



*The City of New York
Office of the Comptroller
Bureau of Management Audit*

WILLIAM C. THOMPSON, JR.
Comptroller

**Audit of School Bus Drivers Employed by
Private Companies under Contract with the
New York City Board of Education**

MD02-065A

May 20, 2002

The City of New York
Office of the Comptroller
Bureau of Management Audit

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MD02-065A

EXECUTIVE SUMMARY

The New York City Board of Education's (Board) Office of Pupil Transportation (OPT) is responsible for providing transportation services for eligible public school children. School buses provide transportation for eligible general education students in kindergarten through grade six and, as required, special education students. Other eligible students receive MetroCards for use on public transportation.

As of August 2001, OPT had contracts with 27 private school bus companies to provide transportation for approximately 170,000 school children in both general and special education. These companies employed 6,135 bus drivers.

The New York State Department of Motor Vehicles (DMV) qualifies individuals to operate school buses by awarding them "19-A status," as required by the New York State Vehicle and Traffic Law.

OPT's contract with its school bus carriers requires that each school bus driver be 19-A-certified. OPT also requires school bus carriers to ensure that all new drivers have, and that the Board receives, documentation of the following:

- A medical examination.
- Three letters of reference.
- A Commercial Drivers License.
- A completed DMV abstract of the driver's vehicle operating record.
- A pre-employment drug test.

- A completed fingerprinting process referral form from the Board's Office of Personnel Security.
- Specialized school-bus-driver training.
- A Final 19-A qualification letter.

In addition, the Board performs a criminal check in the 13 counties surrounding New York City for all potential school bus drivers before they are allowed to operate school buses.

Our office conducted an earlier audit of the qualifications of school bus drivers, *Audit of Individuals Employed as School Bus Drivers by Private Companies Under Contract with the New York City Board of Education* (#MG94-180A) issued December 28, 1994. That audit found that all the bus drivers in the audit sample were appropriately qualified to drive school buses. It recommended that the Board might wish to investigate whether any drivers operated school buses while their licenses were suspended, although the audit did not find any such instances. The audit also recommended that the Board consider joining Metropolitan Transit Authority in seeking legislation to prohibit judges from reinstating the commercial licenses of bus drivers convicted of serious criminal offenses.

This audit is not a follow-up of the prior report's recommendations. This audit reviewed the Board's current practices to determine whether OPT ensures that school bus drivers meet Board and 19-A driver qualifications.

Objective

The objective of this audit was to evaluate whether OPT ensures that school bus drivers meet Board and Article 19-A driver qualifications.

Scope and Methodology

Our audit scope covered school bus drivers hired during Fiscal Years 2000 and 2001 and still active as of August 29, 2001.

To understand OPT operations, we interviewed its Supervisor and Chief Investigator and reviewed OPT's policies and procedures, and contracts with school bus carriers. In addition, we visited two carriers' offices and interviewed staff members responsible for daily operations.

To determine whether the Board and school bus carriers maintain accurate and up-to-date driver files, we reviewed the files of the two carriers with the

greatest number of drivers hired during Fiscal Years 2000 and 2001 who were still active as of August 29, 2001—Little Richie and Amboy bus companies. We randomly selected a sample of 10 percent of the total number of school bus drivers from these two carriers and reviewed the files maintained at OPT and at the carrier sites. We determined whether the driver files were complete and in accordance with Article 19-A regulations and Board requirements.

To determine whether school bus drivers were in compliance with 19-A regulations regarding the allowable maximum number of points or accidents both before and after they were hired, we expanded our original sample to comprise 10 percent of the total number of drivers from the next three largest carriers. We reviewed the initial DMV driver abstracts for the expanded sample of drivers to ascertain whether any driver had a record that would have disqualified the individual from being hired as a school bus driver. We also reviewed the current DMV driver abstracts for those drivers to determine whether any had exceeded the maximum number of points or accidents allowed by 19-A regulations after they were hired. For any driver who had exceeded 19-A regulations, we determined whether the driver had completed an accident prevention course to reduce the number of points or accidents.

