move through the crowd of cars waiting to enter and exit Bullis Charter School. There is simply no regard for residents on the street, Egan personnel and parents, emergency vehicles or through-traffic travelers. It has become an absolute nightmare. Adding more students will exacerbate the problem exponentially.

The charter school's enrollment numbers should not be allowed to surpass those of the highest populated school in the district - Loyola, with approximately 570 students. In addition, it should not be allowed to share a site with another school - this has been unbearable.

If I had a say, I would suggest moving Bullis Charter School to Hillview Community Center, which was at one time an elementary school. Compared with the public schools in the district, it has a central location as well as the space to accommodate a number of students. Bullis Charter School should not be allowed to usurp another school's location. This will continue to cause problems in the community.

If Bullis Charter School wants to be a private school, then let it find its own land and develop it according to its wishes. If the charter school wants to be part of the district, then let it take its knocks the way the rest of the public schools take theirs.

Sarah Gerfen is a Los Altos resident.

5 Comments

"Can't have it both ways"

by **Albert**

1

at Wednesday, 28 November 2012 09:37

First BCS is accused of being elitist. It opens up more spots so that it won't be elitist and because the community is ASKING for it. There are so many LASD children that want a BCS education that the wait list is extraordinary.

Now they're accused of controlling the community by trying to address the community demand? You can't have it both ways...

It is entirely up to LASD where they locate BCS. It doesn't have to be at Egan. Moving BCS to Covington, and moving Covington to BCS would make all the sense in the world... Nearly 1/2 of Covington's community lives CLOSER to BCS than they do to Covington.

Ms. Gerfen should be addressing her comments to the LASD board and urge them to locate BCS elsewhere.

Why should LASD parents be denied their choice in public schools?

"Rich People's Game"

by **Joan J. Strong**

2

at Wednesday, 28 November 2012 10:49

Bullis Charter School is choosing--choosing--to grow itself into a giant mega school with no personality and no community.

The school requires at least \$5000 per child from parents. Growing the school will mean that many new parents won't be able to pay, which means that current BCS parents should brace themselves for thousands more in contributions. The entire scheme could come crashing down easily as parents start to question why they are paying for other's private school.

BCS growth benefits NOBODY yet the BCS board is pressing forward. Why? Global politics that have nothing to do with children or education in Los Altos.

We as citizens in Los Altos are being USED as pawns in a rich family's game. It needs to stop. Please urge your friends and neighbors to not apply to Bullis Charter School. If they are already enrolled, urge them to withhold their donation until the school operates in harmony with the community.

"it "

by **suzi berry**

3

at Wednesday, 28 November 2012 15:50

As a BCS parent I agree there are traffic issues and that sharing the Egan site has challenges. The story you share about an Egan student not being able to receive prompt medical attention because of a traffic jam is heart wrenching. Traffic around our two schools is common, but please remember BCS has asked to be elsewhere for many years now. This specific situation has been created by the LASD Board of Trustees who have chosen to allocate the public school facilities of the district to the public schools operating in the district in exactly this way - BCS has no say in which site it's on year to year. The district has placed BCS temporarily at Egan for 9 years, despite demand for BCS and many opportunities to give BCS a permanent home. As a community we may choose different schools for our children, but what I hope we have in common is a desire for a long term solution to benefit all the children and mend the rift in the community.

Comment

by **LASD resident**

4

at Wednesday, 28 November 2012 16:14

I think most in the community agree that the Egan sharing situation is not a solution. But to blame BCS for what is a LASD Board decision is wrong. LASD has continued to try and marginalize BCS using the facilities issue. BCS should be located at another location but ONLY the LASD Board can make that decision. It is way past time for the LASD community to accept that BCS is a desired option for public school students in Los Altos and accordingly is entitled to appropriate facilities. I also agree with the writer who struggles with BCS

being blamed for being exclusionary given the high demand for limited slots yet when it addresses that problem by expanding, it is blamed for that too.

"What Parents Choose"

5

by Joan J. Strong

at Thursday, 29 November 2012 08:48

@suzi -- You should clarify who chooses what.

* BCS parents choose a school program.

* LASD parents choose a campus.

