

**BOARD TRANSMITTAL FORM
DENAIR UNIFIED SCHOOL DISTRICT**

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BOARD MEETING DATE: December 11, 2014

EXHIBIT NO.

TO: Board of Education
PREPARED BY: Linda Covello, Chief Business Officer
PRESENTED BY: Linda Covello, Chief Business Officer

AGENDA TITLE: APPROVE RESOLUTION NO. 121114R-05 AUTHORIZING PERSONAL SERVICES CONTRACT FOR TRANSPORTATION SERVICES FOR A LIMITED DURATION PURSUANT TO EDUCATION CODE SECTION 45103.1

AGENDA SECTION:

- | | |
|--|---|
| <input type="checkbox"/> Closed Session | <input type="checkbox"/> Discussion |
| <input type="checkbox"/> Study Session | <input checked="" type="checkbox"/> Discussion/Public Comment/Action* |
| <input type="checkbox"/> Public Comment | <input type="checkbox"/> Bids/Public Comment /Action* |
| <input type="checkbox"/> Scheduled Communication | <input type="checkbox"/> Consent Action* |
| <input type="checkbox"/> Superintendent/Board Report | <input type="checkbox"/> Administrative Panel |
| <input type="checkbox"/> Staff Report | <input type="checkbox"/> Recommendations* |
| <input type="checkbox"/> Public Hearing | <input type="checkbox"/> Roll Call |

**Scheduled for Action*

PROGRAM DESCRIPTION / DETAILS:

Denair Unified School District is currently experiencing a difficult time hiring bus drivers and sustaining the transportation department. While the District has taken many measures to try to find a solution to this problem, the District's educational and operational programs have been and are continually being impacted.

As permitted by Education Code Section 45103.1 (b), the District may contract out personal services under seven specified conditions. The District has satisfied condition (2), (4), (5) & (7) four of the seven conditions as described in Education Code Section 45103.1 (b), which are further described in the enclosed resolution.

RECOMMENDED ACTION:

Superintendent recommends approval of Resolution No. 121114R-05.

FINANCIAL IMPACT:

Associated costs will be paid from current 2014-15 appropriations.

DENAIR UNIFIED SCHOOL DISTRICT

GOVERNING BOARD

RESOLUTION NO. 121114R-05

**RESOLUTION AUTHORIZING PERSONAL SERVICES CONTRACT FOR
TRANSPORTATION SERVICES FOR A LIMITED DURATION PURSUANT TO
EDUCATION CODE SECTION 45103.1**

WHEREAS, the Denair Unified School District (“District”) is having a difficult time hiring bus drivers and sustaining the transportation department; and

WHEREAS, the District has taken many measures to try to find a solution to this problem; and

WHEREAS, the District posted four -hour Bus Driver permanent positions from September 30, 2013 to December 11, 2013, from May 23, 2014 to July 26, 2014 and from October 1, 2014 to present; and

WHEREAS, there have been no qualified applicants after the District screening process was complete for these four-hour Bus Driver permanent positions; and

WHEREAS, the District posted eight-hour Bus Driver/Mechanic/Utility permanent positions from November 14, 2013 to May 19, 2014; and

WHEREAS, there have been no qualified applicants for these eight-hour Bus Driver/Mechanic/Utility permanent positions; and

WHEREAS, the District posted Substitute Bus Driver positions from May 27, 2013 to December 11, 2013; and

WHEREAS, all applicants for these Substitute Bus Driver positions have gone to other districts or were unreliable; and

WHEREAS, the District is currently utilizing other District employees, such as a custodian, a utility worker, and the Transportation Supervisor who are qualified to drive a bus to fulfill all transportation needs; and

WHEREAS, the District has received complaints that custodians and utility workers are not performing their custodial and maintenance duties satisfactorily because they are being pulled to provide transportation services; and

WHEREAS, in December 2014 alone, the custodian will be pulled from custodial duties 38 hours in addition to 14 hours of overtime to provide transportation services; and

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WHEREAS, in December 2014 alone, the utility worker will be pulled from maintenance duties 4 hours in addition to 28 hours of overtime to provide transportation services; and

WHEREAS, anytime the Transportation Supervisor, the custodian, and the utility worker are not available, the District must contact Hughson Unified School District to provide transportation services at \$32.50 per hour in addition to \$2.75 per mile, or have the Agricultural teacher fill-in at \$13.51 per hour; and

WHEREAS, in December 2014 alone, the Agriculture teacher will have 6 additional hours of transportation services; and

WHEREAS, currently there are 14 hours of transportation services in December 2014 which the District may need to have Hughson Unified School District provide at \$32.50 per hour plus \$2.75 per mile; and

WHEREAS, the District and the Governing Board's goals are to minimize any negative impact upon the students of the District and to continue offering home-to-school transportation; and

WHEREAS, the District has tried the ordinary hiring process and the lack of progress has created an urgent matter; and

WHEREAS, the District has declared an emergency as transportation services are not available within the District; and

WHEREAS, the Education Code Section 45103.1 (b) (2) permits personal services contracting when the services contracted are not available within the district, cannot be performed satisfactorily by school district employees, or are of such a highly specialized or technical nature that the necessary expert knowledge, experience, and ability are not available through the school district; and

WHEREAS, the Education Code Section 45103.1 (b) (4) permits personal services contracting when the policy, administrative, or legal goals and purposes of the district cannot be accomplished through the utilization of persons selected pursuant to the regular or ordinary school district hiring process; and

WHEREAS, the Education Code Section 45103.1 (b) (5) permits personal services contracting when the nature of the work is such that the criteria for emergency appointments apply either during an actual emergency to prevent the stoppage of public business or because of the limited duration of the work; and

WHEREAS, the Education Code Section 45103.1 (b) (7) permits personal services contracting when the services are of such an urgent, temporary, or occasional nature that the

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delay incumbent in their implementation under the district's regular or ordinary hiring process would frustrate their very purpose.

NOW THEREFORE, the Governing Board has determined that it is in the best interest of the students, employees, and District to enter into a personal services contract for transportation services for a limited duration pursuant to Education Code section 45103.1.

NOW, THEREFORE, BE IT RESOLVED by the Governing Board that it authorizes the District to enter into a personal services contract for transportation services for the remainder of the 2014-2015 school year pursuant to Education Code section 45103.1; and

BE IT FURTHER RESOLVED by the Governing Board that it directs the District to publicly bid the transportation services for the remainder of the 2014-15 school year as soon as possible; and

BE IT FURTHER RESOLVED AND ORDERED that this resolution shall be effective immediately.

IN WITNESS WHEREOF, we the members of the Board of Education of the Denair Unified School District of Stanislaus County, California, have hereunto set our hands this 11 day of December, 2014.

Members of the Board of Education of the Denair
Unified School District