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August 2018

Dr. Michael Patton, Superintendent of Schools
Members of the Board of Saratoga Springs City School District
Saratoga Springs City School District
3 Blue Streak Boulevard
Saratoga Springs, NY 12866

Report Number: S9-18-4

Dear Superintendent Patton 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 Saratoga Springs City 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, 2017.¹ 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, when preparing this report. Except as specified in Appendix B, District officials generally agreed with our findings and indicated they plan to initiate corrective action. Appendix C includes our comments on the issues raised in the District's response. 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 provides transportation to its students utilizing District employees and its own transportation equipment and contracts with two transportation vendors (Vendor A and Vendor B). For in-house student transportation operations, the District hires and monitors drivers and relies on transportation officials to comply with training, drug testing, safety inspections and safety drill requirements set forth by the various oversight agencies.² For its contracted student transportation operations, District officials do not participate in hiring and monitoring vendor drivers. Rather, they rely on the controls established by the

¹ We observed the driver observations and pre trip inspections on November 10 and December 1, 2017. Additionally, one vendor allows "park outs" whereby the driver takes the vehicle home, so we could not observe pre-trip activities for these.

² 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.

vendors and various State agencies to ensure compliance. The District also does not have a process in place for receiving, documenting or following up on complaints regarding drivers, attendants or buses.

During our testing of records,³ we noted instances that present risks that unqualified drivers transported students. Two District drivers were excluded from the required random drug testing population and Vendor A had not conducted any random drug testing during our audit scope period. Vendor A also allows park outs (drivers take the buses home each night and start their routes from their home). This precludes them from observation by a trained official to ensure that they are not under the influence of drugs or alcohol prior to starting a run. In addition, the District was unaware that the most recent DMV report review for Vendor A noted violations that, if repeated on subsequent reviews, could result in the suspension of their student transportation operations.

Further, the Superintendent is required to annually approve all District bus drivers. He did not approve 15 of the 134 drivers transporting children. Safety drills conducted by District drivers are not always adequately documented. We found that 35 out of 435⁴ drills (8 percent) were not documented. Additionally, there is no evidence to indicate that any of the three annually required safety drills were conducted by the vendors. 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 Saratoga County, covers approximately 100 square miles and serves approximately 6,400 students. The District's 2016-17 budgeted appropriations totaled approximately \$118.4 million. These costs are funded primarily through real property taxes. The District's total transportation budget for 2016-17 was approximately \$5.1 million. The District transports 6,508⁵ students per year, with 100 in-house buses, and 10⁶ total contractual buses, traveling 1,413,675 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 Transportation Director 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, school bus inspections 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 D 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.

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

⁴ The District conducts safety drills on individual bus basis. The District uses 150 buses and conducts three safety drills per bus per school year (150 bus routes X 3 safety drills less the 15 temporary routes= 435 safety drills conducted).

⁵ This number is larger than the number enrolled at the District due to the transportation of students to private and parochial schools.

⁶ Three buses at Vendor A, seven buses at Vendor B.

Audit Results

The District provides transportation to its students utilizing District employees and its own transportation equipment and contracts with two transportation vendors (Vendor A and Vendor B). For its in-house student transportation operations, the District hires and monitors drivers and relies on transportation officials to comply with training, drug testing, safety inspections and safety drill requirements set forth by the various oversight agencies.⁷ For its contracted student transportation operations, drivers are employees of the vendors. District officials do not participate in the hiring and monitoring of vendor drivers. Rather, they rely on the controls established by the vendors and various State agencies to ensure compliance. The District also does not have a process in place for 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 staff and contracted vendors for student transportation to ensure that students are transported to and from school and activities by staff and 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 requirements, these are not all inclusive. The reliance on vendors 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), New York 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.⁸ 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 New York State Vehicle and Traffic Law before they are allowed to drive.⁹ DMV requires that each school bus driver possess a valid commercial driver license¹⁰ 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.¹¹

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

⁷ 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.

