



# NYAPT

NEW YORK ASSOCIATION FOR PUPIL TRANSPORTATION

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## STATEMENT OF THE NEW YORK ASSOCIATION FOR PUPIL TRANSPORTATION 2015 JOINT LEGISLATIVE HEARINGS OF THE NEW YORK STATE SENATE AND ASSEMBLY 2015-2016 EXECUTIVE BUDGET PROPOSAL

February 3, 2015

The New York Association for Pupil Transportation (NYAPT) is a professional membership organization representing the interests of the women and men in our State who are responsible for the safe and efficient transportation of more than 2.3 million children to and from school each day.

We are pleased to have this opportunity to share with you our comments and recommendations regarding the elements of the 2015-2016 Executive Budget Proposal as set forth by Governor Andrew Cuomo on January 20, 2015. Our focus in this statement will be on those aspects of the budget proposal that have an impact on school transportation and school bus safety for our children.

### Highlights of Our Comments and Recommendations

School transportation in New York State has achieved a strong record of safety and efficiency that ensures the safe transportation of more than 2.3 million children to and from school each day. It is vital that our state continue its investment in school transportation to continue that record of safety for our children.

Accordingly, NYAPT offers the following comments and recommendations regarding the contents of the Executive Budget Proposal for 2015-2016 and we further discuss these recommendations in the full text of our statement:

- **Support the appropriation of sufficient funding for transportation aid to reimburse school districts for the costs of transportation in the previous school year and urge the Governor to release the aid runs;**
- **Support the continuation of authority for school districts to lease school buses and recommendation that such authority be made permanent law;**
- **Support the appropriation of \$400,000 for the School Bus Driver Training Program;**
- **Recommend an increase of \$100,000 to the School Bus Driver Training Program for the development and design of specific and strategically significant training programs;**
- **Recommend and urge funding for Pre-Kindergarten transportation services;**
- **Recommend and urge short-term funding for security fencing, lighting and surveillance equipment to protect and secure school buses stored in outdoor facilities;**
- **Recommend amending Education Law and regulations to allow for the purchase, installation and operation of "GPS" systems for school bus monitoring, security and operations management as is currently done in private sector and commercial vehicles;**
- **Recommend appropriating funding specifically to support a position of Director of Pupil Transportation Services within the State Education Department;**
- **Support the adoption of specific mandate relief measures to assist in cost control and efficiencies.**

## Gap Elimination Adjustment Appeal

Before we offer our comments and recommendations about the specifics of the Proposed Executive Budget, we want to join the voices of so many others in the Education community in calling for full restoration of the funding that was taken away from school districts under the Gap Elimination Adjustment. School districts absorbed the decrease in funding that resulted from the GEA at a time when the State was trying to balance its budget. It's time for those funds to be restored.

The impact of the GEA is felt as well in school transportation in ways that often compromise safety. Many districts have made students walk longer distances to get to school or walk longer distances to their bus stops to save money. Some districts have eliminated transportation for educational field trips or for extracurricular activities. Many districts have reduced training and maintenance staff who are part of ensuring safety for our children. Some districts have extended the operating life of school buses rather than purchase newer buses with increased fuel efficiency, safety features and other benefits. A restoration of the funds lost under the GEA might free up some local funds to allow for restoring many of the safety measures and efforts that were reduced or eliminated in response to the GEA. We implore the Legislature to act to restore those funds for our children.

## A Record of Safety

School transportation in New York State has achieved a record of excellence and safety that results from a consistent and continuing dedication to school bus driver preparation and training as well as school bus equipment standards and safety inspections. All New Yorkers should be proud of that safety record and should be satisfied that their children are safer in a yellow school bus than in any other form of transportation to and from their schools.

As we review this proposed budget or any other proposed law or regulation in New York State, our measure of its effectiveness and acceptability lies in the degree to which it supports and enhances safety as well as the degree to which it affects efficiency adversely or positively. Our comments on this Executive Budget Proposal focus on the same two crucial measures.

## Emerging Safety Concerns

The school transportation community has been deeply affected by and concerned over recent trends that indicate a need for increased investment in safety training and related steps. They weigh heavily on our minds and have influenced our testimony and recommendations for action by this Legislature and the Governor.

These trends include (1) the arrest of several school bus drivers on charges of driving under the influence, (2) incidents of drivers leaving students on their school buses at the end of their routes, (3) incidents of students being dragged or carried outside their school buses suspended in the doors by their book bags and (4) incidents of parents boarding or otherwise impeding the safe passage of the school bus. Any one of these occurrences happening just one time causes deep consternation in this safety-centric industry. The fact that each has happened several times is a matter of urgent concern for us.

## Our Specific Comments and Recommendations

Our statement is divided into two sections: (1) reviewing and making observations and recommendations relating to the elements of the Executive Budget Proposal and (2) offering recommendations relating to concerns and needs not contained in the Executive Budget Proposal.

