



NYAPT

NEW YORK ASSOCIATION FOR PUPIL TRANSPORTATION

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Our future is riding with us!



School Starts Here: 75 Years of the Yellow School Bus!!

A Statement of the New York Association for Pupil Transportation

January 28, 2014

Subject: 2014-2015 Executive Budget Proposal

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STATEMENT OF THE NEW YORK ASSOCIATION FOR PUPIL TRANSPORTATION

JOINT LEGISLATIVE HEARING: 2014-2015 EXECUTIVE BUDGET PROPOSAL JANUARY 28, 2014

The **NEW YORK ASSOCIATION FOR PUPIL TRANSPORTATION** is pleased to present this statement in relation to the Executive Budget Proposal offered by Governor Cuomo for the State Fiscal Year 2014-2015.

In recent years, there has been significant focus on the need to bring down the cost of school transportation services which are reimbursed to school districts as an “expense-based” aid category. School districts across the state have taken significant steps to make their transportation operations even more efficient than they had been before.

We became concerned that some of the changes and service decisions that were being made would contribute to the evolution of transportation safety insolvency. Our concerns continue as more students are walking to school or walking further distances and bus service is being curtailed to one degree or another in all school districts. We are eager to ensure that all children who need a safe ride to school on a school bus have a safe ride to school on a school bus.

School districts and private operators under contract with school districts to provide transportation have engaged in frequent assessment of bus routes, examined their per-unit cost for school buses, found ways to be more efficient in terms of fuel consumption (including reduced idling), found creative ways to share services among and between districts, changed school policies on school bus stop frequency and distances, increased student loading levels, and related choices.

At the end of each day, we know that New York has a record of safety that is second to none and that we can all be proud of. That record of safety is the result of the hard work of the more than 75,000 men and women who manage bus operations, dispatch our buses, maintain our buses, train our bus drivers, serve as attendants on school buses and actually drive our school buses. These also include the people and organizations that sell and maintain our school buses, provide routing services and technologies, sell and provide parts and equipment and offer high quality school bus driver training. It is the sum of all these parts that creates a record of success and safety that we seek never to compromise.

We are hopeful that this year’s budget will support sound and safe school transportation services and are eager to share our observations with the Legislature and the public.

75 YEARS OF SAFETY... AND IT ALL STARTED IN NEW YORK!

Before we begin our formal statement, we pause to share a moment of history:

In April 1939, Dr. Frank W. Cyr, a Columbia Teachers College professor and later a Stamford, NY, resident, convened a group of educators and safety professionals to discuss the safe transport of children to and from school. Cyr had a career focus on rural education and was concerned over the lack of standards to ensure that students in rural areas could arrive at school safely.

That group of dedicated Americans, including several from New York, met in New York City with support of the Rockefeller Foundation to devise safety standards for the school bus — one of the most important and visible of which was adoption of *National School Bus Chrome* as the official color of the school bus. This great New Yorker is now known to all in the industry as “The Father of the Yellow School Bus”!

The rest, it is said, is history. It is now 75 years since that convening and 75 years that the bright yellow school bus has been traveling down our neighborhoods and highways. We will be commemorating that diamond anniversary of this amazing American icon and will ask the Legislature to adopt a resolution calling attention to the benefits and safety of the yellow school bus.

For now, we urge you to Celebrate the yellow school bus and visit with school transportation operations in your home districts and learn more about what we know: that the yellow school bus is the safest and most efficient means of transporting our children to and from school.

OVERALL STATE SCHOOL AID PACKAGE

In recent years, school districts have felt the impact and burden of reductions in state aid and restrictions in their taxing capacity. To cite the recent report of the Educational Conference Board in its statement entitled “Financing Public Education in New York State:

“The past five years have been an unprecedented period in state funding for schools and is noteworthy for the magnitude of state aid reductions, loss of educational programs and the creation of a tax cap. Total formula state aid to public school districts for 2013-14 is still below 2008-09 levels. This reduction was broad based and affected all school districts. Almost 75 percent of school districts are scheduled to receive less in state aid in 2013-14 than they received in 2008-09. Further, without the infusion of Federal “stimulus” funds, these reductions would have been much worse. While the state did provide aid increases in 2012-13 and 2013-14, these increases fall well short of offsetting the reductions for most districts.”

