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BUREAU OF AUDIT

June 22, 2021

**By Electronic Mail**

Meisha Porter  
Chancellor  
New York City Department of Education  
52 Chambers Street  
New York, NY 10007

**Re: Final Letter Report on the New York City Department of Education's Compliance with Local Law 33 of 2019 Regarding the Reporting of Its Policies and Goals of School Bus Transportation Services (Audit #SZ19-120AL)**

Dear Chancellor Porter:

This Final Letter Report concerns the New York City Comptroller's audit of the New York City (City) Department of Education's (DOE's or the Department's) compliance with Local Law 33 of 2019. The law requires that DOE:

(1) report publicly and to the City Council twice a year: (a) how school bus routes are determined, DOE's goals for the length of time a school bus should take to complete its route, and other goals relating to school bus services; and (b) names of school bus vendors that, respectively, completed and failed to complete dry runs of their routes before the first day of school as required by contract;

(2) share with parents or guardians, before the start of the school year, information pertaining to their children's school bus routes, scheduled arrival and departure times, the vendor assigned to such routes, how a parent can appeal or make a request about a route, and information that relates to Pre-K students receiving school bus services; and

(3) inform parents or guardians daily whether children's school buses are late in arriving at or departing their schools.

The objective of this audit was to determine whether DOE has complied with Local Law 33's requirements.

**Background**

DOE provides primary and secondary education to over one million pre-kindergarten through grade 12 students in more than 1,800 schools. DOE provides transportation to eligible

City students through its Office of Pupil Transportation (OPT).<sup>1</sup> OPT coordinates transportation services for eligible City students who attend public, charter, and non-public schools in the City and in surrounding areas up to 50 miles outside of the City through contracts with school bus companies.<sup>2</sup> Its mission is to ensure safe and reliable transportation to and from school in partnership with its contracted bus companies transporting school age and preschool students.

On February 12, 2019, the New York City Council enacted legislation to increase transparency of DOE's OPT operations, oversight of school bus activity, and the safety and efficiency of school bus services. The legislation followed a series of reports and complaints from parents and educators concerning, among other things, no-show school buses, missing students, significant delays, and concerns about school bus drivers. Moreover, a heavier than expected snowstorm in November 2018 exposed additional weaknesses in the City's school bus system. The storm caused massive gridlock that delayed roughly 700 bus routes, leaving thousands of students stranded on freezing roads and parents unable to communicate with or know the location of their children or the school buses.

According to data the New York City Council published, students experienced 27,082 school bus delays in September of 2018. School buses were delayed an average of 28.1 minutes, which was an increase from the average delay of 24.8 minutes in September 2017. Students receiving bus service in Queens and Brooklyn were found to experience the most significant delays, with an average of 29.3 and 29.1 minutes, respectively, while students in Manhattan were delayed an average of 26.9 minutes, followed by the Bronx with an average of 20.7 minutes and, finally, Staten Island at 18.2 minutes. In September 2019, by comparison, students experienced 10,553 school bus delays. School buses were delayed an average of 28.0 minutes. Students receiving bus service in Manhattan and Queens experienced the most significant delays, an average of 30.0 and 28.1 minutes, respectively, while students in Brooklyn were delayed an average of 27.5 minutes, followed by the Bronx with delays averaging 23.2 minutes and, finally, Staten Island at 19.4 minutes.<sup>3</sup>

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<sup>1</sup> General education transportation eligibility is based on a student's grade level and the walking distance between home and school. Based on the distance, students eligible for full fare transportation may receive either stop-to-school transportation or a student MetroCard. A student is eligible for stop-to-school yellow bus service if: the student is in grades K-6; the student lives in the same district as the school (or the same borough for non-public, charter, or citywide gifted and talented schools); yellow school bus service is already provided at the school; or a current stop exists that can serve the student or a new stop can be created.

<sup>2</sup> OPT does not own school buses or employ bus drivers. All school bus service is contracted with various school bus companies/vendors. In September 2020, the City established NYC School Bus Umbrella Services, Inc. (NYCSBUS) as a not-for-profit corporation to oversee school bus inventory and employees. In October 2020, Mayor de Blasio announced that DOE had reached a tentative agreement with Reliant Transportation for acquisition of its school bus operating assets, which include its approximately 1,000-vehicle fleet and all equipment and intellectual property necessary for the provision of busing services. The acquisition was expected to close in the first half of 2021. Until it is finalized, Reliant Transportation will continue to provide school bus services as an independent vendor for DOE.