## **OBSERVATIONS AND RECOMMENDATIONS: EXECUTIVE BUDGET PROPOSAL**

NYAPT is pleased that the Executive Budget Proposal includes funds to reimburse school districts for transportation costs incurred in the previous school year – as transportation aid is an expense-based aid. It is important to note that school districts have worked diligently to control the costs of transportation which provides access to education for some 2.3 million children in New York. This includes very specialized transportation for thousands of students with disabilities as well as transportation for non-public students, students who are homeless and other students with special needs and requirements. A key part of the cost of transportation lies in mandated safety equipment, driver preparation, customized student transportation, and numerous other service mandates that affect the overall cost of delivery. **NYAPT supports this appropriation and urges the Legislature to approve it in the adopted state budget.**

- Section 22 of the Article VII legislation for ELFA authorizes the expenditure of \$400,000 for **SCHOOL BUS DRIVER TRAINING** programs pursuant to Section 3650 of the Education Law. This investment represents an expenditure of 17 cents per student rider in New York State. The return on investment is significant in terms of our overall safety record. **NYAPT strongly supports approval of this appropriation.**

**...ADDITIONAL NYAPT RECOMMENDATION FOR SECTION 22:** NYAPT respectfully recommends that the Legislature **increase the appropriation for the School Bus Driver Training program by \$100,000.** We further recommend that these funds be used by SED specifically and solely **to develop timely training** for school bus drivers and attendants in the following areas:

- ✓ Safe transportation of Pre-Kindergarten students
  - ✓ Bullying-related and student behavior management training consistent with the Dignity Act
  - ✓ Security measures to protect their bus, riders and themselves from intruders and violent incidents
  - ✓ Awareness of and sensitivity to special education categories enumerated under IDEA, as required under “PJ’s Law”
- Section 18 of the Article VII legislation for ELFA provides for the continuation through September 1, 2017, of school district authority for **LEASING SCHOOL BUSES** to meet local needs. **NYAPT endorses and supports this provision and would further support making this provision a permanent part of the State Education Law.**

## **RECOMMENDATIONS: CRUCIAL SCHOOL BUS SAFETY NEEDS IN THE BUDGET**

### **Funding for Pre-Kindergarten Transportation Services**

The lack of consistent and quality transportation services has often been cited as a barrier to full implementation of Universal Pre-Kindergarten and to ensuring access for all children to this important educational program. As this important program expands to include all four-year old children in the state, it is vital to its success that the issue of transportation be addressed clearly and that funding be available to support local efforts to achieve full enrollment for Pre-Kindergarten programs.

**Accordingly, NYAPT strongly recommends the inclusion of funds in the State budget to support the delivery of transportation services for students enrolled in Universal Pre-Kindergarten programs.** Several years ago, the State enacted a law (Chapter 242 of the Laws of 2012) that allows school districts to provide such transportation, but places the entire burden for paying for that transportation on the school districts. This needs to be corrected.

This can be accomplished by including transportation of Pre-Kindergarten students in the calculation of transportation aid under Section 3635 of the Education Law.

Moreover, we recommend that the State recognize and resolve numerous operational and policy issues related to safely and efficiently transporting children to the Pre-K programs. Beyond obvious questions of funding, it is important that guidelines be formulated to ensure the safety of these younger students and to ensure the capacity of our school districts and transportation providers to transport them safely and within budget realities. This includes issues such as statutorily required safety drills, deployment of safety belts and child safety seats, school bus driver and attendant training needs, and related matters.

### **School Bus Security Measures**

NYAPT recommends and urges the State to appropriate funds in the State budget to ensure the security of school buses and transportation facilities in our school communities. Our most recent survey information shows that some 40% of the operators who responded are parking their school buses in exterior lots with little or no protection from intrusions or vandalism.

We would recommend that aid be made available for school districts and school bus operators specifically to invest in secure perimeter fencing, security lighting and security/surveillance camera systems to enhance security for their school bus fleets and infrastructure.

Recent violations of the integrity of the school bus (including damage to tires, theft of batteries and copper wiring) raise concerns about security and the potential for similar acts of violence or vandalism against those vehicles. To underscore the gravity of these incidents, NYAPT has communicated specifics of several such instances to the State Police and to the federal Transportation Security Administration.

It is important to the safety and security of our yellow school buses that these issues be addressed constructively and expeditiously.

### **State Director of Pupil Transportation**

New York State expends over \$3.0 billion in support of school transportation services for the 2.3 million children we transport every day to and from school. This is a significant enterprise that has accomplished a commendable record of safety for our children and for the peace of mind of their parents and families.

