

## TRANSPORTATION SERVICES CONTRACT MANAGEMENT

### I. Policy Statement

The Board of Education recognizes the need to provide transportation services to students who otherwise would not have access to various components of the extracurricular and educational programs. The Board further recognizes the need to enter into school bus contracts with independent (private individuals) and companies to provide needed transportation services. It is the Board's responsibility to approve qualified individuals and corporations to become school bus contractors. The Board desires safe and efficient transportation services and recognizes the role school bus contractors and their personnel play in providing these desired services. To that end, the Board is committed to the provision of school bus services through the use of certified and approved contractors, and its personnel.

### II. Purpose

The purpose of this policy is to establish criteria and provide guidelines for the selection of school bus contractors and the awarding of school bus contracts. Furthermore, this policy establishes standards of performance for school bus contractors and their personnel, and establishes processes by which the Board assures that these standards are met.

### III. Definitions

- A. Personnel – personnel who serve as school bus contractors, school bus drivers, and school bus attendants.
- B. School Bus – A vehicle approved to provide transportation service to fulfill the requirements of an Indian River School District school bus contract.
- C. School Bus Attendant – An individual approved to assist a school bus driver while providing transportation services as called for in a school bus contract with the IRSD.
- D. School Bus Contract – A written agreement between the State, Board of Education, and an individual or entity to provide public school transportation services to the school system and does not include extra-curricular activities.
- E. School Bus Contractor – An individual or company who enters into a school bus contract.
- F. School Bus Driver – An individual approved to operate a school bus while providing transportation services as called for in a school bus contract with the IRSD.

## IV. Standards

### A. Personnel

All personnel provided by the school bus contractor in fulfillment of the requirements of the contract with the Board will meet all applicable federal and state motor vehicle licensing requirements, DOE requirements, and Indian River School District requirements, including required professional development and in-service training.

### B. School Bus Contractor

All individuals or corporations awarded school bus contracts with the IRSD will be approved based on, but not limited to, criminal background checks, child protection registry, personal and professional references, garage location, driving record, appropriate financial position, and available qualified personnel.

### C. School Bus Contract(s) Awards

1. Title 14, Chapter 29, Section 2908 of Delaware Code regulates the award and transfer of school transportation contracts.
2. When a school bus contract becomes available, notice will be published in the state and local papers such as the *News Journal* and *Delaware State News*.
3. The Supervisor of Transportation will review the following application process. During that process the following applicants will be evaluated on the qualifying factors as written in Title 14, Chapter 29, Section 2908 of Delaware Code:
  - a. possessing a valid school bus driver license with (S) endorsement.
  - b. financial stability.
  - c. Insurability.
  - d. business resume including four references.
  - e. documented current driving record.

The Supervisor of Transportation will identify qualified applicants for further review by a selection committee.

4. Applicants' credentials will be evaluated by a selection committee comprised of IRSD's Supervisor of Transportation and other district staff. The committee will review the qualifications listed in section 3 and will also consider the following factors when making recommendations:

- a. age of proposed replacement equipment.
  - b. assurances that said equipment meets Delaware standards.
  - c. years experience in school busing.
  - d. proximity of residence to route.
  - e. knowledge of district geography.
5. Following the applicant review, each application will be categorized as “qualified” or “unqualified”.
  6. Each applicant will receive written notice from the Supervisor of Transportation regarding the status of his/her application.
  7. Any applicant viewed as “unqualified” shall receive written notice from the Supervisor of Transportation of the rejection of and reasons why the criteria set forth in Title 14, Chapter 29, Section 2908 were not met.
  8. Consideration will first be given to residents of Indian River School District.
  9. After a review of section (IV – C) the Supervisor of Transportation will make a recommendation to the Board of Education for final selection.

**V. Contractor Performance: Breaches, and Penalties**

- A. Breaches – Bus contractors who fail to perform their contractual duties will breach their contract with the district. When a bus contractor has allegedly failed to perform in accordance with the contract and/or any other applicable statutes or regulation, the Supervisor of Transportation will notify the contractor in writing of the alleged breach and of resulting recommendations to the Board of Education.
- B. Penalties – In recommending that the Board declare the contractor in breach of the contract, the Supervisor of Transportation may recommend one or more of the following penalties:
  1. Issuance of a letter of reprimand or warning.
  2. Placement of the contractor on probationary status pending future compliance related to the deficiency.
  3. Temporary suspension of the contract and any monies owed through the payment process.
  4. Withholding of monies due to failure to comply with routes, schedules, or any part of the assignment associated with the contract payment formula.
  5. Termination of the contract and/or contracts in question.

