Mountain View Whisman School District

750-A San Pierre Way • Mountain View • CA 94043 • 650-526-3500 x 1023

Regular Meeting of the Board of Trustees

April 16, 2015
5:00 p.m.

MVWSD Mission:
Demonstrate, daily, a relentless commitment to the success of every child.

Strategic Goal 1
Every child meets or exceeds academic standards

Strategic Goal 2
Operate with integrity, efficiency, effectiveness and transparency

Strategic Goal 3
Attract and retain a diverse, talented and caring workforce

Strategic Goal 4
Everyone in our district values and feels connected to our diverse community

Strategic Goal 5
Engage students, parents, and the community, including businesses and our city, as partners in our mission

Strategic Goal 6
Operate as a Continuous Improvement District

Mountain View Whisman School District

Education for the World Ahead

Board of Trustees – Regular Meeting

750-A San Pierre Way
April 16, 2015
5:00 p.m.

(Live streaming available at www.mvwsd.org)

Demonstrate, daily, a relentless commitment to the success of every child.

Academic Excellence ★ Strong Community ★ Broad Worldview

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 **5:00**

A. Roll Call
B. Approval of Agenda

II. OPPORTUNITY FOR MEMBERS OF THE PUBLIC TO ADDRESS THE BOARD CONCERNING ITEMS ON THE CLOSED SESSION AGENDA **5:05**

III. CLOSED SESSION **5:10**

A. Conference with Labor Negotiators
Agency Designated Representatives: Kevin Skelly, Terese McNamee, and Karen Robinson
Employee Organization: Mountain View Educators Association

B. Public Employee Discipline/Dismissal/Release

C. Public Employment: Theuerkauf Principal, Director of Special Education and Student Services

D. Conference with Real Property Negotiators
Property: 325 Gladys Avenue, 310 Easy Street, 333 Eunice Avenue
Agency Negotiator: Kevin Skelly and Terese McNamee
Negotiating Parties: Google, German International School of Silicon Valley, Action Day Primary Plus

IV. RECONVENE OPEN SESSION **7:00**

A. Pledge
B. Closed Session Report

V. SPECIAL RECOGNITION 7:05

Senator Hill will also present his annual award for Woman of the Year.

State Senator Jerry Hill will present resolutions of recognition to Huff School and Monta Loma School in honor of earning California Distinguished School status.

VI. CONSENT AGENDA 7:15

The following items will be handled with one action; however, any item may be removed from consideration by individual Board Members or the Superintendent. Copies of the applicable documents have been sent to the Board and will be available at the meeting.

A. Personnel Report
Certificated: one request for leave of absence

B. Minutes
Minutes for the meeting of March 26, 2015

C. Contracts

D. Quarterly Report on Williams Uniform Complaints

E. Board Policies and Administrative Regulations Related to Sexual Harassment and Non-Discrimination

F. Board Bylaw No. 9324, Minutes and Recordings

G. Board Bylaw No. 9010, Public Statements

H. Board Bylaw No. 9220, Governing Board Elections

VII. COMMUNICATIONS 7:20

A. Employee Organizations
1. Mountain View Educators Association
2. California School Employees Association

B. District Committees

C. Superintendent

VIII. COMMUNITY COMMENTS 7:30

This is the time reserved for community members to address the Board on items that are not on the agenda. The Board and Administration welcome this opportunity to listen; however, in compliance with the Brown Act, the Board is not permitted to take action on non-agenda items.

Speakers are requested to complete a speaker card and state their name for the record.

If there are additional comments after 10 minutes have elapsed, this item may be continued after all the action and discussion items are completed.

Notes on Community Comments on Agendized Items 4

The staff presentation to the Board will occur first for each item. The Board will then ask clarifying questions. Afterwards, the community will be invited to comment. Any person wishing to speak will be granted up to three (3) minutes at the time the item appears on the agenda. Comments will be taken for up to 10 minutes, with extra time allowed for translation, as needed. Prior to addressing the Board, each speaker is requested to complete a speaker card (located on the counter near the door), give it to the Superintendent's Executive Assistant, and state his/her name for the record. We ask that you speak from the podium so that we may better hear you. At the conclusion of remarks or after 10 minutes has elapsed, the public comment portion is closed for that item and the Board will return to their own deliberations and comments. Please see the Board's "Welcome" brochure for more specifics on how Board meetings are run. The Board is grateful to have district personnel in the audience. These personnel may be consulted during the Board's discussion on any item.

IX. REVIEW AND ACTION

A. Resolution No. 1559.4/15, Recognizing May 13, 2015 as Day of the Teacher **7:40**

The Board will consider approval of a resolution recognizing May 13, 2015 as Day of the Teacher.

RECOMMENDED ACTION: That the Board approve Resolution No. 1559.4/15, Recognizing May 13, 2015 as Day of the Teacher, as presented.

B. Resolution No. 1560.4/15, Recognizing May 17-23, 2015 as Classified School Employee Week **7:50**

The Board will consider approval of a resolution recognizing May 17-23, 2015 as Classified School Employees Week.

RECOMMENDED ACTION: That the Board approve Resolution No. 1560.4/15, Recognizing May 17-23, 2015 as Classified School Employee Week, as presented.

C. Approval of Draft Timeline for Boundary and Facility Decisions through June 2015 **8:00**

The Board will consider approval of the draft timeline for boundary and facility decisions through the end of this school year.

RECOMMENDED ACTION: That the Board approve the draft timeline for boundary and facility decisions.

D. Approval of Budget Adjustment from Shoreline Funds to Bond Program **8:30**

The Board will consider allocating money from the Shoreline reserves to fund professional learning and turnaround funding. The Board will also consider using additional bond funds to complete the construction at the middle schools.

RECOMMENDED ACTION: That the Board allocate $4,920,466 from the Shoreline reserves to fund three additional years of Professional Learning/ Common Core Standards Implementation and Castro and Theuerkauf turnaround funding. Staff further recommends that the Board use additional bond funds of $4,920,466 to complete the middle school bond construction.

X. REVIEW AND DISCUSSION

A. Presentation on Financing of Building Program **8:45**

The Board will hear a presentation of financing on the District's building program.

B. Superintendent Search

The Board will hear an update on the superintendent search process. **9:05**

XI. BOARD UPDATES/LEGISLATIVE REPORTS 9:20

XII. ITEMS FOR FUTURE AGENDAS

XIII. FUTURE BOARD MEETING DATES

Date	Anticipated Topics (subject to change)
April 30, 2015	Special Meeting with superintendent search firm to select candidates to interview
May 7, 2015 Regular Meeting	Technology Update, Parcel tax update, Extended Day Kindergarten Renewal, site capacity
May 8-9, 2015	Interview Superintendent Candidates
May 14, 2015	Interview Superintendent Finalist
May 21, 2015 Regular Meeting	Announce New Superintendent, PTA Year-End Reports, Child Nutrition Update, Special Education Annual Report, Math adoption
June 4, 2015 Regular Meeting	Retirement reception, Employees of the year, Years of Service, Budget presentation, Parcel Tax Oversight Committee Report, LCAP input and public hearing
June 18, 2015 Regular Meeting	Enrollment update, Budget approval, LCAP approval

XIV. ADJOURNMENT 9:40

NOTICES FOR AUDIENCE MEMBERS

1. **RECORDING OF MEETINGS:**
The open session will be video recorded and live streamed on the District's website (www.mvwsd.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 comunicación a todas las personas que deseen asistir a las reuniones de la Junta. Se pide que aquellas personas que planean asistir a esta reunión y requieren de asistencia especial llamen a la Oficina del Superintendente al (650) 526-3552 con por lo menos 48 horas de anticipación del horario y fecha de esta reunión, para así 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 750-A San Pierre Way during normal business hours.

   Los documentos que se les proveen a la mayoría de los miembros de la Mesa Directiva sobre los temas en la sesión abierta de éste orden del día estarán disponibles para la inspección pública en la Oficina del Distrito, localizada en el 750-A San Pierre Way durante las horas de oficinas regulares.

Personnel Report to the Board
2014-2015 School Year

First Name	Last Name	Position	Status	Site	FTE	Action	Details of Action	From	To	Admin. Rec.	Effective Date of Action
Lisa	Schertler	Teacher		Currently on LOA		Resignation					6/5/15

MOUNTAIN VIEW WHISMAN SCHOOL DISTRICT

BOARD OF TRUSTEES
SPECIAL MEETING
750-A San Pierre Way
Mountain View, CA 94043
4:30 p.m.

March 26, 2015

MINUTES

CALL TO ORDER	The meeting was called to order by Ms. Wheeler at 4:30 p.m.
Pledge	As there was no flag in the room, the Pledge was not recited.
Roll Call	Present: Mr. Coladonato, Mr. Nelson, Ms. Wheeler Absent: Mr. Chiang, Mr. Lambert
Approval of Agenda	A motion was made by Mr. Nelson and seconded by Mr. Coldonato to approve the agenda as presented. Ayes: Mr. Coladonato, Mr. Nelson, Ms. Wheeler Noes: Absent: Mr. Chiang, Mr. Lambert
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.
CLOSED SESSION: *Conference with Labor Negotiators (MVEA)*	The meeting was adjourned to Closed Session at 4:31 p.m.
RECONVENE OPEN SESSION	The meeting was reconvened at 5:30 p.m.
Closed Session Report	Ms. Wheeler reported that no action was taken in Closed Session.
ADJOURNMENT	The meeting was adjourned at 5:30 p.m.

_____
Clerk of the Board

Agreements/Contracts/Memorandums of Understanding

Meeting of Board of Trustees, April 16, 2015

Date to Board	Person Submitting	Name	Purpose of Contract	Amount	Source of Funding	Term of Agreement	Coding
4/16/2015	Terese McNamee	ALearn	MOU for Math Acceleration Program (MAP)	$7,500.00	LCFF Supplemental	June 15, 2015-July 10, 2015	Fune 010 Object 5830 Cost Center 709200
4/16/2015	Terese McNamee	City of Mountain View	Summer busing services	No charge to MVWSD or students	Income	Summer 2015	Fund 010 Object 7230
4/16/2015	Jim McCloskey	Clay Planet	Kiln replacement - E27 208 volt & single phase power @ GR	$3,027.60	Measure G Phase 1 furniture	Spring 2015	Fund 211 Object 6432
4/16/2015	Phyllis Rodgers	County of Santa Clara Valley Health & Hospital System Mental Health Department (MHD)	Contract renewal of MHSA Prevention & Early Intervention (PEI) for school linked services (SLS) coordinator contract	no cost to the District	Grant to be paid by County of Santa Clara - Mental Health Department (MHD) $802,480.89 extend through FY 2017	7/01/15 - 6/30/17	N/A
4/16/2015	Kevin Skelly	Family Engagement Institute (FEI) & Foothill-De Anza Community College District (FHDACCD)	MOU for 2015 Stretch to Kinder (STK) Program (Year 7)	$30,000.00	LCFF Supplemental with additional funding from FEI	3/15/15 - 12/31/15	Fund 060 Object 5830 Cost Center 709200
4/16/2015	Jim McCloskey	Hussey Bros., Inc.	A/C compressor & fan control replacement @ DO	$2,496.51	Routine Maintenance	Spring 2015	Fund 050 Object 6510
4/16/2015	Jim McCloskey	Red Cloud Wireless Voice & Data	Radio removal and installation as needed for school bus inventory	$210/hr field service $75/trip charge + materials	Transportation per Regular / SpEd school buses serviced	Spring 2015	Fund 010 Object 4310
4/16/2015	Kevin Skelly	School Services of California, Inc. (SSC)	Agreement for search & recruitment services for CBO	$14,200 plus expenses	General Fund	3/19/15 - 7/31/15	Fund 010 Object 5830
4/16/2015	Phyllis Rodgers	VanPernis, Catherine	Consulting fees for standardized parent/student handbook	$3,000.00	Ed Services	2/24/15 - 3/24/15	Fund 060 Object 5830

Mountain View Whisman School District

Agenda Item for Board Meeting of April 16, 2015

Agenda Category: Consent Agenda

Agenda Item/Title: Quarterly Report on Williams Uniform Complaints

Estimated Time: ---

Person Responsible: Cathy Baur, Assistant Superintendent

Background:

In accordance with EC 335186(c) the district must report summarized data on the nature and resolution of all Williams Uniform Complaints to the Board of Trustees of the school district and the county superintendent on a quarterly basis.

Fiscal Implication:

None.

Recommended Action:

That the Board of Trustees accept the Quarterly Report as presented.

SANTA CLARA COUNTY OFFICE OF EDUCATION

Elementary School District Form

Quarterly Report on Williams Uniform Complaints

[As required by Education Code § 35186]

District: Mountain View Whisman School District

Date Submitted to SCCOE: _____

Date Reported to District Governing Board at a public meeting: April 16, 2015

Reporting on the Quarter (*check one*)

☑ January 1 through March 31

Please check the box that applies:

☒ No complaints were filed with any school in the district during the quarter indicated above.

☐ Complaints were filed with schools in the district during the quarter indicated above. The following chart summarizes the nature and resolution of these complaints.

General Subject Area	Total Number of Complaints Received	Total Number of Complaints Resolved	Number Unresolved
Textbooks and Instructional Materials	0	0	0
Teacher Vacancy or Misassignment	0	0	0
Facilities Conditions	0	0	0
TOTALS	0	0	0

Submitted by Cathy Baur

Title Assistant Superintendent

Signature _____

District Superintendent Kevin Skelly

Signature _____

Fax to: (408) 453-6525 SCCOE

Mountain View Whisman School District

Agenda Item for Board Meeting of April 16, 2015

Agenda Category: Consent Agenda

Agenda Item Title: Board Policies and Administrative Regulations Related to Sexual Harassment and Non-Discrimination

Estimated Time: --

Person Responsible: Karen Robinson, Assistant Superintendent

Background:

The District is in the process of updating Board Policies and Administrative Regulations. The policies and regulations were approved at first reading on April 2, 2015. The following policies and regulations related to complaints will be considered at second reading:

- Board Policy and Administrative Regulation No. 4119.11, Sexual Harassment (Employees)
- Board Policy and Administrative Regulation No. 5145.7, Sexual Harassment (Students)
- Board Policy and Administrative Regulation No. 5145.3, Nondiscrimination/Harassment

Fiscal Implication:

None.

Recommended Action:

That the Board approve Board Policy and Administrative Regulation Board Policy and Administrative Regulation No. 4119.11, Sexual Harassment, Board Policy and Administrative Regulation No. 5145.7, Sexual Harassment, Board Policy and Administrative Regulation No. 5145.3, Nondiscrimination/Harassment at second reading, as presented.

Sexual Harassment

The Governing Board prohibits sexual harassment of district employees and job applicants. The Board also prohibits retaliatory behavior or action against district employees or other persons who complain, testify or otherwise participate in the complaint process established pursuant to this policy and the administrative regulation.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 4030 - Nondiscrimination in Employment)

The Superintendent or designee shall take all actions necessary to ensure the prevention, investigation and correction of sexual harassment, including but not limited to:

1. Providing training to employees in accordance with law and administrative regulation.

2. Publicizing and disseminating the district's sexual harassment policy to staff.

3. Ensuring prompt, thorough and fair investigation of complaints.

4. Taking timely and appropriate corrective/remedial action(s), which may require interim separation of the complainant and the alleged harasser, and subsequent monitoring of developments.

All complaints and allegations of sexual harassment shall be kept confidential to the extent necessary to carry out the investigation or to take other subsequent necessary actions. (5 CCR 4964)

Any district employee or job applicant who feels that he/she has been sexually harassed, or who has knowledge of any incident of sexual harassment by or against another employee, a job applicant or a student, shall immediately report the incident to his/her supervisor, the principal, district administrator or Superintendent.

A supervisor, principal or other district administrator who receives a harassment complaint shall promptly notify the Superintendent or designee.

Complaints of sexual harassment shall be filed in accordance with AR 4031 - Complaints Concerning Discrimination in Employment. An employee may bypass his/her supervisor in filing a complaint where the supervisor is the subject of the complaint.

(cf. 4031 - Complaints Concerning Discrimination in Employment)

Any district employee who engages or participates in sexual harassment, or who aids, abets, incites, compels or coerces another to commit sexual harassment against a district employee, job applicant or student, is in violation of this policy and is subject to disciplinary action, up to and including dismissal.

Sexual Harassment

Legal Reference:
EDUCATION CODE
200-262.4 Prohibition of discrimination on the basis of sex
GOVERNMENT CODE
12900-12996 Fair Employment and Housing Act, especially:
12940 Prohibited discrimination
12950.1 Sexual harassment training
LABOR CODE
1101 Political activities of employees
1102.1 Discrimination: sexual orientation
CODE OF REGULATIONS, TITLE 2
7287.8 Retaliation
88.0 Sexual harassment training and education
CODE OF REGULATIONS, TITLE 5
4900-4965 Nondiscrimination in elementary and secondary education programs receiving state financial assistance
UNITED STATES CODE, TITLE 42
2000d-2000d-7 Title VI, Civil Rights Act of 1964
2000e-2000e-17 Title VII, Civil Rights Act of 1964, as amended
2000h-2-2000h-6 Title IX, 1972 Education Act Amendments
CODE OF FEDERAL REGULATIONS, TITLE 34
106.9 Dissemination of policy
COURT DECISIONS
Department of Health Services v. Superior Court of California, (2003) 31 Cal.4th 1026
Faragher v. City of Boca Raton, (1998) 118 S.Ct. 2275
Burlington Industries v. Ellreth, (1998) 118 S.Ct. 2257
Gebser v. Lago Vista Independent School District, (1998) 118 S.Ct. 1989
Oncale v. Sundowner Offshore Serv. Inc., (1998) 118 S.Ct. 998
Meritor Savings Bank, FSB v. Vinson et al., (1986) 447 U.S. 57

Sexual Harassment

Definitions

Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors or other unwanted verbal, visual or physical conduct of a sexual nature made against another person of the same or opposite sex, in the work or educational setting, when: (Education Code 212.5; 5 CCR 4916)

1. Submission to the conduct is made explicitly or implicitly a term or condition of the individual's employment.

2. Submission to or rejection of such conduct by the individual is used as the basis for an employment decision affecting him/her

3. The conduct has the purpose or effect of having a negative impact upon the individual's work has the purpose of creating an intimidating, hostile or offensive work environment; the conduct is sufficiently severe, persistent, pervasive, or objectively offensive so as to create a hostile abusive working environment or to limit the individual's ability to participate in or benefit from an education program or activity.