Clearly, local districts cannot expect to compensate for these major shifts in education financing and need the state to reaffirm its commitment to excellence in education and equity and adequacy in funding. Accordingly, **we recommend to the Senate and Assembly that you restore funding** to school districts through whichever mechanisms are appropriate, including but not limited to, increases to the Foundation Aid formula or reductions in the Gap Elimination Adjustment Aid category.

More specifically, we again join with the Educational Conference Board in calling for an increase of at least \$1.5 billion in school aid for the coming fiscal year, including funding necessary to reimburse school districts for expense-based aids such as Transportation Aid and Building Aid. The Governor’s Executive Budget Proposal does provide an increase in state aid to our schools but the cuts of recent years have been destructive and difficult. An increase is needed at this time that balances out the cuts that schools have worked through over the past five years.

SCHOOL TRANSPORTATION AID

As the Legislature begins this process of negotiating and adopting a new state budget, NYAPT wishes to point out that the overall year-to-year increase in transportation costs has moderated despite the fact that the specific cost items in transportation have increased annually.

This year's annual increase of \$83.9 million is slightly higher than the \$60 million increase that was included in the 2013-2014 adopted budget. Increased fuel and related costs contributed to this increase as well as higher than usual levels of transportation for homeless students made homeless after Storm Sandy and due to the continued high levels of long-term unemployment.

School transportation professionals across the state have worked diligently to reduce operating costs in response to the financial demands of their school administrations and taxpayers. We continue to call for relief on several mandate fronts that we believe will allow for continued reductions in the cost of safe school transportation services. The cost of transporting a student in New York is approximately \$675 per year. Numerous unproductive mandates contribute to making that cost higher than it needs to be. We will address mandate relief later in this statement and urge your attention to the need for such relief.

Therefore, **we recommend that the Senate and Assembly accept** the Governor's proposal for School Transportation Aid for the 2014-2015 state fiscal year.

SCHOOL BUS DRIVER SAFETY TRAINING PROGRAM

The New York Association for Pupil Transportation is grateful that the Executive Budget Proposal continues to provide \$400,000 in state funding for the School Bus Driver Safety Training Program which is authorized under Section 3650 of the Education Law.

The School Bus Driver training program provides much needed funding for courses and programs that prepare our school bus drivers to transport more than 2.3 million children to and from school each day. The program has provided training for drivers in topics that include bullying prevention, transporting students with disabilities, safe procedures for traveling across railroad crossings, defensive driving techniques and more.

With guidance and assistance from a dedicated group of advisory committee members drawn from the school transportation community, the School Bus Driver training program has funded the development of a new Pre-Service Course and a new Basic Course for Drivers. It has also provided the funding for development of topical training for the 2-hour semi-annual refreshers that school bus drivers must complete each year. The program also provides support for the training and preparation required by the nearly 1,200 school bus driver instructors who deliver these training courses to our school bus drivers and attendants.

The program -- which costs the state approximately 17 cents per student each year -- is a critical link in ensuring the safety of our school children and deserves your continued support. **Accordingly, we recommend to the Senate and Assembly that you include continued funding in the adopted state budget for the 2014-2015 state fiscal year.**

UNIVERSAL PRE-KINDERGARTEN TRANSPORTATION SERVICES

Recent discussions about early childhood education and pre-kindergarten programs in New York State have included the provision of school transportation services for Pre-K students.

The purpose of this discussion paper is to frame out the various policy and practical issues that will need to be resolved or addressed as such services are required.

