

FAQ

Lawsuit Filed June 10, 2009 Regarding Los Altos School District Proposition 39 Site, Facility and Field use Obligations to Bullis Charter School

What is the lawsuit between Bullis Charter School and the Los Altos School District all about?

The legal action seeks final resolution to several longstanding Proposition 39 issues between Bullis Charter School and the Los Altos School District. Some of the issues we are looking to clarify are:

- Ensure the School District fully complies with the law by providing an adequate school campus, facilities, and fields to Bullis that are reasonably equivalent to those provided for other public schools in the district.
- Allow Bullis students a reasonable use of the fields on our campus and in a consistent manner.
- Have a clear, common framework on critical issues in order to provide a foundation for good faith dialogue moving forward so the back and forth need not happen through lawyers and Judges, but between parents and administrators.

Is a lawsuit really necessary?

Yes. Having a clear, common framework on critical issues provides a foundation for good faith dialogue moving forward. This includes accommodating for future growth related to Bullis' site, facilities and field use needs. For example, the district contends it does not have an obligation to provide any walkways, a parking lot, any areas for where foliage could be grown, space between buildings, or clear shared use of play and sport fields. We encourage you to read the full legal filing which is posted on our website. Our action now was necessary because these matters must be fully resolved as it impacts Bullis' ability to fulfill its full mission as granted by the Santa Clara County Board of Education. Waiting longer to address these issues would have made them more difficult to resolve.

What is Proposition 39?

On November 7, 2000, California voters decided to reduce the voter approval threshold for school district and community college district general obligation bonds from two-thirds (2/3) voter approval to 55% voter approval. However, there were conditions set forth that placed additional legal obligations on local school districts seeking bond approval at the lower voter threshold. For example, Proposition 39, among other things, guarantees charter schools access to equivalent facilities. Proposition 39 states that "public school facilities should be shared fairly among all public school pupils, including those in charter schools." The full text of Proposition 39 can be found on the California Secretary of State website, or click on the following link, http://vote2000.sos.ca.gov/VoterGuide/text/text_proposed_law_39.htm.

Why can't Bullis Charter School and the Los Altos School District get along?

For five years we have been unable to bridge the divide between Bullis and the District over their obligation to provide equitably shared facilities. We wish this were not the case and we aim to end the back and forth that often yields no results. At this point, the only way to move forward in a positive manner is to seek a common set of facts between the District and our School around the meaning of key provisions of Proposition 39. Only through a clear determination of what the law requires, will Bullis be in a position to fully realize its full potential as a school and have a site and facilities that meet its student and family needs.

When will a decision be made?

After years of discussion, the wide gulf between the School District's interpretation of Proposition 39 and what we believe to be a plain reading of the law will finally be resolved in our court system. Having a clear and common definition of the law will serve everyone's long term interest. It is near impossible to predict the exact duration of legal proceedings. However, we believe that taking action now will allow us to know where we stand as we plan for the future.

Is the legal action driven by the desire to add 7th and 8th grade?

No. While it is true that our facility limitations have kept us from expanding to 7th grade, our effort to seek a common reading of the law relative to our campus, site and field needs would still be necessary. There is no doubt that legal clarity over our School site, facilities and field use will also pave the way for the School to start its middle school program, and in a manner that does not negatively impact the current School programs and families.