Results in Brief:

The school bus drivers in our sample from the five largest carriers were in compliance with 19-A regulations regarding the allowable maximum number of points or accidents before and after they were hired.

The school bus drivers in our sample from the two largest carriers met most Board and 19-A driver qualifications. In addition, the related records maintained at OPT were well maintained, complete, and up-to-date.

However, some 19-A required Amboy Bus Company pre-employment and post-employment records were missing or not properly dated. In addition, some school bus driver training classes and medical exams were not conducted on a timely basis, as discussed below.

Problems with Pre-Employment and Current Records at Carrier

The driver files for 12 (46%) of the 26 Amboy Bus Company sampled drivers lacked 19-A required pre-employment and post employment records. These documents must be on file at carrier offices for review by DMV officials. Because of the poor documentation at the carrier's office, we were unable to verify that Amboy's drivers were meeting the 19-A pre-employment requirements.

Incomplete Training Records

Files for eight (16%) of the 51 sampled drivers (Little Richie and Amboy Bus Companies) indicated that those drivers had not received the required training in a timely manner.

Late Medical Exam Records

Five (10%) of the sampled 51 drivers (Little Richie and Amboy Bus Companies) either did not take the required medical exam or did not take it on an annual basis, as required by the Board's contract with the school bus carriers.

Recommendations

This audit makes these two recommendations to OPT officials:

- OPT should reinforce its contract provision that requires that school bus drivers meet 19-A requirements.
- OPT should reinforce its contract provision that carriers' drivers receive the required training and medical examinations in a timely manner.

Board Response

The matters covered in this report were discussed with officials from the Board during and at the conclusion of this audit. A preliminary draft report was sent to Board officials and discussed at an exit conference held on April 4, 2002. On April 11, 2002, we submitted a draft report to Board officials with a request for comments. We received a written response from Board officials on April 30, 2002. Board officials agreed with the audit's recommendations, stating that:

“OPT agrees with the two recommendations. OPT will notify all bus companies of the importance of keeping bus drivers' files current and of the importance of documenting that drivers receive the required training and medical examinations.”

The full text of the Board's comments is included as an addendum to this report.

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INTRODUCTION

Background

The New York City Board of Education's (Board) Office of Pupil Transportation (OPT) is responsible for providing transportation services for eligible public school children. General education students must live a minimum distance from their school to receive free transportation to and from school. Special education students receive free transportation consistent with specifications in their Individualized Education Plan. School buses provide transportation for eligible general education students in kindergarten through grade six and, as required, special education students. Other eligible students receive MetroCards for use on public transportation.

As of August 2001, OPT had contracts with 27 private school bus companies to provide transportation for approximately 170,000 school children in both general and special education. These companies employed 6,135 bus drivers.

The New York State Department of Motor Vehicles (DMV) qualifies individuals to operate school buses by awarding them "19-A status," as required by the New York State Vehicle and Traffic Law. Article 19-A of that law requires that school bus drivers be at least 21 years old; have a valid commercial driver's license or permit to operate a school bus; pass a bus driver's medical exam; and have no criminal or other violations on their driving records that would disqualify or prevent them from operating a school bus. The DMV Division of Criminal Justice Services (DCJS) performs a check based on each applicant's fingerprints to disclose any criminal record.

Before an applicant can be hired, the school bus carrier is required to observe the driver's defensive driving performance as well as a behind-the-wheel road test. The applicant must also complete a written or oral examination that test knowledge of applicable rules and regulations for driving a school bus in New York State. After the driver is hired, these tests are repeated biennially.

Until a school bus carrier receives information of the applicant's 19-A qualifications and driving record, the applicant is considered a "conditional driver." This "conditional" status can be in effect for no more than 90 days, unless DMV grants an extension in writing.

The DMV can revoke a driver's 19-A status for failing to meet certain 19-A requirements after being employed. A driver can be disqualified for failing to pass a road test, medical exam, biennial behind-the-wheel driving test, or the biennial oral or written test. In addition, a driver can be disqualified for accumulating nine or more driving penalty points, involvement in two or more accidents while operating a motor vehicle, or for other disqualifying factors on the driver's DMV abstract, such as driving while intoxicated or leaving the scene of an accident.

