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August 2018

Mr. Neal S. Miller, Superintendent of Schools  
Members of the Board of the Cornwall Central School District  
Cornwall Central School District  
24 Idlewild Avenue  
Cornwall-on-Hudson, NY 12520

Report Number: S9-18-5

Dear Superintendent Miller and Members of the Board of Education:

We conducted an audit of seven school districts throughout New York State. The objective of our audit was to determine whether school districts are providing adequate oversight to ensure students' safe transportation. We included the Cornwall Central School District (District) in this audit. Within the scope of this audit, we examined the District's school bus transportation records for the period July 1, 2016 through June 30, 2017.<sup>1</sup> This audit was conducted pursuant to Article V, Section 1 of the State Constitution and the State Comptroller's authority as set forth in Article 3 of the New York State General Municipal Law.

This draft report of examination letter contains our findings and recommendations specific to the District. We discussed the findings and recommendations with District officials and considered their comments, which appear in Appendix B, in preparing this report. District officials agree with our findings and indicated they intend to initiate corrective action. At the completion of our audit of the seven school districts, we prepared a global report that summarizes the significant issues we identified at all of the school districts audited.

### **Summary of Findings**

The District contracts with a third-party transportation vendor and relies on them to comply with training, drug testing, safety inspections and safety drill requirements set forth by the various oversight agencies.<sup>2</sup> The District does not take an active role in monitoring compliance with statutes. It does not require vendors to submit reports showing compliance with specific requirements and does not review the vendors' records to ensure that they are in compliance. The District also does not have a process in place for receiving, documenting or following up on complaints regarding drivers, attendants or buses.

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<sup>1</sup> We observed vendor activities, including conducting observations of drivers and pre-trip inspections, on December 22, 2017.

<sup>2</sup> The New York State Department of Motor Vehicles oversees driver requirements to be in compliance with 19-A driver certifications. The New York State Department of Transportation schedules and performs periodic bus inspections.

During our testing of vendor records,<sup>3</sup> we noted discrepancies that present risks that unqualified drivers transported students. The vendor could not support that one bus driver met the minimum training requirements or another driver completed a required annual refresher course. Had District officials implemented monitoring procedures over the District's transportation vendor, they may have detected these discrepancies. The District also relies on the vendor to conduct and review bus inspections and does not take an active role in monitoring them to ensure that they are being conducted as required or that buses used to transport students have passed the safety inspections.

Further, the Superintendent is required to annually approve all District bus drivers. He did not approve any of the 90 drivers transporting children. District officials also should document they observed mandatory bus safety drills being conducted. However, one of 15 bus safety drills was not conducted and two were not conducted within the prescribed time frames. Lack of District monitoring and oversight of bus safety drills makes it difficult to ensure that they were conducted and that each drill met all requirements.

### **Background and Methodology**

The District is located in Orange County, covers approximately 37 square miles and serves approximately 3,200 students. The District's 2016-17 budgeted appropriations totaled approximately \$67.8 million. These costs are funded primarily through real property taxes. The District's total transportation budget for 2016-17 was approximately \$3.4 million. The District transports 3,243 students per year, with 61 contractual buses, traveling approximately 778,500 miles per year.

The District is governed by a nine-member Board of Education (Board). The District's primary function is to provide educational services to its residents. The Assistant Superintendent for Business is responsible for managing the District's day-to-day student transportation activities.

To complete our audit objective, we reviewed student transportation records relative to bus driver qualifications, driver training and bus safety drills. We conducted this performance audit in accordance with generally accepted government auditing standards (GAGAS). More information on the standards and the methodology used in performing this audit are included in Appendix C of this report. Unless otherwise indicated in this report, samples for testing were selected based on professional judgment, as it was not the intent to project the results onto the entire population. Where applicable, information is presented concerning the value and/or size of the relevant population and the sample selected for examination.

### **Audit Results**

The District contracts with a private bus company to provide transportation to its students. The District included in its contract that the vendor comply with applicable regulations. The drivers are vendor employees, rather than District employees. As such, the District does not participate in hiring and monitoring drivers. Rather, it relies on the controls established by the vendor and various State agencies to ensure compliance. Further, the District does not have a formal process in place to ensure they are receiving, documenting or following up on complaints regarding drivers, attendants or buses.

