



Mountain View  
Whisman  
School District

District Office  
T 650.526.3500  
1400 Montecito Avenue  
Mountain View, CA 94043

March 19, 2019

**VIA E-MAIL**

Wanny Hersey  
Founding Superintendent  
Bullis Charter School  
102 W. Portola Ave.  
Los Altos, CA 94022

Re: California Public Records Act Request

Dear Ms. Hersey:

This letter responds to Bullis Charter School's ("BCS") response, dated February 25, 2019, to the Mountain View Whisman School District's ("District") California Public Records Act ("CPRA") request, dated February 15, 2019.

As a preliminary matter, the District is not confused with regard to its document requests to BCS. In fact, in January 2019, when the District sought certain governance-related records from Bullis Mountain View ("BMV")<sup>1</sup>, BMV refused to provide the requested documents, indicating that our requests should instead be directed to "Bullis Charter School in Los Altos." Here, the District has simply applied the same terminology utilized by the charter school for which BCS serves as the sole statutory member. While there may be an effort to confuse, the District is clear in its understanding and its purpose which is to obtain documents related to the charter approved by the District's Board of Education ("Board").

The District is certainly aware of the obvious fact that "BCS is authorized by the Santa Clara County Board of Education, not MVWSD." However, as indicated in our February 15th letter, BCS is the sole statutory member of Bullis Public Charter School II ("BPCS"), which operates BMV, and therefore the District is entitled to any and all documents regarding BMV in BCS's possession pursuant to our oversight

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<sup>1</sup> It is noted that the charter school has called itself by a variety of names including, Bullis Mountain View Whisman, Bullis Mountain View Whisman Public Charter School, Bullis Public Charter School, Bullis Public Charter School II, etc. For purposes of this letter, we refer to the charter school approved by the District Board of Education as "BMV" and the nonprofit as "BPCS." We also note that the CPRA does not allow entities such as charter schools to avoid transparency laws by creating bogus barriers to providing a fulsome response to a records request. The law specifically requires that you *assist* the public in obtaining the records requested. (Gov. Code, § 6253.1(a).)



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authority. The District is additionally entitled to this information under the CPRA. Please familiarize yourself with the provisions of the BMV charter document and the incorporated terms found in the District Board's approval.

Additionally, despite its sole statutory member status, BCS indicates that it does not "appear" to possess records relating to BPCS and/or BMV in response to the majority of our requests. BCS's assertions defy belief and the District finds it improbable, if not impossible, that BCS possesses no records or communications relating to BPCS, especially in light of the fact that the BMV Petition made clear that, based upon previous success of BCS, BMV sought to "positively impact more students and families with [BCS's] unique educational model" and therefore expand operations. And, many of the BCS board members were identified as board members of the BMV charter and/or spoke during the BMV presentation urging approval of the BMV charter petition. Accordingly, further efforts by BCS to identify responsive records are required.

Per your request, the District provides clarification to its requests, as further detailed below:

- 1. Any and all communications, including but not limited to correspondence and emails, sent or received by Bullis Charter School (Los Altos), and any of its directors, employees, and agents, regarding Bullis Mountain View ("BMV").*

BCS states it understands Request No. 1 to be for "records of communications between BCS and MVWSD" regarding the BMV petition. While Request No. 1 encompasses, as you state, BCS's communications with the District regarding the BMV petition, it expressly requests "any and all communications" sent or received by BCS regarding BMV, regardless of whether they were with the District and regardless of whether they were about the petition. This includes, but is not limited to, communications between BCS and BPCS (or any other individual or entity for that matter) regarding the establishment governance, and/or operation of BMV. As was made abundantly clear in your February 25th response, since BCS and BPCS are "separate, independent entities," BCS should be able to readily identify and produce the responsive records.

- 2. Any and all communications, including but not limited to correspondence and emails, with the Santa Clara County Office of Education, sent or received by Bullis Charter School (Los Altos), and any of its directors, employees, and agents, regarding BMV.*

The District's clarification under Request No. 1, above, applies to this request.

- 3. Any and all communications, including but not limited to correspondence and emails, with the Santa Clara County Board*



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*of Education, sent or received by Bullis Charter School (Los Altos), and any of its directors, employees, and agents, regarding BMV.*

The District's clarification under Request No. 1, above, applies to this request.

- 4. Any and all documents relating to the Bullis Public Charter School II ("BPCS") Board of Directors.*

BCS's response to this request states, "[i]t does not appear that BCS possesses any responsive records." Please confirm whether, in fact, BCS does not possess copies of any disclosable public records responsive to this request. (Gov. Code, § 6253(c) ["Each agency, upon a request for a copy of records, shall, within 10 days from receipt of the request, determine whether the request, in whole or in part, seeks copies of *disclosable public records* in the *possession* of the agency...."] [emphasis added].)

