



## Mountain View Whisman School District Board of Trustees - Regular Meeting

1400 Montecito Avenue  
May 5, 2022  
6:00 PM

Dial in Phone Number: (669) 900 6833 US (San Jose)  
Meeting ID: 960 3454 5267  
Passcode: 918406  
There is no participant ID

Members of the public who call in to the meeting will be placed in a waiting room until the appropriate time to address the Board. During that time in the waiting room, the caller will not be able to hear the meeting. Callers can view and hear the meeting here: [youtube.com/mvwsd](https://youtube.com/mvwsd)

Members of the public who wish to address the Board during the Board of Trustees meeting may email comments to [publiccomments@mvwsd.org](mailto:publiccomments@mvwsd.org). In order to expedite the meeting, please send your comments by the Wednesday before the meeting. Staff will make all attempts to share and record any submissions received, however, depending on timing, late submissions will be provided to the Board after the conclusion of the meeting.

(Live streaming available at [www.mvwsd.org](http://www.mvwsd.org))

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***As a courtesy to others, please turn off your cell phone upon entering.***

Under Approval of Agenda, item order may be changed. All times are approximate.

**I. CALL TO ORDER (6:00 p.m.)**

The meeting was called to order at 6:05 p.m.

**A. Pledge**

Trustees President Laura Blakely led the Pledge of Allegiance.

**B. Roll Call**

Present: Berman, Blakely, Chiang, Conley, Wheeler

Absent: None

**C. Approval of Agenda**

A motion was made by Ellen Wheeler and seconded by Devon Conley to approve the agenda, as presented.

Ayes: Berman, Blakely, Chiang, Conley, Wheeler

## **II. OPPORTUNITY FOR MEMBERS OF THE PUBLIC TO ADDRESS THE BOARD CONCERNING ITEMS ON THE CLOSED SESSION AGENDA**

No member of the public wished to address the Board of Trustees concerning items on the Closed Session Agenda.

## **III. CLOSED SESSION**

The meeting was adjourned to Closed Session at 6:11 p.m.

### **A. CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION**

1. Existing Litigation (Pursuant to Government Code section 54956.9 (d)(1).) Galeb Paving, Inc. v. Mountain View Whisman School District; Santa Clara Superior Court Case No. 20CV365977.

### **B. CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION**

1. Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code section 54956.9 (3 potential cases)
2. Legal advice re: Anticipated Litigation [Pursuant to Government Code Section 54956.9(d)(2)] Student #: 60005599

### **C. PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

1. PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Gov. Code, § 54957, subd. (b)(1)) Title: Superintendent

### **D. NEGOTIATIONS**

1. Conference with Labor Negotiator (Government Code 54957.6) District Designated Representative, Laura Blakely, Board President Unrepresented employee: Superintendent

## **IV. RECONVENE OPEN SESSION**

The meeting was reconvened at 8:37 p.m.

### **B. Closed Session Report**

Trustee President Blakely gave the following Closed Session Report:

III.A.1 Existing Litigation (Pursuant to Government Code section 54956.9 (d)(1).)

- No action was taken.

III.B.1 Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code section 54956.9 (3 potential cases)

- No action was taken. The claims allege a sexual assault by a former employee

allegedly occurring in the late 1960s.

III.B.2 Legal advice re: Anticipated Litigation [Pursuant to Government Code Section 54956.9(d)(2)] Student #: 60005599

- A unanimous vote approved the settlement agreement for student no. 60005599. This settlement agreement requires reimbursement to student totaling no more than \$148,000.00 and waives all past claims through the date of execution of the agreement

III.C.1 PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Gov. Code, § 54957, subd. (b)(1)) Title: Superintendent

- No action was taken

III.D.1 Conference with Labor Negotiator (Government Code 54957.6)

- No action was taken.

## V. **CONSENT AGENDA**

All items on the Consent Agenda are considered to be routine and will be approved in one motion. If discussion is required, items may be removed for separate consideration.

A motion was made by Christopher Chiang and seconded by Ellen Wheeler to approve the Consent Agenda with the pulling of items V.C.H and V.C.I for a separate vote.

Ayes: Berman, Blakely, Chiang, Conley, Wheeler

Staff requested under item C. Contracts, contract AC, Award of Contract to RC Benson & Sons be pulled; the item is still pending DSA approval.

Trustee President Blakely acknowledged the Bond Oversight and Parcel Tax Oversight Committee reports were approved under Consent, and thanked all the members for their hard work, and appreciated the work put in.