<sup>3</sup> New York City Council, *School Bus Delays*, <https://council.nyc.gov/data/school-bus-delays/>, accessed May 10, 2021.

Beginning in March 2020, schools were closed in response to COVID-19, and school bus transportation services were suspended for the remainder of the 2019-2020 School Year. School bus transportation services resumed on September 21, 2020, when schools opened for the 2020-2021 School Year, with busing being provided to children in grades 3-K and Pre-K, and all grades in District 75 schools, non-public schools, and charter schools.<sup>4</sup>

Approximately 150,000 students in the City rely on school bus transportation provided by DOE's contracted school bus vendors to travel between home and school. Considering that reliance and the previously mentioned complaints and reports of problems affecting school bus service, the New York City Council enacted Local Law 33 of 2019, amending the City's Administrative Code to require DOE to report on policies and goals for transportation services.<sup>5</sup> Local Law 33 requires that beginning October 31, 2019, and by each April 30 and October 31 thereafter, DOE must submit to the Speaker of the Council and post on its website a report on school bus routes for the relevant reporting period.<sup>6</sup> Specifically, DOE's reports on school bus routes must include:

- the criteria used to design school bus routes;
- a description of the Department's goals for the time it should take a vehicle to complete a school bus route, including any particular goals for special education school bus routes and general education school bus routes;
- a description of any additional goals and priorities in its provision of school bus transportation services for all eligible students; and
- a summary of the requirements in each school bus vendor's contract relating to the performance of dry runs prior to the first day of school, a list of school bus vendors who are in compliance with the requirements, a list of school bus vendors who have been assessed with liquidated damages and have no further right of appeal for the failure to have performed dry runs as required by contract, and a list of any vendors who are not on either of the aforementioned lists and a description of the reason.

Additionally, Local Law 33 requires DOE to provide parents and guardians of students receiving transportation services information relating to the school bus route for the current year, the scheduled arrival and departure time for each school bus route and the school session

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<sup>4</sup> District 75 (D75) provides highly specialized instructional support for students with significant challenges, such as Autism Spectrum Disorders and significant cognitive delays, among others. NYC Department of Education, *District 75 Programs*, <https://www.schools.nyc.gov/learning/special-education/school-settings/district-75/district-75-programs>, accessed May 10, 2021.

<sup>5</sup> Local Law 33 of 2019 is codified at §21-996 of the New York City Administrative Code. The law was enacted simultaneously with Local Law 34 of 2019, which requires DOE to issue a separate set of public reports concerning school bus service. We report on DOE's compliance with Local Law 34 in a separate audit letter report.

<sup>6</sup> The term "reporting period" means the preceding January 1 through June 30 for a report due on October 31, and the preceding July 1 through December 31 for a report due on April 30.

time, the school bus vendor assigned, and any process in which the parent or guardian can provide feedback or make a request regarding the school bus route and Pre-K vendor contact information. Furthermore, the aforementioned information must be submitted to the parent or guardian no later than 15 days before the start of the school year.

Finally, Local Law 33 requires DOE to make the following information regarding school bus transportation services for general education or special education school bus routes available to parents or guardians of the respective child(ren) on a daily basis: The scheduled arrival time at school for each school bus route and the school session time for such students and the actual arrival time at school for each school bus route if later than the school session time for such students; the scheduled departure time from school for each school bus route and the school session time and the actual departure time from school for each school bus route if earlier than the school session time or later than the scheduled departure time for such students; and the school bus vendor assigned to the school bus route.

### **Audit Objective**

The objective of this audit was to determine whether DOE has complied with Local Law 33 by submitting the required semiannual reports to City Council, with all of the required information; by posting the required reports on its website; by electronically sharing with parents and guardians of students receiving school bus transportation services specific information 15 days before the start of the school year; and by making information regarding school bus transportation services available, on a daily basis, for such parents and guardians.

### **Findings and Recommendations**

Our audit found that DOE partially complied with Local Law 33. DOE submitted its first and second biannual report regarding school bus routes, and both reports are available on DOE's InfoHub website.<sup>7</sup> However, while DOE issued its first report on school bus routes by October 31, 2019 as required, DOE did not issue its second report by April 30, 2020 as required. Instead, DOE issued its second report on school bus routes in January 2021, approximately eight months late. We are aware of COVID-19's impact requiring suspension of school bus transportation services in March 2020 when schools were closed. However, DOE's second report was required to contain data for only July 1, 2019 through December 31, 2019, a period in which it provided school bus service which was not affected by the subsequent suspension of service.