4. Submission to or rejection of the conduct by the other individual is used as the basis for any decision affecting him/her regarding benefits, services, honors, programs or activities available at or through the district

Other examples of actions that might constitute sexual harassment, whether committed by a supervisor, co-worker or non-employee, in the work or educational setting, include but are not limited to:

1. Unwelcome verbal conduct such as sexual flirtations or propositions; graphic comments about an individual's body; overly personal conversations or pressure for sexual activity; sexual jokes or stories; unwelcome sexual slurs, epithets, threats, innuendos, derogatory comments, sexually degrading descriptions, or the spreading of sexual rumors

2. Unwelcome visual conduct such as drawings, pictures, graffiti, or gestures; sexually explicit e-mails; displaying sexually suggestive objects

3. Unwelcome physical conduct such as massaging, grabbing, fondling, stroking or brushing the body; touching an individual's body or clothes in a sexual way; cornering, blocking, leaning over, or impeding normal movements

Prohibited sexual harassment may also include any act of retaliation against an individual who reports a violation of the district's sexual harassment policy or who participates in the investigation of a sexual harassment complaint.

Training

Every two years, the Superintendent or designee shall ensure that supervisory employees receive at least two hours of classroom or other effective interactive training and education regarding sexual harassment. All newly hired or promoted supervisory employees shall receive training within six months of their assumption of the supervisory position. (Government Code 12950.1)

The district's training and education program for supervisory employees shall include information and practical guidance regarding the federal and state law on the prohibition against and the prevention and correction of sexual harassment, and the remedies available to the victims of sexual harassment in employment. The training shall also include all of the content specific in 2 CCR 7288.0 and practical examples aimed at instructing supervisors in the prevention of harassment, discrimination and retaliation. (Government Code 12950.1, *2 CCR 7288.0*)

In addition, the Superintendent or designee shall ensure that all employees receive periodic training regarding the district's sexual harassment policy, particularly the procedures for filing complaints and employees' duty to use the district's complaint procedures.

Notifications

A copy of the Board's policy and this administrative regulation shall: (Education Code 231.5)

1. Be displayed in a prominent location in the main administrative building, district office, or other area of the school where notices of district rules, regulations, procedures and standards of conduct are posted

2. Be provided to each faculty member, all members of the administrative staff, and all members of the support staff at the beginning of the first quarter or semester of the school year, or whenever a new employee is hired

3. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures and standards of conduct

All employees shall receive either a copy of information sheets prepared by the California Department of Fair Employment and Housing (DFEH) or a copy of district information sheets that contain, at a minimum, components on: (Government Code 12950)

1. The illegality of sexual harassment

2. The definition of sexual harassment under applicable state and federal law

3. A description of sexual harassment, with examples

4. The district's complaint process available to the employee

5. The legal remedies and complaint process available through DFEH and the Equal Employment Opportunity Commission

6. Directions on how to contact DFEH and Equal Employment Opportunity Commission

7. The protection against retaliation provided by 2 CCR 7287.8 for opposing ~~the~~ harassment prohibited by law or filing a complaint with or otherwise participating in an investigation, proceeding or hearing conducted by DFEH or the EEOC.

In addition, the district shall post, in a prominent and accessible location, DFEH's poster on discrimination in employment and the illegality of sexual harassment. (Government Code 12950)

Sexual Harassment

The Governing Board is committed to maintaining a safe school environment that is free from harassment and discrimination. The Board prohibits sexual harassment of any student by other any students, at school or at school-sponsored or school-related activities. The Board also prohibits retaliatory behavior or action against any person that complains, reports, files a complaint or testifies about, or otherwise supports a complainant alleging sexual harassment.

The district strongly encourages any student who feels that he/she is being or has been sexually harassed on school grounds or at a school-sponsored or school-related activity by another student or an adult to immediately contact his/her teacher, the principal, or any other available school employee. Any employee who receives a report or observes an incident of sexual harassment shall notify the principal or a district compliance officer.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 1312.3 -Complaints Concerning District Employees)
(cf. 5131 - Conduct)
(cf. 5131.2 - Bullying)
(cf. 5145.3 - Nondiscrimination/Harassment)

Complaints regarding sexual harassment shall be investigated and resolved in accordance with law and district procedures specified in AR 1312.3 - Uniform Complaint Procedures. Principals are responsible for notifying students and parents/guardians that complaints of sexual harassment can be filed under AR 1312.3 and where to obtain a copy of the procedures.

(cf. 1312.3 - Uniform Complaint Procedures)

The Superintendent or designee shall take appropriate actions to reinforce the district's sexual harassment policy.

Instruction/Information

The Superintendent or designee shall ensure that all district students receive age-appropriate information on sexual harassment. Such instruction and information shall include:

1. What acts and behavior constitute sexual harassment, including the fact that sexual harassment could occur between people of the same sex *and could involve sexual violence*

2. A clear message that students do not have to endure sexual harassment under any circumstance

3. Encouragement to report observed incidents of sexual harassment, even where the alleged victim of the harassment has not complained

4. A clear message that student safety is the district's primary concern, and that any separate rule violation involving an alleged victim or any other person reporting a sexual harassment incident will be addressed separately and will not affect the manner in which the sexual harassment complaint will be received, investigated, or resolved

5. Information about the district's procedure for investigating complaints and the person(s) to whom a report of sexual harassment should be made

6. Information about the rights of students and parents/guardians to file a civil or criminal complaint, as applicable

Complaint Process

Any student who feels that he/she is being or has been sexually harassed by a school employee, another student, or a non-employee on school grounds or at a school–related activity (e.g., a visiting athlete or coach) shall immediately contact his/her teacher or any other employee. An employee who receives such a complaint shall report it in accordance with administrative regulation.

The Superintendent or designee shall ensure that any complaints regarding sexual harassment are immediately investigated in accordance with administrative regulation. When the Superintendent or designee has determined that harassment has occurred, he/she shall take prompt, appropriate action to end the harassment and to address its effects on the victim.

Disciplinary Actions

Any student who engages in sexual harassment or sexual violence at school or at a school-sponsored or school-related activity is in violation of this policy and shall be subject to disciplinary action. For students in grades 4-18, disciplinary action may include suspension and/or expulsion, provided that, in imposing such discipline, the entire circumstances of the incident(s) shall be taken into account.

(cf. 5144 - Discipline)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 5144.2 – Suspension and Expulsion/Due Process (Students with Disabilities)

Any ~~of~~ staff member found to have engaged in sexual harassment or sexual violence toward any student shall be subject to discipline up to and including dismissal in accordance with applicable policies, laws, and/or collective bargaining agreements.

(cf. 4118 - Suspension/Disciplinary Action)
(cf. 4119.11/4219.11/4319.11 - Sexual Harassment)

Record-Keeping

The Superintendent or designee shall maintain a record of all reported cases of sexual harassment to enable the district to monitor, address, and prevent repetitive harassing behavior in district schools.

Legal Reference:
EDUCATION CODE
200-262.4 Prohibition of discrimination on the basis of sex
48900 Grounds for suspension or expulsion
48900.2 Additional grounds for suspension or expulsion; sexual harassment
48904 Liability of parent/guardian for willful student misconduct
48980 Notice at beginning of term
CIVIL CODE
51.9 Liability for sexual harassment; business, service and professional relationships
1714.1 Liability of parents/guardians for willful misconduct of minor
GOVERNMENT CODE
12950.1 Sexual harassment training
CODE OF REGULATIONS, TITLE 5
4600-4687 Uniform complaint procedures
4900-4965 Nondiscrimination in elementary and secondary education programs
UNITED STATES CODE, TITLE 20
1221 Application of laws
1232g Family Educational Rights and Privacy Act
1681-1688 Title IX, discrimination
UNITED STATES CODE, TITLE 42
1983 Civil action for deprivation of rights
2000d-2000d-7 Title VI, Civil Rights Act of 1964
2000e-2000e-17 Title VII, Civil Rights Act of 1964 as amended
CODE OF FEDERAL REGULATIONS, TITLE 34
99.1-99.67 Family Educational Rights and Privacy
106.1-106.71 Nondiscrimination on the basis of sex in education programs
COURT DECISIONS
Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567
Flores v. Morgan Hill Unified School District, (2003, 9th Cir.) 324 F.3d 1130
Reese v. Jefferson School District, (2001, 9th Cir.) 208 F.3d 736
Davis v. Monroe County Board of Education, (1999) 526 U.S. 629
Gebser v. Lago Vista Independent School District, (1998) 524 U.S. 274
Oona by Kate S. v. McCaffrey, (1998, 9th Cir.) 143 F.3d 473
Doe v. Petaluma City School District, (1995, 9th Cir.) 54 F.3d 1447

SEXUAL HARASSMENT

The district designates the following individual(s) as the responsible employee(s) to coordinates its efforts to comply with Title IX of the Education Amendments of 1972 and California Education Code 234.1, as well as to investigate and resolve sexual harassment complaints under Administrative Regulation 1312.3, Uniform Complaint Procedures. The coordinator/compliance officer(s) may be contacted at:

Assistant Superintendent
750-A San Pierre Way
Mountain View, CA 94043

(cf. 1312.3 – Uniform Complaint Procedures)

Prohibited sexual harassment includes, but is not limited to, unwelcome sexual advances, unwanted requests for sexual favors or other unwanted verbal, visual or physical conduct of a sexual nature made against another person of the same or opposite *sex*, in the educational setting, under any of the following conditions: (Education Code 212.5; 5 CCR 4916)

1. Submission to the conduct is explicitly or implicitly made a term or condition of a student's academic status or progress

2. Submission to or rejection of the conduct by a student is used as the basis for academic decisions affecting the student

3. The conduct has the purpose or effect of having a negative impact on the student's academic performance, or of creating an intimidating, hostile or offensive educational environment

4. Submission to or rejection of the conduct by the student is used as the basis for any decision affecting the student regarding benefits and services, honors, programs, or activities available at or through any district program or activity

(cf. 5131 – Conduct)
(cf. 5131.2 – Bullying)
(cf. 5145.3 – Nondiscrimination/Harassment)

Examples of types of conduct which are prohibited in the district and which may constitute sexual harassment include, but are not limited to:

1. Unwelcome leering, sexual flirtations or propositions

2. Unwelcome sexual slurs, epithets, threats, verbal abuse, derogatory comments or sexually degrading descriptions

3. Graphic verbal comments about an individual's body, or overly personal conversation

4. Sexual jokes, derogatory posters, notes, stories, cartoons, drawings, pictures or obscene gestures, or computer-generated images of a sexual nature.

5. Spreading sexual rumors
6. Teasing or sexual remarks about students enrolled in a predominantly single-sex class
7. Massaging, grabbing, fondling, stroking or brushing the body
8. Touching an individual's body or clothes in a sexual way
9. Impeding or blocking movements or any physical interference with school activities when directed at an individual on the basis of sex
10. Displaying sexually suggestive objects
11. Sexual assault, sexual battery or sexual coercion

School-Level Complaint Process/Grievance Procedure

Any student who believes that he/she has been subjected to sexual harassment or who has witnessed sexual harassment is strongly encouraged to report the incident to his/her teachers, the principal, or any other available school employee. Within one school day of receiving such a report, the school employee shall forward the report to the principal or the district's complains officer identified in AR 1312.3. In addition, any school employee who observes an incident of sexual harassment involving a student shall, within one school day report his/her observation to the Principal or a district compliance officer. The employee shall take these actions whether or not the alleged victim files a complaint.

In any case of sexual harassment involving the principal, compliance officer, or any other person to whom the incident would ordinarily reported or filed the report may be submitted to the Superintendent or designee.

When a report of sexual harassment is submitted, the principal or compliance officer shall inform the student or parent/guardian of the right to file a formal written complaint in accordance with the district's uniform complaint procedures.

If a complaint of sexual harassment is initially submitted to the principal, he/she shall, within two school days, forward the report to the compliance officer to initiate investigation of the complaint. The compliance officer shall contact the complainant and investigate and resolve the complaint in accordance with law and district procedures specified in AR 1312.3.

Confidentiality

All complaints and allegations of sexual harassment shall be kept confidential except as necessary to carry out the investigation or take other subsequent necessary action. (5 CCR 4964)

However, when a complainant or victim of sexual harassment notifies the district of the harassment but requests confidentiality, the compliance officer shall inform him/her that the request may limit the district's ability to investigate the harassment or take other necessary action. When honoring a request for confidentiality, the district will nevertheless take all reasonable steps to investigate and respond to the complaint consistent with the request.

Response Pending Investigation

When an incident of sexual harassment is reported, the principal or designee, shall determine whether interim measures are necessary pending the results of the investigation. The principal/designee or compliance officer shall take immediate measures necessary to stop the harassment and protect students and/or ensure their access to the educational program. Such measures may include placing the individuals involved in separate classes or transferring a student to a class taught by a different teacher, in accordance with law and Board policy. The school should notify the individual who was harassed of his/her options to avoid contact with the alleged harasser and allow the complainant to change academic and extracurricular arrangements as appropriate. The school should also ensure that the complainant is aware of the resources and assistance, such as counseling, that are available to him/her. As appropriate, such actions shall be considered even when a student chooses to not file a formal complaint or the sexual harassment occurs off school grounds or outside school-sponsored or school-related programs or activities

Notifications

A copy of the district's sexual harassment policy and regulation shall:

1. Be included in the notifications that are sent to parents/guardians at the beginning of each school year (Education Code 48980; 5 CCR 4917)

(cf. 5145.6 - Parental Notifications)

2. Be displayed in a prominent location in the main administrative building or other area where notices of district rules, regulations, procedures, and standards of conduct are posted, including school websites. (Education Code 231.5)

3. Be provided as part of any orientation program conducted for new students at the beginning of each quarter, semester, or summer session (Education Code 231.5)

4. Appear in any school or district publication that sets forth the school's or district's comprehensive rules, regulations, procedures, and standards of conduct (Education Code 231.5)

5. Be included in the student handbook

6. Be provided to employees and employee organizations

NONDISCRIMINATION/HARASSMENT

The Governing Board desires to provide a safe school environment that allows all students equal access and opportunities in the district's academic and other educational support programs, services, and activities. The Board prohibits, at any district school or school activity, unlawful discrimination, including discriminatory harassment, intimidation, and bullying of any student based on the student's actual or perceived race, color, ancestry, national origin, nationality, ethnicity, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, or gender expression or association with a person or group with one or more of these actual or perceived characteristics.

This policy shall apply to all acts related to school activity or to school attendance occurring within a district school. (Education Code 234.1)

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 5131 - Conduct)
(cf. 5131.2 - Bullying)
(cf. 5146 - Married/Pregnant/Parenting Students)

Unlawful discrimination, including discriminatory harassment, intimidation, or bullying includes physical, verbal, nonverbal, or written conduct based on any of the categories listed above. Unlawful discrimination also shall include the creation of a hostile environment when the prohibited conduct is so severe, persistent, or pervasive that it affects a student's ability to participate in or benefit from an educational program or activity; creates an intimidating, threatening, hostile, or offensive educational environment; has the effect of substantially or unreasonably interfering with a student's academic performance; or otherwise adversely affects a student's educational opportunities.

Unlawful discrimination also includes disparate treatment of students based on one of the categories above with respect to the provision of opportunities to participate in school programs or activities or the provision or receipt of educational benefits or services.

The Board also prohibits any form of retaliation against any individual who files or otherwise participated in the filing or investigation of a complaint or report regarding an incident of discrimination, Retaliation complaints shall be investigated and resolved in the same manner as a discrimination complaint.

The Superintendent or designee shall provide facilitate students' access to the educational program by publicizing the district's nondiscrimination policy and related complaint procedures to students, parents/guardians, and employees. He/she shall provide training and information on the scope and use of the policy and complaint procedures and take other measures designed to increase the school community's understanding of the requirements of law related to discrimination, harassment, intimidation, and bullying, including, but not limited to, the District's nondiscrimination policy, what constitutes prohibited behavior, how to report incidents, and to whom such reports should be made.

NONDISCRIMINATION/HARASSMENT

The superintendent or designee shall regularly review the implementation of the district's nondiscrimination policies and practices and, as necessary shall take action to remove any identified barrier to student access to or participation in the educational program. He/she shall report his/her findings and recommendations to the Board after each review.

Students who engage in unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying in violation of law, Board policy, or administrative regulation shall be subject to appropriate consequence or discipline, which may include suspension or expulsion for behavior that is severe or pervasive as defined in Education Code 48900.4. Any employee who permits or engages in prohibited discrimination, including discriminatory harassment, intimidation, retaliation, or bullying shall be subject to disciplinary action, up to and including dismissal.

(cf. 4128 – Dismissal/Suspension/Disciplinary Action)
(cf. 5144 - Discipline)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

Grievance Procedures

The following position is designated Coordinator for Nondiscrimination to handle complaints regarding discrimination, harassment, intimidation, or bullying, and to answer inquiries regarding the District's nondiscrimination policies:

Assistant Superintendent
750-A San Pierre Way
Mountain View, CA 94043
650-526-3500

(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 1312.3 - Uniform Complaint Procedures)

Any student who feels that he/she has been subjected to discrimination, harassment, intimidation, or bullying should immediately contact the Coordinator, the principal, or any other staff member. In addition, any student who observes any such incident should report the incident to the Coordinator or principal, whether or not the victim files a complaint.

Any school employee who observes an incident of discrimination, harassment, intimidation, or bullying shall report the incident to the Coordinator or principal, whether or not the victim files a complaint.

In addition, the employee shall immediately intervene when safe to do so. (Education Code 234.1)

Upon receiving a complaint of discrimination, harassment, intimidation, or bullying, the Coordinator shall immediately investigate the complaint in accordance with the site-level grievance procedures specified in AR 5145.7 - Sexual Harassment.

NONDISCRIMINATION/HARASSMENT

(cf. 5145.7 - Sexual Harassment)

Within 30 days of receiving the District's report, the complainant may appeal to the Board if he/she disagrees with the resolution of the complaint. The Board shall make a decision at its next regular meeting and its decision shall be final.

