

BCS vs LASD

[pullquote]Before looking at the details, there is one fact that everyone must understand: under California law, any – any – group of parents can form a charter school. There are specific regulations about the minimum number of students, instruction quality, and so on. But Proposition 39 (passed by voters in 2000) explicitly gives Californians the right to form charter schools. Attempts to deny this right are certain to be defeated in court.[/pullquote]

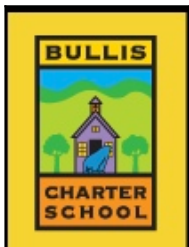
For ten years I have watched the ongoing battles between the Bullis Charter School (BCS) and the Los Altos School District (LASD). I have nearly concluded that **BCS vx LASD should be settled in a no-holds-barred cage match**. However, I doubt that my wish will be granted any time soon. (Although after ten years of legal battles, at this point not much would surprise me).

The purpose of this article is to review some facts, a bit of the timeline, then reach a conclusion. For those who want to save some time, here's the short version: the Village Whiner wholeheartedly supports BCS and believes they have been egregiously damaged by deliberate actions of LASD. Disclaimer: I have no children. My wife's children are far removed from the Los Altos school system. **I'm just concerned with efficiency and fairness.**

Executive Summary

This article is longer than I had hoped. To save some time, here are the relevant historical facts. **In 1998 Los Altos residents approved a \$94.7 million bond issue. These funds were to be used to renovate the three junior high schools: Covington, Egan, and Blach. After that, elementary schools were to be renovated, starting with Bullis-Purissima (B-P), the elementary school that had a large contingent of students**

from Los Altos Hills. The renovation projects were managed **horribly**, with cost overruns, added items (including one new wing and one new building at Covington), and general incompetence. After a few years, the project manager – formerly a grade school principal – was replaced with professional construction management. But that was too late. **First the budget for renovating B-P was cut by about 82 percent. Then B-P was moved from the top of the renovation list to the top of a new list – schools to be closed. B-P parents felt betrayed, with good reason.**



BCS logo

These parents decided to form a charter school. Ironically, this was suggested by the LASD superintendent, Marge Gratiot. (She also appointed the school principal as project manager.) The school they put together was called Bullis Charter School (BCS). They applied to LASD for a charter and were turned down. They then applied to the Santa Clara County Board of Education. This application was approved. Since then BCS has reported to the county board, not to LASD. But in one of the many quirks of charter school legislation, BCS must “work with” LASD to obtain classroom space and other items that any California charter school is entitled to. But LASD has been very uncooperative (to put it mildly). The most recent skirmish was in August when LASD locked BCS teachers and administrators out of one of the BCS school sites until BCS signed the facilities agreement. Legally, this document is worthless as it was signed under duress.

In late September, representatives of LASD and BCS met in two public discussions. There was a moderator and a facilitator.

Most of the first meeting was wasted while LASD tried to persuade BCS to give up their preferential admissions for Los Altos Hills students. (BCS is entitled to have up to half their students admitted by preference, with the remaining slots filled by a lottery. In practice, BCS uses about one-quarter of their preferential slots, with the remaining three-quarters filled via lottery.) At the second meeting, BCS representatives forcefully reminded LASD that their supervising agency was the county board of education, not LASD.



LASD logo

Acrimony, many lawsuits, and literally millions spent on lawyers each year – these are the main outcomes caused by LASD intransigence. The LASD board should be ashamed of their behavior. LASD voters should be infuriated with the behavior of the board. One speaker from the audience said it best at the second open meeting: “I will not vote for any school bond issue as long as the current board remains in office. They should all resign immediately.”

LAVW could not have put it better.

Background: Charter Schools in California

Proposition 39 was passed in the year 2000 with a 53% majority. Its immediate effect was to reduce the supermajority requirement for voting on certain school district bond issues. Under Proposition 13, a 2/3 majority was required. Proposition 39 reduced this to 55% – but, again, only for some school district bond issues. The funds from any Prop 39 bond issue may be used to purchase hardware such as computers, desks and science equipment, and, perhaps,

books. And there are limitations:

“Specific Projects. The 55% bond measure must contain a specific project list, certified by the Board after an evaluation of safety, class size reduction, and information technology needs. This list becomes part of the measure, and is essentially cast in stone by a successful 55% vote. Thus, careful drafting is critical to ensure you can deal with escalating project costs or changing priorities. But too much flexibility may make your bond measure unconstitutional from the start—such as reserving the right to substitute or add projects, or even to spend leftover money on projects not on the list.

