



NYAPT

NEW YORK ASSOCIATION FOR PUPIL TRANSPORTATION

266 Hudson Avenue • Albany, NY 12210 • PH: 518-463-4937 FX: 518-463-8743 • WWW.NYAPT.ORG

Our future is riding with us!

February 4, 2008

Honorable Members of the New York State Legislature and
Members of the Senate Finance Committee and the Assembly Committee on Ways and Means:

Please find attached the statement of the New York Association for Pupil Transportation in relation to the Proposed Executive Budget for New York State Fiscal Year 2008-2009.

Our statement regarding this proposed Executive Budget includes the following:

- Brief description of school transportation services in New York State;
- Acknowledgement of State Support for School Transportation
- Discussion of Unmet Needs to be Addressed including:
 - ✓ *Increase funding for school bus driver training;*
 - ✓ *Reform Section 3650 of the Education Law related to school bus safety;*
 - ✓ *Provide funding to support safe and efficient transportation for students in Universal Pre-Kindergarten programs*
 - ✓ *Provide funding in support of transportation services for summer school-based academic improvement programs*
 - ✓ *Provide local budget options related to school transportation costs*
 - ✓ *Provide funds to increase the capacity of the Education Department in the area School Transportation*
 - ✓ *Provide funding for electronic fingerprint scanning technology*
 - ✓ *Make timely investments in Clean Air School Buses*
 - ✓ *Make needed investments in school bus facility safety and overall security*

We call particular attention to the need to increase funds appropriated for the Comprehensive School Bus Driver Safety Training Program and to reform and enhance Section 3650 of the Education Law which would effectively guide and direct the utilization of those funds.

We appreciate your support for safe and efficient school transportation services across our state and look forward to discussing these issues with you in the near future.

Kindest personal regards!

Sincerely,

Peter F. Mannella
Executive Director



NYAPT

NEW YORK ASSOCIATION FOR PUPIL TRANSPORTATION

266 Hudson Avenue • Albany, NY 12210 • PH: 518-463-4937 FX: 518-463-8743 • WWW.NYAPT.ORG

Our future is riding with us!

STATEMENT OF THE NEW YORK ASSOCIATION FOR PUPIL TRANSPORTATION

**NEW YORK STATE LEGISLATIVE FISCAL COMMITTEE HEARINGS
PROPOSED EXECUTIVE BUDGET FOR STATE FISCAL YEAR 2008-09**

FEBRUARY 4, 2008



NYAPT

NEW YORK ASSOCIATION FOR PUPIL TRANSPORTATION

266 Hudson Avenue • Albany, NY 12210 • PH: 518-463-4937 FX: 518-463-8743 • WWW.NYAPT.ORG

Our future is riding with us!

STATEMENT OF THE NEW YORK ASSOCIATION FOR PUPIL TRANSPORTATION

NEW YORK STATE LEGISLATIVE FISCAL COMMITTEE HEARINGS PROPOSED EXECUTIVE BUDGET FOR STATE FISCAL YEAR 2008-09

FEBRUARY 4, 2008

MEMBERS OF THE NEW YORK STATE SENATE COMMITTEE ON FINANCE AND THE NEW YORK STATE ASSEMBLY COMMITTEE ON WAYS AND MEANS

HONORABLE MEMBERS OF THE STATE SENATE AND THE STATE ASSEMBLY:

NYAPT is honored to present our comments and recommendations regarding the Proposed Executive Budget for State FY2008-09 and reflecting the concerns and ideas of our 600 members.

“NYAPT” is a non-profit professional association dedicated to the support, development and representation of the professionals who are responsible for the safe and efficient transportation of more than 2.3 million school children each day in New York...those professionals are our members.

The record of safety for the yellow school bus in our state is exemplary. This safety record is the result of the hard work of the technicians who maintain our highly technical school buses, who dispatch and route those buses on safe and cost-efficient routes, the drivers and attendants who actually drive and assist students on those 50,000-plus school buses and the professional women and men who manage and coordinate these impressive operations.