BCS parents have no right to get upset about being moved around as necessary to preserve the choices of the other 80% of district parents who chose their neighborhood school.

If the BCS regime would stop blocking the construction of a new campus, then we could create a permanent home for the school. Until then, sharing of multiple campuses is the only viable way to preserve the choices of ALL parents here. BCS parents don't get to have it both ways.

I find it offensive that a BCS spokesperson would say they lament a "rift" in our community when only a few sentences later they call it a "choice" for parents. BCS necessarily splits Los Altos into two separate communities. This is the whole reason the school exists. There was no "rift" in our community ten years ago before BCS got here, and there will be no rift after the school folds up.

POST COMMENT

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Name

Title

Comment

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Bullis Charter School plans to grow

Written by Eliza Ridgeway - Staff Writer/elizar@latc.com

WEDNESDAY, 17 OCTOBER 2012



More students can expect to win in Los Altos' charter school

admissions lottery next year. Bullis Charter School leaders plan to expand its lower grades significantly.

At their Oct. 8 board meeting, charter school board members discussed adding one to two additional kindergarten classes next year and one additional class in grades 1-3. They must decide by Nov. 1 how much they expect their school to grow, as they must request classrooms and other facility space from the Los Altos School District by that date.

Janet Medlin, charter school board member, said examining how the charter school could serve the larger community formed the strategic aim driving the expansion plans. She and board member John Phelps reported that they met with charter school parents at a series of meetings to hear concerns about future growth. Fear that the school district would not provide facilities to allow for an expanding student body appeared to be a primary concern, as did fear that the community would vilify expansion plans and wistfulness for the intimacy of a small school. The charter school has already grown from 187 students at its founding in 2004 to 515 this year.

"This isn't a school of choice, it's a school of chance, because there's so many people who want to get in. We've grown too slowly," board president Ken Moore said. In some grades, nine students apply for every one open seat at the school.

In addition to admitting more children from the wait list, including siblings of current students, expanding the school would provide students with a broader repertoire of resources such as extracurricular activities, board member Anne Marie Gallagher said.

Growth discussion focused on expanding the program currently serving primarily Los Altos School District students. But board members also explored approaching the Mountain View-Whisman School District with the tentative idea of collaborating on a second charter school.

Within their current school, they described an ultimate goal of five kindergarten, first-, second- and third-grade classes and four classes each for grades 4-8. That would

ultimately bring the student body to just over 900 students, but would involve several years of incrementally adding additional classes across the grades. The board agreed to finalize its plans for how many classes to add next year by Oct. 29.

Bullis Charter School board members appeared mindful of past critiques that the audience couldn't hear deliberations during public meetings. Throughout the meeting – which was not amplified and occurred in one of the charter school's classrooms – when conversation dropped to inaudible levels, members prompted each other to speak up. Los Altos School District board trustee Doug Smith brought microphones and audio recording equipment to the meeting and attempted to place them in front of the Bullis board members. After an acerbic response from several members of the board, he moved the mics into the audience.

20 Comments

Comment

1

by **LASD Parent**

at Wednesday, 17 October 2012 09:07

Good. I presume that their commitment to growth will also include a commitment to enroll greater numbers of special needs children, underserved minorities, and low income children. If they are just doing this so that only siblings of existing BCS students can be enrolled, then this is a crock!

"So Sad"

2

by **So Sad**

at Wednesday, 17 October 2012 10:21

BCS parents aren't being heard by the board. We've made our concerns clear (facilities aren't adequate for expansion, we like small intimacy more than a large school, we're sick of being made the enemies in our own town), but the Board has its own agenda, apparently. I don't understand why the Board doesn't even have the students' and parents' best interest in mind?

"Parent"

3

by **Ask the right questions**

at Wednesday, 17 October 2012 10:22

Charter schools always claim to have enormous waiting lists. It's a self-aggrandizing and unverifiable claim. It may be true in this case, but it's often made when evidence proves it's false. The press should never, ever parrot this claim as received wisdom. At the least, attribute it and add that it's unverifiable. Be professional, not gullible, and don't do charter schools' PR for them.