The Superintendent or designee shall ensure that the student handbook clearly describes the District's nondiscrimination policy, procedures for filing a complaint regarding discrimination, harassment, intimidation, or bullying, and the resources that are available to students who feel that they have been the victim of any such behavior. The District's policy shall also be posted on the District web site or any other location that is easily accessible to students.

(cf. 6163.4 - Student Use of Technology)

When required pursuant to Education Code 48985, complaint forms shall be translated into the student's primary language.

Legal Reference:
EDUCATION CODE
200-262.4 Prohibition of discrimination
48900.3 Suspension or expulsion for act of hate violence
48900.4 Suspension or expulsion for threats or harassment
48904 Liability of parent/guardian for willful student misconduct
48907 Student exercise of free expression
48950 Freedom of speech
48985 Translation of notices
49020-49023 Athletic programs
51500 Prohibited instruction or activity
51501 Prohibited means of instruction
60044 Prohibited instructional materials
CIVIL CODE
1714.1 Liability of parents/guardians for willful misconduct of minor
PENAL CODE
422.55 Definition of hate crime
422.6 Crimes, harassment
CODE OF REGULATIONS, TITLE 5
432 Student record
4600-4687 Uniform complaint procedures
4900-4965 Nondiscrimination in elementary and secondary education programs
UNITED STATES CODE, TITLE 20
1681-1688 Title IX of the Education Amendments of 1972
12101-12213 Title II equal opportunity for individuals with disabilities
UNITED STATES CODE, TITLE 29
794 Section 504 of Rehabilitation Act of 1973

NONDISCRIMINATION/HARASSMENT

UNITED STATES CODE, TITLE 42
2000d-2000e-17 Title VI and Title VII Civil Rights Act of 1964, as amended
2000h-2-2000h-6 Title IX of the Civil Rights Act of 1964
6101-6107 Age Discrimination Act of 1975
CODE OF FEDERAL REGULATIONS, TITLE 28
35.107 Nondiscrimination on basis of disability; complaints
CODE OF FEDERAL REGULATIONS, TITLE 34
100.3 Prohibition of discrimination on basis of race, color or national origin
104.7 Designation of responsible employee for Section 504
106.8 Designation of responsible employee for Title IX
106.9 Notification of nondiscrimination on basis of sex
COURT DECISIONS
Donovan v. Poway Unified School District, (2008) 167 Cal.App.4th 567
Flores v. Morgan Hill Unified School District, (2003) 324 F.3d 1130

Students

The district designates the individual(s) identified below as the employee(s) responsible for coordinating the district's efforts to comply with state and federal civil rights laws, including Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, and the Age Discrimination Act of 1975, and to answer inquiries regarding the district's nondiscrimination policies. The individual(s) shall also serve as the compliance officer(s) specified in AR 1312.3 - Uniform Complaint Procedures as the responsible employee to handle complaints regarding unlawful discrimination, including discriminatory harassment, intimidation, or bullying, based on actual race, color, ancestry, national origin, nationality, ethnicity, ethnic group identification, age, religion, marital or parental status, physical or mental disability, sex, sexual orientation, gender, gender identity, gender expression, or any other legally protected status; the perception of one or more of such characteristics; or association with a person or group with one or more of these actual or perceived characteristics. The coordinator/compliance officer(s) may be contacted at: (Education Code 234.1; 5 CCR 4621)

Assistant Superintendent
750-A San Pierre Way
Mountain View, CA 94043
650-526-3500

(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 1312.3 - Uniform Complaint Procedures)

Measures to Prevent Discrimination

To prevent unlawful discrimination, including discriminatory harassment, intimidation, retaliation, and bullying, of students at district schools or in school activities and to ensure equal access of all students to the educational program, the Superintendent or designee shall implement the following measures:

1. Publicize the district's nondiscrimination policy and related complaint procedures to students, parents/guardians, employees, volunteers, and the general public and post them on the district's web site and other locations that are easily accessible to students. (Education Code 234.1)

2. Provide to students a handbook that contains age-appropriate information that clearly describes the district's nondiscrimination policy, procedures for filing a complaint, and resources available to students who feel that they have been the victim of any such behavior. (Education Code 234.1)

3. Annually notify all students and parents/guardians of the district's nondiscrimination policy. The notice shall inform students and parents/guardians of the possibility that students will participate in a sex-segregated school program or activity together with another student of the opposite biological sex, and that they may inform the compliance officer if they feel such participation would be against the student's religious beliefs and/or practices or a violation of his/her right to privacy. In such a case, the compliance officer shall meet with the student and/or parent/guardian who raises the objection to determine how best to accommodate that student. The notice shall inform students and parents/guardians that the district will not typically notify them of individual instances of transgender students participating in a program or activity.

Students

(cf. 5145.6 - Parental Notifications)

4. The Superintendent or designee shall ensure that all students and parents/guardians, including students and parents/guardians with limited English proficiency, are notified of how to access the relevant information provided in the district's nondiscrimination policy and related complaint procedures, notices, and forms in a language they can understand.

   If 15 percent or more of students enrolled in a particular district school speak a single primary language other than English, the district's policy, regulation, forms, and notices concerning nondiscrimination shall be translated into that language in accordance with Education Code 234.1 and 48985. In all other instances, the district shall ensure meaningful access to all relevant information for parents/guardians with limited English proficiency.

5. Provide to students, employees, volunteers, and parents/guardians age-appropriate training and information regarding the district's nondiscrimination policy; what constitutes prohibited discrimination, including discriminatory harassment, intimidation, retaliation, or bullying; how and to whom a report of an incident should be made; and how to guard against segregating or stereotyping students when providing instruction, guidance, supervision, or other services to them. Such training and information shall include guidelines for addressing issues related to transgender and gender-nonconforming students.

6. At the beginning of each school year, inform school employees that any employee who witnesses any act of unlawful discrimination, including discriminatory harassment, intimidation, or bullying, against a student is required to intervene if it is safe to do so. (Education Code 234.1)

7. At the beginning of each school year, inform each principal or designee of the district's responsibility to provide appropriate assistance or resources to protect students' privacy rights and ensure their safety from threatened or potentially discriminatory behavior.

Enforcement of District Policy

The Superintendent or designee shall take appropriate actions to reinforce BP 5145.3 - Nondiscrimination/Harassment. As needed, these actions may include any of the following:

1. Removing vulgar or offending graffiti

2. Providing training to students, staff, and parents/guardians about how to recognize unlawful discrimination and how to respond

3. Disseminating and/or summarizing the district's policy and regulation regarding unlawful discrimination

4. Consistent with the laws regarding the confidentiality of student and personnel records, communicating the school's response to students, parents/guardians, and the community

(cf. 5125 - Student Records)

Students

5. Taking appropriate disciplinary action against perpetrators and anyone determined to have engaged in wrongdoing, including any student who is found to have made a complaint of discrimination that he/she knew was not true

(cf. 4118 - Suspension/Disciplinary Action)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)
(cf. 5144 - Discipline)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))
(cf. 6159.4 - Behavioral Interventions for Special Education Students)

Process for Initiating and Responding to Complaints

Any student who feels that he/she has been subjected to unlawful discrimination described above or in district policy is strongly encouraged to immediately contact the compliance officer, principal, or any other staff member. In addition, any student who observes any such incident is strongly encouraged to report the incident to the compliance officer or principal, whether or not the alleged victim files a complaint.

Any school employee who observes an incident of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, or to whom such an incident is reported shall report the incident to the compliance officer or principal within a school day, whether or not the alleged victim files a complaint.

Any school employee who witnesses an incident of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, shall immediately intervene to stop the incident when it is safe to do so. (Education Code 234.1)

When any report of unlawful discrimination, including discriminatory harassment, intimidation, retaliation, or bullying, is submitted to or received by the principal or compliance officer, he/she shall inform the student or parent/guardian of the right to file a formal complaint pursuant to the provisions in AR 1312.3 - Uniform Complaint Procedures. Any report of unlawful discrimination involving the principal, compliance officer, or any other person to whom the complaint would ordinarily be reported or filed shall instead be submitted to the Superintendent or designee. Even if the student chooses not to file a formal complaint, the principal or compliance officer shall implement immediate measures necessary to stop the discrimination and to ensure all students have access to the educational program and a safe school environment.

Upon receiving a complaint of discrimination, the compliance officer shall immediately investigate the complaint in accordance with the district's uniform complaint procedures specified in AR 1312.3.

(cf. 5141.4 - Child Abuse Prevention and Reporting)

Transgender and Gender-Nonconforming Students

Gender identity means a student's gender-related identity, appearance, or behavior, whether or not that gender-related identity, appearance, or behavior is different from that traditionally associated with the student's physiology or assigned sex at birth.

Students

Gender expression means a student's gender-related appearance and behavior, whether stereotypically associated with the student's assigned sex at birth. (Education Code 210.7)

Gender transition refers to the process in which a student changes from living and identifying as the sex assigned to the student at birth to living and identifying as the sex that corresponds to the student's gender identity.

Gender-nonconforming student means a student whose gender expression differs from stereotypical expectations.

Transgender student means a student whose gender identity or gender expression is different from that traditionally associated with the assigned sex at birth.

Acts of verbal, nonverbal, or physical aggression, intimidation, or hostility that are based on sex, gender identity, or gender expression, regardless of whether they are sexual in nature, where the act has the purpose or effect of having a negative impact on the student's academic performance or of creating an intimidating, hostile, or offensive educational environment are prohibited under state and federal law. Examples of types of conduct which are prohibited in the district and which may constitute gender-based harassment include, but are not limited to:

1. Refusing to address a student by a name and the pronouns consistent with his/her gender identity

2. Disciplining or disparaging a transgender student because his/her mannerisms, hairstyle, or style of dress correspond to his/her gender identity, or a non-transgender student because his/her mannerisms, hairstyle, or style of dress do not conform to stereotypes for his/her gender or are perceived as indicative of the other sex

3. Blocking a student's entry to the bathroom that corresponds to his/her gender identity because the student is transgender or gender-nonconforming

4. Taunting a student because he/she participates in an athletic activity more typically favored by a student of the other sex

5. Revealing a student's transgender status to individuals who do not have a legitimate need for the information

6. Use of gender-specific slurs

7. Physical assault of a student motivated by hostility toward him/her because of his/her gender, gender identity, or gender expression

The district's uniform complaint procedures (AR 1312.3) shall be used to report and resolve complaints alleging discrimination against transgender and gender-nonconforming students. Examples of bases for complaints include, but are not limited to, the above list as well as improper rejection by the district of a student's asserted gender identity, denial of access to facilities that correspond with a student's gender identity, improper disclosure of a student's transgender status, discriminatory enforcement of a dress code, and other instances of gender-based harassment.

Students

To ensure that transgender and gender-nonconforming students are afforded the same rights, benefits, and protections provided to all students by law and Board policy, the district shall address each situation on a case-by-case basis, in accordance with the following guidelines:

1. Right to privacy: A student's transgender or gender-nonconforming status is his/her private information and the district will only disclose the information to others with the student's prior written consent, except when the disclosure is otherwise required by law or when the district has compelling evidence that disclosure is necessary to preserve the student's physical or mental well-being. In the latter instance, the district shall limit disclosure to individuals reasonably believed to be able to protect the student's well-being. Any district employee to whom a student discloses his/her transgender or gender-nonconforming status shall seek the student's permission to notify the compliance officer. If the student refuses to give permission, the employee shall keep the student's information confidential, unless he/she is required to disclose or report the student's information pursuant to this procedure, and shall inform the student that honoring the student's request may limit the district's ability to meet the student's needs related to his/her status as a transgender or gender-nonconforming student. If the student permits the employee to notify the compliance officer, the employee shall do so within three school days.

   As appropriate given the physical, emotional, and other significant risks to the student, the compliance officer may consider discussing with the student any need to disclose the student's transgender or gender-nonconformity status to his/her parents/guardians and/or others, including other students, teacher(s), or other adults on campus. The district shall offer support services, such as counseling, to students who wish to inform their parents/guardians of their status and desire assistance in doing so.

2. Determining a Student's Gender Identity: The compliance officer shall accept the student's assertion unless district personnel present a credible basis for believing that the student's assertion is for an improper purpose. In such a case, the compliance officer shall document the improper purpose and, within seven school days of receiving notification of the student's assertion, shall provide a written response to the student and, if appropriate, to his/her parents/guardians.

3. Addressing a Student's Transition Needs: The compliance officer shall arrange a meeting with the student and, if appropriate, his/her parents/guardians to identify potential issues, including transition-related issues, and to develop strategies for addressing them. The meeting shall discuss the transgender or gender-nonconforming student's rights and how those rights may affect and be affected by the rights of other students and shall address specific subjects related to the student's access to facilities and to academic or educational support programs, services, or activities, including, but not limited to, sports and other competitive endeavors. In addition, the compliance officer shall identify specific school site employee(s) to whom the student may report any problem related to his/her status as a transgender or gender-nonconforming individual, so that prompt action could be taken to address it. Alternatively, if appropriate and desired by the student, the school may form a support team for the student that will meet periodically to assess whether the student's arrangements are meeting his/her educational needs and providing equal access to programs and activities, educate appropriate staff about the student's transition, and serve as a resource to the student to better protect the student from gender-based discrimination.

Students

4. Accessibility to Sex-Segregated Facilities, Programs, and Activities: The district may maintain sex-segregated facilities, such as restrooms and locker rooms, and sex-segregated programs and activities, such as physical education classes, intermural sports, and interscholastic athletic programs. A student shall be entitled to access facilities and participate in programs and activities consistent with his/her gender identity. If available and requested by any student, regardless of the underlying reason, the district shall offer options to address privacy concerns in sex-segregated facilities, such as a gender-neutral or single-use restroom or changing area, a bathroom stall with a door, an area in the locker room separated by a curtain or screen, access to a staff member's office, or use of the locker room before or after the other students. However, the district shall not require a student to utilize these options because he/she is transgender or gender-nonconforming. In addition, a student shall be permitted to participate in accordance with his/her gender identity in other circumstances where students are separated by gender, such as for class discussions, yearbook pictures, and field trips. A student's right to participate in a sex-segregated activity in accordance with his/her gender identity shall not render invalid or inapplicable any other eligibility rule established for participation in the activity.

5. Student Records: A student's legal name or gender as entered on the mandatory student record required pursuant to 5 CCR 432 shall only be changed pursuant to a court order. However, at the written request of a student or, if appropriate, his/her parents/guardians, the district shall use the student's preferred name and pronouns consistent with his/her gender identity on all other district-related documents.

(cf. 5125 - Student Records)
(cf. 5125.1 - Release of Directory Information)

6. Names and Pronouns: If a student so chooses, district personnel shall be required to address the student by a name and the pronouns consistent with his/her gender identity, without the necessity of a court order or a change to his/her official district record. However, inadvertent slips or honest mistakes by district personnel in the use of the student's name and/or consistent pronouns shall not constitute a violation of this administrative regulation or the accompanying district policy.

7. Uniforms/Dress Code: A student has the right to dress in a manner consistent with his/her gender identity, subject to any dress code adopted on a school site.

Mountain View Whisman School District

Agenda Item for Board Meeting of April 16, 2015

Agenda Category:	Review and Action
Agenda Item Title:	Board Bylaw No. 9324, Minutes and Recordings
Estimated Time:	10 minutes
Person Responsible:	Kevin Skelly, Interim Superintendent

Background:

Board Bylaw No. 9324, Minutes and Recordings has been updated to reflect changes suggested by the California School Boards Assocation and was approved at first reading on April 2, 2015.

Fiscal Implication:

None.

Recommended Action:

That the Board approve Board Bylaw No. 9324, Minutes and Recordings at second reading, as presented.

MINUTES AND RECORDINGS

The Governing Board recognizes that maintaining accurate minutes of Board meetings provides a record of Board actions for use by District staff and the public and help foster public trust in Board governance.

The secretary of the Governing Board shall keep minutes and record all official Board actions. The Board's minutes shall be public records and shall be made available to the public upon request. (Education Code 35145, 35163)

(cf. 9323.2 - Actions by the Board)

The minutes shall record which members are present and whether a member is not present for part of the meeting due to late arrival and/or early departure.

In order to ensure that the minutes are focused on Board action, the minutes shall include only a brief summary of the Board's discussion, but shall not include a verbatim record of the Board's discussion on each agenda topic or the name of Board members who made specific points during the discussion.

The minutes shall include the specific language of each motion and the names of members who made and seconded the motion.

The minutes shall also report any action taken and the vote or abstention of that action of each member present. (Government Code 54953)

The minutes shall reflect the names of those individuals who comment during the meeting's public comment period as well as the topics they address.

The Superintendent or designee shall distribute a copy of the "unapproved" minutes of the previous meeting(s) with the agenda for one of the next two regular meetings. The Board shall approve the minutes as circulated or with necessary amendments.

Official Board minutes and recordings shall be stored in a secure location.

Any minutes or recordings kept for Board meetings held in closed session shall be kept separate from the minutes or recordings of regular and special meetings. Minutes or recordings of closed sessions are not public records. (Government Code 54957.2)

(cf. 9321.1 - Closed Session Actions and Reports)

Recording or Broadcasting of Meetings

The District may tape, film, or broadcast any open Board meeting. The presiding officer may announce that a recording or broadcasting is being made at the beginning of the meeting, and, as practicable, the recorder shall be placed in plain view of all meeting participants.

MINUTES AND RECORDINGS

Any District recording may be erased or destroyed 30 days after the meeting. Recordings made during regular or special Board meetings are public records, and upon request, shall be made available for inspection by members of the public on a District recorder without charge.
(Government Code 54953.5)

Legal Reference:

EDUCATION CODE
35145 Public meetings
35163 Official actions, minutes and journals
35164 Vote requirements
GOVERNMENT CODE
54952.2 Meeting defined
54953.5 Audio or video recording of proceedings
54953.6 Broadcasting of proceedings
54957.2 Closed sessions; clerk; minute book
54960 Violations and remedies
PENAL CODE
632 Unlawful to intentionally record a confidential communication without consent
CODE OF REGULATIONS, TITLE 5
16020-16027 Classification and retention of records

Mountain View Whisman School District

Agenda Item for Board Meeting of April 16, 2015

Agenda Category: Consent Agenda

Agenda Item Title: Board Bylaw No. 9010, Public Statements

Estimated Time: --

Person Responsible: Kevin Skelly, Interim Superintendent

Background:

Board Bylaw No. 9010, Public Statements has been updated to reflect changes suggested by the California School Boards Assocation and was approved at first reading on April 2, 2015.