In New York State we operate over 50,000 school buses that are driven by more than 50,000 highly trained and closely screened school bus drivers. Our members are responsible for transporting a significant share of the 2.3 million children who ride school buses to and from school each day. In the course of a standard school year, a child will board or get off of a school bus 1,656,000,000 times. With that many opportunities for a mistake or an injury or even a fatality, you can understand why our members take safety seriously.

HIGHLIGHTS OF OUR STATEMENT

Our statement regarding this Executive Budget will include the following:

- Brief description of school transportation services in New York State;
- Acknowledgement of State Support for School Transportation
- Discussion of Unmet Needs to be Addressed including:
 - ✓ *Increase funding for school bus driver training;*

- ✓ *Reform Section 3650 of the Education Law related to school bus safety;*
- ✓ *Provide funding to support safe and efficient transportation for students in Universal Pre-Kindergarten programs*
- ✓ *Provide funding in support of transportation services for summer school-based academic improvement programs*
- ✓ *Provide local budget options related to school transportation costs*
- ✓ *Provide funds to increase the capacity of the Education Department in the area School Transportation*
- ✓ *Provide funding for electronic fingerprint scanning technology*
- ✓ *Make timely investments in Clean Air School Buses*
- ✓ *Make needed investments in school bus facility safety and overall security*

ACKNOWLEDGEMENT OF STATE SUPPORT

We would be remiss if we did not acknowledge clearly and definitively that our state has been consistently supportive of school transportation at many levels. Significantly, the Governor and the Legislature have annually provided funding in support of overall school transportation services in the state. These funds, coupled with local school funding, enable the transportation of over 2.3 million school children to and from school each day.

Moreover, the Legislature and the Governor have since 1997 provided \$400,000 per year in state funding to support school bus driver training programs and related services. The members of our Association appreciate the consistent and continuing support for school bus safety that is evidenced by this investment. These funds have been used to develop the curricula that train our drivers and attendants as well as support the network of School Bus Driver Instructors and Master Instructors who conduct that important training. We will offer a number of substantive recommendations that will enhance these programs later in our statement.

NEEDS STILL TO BE ADDRESSED

- ❖ **INCREASE FUNDING FOR SCHOOL BUS DRIVER TRAINING**
- ❖ **REFORM SECTION 3650 OF THE EDUCATION LAW**

NYAPT proposes that the Legislature increase to \$1.0 million (current appropriation of \$400,000 constant since 1997) the amount of funds appropriated in the Education Department budget for the Comprehensive School Bus Driver Safety Training Program. These funds are needed to allow the timely and thorough completion of several critical training programs that have been allowed to remain incomplete or out of date for too long. These include but are not limited to the following:

- Driver Safety Training Manual (does not currently exist; although it was required by the Legislature under Education Law, Section 3650, since 1997);
- Student/Classroom Safety Curriculum (last updated 1991);
- Driver Pre-Service Curriculum (last updated 1991);
- School Bus Driver Instructor Curriculum (non-existent);
- Master Instructor Curriculum (non-existent);
- Update of Basic Course for Drivers (not updated since 1998);
- Update of Advanced Course for Drivers (not updated since 1999);
- Behind the Wheel Training Curriculum/Program (non-existent);
- Training curricula for delivery to drivers and attendants related to specific populations of students - e.g., students with disabilities, homeless students, pre-kindergarten students (non-existent).

NYAPT is deeply concerned that, over the past several years as much as \$1.2 million of the funds appropriated for this important program have gone unspent. While there are several reasons for this happening, the sad reality is that these funds have now been lost for use by the program. In light of the important training that needs to be developed and completed, such a loss of funds is regrettable

and unfortunate. Such training funds would allow the development of courses related to stemming the problem of bullying on school buses, training drivers and attendants related to the needs of students with disabilities and others. We implore the Legislature to provide an infusion of funds to allow for the completion of this vital training.