The New York Association for Pupil Transportation believes, and research has shown, that children are safest when they are transported by a school bus to their place of learning. That said, there are some significant issues that must be addressed to ensure that the children in UPK programs are provided the safest and best ride possible. These issues include, but are clearly not limited to:

- Determining the need for support personnel on school buses transporting Pre-K students;
- Determining the need for safety equipment, e.g., special seat belts or safety seats for Pre-K students;
- Defining the maximum distances for transporting Pre-K students;

- Determining driver and attendant training needs to ensure safety for Pre-K students;
- Defining best practices for loading of Pre-K students with other older students;
- Adapting safety and evacuation drills to recognize different needs for Pre-K students;
- Determining whether to transport 3-year-olds as well as 4-year-olds and related safety issues;
- Determining whether to mandate transportation services or leave it allowable and eligible.

We believe that these issues must be addressed candidly and constructively by all involved and urge the Legislature to be informed and involved about such transportation issues. NYAPT seeks to play a constructive role in the transportation-related conversations and in the planning necessary to successfully launch any expansion of the program.

The Universal Pre-Kindergarten program expansion requires our mutual attention to the issue of safe transportation for Pre-K students at the time it is enacted. This is the only way to ensure that our youngest school children remain safe on their rides to school.

SCHOOL BUS FACILITY SECURITY AND PROTECTION

Events that transpired in Newtown CT in December 2012 and in Midland AL in January 2013 called increased attention to the need to better secure our school buildings, grounds and facilities. The January 29, 2013, murder of Alabama school bus driver, Charles Albert Poland, by a stranger who boarded his school bus, underscored the vulnerability of school bus to such attacks. That event forced all of us in the school transportation community to ask serious questions about the steps we take to ensure the safety and security of our school buses, our school bus drivers and, of course, our student riders.

We have considered the school bus from a ‘threat assessment’ perspective and identified some simple and some more complex actions that would enhance safety for our children and our school bus drivers. Among the concerns we identified is the fact that a significant number of school buses are stored at facilities that do not have lighting, fencing or surveillance cameras.

We have completed a survey of our members and, among other information, we have found that:

- Only 17% of the operators who park/store all of their school buses indoors;
- Only 33% have multiple-location surveillance cameras monitoring their outdoor lots;
- Only half indicated that they had sufficient lighting to enable cameras to operate effectively;
- Some 52% indicate that they have secure locking devices or systems at entry points and gates;
- Some 10% of operators allow ‘park-outs’ of school buses under certain circumstances.

These data suggest to us that there is no consistency among school districts in this area. It also suggests that a more concerted effort needs to be undertaken so that we can assure parents that their children are safer than ever and we can protect a significant asset of our state and local districts and contractors.

Therefore we recommend to the Senate and Assembly that you include provisions in the adopted state budget that will allow school districts to utilize Transportation Aid funding and/or SAFE-NY funding for the following purposes:

- ✓ Installation of no-climb security fences to contain and enclose school buses that are currently stored in open lots or in lots with insufficient fencing;
- ✓ Installation of surveillance camera systems to ensure continuous monitoring and observation of both storage lots and garages;
- ✓ Installation of sufficient lighting for storage lots and garages to present a deterrent to criminal activities as well as to provide sufficient lighting to enable surveillance cameras to operate effectively;
- ✓ Installation of vehicle ID numbers on the roofs of school buses to allow for aerial identification;

- ✓ Installation of locking devices and mechanisms that provide optimum security for such open storage lots and garages;
- ✓ Installation of signage on school buses that clarifies that access to the school bus is limited to authorized passengers and that the bus driver has authority to control access to the school bus;
- ✓ Installation of surveillance cameras on the inside of school buses to monitor and observe behavior on the school bus (note that the entire incident that led to the death of school bus driver Poland was captured by video systems on the school bus).

It is important to note that these and similar actions are included in recently-released recommendations of the Transportation Security Administration in its Overview of School Bus Thefts: Threat Assessment on January 5, 2014.

We have prepared a position statement that identifies numerous steps that can and should be taken to increase the security and safety of our school buses for our children. We will formally release that statement tomorrow on January 29th in commemoration of the senseless murder of school bus driver, Charles Albert Poland, who died one year ago in defense of the children whose safety was entrusted to his professionalism and skills. An advance copy of the statement is attached to your copies of our testimony and we hope you engage us in discussions about the contents and recommendations it contains.