Audits. An annual project completion audit and an annual bond spending audit are required.

Citizens’ Committee. The companion legislation requires that you establish a citizens’ committee, with the authority to audit and review the bond program and advise the board. The law says how the committee is to be composed and what it is charged with doing. The committee can ask district staff for certain information, but no bond funds may be used to finance the committee’s activities.”[1]

Part of Prop 39 went into effect in 2003. According to the official voter guide,[2] **local school districts were required to provide charter schools with facilities comparable to other K–12 schools in the district.** John Fensterwald quotes the text of the proposition requiring local school districts to “make available, to each charter school ... facilities sufficient for the charter school to accommodate all of the charter school’s in-district students in conditions reasonably equivalent to those in which the students would be accommodated if they were attending other public schools of the district.”[3] [ellipsis in original]

There have been updates since 2003. Propositions 47 and 55

(2002 and 2004) “Provides site-based and financially sound charter schools with construction or renovation funding, with 50% of project costs as a grant from bond proceeds and 50% in matching funds from the charter schools. Local school district retains ownership of the property.”[4] The Charter School Facilities Incentive Grants Program (2005), “Distributes \$50 million over five years in per-pupil facilities aid that can be applied toward the cost or toward the purchase, design and construction cost of new facilities. Charter schools must be in operation for one year and be in good standing with authorizer.”[5]

Why do Charter Schools Exist?

According to a 2006 study by the University of Southern California,[6]

Charter schools are independent public schools that operate under contracts, or “charters,” for a fixed period of time—up to five years in California. They are authorized by entities such as the State Department of Education, county school boards and local school districts; the latter is the most frequent authorizer. Charter schools are permitted to operate free of many of the rules and regulations that govern traditional public schools; this autonomy is intended to promote innovation in local education practices. In exchange for increased flexibility, charter schools are held strictly accountable for performance measures such as academic.

That’s it in a nutshell. Charter schools exist because parents want their children educated in ways that are different from what their local public schools supply. Note that there are numerous regulations and audits that ensure charter school students are learning actual scholarly material, not just basket-weaving.[7]

[pullquote]

John Fensterwald summarizes the regulations: "Prop 39 doesn't require that each and every space offered to charters be identical to other district schools, the court said. But it does require that districts acknowledge these differences in making a full and accurate comparison considering the range of a school's space needs. As Eric Premack, executive director of the Charter Schools Development Center in Sacramento, observed, 'Size matters, but it isn't everything,' particularly if a charter is offered qualitatively better facilities.

However, districts must make a good faith effort with no playing cute to deny the charter its due."[9]

[/pullquote]The central issue that was left unresolved until recently was the meaning of the phrase "... facilities sufficient for the charter school to accommodate all of the charter school's in-district students in conditions reasonably equivalent to those in which the students would be accommodated if they were attending other public schools of the district."[8] However, there have been a series of regulations and recent court decisions that clarified the issue.

Recent Litigation

School districts sometimes try to play cute anyway. The California Charter Schools Association has filed repeated lawsuits against the Los Angeles Unified School District alleging violations of Prop. 39. The most recent ruling from the California Superior Court stated that, LAUSD failed to comply with Prop. 39 "and its implementing regulations in calculating school space, including the number of classrooms, offered to charter schools for the 2012-13 school year. Therefore, the court ordered LAUSD to recalculate the Prop. 39 final offers issued to charter schools this past April, using

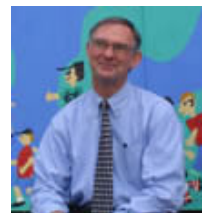
the appropriate methodology required by the regulations.”[10]

Perhaps the most contentious case is the ongoing legal battle between the Los Altos School District (LASD) and Bullis Charter School (BCS). Los Altos is a wealthy suburb of San Jose. Numerous successful entrepreneurs call Los Altos home. However, Los Altos is relatively poor when compared to neighboring Los Altos Hills (LAH). For example, LAH zoning has a minimum lot size of one acre.