But that record of safety did not happen without a lot of hard work and dedication by many in the industry. Over the years, the overall direction of school transportation policy and practice in New York has been led by the State Education Department through the capacity of a Director of Pupil Transportation Services. Not so long ago there was an office with a small core staff that developed training materials and guidelines and conducted field audits to ensure compliance with safety requirements and performed many other functions one would expect to oversee a more than \$3.5 billion operation.

Today, there is no office conducting such services and, most critically, there is currently *NO full time professional* fulfilling the duties that a state director might fulfill. While we understand the intentions of the Department to manage those responsibilities internally and we know directly of the commitment of SED to school bus safety, we are deeply concerned that there is no one person managing such a vital school operation. While transportation is not often recognized for our contribution to education, it is clear to us that we are the only school function in which the lives of our children is at stake every day.

For that reason and with the high-risk trends that we outlined earlier as background, we are calling on the Legislature and the Governor in this budget to appropriate sufficient funding to SED to restore this crucial and safety-sensitive position within the Education Department and to restore a strong and practical oversight role for school transportation and school bus safety.

We have worked closely with the Education Department and recognize their efforts in this area. However we believe strongly that more must be done and that the Legislature and the Governor can help achieve what needs to be done.

### **Mandate Relief Recommendations**

NYAPT has long advocated for mandate relief measures in school transportation that will help to alleviate administrative and program burdens and allow for overall operating cost reduction in school transportation without unduly affecting school bus safety. Our additional mandate relief recommendations are summarized on our website.

This year, we will focus with the Legislature and the Governor to **advance and advocate for the following mandate relief measures:**

- ❖ Eliminating the requirement for school bus operators to take duplicate sets of fingerprints for school bus drivers who will perform secondary functions as school bus monitors/attendants (a bill on this subject was vetoed by the Governor in 2014);
- ❖ Repealing the requirement for fire suppression devices to be installed on certain school buses;
- ❖ Repealing the requirement that school buses be equipped with 'backlit' **SCHOOL BUS** signage and allow for the use of reflective materials such as are used in the remaining 49 states in the country;
- ❖ Requiring BOCES involvement in coordinating regional efforts to ensure that schools in their BOCES region adopt common annual calendars and adjust bell times to allow for increased efficiency in school transportation;
- ❖ Reverting to federal McKinney-Vento requirements for transportation of homeless students, which would include a reduction from 50-miles to 25-miles the distance school districts are mandated to transport homeless students and to consider establishing limits on the periods of time that such transportation is required, within the limits of federal law;
- ❖ Reducing the requirement that districts provide transportation to non-public schools from the current 15 miles to a new radius of 10 miles or identify other means to mitigate the significant costs of such services;
- ❖ Requiring school transportation department involvement in CSE deliberations that will have implications for school transportation services and budgets.

### **GPS: Allowable and Aidable Expense**

NYAPT recommends that the Legislature amend the Education Law specifically to allow transportation aid to support the purchase, installation and operation of telematics and similar GPS-supported technology on school buses as a means for improved management and attainment of cost savings and efficiencies.

Currently, school districts in New York State cannot claim the costs of installing telematics and GPS-based management systems on their school buses. Several districts have installed such systems on their school buses at their own expense and are finding that there are cost savings and efficiencies that result immediately and over the long run.

The technology is available to enable school districts to manage their fleets more effectively, more efficiently and more productively. Current Education Department law and regulations do not allow districts to obtain aid reimbursement for the installation and use of such systems.

We urge the Legislature to include provisions in the budget that amend the Education Law to allow school districts to be reimbursed for the installation of such technology via Transportation Aid for such costs as are incurred. This can be accomplished by amending paragraph c of subsection one of Section 3623-a of the Education Law to read as follows:

*"c. The purchase of equipment deemed a proper school district expense, including: (i) the purchase of two-way radios to be used on old and new school buses, (ii) the purchase of stop-arms, to be used on old and new school buses, ..., (ix) the purchase and installation of devices and equipment to be used for tracking and monitoring school buses and school bus performance that are based in Global Positioning System or similar technology and ~~(ix)~~ (x) the purchase of other equipment as prescribed in the regulations of the commissioner; and"*

## In Closing

School transportation services are a vital part of the education enterprise. School buses ensure that students of all needs and in all parts of the state can access their constitutionally protected right to a sound basic education.

The yellow school bus and the school bus driver are the first contact that our students make with their school each and every day – and they are the last contact they make as well. It is in all of our interests to do all we can to ensure the safety of that school bus, the skills and integrity of the school bus driver and the quality and safety of their entire ride and experience.

On behalf of the members of the New York Association for Pupil Transportation, we applaud the Legislature and the Governor for their support of school transportation over the years and we look forward hopefully to resolution of the issues addressed in this statement and in this State Budget.

Thank you.



*Peter F. Mannella*  
*Executive Director*