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**STATEMENT OF THE NEW YORK ASSOCIATION FOR PUPIL TRANSPORTATION
JOINT LEGISLATIVE HEARINGS ON THE EXECUTIVE BUDGET PROPOSAL 2019-2020
EDUCATION, LABOR & FAMILY ASSISTANCE**

FEBRUARY 6, 2019

DAVID CHRISTOPHER, EXECUTIVE DIRECTOR

INTRODUCTION

I am David Christopher and I am proud to serve as the Executive Director for the New York Association for Pupil Transportation (NYAPT). On behalf of the more than 600 members of NYAPT, I am pleased to present our statement regarding the 2019-2020 Executive Budget Proposal regarding Education, Labor & Human Services, as contained in the bills A.2006 and S.1506.

Our members are the women and men who work diligently to ensure the safety of the more than 2.3 million New York children who ride yellow school buses to and from school every day. We see our mission as enabling those students to access their education and to bring them home safely to their families at the end of their school day. Our bus drivers are the faces that these children see First each morning and Last each afternoon.

We are proud of our safety record in New York State. We are also very proud of the role that the yellow school buses and all involved in the school bus enterprise play in enabling those 2.3 million children to access their education. Finally, we are committed to strengthening our record of excellence and safety and to doing all we can to improve that record further. Our ability to achieve this objective is inextricably tied to the resources that the Governor and the Legislature are willing and able to commit to school transportation. And it's all for the children!

SERVICES AID VS. TRANSPORTATION AID

The Governor has proposed that, effective for the 2020-2021 school year, expense-based aids (including Transportation Aid) be folded into one Services Aid category.

NYAPT would argue that transportation is one of the more volatile of the expenses experienced by school districts. It is also an area in which school districts have worked hard to reduce costs wherever possible but are faced with mandated services that drive up the cost of transportation at many levels.

For these reasons, we must OPPOSE the Governor's proposal to establish a Services Aid category to supplant Transportation Aid.

Historically, the expense-based aids have been provided by the State to local school districts to reimburse them for operating costs which tend to be needs driven and more unpredictable than other district expenses. Transportation is one such operation that is, arguably, more volatile than any area of school administration. The work of the Transportation Department is affected by weather and traffic as is obvious in this time of the year but also by the changing needs of academic programs and students.

Let's discuss those two aspects in a little more depth:

- When a district determines that additional time is necessary for students to attain their academic potential, they will often launch after-school programs or interventions that often require late-day transportation to get those children back home after school. In these cases, transportation services are responsive to the educational program.
- If a district determines to adjust start times to reflect growing policy trends for later starts for high school students, the routing and flow of school buses in the district will be greatly affected and will result in additional costs that must be addressed in the state aid process.
- Similarly, the state's Universal Pre-Kindergarten program requires expanded provision of transportation services. Yet, districts are precluded from reimbursement for the costs of those services in the Education Law. Under this proposal, those costs would not be factored into the base year calculations, thereby perpetuating the lack of reimbursement. We address this issue later in our testimony as well.
- When the family of a student in the district faces homelessness and displacement in the middle of a semester, their child will need transportation to school from wherever they are residing at the time. And that residence may change several times during their misfortune. Transportation must be provided for that child or those children for as far as fifty (50) miles from the school. Given those kinds of distances, those children often find themselves on a bus alone because their 'residence' is simply not on any of the usual routes of the district. That spells increased and unanticipated costs for the school district. Those are costs that would be left unreimbursed under the Services Aid proposal.
- The same scenario plays out with students with disabilities whose educational needs take them to schools and programs that are at distances up to 50 miles from their homes. Once again, a single bus and driver are often assigned to transport those students. Once again, those costs would be left unreimbursed under the Services Aid proposal.
- Another perspective on this issue is one of managed investments in safety. Best practices suggest that regularly scheduled replacement of school buses is sound management and a factor in overall bus safety. To the extent that school districts will be faced with limits on their spending in this area, NYAPT would express our concern over the potential for disinvestment in new school buses, particularly in those with cleaner fuel technologies that would be most beneficial for our children.
- Lastly, NYAPT is aware, as are you as legislators, that there is a dire shortage of school bus drivers in New York. As we all explore ways to increase the supply of drivers and to retain them over the long term, salaries and benefits and working conditions will become important discussion points. Again, those discussions are hampered when districts and contractors are concerned that increased costs will be unreimbursed under the new Services Aid proposal.

In light of the above examples, NYAPT would respectfully recommend to the Legislature reject this proposal from the Governor. We understand that many voices are suggesting that expense-based aids are "taking money from the classroom." NYAPT would argue that transportation is a vital part of the educational process and, in fact, enables students to access education in many

cases. We need to invest accordingly in the safe and efficient transportation of the more than 2.3 million students who rely on the yellow school bus.

