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Mr. Jeffrey B. Crane, Superintendent of Schools
Members of the Board of the West Irondequoit Central School District
West Irondequoit Central School District
321 List Ave.
Rochester, NY 14617

Report Number: S9-18-1

Dear Superintendent Crane 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 West Irondequoit 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. 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 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. District officials generally agreed with our findings and recommendations and indicated they plan 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 three third-party transportation vendors and relies on them to comply with training, drug testing, safety inspections and safety drill requirements set forth by the various oversight agencies.¹ 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.

¹ 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,² we noted discrepancies that present risks that unqualified drivers transported students. The vendors could not support that two of 57 drivers, who began transporting students in 1999 and 2006, completed mandatory drug/alcohol tests or that another two bus drivers met the minimum training requirements. Had District officials implemented monitoring procedures over the District's three transportation vendors, they may have detected these discrepancies. The District also relies on the vendors 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 25 of the 57 drivers transporting children. District officials also should document they observed mandatory bus safety drills being conducted. However, 139 of 144 bus safety drills lacked a certification. 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 Monroe County, covers approximately seven square miles and serves approximately 3,600 students. The District's 2016-17 budgeted appropriations totaled approximately \$71.2 million. These costs are funded primarily through real property taxes. The District's total transportation budget for 2016-17 was approximately \$2.5 million. The District transports 1,569 students per year with 51 contractual buses, traveling approximately 482,900 miles per year.

The District is governed by a seven-member Board of Education (Board). The District's primary function is to provide educational services to its residents. The Assistant Superintendent for Finance 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 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 three vendors to provide transportation to its students. Two of these vendors are private bus companies that contract with various districts for student transportation, while the third vendor is a neighboring school district. The District included in its requests for proposal (RFP) process that vendors 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 vendors and various State agencies to ensure compliance. Further, the District 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 contracts for student transportation to ensure that students are transported to and from school and activities by contracted

² These include driver files (both personal and 19-A files), 19-A rosters and drug testing rosters.

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.³ 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.⁴ DMV requires that each school bus driver possess a valid commercial driver license⁵ 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.⁶

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 57⁷ drivers 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 25⁸ of the drivers who transported children to and from school and school activities. 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 on a random basis by a third-party entity.⁹ We reviewed random drug/alcohol testing conducted on 52 drivers and found negative results for 50 tests. One vendor could not

³ SED Pupil Transportation Safety Guidance Manual. This includes bus drivers hired during the school year.

⁴ Details of requirements for bus drivers are outlined in Appendix A.

⁵ This must also include an "S" endorsement to qualify to drive a school bus.

⁶ The Behind the Wheel road test and written/oral exam must be conducted by an Article 19-A Certified Examiner.

⁷ Neighboring school district provides 15 regular and three substitute drivers. One bus vendor has 32 regular and three substitute drivers, and a second vendor has three drivers and one part time driver.

⁸ These were the result of 18 from the neighboring school district, three from one vendor and four at the second vendor.

⁹ Federal guidelines establish random sample selection methodology. Independent companies apply these guidelines to generate driver testing selections.

provide documentation to support that two of its drivers, who began transporting students in 1999 and 2006, completed mandatory drug/alcohol tests. Their files contained notice that they were selected for random drug testing, but there were no results in their files. This increases the risk that a potentially disqualifying result could be intentionally or accidentally obscured. Further, we reviewed lists provided to drug testing companies to determine whether all 57 drivers were included in the population for random testing. All drivers appeared on these lists.

Driver requirements also include training upon hiring and annual refresher training courses, which are typically held at the bus vendor location. The vendors did not have records to support two of the District's 57 bus drivers met the minimum training requirements needed to transport students. 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 vendors, 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.¹⁰ 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 at the three bus vendors. 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. Of the three vendors, one uses an electronic inspection system, and the remaining two use manual records. For the vendors with manual records, head mechanics told us that they and NYSDOT review each vehicle's daily pre-trip inspection reports every six months when NYSDOT conducts vehicle inspections. However, the NYSDOT review of those reports is not documented. Additionally, there is no documentation to indicate the vendor reviews the daily inspection records. The vendor that used electronic inspection systems told us that the head mechanic reviews the inspections daily. However, there is no documentation to support this.¹¹

The electronic system will notify the mechanics of any defects noted during the daily inspections, while the manual records rely on the drivers notifying the mechanic. 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

¹⁰ 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.

¹¹ We conducted observations of pre-trip inspections at other districts. However, West Irondequoit was not in session during our audit, so we were unable to conduct these observations.

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.¹² 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 relies on the transportation vendors to complete the required drills, which are conducted at morning drop-offs. These drills are not observed by a representative from the transportation vendors other than the drivers conducting them. Further, while District officials are in the drop-off area while students arrive, they are not actively participating or monitoring the drills. We reviewed the three transportation vendors' records and found they contained documentation regarding observing the drills. Of the 144 drills that should have occurred during the school year, the vendor lacked documentation for five to support the drills had been conducted. Only five of the 139 drills that were documented were signed by a District official indicating their observation that the drills occurred. While District officials certify annually to SED that the drills have been conducted, there is no documentation to support that they actively observed 97 percent of the drills. District officials told us that the proper paperwork is not maintained because either the bus driver conducting the drill fails to provide the District with a copy of the safety drill report or District officials do not have time to certify they observed the drills being conducted.

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. Furthermore, the District's attestation to SED that these drills have occurred represents only a general acknowledgement that transportation vendors conduct drills.

Complaint Logs

SED guidance¹³ 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 vendors are consistently 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.

¹² See Appendix A for details regarding drills.

¹³ See Appendix A for details on SED guidance regarding complaint logs.

2. District officials should take an active role in overseeing the contracted vendors' activities and their compliance with requirements. This should include ensuring that:
 - a. All drivers selected for random drug and alcohol testing complete such testing and that the results are maintained in driver files.
 - b. All drivers meet the minimum training requirements to transport District students.
 - c. All buses have been properly inspected by NYSDOT and that pre-trip bus inspections are conducted, reviewed timely and adequately documented.
 - d. 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.

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 West Irondequoit Central School District for the courtesies and cooperation extended to our auditors during this audit.

Sincerely,

A handwritten signature in black ink that reads "Gabriel F. Deyo". The signature is written in a cursive, slightly slanted style.

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:**

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.

APPENDIX C

AUDIT METHODOLOGY AND STANDARDS

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

- 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.