NYAPT further proposes that the Legislature enact **amendments to Section 3650 of the Education Law** to more clearly enforce its provisions and to ensure that its objectives are met and inure to the safety of our state's children. We believe that the elements of our school bus driver training system need to be more clearly defined and developed and that there needs to be a multi-year plan in place to ensure that all needs are met on a reasonable time and cost basis. Despite the overall success of this important effort, such planning and overall direction must be strengthened for the future success of the program. We have attached to this statement proposed language for such amendments.

Our amendments are offered in response to our concerns that the provisions of this section of the Education Law have not been implemented to the fullest and that this has contributed to a weakening in the state's capacity to train our drivers and attendants and to respond to emerging needs in the school transportation arena.

❖ **FUNDING TO SUPPORT SAFE AND EFFICIENT TRANSPORTATION FOR UNIVERSAL PRE-KINDERGARTEN STUDENTS**

NYAPT requests that the Legislature appropriate at least \$25 million to provide support for the costs of transporting children to programs under the Universal Pre-Kindergarten program. Funds for such transportation services have never been included in the state budget, yet school districts continue to incur costs for such transportation of children participating in Universal Pre-K programs.

As this successful program grows further across the state, it is vital to the safety of our pre-school children that we provide them the same level of safety as is ensured for children enrolled in K-12 school programs. Absent reasonable state support for safe transportation for our Universal Pre-K population, there is no assurance that they will be transported in accordance with best safety practices as are deployed for all other students in our schools. The Legislature should be aware of the rigorous standards set forth by the Federal government related to transportation of students in the Head Start program. Such standards and safety requirements provide a template for our consideration.

❖ **LOCAL BUDGET OPTIONS RELATED TO SCHOOL TRANSPORTATION COSTS**

NYAPT requests that the Legislature adopt changes in local budget requirements that will make it possible for school districts to:

- Incur increases in fuel costs as eligible contingency budget expenses
- Purchase school buses under a contingency budget only where such purchases are pursuant to a pre-established replacement plan adopted by the local school board
- Include the costs of transportation services for field trips and extra-curricular activities in reimbursements under transportation aid
- Allow school districts to share transportation services without penalties under the state transportation aid formula.

We will provide proposed budget language related to each of the above-referenced amendments.

❖ **INVESTMENTS IN TRANSPORTATION FOR SUMMER SCHOOL PROGRAMS**

NYAPT requests that the Legislature include at least \$10 million in the state budget to reimburse school districts for the increasing costs of summer education programs.

In recent years school districts have greatly increased summer school learning activities as an integral part of their overall academic performance improvement strategies. These programs are facilitated by an increased level of school transportation services over the summer months -- services that have increased significantly since our schools began to offer additional academic improvement services. While such academic and transportation services are necessary and desirable, they are not supported to any substantive extent by state aid.

As these programs become a standard element in school calendars, NYAPT believes it is important for the state to include transportation costs incurred in their delivery as eligible for transportation aid.

❖ **FUNDS TO INCREASE EDUCATION DEPARTMENT CAPACITY**

NYAPT urgently requests that the Legislature appropriate funds to enable the Education Department to restore part of its former capacity to provide technical assistance and reviews of school transportation programs. Such funding would also facilitate the development and management of the training programs and resources to which we referred earlier in our statement. Over the years, the capacity of the Department to advance school transportation services has eroded and is in need of expansion and enhancement.

❖ **FUNDING FOR FINGERPRINT SCANNING TECHNOLOGY**

A critical element in our overall agenda to enhance safety for our children is to refine and strengthen the process by which criminal background checks are completed. In September, the State Comptroller released a report that cast doubt on the current system by pointing out that school bus drivers can be hired for as long as ninety days pending receipt of the results of fingerprint-based background checks. The Comptroller called for a reduction in this period.

