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STATE OF NEW YORK
OFFICE OF THE STATE COMPTROLLER

June 22, 2022

Betty A. Rosa, Ed.D.
Commissioner
State Education Department
89 Washington Avenue
Albany, NY 12234

Re: Oversight of Pupil Transportation
Services
Report 2022-F-5

Dear Dr. Rosa:

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 have followed up on the actions taken by officials of the State Education Department to implement the recommendations contained in our audit report, *Oversight of Pupil Transportation* (Report [2019-S-49](#)).

Background, Scope, and Objective

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 one third utilizing public transportation. The 2020-21 statewide cost of providing these services was approximately \$3.4 billion, with State aid covering \$2.0 billion. The State Education Department's (Department) Pupil Transportation 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.

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 provide school bus drivers, monitors, and attendants with the required initial and annual refresher trainings.

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).

Our initial audit report, covering the period July 1, 2016 through March 4, 2020, as well as information provided by the Department through May 14, 2020, was issued on October 14, 2020. The audit objectives were to determine whether the Department was 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 was monitoring School Districts' compliance with school bus monitor and attendant qualifications. Overall, the audit found that the Department could further enhance its efforts to monitor School Districts' compliance with its requirements and, consequently, did not have assurance that school bus drivers, monitors, and attendants across the State were qualified and had completed required training. Further, auditor reviews of driver, monitor, and attendant files at School Districts and busing contractors found that a significant amount of required Department safety and discrimination/harassment training documentation was missing. Moreover, during the 3-year period from July 2016 to June 2019, the Department utilized only a small fraction of compliance record reviews that the PTSI contract afforded it. The audit also found that PTSI's school bus accident database was incomplete and did not account for all reportable accidents statewide.

The objective of our follow-up review was to assess the extent of implementation, as of April 2022, of the four recommendations included in our initial audit report.

Summary Conclusions and Status of Audit Recommendations

Department officials made limited progress in addressing the issues we identified in the initial audit report. Of the initial report's four audit recommendations, one was implemented, one was partially implemented, and two were not implemented.

Follow-Up Observations

Recommendation 1

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

Status – Partially Implemented

Agency Action – Department officials have taken steps to ensure School Districts and busing contractors across the State are made aware of Department training record requirements. Department officials stated they continue to give presentations on transportation matters at conferences for various statewide organizations. They also pointed out that the Department’s Pupil Transportation website, which is updated regularly, has news updates that include information about training requirements, virtual training opportunities, reminders to conduct school bus safety drills, and applicable law changes. As discussed in our initial audit, we found School Districts and busing contractors were not aware of training requirements when the Department was utilizing the website to share information. Therefore, School Districts and busing contractors may still not be aware of this resource and the training record requirements since the Department does not distribute notifications of updates to participants.

Department officials also stated they send out emails to School Districts and busing contractors; however, they did not provide them to us as requested. According to officials, since the original audit was issued, the Department has been focused on addressing health and safety concerns that have arisen as a result of the COVID-19 pandemic, and thus have not had the necessary resources to devote to further implementation of this recommendation.

Recommendation 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.

Status – Implemented

Agency Action – The Department has renewed the contract with PTSI and increased the number of possible reviews from six to 25 per year. Department officials reported that PTSI completed 24 reviews during the 2020-21 school year, four of which were selected based on complaints and the remaining 20 selected from a cross-section of operation types and from across the State. Further, for the 2021-22 school year, the Department has selected 25 School Districts and bus contractors for review, two of which were selected based on complaints. As of April 2022, Department officials reported that PTSI has completed 14 reviews and the remaining 11 reviews are scheduled to be completed in May and June 2022.

Recommendation 3

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

Status – Not Implemented

Agency Action – Department officials stated that they have not had the opportunity to implement this recommendation due to understaffing. According to Department officials, the Department continues to receive information about accidents through an informal process, which was in place during the initial audit. Our initial audit found that PTSI's accident database was incomplete and did not account for all reportable accidents across the State. Without assurance that all accidents are reported, the Department and PTSI continue to be limited in their ability to effectively develop future training programs that target issues with bus safety.

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.

Status – Not Implemented

Agency Action – The Department has not taken any steps to implement this recommendation. During this review, Department officials restated their belief that the oversight of drug and alcohol testing falls outside of their responsibilities, adding that they are willing to work with other agencies on standardization initiatives should those opportunities arise.

Major contributors to this report were Marisa Sutliff, Theresa Nellis-Matson, and Erin Maloney.

We would appreciate your response to this report within 30 days, indicating any actions planned to address the unresolved issues discussed in this report. We thank the management and staff of the Department for the courtesies and cooperation extended to our auditors during this review.

Very truly yours,

Theresa Podagrosi
Audit Manager

cc: Jeanne Day, State Education Department