OPT's contract with its school bus carriers requires that each school bus driver be 19-A certified. OPT also requires school bus carriers to ensure that all new drivers have, and that the Board receives documentation of the following:

- A medical examination.
- Three letters of reference.
- A Commercial Drivers License.
- A completed DMV abstract of the driver's vehicle operating record.
- A pre-employment drug test.
- A completed fingerprinting process referral form from the Board's Office of Personnel Security.
- Specialized school-bus-driver training.
- A Final 19-A qualification letter.

In addition, the Board performs a criminal check in the 13 counties surrounding New York City for all potential school bus drivers, before they are allowed to operate school buses. OPT performs this check because results of the Article 19-A background check do not provide detailed descriptions of the types of crime committed; it states only whether an applicant has a criminal record that may prevent that individual from being qualified to drive a school bus. Furthermore, under Article 19-A it is possible for an applicant discharged a number of years earlier because of an offense nonetheless to be qualified to transport school children, regardless of the nature of the offense. In deciding whether or not to qualify a driver, OPT officials base their decision on the more detailed results of the 13-county check.

The Board must certify an applicant before that person is allowed to drive a school bus. Once the driver is certified, OPT monitors the carriers' driver files to ensure that there is current documentation of a license, abstracts, medical exams, driver performance tests, refresher courses,

and other required information. In addition, OPT conducts monthly random drug tests of school bus drivers to ensure that they maintain their 19-A status. OPT also maintains a database of accidents involving drivers who were operating school buses and a database of school-bus-driver-related complaints.

Our office conducted an earlier audit of the qualifications of school bus drivers, *Audit of Individuals Employed as School Bus Drivers by Private Companies Under Contract with the New York City Board of Education* (#MG94-180A) issued December 28, 1994. The audit found that all the bus drivers in the audit sample were appropriately qualified to drive school buses. The audit recommended that the Board might wish to investigate whether any drivers operated school buses while their licenses were suspended, although the audit did not find any such instances. The audit also recommended that the Board consider joining Metropolitan Transit Authority in seeking legislation to prohibit judges from reinstating the commercial licenses of bus drivers convicted of serious criminal offenses.

This audit is not a follow-up of the prior report's recommendations. This audit reviewed the Board's current practices to determine whether OPT ensures that school bus drivers meet Board and 19-A driver qualifications.

Objective

The objective of this audit was to evaluate whether OPT ensures that school bus drivers meet Board and Article 19-A driver qualifications.

Scope and Methodology

Our audit scope covered school bus drivers hired during Fiscal Years 2000 and 2001 and still active as of August 29, 2001.

To understand OPT operations, we interviewed its Supervisor and Chief Investigator and reviewed OPT's policies and procedures, and contracts with school bus carriers. In addition, we visited two carriers' offices and interviewed staff members responsible for daily operations.

To determine whether the Board and school bus carriers maintain accurate and up-to-date driver files, we reviewed the files of the two carriers with the greatest number of drivers hired during Fiscal Years 2000 and 2001 and who were still active as of August 29, 2001—Little Richie and Amboy bus companies. We randomly selected a sample of 10 percent of the total number of school bus drivers from the two largest carriers: 26 drivers from the Amboy Bus Company and 25 from the Little Richie Bus Company.

For our sample of 51 drivers, we reviewed the files maintained at OPT and at the carrier sites. We determined whether the driver files were complete and in accordance with Article 19-A regulations and Board requirements.

To determine whether school bus drivers were in compliance with 19-A regulations regarding the allowable maximum number of points or accidents both before and after they were hired, we expanded our original sample to comprise 10 percent of the total number of drivers—an additional 79 randomly selected drivers—from the next three largest carriers. The two samples combined totaled 130 drivers. We reviewed the initial DMV driver abstracts for the sample of 130 drivers to ascertain whether any driver had a record that would have disqualified the individual from being hired as a school bus driver. We also reviewed the current DMV driver abstracts for those drivers, to determine whether any had exceeded the maximum number of points or accidents allowed by 19-A regulations after they were hired. For any driver who had exceeded 19-A regulations, we determined whether the driver had completed an accident prevention course to reduce the number of points or accidents.