NYAPT supports such a reduction in the waiting period but also recognizes that such a reduction is only possible if the Department of Motor Vehicles is provided adequate resources to allow the purchase of the technology and equipment necessary. Accordingly, NYAPT urges the Legislature to include in the 2008-09 state budget adequate funding to support the purchase and deployment of electronic fingerprint scanning equipment that will reduce the time it takes to conduct criminal background checks on potential school bus drivers.

❖ **INVESTMENT IN CLEAN AIR SCHOOL BUSES**

• ***FUNDS FOR RETROFITTING SCHOOL BUSES***
NYAPT urges the Legislature to appropriate at least \$10 million per year for the next three years to enable school bus operators to retrofit qualified school buses with emissions reduction equipment, including Diesel Oxidation Catalysts, Diesel Particulate Filters, Crank Case Filters and related equipment. This equipment will reduce NOx and particulates that are dangerous to our young children.

Such investments are needed to enhance the clean air standards of the existing fleet of school buses, including school buses built for operation after the mid-1990s. Current school buses meet the rigorous 2007 standards set forth by the Environmental Protection Agency (EPA). These requested funds will support retrofitting of school buses already on the road and likely to remain on the road for the next 10-12 years.

• ***ALTERNATIVE ENERGY RESEARCH AND DEVELOPMENT***
NYAPT would also encourage the state to consider an increased state investment in the research and deployment of alternatives to diesel and the development of higher efficiency school buses. We believe that new products can be developed that will enhance the environment and could likely lead to the creation of jobs in the manufacture of the new technology and equipment.

• ***BUS REPLACEMENT INCENTIVE***

To further assist in accelerating the purchase of clean air school buses through accelerated bus replacement programs, NYAPT recommends that the Legislature amend the Education Law to waive 5-year assumed amortization provisions for the purchase of school buses that are equipped to meet the most current emissions standards and to serve as an incentive to purchase alternatively fueled school buses, including hybrid electric school buses. We expect the first hybrid electric school buses to be 'on the road' in New York in the next several months and many districts and operators will be seeking to purchase them for their fleets and to help keep the air cleaner for our children. Investment in such technology must be seen as part of a reasonable state response to the need for alternate fuels, for reduction in the use of fossil fuels and our dependence on foreign oil supplies.

❖ **INVESTMENT IN SCHOOL BUS FACILITIES AND SAFETY**

NYAPT urges the Legislature to appropriate \$5 million annually for the next three years to assist school districts in installing protective fencing, perimeter lighting, security cameras in currently unprotected school bus yards and facilities. Such limited purpose state aid would be tied to completion of safety assessments required under the SAVE legislation.

Currently thousands of school buses are stored or parked each day and night in open, unprotected school lots. This leaves them vulnerable to vandalism and damage, in addition to the potential for acts of terrorism that could affect the safety of our children. A short-term grant program to assist school districts and school bus operators to ensure the safety and security of these valuable public assets will yield significant benefits for our children.

OVERVIEW

It is important that the state continue to make timely and valuable investments in school transportation, particularly at this time when there are great needs for training of school transportation professionals, for cleaner operating school buses, for increased security around the vehicles that transport our children, for more rigorous background checks on the individuals who drive our students to and from school.

We are cognizant of the financial matters that will occupy the Legislature and the Governor in the development of the budget that is ultimately adopted. We must, however, call your attention to these significant needs that affect the safety of our children and their educational experience. Thank you for your support and continuing commitment to the Children of New York!



James Minihan, President
Transportation Supervisor
Katonah-Lewisboro School District



Peter F. Mannella
Executive Director

For additional information on these issues, about school transportation or to learn more about NYAPT, please contact Peter Mannella, our Executive Director, at our offices in Albany directly.

DRAFT AMENDMENTS TO SECTION 3650 OF THE EDUCATION LAW

As prepared by the New York Association for Pupil Transportation

§ 3650. Comprehensive school bus driver safety training program.