### A. Personnel Report

1. Personnel Report to the Board of Trustees

### B. Minutes

1. Minutes to the April 7, 2022 Regular Board Meeting

### C. Contracts

1. Contracts

### D. 2021-22 Federal Program Monitoring Report

### E. Bond Oversight Committee Report 2021-2022

### F. Quarterly Report on Williams Uniform Complaints

- G. Approval of Payroll Report and Accounts Payable Warrant List for the Month of March 2022
- H. Award of Contract to Pro-Cal Lighting, Inc., for the District Wide Site Lighting Project

A motion was made by Christopher Chiang and seconded by Ellen Wheeler to approve to award the contract to Pro-Cal Lighting, Inc., for the District Wide Site Lighting Project.

Ayes: Berman, Blakely, Conley, Wheeler  
Nays: Chiang

- I. Approval of Schematic Design, Budget and Schedule for the District Wide Surveillance Camera Project

A motion was made by Christopher Chiang and seconded by Ellen Wheeler to approve the Schematic Design, Budget, and Schedule for the District Wide Surveillance Camera Project.

Ayes: Berman, Blakely, Conley, Wheeler  
Nays: Chiang

- J. YMCA Lease Agreement- Tenth Amendment 2022-2024
- K. Preschool Handbook Addendum
- L. Google Request to Add Matching Fencing Around HVAC Units at 1605 San Luis Ave. & Protective Netting to Stop Balls from Vargas Field at 325 Gladys Ave.
- M. Castro SPSA Revised Spring 2022
- N. ESSER III Expenditure Plan Update
- O. Solar Photovoltaic System and Data Acquisition System at School Sites Change Order No. 9, ENGIE Services U.S., Inc.
- P. Award of Contract to Tri Valley Excavating, Inc. for the Paving Upgrades Project at Bubb Elementary School, Imai Elementary School and Crittenden Middle School
- Q. Adoption of Resolution No. 05-050522 for Determination that the Benjamin Bubb Elementary School Pavement Project is Exempt from the California Environmental Quality Act (CEQA) and Directing the Filing of a Notice of Exemption
- R. Adoption of Resolution No. 04-050522 for Determination that the Amy Imai Elementary School Pavement Project is Exempt from the California Environmental Quality Act (CEQA) and Directing the Filing of a Notice of Exemption
- S. Adoption No. 03-050522 of Resolution for Determination that the Crittenden Middle School Pavement Project is Exempt from the California Environmental Quality Act (CEQA) and Directing the Filing of a Notice of Exemption
- T. 2022-23 Board of Trustees Meeting Calendar

- U. Summer Construction Update of Phase 1 Measure T Projects
- V. Notice of Completion - Gabriela Mistral Elementary School Phase 4 Increment 3 Administration Building Renovation Project
- W. Notice of Completion - Districtwide Perimeter Controls Project- Golden Bay Fence Plus Iron Works Inc.
- X. Notice of Completion - District Wide Campus Perimeter Control Upgrades Project Phase 2 - Golden Bay Fence Plus Iron Works, Inc.
- Y. Reject all bids for the Storage Buildings at Various Sites project
- Z. Parcel Tax Oversight Committee Report 2021-2022
- AA. Job Description: Teacher on Special Assignment, Special Education
- AB. ESSR III Safety Plan
- AC. Award of Contract to RC Benson & Sons, Inc., for the Vargas Elementary School Parking Cover Project

## **VI. COMMUNICATIONS**

### A. Employee Organizations

No member of the employee organization was present to address the Board of Trustees.

### B. District Committees

No report at this time.

### C. Superintendent

Dr. Rudolph mentioned the cancelation of the Community Check-In meeting. Promotion ceremonies will be in-person, and as a safety precaution, masks are worn inside.

## **VII. COMMUNITY COMMENTS**

The following member of the public addressed the Board of Trustees:

- Principal Vern Taylora

## **VIII. REVIEW AND ACTION**

### A. Resolution No. 01-050522 Day of the Teacher (10 minutes)

A motion was made by Devon Conley and seconded by Laura Berman to approve and adopt Resolution No. 01-050522 recognizing May 11, 2022, as Day of the Teacher, as presented.

Ayes: Berman, Blakely, Chiang, Conley, Wheeler

B. Resolution No. 02-050522 - Classified School Employees Week (10 minutes)

A motion was made by Devon Conley and seconded by Laura Berman to approve and adopt Resolution No. 02-050522 recognizing May 15 through May 21, 2022, as Classified School Employee Week, as presented.

Ayes: Berman, Blakely, Chiang, Conley, Wheeler

C. Declaration of Need for Fully Qualified Educators (10 minutes)

A motion was made by Laura Berman and seconded by Devon Conley to approve our Declaration of Need For Fully Qualified Educators, as presented.

Ayes: Berman, Blakely, Chiang, Conley, Wheeler

D. Approval of Third Amendment to Employment Agreement of Superintendent pursuant to Government Code section 53262 and 54953, subd. (c)(3) (10 minutes)

A motion was made by Ellen Wheeler and seconded by Laura Berman to approve the Third Amendment to Employment Agreement of Superintendent pursuant to Government Code section 53262 and 54953, subd. (c)(3).