Fiscal Implication:

None.

Recommended Action:

That the Board approve Board Bylaw No. 9010, Public Statements at second reading, as presented.

PUBLIC STATEMENTS

The Governing Board recognizes the responsibility of Board members in their role as community leaders to participate in public discourse on matters of civic or community interest, including those involving the District, and their right to freely express their personal views. However, to ensure communication of a consistent, unified message regarding district issues, Board members are expected to respect the authority of the Board to choose its representative to communicate its positions and to abide by established protocols.

All public statements authorized to be made on behalf of the Board shall be made by the Board president or, if appropriate, by the Superintendent or other designated representative.

When speaking for the district, the Board encourages its spokespersons to exercise restraint and tact and to communicate the message in a manner that promotes public confidence in the Board's leadership.

Board spokespersons shall not disclose confidential information or information received in closed session except when authorized by a majority of the Board. (Government Code 54963)

When speaking to community groups, members of the public, or the media, individual Board members should recognize that their statements may be perceived as reflecting the views and positions of the Board. Board members have a responsibility to identify personal viewpoints as such and not as the viewpoint of the Board.

In addition, the Board encourages members who participate on social networking sites, blogs, or other discussion or informational sites to conduct themselves in a respectful, courteous, and professional manner and to model good behavior for district students and the community. Such electronic communications are subject to the same standards and protocols established for other forms of communication, and the disclosure requirements of the California Public Records Act may likewise apply to them.

(cf. 9011 - Disclosure of Confidential/Privileged Information)
(cf. 9200 - Members)

Legal Reference:
EDUCATION CODE
35010 Control of district; prescription and enforcement of rules
GOVERNMENT CODE
6250-6270 California Public Records Act
54960 Actions to stop or prevent violation of meeting provisions
54963 Confidential Information in closed session

Mountain View Whisman School District

Agenda Item for Board Meeting of April 16, 2015

Agenda Category: Consent Agenda

Agenda Item Title: Board Bylaw No. 9220, Governing Board Elections

Estimated Time: --

Person Responsible: Kevin Skelly, Interim Superintendent

Background:

Board Bylaw No. 9220, Governing Board Elections has been updated to reflect changes suggested by the California School Boards Assocation and was approved at first reading on April 2, 2015.

Fiscal Implication:

None.

Recommended Action:

That the Board approve Board Bylaw No. 9220, Governing Board Elections at second reading, as presented.

GOVERNING BOARD ELECTIONS

Any person is eligible to be a member of the Governing Board, without further qualifications, if he/she is 18 years of age or older, a citizen of California, a resident of the school district, a registered voter and not legally disqualified from holding civil office. (Education Code 35107) Any person who has been convicted of a felony involving the giving, accepting, or offering of a bribe, embezzlement or theft of public funds, extortion, perjury, or conspiracy to commit any such crime, under California law or the law of another state, the United States of America, or another country, is not eligible to be a candidate for office or be a Board member except when he/she has been granted a pardon in accordance with law. (Education Code 35107; Elections Code 20)

A district employee elected to the Board shall resign his/her position before being sworn in or shall have his/her employment automatically terminated upon being sworn into office. (Education Code 35107)

To reduce costs associated with conducting elections, the Board may consolidate Board elections with the local municipal or statewide primary or general election. Board election procedures shall be conducted in accordance with state and federal law.

Electing Board Members

Board members may reside anywhere within the district's boundaries and shall be elected by all voters in the district.

To ensure ongoing compliance with the California and federal Voting Rights Acts, the Board may review the district's Board election method to determine whether any modification is necessary due to changes in the district's population or any of its racial, color, or language minority group composition. The review shall be based on the Superintendent or designee's report to the Board after the release of each decennial federal census.

If the Board determines that a change is necessary, it shall adopt a resolution at an open meeting specifying the change(s) and shall, in accordance with Education Code 5019 or other applicable provisions of law, obtain approval from the county committee on school district organization having jurisdiction over the district.

(cf. 9320 - Meetings and Notices)

Campaign Conduct

In order to help protect the public's trust in the electoral process as well as the public's confidence in the Board and district, the Board encourages all candidates to sign and adhere to the principles in the Code of Fair Campaign Practices pursuant to Election Code 20440.

(cf. 9110 - Terms of Office)

GOVERNING BOARD ELECTIONS

Statement of Qualifications

In order to encourage qualified voters to run for election to the Board, the district shall pay all but $200 of the cost of printing, handling, translating and mailing candidate statements filed pursuant to Elections Code 10012. Candidate statements shall be limited to 200 words. (Elections Code 13307) Each candidate who files such a statement shall be required to pay $200 of the cost at the time of filing.

On the 125th day prior to the day fixed for the general district election, the Board secretary or his/her designee shall deliver a notice, bearing the secretary's signature and district seal, to the county elections official describing both of the following: (Elections Code 10509)

1. The elective offices of the district to be filled at the general election and which offices, if any, are for the balance of an unexpired term.

2. Whether the district or candidate is to pay for the publication of a statement of qualifications pursuant to Elections Code 13307

Tie Votes in Board Member Elections

Whenever a tie makes it impossible to determine which of two or more candidates has been elected to the Board, the Board shall immediately notify the candidates who received the tie votes of the time and place where the candidate or their representatives should appear before the Board. The Board at that time shall determine the winner by lot. (Education Code 5016)

Legal Reference:
EDUCATION CODE
1000 Composition, and trustee area, county board of education
1006 Qualifications for holding office, county board of education
5000-5033 Elections
5220-5231 Elections
5300-5304 General provisions (conduct of elections)
5320-5329 Order and call of elections
5340-5345 Consolidation of elections
5360-5363 Election notice
5380 Compensation (of election officer)
5390 Qualifications of voters
5420-5426 Cost of elections
5440-5442 Miscellaneous provisions
7054 Use of district property
35107 Eligibility; school district employees
35177 Campaign expenditures or contributions
35239 Compensation of governing board member of districts with less than 70 ADA
ELECTIONS CODE
20 Public office eligibility
1302 Local elections, school district election
2201 Grounds for cancellation
4000-4004 Elections conducted wholly by mail
10400-10418 Consolidation of elections

GOVERNING BOARD ELECTIONS

10509 Notice of election by secretary
10600-10604 School district elections
13307 Candidate's statement
13309 Candidate's statement, indigence
14025-14032 California Voting Rights Act
20440 Code of Fair Campaign Practices
GOVERNMENT CODE
1021 Conviction of crime
1097 Illegal participation in public contract
12940 Nondiscrimination, Fair Employment and Housing Act
81000-91014 Political Reform Act
PENAL CODE
68 Bribes
74 Acceptance of gratuity
424 Embezzlement and falsification of accounts by public officers
661 Removal for neglect or violation of official duty
CALIFORNIA CONSTITUTION
Article 2, Section 2 Voters, qualifications
Article 7, Section 7 Conflicting offices
Article 7, Section 8 Disqualification from office
UNITED STATES CODE, TITLE 42
1973-1973aa-6 Voting Rights Act
COURT DECISIONS
Rey v. Madera Unified School District, (2012) 138 Cal. Rptr. 3d 192
Randall v. Sorrell, (2006) 126 S.Ct. 2479
Sanchez v. City of Modesto, (2006) 51 Cal.Rptr.3d 821
Dusch v. Davis, (1967) 387 U.S. 112
ATTORNEY GENERAL OPINIONS

Mountain View Whisman School District

Agenda Item for Board Meeting of April 16, 2015

Agenda Category:	Review and Action
Agenda Item Title:	Resolution No. 1558.4/15, Recognizing May 13, 2015 as Day of the Teacher
Estimated Time:	10 minutes
Person Responsible:	Dr. Kevin Skelly, Interim Superintendent

Background:

Each year the Governor and Legislature of California designate the second Wednesday in May as "Day of the Teacher." Teachers make a crucial difference in the lives of all the District's students.

Fiscal Implication:

None.

Recommended Action:

That the Board approve and adopt Resolution No. 1558.4/15, Recognizing May 13, 2015 as Day of the Teacher.

Mountain View Whisman School District

Resolution No. 1559.4/15
Recognizing May 13, 2015 as Day of the Teacher

WHEREAS, education is the most vital activity we as a society undertake to ensure the well-being of the nation; and

WHEREAS, education is in large measure the result of the talent and commitment of teachers and their ability to inspire, encourage and enlighten; and

WHEREAS, teaching is a profession characterized by skill, knowledge, discipline, tenacity and creativity in the delivery of instruction; and

WHEREAS, teachers are a source of caring, concern, counseling, empathy, warmth and love, and deserve recognition and gratitude for the invaluable work they do; and

WHEREAS, teachers in the Mountain View Whisman School District educate and motivate students including those that require unique skills and compassion; and

WHEREAS, teachers in the Mountain View Whisman School District have made a crucial difference in the lives of students and are true champions for children, schools and community.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Mountain View Whisman School District and the Superintendent express their gratitude and commend the teachers of the Mountain View Whisman School District and join the Governor and Legislature of California in designating May 14, 2015 as Day of the Teacher; and

BE IT FURTHER RESOLVED, that the Board of Trustees of the Mountain View Whisman School District and Superintendent encourage activities to recognize and honor teachers on this day.

Adopted by the Board of Trustees of the Mountain View Whisman School District on this 16th day of April 2015 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
President, Board of Trustees of the
Mountain View Whisman School District
Santa Clara County, State of California

Mountain View Whisman School District

Agenda Item for Board Meeting of April 16, 2015

Agenda Category:	Review and Action
Agenda Item Title:	Resolution No. 1560.4/15, Recognizing May 17-23, 2015 as Classified School Employees Week
Estimated Time:	10 minutes
Person Responsible:	Dr. Kevin Skelly, Interim Superintendent

Background:

Each year the Governor and Legislature of California designate the third week in May as "Classified School Employees Week." Classified school employees perform valuable services, which enhance the educational process for all of the District's students.

Fiscal Implication:

None.

Recommended Action:

That the Board approve and adopt Resolution No. 1560.4/15, Recognizing May 17 - 23, 2015 as Classified School Employees Week.

Mountain View Whisman School District

Resolution No. 1560.4/15
Recognizing May 17 – 23, 2015 as Classified School Employees Week

WHEREAS, the week of May 17 through May 23, 2015, has been designated by the Governor and Legislature of California as Classified School Employees Week; and

WHEREAS, classified employees support and enhance the educational process by assisting instructors, transporting students, preparing nutritional meals, maintaining buildings and grounds, and performing all technical, business, clerical and secretarial functions; and

WHEREAS, classified school employees contribute to the establishment and promotion of a positive instructional environment and play a vital role in providing for the welfare and safety of Mountain View Whisman School District's students; and

WHEREAS, classified employees provide services that enable the Mountain View Whisman School District to respond effectively to the needs of students, parents, teachers, administrators and the greater community; and

WHEREAS, classified employees in the Mountain View Whisman School District are deserving of special recognition for their many contributions in a wide variety of roles to the institution of public education in this county, state and nation.

NOW, THEREFORE, BE IT RESOLVED, that the Mountain View Whisman School District Board of Trustees express their gratitude and commend all classified employees for their service to the District and designate the week of May 17 – 23, 2015, as "Classified School Employees Week."

BE IT FURTHER RESOLVED, that the Board of Education urges the members of our community throughout this District to recognize classified employees during this week and to applaud their hard work and dedication to the success of public education.

PASSED AND ADOPTED by the Board of Education on this 16th day of April 2015, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

President, Board of Trustees
Mountain View Whisman School District
Santa Clara County, State of California

Mountain View Whisman School District

Agenda Item for Board Meeting of April 16, 2015

Agenda Category:	Review and Action
Agenda Item Title:	Approval of Draft Timeline for Boundary and Facility Decisions through June 2015
Estimated Time:	30 Minutes
Person Responsible:	Kevin Skelly, Interim Superintendent Terese McNamee, Chief Business Official

Background:

For the past three months the District and Board have been engaged in work intended to provide a roadmap for bond expenditures, potential changes to the location of schools and programs, and any accompanying school boundary changes that would be needed.

At the Board meeting on March 19, staff requested additional time to work on these topics. The accompanying draft schedule outlines staff thoughts on a timeline for this work. Staff seeks Board input on this schedule.

It should be noted that this schedule is aggressive. Staff believes there are strong advantages to resolving issues related to these topics before the end of this school year in order to provide clarity to new MVWSD families about which school their children are to attend in the 2015-2016 school year, noting that no changes are planned for existing students in terms of the school they would attend.

Staff will distribute any presentation material prior to the meeting and add this to agenda materials posted on-line.

Fiscal Implication:

This agenda item has no direct fiscal implications, but is related to how to allocat the unallocated bond proceeds.

Recommended Action:

Staff seeks Board approval of the draft timeline for boundary and facility decisions.

MVWSD Draft Timeline for Boundary and Facility Decisions through June, 2015

March 31 – **Joint BATF/DFC meeting**. Todd Lee presented a rough draft outline of construction scope and budget for the remaining bond work.

Thursday, April 16 – **Board meeting** – Open Session Agenda includes budget for the bond program and asks board to take action to allocate bond money instead of Shoreline money for middle school costs. Staff will also update the Building Fund budget to include other potential sources such as redevelopment funds, etc. Additionally, staff will update this timeline as needed for the boundary and facility work. Board presentation will be made on financing of the bond program and the potential structures of those bonds. Closed Session Agenda includes price and terms discussion of leases with German International School of Silicon Valley, Google Preschool, and Action Day Care.

Tuesday, April 21 – **BATF meeting** – This meeting is intended to give the group a chance to start crafting a report and recommendations to the board. Based on feedback from the task force, the group will look at boundaries that include the possibility of opening a neighborhood school in the Slater/Whisman area. The task force will also consider whether the school site should be Slater or Whisman.

Thursday, April 23 – **DFC meeting** – group will be asked to make recommendations on the scope, timeline, and budget of the building program. This will be a time for the group to begin crafting recommendations to the board. The committee will consider a standard project scope, recommended options, and sites to be improved.

Thursday, May 7 – **Board meeting** - Board receives update from the committees regarding progress and timelines for recommendations. If possible, staff will make a recommendation on Slater vs. Whisman as a potential location for the school in this quadrant of the district.

Tuesday, May 12 – **BATF meeting** – The task force will finalize recommendations to the board and consider implementation issues.

Thursday, May 14 – **DFC meeting** – The committee will finalize recommendations to the board including budget, standard scope of work and schedule for all sites. Committee will receive an update from Castro Planning Committee on their work to date and will incorporate findings into their recommendations.

Thursday, May 21 – **Board meeting** - The Board receives recommendations from the Boundary Advisory Task Force and the District Facilities Committee. Continued discussion and refinement of facilities budget, scope, and timeline as well as accompanying boundaries.

Tuesday May 26 – **BATF meeting** – The task force will review public comments and board feedback. The task force will revise recommendations as needed.

Thursday, May 28 – **DFC meeting** – The committee will review public comments and board feedback. The committee will revise recommendations as needed.

Thursday, June 4 – **Board meeting** – Final approval of building program budget, scope, and timeline and accompanying boundaries.

Mountain View Whisman School District

Agenda Item for Board Meeting of April 16, 2015

Agenda Category:	Review and Approval
Agenda Item Title:	Approval of Budget Adjustment from Shoreline funds to Bond Program
Estimated Time:	15 Minutes
Person Responsible:	Kevin Skelly, Interim Superintendent Terese McNamee, Chief Business Officer

Background:

At the March 3, 2015 Board study session on the district budget, staff gave the Board some suggestions regarding the allocation of district financial resources. One of the recommendations is below:

.... the Board could consider, now or in the future, committing Measure G bond funds of $4,920,466 for the middle school modernizations and committing the Shoreline reserves to fund three additional years of Professional Learning/Common Core Standards Implementation and Castro and Theuerkauf turnaround funding. While middle school construction expenditures exceeded the expectation of $50 million, the scope of middle school work has also increased. The District chose to spend money that could have paid for key programming needs of the District on construction. One could argue that voters gave the District a strong mandate to improve its facilities by using bond funds for this purpose. The decision to spend only $50 million on middle schools does not necessitate using general fund reserves to support this purpose. Both additional bond monies and or developer fees can be used appropriately for this purpose.

Staff believes that there are strong advantages for the Board to make a formal decision now on this allocation so that the District Facilities Committee (DFC) can make fully informed allocation decisions on bond funds and staff can complete work on the 2015-2016 district budget.

Fiscal Implication:

This action will reduce the budget for elementary construction to about $143 million and increase the ending balance by $4,920,466.

Recommended Action:

Staff recommends that the Board allocate $4,920,466 from the Shoreline reserves to fund three additional years of Professional Learning/Common Core Standards Implementation and Castro and Theuerkauf turnaround funding. Staff further recommends that the Board use additional bond funds of $4,920,466 to complete middle school bond construction.

Mountain View Whisman School District

Agenda Item for Board Meeting of April 16, 2015

Agenda Category:	Review and Discussion
Agenda Item Title:	Presentation on Financing of Building Program
Estimated Time:	20 minutes
Person Responsible:	Terese McNamee, Chief Business Officer Tony Hsieh, Keygent Financial Advisors

Background:

On June 5, 2012, 67.58% of local voters passed Measure G, which authorizes the district to issue $198 million dollars to provide funding to provide safe, efficient, and modern facilities for Mountain View Whisman School District students and staff. The approval percentage was the highest in Santa Clara County and the 4th highest of the 34 school bond measures in the State of California.

All projects funded by the issuance of Measure G general obligation bonds are subject to review both by the District's Board of Trustees and by an independent citizens' oversight committee.

Bond Presentation:

Measure G will generate up to $198 million to repair, upgrade and expand the District's schools. School districts issue multiple bonds, over time. The issuance of these bonds is matched with bond expenditures to the extent possible. This saves taxpayers money. In addition, the annual cost to homeowners is limited to $30 per $100,000 of assessed property value, so the District is unable to issue all $198 million in bonds immediately. Based on this limitation, Keygent, the District's financial advisor, will present various bond issuance options to meet the proposed construction schedule. While the bond issuance dates are reasonably flexible, the cost escalations associated with these construction projects encourages the District to build as quickly as possible to maximize funds available.