We remain available and ready to be a part of conversations that look into ways to reduce the impact of mandated transportation costs as well as to adjust the process for reimbursement for purposes of efficiency and effective use of funds.

SCHOOL BUS DRIVER TRAINING FUNDS

Training and preparation spell the difference in any safety-sensitive occupations whether in education, health care, transportation or aviation. NYAPT has advocated for the continuation of the School Bus Driver Training fund appropriation since its initial inception in 1997. Given the increasing demands on school bus drivers, NYAPT has advocated in recent years for an increase to the training fund commensurate with the needs we see across the state.

We are aware that, in considering those requests for additional funds, both the Governor and the Legislature have recognized that the Education Department has significantly underspent the \$400,000 appropriation annually. Accordingly, both the Executive and the Legislature have been reticent to increase the funds until such time as they are committed on a consistent basis.

NYAPT believes that there are many potential programs and uses for which those funds would be invaluable. These include training for drivers in the areas of

- student behavior management and anti-bullying
- understanding the transportation needs of students with disabilities
- safe practices in violent situations and active shooter settings and
- transporting younger children enrolled in Pre-K programs.

Each of these, and other areas, are critical to our ability to properly and adequately prepare our drivers to be the best they can be.

We also believe it is important to ensure that SED expend the funds efficiently and completely. There are no benefits for our children if we fail to fully utilize these valuable funds to train our drivers. For this reason, we are recommending that language be stricken from the budget legislation that allows SED to re-purpose the unused portion of the training funds.

Taking the discussion further, we would argue that the Department should be required to commit to a regular and routine cycle for updating training programs for bus drivers. This will ensure that all courses are current (e.g., the basic course for drivers is over TWENTY YEARS OLD and in dire need of updating). It would also provide an annual assurance of expenditures for those programs. The Legislature can build such requirements into law at Section 3650 of the Education Law and we would recommend you take that step.

The Department needs to commit to a series of new programs for drivers over the short term, including training for managing violent incidents on their vehicles, handling student behavior and bullying problems, driver handling of child abuse incidents (See 2018 enacted legislation), and transporting students with special needs safely. These are among a much longer inventory of training needs in our state. Once again, the Legislature can incorporate such requirements into Section 3650 of the Education Law and we would recommend you take that step.

A note to concerned legislators who introduce legislation to require school bus drivers and attendants to receive training on various topics: we urge you to consider including direction in their bills for the Education Department to use funds available under the Training Fund for those

purposes. In this way, we can ensure a degree of consistency for the training for all drivers regardless of their place of employment. And we can reduce the burden on school districts and/or private contractors to develop such curricula independently at significant costs.

PRE-KINDERGARTEN PROGRAM TRANSPORTATION

Several reports by advocacy groups other than NYAPT point to the value that access to transportation brings to the success of Pre-Kindergarten programs. In the absence of reliable and safe transportation, many parents are not able to get their children to Pre-K program sites. This, in turn, weakens the viability of the Pre-K programs at the local level.

NYAPT has advocated for several years for the Governor and the Legislature to allow for such transportation costs to be eligible for reimbursement under Transportation Aid. Such aid has been unavailable to districts since the beginning of the Universal Pre-Kindergarten program and in 2014, legislation was enacted that codified that reality.

NYAPT urges the Legislature to deem the costs of transportation services for Pre-K students eligible for Transportation Aid. Districts should not be asked to absorb those costs locally.

STOP ARM CAMERA PROPOSAL

NYAPT is very pleased to note that the Governor has once again this year included a proposal for the deployment and use of stop arm cameras on school buses to help enforce the law related to stopping for stopped school buses. This is a critical safety problem in need of a solution.

Due to motorists passing stopped school buses at an alarming rate of 50,000 times EACH SCHOOL DAY, we believe that the use of stop arm cameras will assist in enforcing the Vehicle and Traffic Law and, in turn, result in a lessening of the incidence of such passing.

We recognize the work of the Assembly and Senate over these recent years to try to enact similar legislation and we hope that this year we will be able to move this over the finish line.

We are concerned about several elements of the Governor's proposal, especially the following:

- Placing responsibility on school districts for issuing tickets and receiving fines is not practical or desirable. Districts are not established to function as traffic enforcement agents. We would prefer that law enforcement agencies perform those functions as they would for other traffic enforcement issues;
- The proposal also denies Transportation Aid for costs associated with the camera installation and operation. While it might be assumed that fines will cover the costs incurred by districts, it is not assured that smaller districts, for example, will generate sufficient fines to cover those costs. As an alternative, the legislature might consider treating the revenue from fines as an offset to transportation aid. This would allow a district to receive reimbursement for their costs but trigger a mechanism to ensure the state is not paying twice for the costs.

