



October 26, 2021

Santa Clara County Board of Education  
Santa Clara County Office of Education  
Mary Ann Dewan, Ph.D., County Superintendent of Schools  
1290 Ridder Park Drive  
San Jose, CA 95131

Re: Los Altos School District;  
*Bullis Charter School*

Dear Board of Education and Superintendent Dewan:

Earlier this year, the Santa Clara County Board of Education (SCCBOE) issued the Notice of Concern (Notice) to Bullis Charter School (BCS) identifying a serious and pervasive failure to serve all students as required by the Education Code and the Constitution. The data extracted by the Santa Clara County Office of Education (SCCOE) and clearly explained in the Notice demonstrates that BCS had not only failed to achieve a “balance of racial and ethnic pupils reflective of the general population of the school district in which they are located,” but also failed to take the steps necessary to correct this longstanding discrimination during its nearly two-decade history. You further made clear that if BCS “fail[s] to cure the violations set forth in this Notice ..., the SCCOE may deny BCS's renewal.”

In response, BCS requested that SCCBOE approve a material revision to the charter document providing an admissions “preference” for in-district students who qualify for free and reduced price meals (FRPM), second to a siblings preference and not to exceed 10 percent of the open positions.<sup>1</sup> This preference was considered and approved at the SCCBOE October 6, 2021 meeting and will go into effect for BCS’s 2022-23 school year with a lottery expected to be undertaken on February 19, 2022.

As LASD’s superintendent stated at the meeting, and as evidenced by the extensive public comment offered by LASD families, SCCBOE’s attention to the issue of underrepresented students at BCS is of extreme importance to our school district, our students, and our community. We appreciate the solemn attention

<sup>1</sup> It is noted that they also requested that a seventh of seven admissions preference be added for FRPM students that reside outside the district. This preference does not include a 10 percent cap, but because of its placement so far down the preference list, it is unlikely this category will have any open spots.

*Board of Trustees*

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the SCCBOE and SCCOE have given this matter. The majority of the SCCBOE members made comments raising serious concerns as to not only whether the FRPM preference would actually work to achieve greater diversity for BCS, but also to the larger question as to how exactly the 10 percent limited FRPM preference will be the cultural change needed by BCS to do the same.

In response to SCCBOE's questioning, BCS acknowledged that the FRPM preference would for the most part be limited to the kindergarten class. BCS explained that open spots in the other grade levels are so few that after the sibling preference, there would be little room for FRPM preference students. When asked how they will ensure that diversity is across all grade levels, BCS responded that the siblings of the FRPM preference admitted students would have the benefit of the sibling preference and would thus lead to a growth in diversity. However, BCS offered no analytics to demonstrate this, nor did they suggest how the diversity would be achieved for the other three categories of underrepresented students outlined in the Notice.

Furthermore, BCS suggested after the 10 percent cap is met in a given grade level, any additional applicant would "continue to have access with the other preferences..." Again, BCS offered no analytics to support this statement. To the contrary, history has shown in the data showcased by the SCCOE, access to the BCS lottery through the other preferences led to low enrollment of FRPM students. While BCS spoke of its summer camp for "disadvantaged youth," which it has been operating for many years, they offered no data that students that attended the camp, then attended BCS. Therefore, BCS has offered no tangible reason to believe access through other preferences will occur going forward.

LASD applauds the majority of the SCCBOE's questioning that the 10 percent FRPM preference was a ceiling and not a floor. "[I]f in fact you are serious about recruiting, uh, more socioeconomically disadvantaged students, then that number should be higher rather than having it as a ceiling of 10 percent considering that you're so far behind." BCS responded that the 10 percent was what the BCS Board had approved.