Ayes: Berman, Blakely, Chiang, Conley, Wheeler

Trustee Wheeler noted this item was discussed extensively in the Closed Session as indicated on the Agenda under III. C and D.

## **IX. REVIEW AND DISCUSSION**

A. Dyslexia Support Plan (30 minutes)

A motion was made by Devon Conley and seconded by Ellen Wheeler to extend the meeting to 11 p.m..

Ayes: Berman, Blakely, Chiang, Conley, Wheeler

Staff presented a draft plan for students identified as exhibiting some reading difficulties or exhibiting a pattern of potential risk factors for Dyslexia. The following steps will provide professional development and begin using the i-Ready Dyslexia screener tool.

The following member of the public addressed the Board of Trustees:

- Karin Dillon
- Aytek Celik
- Kathy Lee

## **X. BOARD UPDATES**

BOARD UPDATE MAY 5, 2020, BY ELLEN WHEELER

1. Attended the April and May PTA Council meetings.
2. Attended my April and May 1:1 meetings with Supt Rudolph.
3. Attended the April PTA meetings of Monta Loma Elementary School and Graham Middle School.
4. Facilitated a meeting of the League of Women Voters Santa Clara County Education Committee.
5. Attended the quarterly meeting of SVCAN (Silicon Valley Children's Advocacy Network).
6. Attended multiple meetings regarding the implementation of Universal Preschool/Transitional Kindergarten.
7. Attended multiple ACSA Legislative Lunch Breaks, including the announcement of the appointment of their new executive director, Dr. Edgar Zazueta. Dr. Zazueta has been a longtime co-host of Legislative Lunch Break.
8. Attended the April meeting of the SCCOE Committee on Organization as a voting member.
9. Attended a SCCSBA forum featuring SCCOE Superintendent Dr. Mary Ann Dewan.
10. Attended a planning meeting for the upcoming Candidate Information Forum that SCCSBA will be presenting. I am the co-chair of this event. Information about this forum will be sent out to the executive assistants in all the school districts in Santa Clara County for them to publicize. This forum will be held IN PERSON at the SCCOE on June 11 from 9 AM – 11:30 AM.
11. Attended the SCCSBA "Lunch and Learn" Zoom forum featuring Councilmember Anna Eshoo.
12. Met with the following school board related people over the past month: Bill Lambert (former MVWSD trustee) and Grace Mah (SCC Board of Education Trustee for our trustee area).

## **XI. ITEMS FOR FUTURE AGENDAS**

No items were submitted.

## **XII. FUTURE BOARD MEETING DATES**

### **A. Future Board Meeting Dates**

May 19, 2022

- Equitable Access to Choice Schools
- Health and Wellness Plan

June 2, 2022

- Classified Employee and Teacher of the Year
- May Revise

June 16, 2022

- iReady Diagnostic 3 Assessment Overview
- Learning Recovery Summative Update

## **XIII. ADJOURNMENT (10:00 p.m.)**

The meeting was adjourned at 10:14 p.m.

1. **RECORDING OF MEETINGS:**

The open session will be video recorded and live streamed on the District's website ([www.mwvsd.org](http://www.mwvsd.org)).

2. **CELL PHONES:**

As a courtesy to others, please turn off your cell phone upon entering.

3. **FRAGRANCE SENSITIVITY:**

Persons attending Board meetings are requested to refrain from using perfumes, colognes or any other products that might produce a scent or chemical emission.

4. **SPECIAL ASSISTANCE FOR ENGLISH TRANSLATION/INTERPRETATION:**

The Mountain View Whisman School District is dedicated to providing access and communication for all those who desire to attend Board meetings. Anyone planning to attend a Board meeting who requires special assistance or English translation or interpretation is asked to call the Superintendent's Office at (650) 526-3552 at least 48 hours in advance of the time and date of the meeting.

El Distrito Escolar de Mountain View Whisman esta dedicado a proveer acceso y comunicacion a todas las personas que deseen asistir a las reuniones de la Junta. Se pide que aquellas personas que planean asistir a esta reunion y requieren de asistencia especial llamen a la Oficina del Superintendente al (650) 526-3552 con por lo menos 48 horas de anticipacion del horario y fecha de esta reunion, para asi poder coordinar los arreglos especiales.

5. **DOCUMENT AVAILABILITY:**

Documents provided to a majority of the Governing Board regarding an open session item on this agenda will be made available for public inspection in the District Office, located at 1400 Montecito Avenue during normal business hours.

Los documentos que se les proveen a la mayoria de los miembros de la Mesa Directiva sobre los temas en la sesion abierta de este orden del dia estaran disponibles para la inspeccion publica en la Oficina del Distrito, localizada en el 1400 Montecito Avenue durante las horas de oficinas regulares.