



NESHANNOCK TOWNSHIP SCHOOL DISTRICT

Performance Audit Response
For
Fiscal Years Ending
June 30, 2017, 2016, 2015, and 2014

Dr. Terence P. Meehan
Superintendent

Mr. Justin DiMuccio
Business Manager/Board Secretary

June 13, 2019

Executive Summary

Audit Work

The Pennsylvania Department of the Auditor General conducted a performance audit of the Neshannock Township School District (District). Our audit sought to answer certain questions regarding the District's application of best practices and compliance with certain relevant state laws, regulations, contracts, and administrative procedures and to determine the status of corrective action taken by the District in response to our prior audit recommendations.

Our audit scope covered the period July 1, 2013 through June 30, 2017, except as otherwise indicated in the audit scope, objectives, and methodology section of the report (See Appendix).

Audit Conclusion and Results

Our audit found that the District applied best practices and complied, in all significant respects, with certain relevant state laws, regulations, contracts, and administrative procedures, except as detailed in two findings.

Finding No. 1: The District Failed to Adequately Maintain Safety Plans and Fully Comply with Bullying Prevention Requirements.

The District failed to adequately maintain its safety plan as required by the Emergency Management Services Code (Code) and comply with certain bullying prevention provisions in the "Safe Schools Act" (Act). The District did not provide sufficient and ongoing planning for disaster response and

emergency preparedness pursuant to the Code. Among other issues of noncompliance, the District's bullying policy and procedures do not include all of the information required to be in the policy or satisfy several other bullying prevention requirements under the Act. All of these issues could jeopardize the safety and security of District students and staff (see page 11).

Finding No. 2: The District Has Failed to Meet Its Legal Duty to Monitor Bus Drivers' Qualifications and Other Credentials, Thereby Putting Students at Risk of Harm.

In October 2018, we obtained a list of all of the District's bus drivers for the 2018-19 school year and requested the background clearances and qualification documents for all 20 drivers. We found that some of the required criminal history and child abuse documents were either missing or were outdated, meaning the documents were more than five years old. Several of the drivers' files had more than one deficiency. This poor record keeping and lack of oversight by the District ultimately put District students at potential risk of harm (see page 19).

Status of Prior Audit Findings and Observations.

With regard to the status of our prior audit recommendations to the District from an audit released on March 5, 2015, we found that the District had taken appropriate corrective action. The District implemented our recommendations pertaining to poor internal controls in the business office (see page 24), errors in reporting pupil membership (see page 25), lack of Board

governance over student activity funds (see page 26), hiring of annuitants (see page 28), and weaknesses in the school board minutes (see page 29).

Neshannock Township School District

Performance Audit Response for fiscal years ending June 30, 2017, 2016, 2015, and 2014

Description of Finding or Observation

Finding No. 1: The District Failed to Adequately Maintain Safety Plans and Fully Comply with Bullying Prevention Requirements.

Statement indicating the concurrence or nonconcurrence with Finding:

The District concurs with this finding.

Specific steps to be taken to correct the situation:

1. Through the newly-implemented requirements of Act 44, the District has established a Safety Committee and is in the process of updating the Disaster Response and Emergency Preparedness Plans.
2. The District believes the condensed version provides a more effective resource to staff, and will continue to use that document as well as making the larger, more-detailed plan available to all employees.
3. An All-Hazard Plan, per Act 44, will be completed prior to the start of the 2019-20 school year.
4. The District will complete a risk assessment of schools.
5. The Student Code of Conduct will be updated to include the actual bullying policy and will be posted in all visible areas of the schools.
6. The recent Safe 2 Say Program will be included with the information in the handbooks and posted throughout the schools.
7. Recent procedures for reporting of bullying are being developed as part of Act 44 requirements as well as through the new Safe 2 Say Program unveiled to students as required for all PA schools.
8. The District will comply with Act 44 and Safe 2 Say and provided appropriate procedures and resources to all students.