Additionally, the third report on school bus routes, which was to cover the period of January 1, 2020 through June 30, 2020, was due by October 31, 2020 but had not been issued by

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<sup>7</sup> NYC Department of Education InfoHub, *Student Transportation Reports SY2019-20-July-December- Local Law 26 and Local Law 33 Reports on school bus routes; SY2018-19 January-June Local Law 26 and Local Law 33 Reports on school bus routes-* <https://infohub.nyc.ed.org/reports/government-reports/office-of-pupil-transportation-bi-annual-reports>. Each report is in Microsoft Excel Spreadsheet format.

that date, or by the time our audit work was completed and the results reported to DOE via our preliminary draft letter report on May 13, 2021. Although COVID-19 halted school bus services between March 2020 and June 2020 while schools were closed, DOE should have had reportable data regarding part of the relevant reporting period, specifically, January and February 2020, two months in which school bus transportation services were available to eligible students.

At the exit conference held on May 24, 2021, DOE informed us that the required October 2020 reports, i.e., the third set of reports, and the required April 2021 reports, i.e., the fourth set of reports, were available and had been posted on DOE's website as of May 21, 2021. DOE posted the reports between the dates of our preliminary draft letter report and the exit conference. We verified that the reports are now available on the DOE website and that they include the required information. While DOE's posting of the abovementioned reports is a positive development that occurred after our audit was substantially completed, we reiterate that the Local Law requires DOE to post all pertinent reports on time.

DOE's first report on school bus routes reflects data from January 1, 2019 through June 30, 2019. As required by Local Law 33, the report lists the criteria used to design school bus routes and includes a description of the Department's goals related to the time it should take a vehicle to complete a school bus route and its goals and priorities in the provision of school bus transportation services for eligible students, including students in temporary housing and foster care. According to the report, no dry runs were performed between the period of January through June 2019, and dry run requirements were in the process of being clarified based on contract language.

Although DOE's second report on school bus routes was issued late, we found that it reflects the required data for July 1, 2019 through December 31, 2019 and, as required by Local Law 33, provides the criteria DOE used to design school bus routes, a description of the Department's goals related to the time it should take a vehicle to complete a school bus route, and its goals and priorities in the provision of school bus transportation services for eligible students, including students in temporary housing and foster care, such as improving school bus transportation for students in temporary housing. It also includes a summary of school bus companies' dry run completions. According to the notes section of the report, for School Year 2019-2020, vendors had until May 15, 2020 to submit dry run documentation, and no liquidated damages were assessed for the reporting period.

We further found that DOE developed and utilizes a web-based application called NYC Schools Account (NYCSA) to electronically share and provide parents with current transportation assignments and information regarding school bus routes.<sup>8</sup> NYCSA provides real-time bus information and service changes for school buses and allows access to details of the bus schedule and route, indicates the student's school and transportation service type, and provides the school's Transportation Coordinator contact email and phone number. It also provides the drop off time, pickup time, and school bus vendor assigned to the route.

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<sup>8</sup> NYCSA also allows parents/guardians access to their child's grades, test scores, schedules, and other information.

Additionally, it provides the bus schedule for school days, Monday through Friday, with the date range for its applicability. The relevant school bus company's name and phone number are also displayed, allowing families to contact the company in case of an emergency or with questions about the student's bus service. Furthermore, parents and guardians can access NYCSA on a computer, phone, or tablet.<sup>9</sup> NYCSA also allows parents to electronically provide feedback and report issues such as ongoing issues with the route, overloaded or frequently delayed bus, concern(s) with a driver, attendant, bus company, parent and/or student, or questions regarding school bus routes including making changes to the route.<sup>10</sup> DOE uses email communication and its website to advise parents and guardians of NYCSA's utility and encourages them to sign up for an account.

Moreover, in August 2019, DOE published and began distributing a *Student Transportation Overview for Families* to authorized parents/guardians. The document provides information regarding options and eligibility for school bus transportation services. It contains information concerning support and preparation for school bus services and notifies families of certain rights they may have in relation to school bus service for eligible students. It also informs parents how to contact DOE for questions and reporting an issue. Additionally, the *Student Transportation Overview for Families* advises parents to sign up for NYCSA and advises parents/guardians to ensure that they have the bus company's telephone number, meet the bus driver and attendant, and provide the school and bus driver with updates to contact information immediately. It further advises parents/guardians to review DOE's safe travel tips for children. Furthermore, the *Student Transportation Overview for Families* document and information are also available on DOE's website.

