



## BULLIS CHARTER SCHOOL

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February 13, 2012

Dear Superintendent Baier and LASD Trustees,

The Proposition 39 process forces BCS and LASD Trustees into contentious negotiations on an annual basis. Now that the courts have clarified the District's obligations under Proposition 39, we hope to enter a new more constructive phase in our relationship. This requires a true facilities solution for BCS; preferably one that both parties can support. BCS invites LASD to engage in interest-based mediation to seek a multi-year facilities solution, using a mediator jointly selected by the LASD Trustees and BCS.

Interest-based mediation focuses on the underlying needs or interests of the parties and encourages a broader range of solutions or resolutions to the dispute which address the underlying interests of the parties rather than just their legal rights. The beauty of mediation is that it has the capacity to not only solve immediate problems while avoiding legal costs, but also to build positive working relationships by building on practical success. This is critical here, since both sides need to work together on an ongoing basis. A skilled mediator allows people to present their needs and values in open dialog and then prove their good faith and reliability with follow through.

Our hope is that the parties can work together in a timely manner to provide appropriate space for BCS. Mediation usually can be scheduled quickly and is easily tailored to meet the needs of both parties. We are willing to consider a single or multiple sessions, but ask that the process be concluded by March 30, in advance of when the District's final offer of facilities is due. All communication during mediation is confidential and may not be admitted in litigation in order to promote complete candor. Neither party waives any legal rights by participating. Given the short amount of time before the coming school year and the urgent need for more space for BCS children, we expect both parties will likely remain active in court while mediation takes place. However, the investment of time and money required in a mediation process is relatively small compared to the payoff for all of us if a mutually agreed long term solution can be found.

We ask that you consider this proposal without any preconditions to discuss the substance of any current or prior Proposition 39 disputes that remain unresolved. We propose to jointly approach the fair and reasonably equivalent allocation of space to BCS as an urgent problem to be solved cooperatively. If both sides are motivated to work together and can agree on a common description of the practical problems, then mediation can succeed.

Thank you for your consideration. We look forward to working with you on this matter.

Sincerely,

Ken Moore  
Board Chair  
Bullis Charter School