A timetable for implementation of each corrective action step:

1. The District established a Safety Committee in March of 2019 and they have started the process of developing procedures through Act 44 requirements which shall be completed prior to the start of the 2019-20 school term.
2. The PA State Police Assessment was conducted on March 13, 2019.
3. Policy #249, Bullying/Cyberbullying, was reviewed by the Board of School Directors at their March 14, 2019, public meeting. (Attachment)
4. The Student Code of Conduct is being reviewed by the Safety Committee and shall address bullying and Safe 2 Say program both in preparation for the 2019-20 school term.

A description of monitoring procedures for corrective action:

1. Student Code of Conduct Publication
2. Risk Assessment Results from PA State Police
3. Safe 2 Say reports are archived upon completion of investigation and resolution.

Book	Policy Manual
Section	200 Pupils
Title	Bullying/Cyberbullying
Code	249
Status	Active
Adopted	March 12, 2015
Last Revised	March 14, 2019

Purpose

The Board is committed to providing a safe, positive learning environment for district students. The Board recognizes that bullying creates an atmosphere of fear and intimidation, detracts from the safe environment necessary for student learning, and may lead to more serious violence. Therefore, the Board prohibits bullying by district students.

Definitions

Bullying means an intentional electronic, written, verbal or physical act or series of acts directed at another student or students, which occurs in a school setting that is severe, persistent or pervasive and has the effect of doing any of the following:[1]

1. Substantially interfering with a student's education.
2. Creating a threatening environment.
3. Substantially disrupting the orderly operation of the school.

Bullying, as defined in this policy, includes cyberbullying.

School setting means in the school, on school grounds, in school vehicles, at a designated bus stop or at any activity sponsored, supervised or sanctioned by the school.[1]

Authority

The Board prohibits all forms of bullying by district students.[1]

The Board encourages students who believe they or others have been bullied to promptly report such incidents to the building principal or designee.

Students are encouraged to use the district's report form, available from the building principal, or to put the complaint in writing; however, oral complaints shall be accepted and documented. The person accepting the complaint shall handle the report objectively, neutrally and professionally, setting aside personal biases that might favor or disfavor the student filing the complaint or those accused of a violation of this policy.

The Board directs that verbal and written complaints of bullying shall be investigated promptly, and appropriate corrective or preventative action be taken when allegations are substantiated. The Board directs that any complaint of bullying brought pursuant to this policy shall also be reviewed for

conduct which may not be proven to be bullying under this policy but merits review and possible action under other Board policies.

Discrimination/Discriminatory Harassment

Every report of alleged bullying that can be interpreted at the outset to fall within the provisions of policies addressing potential violations of laws against discrimination and discriminatory harassment shall be handled as a joint, concurrent investigation into all allegations and coordinated with the full participation of the Compliance Officer. If, in the course of a bullying investigation, potential issues of discrimination or discriminatory harassment are identified, the Compliance Officer shall be promptly notified, and the investigation shall be conducted jointly and concurrently to address the issues of alleged discrimination as well as the incidents of alleged bullying.[2][3]

Confidentiality

Confidentiality of all parties, witnesses, the allegations, the filing of a complaint and the investigation shall be handled in accordance with this policy and the district's legal and investigative obligations.

Retaliation

Reprisal or retaliation relating to reports of bullying or participation in an investigation of allegations of bullying is prohibited and shall be subject to disciplinary action.

Delegation of Responsibility

Each student shall be responsible to respect the rights of others and to ensure an atmosphere free from bullying.

The Superintendent or designee shall develop administrative regulations to implement this policy.

The Superintendent or designee shall ensure that this policy and administrative regulations are reviewed annually with students.[1]

The Superintendent or designee, in cooperation with other appropriate administrators, shall review this policy every three (3) years and recommend necessary revisions to the Board.[1]

District administration shall annually provide the following information with the Safe School Report:
[1]

1. Board's Bullying Policy.
2. Report of bullying incidents.
3. Information on the development and implementation of any bullying prevention, intervention or education programs.

