



New York State Comptroller
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Oversight of Pupil Transportation Services

State Education Department

Report 2019-S-49 | October 2020

Spotlight on Education



Audit Highlights

Objectives

To determine whether the State Education Department (Department) is monitoring school districts' compliance with safety training requirements for school bus personnel and instructors to help ensure safe transportation for all pupils; and whether the Department is monitoring school districts' compliance with school bus monitor and attendant qualifications. The audit scope covers the period July 1, 2016 through March 4, 2020 and information provided by the Department through May 14, 2020.

About the Program

The Department is responsible for overseeing pupil transportation services provided by public school districts (School Districts) to approximately 2.3 million children each day across the State. The 2016-17 statewide cost of providing these services was approximately \$2.8 billion, of which \$1.7 billion was covered by State aid.

The Department sets qualification requirements for school bus drivers, monitors, and attendants; and it has established safety training requirements to help ensure safe transportation for all children. As part of these requirements, the Department administers the School Bus Driver Safety Training Program, through which instructors provide school bus drivers, monitors, and attendants with required initial and annual refresher trainings. The Department also contracts with the Pupil Transportation Safety Institute (PTSI) to provide resources and training and to maintain databases of training and school bus accident information. Based on risk and verified complaints, the Department also asks PTSI to perform site record reviews of School Districts or busing contractors.

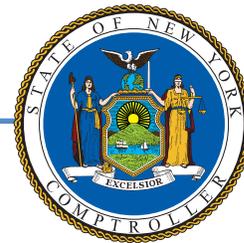
Key Findings

- Overall, we determined the Department could further enhance its efforts to monitor School Districts' compliance with its requirements and, consequently, that it does not have assurance that school bus drivers, monitors, and attendants across the State are qualified and have completed the required training. Without training, employees may not be aware of the proper procedures or what to do in the event of an emergency. For example, during our audit, we learned of an incident at one of the School Districts that resulted in a monitor being charged with three counts of endangering the welfare of a child because of alleged non-action during a bullying incident. Transportation personnel at the School District stated required trainings had not been administered for any school bus personnel.
- We reviewed driver, monitor, and attendant files at School Districts and busing contractors, finding a significant amount of required Department safety and discrimination/harassment training documentation was missing. Lack of communication between the Department, PTSI, and School Districts and busing contractors resulted in an unclear understanding of the Department's requirements.
- During the first three years of our scope (July 1, 2016 to June 30, 2019), the Department utilized only a small fraction of the compliance record reviews that their contract with PTSI afforded them. Department officials stated that, historically, they have ordered PTSI to conduct record reviews only for School Districts and busing contractors with ongoing problems and complaints. While the Department has increased the number of maximum reviews in their current contract, as of yet, no strategy has been developed regarding how to use those additional reviews.

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- PTSI's school bus accident database is incomplete and does not account for all reportable accidents statewide. The information from the database is used to identify trends for when accidents are likely to occur and identify those who are most at risk. Inaccurate and incomplete information negatively impacts the Department and PTSI's ability to use this information to effectively develop future safety training programs.
 - Because of the varying degrees of knowledge pertaining to requirements, and inconsistent protocols among School Districts and busing contractors, the Department cannot be reasonably assured that all transportation supervisors are actively monitoring employees for reasonable suspicion of drug and alcohol use prior to driving their routes. While this is not explicitly the Department's responsibility, the safe and efficient transportation of children is. Department officials agreed and stated they will continue to expand their reach in this area.

Key Recommendations

- Work with School Districts and busing contractors across the State to ensure they are made aware of Department training record requirements.
- Develop and implement a risk-based method to identify School Districts and busing contractors that warrant review to fully utilize all site record reviews allotted in the PTSI contract.
- Work with the New York City Department of Education and other jurisdictions across the State to ensure that all reportable accidents are reported to the Department and PTSI.
- In conjunction with the Department of Motor Vehicles, develop and implement policies and procedures to standardize monitoring of drug and alcohol compliance for drivers, monitors, and attendants.



Office of the New York State Comptroller Division of State Government Accountability

October 14, 2020

Dr. Betty A. Rosa
Interim Commissioner
State Education Department
State Education Building
89 Washington Avenue
Albany, NY 12234

Dear Dr. Rosa:

The Office of the State Comptroller is committed to helping State agencies, public authorities, and local government agencies manage their resources efficiently and effectively. By so doing, it provides accountability for the tax dollars spent to support government operations. The Comptroller oversees the fiscal affairs of State agencies, public authorities, and local government agencies, as well as their compliance with relevant statutes and their observance of good business practices. This fiscal oversight is accomplished, in part, through our audits, which identify opportunities for improving operations. Audits can also identify strategies for reducing costs and strengthening controls that are intended to safeguard assets.

Following is a report of our audit *Oversight of Pupil Transportation Services*. This audit was performed pursuant to the State Comptroller's authority under Article V, Section 1 of the State Constitution and Article II, Section 8 of the State Finance Law.

This audit's results and recommendations are resources for you to use in effectively managing your operations and in meeting the expectations of taxpayers. If you have any questions about this draft report, please feel free to contact us.