The District is ultimately responsible for ensuring students' safe transportation and that transportation is in compliance with required standards. This should include monitoring contracts for student transportation to ensure that students are transported to and from school and activities by contracted vendors that comply with all regulations regarding driver qualifications, bus safety requirements, student safety drills and periodic training. While there are oversight agencies which evaluate certain aspects of the

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<sup>3</sup> These include driver files (both personal and 19-A files), 19-A rosters and drug testing rosters.

requirements, these are not all inclusive. The reliance on the vendor and oversight agencies can result in areas being overlooked if they are not detected by either party. District involvement could provide added assurance that all areas are being addressed, including those that are not directly overseen by an outside agency.

## **Driver Qualifications**

To operate a school bus to transport students in New York State, a driver must meet all of the State's laws. School bus driver regulations are established by the New York State Department of Motor Vehicles (DMV), State Education Department (SED) and the Federal Department of Transportation (DOT). The requirements encompass both pre-employment and ongoing requirements. The District Superintendent (Superintendent) is responsible for approving, in writing, all school bus drivers, both District and contractor, regular and substitute.<sup>4</sup> This provides an opportunity for an annual review of individuals prior to the start of the school year and addressing any known issues.

Bus driver employers, either school districts or transportation contractors, are expected to arrange for the medical examination and driver tests, and ensure they comply with all requirements contained in Article 19 of the Vehicle and Traffic Law before they are allowed to drive.<sup>5</sup> DMV requires that each school bus driver possess a valid commercial driver license<sup>6</sup> in the class appropriate for the type of vehicle that the driver will operate. Bus drivers must comply with Article 19-A requirements including: completion of pre-employment and annual medical examinations and any required follow-ups, submission of pre-employment and annual driver license abstracts, submission of fingerprints for a New York State Department of Criminal Justice System and Federal Bureau of Investigations criminal history review, completion of annual defensive driving observations, completion of biennial road tests and completion of biennial oral/written tests.<sup>7</sup>

The driver is also responsible for reporting accidents and convictions for traffic infractions to employers within five working days. A driver license suspension, revocation or withdrawal or misdemeanor/felony conviction must be reported to the employer by the end of the business day following the day the driver received it. Further, there are requirements for bus drivers for passing drug and alcohol tests through pre-employment testing, random testing and post-accident testing. Drug and alcohol training must be provided prior to transporting students.

The District has 90 drivers employed by the vendor assigned to its routes. Although the Superintendent is required to annually approve the bus drivers that transport the District's students, he did not approve any of the drivers who transported children to and from school and school activities. District officials told us they were not aware of this requirement. Failure to annually approve drivers creates a risk that any known issues regarding a driver may not be considered in evaluating the driver's fitness.

Drug and alcohol testing was conducted on a random basis by a third-party entity.<sup>8</sup> We reviewed random drug/alcohol testing conducted on 69 drivers and found negative results for all of them. Further, we reviewed lists provided to drug testing companies to determine whether 75 drivers were included in the population for random testing. All drivers appeared on these lists.

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<sup>4</sup> SED Pupil Transportation Safety Guidance Manual. This includes bus drivers hired during the school year.

<sup>5</sup> Details of requirements for bus drivers are outlined in Appendix A.

<sup>6</sup> This must also include an "S" endorsement to qualify to drive a school bus.

<sup>7</sup> The Behind the Wheel road test and written/oral exam must be conducted by an Article 19-A Certified Examiner.

<sup>8</sup> Federal guidelines establish random sample selection methodology. Independent companies apply these guidelines to generate driver testing selections.

Driver requirements also include training upon hiring and annual refresher training courses, which are typically held at the bus vendor location. Two of the District's 90 drivers (2 percent) were missing one or more pieces of required training. Any oversight in training could result in drivers being unaware of requirements, safety details and/or best practices. These trainings are conducted and retained by the vendor, with no oversight from the District. District oversight may have detected these missing trainings.

## **Inspections**

Buses used to transport District students are subject to New York State DOT (NYSDOT) inspection and should pass inspection at any time.<sup>9</sup> Each bus is required to be inspected by NYSDOT every six months. The inspection program is in place to verify that the vehicle is maintained in a safe operating condition. A NYSDOT inspector maintains an inventory of buses operated by all student transportation providers and schedules inspections in advance based on inspection due dates associated with each bus in the inventory. While these inspections are scheduled and conducted by NYSDOT, the District should be ensuring that they are completed as required as part of the contractual obligations and that buses used to transport District students are in compliance with safety requirements.

We reviewed the inspections completed for all of the vendor buses. All required six-month inspections were scheduled and conducted by NYSDOT. However, there were no periodic reports provided to the District regarding the fleet's safety status. The District's lack of oversight could result in inspections being overlooked and not occurring, posing a potential safety risk to the students being transported.

