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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 34 of 2019 Regarding Reports on School Bus Transportation Services and School Bus Delays (Audit #SZ20-069AL)

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 34 of 2019, which requires that DOE: (1) report twice a year on its school bus services and delays to the New York City Council; and (2) post a copy of each semiannual report on its website. The objective of this audit was to determine whether DOE has complied with those requirements of Local Law 34.

Background

DOE provides primary and secondary education to over one million pre-kindergarten to grade 12 students in more than 1,800 schools. DOE also provides transportation to eligible City students in public, charter, and non-public schools through its Office of Pupil Transportation (OPT).¹ OPT coordinates transportation services for City students attending public, charter, and nonpublic schools located in the City and in surrounding areas up to fifty miles outside of the City through contracts with school bus companies.² Its mission is to

¹ General education transportation eligibility is based on a student's grade level and the walking distance between home and school. Based on the distance calculation, 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.

² OPT does not own any school buses or employ any bus drivers. All school bus services are contracted with various school bus companies. In September 2020, the City established NYC School Bus Umbrella Services, Inc. (NYCSBUS)

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 several pieces of legislation, including Local Law 34, 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 school bus services, including among other things no-show buses, missing students, significant delays, and concerns about school bus drivers. Moreover, a heavy 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 experienced 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, with 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 an average of 23.2 minutes and, finally, Staten Island at 19.4 minutes.³

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 3K and Pre-K, and all grades in District 75 schools, non-public schools, and charter schools.⁴

as a not-for-profit corporation to oversee school bus inventory and employees. In October 2020, Mayor de Blasio announced that DOE 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 is expected to close in the first half of 2021. Until the acquisition is finalized, Reliant Transportation will continue to operate as an independent vendor for DOE providing school bus services.

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

⁴ 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*

Over 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.⁵ Accordingly, and considering the previously described complaints and problems with school bus service, the New York City Council in 2019 enacted Local Law 34 of 2019, codified at §§21-993, 994 of the New York City Administrative Code, requiring DOE to report, publicly and to the City Council, certain information, specified below, concerning school bus transportation services. In the same year, Local Law 33 was enacted to establish separate reporting requirements for DOE concerning school bus routes and related DOE policies and goals.⁶ Local Law 34 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 transportation services for the relevant reporting period.⁷ Specifically, DOE's Local Law 34 reports on school bus transportation services must include:

- the school bus vendors providing school bus transportation services;
- the total number of vehicles owned or ready to be used by each school bus vendor;
- the total number of school bus routes;
- the total number of employees known by DOE to be employed by each school bus vendor;
- the total number of transportation sites to or from which school age students are transported;
- the total number of school age students to whom DOE provided transportation;
- the total number of students in foster care that applied to DOE for transportation;
- the total number of Pre-K vendors providing transportation services;
- the total number of sites to or from which pre-kindergarten and early intervention students are transported; and
- the total number of Pre-K and early intervention students receiving school bus transportation service.

Furthermore, the reports on school bus transportation services must also include a list of the categories of students who are eligible for school bus transportation services and a list of the categories of students who are eligible for public transportation passes.

In addition, Local Law 34 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

75 *Programs*, <https://www.schools.nyc.gov/learning/special-education/school-settings/district-75/district-75-programs>, accessed May 10, 2021.

⁵ New York City Council, *Local Law 34 Hearing Testimony, October 16, 2018*.

⁶ Local Law 33 of 2019 was enacted to establish reporting policies and goals, how school bus routes are determined, goals for time limits for bus routes, and other goals relating to school bus services.

⁷ 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.

website reports on school bus delays for the relevant reporting period which must include information relating to each school bus route delay reported by school bus vendors, including the length in minutes, cause, vendor, school, and whether the delay resulted in the bus's failure to arrive at school. Furthermore, the reports on school bus delays must include the number of delays in school bus transportation services and the number of times a bus failed to arrive at a transportation site.

Audit Objective

The objective of this audit was to determine whether DOE has complied with Local Law 34 by submitting the required semiannual reports to City Council, with all of the required information, and by posting the required semiannual reports on its website.