Respectfully submitted,

Division of State Government Accountability

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Glossary of Terms

Term	Description	Identifier
Application	New York City Department of Education Driver/Attendant Application	<i>Key Term</i>
Baldwinsville	Baldwinsville Central School District	<i>School</i>
DASA	Dignity for All Students Act	<i>Act</i>
Department	State Education Department	<i>Auditee</i>
DOE	New York City Department of Education	<i>Agency</i>
Elmira	Elmira Central School District	<i>School</i>
Gouverneur	Gouverneur Central School District	<i>School</i>
Instructor	School bus driver instructor	<i>Key Term</i>
Jofaz	Jofaz Transportation	<i>Transportation Company</i>
Lake Placid	Lake Placid Central School District	<i>School</i>
NYC	New York City	<i>Key Term</i>
Phillip	Phillip Bus Corporation	<i>Transportation Company</i>
PPT	Physical performance test	<i>Key Term</i>
PTSI	Pupil Transportation Safety Institute	<i>Key Term</i>
School Districts	Public school districts	<i>Key Term</i>
Selby	Selby Transportation	<i>Transportation Company</i>
Unit	Department's Pupil Transportation Unit	<i>Unit</i>
Wayland Cohocton	Wayland Cohocton Central School District	<i>School</i>

Background

Approximately 2.3 million children are transported to school daily across the State, with one third riding school district-owned buses, one third riding contracted buses, and the remaining third utilizing public transportation. The 2016-17 statewide cost of providing these services was approximately \$2.8 billion, with State aid covering \$1.7 billion. The State Education Department's (Department) Pupil Transportation Unit (Unit) is responsible for overseeing school districts' provision of pupil transportation services.

The New York State Education Law requires the Department to (a) determine and define the qualifications of drivers, monitors, and attendants and to make the rules and regulations governing the operation of all transportation facilities used by pupils; (b) establish training and safety technique requirements for school bus drivers and school bus safety training instructors and to make rules and regulations implementing such requirements on a statewide basis; and (c) establish an electronic data file containing accident reports relating to school buses. The Education Law also directs every school district to certify to the Department that its school bus drivers have successfully completed the Department-established School Bus Driver Safety Training Program and to make an annual report to the Department on the implementation and effectiveness of the program.

In accordance with the Education Law, the Department promulgated regulations regarding school bus drivers, monitors, and attendants. The Department's regulations at Title 8, Section 156.3 of the New York Codes, Rules and Regulations define a "school bus driver" as someone who drives a school bus owned, leased, or contracted by a public school district (School District), board of cooperative educational services, or nonpublic school to transport pupils. These regulations also define a "school bus monitor" as anyone employed to assist children with safely embarking and disembarking from a school bus, and to assist the school bus driver with maintaining proper student behavior on such a school bus. Under the regulations, a "school bus attendant" is anyone employed for the purpose of serving pupils with a disabling condition on a school bus. The Department interprets disabling conditions as including mobility, behavioral, communication, physical, or health issues. Individualized education programs for children with disabling conditions include provisions for specific transportation needs, and, depending on those needs, the attendant transporting the child may be required to have specialized training (e.g., CPR or training to transport students using wheelchairs).

The Department's regulations set qualification requirements for school bus drivers, monitors, and attendants statewide, as well as safety training requirements. As part of these requirements, the Department administers the School Bus Driver Safety Training Program, through which 1,400 school bus driver instructors (Instructors) provide school bus drivers, monitors, and attendants with the required initial and annual refresher trainings.

Per Department requirements, school bus drivers generally must:

- Receive a physical examination every 13 months;

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- Pass a Physical Performance Test (PPT) every two years;
 - Complete a Pre-Service Course of safety instruction prior to the start of their employment (for those hired after July 1, 1973);
 - Complete a Basic Course of safety instruction within one year of employment (for those hired after July 1, 1973);
 - Receive a minimum of two hours of refresher instruction in school bus safety at least two times a year; and
 - Receive Dignity For All Students Act (DASA) training annually (DASA aims to provide students with a safe and supportive school environment free from discrimination, intimidation, taunting, harassment, and bullying).

School bus monitors and attendants are generally required to:

- Receive written approval for employment from the School District superintendent;
- Pass a PPT at least once every two years;
- Complete a Pre-Service Course of safety instruction prior to performing their duties as a school bus monitor or attendant (for those hired after July 1, 2003);
- Complete a Basic Course of safety instruction within one year of employment (for those hired after July 1, 2003);
- Receive a minimum of two hours of refresher instruction in school bus safety at least twice per year; and
- Receive DASA training annually.

In order to carry out its responsibilities to ensure safe and efficient transportation of children, the Department contracts with the Pupil Transportation Safety Institute (PTSI) to provide resources and training to school bus drivers, monitors, and attendants. The Department had four contracts with PTSI covering the period of July 1, 2013 through June 30, 2019 and has since consolidated the number of contracts to two, beginning in July 2019 and running through June 2024.