⁸ SED Pupil Transportation Safety Guidance Manual. This includes bus drivers hired during the school year.

⁹ Details of requirements for bus drivers are outlined in Appendix A.

¹⁰ This must also include an "S" endorsement to qualify to drive a school bus.

¹¹ The Behind the Wheel road test and written/oral exam must be conducted by an Article 19-A Certified Examiner.

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.

A total of 134¹² drivers (119 District and 15 contracted) transport District students. Although the Superintendent is required to annually approve all bus drivers that transport District students, the Superintendent did not annually approve the District's 15 contracted drivers who transported children to and from school and school activities. The Superintendent's failure to annually approve drivers creates a risk that unqualified drivers could transport children and any known issues regarding a driver may not be considered in evaluating the driver's fitness.

Drug and alcohol testing was conducted for the District and Vendor B, on a random basis, by different third-party entities.¹³ We reviewed lists provided by the drug testing entities to determine whether 117¹⁴ drivers were included in the population for random testing. We found that two District drivers had erroneously been excluded from the testing population. The third-party testing entity acknowledged this oversight was the result of their error in updating the District driver list. Had transportation department officials reconciled their driver list to an updated drug testing entity list prior to its use in selecting random samples, this discrepancy could have been averted. We reviewed the random drug/alcohol testing conducted on 117 District drivers and found negative results for all tests.

Additionally, we found that Vendor A had not subjected any of its four drivers to random drug testing. Vendor A officials stated that they were unaware of the requirement that their drivers be tested. Further, Vendor A allows park outs, where the drivers take the buses home each night and start their routes from their home. This does not subject them to observation by a trained official to ensure that they are not under the influence of drugs or alcohol prior to starting a run. The failure to drug test employees, and observe them prior to their trips, creates a risk that individuals could utilize or be under the influence of substances while transporting students without the vendor's and District's knowledge.

Driver requirements also include training upon hiring and annual refresher training courses, which are typically held at District and bus vendor locations. Of the 119 District drivers, six drivers did not complete all required refresher courses. Of the 15 drivers at the District's two transportation vendors, Vendor B, employing 11 drivers, could not document one driver had completed all the required refresher courses and another driver had completed basic driver training. Vendor A, employing four drivers, could not document basic training certificates for two of its drivers. Any oversight in training could result in drivers being unaware of requirements, safety details and/or best practices.

Driver requirements are also reviewed by the New York State Department of Motor Vehicles (DMV) every three years and a report is issued relative to their findings. The District was unaware that the most recent DMV report review, regarding Vendor A, noted violations that, if repeated on subsequent reviews, might result in a recommendation that the vendor "be scheduled for a hearing before an Administrative Law Judge for any/all violations of Article 19-A of the Vehicle and Traffic Law and Part 6 of the Commissioner's Regulations." Such a hearing could result in the suspension of the vendor's student transportation operations. Had the District been monitoring the activities of its vendor, including the reports of regulatory State agencies, it would have been aware of these issues. The District is responsible for ensuring its vendors comply with its transportation contract and bus safety laws and regulations.

¹² There are 119 District drivers, four drivers for one vendor and 11 drivers for the District's other vendor.

¹³ Federal guidelines establish random sample selection methodology. Independent companies apply these guidelines to generate driver testing selections.

¹⁴ 106 from the District and 11 from Vendor B

Inspections

Buses used to transport District students are subject to New York State Department of Transportation (NYSDOT) inspection and should pass inspection at any time.¹⁵ 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 to ensure that buses used to transport District students are in compliance with safety requirements. Positively, we found that all required inspections had been performed and were appropriately documented.

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 District and its vendors provide manual pre-printed books, containing approximately 30 daily reports, to be used by drivers to document inspection activities. Drivers at the District and Vendor B complied with pre- and post-trip inspection requirements, and defects noted during these inspections were repaired on a timely basis. We were unable to test compliance at Vendor A because their drivers take the buses to their residences and, accordingly, the buses and the related inspection reports were unavailable for our review.