During our audit we met with Board officials to discuss their procedures for handling school-bus-driver-related complaints. Board officials explained how those complaints were received, recorded in a database, and followed up. However, Board officials informed us that the complaint database system had crashed. Although the problem has since been corrected, they were unable to retrieve the information we requested. Therefore, we were unable to review data regarding school-bus-driver-related complaints.

This audit was conducted in accordance with Generally Accepted Government Auditing Standards (GAGAS), and included tests of the records and other auditing procedures we considered necessary. This audit was performed in accordance with the City Comptroller's audit responsibilities as set forth in Chapter 5, § 93, of the New York City Charter.

Board Response

The matters covered in this report were discussed with officials from the Board during and at the conclusion of this audit. A preliminary draft report was sent to Board officials and discussed at an exit conference held on April 4, 2002. On April 11, 2002, we submitted a draft report to Board officials with a request for comments. We received a written response from Board officials on April 30, 2002. Board officials agreed with the audit's recommendations, stating that:

“OPT agrees with the two recommendations. OPT will notify all bus companies of the importance of keeping bus drivers' files current and of the importance of documenting that drivers receive the required training and medical examinations.”

The full text of the Board's comments is included as an addendum to this report.

**OFFICE OF THE COMPTROLLER
NEW YORK CITY**

DATE FILED: May 20, 2002

FINDINGS AND RECOMMENDATIONS

The 130 school bus drivers in our sample from the five largest carriers were in compliance with 19-A regulations regarding the allowable maximum number of points or accidents before and after they were hired. Drivers in the sample who had, at any time during their employment, exceeded the maximum number of points or accidents under 19-A, completed accident-prevention courses to reduce the number of points or accidents, as shown below:

- Three drivers had been involved in two or more faulted accidents within an 18-month period. However, these drivers completed a motor vehicle accident prevention course. This allowed them to keep their 19-A qualified status.
- Two drivers had accumulated more than nine points on their driving records within an 18-month period. However, those drivers completed a motor vehicle accident prevention course. This allowed them to keep their 19-A qualified status.

The school bus drivers in our sample from the two largest carriers—Little Richie and Amboy Bus Company—met most Board and 19-A driver qualifications. In addition, the related records maintained at OPT were well maintained, complete, and up-to-date. They contained the following required documentation.

- Board-approved Employment Application.
- Driver Approval Form.
- Evidence of applicant's fingerprints, taken by Board.
- Initial and annual DMV abstracts.
- Final Article 19-A Qualification Letter from DMV.
- 13 county check qualification letter.
- Letter from carrier attesting review of driver's file.
- Copy of driver's ID picture.
- Letter certifying driver passed pre-employment and random drug tests.
- Three reference letters.
- Pre-employment and annual medical exams.
- School Bus Driver Physical Performance Test.
- Certificate for Pre-Employment School Bus Safety Training.
- Certificate for Fall and Spring Refresher Courses.
- Certificate of completion for 20/30 hour Training Course.

The records of school bus drivers maintained by Little Richie and Amboy bus companies were also generally complete and up-to-date. The two carriers maintained the following documents, as required by Article 19-A:

- Initial and annual DMV abstracts,
- Final Article 19-A Qualification Letter from DMV,
- Carrier's initial and annual review of driving record,
- Initial and annual reports on Defensive Driving Performance,
- Pre-employment and annual medical exams,
- Initial and biennial Behind-the-Wheel Road Tests, and
- Initial and biennial Oral or Written Exams and Results.

However, some 19-A required Amboy Bus Company pre-employment and post-employment records were missing or not properly dated. In addition, some school bus driver training classes and medical exams were not conducted on a timely basis, as discussed below.

Problems with Pre-Employment and Current Records at Carrier

The driver files for 12 (46%) of the 26 Amboy Bus Company sampled drivers lacked 19-A required pre-employment and current employment records, and documentation of the carrier's review of driving records.