The Department contracts with PTSI to:

- Develop professional development seminars for Department-certified Master Instructors and Instructors;
- Deliver training to all Instructors at the annual professional development seminar;
- Maintain a database of safety training information for school bus drivers, monitors, and attendants;
- Maintain a school bus accident database and analyze the circumstances

surrounding accidents to assist with the preparation of accident prevention training and an annual school bus safety report; and

- Perform site record reviews, at the Department's request, of School Districts and busing contractors based on risk and verified complaints (up to 25 reviews per school year, effective July 1, 2019).

Audit Findings and Recommendations

Generally, the Department could further enhance its efforts to monitor School Districts' compliance with safety training requirements for school bus personnel to help ensure safe transportation for all pupils. School Districts and busing contractors do not always provide Department-required safety training, adhere to established time frames for these trainings, or maintain proper training documentation in their files. Without satisfactory monitoring and documentation of safety training requirements, the Department cannot be reasonably assured that all drivers, monitors, and attendants are meeting all requirements. Further, when training is not provided, drivers, monitors, and attendants may not be aware of the proper procedures or what to do in the event of an emergency, putting the children on the bus at risk.

PTSI's school bus accident database is incomplete and does not account for all reportable accidents statewide. Inaccurate and incomplete information negatively affects the Department and PTSI's ability to effectively develop future training programs.

School Districts and busing contractors possess varying degrees of knowledge of federal training requirements pertaining to reasonable suspicion of drug and alcohol abuse. In addition, we found that School Districts and busing contractors across the State maintain various protocols for interfacing with their employees before they start their daily routes. While drug and alcohol monitoring is not explicitly the Department's responsibility, the safe and efficient transportation of children is. Department officials agreed and stated they will continue to expand their reach in this area.

Qualifications, Safety Training, and Documentation

To determine compliance with Department standards, we completed file reviews at 25 locations within 23 School Districts across the State (see Exhibit at the end of this report). We selected a judgmental sample based on location, number of pupils transported, whether the operator was a School District or busing contractor, and number of accidents reported. Our sample included 368 of 2,358 driver files and 252 of 1,056 monitor and attendant files at those 25 locations.

Generally, we found a lack of evidence for required safety and DASA trainings, but noted that physical examinations and PPT qualifications were being completed and documented.

School District Driver File Review

We found that 167 of 368 driver files (45 percent) were missing Pre-Service Course training certificates and 49 of 368 files (13 percent) were missing Basic Course training certificates (see Table 1). While 300 files contained Basic Course certificates, documentation showed that 54 trainings were not completed in the first year, as required. Only 127 of 360 required DASA trainings were received and documented between fall 2016 and fall 2019 (8 drivers were still within their first year of employment).

Most required physical examinations had been completed within the required time frames, and documentation for current PPTs was found in nearly all driver files reviewed.

Table 1 – Results of Driver File Review

Department Requirement	Met Requirement		
	Yes	No	N/A (Driver Within First 12 Months of Employment)
Physical examination completed within the past 13 months	366	2	-
Current PPT	358	10	-
Pre-Service Course certificate	201	167	-
Basic Course certificate	300	49	19
Required refresher trainings received between fall 2016 and fall 2019	214	145	9
DASA trainings received between fall 2016 and fall 2019	127	233	8

School District Monitor and Attendant File Review

Monitor and attendant files were also missing a significant amount of documentation, with 227 of 252 files reviewed (90 percent) missing evidence of superintendent approval (see Table 2). Only 87 of 237 required DASA trainings had been received between fall 2016 and fall 2019 (15 employees were still within their first year of employment). While 178 of 211 required certificates for Basic Course training were present in files reviewed (41 files were not required to contain these certificates, due to various reasons), 41 trainings were not completed within the first year, as required.

Table 2 – Results of Monitor and Attendant File Review

Department Requirement	Met Requirement			
	Yes	No	N/A (Employee Within First 12 Months of Employment)	N/A (Employee Hired Prior to Requirement)
Superintendent approval letter	25	227	-	-
Current PPT	233	19	-	-
Pre-Service Course certificate	194	53	-	5
Basic Course certificate	178	33	36	5
Required refresher trainings received between fall 2016 and fall 2019	144	85	23	-
DASA trainings received between fall 2016 and fall 2019	87	150	15	-

Without satisfactory documentation of safety training requirements, the Department cannot be reasonably assured that all drivers, monitors, and attendants are meeting all requirements. Training helps ensure that employees are aware of the proper

procedures or what to do in the event of an emergency. For example, during our audit, we learned of an incident at one of the School Districts that resulted in a monitor being charged with three counts of endangering the welfare of a child because of alleged non-action during a bullying incident. According to transportation personnel, the individual charged had not received required DASA trainings.

We found that a lack of communication between the Department, PTSI, School Districts, and busing contractors resulted in an unclear understanding of the Department's requirements and expectations. Numerous officials from School Districts and busing contractors we visited stated they were unaware of specific Department training record requirements for drivers, monitors, and attendants. Failure to adequately communicate the Department's requirements may result in School Districts and busing contractors failing to provide the required training and/or maintain the required documentation. Unit officials agreed that more can be done to communicate with School Districts and busing contractors and stated that they already make appearances and presentations every year at multiple conferences and seminars for school transportation and business officials. The Unit also stated that it uses a website, a weekly mailer to school districts, participation in State-level advisory groups, and frequent communications with several umbrella groups such as the New York Association for Pupil Transportation and the New York School Bus Contractors Association to communicate requirements.

