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Facilities for BCS

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Mon, Aug 12, 2013 at 10:52 AM

To: "Joe Hurd (BCS)" <joehurdbcs@gmail.com>, Peter Evans <peterevans@newpowertech.com>, David Spector <dspector@ourfamilyadvisor.com>, Mark Goines <mgoines@lasdschools.org>

Cc: Jeffrey Baier <jbaier@lasdschools.org>, Wanny Hersey <whersey@bullischarterschool.com>

Joe, Peter, David,

David has sent over an FUA with language the District has not accepted and cannot approve. On Tuesday night last week, we agreed to sign the April 1st FUA, deliver facilities, and negotiate in good faith once that had happened. The BCS approach continues to put the cart before the horse. Your most recent document continues to ignore the realities of the CEQA limits on each site. Even in my last email, I recognized your capacity concerns and how that might be a problem for your out-of-district students. I offered to have a discussion about that, yet you've still stonewalled a simple and reasonable request: How many students do you want permission to load at each campus. It's a simple question.

"Let's sign the April 1st FUA, get the doors open, and negotiate in good faith like we agreed." That process (all three steps) was meeting halfway. You should recall that the District didn't feel like we had any obligation to reopen discussions on a Final Offer that BCS has already litigated and lost. We agreed to do so in the interest of putting the kids first, and felt that step was more than "meeting you halfway". BCS is now asking to move the markers yet again, and they're moving to a place the District can't accept. Not only are you asking to move the markers, but you're declining to provide enough information for us even to evaluate the request. The District stands ready to do what we promised- Sign the April 1st FUA, open the doors, and negotiate in good faith.

The District stands ready to honor what we four discussed on Tuesday night. To that end, we have posted on our website a signed copy of the April 1st FUA. It contains only the modifications that specifically say the District agrees to negotiate in good faith to consider your concerns about grade level restrictions and site capacity. It includes the same language I proposed earlier, stating that BCS will comply with the limits pending the outcome of those negotiations.

All through this summer, we received email communications about various requests and concerns about the new facilities: linoleum in this room, more sinks in that room, etc. Not once did anyone raise the concern about the capacity limits, nor the grade level restrictions. (Well, I should concede that the split issue was raised in court, but the Judge has ruled for the District on that). Now in the eleventh hour, when someone finally realized we were serious about requiring the FUA, there's a crisis.

I would implore each of you to take a step back and think this through. We've publicly committed that we will negotiate in good faith to consider your concerns. Joe proposed meeting twice per week, with one meeting for short term and one meeting for long term. It is an aggressive schedule, but one that we can all get through in a reasonably short time. Is it really worth blowing up the community all over again to save a couple of weeks? Your refusal to work within the process you both supported will seriously impact the District's willingness to have **any** further negotiations on this offer. Failure to comply with the terms of the offer at that point would then open up BCS to litigation and possible enforcement from LASD. At

that point, absent a negotiated agreement otherwise, the terms of the final offer would be the standard by which BCS' behavior would be evaluated by the courts.

Please step back from the brink. Download the document from the District Website, (http://www.lasdschools.org/files/user/1/file/FUA_BCS_13-14_2.pdf) sign it, and return it to the District office. We'll have a set of keys ready and waiting.

Regards,

Doug Smith

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