SCHOOL BUS EQUIPMENT COSTS

NYAPT has long advocated for the installation and use of devices and equipment on our school buses that we believed would increase the safety of the school bus and the bus ride for our children.

At this time, however, we encourage the Legislature to advocate for a top-to-bottom review of equipment mandated to be installed on school buses in the Vehicle and Traffic Law and other relevant statutes.

Moreover, we would encourage the State to continue discussions that have begun to consider the life cycle costs of school buses when determining replacement policies and state funding for bus purchases.

We would support efforts to determine whether equipment mandated in our state that exceeds the Federal Motor Vehicle Safety Standards for school buses continues to enhance safety and efficiency on our school buses. This could enable a lowering of the cost per school bus while further assuring our parents and students that the school bus in New York State is as safe as possible.

A starting point for such an exercise will be the 2015 National Conference on Policies and Procedures that will convene in Missouri and adopt resolutions regarding specifications for all types and levels of safety and operating equipment on school buses across the nation.

GPS AND TELEMATICS

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 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 language in the budget that allows for the installation of such technology and to allow school districts to be reimbursed via Transportation Aid for such costs as are incurred and within their allowed aid ratios. 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”

MANDATE RELIEF

NYAPT has for several years offered the Regents, the Governor and the Legislature an extensive list of mandate relief objectives that we believe would result in nearly \$200 million worth of savings. These items remain incomplete and we urge the Senate and Assembly to consider these and the other mandate relief proposals we have offered for inclusion in the adopted budget:

Special Education Cooperation

One of the biggest cost components for school transportation in New York is the cost of transporting students with disabling conditions. NYAPT believes that students with disabilities are entitled to and deserve a safe and high quality ride to school each day in the least restrictive travel environment possible while still being responsive to their stated needs. NYAPT is also committed to ensuring that school buses are equipped and school bus drivers are trained and prepared sufficiently to ensure that safety for our children.

However, there are systemic issues that need to be addressed to ensure that the costs incurred in this transportation area are managed and controlled:

Allowing transportation to be provided to a distance of 50 miles without concern to the cost of that transportation is inappropriate and we request that the presumptive distance be reduced to 25 miles. We understand that the distance can and will be exceeded based on student needs but believe that such travel requirements should be justified prior to committing to that level of expenditure;

Each year, hundreds of students are provided special education services and programs which in many cases result in the need for transportation services that enable them to access those programs. The current deadline for BOCES and other program providers to submit transportation needs for these students is August 1st. An on-going concern for Transportation programs is the erratic process for receiving information on who those students are and when and where they need transportation services. This often necessitates last minute changes of or additions to routes and schedules that took the entire summer to negotiate and finalize. NYAPT seeks to change that deadline date to April 1 to allow for integrated scheduling and planning for such transportation, thereby allowing for efficiencies and streamlining of routes.

Duplicate Fingerprinting Requirements

School bus drivers are fingerprinted in compliance with Article 19-A of the Vehicle and Traffic Law prior to their hiring and are subject to 24/7 surveillance of their driving and criminal record. Background checks of other school transportation employees, such as attendants/monitors, must be conducted pursuant to the provisions of the SAVE statute at Section 3035 of the Education Law.

As a result, if a school district or a school bus contractor wishes to utilize the services of a currently employed bus driver as, for example, a school bus attendant, they must fingerprint that employee a second time to meet background check requirements in the Education Law. This is a duplicate cost for the school district or contractor and adds to the overall cost of doing business in school transportation.

NYAPT will advocate for passage of amendments to Section 3025 of the Education Law to allow for the background check conducted of the driver under Article 19-A to suffice for the purposes of the background checks required under the Education Law.

BOCES Coordination of Bell Times

The physical movement of school buses through their communities and on their highways and roadways means that time is our most significant concern. With this in mind, NYAPT is recommending that there be formalized procedures among school districts (through their BOCES) to facilitate coordination and management of "bell times" among schools and programs.