Pupil Transportation Safety Institute Database

PTSI's safety training database records school bus driver, monitor, and attendant Basic Course and Advanced Course completion. Once a course has been completed, the records are sent to PTSI, which inputs the information in the database and issues certificates to attendees. According to PTSI officials, prior to 2015, certificate numbers were not recorded in the database. They indicated that individuals with no certificate numbers recorded in the database have at least completed the Basic Course. The database does not track trainings such as Pre-Service Courses, DASA, and annual refresher course completion.

We made the following observations regarding the accuracy and completeness of the 368 driver files in the PTSI database as compared with the School District records:

- 202 were missing a certificate number;
- 61 had an accurate certificate number;
- 59 files present in School District records were not in the database;
- 40 files indicated the drivers were still within their first year of employment or had completed a required course prior to the creation of the database in 1993; and
- 6 files indicated the driver had completed a required course after we received our version of the data on October 1, 2019.

In the 252 monitor and attendant files from the PTSI database, we found:

- 108 were missing a certificate number;
- 69 had an accurate certificate number;
- 29 files present in School District records were not in the database; and
- 46 files indicated the monitors or attendants were in their first year of employment or had been hired before the July 1, 2003 requirement.

Without complete data, this information cannot be effectively utilized to oversee school bus drivers, monitors, and attendants adequately. Additionally, because the database does not track safety program trainings such as Pre-Service Courses and DASA and annual refresher completion, the Department and PTSI cannot effectively monitor the completion of these training requirements.

The Department does not have an effective mechanism for tracking driver, monitor, and attendant compliance with applicable laws and regulations. At the time of our review, the Department did not require School Districts and busing contractors to submit documentation to show compliance. However, officials conveyed to the audit team that their goal is to move to an online process for file submission in the future.

During our site visits and communications with the Department, it became evident that School Districts and busing contractors do not, as required by law, submit comprehensive annual reports to the Department exhibiting compliance with all requirements of the School Bus Driver Safety Training Program. According to School Districts and busing contractors, the only required items from the School Bus Driver Safety Training Program submitted to the Department are PPTs. Department officials confirmed that School Districts and busing contractors submit only PPTs.

Training and Documentation Issues at Individual School Districts

Department officials stated that School Districts and/or school busing contractors – not the Department – primarily bear the responsibility for overseeing driver, monitor, and attendant compliance with applicable laws and regulations. However, inconsistent understanding and application of policies and procedures among School Districts and busing contractors, along with varying tracking methods, result in a lack of assurance that employees are receiving required safety trainings. Without these required trainings – as supported by our observations – employees can be left without clear safety guidance to follow in the event of an incident or emergency.

Of the 25 locations visited, we made note of specific observations at 6 School Districts and busing contractors: Elmira Central School District (Elmira), Gouverneur Central School District (Gouverneur), Jofaz Transportation (Jofaz), Lake Placid Central School District (Lake Placid), Phillip Bus Corporation (Phillip), and Selby Transportation (Selby).

At Gouverneur, a bus monitor was accused of allowing a situation to escalate and failing to perform required duties. The incident involved two girls (10 and 11 years old) who are facing criminal charges of harassment for assaulting a 10-year-old girl on a school bus. The bus monitor was charged with endangering the welfare of a child. During our visit to Gouverneur, transportation personnel stated that no DASA trainings have been conducted for school bus personnel at the location, but they will be implemented going forward.

At Elmira, we initially tried to schedule our visit on January 7, 2020. District officials asked that we delay our visit by three weeks due to new employees starting in late January. We ultimately visited Elmira on January 29, 2020, at which time, the assistant supervisor stated that the School District had created the Department-required files only after we made initial contact and the district was still in the process of compiling all required documents. Instead of separate employee files, the district maintained master folders documenting each certificate or training requirement, making it difficult to monitor individual compliance. Additionally, the assistant supervisor stated that he had contacted another local School District regarding the audit and inquired about what should be in their files. Elmira officials indicated they have had minimal contact with the Department, with the exception of attending conferences for Instructors. The assistant supervisor also stated that he was five months away from retirement and was anticipating getting through those months without being audited by the Department or PTSI.

We learned that the transportation supervisor at Lake Placid was new to the position and the previous supervisor did not keep organized files. The employee files made available to us for review were generally incomplete, and most lacked evidence of Pre-Service Courses or refresher or DASA training. In addition, we identified several employees with expired PPTs. When we informed the supervisor of this, he stated the PPTs would be renewed in the near future.

The New York City (NYC) Department of Education (DOE) Office of Pupil Transportation oversees approximately 17,500 contracted employees operating roughly 9,000 daily routes. Its employees maintain and monitor the DOE Driver/Attendant Application (Application) used to verify the eligibility of drivers, monitors, and attendants. The Application stores certificate completion and training record dates for the drivers, monitors, and attendants employed by all school bus transportation contractors citywide. According to DOE officials, the Application tracks information such as Pre-Service and Basic Course completion, PPTs, physical examinations, and refresher trainings. As we did not perform any testing on the Application, we are not able to comment on the reliability of its data.