We agree with the SCCBOE that while the stated commitment to recruit more diverse students is important, "if there isn't a culture change at Bullis, there's going to be, a continued funneling of only wealthy students into your student body." More importantly, "if the culture at Bullis singles out and -- and essentially, you know, discriminates against individuals without means, how are these students going to be successful within the school?" BCS continued to fail to address these issues. With the lottery approaching and very little time to meaningfully recruit and no time to change the school's culture, the limited FRPM preference will not be enough. BCS's non-diverse population has grown over nearly two decades of BCS choices, preferences, and an exclusionary culture of wealth and privilege. A true commitment to diversity requires both new approaches *and* dismantling of past approaches. BCS's current culture created such a disparate demographic that BCS underserves students in all protected classes. LASD has not seen, and it appears the SCCOE and SCCBOE have not been provided, with a comprehensive plan to actually achieve the diversity that the Notice requires and what role the preference plays within it.

Worse still, BCS did not take public input into account when developing the admissions preference proposal or otherwise vet the material revisions in accordance with the Brown Act. The BCS Board limited public input by holding only a single publicly noticed in-person only

meeting to discuss the matter. BCS provided only limited information with the meeting agenda, and limited public comment only to those individuals who attended the in-person meeting during a pandemic (there was no remote appearance option for the public). Furthermore, BCS's only public agenda item on this topic was on October 4, *after* BCS already submitted the proposal to the SCCBOE. The agenda merely states:

Enrollment Lottery Preferences: The Board will consider changes to preferences in the enrollment lottery. (10 minutes).

Notably, BCS did not make the resolution, nor the proposed charter admission preferences, public with the agenda. BCS further ignored its contractual obligation to seek consent from the District in order to change the preferences.<sup>2</sup> While BCS did not inform the District, we appreciate that SCCOE reached out to Superintendent Baier to provide the information and the opportunity to be heard on this important issue.<sup>3</sup>

We point this out because BCS, since its inception, has ignored its responsibility as a *public* school to consider the input of the taxpayers who fund the school. The BCS exclusionary culture that SCCOE and SSBOE have stated must change stems in large part from an attitude of exclusivity in which a small handful of persons make all the decisions without the transparency and accountability that every public entity owes to the taxpayers. This way of operating is antithetical to the essence of what it means to be a public school and it also impairs sound, publicly beneficial decision-making. Had BCS sought meaningful input, as it both agreed to do and is required to do, BCS likely would have been able to present a preference that would have had more community support and that would have better addressed the shortcomings and lack of BCS preparation that SCCOE and SCCBOE identified at the October 6 meeting.

As a taxpayer-funded district that is committed to excellent free public education, we take these issues seriously and admire the SCCBOE for its careful consideration, thoughtful questions, and open dialogue on this critical issue. No district should be put into the position of supporting with public dollars and facilities, a school that is not compliant with law on a matter so fundamental as equity and access to public schools. As BCS's charter authorizer, we look to SCCBOE and SCCOE to continue the hard work that situation makes necessary.

We appreciate your vigorous oversight of BCS which has a longstanding history of excluding students in all protected classes resulting in a lack of diversity at all grade levels. LASD expects the SCCBOE will require BCS be in compliance with the law prior to its upcoming charter renewal. To be in legal compliance with Education Code Section 47607(e), BCS must achieve a

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<sup>2</sup> See, <http://www.bullischarterschool.com/wp-content/uploads/2021/10/Agenda-21-10-04-FINAL.pdf>

<sup>3</sup> The Facilities Use Agreement (FUA) in place between the District and BCS states: "18. BCS LOTTERY PREFERENCE. BCS agrees that for the years covered by the term of this agreement it shall not pursue changes to its admission preferences without the express consent of the Board of Trustees of the Los Altos School District." This provision was incorporated into the two-year extension of the FUA and is currently in effect.

“balance of racial and ethnic pupils reflective of the general population of the school district in which they are located.” As stated in the Notice, failure of BCS to do so is grounds for nonrenewal of their charter.

Respectfully,

A handwritten signature in blue ink, appearing to read "Vaishali Sirkay". The signature is fluid and cursive, with the first name "Vaishali" written in a larger, more prominent script than the last name "Sirkay".

Ms. Vaishali Sirkay  
President, Board of Trustees  
Los Altos School District