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Court of Appeal Rules For District On Request To Examine Bullis Charter School's Admissions And Fundraising Practices

The Sixth District Court Of Appeal today dismissed Bullis Charter School's (BCS) appeal from an order of the Santa Clara County Superior Court. In January 2013, the Superior Court upheld a Los Altos School District (LASD) request to examine BCS's admissions and fundraising practices to determine how those practices should impact BCS's public school facilities allocations. LASD filed a "request for declaratory relief" in November 2012, which BCS had sought to block. This ruling from the Appellate Court clears the way for the lower court to move forward with that case.

In response to community concern that BCS's practices were exclusionary and created unfair differences in the resources available at public schools within the District, LASD filed a request to have the Santa Clara County Superior Court examine those practices and determine how they impact LASD's obligations to provide facilities to BCS. BCS repeatedly petitioned the Court to shield its practices from public scrutiny, but Judge Patricia Lucas denied its first two applications, and Judge Carol Overton denied its third such application.

After suffering that third adverse ruling, BCS appealed the second of Judge Lucas's rulings—an order denying BCS's motion to dismiss the LASD's request for declaratory relief. This ruling by Judge Lucas had found that the District had acted in the public's interest in making its request and had a probability of prevailing on its request. Immediately after BCS filed the appeal, the District conferred with BCS counsel and sought to have BCS withdraw the appeal. BCS refused, so LASD petitioned the Appellate Court to formally dismiss the appeal without a hearing on the matter. Today, the court of appeal granted the LASD's request and dismissed BCS's appeal.

LASD Board President Doug Smith said of the ruling, "Today's ruling is certainly positive for the District. This frivolous (and ultimately fruitless) run to the appeals court is just another example of how the taxpayer's money is being wasted in litigation. We would strongly prefer to spend time working collaboratively with BCS on finding a 10th site to accommodate the growth of students in our community schools, but we need the BCS Board of Directors to step back from this scorched-earth litigation strategy and work with us and the broader community. It would be great to spend our summer working together, rather than in the courtrooms. Until then, though, I'm grateful for the speedy action of the Appellate Court in ensuring that the community concerns will be examined."

Having prevailed in the court of appeal, LASD will now proceed to gather information from BCS regarding its admissions, fundraising and other related practices so that the Court can answer the community's questions and concerns."

Los Altos School District operates seven elementary and two junior high schools and is a top-rated school district in the State of California. LASD serves 4500 K-8 students from portions of Los Altos, Los Altos Hills, Mountain View and Palo Alto. All nine schools in the district have been California Distinguished Schools and/or National Blue Ribbon Schools. LASD is nationally recognized for its many educational innovations and awards including the first district to create blended learning mathematics environments utilizing Khan Academy.

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For more information, contact Jeffrey Baier, LASD Superintendent, at superintendent@lasdschools.org