All three of the busing contractors we visited in NYC (Jofaz, Phillip, and Selby) rely on the Application to verify the eligibility of drivers, monitors, and attendants. Busing contractors receive notifications from DOE when certain requirements are close to expiring so they have adequate time to address them. DOE busing contractors can generate reports from their read-only access, specifying any upcoming training or courses that need completion. According to Selby officials, they can be fined for every day that requirements such as physical exams or PPTs are past their due

date. If any trainings or requirements are expired or missing from the Application, contractors must pull those employees from the road until any issues have been resolved. Although the Application contained information regarding trainings and qualifications, busing contractors were unable to provide all records to support information in the Application.

Phillip officials explained that if they pay for a driver's training (e.g., Basic Course training), they will not provide the driver with a copy of the certificate if the driver transfers to another company. They stated that other busing contractors do this as well and indicated that it contributed to issues with locating some certificates. In addition, NYC busing contractors indicated they do not always ask for proof of certificates when drivers, monitors, and attendants transfer from another busing contractor, stating they rely on DOE to inform them when employees have completed all training and requirements and are eligible. School bus drivers, monitors, and attendants cannot work on a bus in NYC without DOE approval, even if they have satisfied all Department requirements.

Monitoring and Risk Assessment

As of September 19, 2019, the Unit employed two full-time employees and one part-time employee to oversee pupil transportation. In addition, two positions were vacant. However, Unit officials stated that, even at full employment, they do not have the resources needed to adequately monitor School District and busing contractor compliance. Unit officials also indicated that, given the staffing limitations, the Department contracts with PTSI to perform various school bus training and safety functions, including those related to monitoring compliance.

Site Record Reviews

Department officials stated that, at their request, PTSI also performs site record reviews at School Districts or busing contractors. If the transportation entity is not compliant, PTSI provides guidance to bring it into compliance.

To accomplish these file reviews, PTSI uses a checklist of items required by the Department to be included in each driver, monitor, and attendant file, including proof of:

- Superintendent approval for employment;
- Current physical, within the past 13 months (drivers only);
- Three personal references;
- PPT within the past two years;
- Current commercial driver's license with required endorsements (drivers only);
- Fingerprinting;

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- Pre-Service Course training completion certificate;
 - Basic Course training completion certificate (within first year of employment);
 - Advanced Course training completion certificate (recommended);
 - Proof of refresher course training (two hours, twice per year);
 - Student Safety Drill completion (three per year);
 - CPR training (if required);
 - DASA training;
 - Anti-idling policy notice (annually); and
 - Proof of periodic monitoring.

According to PTSI officials, when completing site record reviews, representatives select a random sample of 10 percent of the records at each location unless the Department requests a higher review percentage. If issues are found in the initial sample, representatives will review another 10 percent of records for recurring or additional issues.

PTSI officials indicated that they cannot select School Districts to review on their own. They must be directed by the Department to conduct record reviews. Department officials stated that School Districts and/or busing contractors are selected for review annually based on risk and verified complaints.

During the first three years of our scope (July 1, 2016 to June 30, 2019), the Department utilized only 3 of 18 possible record reviews (6 are allowed per school year) allotted by their contract with PTSI. Department officials stated that, historically, they have ordered PTSI to conduct record reviews only for School Districts and busing contractors with ongoing problems and complaints. They also stated that they have increased the maximum number of reviews per school year to 25 in the current contract (effective July 1, 2019); however, no strategy has been developed regarding how to use those additional reviews, though Department officials state they will be risk based. As of February 26, 2020, only 6 of the 25 visits that could have been completed during the one-year period ending June 30, 2020 had been finalized.

During our meeting with PTSI, representatives specified four school record reviews that the Department had initiated, covering our entire scope period; however, they stated that more record reviews were in progress and would be conducted during the 2019-20 school year. The four reviews were conducted at Mahopac Central School District, Wayland Cohocton Central School District (Wayland Cohocton), Monroe 1 BOCES, and East End Bus Lines (a Long Island school bus operator). PTSI found that Wayland Cohocton did not maintain the required documentation for its drivers, monitors, and attendants and had significant deficiencies with its files. PTSI representatives identified that the majority of DASA training, anti-idling policy, and superintendent approval documentation was missing. The School District's

driver files included only information related to Vehicle and Traffic Law Article 19-A screening, testing, and criminal history requirements (bus drivers are not allowed to operate a bus for a motor carrier unless they meet the qualification requirements of Vehicle and Traffic Law Article 19-A). PTSI found that most of the School Districts examined needed some direction as to what should be included in the file. (Monroe 1 BOCES' files were, for the most part, in good order.)