To date, the District has issued $50 million in bonds for the middle school projects, leaving approximately $148 million available for the elementary schools. In addition to Measure G funds, the District has alternative funds that can be spent for capital projects. These include developer fees, deferred maintenance funds, the building fund, and committed reserves currently allocated for the middle school projects. The following table outlines the current balances of these accounts. Over the next five years, we anticipate generating approximately $5 million in additional developer fees.

Developer Fees:	$4,415,822
Deferred Maintenance Fund:	$1,047,575
Building Fund:	$ 772,380
Committed Reserves:	$4,920,466
District Unrestricted Reserves:	$7,725,764

Fiscal Implication:

Measure G will generate up to $198 million to repair and build the District facilities. The Board can consider using the additional resources above. In addition, alternative bond financing scenarios could raise additional capital money to fund projects that exceed our current funding for capital projects. In the next few months, District Facilities Committee will make budget recommendations to the Board and the financial impact will be further considered and discussed at those meetings.

The goal of this agenda item is to inform the board of various scenarios and opportunities to build the most cost effective and outstanding facilities for its students.

Recommended Action:

No action required.

March 19, 2015

Mountain View Whisman School District

Measure G Update & Illustrative New Election

Southern California Office
999 N. Sepulveda Blvd., Suite 500
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San Francisco, CA 94105
(415) 498-0144

KEYGENT ADVISORS
Public Finance & Management Consulting

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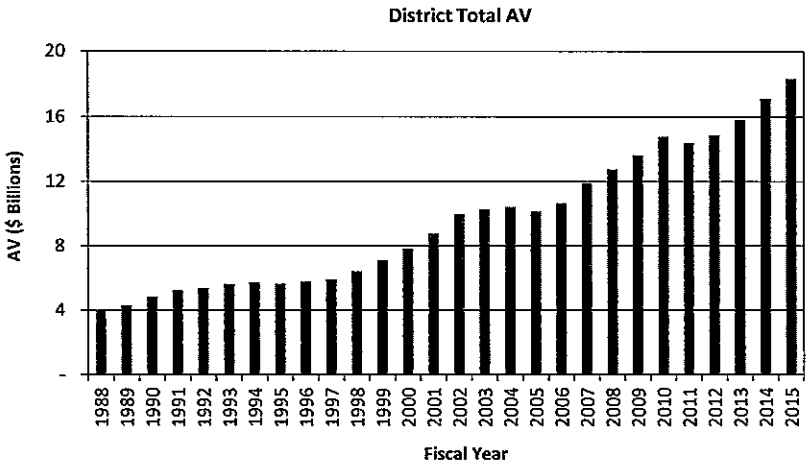
Section I

Bond Program Considerations

District Assessed Value History

District AV has experienced four years of consecutive growth

FY	Total Secured [1]	Annual % Change	Unsecured [1]	Annual % Change	Total AV [1]	Annual % Change
1988	$ 3,206,627,449		$ 809,732,074		$ 4,016,359,523	
1989	3,407,223,248	6.26 %	847,632,433	4.68 %	4,254,855,681	5.94 %
1990	3,802,533,682	11.60	997,672,351	17.70	4,800,206,033	12.82
1991	4,163,391,811	9.49	1,059,886,729	6.24	5,223,278,540	8.81
1992	4,284,931,034	2.92	1,059,090,512	-0.08	5,344,021,546	2.31
1993	4,492,585,917	4.85	1,113,427,676	5.13	5,606,013,593	4.90
1994	4,685,089,017	4.28	1,042,982,057	-6.33	5,728,071,074	2.18
1995	4,646,101,873	-0.83	1,007,328,631	-3.42	5,653,430,504	-1.30
1996	4,727,066,956	1.74	1,051,884,756	4.42	5,778,951,712	2.22
1997	4,758,928,982	0.67	1,141,708,953	8.54	5,900,637,935	2.11
1998	5,048,475,651	6.08	1,368,484,309	19.86	6,416,959,960	8.75
1999	5,702,993,481	12.96	1,385,432,300	1.24	7,088,425,781	10.46
2000	6,361,086,680	11.54	1,473,880,654	6.38	7,834,967,334	10.53
2001	7,043,977,896	10.74	1,702,942,802	15.54	8,746,920,698	11.64
2002	7,978,492,741	13.27	1,992,212,423	16.99	9,970,705,164	13.99
2003	8,546,485,824	7.12	1,734,366,395	-12.94	10,280,852,219	3.11
2004	8,680,506,331	1.57	1,733,950,811	-0.02	10,414,457,142	1.30
2005	8,684,179,455	0.04	1,448,813,131	-16.44	10,132,992,586	-2.70
2006	9,218,704,675	6.16	1,436,158,475	-0.87	10,654,863,150	5.15
2007	10,285,499,935	11.57	1,615,229,361	12.47	11,900,729,296	11.69
2008	11,171,549,243	8.61	1,596,018,305	-1.19	12,767,567,548	7.28
2009	12,166,445,659	8.91	1,484,172,676	-7.01	13,650,618,335	6.92
2010	12,962,514,435	6.54	1,823,099,038	22.84	14,785,613,473	8.31
2011	12,865,120,678	-0.75	1,532,420,732	-15.94	14,397,541,410	-2.62
2012	13,159,452,174	2.29	1,722,299,889	12.39	14,881,752,063	3.36
2013	13,573,077,583	3.14	2,282,020,843	32.50	15,855,098,426	6.54
2014	14,727,297,906	8.50	2,428,206,083	6.41	17,155,503,989	8.20
2015	16,408,544,242	11.42	1,942,743,524	-19.99	18,351,287,766	6.97



Growth Statistics

Annualized Growth Rates:		*Lowest Rolling Averages:*	
1-year:	6.97 %	3-year:	0.54 %
5-year:	4.42	5-year:	2.00
10-year:	6.12	10-year:	4.09
15-year:	5.84	15-year:	4.87
20-year:	6.06	20-year:	5.20
25-year:	5.51	25-year:	5.51

(1) Source: California Municipal Statistics, Inc. Data from 1988 to 2015.

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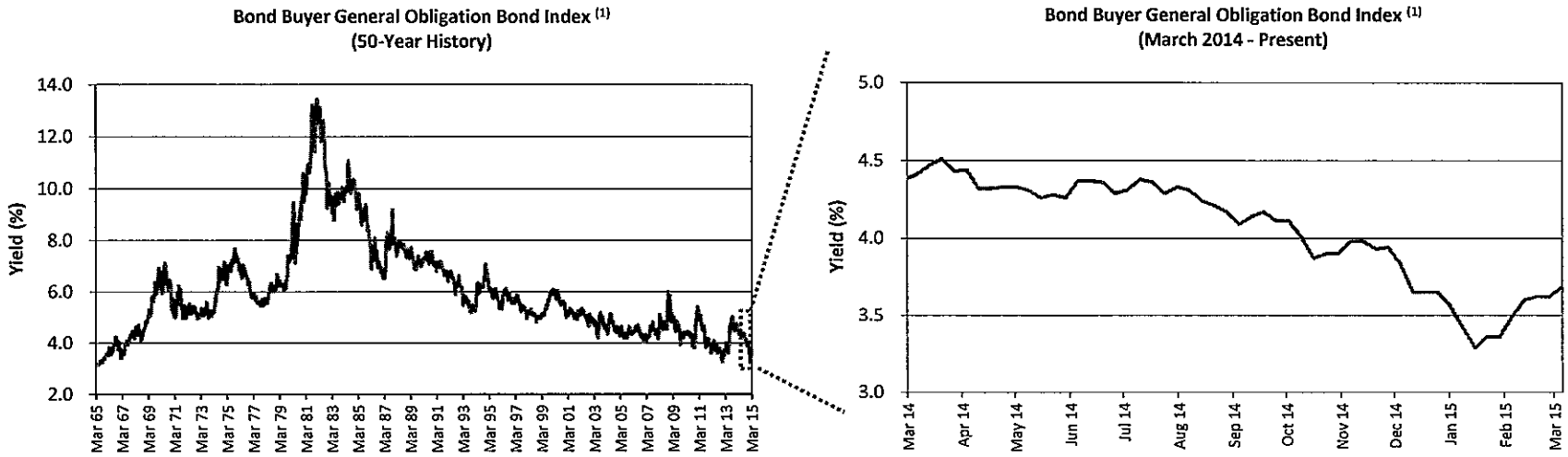
Interest Rates

Municipal bond interest rates are near historic lows but have recently experienced significant volatility



(1) Index reflects average yield to maturity of 20 GO bonds with 20-year maturities rated Aa2 by Moody's Investors Service and AA by Standard and Poor's. Source: The Bond Buyer & Bloomberg.

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District Bonding Capacity

The District's bonding capacity is a ***statutory*** limit on the amount of general obligation bonds that can be issued

- Based on:
  - Current AV multiplied by statutory debt limit factor
  - Less: outstanding general obligation bonds
- Statutory debt limit factor of 1.25% of AV for non-unified school districts

Estimated Current Bonding Capacity (1)

2014-15 Total AV		$ 18,351,287,766
Statutory Debt Limit Factor	x	1.25%
Bonding Capacity		229,391,097
Outstanding General Obligation Bonds		(83,674,498)
Available Bonding Capacity	$	145,716,599

(1) Subject to confirmation by the Santa Clara County Auditor-Controller.

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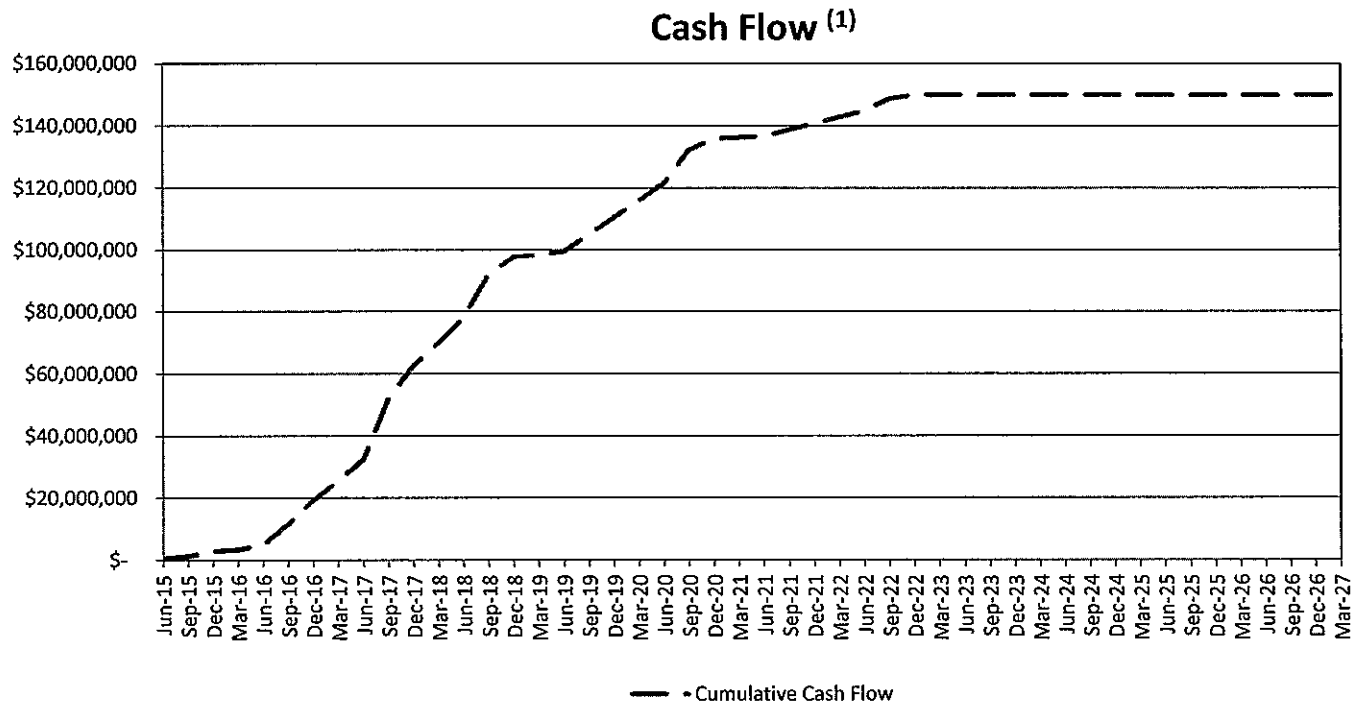
Section II

Measure G Update

District Draw-down Schedule

The District expects to spend the remaining $148 million of Measure G over the next eight years



(1) Source: The District.

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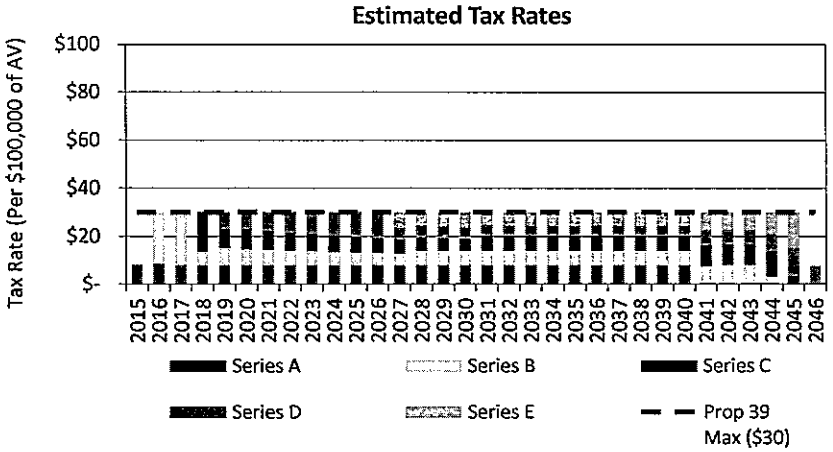
Scenario 1: 100% CIBs

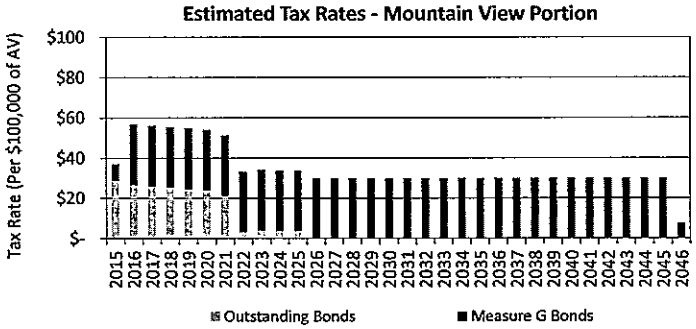
Summary: Issue remaining authorization utilizing 100% current interest bonds ("CIBs")

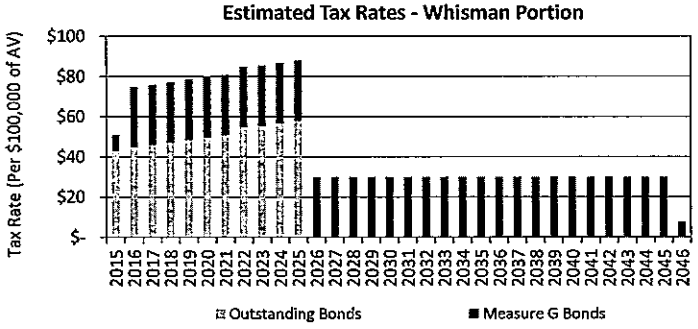
- Assumptions:
  - Interest rates: 4.50% - 6.00%
    - Series A was issued at 3.47%
  - Annual AV growth rate: 4.85% annually

Illustrative Issuance Schedule [1]

Issue	Issue Date	Proceeds	Estimated Repayment Ratio	% CABs
Series A	*February 2013*	*$ 50,000,000*	*1.69 to 1*	*0.00 %* [2]
Series B	February 2016	40,000,000	1.92 to 1	0.00
Series C	September 2017	40,000,000	2.15 to 1	0.00
Series D	September 2018	34,000,000	2.31 to 1	0.00
Series E	September 2026	34,000,000	2.00 to 1	0.00
Total		$ 198,000,000	1.99 to 1	0.00 %







(1) Issuance schedule for illustrative purposes only. Actual amounts and dates will be tailored to the District's project needs.
(2) Previously issued financing.