Finally, DOE's website also provides a general overview of school bus transportation services, including eligibility requirements, and informs parents and guardians that they can call the student's school or program directly for information about the commute, for contact information for the school bus company, and for immediate information about the bus route and can call OPT in case of on-going issues or to report incidents that took place on a bus. Parents/guardians may also access information relative to bus routes through DOE's OPT website, which provides information on late arrivals/departures for school buses on a daily basis.<sup>11</sup>

Our findings are outlined in the following two tables, the first entitled Compliance Summary and the second entitled Core Criteria.

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<sup>9</sup> According to DOE, the information stored in NYCSA is secured and protected by 128-bit SSL encryption.

<sup>10</sup> When applicable, DOE also provides parents/guardians of students receiving specialized transportation the necessary form to request a change in drop-off address.

<sup>11</sup> New York City Department of Education, *Office of Pupil Transportation Office of School Food and Nutrition Service, Office of Transportation vendor bus breakdown public*, <https://www.opt-osfns.org/opt/vendors/busbreakdowns/public/default.aspx?search=YES>

<b>COMPLIANCE SUMMARY</b>		
<b>Criteria</b>	<b>Compliance</b>	<b>Notes</b>
DOE must report twice a year on how school bus routes are determined, goals for the completion of school bus routes, and summaries of the requirements in each school bus vendor’s contract relating to the performance of dry runs prior to the first day of school.	Partial	DOE issued its first and second reports regarding school bus routes. Both reports contain the criteria for determining school bus routes and goals relating to the time of completion for school bus routes including routes for students in foster care or temporary housing. The first report indicated that no dry runs were performed in the period of January through June 2019 and that dry run requirements were then in the process of being clarified based on contract language. The second report stated that for School Year 2019-2020, vendors had until May 15, 2020 to submit dry run documentation and that no liquidated damages were assessed for the reporting period. DOE’s third report was submitted with the required information approximately six months late. The fourth report, which was due April 30, 2021, was posted as of May 21, 2021. It contains the required information.
DOE’s reports regarding school bus routes must be submitted to the New York City Council and available on its website beginning October 31, 2019 and by each April 30 or October 31 thereafter.	Partial	DOE submitted its first report on school bus routes by October 31, 2019. However, its second report on school bus routes was not issued by April 30, 2020 (issued January 2021). Although the second report was issued late, both the first and second reports for school bus routes are posted on DOE’s InfoHub website. DOE’s third report was submitted with the required information approximately six months late. The fourth report, which was due April 30, 2021, was posted as of May 21, 2021. It contains the required information.

<p>DOE must share with parents and guardians before the start of the school year their child’s bus route, scheduled arrival and departure time, the vendor assigned to such route, how a parent can appeal or make a request about the route, and information that relates to Pre-K students receiving school bus services.</p>	<p>Yes</p>	<p>DOE utilizes NYCSA to provide real-time bus information and service changes. NYCSA displays changes and details of each bus route including the drop off time, pickup time, and school bus vendor assigned to the route. Additionally, beginning in August 2019, DOE also mails a <i>Student Transportation Overview for Families</i>. The overview provides information regarding options and eligibility for school bus transportation services. DOE also informs parents how to contact DOE for questions regarding school bus routes, reporting an issue with the route, or making changes to the route. Information is provided to all students that are eligible to receive bus service prior to the school year.</p>
<p>DOE must make information on general education school bus routes or special education school bus routes available on a daily basis to authorized parents or guardians of students who receive school bus transportation services.</p>	<p>Yes</p>	<p>DOE utilizes NYCSA to electronically share and provide parents with the current transportation assignment and information regarding the student’s bus route. NYCSA provides real-time bus information and service changes and displays details of the bus route including the drop off time, pickup time, and school bus vendor assigned to the route. The bus company’s name and phone number are also displayed allowing families to reach out directly to the bus company in case of emergencies or questions about the student’s bus service. Additionally, parents are able to receive information of late arrivals or departures by either contacting DOE via phone or visiting DOE’s website which contains a link to the OPT Delay Chart which provides information daily.</p>

Based on the Local Law 33 requirements, we outlined all the criteria necessary for DOE to be in compliance, which are summarized in the table below along with our findings regarding DOE’s compliance with the criteria.