After the start of the audit fieldwork, we learned that the Department directed PTSI to conduct five additional record reviews at Gouverneur, Lisbon Central School District, Indian River Central School District, Watertown Central School District, and Baldwinsville Central School District (Baldwinsville). Four of the five reviews found that School Districts and busing contractors were generally in compliance with Department standards, with few deficiencies. However, files at Baldwinsville were missing a majority of certificates and required training documentation. Prior to the review, Baldwinsville had received a poor review on an audit of Vehicle and Traffic Law Article 19-A requirements.

The Department is not maximizing its oversight of School Districts and busing contractors by having PTSI complete only a fraction of the record reviews allotted by the contract. PTSI is finding many of the School Districts and busing contractors reviewed need guidance. The Department should use all available means to help identify School Districts and busing contractors with training and documentation issues and take action to bring them into compliance.

PTSI School Bus Accident Database

The Education Law states that the Commissioner of Education is responsible for establishing and maintaining a database that contains information on school bus accidents and fatalities that occur within the State.

The Department contracts its accident database compilation and maintenance out to PTSI. The database tracks records of school bus accidents from the 1970s to present. These records include accident information such as date and time, the police department that responded, names of all drivers involved, the street and address where the accident occurred, and the associated School District or busing contractor. An accident form is required when there is an injury or death or an accident resulting in damage over \$1,000. PTSI works with the Department of Transportation, Department of Motor Vehicles, and the State Police whenever a fatality occurs in an accident involving a school bus. The information from the database is used to identify trends for when accidents are likely to occur and to address them through training. PTSI uses the data it compiles to generate an annual school bus safety report, which addresses the school bus accidents for the previous school year as well as training recommendations based on those accidents. PTSI provided our audit team with its accident database for the 2018-19 school year, when a total of 669 accidents were reported across the State.

We found that school bus transportation companies in NYC typically report their accidents to DOE. However, neither DOE nor the busing contractors report this

information to the Department. In our analysis, we found that only 4 of the 669 accidents in the PTSI database occurred within NYC limits. PTSI stated that, generally, NYC school busing contractors fail to send most of their accident reports to PTSI. In an effort to corroborate their assertion, we compared the four school bus accidents found in PTSI's database to accidents we obtained from NYC Open Data for the 2018-19 school year. Open Data showed 48 total accidents involving school buses during the 2018-19 school year. We found no matches between the four instances included in the PTSI and NYC Open Data accident databases. During another recent school year, PTSI representatives stated that only 12 accidents from NYC were reported to the Department and PTSI, while 609 accidents were reported to DOE; however, the exact period referred to by the PTSI representative is not clear.

PTSI's accident database is incomplete and doesn't account for all reportable accidents across the State. The Department and PTSI develop the annual safety report based on the accidents included in the database and rely on its information to develop recommendations for upcoming training. The Department and PTSI are limited in their ability to effectively develop future training programs if all School Districts and busing contractors across the State do not appropriately report school bus accidents. Further, the training developed and administered by the Department may not target the actual issues in NYC. Department officials agreed with our assessment. Department officials indicated that the Unit is understaffed and, even at full employment, does not have the resources to adequately monitor school district and busing contractor compliance with School Bus Driver Safety Training Program requirements.

Drug and Alcohol Testing Supervisor Training

Generally, drug and alcohol testing is a federal requirement for anyone who holds a commercial driver's license. Every school bus driver is subject to random drug and alcohol testing as well as at any time there is reasonable suspicion of drug and alcohol use. School Districts are also required to provide reasonable suspicion training. Reasonable suspicion training requires those designated to supervise drivers receive at least 60 minutes of training on alcohol misuse and an additional 60 minutes of training on controlled substance use. This required training is used by supervisors to determine whether reasonable suspicion exists to require a driver to undergo drug and alcohol testing. We interviewed 13 School Districts and busing contractors about required reasonable suspicion training for drug and alcohol use (Beekmantown, Chittenango, DOE [Selby], East Syracuse Minoa, Elmira, Gouverneur [First Student, Inc.], Iroquois, Johnson City, Lake Placid, Longwood [Suffolk Transportation Services, Inc.], Peru, Shenendehowa, and Utica [Birnle Bus Service, Inc.]). Of the 13 School Districts and busing contractors questioned, 11 were aware of these trainings but only 5 knew these trainings were required. As a result, not all School Districts were in compliance with required reasonable suspicion training.

Two of the School Districts (Elmira and Lake Placid) we visited indicated that their supervisors have not taken and were unaware of these trainings. During one of our

site visits, the Elmira supervisor stated he does not arrive to the facility until after the drivers have left for their daily morning routes, eliminating the possibility of random checks at this time. Another School District we visited (Beekmantown) stated that the supervisor has taken reasonable suspicion training, but the district allows buses to be taken home between routes and at night, which, according to the supervisor, makes it impossible to monitor all drivers before they begin their routes.

Several School Districts and busing contractors (Chittenango, East Syracuse Minoa, Gouverneur, Iroquois, Johnson City, Longwood, and Shenendehowa) stated that they keep the keys and a sign-in sheet in the office so drivers have to come in and make contact with supervisors before they get on the bus. One district, which does not keep keys in the transportation office, stated it has over 40 drivers running daily routes and that it is difficult to monitor all employees as they leave the facility.