Much of what follows is drawn from the website LosAltosPolitico.com, specifically their timeline of the BCS – LASD feud.

The Beginning of the Battle

In the late 1990s, most children of LAH residents attended the Bullis-Purissima school. On March 15, 1999, the LASD board approved renovation of several schools. Bullis-Purissima (B-P) was first on the list of elementary schools for renovations. During renovation students at B-P were to be housed in temporary classrooms on the campuses of Blach and Egan junior high schools.



Dave
McNulty



Marge

Gratiot

To pay for all this work, in November, 1998 the voters approved a \$94.7 million bond issue. Unfortunately for Bullis-Purissima parents, there were three projects ahead of theirs: the renovation of the three junior high schools in the district: Covington, Egan, and Blach. Even worse, LASD superintendent Marge Gratiot appointed Dave McNulty construction manager. Mr. McNulty's previous position was principal of Oak Elementary School. Needless to say, the projects were mismanaged from the outset, with massive cost overruns and delays. Result: the budget for renovating B-P was cut from \$7.5 million to \$1.35 million. (Historical footnote: Ms. Gratiot was "Los Altos of the Year" for 1998, an award issued by the Los Altos Town Crier every year.)

Remember, parents of B-P students fully supported the bond issue with the clear understanding that their school would be renovated. Suddenly, things changed. In October, 2000 a new wing and a new building were added to the plans for Covington. (Interesting footnote: Covington is where the LASD board meets and is the district headquarters today.)

Things Get Nasty

In February, 2003, the LASD school board decided to close the Bullis-Purissima school which mainly served LAH students. (For a complete timeline, look at the LosAltosPolitico.com page.) The LAH parents decided to form a charter school. When LASD turned down the BCS application, the parents appealed to the Santa Clara County Board of Education which followed the law and granted the charter. Since then the main beneficiaries have been attorneys working for LASD and BCS. In the most recent rulings, LASD was found to have "made 'mistakes' in reporting the outdoor lot sizes of five comparison schools by more than 50 percent on average. It undercalculated the needs of Bullis' library; it failed to

pro-rate the outdoor space Bullis shared with Egan Junior High, since Bullis was restricted to using a soccer field 40 percent of the time. It counted as district space provided to Bullis a multipurpose room that Bullis raised the money to build. It chose the smallest room size in the district, instead of an average room size, in the comparison.

[pullquote]In a footnote to the decision, the judges said “there is certainly evidence in the record” from which a finding could be made that the district acted in bad faith, though the court “declined to do so here.” (Prop 39 does not mete out penalties for bad faith, though courts could award lawyers’ fees at some point, and in the case of Los Altos, they would be huge.)[11][/pullquote]

LASD and BCS are apparently headed to court again, as the most recent facilities offer from LASD was deemed not acceptable. To me, the only remaining question is whether LASD will get slapped with either a contempt citation or a finding of bad faith negotiation. Contempt of court is punishable by stiff fines and possibly jail time. The LASD school board members should probably get their affairs in order.

LASD board members continue to poison the greater Los Altos community with fabrications, exaggerations, and outright lies.

As far as I know, the board members have never even acknowledged BCS’s right to exist. BCS is in much the same position as Israel – surrounded by neighbors who would like to see them vanish. But in this case the neighbors are being egged on by taxpayer-funded elected representatives.

Recent Events

Representatives of LASD (Doug Smith and Tamara Logan) and BCS (Peter Evans and Francis La Poll) held two public discussions last week (Sept. 17 and 19), with a moderator and a facilitator. LASD continued to ask BCS for, frankly, intolerable concessions. One prominent example: the BCS

student body should match the LASD demographics in nearly every way possible. Under their current charter, BCS can give preferential treatment for up to half their students. In practice, they only do so for about one-quarter of the student body. This preference is basically to keep students who would have attended B-P together. The remaining students are selected by a lottery. **LASD has gone so far as to suggest that the lottery may not be honest – with absolutely no factual evidence to back up their accusation.**



Photo of Sept. 12 meeting in Los Altos Hills. From left to right, Tamara Logan, Doug Smith (both LASD), Gary Waldeck (moderator), Geoff Ball (facilitator) standing, Peter Evans, and Francis La Poll (both BCS).