Findings and Recommendations

Our audit found that DOE partially complied with Local Law 34. The reports DOE submitted generally contained the information the law required. However, we found that DOE was late in submitting its required second and third sets of reports, which were issued, respectively while our audit was underway, and shortly before the exit conference, as detailed below.

Specifically, DOE submitted its first and second reports regarding school bus transportation services and school bus delays to the City Council, and both reports are available on DOE's InfoHub website.⁸ However, while DOE's first report on school bus transportation services and its first report on school bus delays were issued by October 30, 2019 as required, we found that DOE's second set of reports on those topics was not issued or posted on its InfoHub website by the April 30, 2020 deadline. Instead, DOE issued those reports 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 reports under the Local Law were supposed to reflect data for only July 1, 2019 through December 31, 2019, which should not have been affected by the subsequent suspension of service.

Additionally, the third pair of reports, to cover the period of January 1, 2020 through June 30, 2020, was due by October 31, 2020, but neither of those reports was issued by 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

⁸ NYC Department of Education InfoHub, *Student Transportation Reports SY2019-20-July-December- Local Law 34 reports on school bus transportation services; Local Law 34 reports on school bus delays; SY2018-19 January-June Local Law 34 report on school bus transportation services; Local Law 34 reports on school bus delays;* <https://infohub.nyced.org/reports-and-policies/government/intergovernmentalaffairs/office-of-pupil-transportation-bi-annual-reports>. Each report is in Microsoft Excel Spreadsheet format.

2020 and June 2020 while schools were closed, DOE should have had available data to report regarding school bus transportation services and school bus delays for the two months, January and February 2020, 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 those reports are now available on the DOE website and that they include the required information. While DOE's posting of 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.

Content of DOE's Reports on School Bus Transportation Services and Delays

DOE's first report on school bus transportation services reflects data from January 1, 2019 through June 30, 2019. As required by Local Law 34, it includes the school bus vendors providing school bus transportation services. It also includes the total number of vehicles owned or ready to be used by each school bus vendor, the total number of employees known to DOE employed by each school bus vendor, the total number of school bus routes, the total number of transportation sites to or from which school age students were transported, and the total number of school age students that received school bus transportation service. Additionally, it includes the total number of students in foster care that applied for transportation, the total number of Pre-K vendors providing transportation services, the total number of sites to or from which Pre-K and Early Intervention students were transported, and the total number of pre-kindergarten and early-intervention students receiving school bus transportation services. Moreover, it includes a list of the categories of students who were eligible for school bus transportation services and a list of the categories of students eligible for public transportation passes.

Furthermore, as required by Local Law 34, the information in DOE's report is disaggregated by the categories required, specifically: the number of school bus routes assigned to each vendor, general education school bus routes, special education school bus routes, the number of students transported by each vendor, type of student, the type of program attended, site type, and borough. Applicable data is also disaggregated by the total number of vehicles owned or used by each school bus vendor, vehicles for general education school bus routes, vehicles for special education school bus routes, the total number of employees employed by each school bus vendor, school bus transportation services, students eligible for MetroCard passes for public transportation, and students living in shelter.

DOE's first report on school bus delays reflects data from January 1, 2019 through June 30, 2019. The report includes information relating to each school bus route delay reported by

school bus vendors, including the length of the delay in minutes, cause of the delay, the vendor, the school, and whether the delay resulted in the bus's failure to arrive at the relevant schools.

Although DOE's second report on school bus transportation services was not issued by the required date, we reviewed the report and found that it includes all the required data for the period July 1, 2019 through December 31, 2019. It includes the school bus vendors providing school bus transportation services. It also includes the total number of vehicles owned or ready to be used by each school bus vendor, the total number of employees known to the Department employed by each school bus vendor, the total number of school bus routes, the total number of transportation sites to or from which school age students are transported, the total number of school age students for whom the Department provided transportation, the total number of students in foster care that applied to the Department for transportation, the total number of Pre-K vendors providing transportation services, the total number of transportation sites to or from which pre-kindergarten and early intervention students are transported, and the total number of Pre-K and early-intervention students receiving school bus transportation services. Moreover, it includes a list of the categories of students who are eligible for school bus transportation services and a list of the categories of students who are eligible for public transportation passes.