Table I, below, indicates the breakdown of missing documents for each of the drivers.

TABLE I

Missing Pre-Employment and Current Records
Amboy Bus Company

Drivers	Pre-Employment Carrier Review of Driving Records	Pre-Employment Behind the Wheel Road Test and Oral/Written Exam	Pre-Employment Defensive Driving Performance	Current Carrier Review of Driving Records	Current Biennial Behind the Wheel Road Test and Oral/Written Exam	Current Defensive Driving Performance
1				X	X	X
2	X	X	X		X	X
3	X	X	X		X	X
4	X	X	X		X	X
5	X	X	X		X	X
6					X	
7				X		
8				X	X	X
9	X	X	X		X	X
10	X	X	X		X	X
11	X					
12			X			
Totals	7	6	7	3	9	8

Representatives of Amboy Bus Company told us that six of the above drivers were considered applicants (i.e., not yet hired) at the time of our review, therefore they did not need to have taken all their tests. However, OPT records show those drivers as hired by the bus company. Before a bus company submits a driver’s name to OPT, the driver is supposed to have fulfilled all the bus carriers’ contract requirements.

The driver files for 18 of the sampled 26 drivers had records of pre-employment tests and pre-employment carrier’s review of driving record. However, the driver files for 15 of those individuals had at least one pre-employment record that was either not dated or dated six days to 14 months after the driver was hired.

These documents must be on file at carrier offices for review by DMV officials. Because of the poor documentation at the carrier’s office, we were unable to verify that Amboy drivers were meeting the 19-A pre-employment requirements.

Recommendation

1. OPT should reinforce its contract provision that requires that school bus drivers meet Article 19-A requirements.

Board Response: “OPT will notify all private bus companies reminding them the importance of keeping school bus drivers files complete and up-to-date.”

Incomplete Training Records

Files for eight (16%) of the 51 sampled drivers (Little Richie and Amboy Bus Companies) indicated that those drivers had not received the required training in a timely manner.

Driver training consists of three components: pre-employment training, 20 hours of training (30 hours beginning in 2001) in the first year, and refresher training. According to OPT’s School Bus Contractor’s Manual of Procedures and Requirements:

“Each school bus driver initially employed . . . shall have received at least two hours of instruction in school bus safety practices before beginning work.

“During the first year of employment, each driver shall complete a twenty hour course of instruction approved by the Director and the Commissioner of Education.

“All drivers must receive a minimum of two hours of refresher instruction in school bus safety at sessions conducted prior to the first day of school and prior to February first of each year.”

OPT’s contract with its school bus carriers also states:

“Within two (2) weeks of each driver’s completion of each training and/or instruction requirement, the Contractor must arrange for delivery to the Office of Pupil Transportation of a written certification signed and dated by a New York State Education Department approved school bus driver instructor to state that the particular requirement has been completed successfully.”

Files showed that the eight drivers cited had not received their required training in a timely manner, as follows:

- One driver’s Pre-Employment School Bus Safety Training Certificate was dated 6 weeks after he was hired.
- Two drivers’ 20/30 hours Training Class Certificates were dated one year after the drivers’ anniversary dates of employment. Although the training class is required before the drivers reach their one-year anniversary date, one driver received the certificate four months after his anniversary date, and the second driver received it five months after his anniversary date.
- Three drivers lacked the required annual two-hour Fall Refresher Course in school bus safety. One of the drivers is no longer employed with the company.

- Two drivers received their Fall Refresher instruction after, not before, school started.

Late Medical Exam Records

Five (10%) of the sampled 51 drivers (Little Richie and Amboy Bus Companies) either did not take the required medical exam or did not take it on an annual basis, as required by the Board's contract with the school bus carriers.

Three of the five drivers did not receive their 2001 medical exam. Although the carriers stated that these drivers were no longer employed, a period of three weeks to two months elapsed from the time their exams were due until they left employment. The remaining two drivers received their medical exams a period of five weeks to more than two months after they were due.

According to OPT's contract with its school bus carriers,

“Each vehicle operator must submit to an annual examination by a New York State licensed physician who is not the operator's personal physician.