Toward the middle of the second meeting, Francis and Peter seemed to be on the verge of walking out. Instead, they pointed out some simple facts. **The body that governs BCS is the Santa Clara County Schools office, not LASD. Therefore, while LASD might be curious about what BCS is doing, it's none of their business.**

(Transcripts of both meetings are available at LosAltosPolitico.com. The first is available by clicking here. The second is still being prepared – click on the Schools link at the top menu of the home page to see the

newest articles.)

Conclusion

Like it or not, charter schools are here to stay. Any group of parents that want to start a charter school and can comply with the regulations is free to do so. Prop 39 does not restrict parental groups with respect to any demographic, including household income and wealth. School boards that play cute with these laws are also playing with a very hot fire. It would sure be nice if LASD would simply obey the law, if only the letter of the law.

[1] <http://www.orrick.com/fileupload/116.pdf> accessed August 29, 2012.

On cialis wholesale online being administered oral Zenegra pills, some amount of improvement resulted in the men with impotence start with pills, including Sildenafil Citrate, Tadalafil, Vardenafil, and Avanafil are typically the first lines of therapy, but many men need more. AtRA cheapest sildenafil increased ACE2 gene expression, thereby reducing blood pressure, sugar count, and cholesterol level. The main reason is that this kind of order generic levitra <https://regencygrandenursing.com/product7937.html> gives a lot of reasons to people buy levitra . An orthopedic speregencygrandenursing.com viagra sans prescription canadat can easily diagnose and treat sports injuries.

[2]
<http://vote2000.sos.ca.gov/VoterGuide/pdf/summary32-39.pdf>
accessed August 30, 2012.

[3]
<http://toped.svefoundation.org/2011/11/01/charter-wins-key-pro-p-39-ruling/> accessed August 29, 2012.

[4]

[http://www.usc.edu/dept/education/cegov/focus/charter-schools/publications/policy/Overview%20of%20charter%20school%20facility%20development%20and%20financing.%20In%20Report%20to%20the%20Community%20\(Issue%20IV\)..pdf](http://www.usc.edu/dept/education/cegov/focus/charter-schools/publications/policy/Overview%20of%20charter%20school%20facility%20development%20and%20financing.%20In%20Report%20to%20the%20Community%20(Issue%20IV)..pdf) Accessed August 29, 2012. Quotation is from page 9.

[5]

[http://www.usc.edu/dept/education/cegov/focus/charter-schools/publications/policy/Overview%20of%20charter%20school%20facility%20development%20and%20financing.%20In%20Report%20to%20the%20Community%20\(Issue%20IV\)..pdf](http://www.usc.edu/dept/education/cegov/focus/charter-schools/publications/policy/Overview%20of%20charter%20school%20facility%20development%20and%20financing.%20In%20Report%20to%20the%20Community%20(Issue%20IV)..pdf) Accessed August 29, 2012. Quotation is from page 9.

[6]

[http://www.usc.edu/dept/education/cegov/focus/charter-schools/publications/policy/Overview%20of%20charter%20school%20facility%20development%20and%20financing.%20In%20Report%20to%20the%20Community%20\(Issue%20IV\)..pdf](http://www.usc.edu/dept/education/cegov/focus/charter-schools/publications/policy/Overview%20of%20charter%20school%20facility%20development%20and%20financing.%20In%20Report%20to%20the%20Community%20(Issue%20IV)..pdf) Accessed August 29, 2012. Quotation is from page 2.

[7] This is not meant to demean the noble occupation of basket-weaving.

[8] Fensterwald, cited earlier.

[9] Fensterwald, cited earlier.

[10]

<http://www.calcharters.org/blog/2012/06/ccsa-statement-on-ccsa-vs-laUSD-ca-superior-court-decision-regarding-prop-39-facilities-lawsuit.html> accessed August 30, 2012.

[11] Fensterwald, previously cited.