<b>CORE CRITERIA</b>	
<b>Detailed Criteria</b>	<b>Compliance</b>
DOE's Report on School Bus Routes must contain the criteria used to design school bus routes.	Partial: DOE's first and second reports on school bus routes include a section that provides the criteria that was used to design school bus routes including data elements such as student's address, school's address, or traffic and congestion, and indicates that routes will be designed to maximize vehicle capacity to improve efficiency. DOE's third report was submitted with the required information approximately six months late. The fourth report, which was due April 30, 2021, was posted as of May 21, 2021. It contains the required information.
DOE's Report on School Bus Routes must contain a description of its goals for the time it should take a vehicle to complete a school bus route, including any particular goals for special education school bus routes and general education school bus routes.	Partial: DOE's first and second reports on school bus routes include a section that provides its goals for the completion of school bus routes for general education and special education bus routes. DOE's third report was submitted with the required information approximately six months late. The fourth report, which was due April 30, 2021, was posted as of May 21, 2021. It contains the required information.
DOE's Report on School Bus Routes must contain a description of any additional goals and priorities of the Department in its provision of school bus transportation services for all eligible students, including but not limited to any goals and priorities relating to students in temporary housing and students in foster care.	Partial: DOE's first and second reports on school bus routes include a section that provides its goals and priorities regarding the provision of school bus transportation services relating to school bus transportation services. The first report includes goals such as facilitating increased communication between DOE and other City agencies to improve operation data quality and improving communication and technology between the Department of Homeless Services (DHS) shelter staff and schools to quickly identify families' transportation needs and challenges. The second report describes goals such as improving the provision of transportation and timeline for students in temporary housing by optimizing the data flow process between DHS and DOE; and exploring creative ways of providing transportation to students in temporary housing and students in foster care that are more responsive to their needs and the transience of their situation. DOE's third report was submitted with the required information approximately six months late. The fourth report, which was due April 30, 2021, was

	<p>posted as of May 21, 2021. It contains the required information.</p>
<p>DOE’s Report on School Bus Routes must contain a summary of the requirements in each school bus vendor’s contract with the Department relating to the performance of dry runs prior to the first day of school, a list of school bus vendors who are in compliance with such requirements, a list of school bus vendors who have been assessed with liquidated damages and have no further right of appeal for the failure to have performed dry runs as required by contract, and a list of any vendors who do not fall on either of the aforementioned lists and a description of why not.</p>	<p>Partial: DOE’s first report on school bus routes states that dry run requirements were in the process of being clarified based on contract language and that no dry runs were performed from January to June of 2019. DOE’s second report includes a summary of dry run completions by school bus companies. According to the notes section of the report, for School Year 2019-2020, vendors had until May 15, 2020 to submit dry run documentation, and no liquidated damages were issued for the reporting period. DOE’s third report was submitted with the required information approximately six months late. The fourth report, which was due April 30, 2021, was posted as of May 21, 2021. It contains the required information.</p>
<p>No later than 15 days before the start of the school year, DOE must provide, by electronic means, to authorized parents and guardians of students who receive school bus transportation services, the school bus route for such students for the current school year.</p>	<p>Yes: DOE’s NYCSA, a web-based application that can be accessed on a computer, phone, or tablet, provides bus route information for students receiving bus transportation services for the applicable school year. All information is provided to the parents prior to the upcoming school year. Also, beginning in August 2019, DOE publishes and distributes a <i>Student Transportation Overview for Families</i> letter to authorized parents and guardians with information pertaining to school bus transportation services. The letter includes transportation options, eligibility, support, and emergency preparedness, and informs parents that they can register for a NYCSA account which provides real-time school bus information and service changes.</p>

