

# **ADAPTIVE PHYSICAL EDUCATION SERVICES AGREEMENT**

THIS AGREEMENT is entered into this 14<sup>th</sup> day of June by and between the Board of Trustees of the Pacifica Elementary School District (“PSD”) and the Board of Trustees of the San Bruno Elementary School District (“SBPSD”).

## **IT IS HEREBY AGREED BY THE PARTIES AS FOLLOWS:**

### **1. TERM AND TERMINATION:**

(a) The term of this Agreement shall be for the 2017-2018 school year, and this Agreement shall terminate on June 30, 2018.

(b) The Agreement may be extended by mutual written consent of the parties.

2. **SERVICES:** PSD and SBPSD agree to share the services of Pacifica’s Adaptive Physical Education Teacher (“APE”) as follows: PSD shall employ and pay salary and benefits for APE for services provided to Pacifica’s Elementary Schools at 0.6 FTE, SBPSD shall employ and pay salary and benefits for APE for services provided to San Bruno Park’s Elementary Schools at 0.4 FTE.

3. **PAYMENT:** PSD shall be responsible for payment of APE through its payroll services. SBPSD shall reimburse PSD for the 0.4 FTE portion of APE’s salary and benefits. APE’s salary and benefits are currently set at \$66,650 annually. SBPSD’s proportionate share of the cost shall be \$26,660 to be paid quarterly. If there is any change to current elections that affect salary and benefits, PSD will notify SBPSD.

4. **MEDIATION:** Should any dispute arise out of this Agreement, the parties will meet in mediation and attempt to reach a resolution with the assistance of a mutually acceptable mediator. The costs of the mediator, if any, will be shared between PSD and SBPSD. If a mediated settlement is reached, neither party will be the prevailing party for the purposes of this

settlement. Neither party will be permitted to file legal action without first meeting in mediation and making a good faith attempt to reach a mediated resolution.

6. MERGER CLAUSE: This Agreement constitutes the sole agreement of the parties hereto with regard to APE services and correctly states the rights, duties, and obligations of each party. Any prior agreement, promises, negotiations or representations between the parties not expressly stated in this document are not binding. All subsequent modifications will be in writing and signed by the parties.

10. APPLICABLE LAW: This Agreement is subject to all applicable laws of the State of California, the regulations of the State Board of Education, and the rules, regulations, and policies of the District.

**IN WITNESS WHEREOF**, the parties hereto, or their duly authorized representative, affixed their hands.

PACIFICA ELEMENTARY SCHOOL DISTRICT

Dated: \_\_\_\_\_

\_\_\_\_\_  
President, Board of Trustees

SAN BRUNO ELEMENTARY SCHOOL DISTRICT

Dated: \_\_\_\_\_

\_\_\_\_\_  
President, Board of Trustees