"BCS Fanatics"

by **Joan J. Strong**

4

at Wednesday, 17 October 2012 10:23

The move to grow BCS will be bad for all of our public school children here, will be bad for BCS children (as implied by the questions at that board meeting), and will serve to amplify the current crisis surrounding facilities.

Growing BCS will be very bad for BCS parents and children as they can say goodbye to the intimacy and exclusivity that had previously been enjoying. Since our school district does not have empty school campuses lying around, there will be major issues with finding facilities for the school.

The BCS financial model relies on every single parent coming up with \$5000 per child every year. Parents who don't pay that cause other parents to pay more. A less "intimate" collection of parents could put that financial model into crisis, causing richer parents to be forced to donate thousands more.

All of this, because of their wider political agenda to grow. An agenda that has nothing to do with children or education.

"Antoine Dodson"

by **Antoine Dodson**

5

at Wednesday, 17 October 2012 10:23

Hide your wife!

Hide your kids!

BCS is coming to get them!

"Here's the scenario"
by **Lee Ann Hutchinson**

6
at Wednesday, 17 October 2012 10:23

"Board members also explored approaching the Mountain View-Whisman School District with the tentative idea of collaborating on a second charter school."

"Hey, MVWSD. We've spent the past decade on a mission to wreak vengeance on LASD and successfully pitted neighbors against neighbors in a really ugly community battle, using Los Altos kids as our pawns. We'd love to do the same in Mountain View. What do you say?"

Comment
by **NeedMoreCharters**

7
at Wednesday, 17 October 2012 11:56

Vote for Grace Mah! She'll make sure the Santa Clara County Office of Education Board approves the new BCS for Mtn View pronto!

"Comment"
by **Verifytheclaims**

8
at Wednesday, 17 October 2012 12:20

How can anyone verify how many students are actually on the waiting list? More importantly, how many on the wait list actually live within LASD boundaries? One aspect of the ongoing lawsuits is that BCS has so far refused to let LASD verify the number of current BCS students who live within LASD boundaries, even though LASD is obligated to provide facilities for LASD students only. The press should ask BCS to specify the number of LASD students on the waitlist (because I imagine that most probably live outside of LASD) and also emphasize that the BCS numbers have not been substantiated.

Comment
by **Concerned Parent**

9
at Wednesday, 17 October 2012 13:48

To my knowledge there is NO waiting list. If you get it, you get in. If you do not, you go to another school. Nothing carries over to the next year, so where

is this waiting list? The drive to expand goes against ALL of the BCS original goals of small school and small class size and is driven by one goal only, get an existing campus. It is a real shame that their own board, appointed year after year by themselves, goes against the wishes of their own parents. The more the courts rule against them the harder they push. This is a true disaster in the making...

"Contradictions"
by Concerned Community

10

at Wednesday, 17 October 2012 17:05

How can there not be a waiting list? People who wanted to attend last year obviously would be contacted if someone moves away or otherwise drops out, especially over the summer following the January admissions process.

BCS verifies the residence of the students to the county office of education which handles transferring funds for its students. LASD has to pay for the students whether or not they are residents if it is a basic aid district they reside in (like Palo Alto or Mtn View Whisman). The county handles the transfer for other districts which are revenue limit to its charter schools. The county office is the disbursement agent for all expenditures for LASD--LASD does not write checks.

"SCHOOL TOO BIG!"
by concerned parent

11

at Thursday, 18 October 2012 14:28

How can you manage an elementary school/middle-school campus of over 900 students. That is HUGE! The safety, logistics, facilities and administrations would be tremendous and a huge burden on LASD. Who wants to go to a K-8 school with 900 kids on campus? How big is their admin staff going to be? Are they going to have buses to bring these kids in? How will this impact the districts that these kids will be coming from???? Are they just going to suck the life (and \$\$) from surrounding community schools? BCS needs to think about the larger community that it is impacting.