OTHER UNADDRESSED NEEDS

❖ Allow Expenditures for School Bus Monitors to Be Eligible for Transportation Aid Reimbursement

NYAPT recommends that the State allow Transportation Aid reimbursement for costs related to employing School Bus Monitors (aides, matrons) on school buses. The need for monitors on buses has increased in light of student behavior issues and bullying on

school buses. As the State begins to advance early childhood education and expand Pre-Kindergarten programs, there will be an increased need for an additional adult aboard our school buses. Further, the incidence of individuals boarding school buses for the purpose of creating a disturbance or even attacking the driver or students, calls for increasing our ability to employ a 'second adult' on the bus.

Currently, only the costs for those individuals employed as 'attendants' on school buses to assist and support the transportation of students with disabilities (pursuant to an IEP) are eligible for Transportation Aid reimbursement. It is time to include monitors in the Transportation Aid eligibility category as well. NYAPT recommends and urges the Legislature to allow the costs of school bus monitors to be eligible for reimbursement under Transportation Aid.

❖ ***Provide Funding for SED field staff to monitor school transportation operations and management***

Recent events and reports (the State Comptroller, the State Attorney General, the National Transportation Safety Board) have revealed a gap in the capacity for the key state oversight agency to conduct in-depth and meaningful reviews of school district transportation operations. NYAPT believes that a strong state oversight and technical assistance capacity is one key part in ensuring the safety of our children and efficiencies in the provision of school transportation.

Accordingly, NYAPT is calling for the state to invest funding in field staff for the Education Department to provide such oversight and guidance of school districts and operators to ensure compliance with laws and regulations. This is a vital element in ensuring safety. In the wake of the accident in Schoharie, we would advocate for enhancing the capacity for oversight at SED is as important as in the two transportation-related agencies as has been proposed by the Governor.

❖ ***Provide Funding for School Transportation Security Measures***

NYAPT strongly urges the State to appropriate funds in the State budget to ensure the security of school buses and transportation facilities in our schools. Such funding would provide incentives for school districts and school bus operators to invest in perimeter fencing, security lighting and security/surveillance camera systems to enhance security for their school bus fleets and infrastructure. Note that up to 40% of the school buses in our state are not protected with these kinds of security measures.

Recent incidents of vandalism against school buses (e.g., damage to tires, theft of batteries and copper wiring, assaults on bus drivers and children) raise concerns about security of our school buses and facilities, as well as the potential for additional acts of violence or vandalism against those vehicles and individuals.

❖ ***Allow Expenditures for Transportation to Extra-Curricular and Inter-Scholastic Athletic Activities to be Eligible for Transportation Aid Reimbursement***

A crucial part of every student's educational progress is their exposure to non-academic activities and opportunities to learn in the world around them and to learn team-building and socialization skills among other students. As the State reinforces the need for social and emotional development among our students, there has been an increased focus placed on non-classroom activities for those students.

Transportation services are often required to allow students to avail themselves of those opportunities and activities. Those transportation costs are not currently eligible for reimbursement under Transportation Aid under current law. NYAPT recommends that the Legislature define the costs of transporting students to extra-curricular and inter-scholastic activities as eligible for reimbursement under Transportation Aid.

❖ ***Provide an Exception to the 2% Growth Cap for Unanticipated and Mandated Costs of Transportation***

As we discussed above in our opposition to the Services Aid proposal, we would reiterate that there are numerous and varied reasons for fluctuations and increases in the costs incurred in providing transportation services in our schools. Unexpected costs are incurred when students with disabilities transfer into a school district mid-year or when an influx of homeless or foster care students are enrolled in a school and require transportation. This is just a reality for districts in meeting the needs of their students and a reality that they accommodate in the interests of the children.

An example: one of our members had six students and their families become homeless after the school year had started. These students needed transportation including two that travelled some 30 miles in two different directions, requiring specific vehicles to provide their transportation. Responding on an ASAP basis to the needs of those students added over \$150,000 to the operating expenses for transportation that were NOT included in the Transportation budget for that year. And that is only one such instance among hundreds that happen each school year across the state.

NYAPT believes that the state must recognize this volatility and take it into account in the 2% expenditure cap imposed on districts annually. Accordingly, we are recommending that all or some percentage of the extraordinary and unexpected costs of transportation be exempted from the 2% cap calculations.

Thank you for your attention to and consideration of our concerns and recommendations on the Executive Budget Proposal. We are available to discuss any and all of these concerns with you at your convenience.

Respectfully Submitted,

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Executive Director