Because of varying degrees of knowledge pertaining to requirements and inconsistent protocols among School Districts and busing contractors, the Department cannot be reasonably assured that all transportation supervisors are actively monitoring employees for reasonable suspicion of drug and alcohol use prior to driving their routes. When asked about their role in preventing bus drivers from performing their duties while under the influence, Department officials indicated that the Department of Motor Vehicles is responsible for oversight of drug and alcohol testing. They also stated that transportation is a local function, and there are limits to the degree of standardization that can be achieved. While this is not explicitly the Department's responsibility, the safe and efficient transportation of children is. Department officials agreed and stated they will continue to expand their reach in this area.

Recommendations

1. Work with School Districts and busing contractors across the State to ensure they are made aware of Department training record requirements.
2. Develop and implement a risk-based method to identify School Districts and busing contractors that warrant review to fully utilize all available site record reviews allotted in the PTSI contract.
3. Work with DOE and other jurisdictions across the State to ensure that all reportable accidents are reported to the Department and PTSI.
4. In conjunction with the Department of Motor Vehicles, develop and implement policies and procedures to standardize monitoring of drug and alcohol compliance for drivers, monitors, and attendants.

Audit Scope, Objectives, and Methodology

The objective of our audit was to determine whether the Department is monitoring School Districts' compliance with safety training requirements for school bus personnel and instructors to help ensure safe transportation for all pupils; and whether the Department is monitoring School Districts' compliance with school bus monitor and attendant qualifications. The audit scope covers the period July 1, 2016 through March 4, 2020 and information provided by the Department through May 14, 2020.

To accomplish our objective, we reviewed laws, regulations, and Department policies related to the oversight of pupil transportation services. We also became familiar with and assessed the Department's internal controls as they relate to our audit objective. We interviewed Department officials to gain an understanding of their oversight functions of school bus drivers, monitors, and attendants, and to determine any relevant data used to track or monitor compliance with those requirements. Additionally, we interviewed PTSI representatives to determine their role in monitoring school bus driver, monitor, and attendant compliance with applicable laws and regulations. We also reviewed and analyzed information captured in two databases: one containing training information for school bus drivers, monitors, and attendants; and another that tracks school bus accident information.

We obtained a listing of School Districts from the Department, which broke out ridership by type of transportation (district operated or contracted), for the 2017-18 school year. Utilizing that list, we selected a judgmental sample of 25 site visits across 23 School Districts (identified in the Exhibit at the end of this report) based on factors such as type of transportation provided (district operated or contracted), geographic location, number of students transported, and number of accidents reported to PTSI during the 2018-19 school year.

At 22 of the 23 School Districts we visited, we reviewed files for both school bus drivers and school bus monitors and attendants. The one exception involves Longwood Central School District, where only a school bus driver sample was selected, because the district does not employ school bus monitors or attendants. For 21 of 23 School Districts, we reviewed a random sample of school bus drivers; for the remaining 2 School Districts, we reviewed all school bus drivers employed. At 15 of the 22 School Districts, we reviewed a random sample of school bus monitors and attendants; for the remaining 7 districts, we reviewed all school bus monitors and attendants (sample sizes and the locations visited are shown in the Exhibit). In total, we selected 368 school bus drivers from a population of 2,358 and 252 school bus monitors and attendants from a population of 1,056. We examined each file to determine if School Districts and busing contractors are appropriately documenting mandatory trainings and requirements in accordance with Department standards. To develop our site visit checklist, we incorporated regulations set forth by the Department and the instrument utilized by PTSI for performing contracted file reviews. For each driver file, we reviewed documentation of current physical examinations and PPTs and evidence of Pre-Service and Basic Course certificates, the two required two-hour refreshers, and DASA trainings. For each monitor and attendant file, we examined superintendent approval letters, PPTs, Pre-Service

and Basic Course certificates, CPR trainings (if required by a pupil's individualized education program and/or the School District or busing contractor), and safety refresher trainings and trainings. (Note: Physical examinations are not required for monitors and attendants.)

The results of our samples cannot be projected to the population as a whole, but support the findings, conclusions, and recommendations in this report.

Statutory Requirements

Authority

The audit was performed pursuant to the State Comptroller's authority as set forth in Article V, Section 1 of the State Constitution and Article II, Section 8 of the State Finance Law.

We conducted our performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objective. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objective.

In addition to being the State Auditor, the Comptroller performs certain other constitutionally and statutorily mandated duties as the chief fiscal officer of New York State. These include operating the State's accounting system; preparing the State's financial statements; and approving State contracts, refunds, and other payments. In addition, the Comptroller appoints members to certain boards, commissions, and public authorities, some of whom have minority voting rights. These duties may be considered management functions for purposes of evaluating organizational independence under generally accepted government auditing standards. In our opinion, these functions do not affect our ability to conduct independent audits of program performance.

Reporting Requirements

We provided a draft copy of this report to Department officials for their review and formal comment. We considered the Department's comments in preparing this report and have included them in their entirety at the end of the report. In their response, Department officials generally agreed with the audit recommendations and indicated the actions they will take to address them. However, they did disagree with our recommendation aimed at ensuring School Districts and busing contractors across the State are made aware of their training record requirements. Our response to the Department's comment is included in the report's State Comptroller's Comment.