The District and both vendors told us that they and NYSDOT review each vehicle's daily pre-trip inspection reports every six months when NYSDOT conducts vehicle inspections. However, NYSDOT's review of those reports is not documented. Additionally, there is no documentation to indicate the District or its vendors review the daily inspection records. The District relies on the vendors 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.¹⁶ 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 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 schedules bus safety drills and relies on its drivers to complete the required drills, which are conducted at morning drop-offs. District officials told us that they are in the drop-off area while students arrive and have been instructed to observe and participate in the performance of the drills. A District form is used to document the safety instruction given and the driver is to confirm that the drill was conducted

¹⁵ 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.

¹⁶ See Appendix A for details regarding drills.

by signing and dating the form. The form also provides a place for the District school official charged with observing the drill to sign.

Safety drills conducted by District drivers are not always adequately documented. We found that 35 out of 435¹⁷ drills (8 percent) were not documented. Additionally, there is no evidence to indicate that any of the three annually required safety drills were conducted by the vendors.¹⁸ Vendor A told us that they conducted drills but did not document them because the District has not requested they be documented. Vendor B stated they did not conduct drills because the District never requested they be scheduled.

These drills are essential to educate students on the safety aspects of buses and emergency procedures. The District can improve its monitoring and oversight of bus safety drills by ensuring the participation and accountability of District building officials assigned these duties. Further, lack of District monitoring and oversight of bus safety drills, related to transportation vendors, makes it difficult to ensure that they have occurred and met all requirements. In addition, the District's attestation to SED that these drills have occurred represents only a general acknowledgement that transportation vendors conduct drills.

Complaint Logs

SED guidance¹⁹ 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 practices to ensure that complaints received by the District and/or the vendors 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 their own transportation department and contracted vendors' activities and their compliance with requirements. This should include ensuring that:
 - a. All drivers are included on the random drug and alcohol testing list.
 - b. All drivers are subject observation by a trained official to ensure that they are not under the influence of drugs or alcohol prior to starting a run.
 - c. All drivers meet the minimum training requirements to transport District students.
 - d. All buses have been properly inspected by NYSDOT and that pre-trip bus inspections are conducted, reviewed timely and adequately documented.
 - e. All bus safety drills are conducted by actively observing such drills and signing all safety drill forms.
3. District officials and vendors should establish procedures for the intake, documentation and resolution of complaints.

¹⁷ The District conducts safety drills on individual bus basis. The District uses 150 buses and conducts three safety drills per bus per school year (150 buses X 3 safety drills less the 15 temporary routes= 435 safety drills conducted).

¹⁸ They could either be completed by route or the building where students are delivered.

¹⁹ See Appendix A for details on SED guidance regarding complaint logs.

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 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 Saratoga Springs City 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 pages.

SARATOGA SPRINGS CITY SCHOOLS

3 BLUE STREAK BOULEVARD
SARATOGA SPRINGS, NEW YORK 12866-5967

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(518) 583-4703
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July 23, 2018

Office of the State Comptroller
Attn: Ann C. Singer, Chief Examiner
State Office Building, Suite 1702
44 Hawley Street
Binghamton, NY 13901-4417

To Whom It May Concern:

The purpose of this audit is to acknowledge that the Saratoga Springs City School District has received the draft copy of the audit conducted by the New York State Comptroller's Office. Please note this letter will also serve as the District's Corrective Action Plan.

We would like to thank the Comptroller's Office for its guidance and recommendations included in the examination of the District's Transportation Operation in providing adequate oversight to ensure students' safe transportation for the period July 1, 2016 through June 30, 2017.

The District acknowledges the auditor's findings and for each recommendation included in the audit report, the following are the corrective actions taken or proposed.

Audit Recommendation #1.

The Superintendent should annually approve all drivers that transport District students, including contracted transportation vendor drivers.

Implementation Plan of Action

As noted in the report, all of the district's 119 drivers were approved by the district's Superintendent. Upon knowledge that the 15 drivers employed by the contractor who transport district students required the same approval, said approval was completed.