Buses should also have daily pre-trip inspections conducted prior to each run, whereby the driver indicates that they have observed various aspects of the bus and that all is in proper working order. These inspections should be documented and retained for review. According to guidance from SED, the inspections should be reviewed by the head mechanic or designated individual on a daily basis. The vendor uses a manual vehicle condition reporting system (VCR) to record pre-trip inspections for its 61 buses. The vendor's procedures require the driver to submit a duplicate copy of all VCRs noting defects to the head mechanic for follow-up action. We reviewed the VCRs for six buses and found that noted issues were typically followed up within one day. If no defects are noted, no report is filed with the head mechanic and both copies of the VCR are retained in the book. There is no documentation to indicate that the head mechanic or anyone else employed at the vendor reviews the daily inspection records.

The manual records rely on the drivers notifying the head mechanic, and there is no daily review to ensure all defects have been reported. The District relies on the vendor to conduct and review inspections and does not take an active role in monitoring them to ensure that they are being conducted as required. The District's lack of monitoring could potentially result in the required inspections not being conducted, which could result in hazardous issues not being identified on the buses in a timely manner.

## **Bus Safety Drills**

New York State Education Law requires that students participate in safety drills on buses a minimum of three times a year. The specifics to be addressed during each drill vary throughout the year.<sup>10</sup> District officials are required to annually certify to SED that these bus safety drills are occurring. Some districts and motor carriers conduct these drills during the course of the school day to ensure that all students are given the opportunity to participate, including walkers and parent drop-off students. This ensures that they

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<sup>9</sup> NYSDOT Motor Carrier Safety Bureau Bus Safety Section, NYSDOT Standard School Bus Safety Inspection (Includes Revisions through October 28, 2002), developed and written by the Bus Safety Program Advisory Committee. See Appendix A for additional details.

<sup>10</sup> See Appendix A for details regarding drills.

have been educated on the proper procedures in the event that they are riding the bus for a field trip or a sports activity.

The District and the vendor cooperate to complete the required drills, which are conducted at each school, for all students. District officials informed us that they oversee the safety drills. We reviewed the transportation vendor's records and found that of the 15<sup>11</sup> drills that should have occurred during the school year, two were not completed during the required timeframe and one was not completed at all. In addition, four were not signed by District officials indicating they had observed the drill being conducted. District officials could not explain these discrepancies.

These drills are essential to educate students on the safety aspects of buses and emergency procedures. Lack of District monitoring and oversight of bus safety drills makes it difficult to ensure that they have occurred and met all requirements.

### **Complaint Logs**

SED guidance<sup>12</sup> identifies best practice measures pertaining to the logging, investigation and following up of complaints made by citizens, parents and employees with regard to drivers, monitors, attendants, bus stops or any other safety concerns. These complaints and the investigation and follow-up should all be documented in writing. Complaint logs can help identify potential safety issues, training needs or disciplinary problems among both staff and students.

The District has not implemented formal practices to ensure that all complaints received by the District and/or the vendor are recorded, researched and appropriately remedied. Such a practice can assist District administrators in identifying potential safety issues among staff, vendors, equipment and students.

### **Recommendations**

1. The Superintendent should annually approve all drivers that transport District students, including contracted transportation vendor drivers.
2. District officials should take an active role in overseeing the contracted vendor's activities and their compliance with requirements. This should include ensuring that:
  - a. All drivers meet the minimum training requirements to transport District students.
  - b. All buses have been properly inspected by NYSDOT and that pre-trip bus inspections are conducted, reviewed timely and adequately documented.
  - c. All bus safety drills are conducted by actively observing such drills and signing all safety drill forms.
3. District officials and the vendor should establish procedures for the intake, documentation and resolution of complaints.

The Board has the responsibility to initiate corrective action. Pursuant to Section 35 of General Municipal Law, Section 2116-a (3)(c) of the New York State Education Law and Section 170.12 of the Regulations of the Commissioner of Education, a written corrective action plan (CAP) that addresses the findings and recommendations in this report must be prepared and forwarded to our office within 90 days. To the extent practicable, implementation of the CAP must begin by the end of the next fiscal year. For more information on preparing and filing your CAP, please refer to our brochure, *Responding to an OSC Audit*

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<sup>11</sup> The District conducts and documents drills by building. All students in each of the District's buildings participate in the bus safety drills. There are three safety drills required during the year for each of the District's five buildings totaling 15 required bus safety drills per year for the District.

<sup>12</sup> See Appendix A for details on SED guidance regarding complaint logs.

*Report*, which you received with the draft audit report. The Board should make the CAP available for public review in the District Clerk's office.

We thank the officials and staff of the Cornwall Central School District for the courtesies and cooperation extended to our auditors during this audit.