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Repayment Ratios – Scenario 1

	Series A			Projected Series B			Projected Series C			Projected Series D			Projected Series E			
Date	Principal	Interest	Total	Principal	Interest	Total	Principal	Interest	Total	Principal	Interest	Total	Principal	Interest	Total	Total Debt Service
9/1/13	$ 4,000,000	$ 964,920	$ 4,964,920													$ 4,964,920
9/1/14	4,200,000	1,662,800	5,862,800													5,862,800
9/1/15	325,000	1,620,800	1,945,800													1,945,800
9/1/16	-	1,611,050	1,611,050	$ 2,650,000	$ 1,050,000	$ 3,700,000										5,311,050
9/1/17	-	1,611,050	1,611,050	2,740,000	1,680,750	4,420,750										6,031,800
9/1/18	60,000	1,611,050	1,671,050	-	1,557,450	1,557,450	$ 1,095,000	$ 2,000,000	$ 3,095,000							6,323,500
9/1/19	155,000	1,610,150	1,765,150	-	1,557,450	1,557,450	-	1,945,250	1,945,250	$ -	$ 1,931,389	$ 1,931,389				7,199,239
9/1/20	240,000	1,607,050	1,847,050	-	1,557,450	1,557,450	-	1,945,250	1,945,250	-	1,931,389	1,931,389				7,281,139
9/1/21	340,000	1,599,850	1,939,850	-	1,557,450	1,557,450	-	1,945,250	1,945,250	-	1,931,389	1,931,389				7,373,939
9/1/22	440,000	1,589,650	2,029,650	-	1,557,450	1,557,450	-	1,945,250	1,945,250	180,000	1,931,389	2,111,389				7,643,739
9/1/23	555,000	1,576,450	2,131,450	-	1,557,450	1,557,450	-	1,945,250	1,945,250	460,000	1,921,165	2,381,165				8,015,315
9/1/24	685,000	1,548,700	2,233,700	-	1,557,450	1,557,450	-	1,945,250	1,945,250	770,000	1,895,037	2,665,037				8,401,437
9/1/25	830,000	1,514,450	2,344,450	-	1,557,450	1,557,450	-	1,945,250	1,945,250	1,110,000	1,851,301	2,961,301				8,808,451
9/1/26	980,000	1,472,950	2,452,950	-	1,557,450	1,557,450	-	1,945,250	1,945,250	1,495,000	1,788,253	3,283,253				9,238,903
9/1/27	1,150,000	1,423,950	2,573,950	-	1,557,450	1,557,450	-	1,945,250	1,945,250	-	1,703,337	1,703,337	$ -	$ 2,084,200	$ 2,084,200	9,864,187
9/1/28	1,320,000	1,377,950	2,697,950	395,000	1,557,450	1,952,450	-	1,945,250	1,945,250	-	1,703,337	1,703,337	-	2,084,200	2,084,200	10,383,187
9/1/29	1,505,000	1,325,150	2,830,150	550,000	1,539,675	2,089,675	-	1,945,250	1,945,250	-	1,703,337	1,703,337	-	2,084,200	2,084,200	10,652,612
9/1/30	1,705,000	1,264,950	2,969,950	675,000	1,514,925	2,189,925	-	1,945,250	1,945,250	-	1,703,337	1,703,337	270,000	2,084,200	2,354,200	11,162,662
9/1/31	1,915,000	1,196,750	3,111,750	810,000	1,484,550	2,294,550	520,000	1,945,250	2,465,250	-	1,703,337	1,703,337	55,000	2,067,649	2,122,649	11,697,536
9/1/32	2,140,000	1,120,150	3,260,150	960,000	1,448,100	2,408,100	720,000	1,919,250	2,639,250	40,000	1,703,337	1,743,337	150,000	2,064,278	2,214,278	12,265,114
9/1/33	2,385,000	1,034,550	3,419,550	1,120,000	1,404,900	2,524,900	885,000	1,883,250	2,768,250	125,000	1,701,065	1,826,065	270,000	2,055,083	2,325,083	12,863,847
9/1/34	2,645,000	939,150	3,584,150	1,295,000	1,354,500	2,649,500	1,060,000	1,839,000	2,899,000	220,000	1,693,965	1,913,965	400,000	2,038,532	2,438,532	13,485,146
9/1/35	2,925,000	833,350	3,758,350	1,480,000	1,296,225	2,776,225	1,255,000	1,786,000	3,041,000	325,000	1,681,469	2,006,469	540,000	2,014,012	2,554,012	14,136,055
9/1/36	3,225,000	716,350	3,941,350	1,680,000	1,229,625	2,909,625	1,465,000	1,723,250	3,188,250	440,000	1,663,009	2,103,009	700,000	1,980,910	2,680,910	14,823,143
9/1/37	3,545,000	587,350	4,132,350	1,900,000	1,154,025	3,054,025	1,695,000	1,650,000	3,345,000	570,000	1,638,017	2,208,017	870,000	1,938,000	2,808,000	15,547,391
9/1/38	3,890,000	445,550	4,335,550	2,130,000	1,068,525	3,198,525	1,940,000	1,565,250	3,505,250	705,000	1,605,641	2,310,641	1,060,000	1,884,669	2,944,669	16,294,634
9/1/39	4,235,000	309,400	4,544,400	2,385,000	972,675	3,357,675	2,210,000	1,468,250	3,678,250	860,000	1,565,597	2,425,597	1,270,000	1,819,691	3,089,691	17,095,612
9/1/40	4,605,000	161,175	4,766,175	2,655,000	865,350	3,520,350	2,495,000	1,357,750	3,852,750	1,025,000	1,516,663	2,541,663	1,495,000	1,741,840	3,236,840	17,917,777
9/1/41				4,280,000	745,875	5,025,875	4,275,000	1,233,000	5,508,000	2,175,000	1,458,340	3,633,340	2,975,000	1,650,196	4,625,196	18,792,411
9/1/42				4,670,000	553,275	5,223,275	4,770,000	1,019,250	5,789,250	2,485,000	1,334,800	3,819,800	3,395,000	1,467,829	4,862,829	19,695,154
9/1/43				5,185,000	343,125	5,528,125	5,275,000	780,750	6,055,750	2,800,000	1,193,652	3,993,652	3,825,000	1,259,715	5,084,715	20,662,242
9/1/44				2,440,000	109,800	2,549,800	7,130,000	517,000	7,647,000	4,010,000	1,034,612	5,044,612	5,395,000	1,025,243	6,420,243	21,661,655
9/1/45							3,210,000	160,500	3,370,500	7,705,000	806,844	8,511,844	10,140,000	694,529	10,834,529	22,716,873
9/1/46										6,500,000	369,200	6,869,200	1,190,000	72,947	1,262,947	8,132,147
Total	$50,000,000	$34,336,695	$84,336,695	$40,000,000	$36,947,850	$ 76,947,850	$40,000,000	$ 46,190,750	$ 86,190,750	$34,000,000	$44,664,197	$ 78,664,197	$34,000,000	$34,111,918	$68,111,918	$394,251,410
$ of CABs			$ -			$ -			$ -			$ -			$ -	$ -
% of CABs			0.0%			0.0%			0.0%			0.0%			0.0%	0.00%
Repayment Ratio			1.69 to 1			1.92 to 1			2.15 to 1			2.31 to 1			2.00 to 1	1.99 to 1

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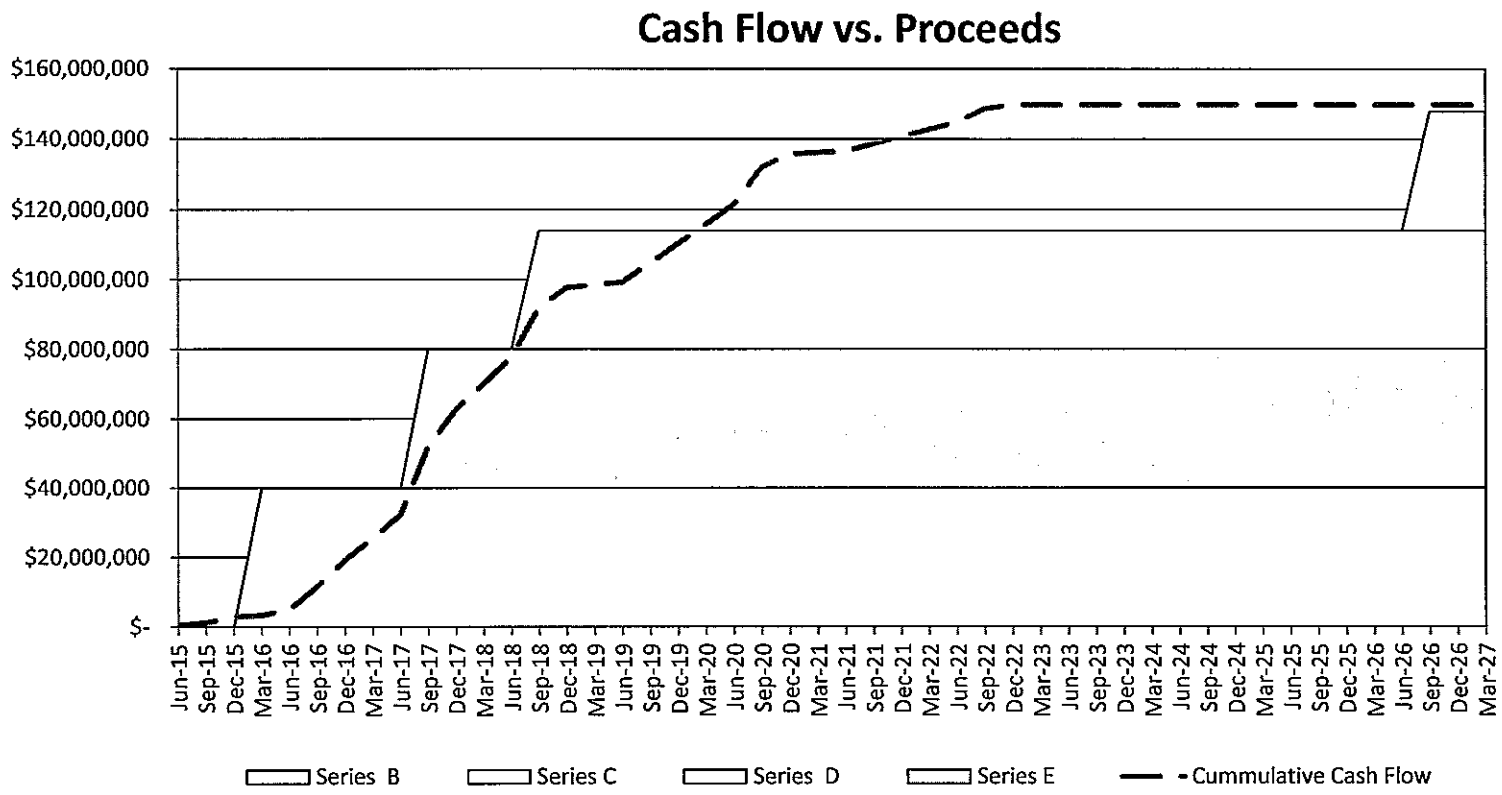
Cash Flow Needs – Scenario 1



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Bond Anticipation Notes

A bond anticipation note ("BAN") is a tax-exempt obligation and evidence of an indebtedness secured by voter-approved general obligation bonds

- Interim financing for a maximum term of five years
  - Available only to districts with voter-approved general obligation bonds
- Advantages of BANs
  - Allows districts to fund voter-approved projects in advance of a bond issuance
  - Does not count against remaining bond authorization or statutory bonding capacity
  - Greater flexibility to monitor future AV growth
  - Potential interest savings if long-term interest rates remain unchanged or decline when bonds are issued to repay BANs
- Disadvantages of BANs
  - Potential interest cost if long-term interest rates rise when bonds are issued to repay BANs
  - Additional set of issuance costs
    - Depending on issuance amount, costs are estimated to range from 0.5% to 1.0%
  - If bonds cannot be issued to repay the BANs, other sources of repayment must be utilized, e.g. renewal BANs (without extending beyond the original 5-year maximum term), certificates of participation or the general fund
  - Implementation of unknown legislation which may hinder the ability to issue bonds

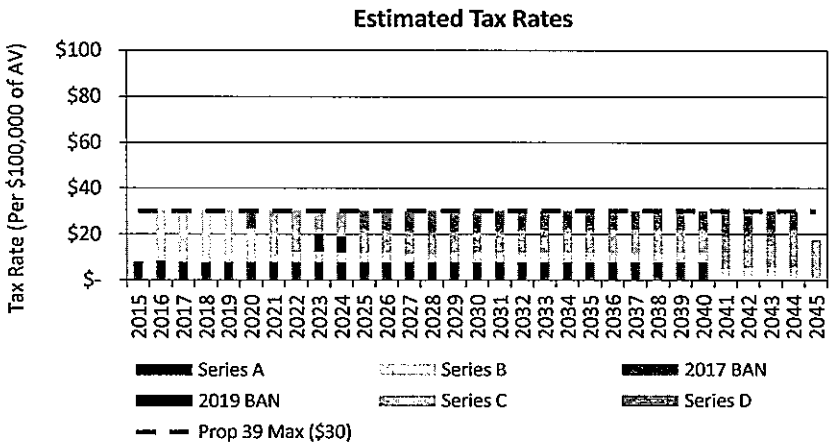
Scenario 2: Bonds & BANs

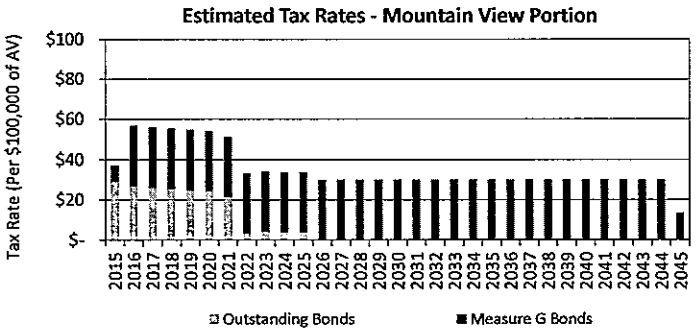
Summary: Issue remaining authorization utilizing 100% CIBs and BANs

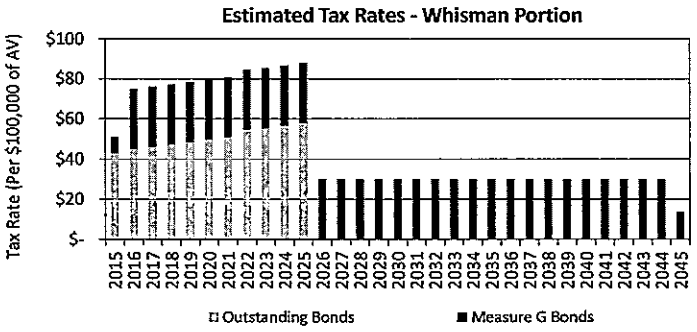
- Assumptions:
  - Interest rates: 4.50% - 6.00%
    - Series A was issued at 3.47%
  - Annual AV growth rate: 4.85% annually

Illustrative Issuance Schedule [1]

BANs			GO Bonds		
Issue Date	Proceeds	Purpose	Issue Date	Proceeds	Purpose
September 2017	65,000,000	Projects	*February 2013*	*$ 50,000,000*	*Projects* [2]
September 2019	43,000,000	Projects	February 2016	40,000,000	Projects
			September 2020	65,000,000	Payoff 2017 BANs
			September 2024	43,000,000	Payoff 2019 BANs
Total	$ 108,000,000			$ 198,000,000	







(1) Issuance schedule for illustrative purposes only. Actual amounts and dates will be tailored to the District's project needs.
(2) Previously issued financing.

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Repayment Ratios – Scenario 2

	Series A			Projected Series B			Projected Series C			Projected Series D			
Date	Principal	Interest	Total	Principal	Interest	Total	Principal	Interest	Total	Principal	Interest	Total	Total Debt Service
9/1/13	$ 4,000,000	$ 964,920	$ 4,964,920										$ 4,964,920
9/1/14	4,200,000	1,662,800	5,862,800										5,862,800
9/1/15	325,000	1,620,800	1,945,800										1,945,800
9/1/16	-	1,611,050	1,611,050	$ 2,650,000	$ 1,050,000	$ 3,700,000							5,311,050
9/1/17	-	1,611,050	1,611,050	2,740,000	1,680,750	4,420,750							6,031,800
9/1/18	60,000	1,611,050	1,671,050	3,095,000	1,557,450	4,652,450							6,323,500
9/1/19	155,000	1,610,150	1,765,150	3,445,000	1,418,175	4,863,175							6,628,325
9/1/20	240,000	1,607,050	1,847,050	2,280,000	1,263,150	3,543,150							5,390,200
9/1/21	340,000	1,599,850	1,939,850	-	1,160,550	1,160,550	$ 910,000	$ 3,279,250	$ 4,189,250				7,289,650
9/1/22	440,000	1,589,650	2,029,650	-	1,160,550	1,160,550	1,240,000	3,233,341	4,473,341				7,663,541
9/1/23	555,000	1,576,450	2,131,450	-	1,160,550	1,160,550	-	3,170,783	3,170,783				6,462,783
9/1/24	685,000	1,548,700	2,233,700	-	1,160,550	1,160,550	-	3,170,783	3,170,783				6,565,033
9/1/25	830,000	1,514,450	2,344,450	-	1,160,550	1,160,550	-	3,170,783	3,170,783	$ -	$ 2,650,328	$ 2,650,328	9,326,110
9/1/26	980,000	1,472,950	2,452,950	-	1,160,550	1,160,550	-	3,170,783	3,170,783	-	2,650,328	2,650,328	9,434,610
9/1/27	1,150,000	1,423,950	2,573,950	-	1,160,550	1,160,550	-	3,170,783	3,170,783	130,000	2,650,328	2,780,328	9,685,610
9/1/28	1,320,000	1,377,950	2,697,950	-	1,160,550	1,160,550	-	3,170,783	3,170,783	485,000	2,642,313	3,127,313	10,156,596
9/1/29	1,505,000	1,325,150	2,830,150	315,000	1,160,550	1,475,550	-	3,170,783	3,170,783	555,000	2,612,413	3,167,413	10,643,895
9/1/30	1,705,000	1,264,950	2,969,950	435,000	1,146,375	1,581,375	-	3,170,783	3,170,783	865,000	2,578,197	3,443,197	11,165,305
9/1/31	1,915,000	1,196,750	3,111,750	530,000	1,126,800	1,656,800	590,000	3,170,783	3,760,783	645,000	2,524,870	3,169,870	11,699,202
9/1/32	2,140,000	1,120,150	3,260,150	635,000	1,102,950	1,737,950	860,000	3,141,017	4,001,017	785,000	2,485,106	3,270,106	12,269,223
9/1/33	2,385,000	1,034,550	3,419,550	745,000	1,074,375	1,819,375	1,095,000	3,097,630	4,192,630	995,000	2,436,710	3,431,710	12,863,265
9/1/34	2,645,000	939,150	3,584,150	870,000	1,040,850	1,910,850	1,355,000	3,042,387	4,397,387	1,220,000	2,375,369	3,595,369	13,487,756
9/1/35	2,925,000	833,350	3,758,350	1,000,000	1,001,700	2,001,700	1,635,000	2,974,028	4,609,028	1,470,000	2,300,156	3,770,156	14,139,233
9/1/36	3,225,000	716,350	3,941,350	1,145,000	956,700	2,101,700	1,940,000	2,891,542	4,831,542	1,745,000	2,209,530	3,954,530	14,829,122
9/1/37	3,545,000	587,350	4,132,350	1,295,000	905,175	2,200,175	2,275,000	2,793,669	5,068,669	2,045,000	2,101,951	4,146,951	15,548,145
9/1/38	3,890,000	445,550	4,335,550	1,460,000	846,900	2,306,900	2,635,000	2,678,895	5,313,895	2,370,000	1,975,877	4,345,877	16,302,222
9/1/39	4,235,000	309,400	4,544,400	1,640,000	781,200	2,421,200	3,025,000	2,545,959	5,570,959	2,730,000	1,829,766	4,559,766	17,096,325
9/1/40	4,605,000	161,175	4,766,175	1,830,000	707,400	2,537,400	3,450,000	2,393,348	5,843,348	3,115,000	1,661,462	4,776,462	17,923,385
9/1/41				3,000,000	625,050	3,625,050	6,125,000	2,219,296	8,344,296	5,355,000	1,469,422	6,824,422	18,793,767
9/1/42				3,260,000	490,050	3,750,050	6,865,000	1,910,289	8,775,289	6,040,000	1,139,286	7,179,286	19,704,625
9/1/43				3,645,000	343,350	3,988,350	7,605,000	1,563,950	9,168,950	6,735,000	766,920	7,501,920	20,659,220
9/1/44				3,985,000	179,325	4,164,325	10,175,000	1,180,278	11,355,278	5,715,000	352,044	6,067,044	21,586,647
9/1/45							13,220,000	666,949	13,886,949				13,886,949
Total	$ 50,000,000	$ 34,336,695	$ 84,336,695	$ 40,000,000	$ 29,742,675	$ 69,742,675	$ 65,000,000	$ 68,148,869	$ 133,148,869	$ 43,000,000	$ 41,412,371	$ 84,412,371	$ 371,640,610
$ of CABs			$ -			$ -			$ -			$ -	$ -
% of CABs			0.0%			0.0%			0.0%			0.0%	0.00%
Repayment Ratio			1.69 to 1			1.74 to 1			2.05 to 1			1.96 to 1	1.88 to 1