Comment**12****by size is relative..**

at Thursday, 18 October 2012 17:24

If BCS added more classes next year, the new students will be coming from LASD, not any other districts. They will be doing it to accommodate the siblings on wait list plus the many numbers of LASD parents who are actively waiting for a spot. As for size of a single school with respect to the "safety, logistics, facilities, and administrations would be tremendous and a huge burden on LASD", let me remind you that it was Mark Goines who said in earlier board meeting that 900-1000 student campus is not the end of the world, and that there are many districts around us with large schools... I'm not making any value judgement on the situation - just making sure you understand that students who are attending/and will be attending are ALL from LASD boundary, and that your own BoT doesn't believe large school is as bad as you think it is.

Comment**13****by Ron Haley**

at Friday, 19 October 2012 08:35

BCS only grows because LASD parents want their children to attend. With top test scores in the district, again, and extensive extracurricular activities, it offers the best public school education in the area.

Last year, only 20 of 100 non sibling kindergartner students gained entrance. Expanding the lower grades makes sense.

Additionally, the LASD Boards continued efforts to kill BCS have forced it to become a larger part of the community. It's a lot harder to kill 20% of public schools, rather than 10%.

LASD now has to look at a second site for BCS. Once LASD walked away from the mediated agreement earlier in the year, this was always a strong possibility. We have the LASD board to thank for this outcome. Thank you!

"Thanks for clarifying Ron"**14****by Joan J. Strong**

at Friday, 19 October 2012 11:48

Thanks, Ron, for clarifying to everybody that this tactic by the BCS board has nothing whatsoever to do with the welfare of children in our area. As usual, it's

about revenge.

A couple of key facts:

1. BCS has not always had the top test scores. This year BCS scores are less than 1% higher than that of surrounding schools.
 2. Those "free" extracurricular activities are not free, as BCS requires at least \$5000/child per year and parents who do not donate this amount force other parents to donate thousands more. I heard a rumor that the number is more like \$8500 this year, plus more for "supplemental fundraising". For that much money, you can buy a lot of your own activities and have a lot left over.
 3. BCS does not offer, "the best public school education in the area" in most people's opinion.
 4. BCS does not share it's application data with anybody outside the school or outside "inner circle" players like Ron. As such, nobody really knows how much demand the school has
-

Comment

15

by **Better Smaller Schools**

at Saturday, 20 October 2012 09:53

One of the reasons why LASD has maintained relatively small school sizes (besides the fact that all parents generally prefer smaller schools over gargantuan ones!) is that LASD found that once a school gets much bigger than 550 it becomes impossible for ANY principal or administrator to know all the kids by name, or have time to take a personal interest in each child.

It appears like the unelected BCS board is more interested in the politics than in the quality of the experience for the children.

Most fascinating how BCS misses it at the other end as well:

When economies of scale and size ARE important, as children move into grades 7-8 and programs need a certain scale for social activities, sports teams, musical bands and orchestras, and to just generally prepare them for the

larger world of high school, BCS parents restrict the opportunities available to their children. Despite the best middle schools in the state (Egan/Blach) being available literally right next door!

"Bullis location(s)"

16

by **stating the obvious**

at Monday, 22 October 2012 16:01

LASD decided BCS should be split in two, so BCS decides it should be 900 in size so that each location can hold a critical mass (say 350) of students. That does not mean that either of the two sites will house 900 students.

Comment

17

by **To: Stating the obvious**

at Monday, 22 October 2012 22:21

Maybe you need to recheck your mathematics...

Comment

18

by **Still BIG schools for BCS**

at Monday, 22 October 2012 23:28

STATING THE OBVIOUS CAN'T ADD:

If K-6 is at one site, and 7-8 is at the second site, that would make the split: 700/200, NOT your 350/350 (which doesn't even add to 900 as any K-6 student would know).

Comment

19

by **900 still doesn't work...**

at Monday, 22 October 2012 23:28

At that large of a size, the K-6 would still be too large for the BCS principal and administrators to spend time with each child, or to know each child by name.

And the 7-8 would still be too small to achieve the needed scale for social

activities, sports teams, musical bands and orchestras, and to just generally prepare them for the larger world of high school.

"Parent"
by **Concerned**

20
at Tuesday, 06 November 2012 13:37

Bullis Charter School: Two wrongs do not make a right. Stay small stay focused and leave our town alone. We will not be assimilated and we will not go gentle into that good night.

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