<p>No later than 15 days before the start of the school year, DOE must provide, by electronic means, to authorized parents and guardians of students who receive school bus transportation services, the scheduled arrival time at school for each school bus route and the school session time. In addition, DOE must provide the scheduled departure time from school for each school bus route and the school session time for such students.</p>	<p>Yes: DOE’s NYCSA provides the scheduled arrival time for school buses and school session time for the applicable school year. This information is available prior to the start of the school year. In addition, DOE’s <i>Student Transportation Overview for Families</i> letter provides information pertaining to school bus transportation services including transportation options, eligibility, support, and emergency preparedness, and informs parents that they can register for a NYCSA account which provides real-time school bus information and service changes.</p>
<p>No later than 15 days before the start of the school year, DOE must provide, by electronic means, to authorized parents and guardians of students who receive school bus transportation services, the school bus vendor assigned to transport such students.</p>	<p>Yes: DOE’s NYCSA provides the school bus vendor assigned to the school bus route for the applicable school year. This information is available to the parents prior to the start of the school year. In addition, DOE’s <i>Student Transportation Overview for Families</i> letter provides information pertaining to school bus transportation services including transportation options, eligibility, support, and emergency preparedness, and informs parents that they can register for a NYCSA account which provides real-time school bus information and service changes.</p>
<p>No later than 15 days before the start of the school year, DOE must provide, by electronic means, to authorized parents and guardians of students who receive school bus transportation services, any process by which authorized parents and guardians, and relevant Department personnel can provide feedback on, or make a request regarding, a school bus route.</p>	<p>Yes: DOE’s website consistently allows parents to electronically provide feedback and report issues such as ongoing issues with the route, overloaded or frequently delayed bus, concern(s) with a driver, attendant, bus company, parent and/or student through email; or questions regarding school bus routes including making changes to the route. This information is available prior to the start of the school year.</p>
<p>No later than 15 days before the start of the school year, DOE must provide, by electronic means, to authorized parents and guardians of students who receive school bus transportation services from a Pre-K vendor, the contact information for the vendor, and any other relevant information.</p>	<p>Yes: DOE’s NYCSA provides the Pre-K school bus vendor, the vendor’s contact information, and any other relevant information assigned to the school bus route for the applicable school year. This information is available to parents prior to the start of the school year. In addition, DOE’s <i>Student Transportation Overview for Families</i> letter provides information pertaining to school bus transportation services including transportation options, eligibility, support, and emergency preparedness, and informs parents that they can register for a NYCSA account which provides real-time school bus information and service changes.</p>

<p>DOE must make available to authorized parents or guardians of students who receive school bus transportation services on general education school bus routes or special education school bus routes, on a daily basis, the following information: the scheduled arrival time at school for each school bus route and the school session time for such students and the actual arrival time at school for each school bus route if later than the school session time for such students. In addition, the scheduled departure time from school for each school bus route and the school session time for such students and the actual departure time from school for each school bus route if earlier than the school session time or later than the scheduled departure time for such students must be available.</p>	<p>Yes: DOE’s NYCSA provides parents and guardians the ability to monitor the scheduled arrival time and real-time bus information and service changes impacting the arrival time daily and departure times. Parents and guardians can also monitor delays regarding the arrival time and departure times through DOE’s OPT website on a daily basis.</p>
<p>DOE must make available to authorized parents or guardians of students who receive school bus transportation services on general education school bus routes or special education school bus routes, on a daily basis, the school bus vendor assigned to each such school bus route.</p>	<p>Yes: DOE’s NYCSA provides parents and guardians the ability to find the school bus vendor and real-time bus information and service changes impacting the bus service daily. Parents and guardians can also monitor delays regarding the school bus vendor through DOE’s OPT website on a daily basis.</p>

We recommend that:

- 1) DOE maintain and where warranted improve its compliance with Local Law 33 to ensure communication of specific information regarding school bus transportation services to and with parents and guardians of students who receive school bus services.

**DOE Response:** “The DOE agrees with this recommendation in that it is consistent with current practices and policies. The DOE is committed to continue providing the most accurate and timely information possible to parents/guardians regarding their child's busing schedule by utilizing the DOE’s NYC Schools Account to electronically share current transportation assignments and information regarding school bus routes. The DOE is committed to providing this information in the most accessible platforms possible using the DOE’s website which includes the Student Transportation Overview for Families, as well as a general overview of school bus transportation services, eligibility requirements, how families can get answers to transportation questions, and contact information for bus companies, to ensure thorough communication with families.”

- 2) With respect to improved compliance, we recommend that DOE ensure that its

reports on school bus routes are issued and posted on its website by the required dates in accordance with Local Law 33.

**DOE Response:** “The DOE agrees with this recommendation in that it is consistent with current practices and policies. The timing in posting these reports was directly related to the DOE’s focus on managing the COVID-19 pandemic and safely reopening the nation’s largest school system in Fall 2020. The DOE is committed to ensuring information provided is accurate and thorough and these reports have since been publicly posted on the DOE’s InfoHub website as of May 24, 2021.”

