

March 30, 2009

Writer's Direct Contact  
415.268.7020  
AGonzalez@mofocom

*Via Facsimile and U.S. Mail*

Tim Justus, Superintendent  
Los Altos School District  
201 Covington Road  
Los Altos, CA 94024

Re: Facilities for Bullis Charter School 2009-2010

Dear Superintendent Justus:

On behalf of the Board of Directors of the Bullis Charter School ("BCS"), we write in anticipation of Los Altos School District's ("District") Final Offer of Facilities for 2009-2010, due on or before April 1, 2009.

As the District is aware, the BCS Board plans to open a middle school no later than August 2010. With respect to the establishment of a seventh grade in the 2009-2010 school year, the BCS Board has not yet made a final decision, largely due to the District's failure to include seventh grade facilities in its Preliminary Offer. Thus, BCS is awaiting the District's Final Offer of Facilities before making the decision about whether to begin its middle school program in August 2009 or August 2010. The provision of contiguous and reasonably equivalent facilities for the seventh grade, or lack thereof, in the District's Final Offer will be the critical factor in the Board's final decision regarding the feasibility of starting a seventh grade in the upcoming school year.

The District is required to provide BCS with contiguous facilities for the seventh grade based on BCS's reasonable projections as set forth in BCS's Request for Facilities dated September 30, 2008. The District failed to object to BCS's reasonable projections in a timely manner, and therefore the District must provide facilities based on BCS's reasonable projections. Cal. Code Regs. tit. 5, § 11969.9(d-e) (2009). The District's own counter-projection, though untimely, of a BCS seventh grade with an ADA of 13, entitles BCS to seventh grade facilities. The District is bound by those projections. Failure to provide contiguous and reasonably equivalent facilities for BCS's seventh grade would be a violation of the District's obligations under Proposition 39 and its implementing regulations.

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Please refer to our letter dated February 27, 2009, sent pursuant to Title 5 section 11969.9(g), for a more complete discussion of the District's obligations under Proposition 39 and the deficiencies of the District's Preliminary Offer of Facilities. We look forward to your response, and to working together to ensure that all District students, including those who choose to attend BCS, are treated fairly.

Sincerely,

A handwritten signature in black ink that reads "Arturo J. González" with a stylized flourish at the end.

Arturo J. González

cc: John Yeh, Esq.

**RECEIVED**  
AJM

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Tim Justus Los Altos School District	650.947.0118	

FROM: Arturo J. Gonzalez

DATE: March 30, 2009

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**Comments:**

Please see attached.

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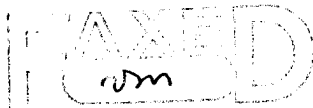
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To:

NAME:	FACSIMILE:	TELEPHONE:
John Yeh Miller Brown & Dannis	415.543.4384	

FROM: Arturo J. Gonzalez      DATE: March 30, 2009

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