Similarly, although the second report on school bus delays was not issued by the required date, we found that it reflects the required data from July 1, 2019 through December 31, 2019; and includes information relating to each school bus route delay reported by school bus vendors including the length of the delay in minutes, cause of the delay, vendor, school, and whether the delay resulted in the bus's failure to arrive at school. Furthermore, as required by Local Law 34, the information is disaggregated by the prescribed categories.

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

COMPLIANCE SUMMARY		
Criteria	Compliance	Notes
DOE must report twice per year on its school bus services, including the vendors providing transportation, the number of vehicles and employees used by such vendors, and the number of bus routes and transportation sites in use.	Partial	DOE issued its first report and second report regarding school bus transportation services. Both reports contain the information required by Local Law 34 including the total number of vendors providing transportation services, the number of vehicles used and the number of bus routes and transportation sites in use. The first report reflects data between January 1, 2019 through June 30, 2019; and the second report, which DOE posted approximately eight months late, reflects data from July 1, 2019 through December 31, 2019. DOE's third report on school bus services, which DOE posted approximately six months late, contains the required information. The fourth report, which was due April 30, 2021 was posted as of May 21, 2021. It contains the required information.
DOE must report twice per year on school bus delays including no shows disaggregated by vendor; and the length of the delay in minutes, cause of the delay, school, and whether or not the delay resulted in failure to arrive at the school.	Partial	DOE issued its first and second report regarding school bus delays. Both reports contain the information required regarding the number of delays in school bus transportation services and the number of times a bus failed to arrive at a transportation site. The first report reflects data between January 1, 2019 through June 30, 2019; the second report, which DOE posted approximately eight months late, reflects data from July 1, 2019 through December 31, 2019. DOE's third report on school bus delays, which DOE posted approximately six months late, contains the required information. 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 transportation services and school bus delays must be submitted to the New York City Council beginning October 31, 2019, and by each April 30 or October 31 thereafter. The reports must also be available on its website.	Partial	DOE submitted its first report on school bus transportation services and first report on school bus delays on October 21, 2019, within the deadline. DOE's second set of reports was issued approximately eight months late. The first and second sets of reports are posted on DOE's InfoHub website. DOE issued its third set of reports approximately six months late. DOE issued its fourth set of reports, due April 30, 2021, on or about May 21, 2021.
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Based on the Local Law 34 requirements, we outlined all the criteria necessary for DOE to maintain compliance, which are summarized in the table below along with our findings regarding DOE's compliance with the criteria.

CORE CRITERIA	
Detailed Criteria	Compliance
<p>DOE’s Reports on School Bus Transportation Services must include the school bus vendors providing school bus transportation services, disaggregated by the number of school bus routes assigned to such vendor, and the number of students transported by each vendor and further disaggregated by students who are transported on special education school bus routes and students who are transported on general education school bus routes.</p>	<p>Partial: DOE’s first and second reports on school bus transportation services include the information required by Local Law 34. Specifically, Section B4 of each report lists the name of each school bus vendor and the total count of routes. Section B1 of each report lists the total count of students assigned to general education stop-to-school routes by vendor and lists the total count of students assigned to special education door-to-door routes by vendor. The first report reflects data for the period of January 1, 2019 through June 30, 2019, and the second report reflects the aforementioned data for the period of July 1, 2019 through December 31, 2019. The first report was on time; the second report was approximately eight months late. DOE’s third report was submitted approximately six months late and contains the required information. The fourth report, which was due April 30, 2021, was posted as of May 21, 2021. It contains the required information.</p>
<p>DOE’s Reports on School Bus Transportation Services must include the total number of vehicles owned or ready to be used by each school bus vendor, disaggregated by vehicles for general education school bus routes and vehicles for special education school bus routes.</p>	<p>Partial: DOE’s first and second reports on school bus transportation services include the information required by Local Law 34. Specifically, Section B2 of each report lists the total count of vehicles by vehicle status (active, inactive, or spare) and service type (door-to-door or stop-to-school). The first report reflects data for the period of January 1, 2019 through June 30, 2019, and the second report reflects the aforementioned data for the period of July 1, 2019 through December 31, 2019. The first report was on time; the second report was approximately eight months late. DOE’s third report was submitted approximately six months late and contains the required information. The fourth report, which was due April 30, 2021, was posted as of May 21, 2021. It contains the required information.</p>