**Auditor Comment:** Although DOE issued and posted the reports on school bus routes later than the required dates set forth in Local Law 33, we acknowledge that the posted reports reflect DOE’s commitment to sharing accurate and complete information. Nevertheless, it is imperative that DOE be mindful of the required dates and ensure that the reports are issued on time. In this matter, timely reports are needed to allow stakeholders to make informed decisions.

## Scope and Methodology

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives. This audit was conducted in accordance with the audit responsibilities of the City Comptroller as set forth in Chapter 5, §93, of the New York City Charter.

The scope period for this audit was January 1, 2019 through April 29, 2021. Our methodology for this audit consisted of the following steps:

- We reviewed applicable laws, rules, policies, and procedures to determine our criteria in accordance with Local Law 33 of 2019.
- We reviewed DOE’s Chancellor’s Regulations regarding School Bus Transportation Services.
- We reviewed the available New York City Council Reports dated September 2018 and September 2019 to determine the school bus delays. These reports covered from school years 2015 to 2019 average delays by minutes. These reports were used by City Council to enact Local Law 33 and Local Law 34.

- We reviewed DOE's Local Law 33 Reports on School Bus Routes that were due by October 31, 2019 and April 30, 2020 to determine whether they included the information required. Furthermore, after the exit conference, we reviewed the reports that were due October 31, 2020 and the April 30, 2021, which were both posted as of May 21, 2021, to determine whether they included the information required.
- To determine whether DOE submitted information regarding school bus transportation services prior to the start of the school year to authorized parents or guardians of children receiving school bus transportation services, we obtained and reviewed information parents received from DOE that informed them of their bus service.
- To determine whether DOE made information regarding school bus transportation services available to parents and guardians on a daily basis, we monitored the DOE OPT website to determine whether notifications concerning late arrivals and late departures and any interruption in services provided by the bus companies were posted.
- We reviewed DOE's Technical Guide for Family Access Management and NYCSA.
- We analyzed DOE's website to determine whether the Local Law 33 Report on School Bus Routes for October 31, 2019, April 30, 2020, October 31, 2020, and April 30, 2021 were available online.
- We analyzed DOE's website to determine whether it provided information regarding DOE's school bus transportation services and allowed parents/guardians to retrieve specific information regarding school bus routes and provide feedback regarding bus routes.
- We reviewed DOE's OPT website to determine whether it provided information regarding school bus arrivals/departures on a daily basis.
- We accessed DOE's OPT website to determine the late arrivals/departures for school buses on a daily basis. We downloaded all available late arrivals/departures during our audit period for the following months: June 2019, July 2019, August 2019, September 2019, October 2019, November 2019, December 2019, January 2020, February 2020, and March 4, 2020 to March 12, 2020. School bus services were discontinued for the remaining of the school year due to COVID-19.
- We observed dry runs performed by various school bus companies during August 2019. (These dry runs were reported before May 2020, so DOE did not assess liquidated damages for the September 2019-June 2020 school year.) We randomly selected 4 out of 43 school bus companies that provide transportation to Pre-K and Early Intervention Children and School-Age Children.

- We reviewed DOE's Student Transportation Update issued October 2019 to assess DOE's initiatives to improve student transportation in New York City.
- We interviewed key personnel at DOE to determine whether the Local Law 33 Report on School Bus Routes was submitted to the Speaker of the Council by October 31, 2019. In addition, we monitored the applicable websites to determine if the reports were issued as required.

The matters covered in this letter report were discussed with DOE officials during and at the conclusion of this audit. A preliminary draft letter report was sent to DOE and discussed with DOE officials at an exit conference held on May 24, 2021. On June 3, 2021, we submitted a draft letter report to DOE with a request for written comments. We received a written response from DOE on June 16, 2021. In its response, DOE agreed with the audit's findings and recommendations, stating that the agency "agrees with the summary findings of this Report related to reporting about school bus transportation services in accordance with Local Law 33 . . . and we are pleased that the Report acknowledges that the DOE adequately complies with the data, substance, and content of [the] Local Law."

The full text of DOE's response is included as an addendum to this report.