NYAPT understands that there is no way to coordinate each and every school program with transportation in mind. However, we know that there are economies and efficiencies that can be accrued by better planning of such times and schedules. These schedules are not set by school transportation officials; rather they are set by individual schools and programs or service sites. Transportation officials are left with the responsibility of getting each child to the right place at the right time, at whatever the expense.

At a time when "the expense" has become an increasingly critical factor, NYAPT calls on state leaders and local educators to collaborate on these schedules and 'bell times' and to consult with the transportation professionals in each local school district to effect appropriate and reasonable change. We cannot make these changes on our own, i.e., transportation is by its nature demand-responsive. We urge those who make the demands to take steps to enable us to be more efficient.

BOCES Coordination of Annual Calendars

NYAPT has long advocated for efforts to be undertaken to better coordinate the calendars of public, charter, parochial and other private schools to ensure optimal efficiency in transporting students to their schools and programs. It becomes increasingly inefficient for school buses to be on the road on days when schools are otherwise closed but must provide transportation services to other schools in the area.

While there are protocols and laws that govern certain aspects of this issue, more must be done to bring calendars together and ensure more uniformity and coordination at that level. In addition, NYAPT believes that facilitating such coordination is an important role for BOCES in our state.

While it may not result in millions being saved, it will result in significant and measurable savings. We were heartened to learn that the New NY Education Reform Commission identified this area and bell time coordination as important to future school innovation and reforms as well.

Repeal Mandated Fire Suppression devices

In 2007, the State Legislature passed and the State enacted legislation that requires the installation and retrofitting of certain school buses with so-called "fire suppression" devices. NYAPT opposed this legislation at the time of its enactment on the basis of our knowledge that such devices were not as effective as promoted and were significantly more expensive than suggested at the time of passage.

Five years later, the provisions of the law are still not fully implemented and regulations have been delayed for a number of technical reasons, including the need to develop practical specifications that will apply to school bus environments.

Installation of fire suppression devices adds an estimated \$3,500 to the cost of each affected school bus and adds further to the maintenance and inspection costs for each vehicle. The effectiveness of the devices is dubious and the cost of maintaining them to standards is also significant.

For these reasons, NYAPT urges the repeal of the provisions of Section 375.15 of the Vehicle and Traffic Law as a mandate relief measure.

Reflective SCHOOL BUS Signage

Legislation has been introduced for several years by several of your colleagues in the Senate and Assembly to eliminate the mandate for installing back-lit SCHOOL BUS signs on our school buses in New York. The proposed alternative is a nationally-recognized reflective material emblazoned with the words SCHOOL BUS. Such material is used in all the states, with the exception of New York.

NYAPT recommends to the Senate and Assembly to include a repeal of this specific mandate in the adopted state budget. Passage of such a provision will save school bus operators and taxpayers thousands of dollars in the costs of purchasing new buses as well as maintaining current fleets. In the alternative, the Legislature is urged to enact the legislation (A1344/S6390) that has been introduced by Assemblyman Gantt and Senator Dilan, and would accomplish this objective.

CLOSING COMMENTS

NYAPT is eager to pursue discussions with the Legislature and the Governor on these issues.

The “Yellow School Bus” that Dr. Frank Cyr helped to make an icon of our society is a point of access for our students to their education. It has become an instrument of social change as well as a venue where our children learn to make friends and collaborate with one another and their driver to ensure their safety.

The school bus is an integral part of the school day for more than 2.3 million New York children. The school bus and the school bus driver are a student’s FIRST encounter with their local school each and every day. It is incumbent on all of us to assure those children and their families that their school bus ride will be safe so that they can attain their educational goals.

We look forward to your questions and comments on these issues and to a speedy and timely adoption of a state budget that provide adequate support for our schools.

Our future is riding with us!

Respectfully submitted,

Peter F. Mannella
Executive Director
New York Association for Pupil Transportation