<p>DOE's Reports on School Bus Transportation Services must include the total number of employees known to the Department employed by each school bus vendor, disaggregated by type, including but not limited to drivers and attendants.</p>	<p>Partial: DOE's first and second reports on school bus transportation services include the information required by Local Law 34. Specifically, Section B3 of each report provides the count of employees by school bus company and job type (attendant or driver) by month. The first report reflects data for the period of January 1, 2019 through June 30, 2019, and the second report reflects data for the period of July 1, 2019 through December 31, 2019. The first report was on time; the second report was approximately eight months late. DOE's third report was submitted approximately six months late and contains the required information. The fourth report, which was due April 30, 2021, was posted as of May 21, 2021. It contains the required information.</p>
<p>DOE's Reports on School Bus Transportation Services must include the total number of school bus routes, disaggregated by school bus vendor, and further disaggregated by general education school bus routes and special education school bus routes.</p>	<p>Partial: DOE's first and second reports on school bus transportation services include the information required by Local Law 34. Specifically, Section B4 of each DOE report on school bus transportation services provides the total count of school bus routes by vendor and the total count of routes by vendor and service type per month. The first report reflects data for the period of January 1, 2019 through June 30, 2019, and the second report reflects the aforementioned data for the period of July 1, 2019 through December 31, 2019. The first report was on time; the second report was approximately eight months late. DOE's third report was submitted approximately six months late and contains the required information. The fourth report, which was due April 30, 2021, was posted as of May 21, 2021. It contains the required information.</p>

<p>DOE's Reports on School Bus Transportation Services must include the total number of transportation sites to or from which school age students are transported, disaggregated by type, borough, and sites outside of the city school district of the city of New York.</p>	<p>Partial: DOE's first and second reports on school bus transportation services include the information required by Local Law 34. Specifically, Section B5 of each report provides the total count of unique transportation sites and the total number of transportation sites in Bronx, Brooklyn, Queens, Manhattan, Staten Island, and non-NYC locations per month. The first report reflects data for the period of January 1, 2019 through June 30, 2019, and the second report reflects data for the period of July 1, 2019 through December 31, 2019. The first report was on time; the second report was approximately eight months late. DOE's third report was submitted approximately six months late and contains the required information. The fourth report, which was due April 30, 2021, was posted as of May 21, 2021. It contains the required information.</p>
<p>DOE's Reports on School Bus Transportation Services must include the total number of school age students for whom the Department provided transportation, disaggregated by school bus transportation services and passes for public transportation, and further disaggregated by type of student, which shall include but not be limited to, students who are transported on special education school bus routes, students who are transported on general education school bus routes, students in temporary housing, disaggregated by students living in shelter and students living in any other location if available, students in foster care, grade level, public school students, and nonpublic school students.</p>	<p>Partial: DOE's first and second reports on school bus transportation services include the information required by Local Law 34. Specifically, Section B6 of each report provides the total count of school age students eligible for a MetroCard by grade and school type per month; the count of school age students residing in DHS shelters eligible for a MetroCard by grade and school type per month; the total count of school age students provided busing by service type, grade and school type per month; and the school age students residing in DHS shelters provided busing by service type, grade and school type. The first report reflects data for the period of January 1, 2019 through June 30, 2019, and the second report reflects data for the period of July 1, 2019 through December 31, 2019. The first report was on time; the second report was approximately eight months late. DOE's third report was submitted approximately six months late and contains the required information. The fourth report, which was due April 30, 2021, was posted as of May 21, 2021. It contains the required information.</p>