Sincerely,

Gabriel F. Deyo  
Deputy Comptroller

## APPENDIX A

### SCHOOL BUS SAFETY AUDIT CRITERIA

Minimum standards for school bus safety promulgated by law and regulations established by New York State Department of Motor Vehicles, New York State Department of Transportation and New York State Department of Education are provided, in part, as follows: (Note: laws and regulations are cited following each criteria listed.)

#### Criteria Regarding General Requirements

- Responsibility for the transportation program rests with the school district and the superintendent of schools. **SED Regulation 8 NYCRR 156.3 b1; Education Law 3624**
- All drivers (including contract drivers, substitutes and drivers who begin employment during the course of the year) are approved in writing by the superintendent of schools or designee/agent. **SED Regulation 8 NYCRR 156.3 b1; Education Law 3624**
- The annual 19A Affidavit of Compliance (school district and contractors) was filed with DMV by July 1 last year. **DMV Regulation 15 NYCRR 6.9**
- A trained supervisor is present to monitor drivers for possible drug or alcohol use as they go on duty in the morning and afternoon. **49 CFR 382.307**

#### Criteria Regarding Driver Requirements

- Only drivers who have the appropriate license for the vehicle being operated and who have complied with DMV and SED Regulations are permitted to drive students to and from home on regularly scheduled routes. **SED Regulation 8 NYCRR 156.3 b4**
- All school bus drivers are at least 21 years old. **SED Regulation 8 NYCRR 156.3b2 and c2**
- All new drivers pass a drug test prior to transporting students. The final test result is received before the driver transports students. **49 CFR 382.301**
- All drivers, including substitutes and part-time drivers, are in a random drug and alcohol testing pool. **49 CFR 382.305**
- All school bus drivers receive a physical exam within each 13-month period. **SED Regulation 8 NYCRR 156.3 b3ii**
- Defensive driving performance reviews are conducted while drivers are operating the bus with passengers. **DMV Regulation 15 NYCRR 6.8c**
- Defensive driving performance reviews are discussed with drivers. **DMV Form DS-873**
- All drivers in the fleet have passed the SED physical performance test within the past two years. **SED Regulation 8 NYCRR 156.3 b3iii**
- Three personal references are checked for all prospective drivers and are maintained in the driver files. **SED Regulation 8 NYCRR 156.3 b6**

- All school bus drivers in the fleet (including substitutes, part-time drivers, and mechanics and office staff who drive occasionally) receive at least two two-hour school bus safety refresher programs annually. **SED Regulation 8 NYCRR 156.3 b3iii**
- All school bus drivers have completed SED’s Basic Course within their first 365 days of employment as a school bus driver in New York State. **SED Regulation 8 NYCRR 156.3 b5ii**

**Criteria Regarding Vehicles and Vehicle Maintenance**

- All vehicles used to transport students to and from school, except for vehicles owned by parents contracted to transport their own children, are approved and inspected by NYS DOT. **DOT Regulation 17 NYCRR 721.3; see Education Law 3623**
- Drivers conduct thorough post-trip inspections for children, items left on board or mechanical defects at the end of each route. **SED Regulation 8 NYCRR 156.3 e4; DOT Regulation 17 NYCRR 721.3E**
- Drivers conduct thorough pre-trip inspections on each bus they drive every day. **17 NYCRR 721.3D; 49 CFR 392.7-8)**

**Criteria Regarding School Bus Safety Drills**

- A minimum of three bus drills are held each year, with the first conducted during the first seven days. All students, not just those who ride buses daily, receive the drills. Students attending non-public schools also receive the drills. Drills cover all required topics, including emergency evacuation, safe boarding and exiting, weather hazards, bus behavior and bus rules, and seat belts. **Education Law 3623; SED Regulation 8 NYCRR 156.3 f-g:**
  - (1) The drills on school buses required by section 3623 of Education Law shall include practice and instruction in the location, use and operation of the emergency door, fire extinguishers, first-aid equipment and windows as a means of escape in case of fire or accident. Drills shall also include instruction in safe boarding and exiting procedures with specific emphasis on when and how to approach, board, disembark and move away from the bus after disembarking. Each drill shall include specific instructions for pupils to advance at least 10 feet in front of the bus before crossing the highway after disembarking. Each drill shall emphasize specific hazards encountered by children during snow, ice, rain and other inclement weather, including but not necessarily limited to poor driver visibility, reduced vehicular control and reduced hearing. All such drills shall include instruction in the importance of orderly conduct by all school bus passengers with specific emphasis given to student discipline rules and regulations promulgated by each board of education. Such instruction and the conduct of the drills shall be given by a member or members of the teaching or pupil transportation staff. Pupils attending public and nonpublic schools who do not participate in the drills held pursuant to this paragraph shall also be provided drills on school buses, or as an alternative, shall be provided classroom instruction covering the content of such drills.(2) A minimum of three such drills shall be held on each school bus during the school year, the first to be conducted during the first seven days of school, the second between November 1 and December 31 and the third between March 1 and April 30. (3) No drills shall be conducted when buses are on routes. (4) The school authorities shall certify on the annual report to the State Education Department that their district has complied with this subdivision.