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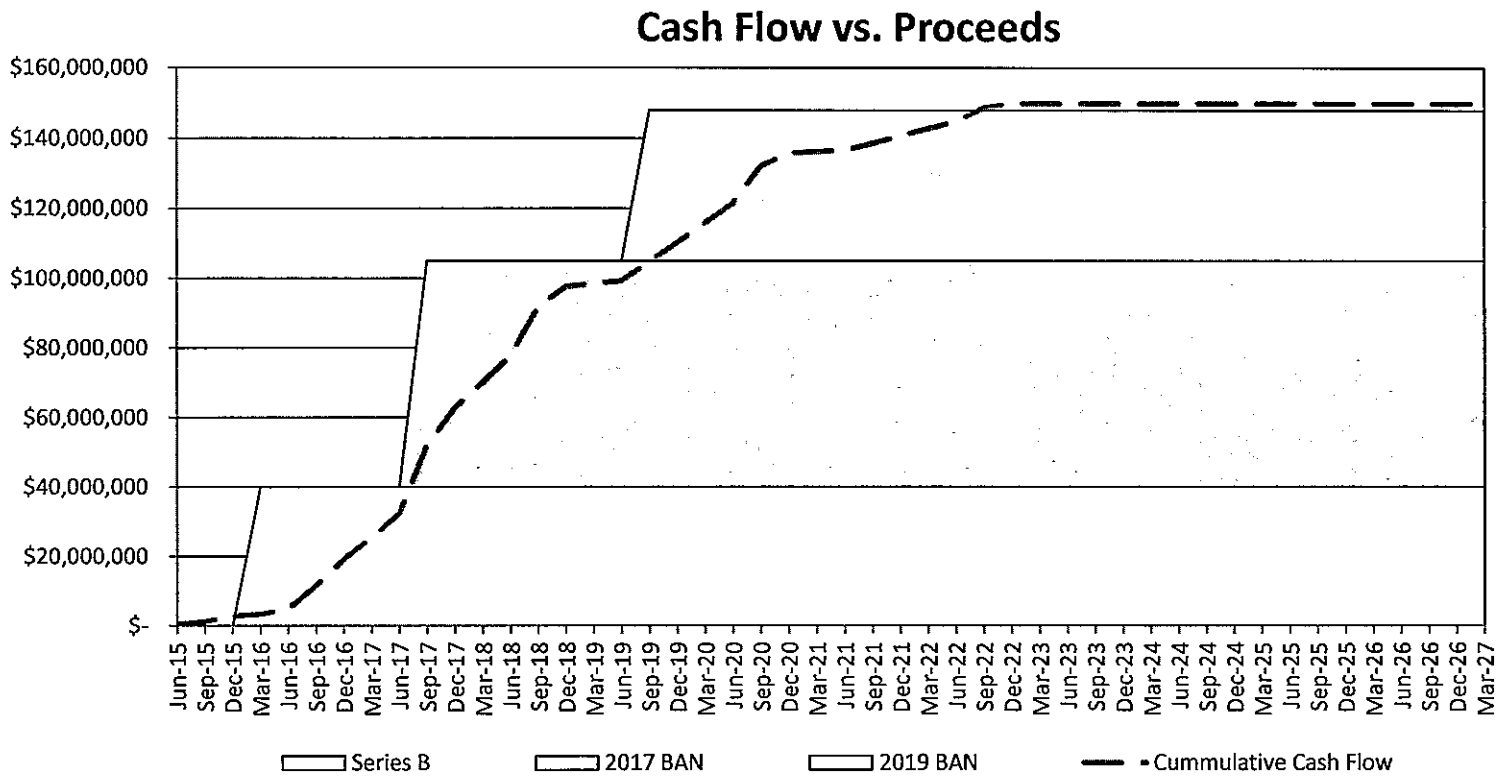
Cash Flow Needs – Scenario 2



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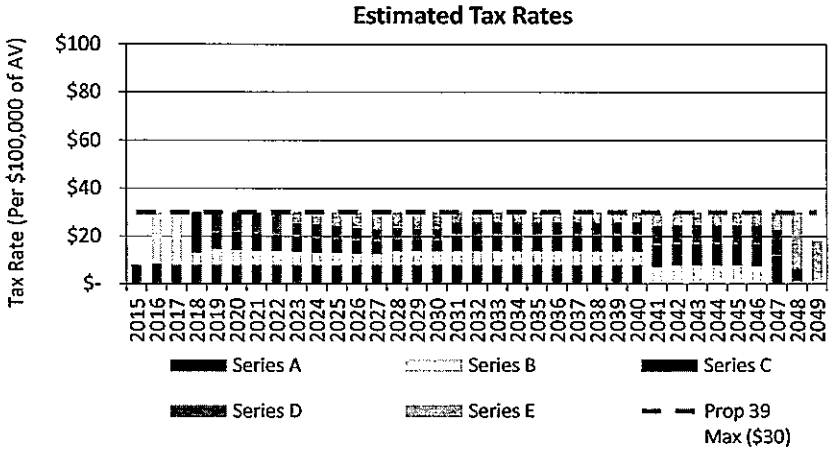
Scenario 3: CIBs and CABs

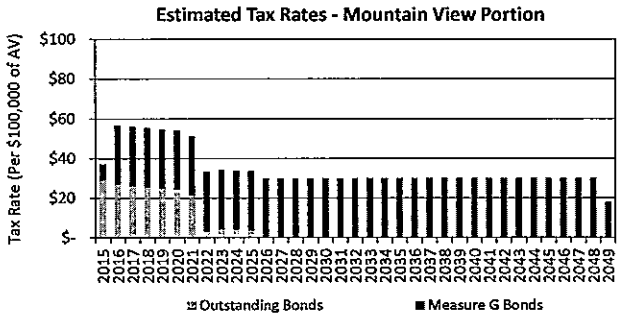
Summary: Issue remaining authorization utilizing CIBs and capital appreciation bonds ("CABs")

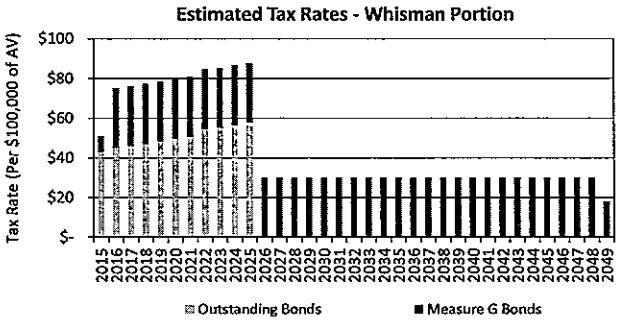
- Assumptions:
  - Interest rates: 5.00% - 6.50%
    - Series A was issued at 3.47%
  - Annual AV growth rate: 4.85% annually

Illustrative Issuance Schedule (1)

Issue	Issue Date	Proceeds	Estimated Repayment Ratio	% CABs
Series A	*February 2013*	*$ 50,000,000*	*1.69 to 1*	*0.00 %* (2)
Series B	February 2016	40,000,000	2.24 to 1	12.37
Series C	September 2017	40,000,000	2.61 to 1	18.69
Series D	September 2018	36,000,000	2.72 to 1	18.40
Series E	September 2022	32,000,000	2.90 to 1	19.87
Total		$ 198,000,000	2.37 to 1	12.83 %







(1) Issuance schedule for illustrative purposes only. Actual amounts and dates will be tailored to the District's project needs.
(2) Previously issued financing.

KEYGENT ADVISORS

Repayment Ratios – Scenario 3

	Series A			Projected Series B			Projected Series C			Projected Series D			Projected Series E			
Date	Principal	Interest	Total	Principal	Interest	Total	Principal	Interest	Total	Principal	Interest	Total	Principal	Interest	Total	Total Debt Service
9/1/13	$ 4,000,000	$ 964,920	$ 4,964,920													$ 4,964,920
9/1/14	4,200,000	1,662,800	5,862,800													5,862,800
9/1/15	325,000	1,620,800	1,945,800													1,945,800
9/1/16	-	1,611,050	1,611,050	$ 2,675,000	$ 1,022,292	$ 3,697,292										5,308,342
9/1/17	-	1,611,050	1,611,050	2,800,000	1,618,750	4,418,750										6,029,800
9/1/18	60,000	1,611,050	1,671,050	-	1,478,750	1,478,750	$ 1,385,000	$ 1,788,875	$ 3,173,875							6,323,675
9/1/19	155,000	1,610,150	1,765,150	-	1,478,750	1,478,750	-	1,712,700	1,712,700	$ -	$ 1,718,438	$ 1,718,438				6,675,038
9/1/20	240,000	1,607,050	1,847,050	-	1,478,750	1,478,750	-	1,712,700	1,712,700	195,000	1,718,438	1,913,438				6,951,938
9/1/21	340,000	1,599,850	1,939,850	-	1,478,750	1,478,750	-	1,712,700	1,712,700	450,000	1,707,030	2,157,030				7,288,330
9/1/22	440,000	1,589,650	2,029,650	-	1,478,750	1,478,750	-	1,712,700	1,712,700	740,000	1,680,705	2,420,705				7,641,805
9/1/23	555,000	1,576,450	2,131,450	-	1,478,750	1,478,750	-	1,712,700	1,712,700	-	1,637,415	1,637,415	$ -	$ 1,661,472	$ 1,661,472	8,621,787
9/1/24	685,000	1,548,700	2,233,700	-	1,478,750	1,478,750	-	1,712,700	1,712,700	-	1,637,415	1,637,415	-	1,661,472	1,661,472	8,724,037
9/1/25	830,000	1,514,450	2,344,450	-	1,478,750	1,478,750	-	1,712,700	1,712,700	-	1,637,415	1,637,415	-	1,661,472	1,661,472	8,834,787
9/1/26	980,000	1,472,950	2,452,950	-	1,478,750	1,478,750	-	1,712,700	1,712,700	-	1,637,415	1,637,415	220,970	1,735,502	1,956,472	9,238,287
9/1/27	1,150,000	1,423,950	2,573,950	-	1,478,750	1,478,750	-	1,712,700	1,712,700	-	1,637,415	1,637,415	432,047	1,849,425	2,281,472	9,684,287
9/1/28	1,320,000	1,377,950	2,697,950	222,780	1,670,970	1,893,750	-	1,712,700	1,712,700	-	1,637,415	1,637,415	353,318	1,853,154	2,206,472	10,148,287
9/1/29	1,505,000	1,325,150	2,830,150	281,006	1,747,744	2,028,750	-	1,712,700	1,712,700	-	1,637,415	1,637,415	467,410	1,969,062	2,436,472	10,645,487
9/1/30	1,705,000	1,264,950	2,969,950	316,082	1,812,668	2,128,750	-	1,712,700	1,712,700	69,803	1,707,612	1,777,415	510,583	2,060,889	2,571,472	11,160,287
9/1/31	1,915,000	1,196,750	3,111,750	349,429	1,884,321	2,233,750	367,184	2,130,516	2,497,700	261,128	1,931,288	2,192,415	2,610	1,663,862	1,666,472	11,702,087
9/1/32	2,140,000	1,120,150	3,260,150	381,033	1,962,718	2,343,750	440,825	2,266,875	2,707,700	310,793	2,026,622	2,337,415	-	1,661,472	1,661,472	12,310,487
9/1/33	2,385,000	1,034,550	3,419,550	408,769	2,044,981	2,453,750	472,084	2,365,616	2,837,700	339,366	2,108,049	2,447,415	18,070	1,683,402	1,701,472	12,859,887
9/1/34	2,645,000	939,150	3,584,150	436,938	2,136,812	2,573,750	502,800	2,474,900	2,977,700	367,685	2,199,730	2,567,415	50,434	1,731,038	1,781,472	13,484,487
9/1/35	2,925,000	833,350	3,758,350	463,332	2,235,418	2,698,750	528,940	2,588,760	3,117,700	393,610	2,298,805	2,692,415	82,108	1,789,364	1,871,472	14,138,687
9/1/36	3,225,000	716,350	3,941,350	487,971	2,340,779	2,828,750	556,265	2,716,435	3,272,700	417,191	2,405,224	2,822,415	109,122	1,852,350	1,961,472	14,826,687
9/1/37	3,545,000	587,350	4,132,350	512,605	2,456,145	2,968,750	579,224	2,848,476	3,427,700	440,205	2,522,210	2,962,415	133,664	1,922,808	2,056,472	15,547,687
9/1/38	3,890,000	445,550	4,335,550	533,711	2,575,039	3,108,750	603,012	2,994,689	3,597,700	459,292	2,643,123	3,102,415	155,831	2,000,641	2,156,472	16,300,887
9/1/39	4,235,000	309,400	4,544,400	556,277	2,707,473	3,263,750	624,180	3,148,520	3,772,700	477,782	2,774,633	3,252,415	175,722	2,085,750	2,261,472	17,094,737
9/1/40	4,605,000	161,175	4,766,175	1,940,000	1,478,750	3,418,750	642,880	3,309,820	3,952,700	495,527	2,916,888	3,412,415	193,447	2,178,025	2,371,472	17,921,512
9/1/41				3,505,000	1,381,750	4,886,750	1,069,651	4,578,049	5,647,700	852,228	4,020,187	4,872,415	437,236	2,949,236	3,386,472	18,793,337
9/1/42				3,870,000	1,206,500	5,076,500	1,087,811	4,849,889	5,937,700	867,614	4,259,801	5,127,415	448,039	3,113,433	3,561,472	19,703,087
9/1/43				4,360,000	1,013,000	5,373,000	4,495,000	1,712,700	6,207,700	872,675	4,484,740	5,357,415	451,923	3,269,549	3,721,472	20,659,587
9/1/44				4,835,000	795,000	5,630,000	5,045,000	1,465,475	6,510,475	3,980,000	1,637,415	5,617,415	457,162	3,444,310	3,901,472	21,659,362
9/1/45				5,350,000	553,250	5,903,250	5,635,000	1,188,000	6,823,000	4,485,000	1,404,585	5,889,585	461,384	3,630,088	4,091,472	22,707,307
9/1/46				5,715,000	285,750	6,000,750	6,355,000	878,075	7,233,075	5,100,000	1,142,213	6,242,213	472,485	3,863,987	4,336,472	23,812,510
9/1/47							9,610,000	528,550	10,138,550	7,910,000	843,863	8,753,863	726,294	5,355,178	6,081,472	24,973,885
9/1/48										6,515,000	381,128	6,896,128	17,555,000	1,661,472	19,216,472	26,112,600
9/1/49													8,085,000	523,908	8,608,908	8,608,908
Total	$50,000,000	$34,336,695	$84,336,695	$39,999,932	$49,717,610	$ 89,717,542	$39,999,854	$ 64,386,621	$104,386,475	$35,999,897	$61,994,630	$ 97,994,528	$31,999,858	$60,832,322	$92,832,180	$469,267,419
$ of CABs			$ -			$ 4,949,932			$ 7,474,854			$ 6,624,897			$ 6,359,858	$ 25,409,542
% of CABs			0.0%			12.4%			18.7%			18.4%			19.9%	12.83%
Repayment Ratio			1.69 to 1			2.24 to 1			2.61 to 1			2.72 to 1			2.90 to 1	2.37 to 1

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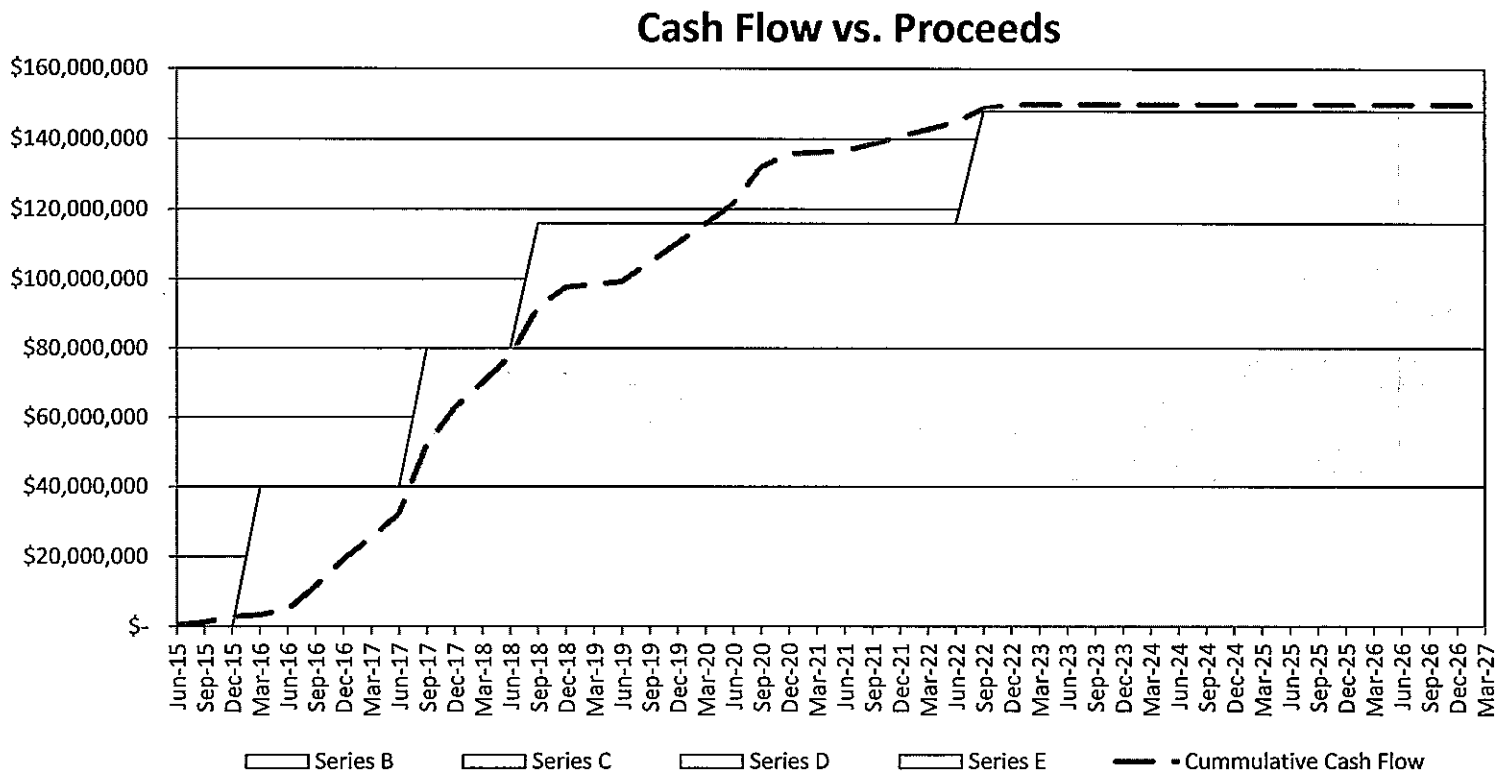
Cash Flow Needs – Scenario 3