**VI. Mechanical Performance of School Buses**

School buses providing services under contract to the IRSD Board will be subject to inspections associated with the safety and mechanical soundness of the vehicle. Inspections will be conducted as required by the DMV and state regulations and as deemed necessary by the Supervisor of Transportation. Defects will be noted as minor defects or major defects as defined in this policy. Minor defects require repair within thirty days. Major defects require immediate repair prior to the bus being placed back in service for the transportation of students.

**VII. Competence and Fitness of Contractor or Personnel**

This policy implements the Board's right to determine competence and fitness of personnel covered under the bus contract between the Board and individual bus contractors. Personnel are employees of the bus contractor, not the IRSD Board of Education. Therefore, these procedures do not confer any substantive rights on bus drivers and bus attendants but only establish a uniform process for the Board to follow in determining personnel fitness and competence.

- A. The Supervisor of Transportation will investigate alleged incidents bearing on the fitness and competence of contractors and/or personnel and recommend appropriate follow-up action to be taken.
- B. The contractor will be notified as soon as practicable of any investigation and any required action associated with the duties of the contractor's personnel.
- C. Disciplinary recommendations concerning lack of fitness or competence of personnel covered under the contract may include, but are not limited to, one or more of the following actions:
  - 1. Written notification to personnel covered under the contract.
  - 2. Written reprimand to personnel covered under the contract.
  - 3. Temporary removal of personnel covered under the contract.
  - 4. Permanent removal of personnel covered under the contract.
- D. When any temporary or permanent removal is made by the Supervisor of Transportation, the personnel covered under the contract will be notified in writing.
- E. Under an emergency situation, the Supervisor of Transportation may immediately remove personnel covered under the contract from duty and place him/her on restriction from the district; as outlined in Title 14 / 1100 / 1105 – 3.1.3.
- F. The personnel covered under the contract have the right to appeal to the Supervisor of Transportation in accordance with Section VIII of these procedures.

## **VIII. Reviews, Appeals, and Hearings**

### A. Contract/contractors

1. If the bus contractor desires to review the recommendation of the Supervisor of Transportation, the contractor will notify the Assistant Superintendent, in writing, within ten (10) work days of the written recommendation.
2. Upon receipt of the contractor's request for review, the Assistant Superintendent will meet with the contractor and the contractor's representative(s), if applicable, to consider the contractor's appeal.
3. After consideration of the request for review, the Assistant Superintendent will make a recommendation as to whether the contractor has breached the contract; if he/she so finds, the Assistant Superintendent will make a written recommendation to the IRSD Board as to the penalty to be imposed.
4. If the contractor desires to review the recommendation of the Assistant Superintendent, the contractor will notify the Board of Education within fifteen calendar days of receipt of the written recommendation.
5. Investigations and Reviews
  - a. If the bus contractor requests a review of the recommendation of the Assistant Superintendent to the Board, the Board will determine whether it will accept the review and the manner in which it will consider the review. The Board may consider the investigatory review in one or more of the following ways:
    - i. by review of the file and written documentation.
    - ii. by requesting that the parties present oral arguments.
    - iii. by conducting a full evidentiary review, in unusual circumstances, where appropriate.
  - b. If the Board renders a decision to review, its decision will be in writing and will be provided to the bus contractor.
  - c. In cases where the Supervisor of Transportation may demand that the driver or attendant be removed pending the

appeal process, the driver or attendant may be entitled to the amount of lost wages should he/she win the appeal pursuant to the decision by the Board.

#### B. Contractor Personnel

1. If the personnel covered under the contract wishes to appeal the recommendation of the Supervisor of Transportation, the appeal must be requested in writing within fifteen (15) calendar days of the Supervisor's action.
2. If the personnel covered under the contract appeal the recommendation of the Supervisor of Transportation, the Assistant Superintendent will hear the appeal as the Superintendent's designee. He/she will meet with the personnel covered under the contract to hear his/her version of the events and will subsequently render a decision. The written decision will be sent to the personnel covered under the contract informing them of their right to request a review by the Board. The request for review of the Assistant Superintendent's recommendation must be made within fifteen (15) calendar days after receipt of the written decision.
3. If the personnel covered under the contract request a review of the decision of the Assistant Superintendent, the Board will decide whether it will accept the review and the manner in which it will consider the review. The Board may consider the review by reviewing any files and/or written documentation. If the Board renders a decision for any review, its decision will be in writing and will be provided to the personnel covered under the contract.