Sincerely,



Marjorie Landa

c: Danya Labban, Auditor General, DOE  
Samilda Perez-Villanueva, External Audit Administrator, DOE  
Nancy Fiore, Chief of Data and Operations, DOE  
Kevin Moran, Chief School Operations Officer, Transportation, DOE  
Joel Mendoza, Director, DOE  
Jeff Thamkittikasem, Director, Mayor's Office of Operations  
Brady Hamed, Chief of Staff, Mayor's Office of Operations  
Florim Ardolli, Assistant Director, Mayor's Office of Operations



June 16, 2021

Marjorie Landa  
Deputy Comptroller for Audit  
The City of New York  
Office of the Comptroller  
One Centre Street  
New York, NY 10007-2341

**RE: Audit Report on the New York City Department of Education's Compliance with Local Law 33 of 2019 Regarding the Reporting of Its Policies and Goals of School Bus Transportation Services - Audit Report #SZ19-120AL and Local Law 34 of 2019 Regarding Reports on School Bus Transportation Services and School Bus Delays Audit Report #SZ20-069AL**

Dear Ms. Landa:

This letter will serve as the New York City Department of Education's (DOE) formal response to the New York City Office of the Comptroller's (Comptroller) draft Audit Report on the DOE's Compliance with Local Law 33 of 2019 Regarding the Reporting of Its Policies and Goals of School Bus Transportation Services and Local Law 34 of 2019 Regarding Reports on School Bus Transportation Services and School Bus Delays (Report).

We are pleased that the audit acknowledges the DOE's progress in creating greater transparency and better communications with families, and that the resources and reports created by our Office of Pupil Transportation meet the needs of our families and satisfy the requirements of reporting publicly and to the City Council twice a year as well as sharing critical transportation information with families. These, along with many other changes to our transportation system, are the result of ongoing work to improve student transportation in New York City.

The DOE agrees with the summary findings of this Report related to reporting about school bus transportation services in accordance with Local Law 33 and Local Law 34 and we are pleased that the Report acknowledges that the DOE adequately complies with the data, substance, and content of each Local Law. Beginning in October 2019, the DOE has produced bi-annual data about student transportation which it shares with City Council and posts online on the DOE's InfoHub. As stated in each Report, the data provided in these reports adequately satisfies the requirements set forth in Local Law 33 and Local Law 34.



The DOE received partial compliance in some categories of the Report due to the timeliness of the publication of these reports. However, as the Report acknowledges, these reports have since been posted. The posting of these reports was impacted by the DOE's focus of responding to the global pandemic, and in particular the safe reopening of the nation's largest school system in Fall 2020.

Response to Recommendations:

### Local Law 33

**Recommendation 1.** *DOE maintain and where warranted improve its compliance with Local Law 33 to ensure communication of specific information regarding school bus transportation services to and with parents and guardians of students who receive school bus services.*

**Response:** The DOE agrees with this recommendation in that it is consistent with current practices and policies. The DOE is committed to continue providing the most accurate and timely information possible to parents/guardians regarding their child's busing schedule by utilizing the DOE's NYC Schools Account to electronically share current transportation assignments and information regarding school bus routes. The DOE is committed to providing this information in the most accessible platforms possible using the DOE's website which includes the *Student Transportation Overview for Families*, as well as a general overview of school bus transportation services, eligibility requirements, how families can get answers to transportation questions, and contact information for bus companies, to ensure thorough communication with families.

**Recommendation 2.** *DOE ensure that its reports on school bus routes are issued and posted on its website by the required dates in accordance with Local Law 33.*

**Response:** The DOE agrees with this recommendation in that it is consistent with current practices and policies. The timing in posting these reports was directly related to the DOE's focus on managing the COVID-19 pandemic and safely reopening the nation's largest school system in Fall 2020. The DOE is committed to ensuring information provided is accurate and thorough and these reports have since been publicly posted on the DOE's InfoHub website as of May 24, 2021.

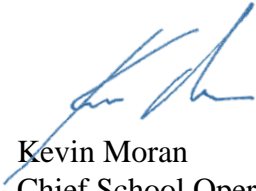
### Local Law 34

**Recommendation 1.** *DOE continue to maintain and where warranted improve its compliance with Local Law 34 to ensure its reports on school bus transportation services and delays are submitted timely to the City Council and posted timely on its website in accordance with Local Law 34.*

**Response.** The DOE agrees with this recommendation in that it is consistent with current practices and policies. The timing in posting these reports was directly related to the DOE's focus on

managing the COVID-19 pandemic and safely reopening the nation's largest school system in Fall 2020. The DOE is committed to ensuring information provided is accurate and thorough and these reports have since been publicly posted on the DOE's InfoHub website as of May 24, 2021.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kevin Moran", is positioned above the typed name and title.

Kevin Moran  
Chief School Operations Officer