- 5. Any and all communications, including but not limited to correspondence and emails, between Bullis Charter School (Los Altos), and any of its directors, employees, and agents, and BMV, and any of its directors, employees, and agents, including Jennifer Anderson-Rosse, regarding the BPCS Board of Directors.*

BCS's response to this request states, "[i]t does not appear we possess any responsive records." Please confirm whether, in fact, BCS does not possess copies of any disclosable public records responsive to this request. (Gov. Code, § 6253(c) ["Each agency, upon a request for a copy of records, shall, within 10 days from receipt of the request, determine whether the request, in whole or in part, seeks copies of *disclosable public records* in the *possession* of the agency...."] [emphasis added].)

- 6. Any and all documents relating to the location of the residence of BPCS board members.*

BCS's response to this request states, "[i]t does not appear we possess any responsive records." Please confirm whether, in fact, BCS does not possess copies of any disclosable public records responsive to this request. (Gov. Code, § 6253(c) ["Each agency, upon a request for a copy of records, shall, within 10 days from receipt of the request, determine whether the request, in whole or in part, seeks copies of *disclosable public records* in the *possession* of the agency...."] [emphasis added].)

- 7. Any and all communications, including but not limited to correspondence and emails, to date, between Bullis Charter School (Los Altos), and any of its directors, employees, and*



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*agents, and BMV, and any of its directors, employees, and agents, including Jennifer Anderson-Rosse, regarding the location of the residence of BPCS board members.*

BCS's response to this request states, "[i]t does not appear we possess any responsive records." Please confirm whether, in fact, BCS does not possess copies of any disclosable public records responsive to this request. (Gov. Code, § 6253(c) ["Each agency, upon a request for a copy of records, shall, within 10 days from receipt of the request, determine whether the request, in whole or in part, seeks copies of *disclosable public records* in the *possession* of the agency...."] [emphasis added].)

8. *Any and all documents reflecting Bullis Charter School's intent to comply with, or compliance with, California Office of the Attorney General Opinion No. 11-201 (December 26, 2018), including the conclusion that charter schools must comply with the Ralph M. Brown Act, the California Public Records Act, Government Code section 1090, and the Political Reform Act of 1974.*

BCS's response to this request states, "[i]t does not appear we possess any responsive records." Please confirm whether, in fact, BCS does not possess copies of any disclosable public records responsive to this request. (Gov. Code, § 6253(c) ["Each agency, upon a request for a copy of records, shall, within 10 days from receipt of the request, determine whether the request, in whole or in part, seeks copies of *disclosable public records* in the *possession* of the agency...."] [emphasis added].)

9. *Any and all communications, including but not limited to correspondence and emails, reflecting Bullis Charter School's intent to comply with, or compliance with, California Office of the Attorney General Opinion No. 11-201 (December 26, 2018), including the conclusion that charter schools must comply with the Ralph M. Brown Act, the California Public Records Act, Government Code section 1090, and the Political Reform Act of 1974.*

BCS indicates that its response to this request is subsumed by its response to Request No. 8, which indicates that "[i]t does not appear we possess any responsive records." Please confirm whether, in fact, BCS does not possess copies of any disclosable public records responsive to this request. (Gov. Code, § 6253(c) ["Each agency, upon a request for a copy of records, shall, within 10 days from receipt of the request, determine whether the request, in whole or in part, seeks copies of *disclosable public records* in the *possession* of the agency...."] [emphasis added].)



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In addition to the above requests, please also provide the District with a complete copy of BCS's current charter, including but not limited to its By-laws and Articles of Incorporation.

As you are aware, the CPRA recognizes that "access to information concerning the conduct of the public's business is a fundamental and necessary right of every person in this state." (Gov. Code, § 6250; see Cal. Const., art. I, § 3, subd. (b).) The CPRA does not permit an agency to delay the inspection or copying of public records. (Gov. Code, § 6253, subd. (d).) We anticipate BCS will undertake its responsibilities under the CPRA seriously and note that an entity requesting records may institute legal proceedings for injunctive or declarative relief to enforce their rights to receive a copy of public records. (Gov. Code, §§ 6258, 6259.) When an agency fails to comply with the requirements of the CPRA, the CPRA mandates the recovery of attorneys' fees and costs to the successful party in a legal proceeding brought to enforce its rights. (Gov. Code, § 6259, subd. (d); *Fontana Police Dept. v. Villegas-Banuelos* (1999) 74 Cal.App.4th 1249.)

The District appreciates your anticipated cooperation. Should you have any questions or comments, please do not hesitate to contact the undersigned.

Sincerely,

A handwritten signature in blue ink, appearing to read "A. Rudolph", with a long horizontal flourish extending to the right.

Dr. Ayinde Rudolph  
Superintendent

cc: Santa Clara County Office of Education