<p>DOE's Reports on School Bus Transportation Services must include the total number of students in foster care that applied to the Department for transportation.</p>	<p>Partial: DOE's first and second reports on school bus transportation services include the information required by Local Law 34. Specifically, Section B7 of each report provides the total number of students in foster care that applied to DOE for transportation services. The first report reflects data for the period of January 1, 2019 through June 30, 2019, and the second report reflects data for the period of July 1, 2019 through December 31, 2019. The first report was on time; the second report was approximately eight months late. DOE's third report was submitted approximately six months late and contains the required information. The fourth report, which was due April 30, 2021, was posted as of May 21, 2021. It contains the required information.</p>
<p>DOE's Reports on School Bus Transportation Services must include the total number of pre-k vendors providing transportation services, disaggregated by the number of students transported by each vendor and further disaggregated by the type of program attended by such students if known to the Department, including but not limited to pre-kindergarten programs and early intervention programs.</p>	<p>Partial: DOE's first and second reports on school bus transportation services include the information required by Local Law 34. Specifically, Section B8 of each report provides the total number of Pre-K and Early Intervention students by school type and vendor per month. The first report reflects the data for January 1, 2019 through June 30, 2019, and the second report reflects data for July 31, 2019 through December 31, 2019 as required. The first report was on time; the second report was approximately eight months late. DOE's third report was submitted approximately six months late and contains the required information. The fourth report, which was due April 30, 2021, was posted as of May 21, 2021. It contains the required information.</p>

<p>DOE’s Reports on School Bus Transportation Services must include the total number of transportation sites to or from which pre-kindergarten and early intervention students are transported, disaggregated by type, borough, and sites outside of the city school district of the city of New York.</p>	<p>Partial: DOE’s first and second reports on school bus transportation services include the information required by Local Law 34. Specifically, Section B9 of each report provides the total number of Pre-K and Early Intervention transportation sites by borough or outside of the borough, and site type per month. The first report reflects the data for January 1, 2019 through June 30, 2019, and the second report reflects data for July 31, 2019 through December 31, 2019 as required. The first report was on time; the second report was approximately eight months late. DOE’s third report was submitted approximately six months late and contains the required information. The fourth report, which was due April 30, 2021, was posted as of May 21, 2021. It contains the required information.</p>
<p>DOE’s Reports on School Bus Transportation Services must include the total number of pre-kindergarten and early intervention students receiving school bus transportation services, disaggregated by type of student, which shall include but not be limited to, students who are transported to pre-kindergarten programs and students who are transported to early intervention programs if known by the Department, students in temporary housing, disaggregated by students living in shelter and students living in any other location if available, students in foster care, grade level, public school students, and nonpublic school students.</p>	<p>Partial: DOE’s first and second reports on school bus transportation services include the information required by Local Law 34. Specifically, Section B10 of both of DOE’s issued reports on school bus transportation services provide Pre-K (public and non-public) and Early Intervention (public and non-public) students receiving busing by age and school type per month. According to the notes section of the report, students in temporary housing situations other than those reported to be living in a DHS shelter were excluded from the report due to data quality issues.⁹ The first report reflects the data for January 1, 2019 through June 30, 2019, and the second report reflects data for July 31, 2019 through December 31, 2019 as required. The first report was on time; the second report was approximately eight months late. DOE’s third report was submitted approximately six months late and contains the required information. The fourth report, which was due April 30, 2021, was posted as of May 21, 2021. It contains the required information.</p>

⁹ It also explains that while the DOE student data system (ATS) has a housing indicator flag, it is often inaccurate and unreliable. Therefore, OPT cannot reliably report on the temporary housing status of students other than those residing in DHS shelters, where a daily report indicating shelter status is provided.