“In no case will the interval between annual physical examinations exceed a twelve (12) month period.”

OPT requires that carriers furnish it with annual medical certificates immediately after drivers complete their medical exams. There were no medical exam records in the files of the three terminated employees. The medical exam records for the remaining two employees, were dated five weeks, and two months respectively, after the exams were due.

Recommendation

2. OPT should reinforce its contract provision that carriers' drivers receive the required training and medical examinations in a timely manner.

Board Response: “OPT will remind all private bus companies of their contractual obligation to document in a timely fashion that 1) each driver has received the required training and 2) each driver has completed the requisite medical examinations.”



BOARD OF EDUCATION OF THE CITY OF NEW YORK

HAROLD O. LEVY, Chancellor

JESS FARDELLA, Auditor General

ADDENDUM
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April 30, 2002

Roger Liwer
Assistant Comptroller for Audits
The City of New York
Office of the Comptroller
1 Centre Street, Room 1100 North
New York, NY 10007

Re: BOE's Response to the Audit of
School Bus Drivers Employed by Private
Companies under Contract with
NYCBOE (MD02-065A)

Dear Mr. Liwer:

Enclosed is the Board of Education's response to the above draft audit report.

The Office of Pupil Transportation (OPT) agrees with the two recommendations. OPT will notify all bus companies of the importance of keeping bus drivers' files current and of the importance of documenting that drivers receive the required training and medical examinations.

The Board of Education is pleased to learn that school bus companies are generally in compliance with the Board and 19-A drivers' qualifications.

Sincerely,

David Klasfeld
Deputy Chancellor for Operations

DK:mk
Enclosure

C: Harold O. Levy
Chad Vignola
Kevin Gill
Jess Fardella
Andrew Levine
Lorraine Burke

BOARD OF EDUCATION OF THE CITY OF NEW YORK
OFFICE OF AUDITOR GENERAL
External Audit Services

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RESPONSE DATE: April 22, 2002

AUDIT TITLE: School Bus Drivers Employed by Private Companies

AUDITING AGENCY: New York City Comptroller's Office

DIVISION: Office of Pupil Transportation

DRAFT REPORT DATE: April 11, 2002

AUDIT NUMBER: MD02-065A

**A. RECOMMENDATION WHICH THE AGENCY
HAS IMPLEMENTED**

"OPT should reinforce its contract provision that requires that school bus drivers meet 19-A requirements"

RESPONSE TO RECOMMENDATION - IMPLEMENTATION PLAN

OPT will notify all private bus companies reminding them the importance of keeping school bus drivers files complete and up-to-date.

IMPLEMENTATION DATE

IMMEDIATELY

RESPONSIBILITY CENTER

Office of Pupil Transportation – Contract Unit

Signature:  _____

KEVIN F. GILL
Print Name:

April 22, 2002
Date

Print Title: Chief Executive of Operational Support Services

BOARD OF EDUCATION OF THE CITY OF NEW YORK
OFFICE OF AUDITOR GENERAL
External Audit Services

PAGE 2 OF 2

RESPONSE DATE: April 22, 2002

AUDIT TITLE: School Bus Drivers Employed by Private Companies

AUDITING AGENCY: New York City Comptroller's Office

DIVISION: Office of Pupil Transportation

DRAFT REPORT DATE: April 11, 2002

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**A. RECOMMENDATION WHICH THE AGENCY
HAS IMPLEMENTED**

"OPT should reinforce its contract provision that carriers' drivers receive the required training and medical examinations in a timely manner"

RESPONSE TO RECOMMENDATION - IMPLEMENTATION PLAN

OPT will remind all private bus companies of their contractual obligation to document in a timely fashion that

- 1) each driver has received the required training and
- 2) each driver has completed the requisite medical examinations

IMPLEMENTATION DATE

IMMEDIATELY

RESPONSIBILITY CENTER

Office of Pupil Transportation – Contract Unit

Signature: _____



Kevin F. Gill
Print Name:

April 22, 2002
Date

Print Title: Chief Executive of Operational Support Services