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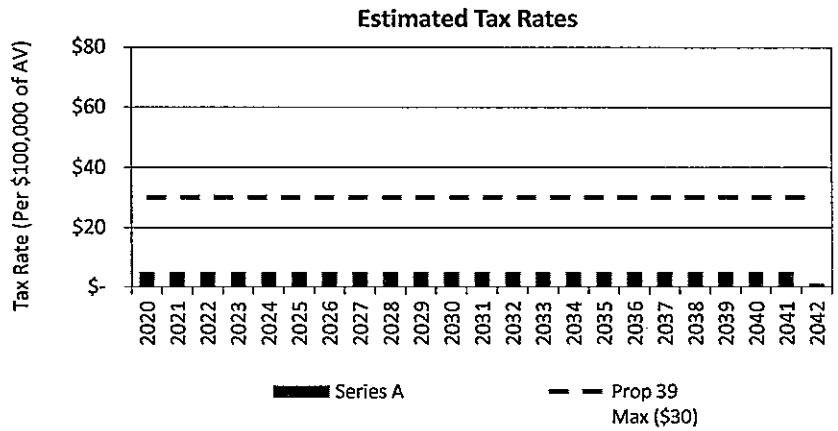
Section III

Illustrative 2018 Election Scenarios

Scenario 1: New Tax Utilizing CIBs – Single Issuance

Summary: Request voters to authorize a new tax in an amount of $5 per $100,000 of AV

- Assumptions:
  - Election Date: November 2018
  - Interest rate: 4.50%
  - Annual AV growth rate: 4.85% annually
  - Utilizes all CIBs



Illustrative Issuance Schedule [1]

Issue	Issue Date	Proceeds	Estimated Repayment Ratio	% CABs
Series A	April 2019	$ 25,000,000	1.81 to 1	0.00 %
Total		$ 25,000,000	1.81 to 1	0.00 %

Sensitivity Analysis

	Tax Rate		Long-Term AV		Interest Rate	
Tax Rate:	*See below*		$5.00		$5.00	
LT AV Growth:	4.85%		*See below*		4.85%	
Interest Rate:	4.50%		4.50%		*See below*	
	Tax	**Proceeds**	**Rate**	**Proceeds**	**Rate**	**Proceeds**
	$6.00	$ 30,000,000	**5.85%**	$ 27,500,000	**5.00%**	$ 22,500,000
	$5.00	25,000,000	**4.85%**	25,000,000	**4.50%**	25,000,000
	$4.00	20,000,000	**3.85%**	22,500,000	**4.00%**	27,500,000

(1) Issuance schedule for illustrative purposes only. Actual amounts and dates will be tailored to the District's project needs.

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Scenario 1: New Tax Utilizing CIBs – Single Issuance

	Projected Series A			
Date	Principal	Interest	Total	Total Debt Service
9/1/19	$ -	$ 491,555	$ 491,555	$ 491,555
9/1/20	-	1,179,733	1,179,733	1,179,733
9/1/21	35,000	1,179,733	1,214,733	1,214,733
9/1/22	95,000	1,178,081	1,273,081	1,273,081
9/1/23	160,000	1,173,597	1,333,597	1,333,597
9/1/24	230,000	1,166,045	1,396,045	1,396,045
9/1/25	310,000	1,155,189	1,465,189	1,465,189
9/1/26	395,000	1,140,557	1,535,557	1,535,557
9/1/27	490,000	1,121,913	1,611,913	1,611,913
9/1/28	590,000	1,098,785	1,688,785	1,688,785
9/1/29	700,000	1,070,937	1,770,937	1,770,937
9/1/30	820,000	1,037,897	1,857,897	1,857,897
9/1/31	950,000	999,193	1,949,193	1,949,193
9/1/32	1,090,000	954,353	2,044,353	2,044,353
9/1/33	1,240,000	902,905	2,142,905	2,142,905
9/1/34	1,400,000	844,377	2,244,377	2,244,377
9/1/35	1,575,000	778,297	2,353,297	2,353,297
9/1/36	1,765,000	703,957	2,468,957	2,468,957
9/1/37	1,970,000	620,649	2,590,649	2,590,649
9/1/38	2,190,000	527,665	2,717,665	2,717,665
9/1/39	2,425,000	424,297	2,849,297	2,849,297
9/1/40	2,675,000	309,837	2,984,837	2,984,837
9/1/41	2,945,000	183,844	3,128,844	3,128,844
9/1/42	950,000	44,840	994,840	994,840
Total	$25,000,000	$20,288,226	$45,288,226	$ 45,288,226
$ of CABs			$ -	$ -
% of CABs			0.0%	0.00%
Repayment Ratio			1.81 to 1	1.81 to 1

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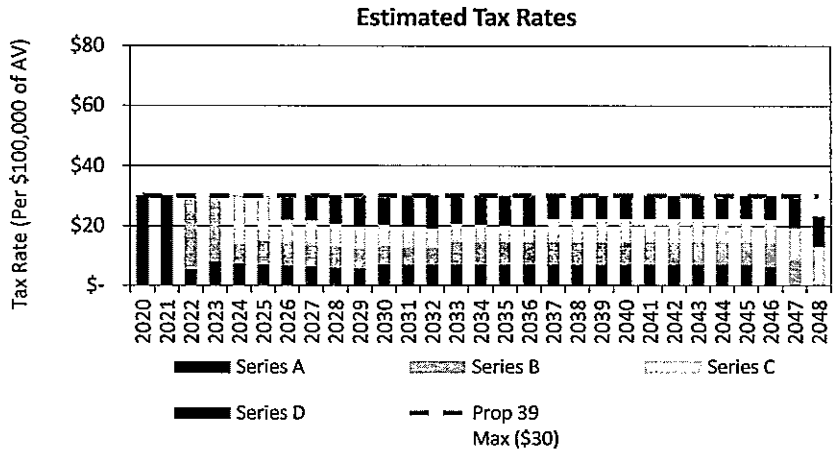
Scenario 2: New Tax Utilizing CIBs – Multiple Issuances

Summary: Request voters to authorize a new tax in an amount of $30 per $100,000 of AV (Proposition 39 maximum)

- Assumptions:
  - Election Date: November 2018
  - Interest rates: 4.50% - 6.00%
  - Annual AV growth rate: 4.85% annually
  - Utilizes all CIBs



Illustrative Issuance Schedule [1]

Issue	Issue Date	Proceeds	Estimated Repayment Ratio	% CABs
Series A	April 2019	$ 52,000,000	1.90 to 1	0.00 %
Series B	September 2021	52,000,000	1.94 to 1	0.00
Series C	September 2023	52,000,000	2.13 to 1	0.00
Series D	September 2025	52,000,000	2.13 to 1	0.00
Total		$ 208,000,000	2.02 to 1	0.00 %

Sensitivity Analysis

	Tax Rate		Long-Term AV		Interest Rate	
Tax Rate:	***See below***		$30.00		$30.00	
LT AV Growth:	4.85%		***See below***		4.85%	
Interest Rate:	4.50-6.00%		4.50-6.00%		***See below***	
	Tax	**Proceeds**	**Rate**	**Proceeds**	**Rate**	**Proceeds**
	$30.00	$208,000,000	**5.85%**	$ 240,000,000	**5.00-6.50%**	$ 176,000,000
	$20.00	138,666,667	**4.85%**	208,000,000	**4.50-6.00%**	208,000,000
	$10.00	69,333,333	**3.85%**	176,000,000	**4.00-5.50%**	240,000,000

(1) Issuance schedule for illustrative purposes only. Actual amounts and dates will be tailored to the District's project needs.

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Scenario 2: New Tax Utilizing CIBs – Multiple Issuances

	Projected Series A			Projected Series B			Projected Series C			Projected Series D			
Date	Principal	Interest	Total	Principal	Interest	Total	Principal	Interest	Total	Principal	Interest	Total	Total Debt Service
9/1/19	$ -	$ 1,061,667	$ 1,061,667										$ 1,061,667
9/1/20	4,960,000	2,548,000	7,508,000										7,508,000
9/1/21	4,985,000	2,304,960	7,289,960										7,289,960
9/1/22	-	2,060,695	2,060,695	$ 2,980,000	$ 2,600,000	$ 5,580,000							7,640,695
9/1/23	-	2,060,695	2,060,695	3,500,000	2,451,000	5,951,000							8,011,695
9/1/24	-	2,060,695	2,060,695	-	2,276,000	2,276,000	$ 1,205,000	$ 2,860,000	$ 4,065,000				8,401,695
9/1/25	-	2,060,695	2,060,695	-	2,276,000	2,276,000	1,680,000	2,793,725	4,473,725				8,810,420
9/1/26	-	2,060,695	2,060,695	-	2,276,000	2,276,000	-	2,701,325	2,701,325	$ -	$ 3,307,200	$ 3,307,200	10,345,220
9/1/27	-	2,060,695	2,060,695	-	2,276,000	2,276,000	-	2,701,325	2,701,325	-	3,307,200	3,307,200	10,345,220
9/1/28	-	2,060,695	2,060,695	-	2,276,000	2,276,000	-	2,701,325	2,701,325	-	3,307,200	3,307,200	10,345,220
9/1/29	-	2,060,695	2,060,695	-	2,276,000	2,276,000	-	2,701,325	2,701,325	300,000	3,307,200	3,607,200	10,645,220
9/1/30	510,000	2,060,695	2,570,695	-	2,276,000	2,276,000	-	2,701,325	2,701,325	325,000	3,288,120	3,613,120	11,161,140
9/1/31	715,000	2,035,705	2,750,705	-	2,276,000	2,276,000	-	2,701,325	2,701,325	710,000	3,267,450	3,977,450	11,705,480
9/1/32	880,000	2,000,670	2,880,670	-	2,276,000	2,276,000	-	2,701,325	2,701,325	1,190,000	3,222,294	4,412,294	12,270,289
9/1/33	1,065,000	1,957,550	3,022,550	815,000	2,276,000	3,091,000	-	2,701,325	2,701,325	905,000	3,146,610	4,051,610	12,866,485
9/1/34	1,265,000	1,905,365	3,170,365	1,090,000	2,235,250	3,325,250	-	2,701,325	2,701,325	1,200,000	3,089,052	4,289,052	13,485,992
9/1/35	1,480,000	1,843,380	3,323,380	1,310,000	2,180,750	3,490,750	-	2,701,325	2,701,325	1,615,000	3,012,732	4,627,732	14,143,187
9/1/36	1,715,000	1,770,860	3,485,860	1,540,000	2,115,250	3,655,250	-	2,701,325	2,701,325	2,075,000	2,910,018	4,985,018	14,827,453
9/1/37	1,965,000	1,686,825	3,651,825	1,795,000	2,038,250	3,833,250	1,275,000	2,701,325	3,976,325	1,305,000	2,778,048	4,083,048	15,544,448
9/1/38	2,240,000	1,590,540	3,830,540	2,075,000	1,948,500	4,023,500	1,675,000	2,631,200	4,306,200	1,445,000	2,695,050	4,140,050	16,300,290
9/1/39	2,535,000	1,480,780	4,015,780	2,370,000	1,844,750	4,214,750	1,980,000	2,539,075	4,519,075	1,735,000	2,603,148	4,338,148	17,087,753
9/1/40	2,855,000	1,356,565	4,211,565	2,695,000	1,726,250	4,421,250	2,305,000	2,430,175	4,735,175	2,060,000	2,492,802	4,552,802	17,920,792
9/1/41	3,200,000	1,216,670	4,416,670	3,045,000	1,591,500	4,636,500	2,665,000	2,303,400	4,968,400	2,410,000	2,361,786	4,771,786	18,793,356
9/1/42	3,570,000	1,059,870	4,629,870	3,420,000	1,439,250	4,859,250	3,050,000	2,156,825	5,206,825	2,795,000	2,208,510	5,003,510	19,699,455
9/1/43	3,970,000	884,940	4,854,940	3,830,000	1,268,250	5,098,250	3,470,000	1,989,075	5,459,075	3,215,000	2,030,748	5,245,748	20,658,013
9/1/44	4,400,000	690,410	5,090,410	4,265,000	1,076,750	5,341,750	3,925,000	1,798,225	5,723,225	3,675,000	1,826,274	5,501,274	21,656,659
9/1/45	4,860,000	474,810	5,334,810	4,740,000	863,500	5,603,500	4,420,000	1,582,350	6,002,350	4,175,000	1,592,544	5,767,544	22,708,204
9/1/46	4,830,000	236,670	5,066,670	5,420,000	626,500	6,046,500	5,140,000	1,339,250	6,479,250	4,895,000	1,327,014	6,222,014	23,814,434
9/1/47				7,110,000	355,500	7,465,500	7,875,000	1,056,550	8,931,550	7,565,000	1,015,692	8,580,692	24,977,742
9/1/48							11,335,000	623,425	11,958,425	8,405,000	534,558	8,939,558	20,897,983
Total	$52,000,000	$46,652,492	$98,652,492	$52,000,000	$49,121,250	$101,121,250	$52,000,000	$58,519,175	$110,519,175	$52,000,000	$58,631,250	$110,631,250	$420,924,167
$ of CABs			$ -			$ -			$ -			$ -	$ -
% of CABs			0.0%			0.0%			0.0%			0.0%	0.00%
Repayment Ratio			1.90 to 1			1.94 to 1			2.13 to 1			2.13 to 1	2.02 to 1

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Section IV

Refinancing Opportunity

Refinancing Candidate

2005 General Obligation Refunding Bonds ("Prior Bonds")

- Issuance date: March 3, 3005
- Original issuance amount: $9,090,000
  - Callable principal amount: $5,425,000
  - Originally an advance refunding
- Call date: July 1, 2015
- Bonds of former Mountain View School District

Refinancing Summary (1)

The District can currently refinance the Prior Bonds

Debt Service Comparison			
Date	Before Refunding	After Refunding	Savings
9/1/2015	$ 597,731	$ 594,633	$ 3,098
9/1/2016	721,863	651,000	70,863
9/1/2017	717,863	650,500	67,363
9/1/2018	708,263	639,000	69,263
9/1/2019	698,263	627,000	71,263
9/1/2020	697,863	629,500	68,363
9/1/2021	686,000	615,750	70,250
9/1/2022	679,000	606,500	72,500
9/1/2023	676,000	606,500	69,500
9/1/2024	666,750	595,250	71,500
9/1/2025	661,500	593,250	68,250
Total	$ 7,511,094	$ 6,808,883	$ 702,210

Debt Service Savings:	$ 702,210
Present Value Savings:	$ 634,368
Present Value Savings %:	11.69%
Avg. Annual Taxpayer Savings per $100,000 of AV (2):	$0.49
Interest Rate of Prior Bonds:	4.76%
Interest Rate of Refunding Bonds:	2.55%
Call Date:	7/1/2015 @ 100%
Escrow Yield:	0.00%
Refunding Bond Yield:	1.94%
Escrow Negative Arbitrage:	$ (8,902)
Principal of Refunded Bonds:	$ 5,425,000
Principal of Refunding Bonds:	$ 4,920,000

(1) Assumes interest rates as of March 9, 2015. Includes all financing costs. Rates are subject to market fluctuation.
(2) Assumes 4.85% annual AV growth and 3% delinquency on unsecured AV.

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Next Steps

Measure G

- Get on tax rolls for 2015-16
- Levy tax
- Start drafting legal documents

Illustrative 2018 Election

- Analyze scenarios

2015 Refunding of the Prior Bonds

- The District's estimated aggregate present value savings of approximately 11.69% is above the industry threshold of 3%
- As interest rates can change quickly and drastically, we recommend the District authorize the bond refinancing so the financing team can move quickly to lock in the low current market rates
- All financing team members would work on a contingent basis
- If the financing is not completed, there would be no cost to the District (with the exception of credit ratings)

Mountain View Whisman School District

Agenda Item for Board Meeting of April 16, 2015

Agenda Category: Review and Discussion

Agenda Item Title: Update on Superintendent Search

Estimated Time: 15 minutes

Person Responsible: Karen Robinson, Assistant Superintendent

Background:

The Board will hear an update on the search for a new superintendent.

The timeline is as follows:

April 30, 2015	6:00 p.m.	Special Meeting with PROACT to select candiates to interview
May 8, 2015	6:00 p.m.	Special Meeting to interview candidates
May 9, 2015	8:00 a.m.	Special Meeting to interview candidates
May 14, 2015	6:00 p.m.	Special Meeting to interview finalist(s) (tentative)
May 21, 2015	TBD	Announcement of selection of next superintendent

Fiscal Implication:

None.

Recommended Action:

No action required.