<p>DOE's Reports on School Bus Transportation Services must include a list of the categories of students who are eligible for school bus transportation services and a list of the categories of students who are eligible for public transportation passes.</p>	<p>Partial: DOE's first and second reports on school bus transportation services include the information required by Local Law 34. Specifically, Section B11 of each report provides transportation eligibility and exceptions for school bus transportation services. According to the report, transportation eligibility is based on a student's grade level, walking distance between home and school, and existing accommodations based on a medical condition, housing status, or safety assessment. Each report also includes a list of categories of students eligible for MetroCards. The first report was on time; the second report was approximately eight months late. DOE's third report was submitted approximately six months late and contains the required information. The fourth report, which was due April 30, 2021, was posted as of May 21, 2021. It contains the required information.</p>
<p>DOE's Reports on School Bus Delays must include the number of delays in school bus transportation services, disaggregated by school bus vendor.</p>	<p>Partial: DOE's first and second reports on school bus delays include the number of delays in school bus transportation services by school bus vendor. Each report also provides a delay in service summary which lists the school bus company, the delay type (breakdown or running late), and the count by month. The first report reflects the data for January 1, 2019 through June 30, 2019, and the second report reflects data for July 31, 2019 through December 31, 2019 as required. The first report was on time; the second report was approximately eight months late. DOE's third report was submitted approximately six months late and contains the required information. The fourth report, which was due April 30, 2021, was posted as of May 21, 2021. It contains the required information.</p>

<p>DOE's Reports on School Bus Delays must include the number of times a bus failed to arrive at a transportation site, disaggregated by type of transportation site, and school bus vendor.</p>	<p>Partial: DOE's first and second reports on school bus delays include the number of times a bus failed to arrive at a transportation site by the type of transportation site and the school bus company. The first report reflects the data for January 1, 2019 through June 30, 2019, and the second report reflects data for July 31, 2019 through December 31, 2019 as required. The first report was on time; the second report was approximately eight months late. DOE's third report was submitted approximately six months late and contains the required information. The fourth report, which was due April 30, 2021, was posted as of May 21, 2021. It contains the required information.</p>
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We recommend that 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.

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 transportation services and delays later than the required dates set forth in Local Law 34, 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 34 of 2019.
- We reviewed DOE's Chancellor's Regulations Regarding School Bus Transportation Services.
- We reviewed DOE's Local Law 34 Reports on School Bus Transportation Services due to be submitted on October 31, 2019 and April 30, 2020 to determine whether they included the information required. In addition, after the exit conference, we reviewed the October 31, 2020 and the April 30, 2021 reports to determine whether they included the information required.
- We reviewed DOE's Local Law 34 Reports on School Bus Delays due to be submitted on October 31, 2019 and April 30, 2020 to determine whether they included the information required.
- We reviewed DOE's website to determine whether the Local Law 34 Reports on School Bus Transportation Services and Local Law 34 Reports on School Bus Delays for October 31, 2019, April 30, 2020, and October 31, 2020 were available.
- 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 34 Reports on school bus transportation services and school bus delays were submitted to the Speaker of the Council by October 31, 2019.
- 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 through 2019 average delays by minutes. These reports were used by City Council to enact Local Law 33 and Local Law 34.
- We observed several occasions where there were delays or reroutes of bus services that would cause delays in students being picked up or dropped off during school days. Such delays included but were not limited to rerouting due to construction, heavy traffic, mechanical failures, and students not being at the bus stop on time. During School Year 2019, we randomly selected 7 out of 43 school bus vendors to follow on their routes to determine pick-up times, arrival times, departure times and times that the students were dropped-off. We noted and documented any delays. If there were

delays, we then checked DOE's website to determine whether the delays were accurately reported there. The delays that we observed were accurately reported on DOE's website. We judgmentally selected dates during the first two weeks of school to determine whether students were being picked up at the designated times, arrival and departure times at the schools were adhered to and if students were dropped-off at the schedule time. Those dates were September 12, 2019, and September 16, 2019. Then we randomly selected dates during October and November 2019 to determine if the students were still being picked up/dropped-off as scheduled and if the arrival/departure times to the school were adhered to (late arrivals or departures). These dates were October 3, 2019, October 10, 2019, October 23, 2019, October 31, 2019, November 8, 2019, and November 21, 2019. The testing was done to determine late arrivals/departures and the causes.

- 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 remainder of the school year due to COVID-19.

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 2, 2021, we submitted a draft letter report to DOE officials 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 34, and we are pleased that the Report acknowledges that the DOE adequately complies with the data, substance, and content of [the] Local Law."

Chancellor Porter

June 22, 2021

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

Sincerely,

A handwritten signature in black ink, appearing to read "Marjorie Landa", with a long horizontal flourish extending to the right.

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 printed name and title.

Kevin Moran
Chief School Operations Officer