Commencing in the 18-19 school year all drivers that transport district students, including contracted transportation vendor drivers, will receive Superintendent approval annually.

Implementation Date

March 28, 2018

Person responsible for Implementation

The Superintendent in conjunction with the Director of Transportation, appropriate transportation staff, the Assistant Superintendent for Business, and the Board of Education.

Audit Recommendation #2.

District officials should take an active role in overseeing their own transportation department and contracted vendors' activities and their compliance with requirements. This should include ensuring that:

- a. All drivers are included on the random drug and alcohol testing list.
- b. All drivers are subject to observation by a trained official to ensure that they are not under the influence of drugs or alcohol prior to starting a run.
- c. All drivers meet the minimum training requirements to transport District students.
- d. All buses have been properly inspected by NYSDOT and that pre-trip bus inspections are conducted, reviewed timely, and adequately documented.
- e. All bus safety drills are conducted by actively observing such drills and signing all safety drill forms.

Implementation Plan of Action

- a. All active school district bus drivers were regularly updated and, prior to each drug and alcohol testing, designated transportation personnel ensured the drug and alcohol testing provider had the most up to date list. While implementing new software, the drug and alcohol testing provider did not accurately make updates based on the information they received resulting in two drivers not being part of the testing population. Upon district knowledge that this occurred, the district initiated a double check of active employees prior to each testing. This error was corrected immediately.

Vendor A did not realize its four drivers were required to be subjected to random drug and alcohol testing, although they had done the testing in previous years. **49 CFR 382** defines "commercial motor vehicle" for testing purposes as "16 passengers or more." All of the vendor's buses carried less than this. It is agreed their bus drivers are safety sensitive and should be subject to random drug and alcohol testing. Vendor A initiated random drug and alcohol testing procedures.

Commencing in the 18-19 school year, the school district is using a new provider for drug and alcohol testing and have agreed on a mutual checks and balances system to ensure all active drivers are included in the random drug and alcohol testing list. The new provider is also the provider for Vendor A and Vendor B. The provider will submit updated vendor testing reports to the district.

- b. Vendor A allows park outs, where the drivers take the buses home each night and start their routes from their home. The district understands this and is looking at pro-active solutions to ensure drivers are not under the influence of drugs or alcohol prior to starting a run. Vendor A has stated they regularly arrive at schools and talk to drivers for observation purposes. Documentation of these observations will be required commencing in the 18-19 school year.
- c. All drivers meet the minimum training requirements to transport District students. The district is in full agreement with this and understands how vital documentation is as well. Whereas it was noted seven of the district's drivers did not receive one of the two refresher classes, we note two of those drivers did receive classes. The one driver did attend and was signed in as per our documentation. The other driver did attend and unfortunately did not sign next to his name which was an error on our part. The other five drivers of our 119 who did receive all minimum training requirements were not actively working for several months and came back to work later in the school year. In one case, the driver never came back to work for the district and the driver should have

See Note 1 Page 16

been dropped from the active roster. Vendor A, as noted in the audit, received a DMV audit report review noting repeated violations could result in a hearing which could result in the suspension of the vendor's student transportation operations. Vendor B was missing documentation for one of eleven drivers.

Commencing in the 18-19 school year, the school district will begin using a checklist and will conduct audits on each of the vendors annually. The checklist has been created utilizing laws and regulations established by New York State Department of Motor Vehicles, New York State Department of Transportation and New York State Department of Education.

- d. All buses have been properly inspected by NYSDOT and pre-trip bus inspections are conducted, reviewed timely, and adequately documented. Vendor A was the only vendor with a noted discrepancy for pre-trip inspections. The district initiated a new program where Vendor A's DOT vehicle safety inspections are being conducted at the district's maintenance facility. The district is maintaining a copy of all safety inspections and any noted defects which also requires review of all driver vehicle inspection reports (DVIR). The head mechanic will also complete an annual audit of both vendors to review DVIR's.