## **Criteria Regarding Complaint Logs**

- New York State Education Department 2006 Edition/Round Two Guidance Manual

I.F.12. Complaints - investigation. All citizen, parent, or employee complaints about a driver, monitor, attendant, bus stop, or any other safety concern should be objectively and professionally investigated. (Best practice)

I.F.13. Complaints - log. All complaints are logged and the results of the investigations are documented in writing. (Best practice)

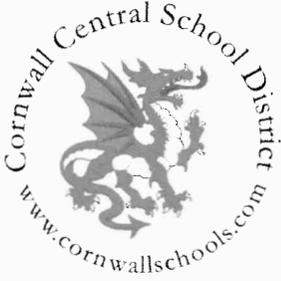
I.F.14. Complaints - follow-up. The Transportation Supervisor, Terminal Manager, or Head Mechanic will explain the results of all complaint investigations with the employees involved, and follow up with the individuals who complained. Prompt follow-up to all complaints is a sign of professional management.

(Recommendation - see SED Safe Routes/Safe Stops, 1992, p. 23)

## **APPENDIX B**

### **RESPONSE FROM DISTRICT OFFICIALS**

The District officials' response to this audit can be found on the following page.



# Cornwall Central School District

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Neal S. Miller  
*Superintendent of Schools*

Harvey Sotland  
*Assistant Superintendent for Business*

Gail Duffy  
*Assistant Superintendent for Instruction*

July 17, 2018

Ann C. Singer, Chief Examiner  
Statewide Audit  
State Office Building, Suite 1702  
44 Hawley Street  
Binghamton, NY 13901-4417

Dear Ms. Singer:

We are in receipt of your audit report (S9-18-5) dated June 2018 on various components of the District's transportation operations. While we agree with your audit findings, we do not believe them to be as potential a safety risk as the report indicates, rather areas needing some subtle changes to complement our strong transportation procedures, safety record and relationship with our transportation vendor.

In the coming weeks, we will be submitting our Corrective Action Plan, which will thoroughly address each of your findings and corresponding recommendations.

We appreciate your audit team's initiative in reviewing aspects of our transportation operations, and look forward strengthening them as we implement the forthcoming Corrective Action Plan.

Thank you.

Sincerely,

Neal S. Miller  
Superintendent of Schools

## APPENDIX C

### AUDIT METHODOLOGY AND STANDARDS

To achieve our audit objective and obtain valid evidence, our audit procedures included the following:

- We interviewed District officials to gain an understanding of the District's policies and procedures relating to student transportation.
- We reviewed District contracts awarded to the vendor charged with providing student transportation in compliance with New York State Department of Transportation (DOT), New York State Department of Motor Vehicles (DMV) and New York State Department of Education (SED) regulations.
- We interviewed the District transportation vendor's staff to gain an understanding of their procedures implemented to document compliance with DOT, DMV and SED regulations.
- We reviewed the following District transportation vendor's records to verify compliance with regulations:
  - Article 19-A Bus Driver Application
  - Final Qualification Notice
  - Abstract of Driving Record
  - Carrier's Annual Review of Employee's Driving Record under Article 19-A
  - Report on Annual Defensive Driving Performance under Article 19-A
  - Medical Examination Report Form
  - SED School Bus Driver Physical Performance Test
  - Bus Driver Character Reference
  - Carrier's Driver Refresher Course Training Sign-in Sheets
  - Random Drug Test and results
  - Certificate of School Bus Driver Training
  - Medical Examination Report of Driver under Article 19-A
  - Article 19-A Biennial Behind the Wheel Road Test
  - Article 19-A Oral/Written Examination Results
  - Report of Article 19-A Record Review
  - School Bus Safety Drill Compliance Forms
  - DOT Passenger and Freight Safety Division Bus Safety Inspection Program
  - Article 19-A Motor Carrier Annual Statistical Report
  - Article 19-A Annual Affidavit of Compliance
  - DOT Bus Inspection System Operator Profile.

We conducted this performance audit in accordance with GAGAS. 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.