Within 180 days after final release of this report, as required by Section 170 of the Executive Law, the Commissioner of Education shall report to the Governor, the State Comptroller, and the leaders of the Legislature and fiscal committees, advising what steps were taken to implement the recommendations contained herein, and where recommendations were not implemented, the reasons why.

Exhibit

School Districts Visited

School District	Transportation Type	Driver Sample	Driver Population	Monitor and Attendant Sample	Monitor and Attendant Population
Beekmantown Central School District	District Operated	15	43	10	10
Bethlehem Central School District	District Operated	14	110	9	37
Brighton Central School District	Contracted	14	51	11	14
Chenango Valley Central School District	District Operated	13	29	12	17
Chittenango Central Schools	District Operated	20	54	5	5
Coxsackie-Athens Central School District	Contracted	24	24	4	4
East Syracuse Minoa Central School District	District Operated	15	67	11	11
Elmira City School District	District Operated	13	71	12	22
Gouverneur Central School District	Contracted	13	38	12	22
Iroquois Central School District	District Operated	13	51	11	15
Johnson City Central School District	District Operated	17	34	8	16
Lake Placid Central School District	District Operated	12	12	4	4
Levittown Public Schools	District Operated	13	60	12	29
Longwood Central School District	Contracted	25	85	0	0
New York City Schools	Contracted	13	632	12	369
New York City Schools	Contracted	13	47	12	47
New York City Schools	Contracted	13	40	12	51
Penfield Central School District	District Operated	13	78	13	13
Peru Central School District	District Operated	13	44	12	12
Rush-Henrietta Central School District	District Operated	15	129	12	31
Sachem Central School District	Contracted	13	134	12	63
Shenendehowa Central Schools	District Operated	14	218	11	72
Starpoint Central School District	Contracted	13	61	12	37
Tonawanda City School District	Contracted	14	45	11	34
Ulica City School District	Contracted	13	201	12	121
Totals		368	2,358	252	1,056

Agency Comments



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

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September 16, 2020

Charles Lansburg
State Program Examiner 2
Office of the State Comptroller
110 State Street
Albany, NY 12236

Dear Mr. Lansburg:

The following represents the New York State Education Department's (NYSED) comments to the Office of the State Comptroller (OSC) regarding their audit of the New York State Education Department's Oversight of Pupil Transportation Services (2019-S-49). NYSED's Office of Pupil Transportation saw significant staff turnover during the time period covered in the audit, including the sudden passing of the former State Director of Pupil Transportation. The Office had already begun to rebuild by the time the audit was conducted, so some of the findings were dated when the audit was conducted. Nevertheless, we were grateful for the discussions and suggestions from our colleagues at OSC. Please see the following detailed responses to the recommendations based upon the findings associated with this engagement.

1.) Develop and implement a risk-based method to identify School Districts and busing contractors that warrant review to fully utilize all available site record reviews allotted in the PTSI contract.

Response: We agree with this recommendation and have already begun to enhance the approach referred to in the report.

2.) Work with School Districts and busing contractors across the State to ensure they are made aware of Department training record requirements.

Response: While NYSED will continue to look for additional ways to expand our outreach in this area, the Department's Office of Pupil Transportation staff already utilize multiple approaches to provide information to school transportation and school business officials as well as private transportation contractors. This includes presentations and appearances at multiple conferences and seminars each year, maintaining an up-to-date website, a weekly mailer to the field, frequent communications with a number of umbrella groups for pupil transportation (both public and private sector) as well as participation in state-level advisory groups.

[Comment 1](#)

3.) Work with DOE and other jurisdictions across the State to ensure that all reportable accidents are reported to the Department and PTSI.

Response: We agree with this recommendation.

4.) In conjunction with the Department of Motor Vehicles, develop and implement policies and procedures to standardize monitoring of drug and alcohol compliance for drivers, monitors, and attendants.

Response: NYSED agrees that this recommendation would have positive outcomes. Nevertheless, as we noted during the audit, transportation is a local function, and there are limits to the degree of standardization that can be achieved. In addition, oversight of drug and alcohol testing falls under the Federal Motor Carrier Safety Administration (FMCSA) and Department of Motor Vehicles (DMV). However, NYSED will look for ways to work with the FMCSA, the DMV, school districts and private contractors to create standards and consistency where possible or where they don't exist currently.

Yours truly,



Sharon Cates-Williams
Deputy Commissioner

c: Christina Coughlin
Paul Overbaugh
James Kampf

State Comptroller's Comment

1. We visited 25 locations within 23 School Districts across the State. As stated in our report, “numerous officials from School Districts and busing contractors we visited stated they were unaware of specific Department training record requirements for drivers, monitors, and attendants.” We understand that the Department currently has multiple approaches to providing information to School Districts and busing contractors. However, the testimony of multiple officials across the State suggests that the current approaches are inadequate at conveying the Department’s requirements to School Districts and busing contractors.

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