Whereas the question of NYSDOT's review of DVIR's is not documented on inspection reports, that is an issue that requires the Comptroller's Office or designee to follow up with NYSDOT. It is our understanding that NYSDOT inspectors only mark non-compliance issues on their forms including the review of DVIR's.

See Note 2 Page 16

- e. All bus safety drills are conducted by actively observing such drills and signing all safety drill forms.

Whereas the audit noted the district adequately documented 92 % of the safety drills, the district does conduct safety drills for all students in the district to include students not eligible for transportation. The district dispatches extra buses at each of the schools to accommodate students who may walk or get a ride to school using alternate transportation. The district schedules all safety drills with each of the district's schools and furnishes safety information and sign-off sheets for each driver to document performance of the drill. A supervisor from the district's transportation department observes each drill. The district understands all documentation must be completed and will ensure all sign-off sheets are documented.

In order to be sure bus drills are completed for each vendor, the district has communicated with each vendor stating a copy of each of our drills will be sent to the vendor with a schedule and the vendor is to send the completed documentation to the district. These documents will also be reviewed with annual audits performed by district personnel.

Implementation Date

Corrective action was initiated immediately and appropriate transportation personnel also met with Vendor A to go over the infractions, as well as the district's concerns regarding their performance related to the audit. Vendor A now has one employee certified as a New York State Certified 19-A examiner and another employee is currently in the process of being certified. Both employees are now also New York State School Bus Driver Instructors. Continual monitoring to include an audit of both vendors will commence prior to school starting in September 2018.

Person Responsible for Implementation

The Director of Transportation in conjunction with appropriate transportation staff and the Assistant Superintendent for Business.

Audit Recommendation #3

District officials and vendors should establish procedures for the intake, documentation, and resolution of complaints.

Implementation Plan of Action

A complaint log has been created as a shared document on the computer for each of the contracted vendors and for the transportation department to complete based on recommendations of the New York State Education Department. Each of the vendor's complaint logs will now be shared with the district transportation department. The transportation department's complaint log will be shared amongst appropriate transportation staff. Each complaint will note the date, time, caller name, caller phone number and note student name, student school, student grade, employee name, bus number, bus stop based on applicability, the nature of the complaint to include the resolution, who resolved the complaint and the date of resolution.

Training will be provided prior to implementation. This will be monitored throughout the coming school year and changes will be made to the log if necessary.

Implementation Date

The full use of a complaint log will commence at the start of the 2018-2019 school year.

Person Responsible for Implementation

The Director of Transportation in conjunction with appropriate transportation staff, the Assistant Superintendent for Business, the Superintendent and the Board of Education.

This corrective action plan addresses all of the recommendations included in the Comptroller's report. The district understands its responsibilities to ensure the safe transportation of all students and realizes the need for increased monitoring of contracted transportation providers. We would like to thank the Comptroller's Office for its thorough work and invite the Comptroller's staff to return and examine the improvements that we have and will put in place.

Respectfully submitted,

Timothy Hilker
Assistant Superintendent for Business

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C: Michael Patton
Cheryl Dalton

APPENDIX C

OSC COMMENTS ON THE DISTRICT OFFICIALS' RESPONSE

Note 1

We adjusted the report for one driver who signed in using a nickname; District officials identified the oversight after the completion of audit fieldwork. However, District officials could not provide us with evidence to support that another driver attended the training but did not sign in.

Note 2

The District is responsible for ensuring all vehicle inspection reports are reviewed daily to ensure that buses are in proper working order. However, the District and both vendors told us that they and NYSDOT review each vehicle's daily pre-trip inspection reports every six months when NYSDOT conducts vehicle inspections. While we determined that NYSDOT's review of those reports was not documented, the greater issue was that District officials told us they waited six months to review the reports. Such a delay does not provide assurance that identified safety issues were corrected in a timely manner.

APPENDIX D

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 vendors 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 District transportation vendors' staff to gain an understanding of their procedures implemented to document compliance with DOT, DMV and SED regulations.
- We reviewed the following District transportation vendors' 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.