

FIRSTAMENDMENT TO HeyTutor Inc. Independent Contractor for Professional Services AGREEMENT

THIS FIRST AMENDMENT TO THE HeyTutor Inc. Independent Contractor for Professional Services AGREEMENT (hereinafter referred to as the “First Amendment”) is made this 7th day of October, 2021, by and between the Mountain View Whisman School District (hereinafter called “District”) and HeyTutor Inc. (hereinafter called “Contractor”) collectively referred to as the “Parties.”

RECITALS

WHEREAS, District and Contractor entered into an Independent Contractor for Professional Services Agreement executed on October 7, 2021 (hereinafter referred to as the “Agreement”) for providing in-person tutoring personnel during the school day to support RTI instruction at the elementary schools;

WHEREAS, District and Contractor have faithfully performed their respective obligations in accordance with the Agreement;

WHEREAS, COVID-19 Vaccination and Testing have changed since the execution of the Agreement; and

WHEREAS, The District now wish to amend the Agreement to reflect changes to the COVID-19 provisions relating to vaccination and testing.

AGREEMENT

NOW THEREFORE, in consideration of the mutual agreement of the parties and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, District and HeyTutor agree as follows:

1. The introduction to Section 1 of the Agreement, entitled “**COVID-19 PROVISIONS**,” shall be amended as follows:

COVID-19 PROVISIONS: Effective October 18, 2021, Contractor hereby to follow the following guidelines described as follows:

1. *Before* any Applicable Worker enters a District site to perform the Services, Contractor shall verify that Any Applicable Worker:
 1. Is Fully Vaccinated. “**Fully Vaccinated**” shall mean that at least fourteen (14) days have elapsed from the final vaccination required for the particular type of COVID-19 vaccine administered to the Applicable Worker, including any booster, to the extent approved and required by public health guidelines.
 2. Who has requested and obtained an accommodation from Contractor from these vaccination requirements based upon (i) a qualifying medical disability pursuant to the Americans with Disabilities Act (42 U.S.C. § 12101); or (ii) a sincerely held religious belief pursuant to the Civil Rights Act of 1964 (§ 7, 42 U.S.C. § 2000e et seq.), is subject to **daily** COVID-19 testing for each and every day that Applicable Worker will perform Services on a District site, and that any such test demonstrates a negative COVID-19 test.

IN WITNESS WHEREOF, the parties hereto have executed this First Amendment by causing their duly authorized representatives to sign below as of the day and year first above written.

Mountain View Whisman
School District

HeyTutor, Inc.

By: _____

By: Patrick McClure

Name: Cathy Baur

Name: Patrick McClure

Title: Chief Educational Officer

Title: COO

Date: _____

Date: October 22, 2021