The commissioner, in consultation with the state comprehensive school bus driver safety training council and subject to appropriation by the legislature, shall:

1. Develop a uniform and comprehensive school bus driver safety training program for school bus drivers transporting students to and from school by school bus including instruction to such school bus drivers concerning the latest safety techniques using the latest instructional materials.
2. Include within the safety training program the development of curriculum and training materials including a school bus driver safety training manual.
3. Develop and conduct professional development school bus driver safety training seminars statewide.
4. Establish and maintain a data base containing data relative to school bus accidents and fatalities reported within the state.
5. Engage the services of consultants on a contract basis for rendering professional and tactical assistance.
6. Prepare a biennial plan that will describe to activities and services to be completed in accordance with this section and to be supported by funds appropriated for these purposes.

§ 3650-a. State comprehensive school bus driver safety training council.

1. There is hereby created and established in the department of education a council, to be known as the state comprehensive school bus driver safety training council. The council shall advise and assist the commissioner in the development and updating of the school bus driver safety training program and such other related matters as the council and commissioner shall deem appropriate. Such council shall consist of the commissioner of education as chair, the superintendent of state police, the commissioner of transportation and the commissioner of motor vehicles and eight other members to be appointed by the governor including the following:
 - a. Two members to be appointed upon the recommendation of the speaker of the assembly.
 - b. Two members to be appointed upon the recommendation of the temporary president of the senate.
 - c. One member to be appointed upon the recommendation of the minority leader of the assembly.
 - d. One member to be appointed upon the recommendation of the minority leader of the senate.
2. The members of the council, other than the ex officio members, shall serve for terms of two years. Such terms shall coincide with the election of the members of the state legislature and shall commence on the fifteenth day of January. Vacancies shall be filled for unexpired terms in the same manner as the original appointments.
3. The council shall meet at least semi-annually at the call of the chair. Additional meetings may be called upon at least five days notice by the chair or by petition of five members of the council.
4. No member of the council shall be disqualified from holding any other public office, nor shall employment be forfeited by reason of the member's appointment hereunder, notwithstanding the provisions of any general, special or local law, ordinance, county or city charter.

5. Each member of the council shall, from the amounts appropriated for these purposes, receive reimbursement for actual and necessary expenses incurred in the performance of their duties.
6. The council shall, ~~during its first year~~, by January 1, 2009, consider and may make recommendations on the following issues:
 - a. inclement weather procedures;
 - b. emergency school bus evacuation techniques;
 - c. safety equipment training;
 - d. promotion of public safety and driver preparation related to illegal passing of school buses;
 - e. unauthorized boarding of buses; ~~and~~
 - f. services for students with disabilities,
 - g. best practices related to clean air and idling of school buses, and
 - h. security on school buses and school transportation facilities.
7. The council shall make, on or before January 1, 2009, and on or before January first of each succeeding year, an annual report of its activities and such recommendations as it may deem appropriate to the board of regents concerning school bus driver safety training programs.

§ 3650-b. Drivers and instructors; training and safety.

1. The commissioner shall establish training and safety technique requirements for school bus drivers and school bus safety training instructors and shall make rules and regulations implementing such requirements on a statewide basis.
2. On or before August 1, 2009, the ~~The~~ commissioner shall prepare and distribute school bus driver safety training manuals to each school district. Such manual shall be periodically updated and shall provide the framework for continuing school bus safety education programs for school districts.
3. (a) Every school district shall certify to the commissioner that its school bus drivers have successfully completed the school bus driver safety training program established pursuant to the provisions of this article and shall make an annual report to the commissioner on the implementation and effectiveness of the program.
 (b) Each school district shall have the option of having its employees certified as school bus driver safety training instructors or contracting with certified instructors to provide such training to the district.
4. The commissioner, in consultation with the commissioner of motor vehicles, shall establish and maintain a certification program for school bus driver safety training instructors.

§ 3650-c. Accident report database.

The commissioner, in consultation with the commissioner of motor vehicles, shall establish an electronic data file containing accident reports relating to school buses.