Guidelines

The Code of Student Conduct, which shall contain this policy, shall be disseminated annually to students.[1][4][5]

This policy shall be accessible in every classroom. The policy shall be posted in a prominent location within each school building and on the district website.

Education

The district shall develop, implement and evaluate bullying prevention and intervention programs and activities. Programs and activities shall provide district staff and students with appropriate training for effectively responding to, intervening in and reporting incidents of bullying.[1][6][7][8]

Consequences for Violations

A student who violates this policy shall be subject to appropriate disciplinary action consistent with the Code of Student Conduct, which may include:[1][5][9]

1. Counseling within the school.
2. Parental conference.
3. Loss of school privileges.
4. Transfer to another school building, classroom or school bus.
5. Exclusion from school-sponsored activities.
6. Detention.
7. Suspension.
8. Expulsion.
9. Counseling/Therapy outside of school.
10. Referral to law enforcement officials.

Legal	1. 24 P.S. 1303.1-A
	2. Pol. 103
	3. Pol. 103.1
	4. 22 PA Code 12.3
	5. Pol. 218
	6. 20 U.S.C. 7118
	7. 24 P.S. 1302-A
	8. Pol. 236
	9. Pol. 233
	Pol. 113.1

Description of Finding or Observation:

Finding No. 2: The District has Failed to Meet its Legal Duty to Monitor Bus Drivers' Qualifications and Other Credentials, Thereby Putting Students at Risk of Harm

Statement indicating the concurrence or nonconcurrence with Finding:

The District concurs with this finding.

Specific steps to be taken to correct the situation:

1. Administrative Staff turnover contributed to this oversight. However, the District in no way minimizes the importance of maintaining currently clearances and associated credentials for all District employees.
2. All District transportation staff clearances have been reviewed and updated which were reviewed by the auditors during their on-site visit.
3. In addition, all District staff records have been reviewed and are currently being updated.
4. The District has scheduled a Policy Committee meeting to review and update Policy #513 to reflect on-going procedures for review of clearances for all existing staff. The current policy was adopted in 2009, prior to the five-year window requirements for employee clearances (Act 153). This policy will be updated and enforced immediately.

A timetable for implementation of each corrective action step:

1. Transportation personnel clearances were all updated and reviewed by the auditors during their on-site visit.
2. Policy #513 was reviewed by the Board of Directors at their February 14, 2019, Board meeting (Attachment)

A description of monitoring procedures for corrective action:

1. A new system for tracking of clearances as they expire is in place.

Book	Policy Manual
Section	500 Classified Employees
Title	Employment of School Bus Driver
Code	513
Status	Active
Adopted	February 12, 2009
Last Reviewed	February 14, 2019

Purpose

The Board recognizes the importance of employing competent and experienced drivers to safely operate school buses.

Authority

The Neshannock Township School District shall only employ individuals as substitute, contractor, and/or regular school bus drivers who meet all the requirements as outlined below.

1. Minimum age twenty-one (21) years.
2. At least three (3) years experience of a licensed motor vehicle operation.
3. Compliance with the mandatory background check requirements for criminal history and child abuse.[1][2][3]
4. Pass an initial and annual physical examination.[4]
5. Complete twenty (20) hours of training and pass state examination for a School Bus Operator's Certificate.
6. Pass a Drug Test.[5]

Delegation of Responsibility

All applications for employment shall be filed with the Superintendent's Office. The Director of Transportation shall review all applications. After meeting the criteria for a multitude of compliance regulations, the management of the Director of Transportation will recommend to the Superintendent for hire the names of the individual bus driver(s).

Guidelines

All drivers must be duly licensed by the state to operate a school bus. A regular training program shall be established to keep drivers aware of state and district policies and regulations.

All drivers who operate a school bus in Neshannock Township School District shall meet requirements as listed in Title 75, Chapter 1-97, Pennsylvania Motor Vehicle Code and Public School Code.

A valid Act 34, State Police Background Clearance, Act 151 Child Abuse Clearance, and the FBI Clearance, and drug test are required for all drivers.[1][2][3]

Annual physical examination and eye examination shall be given to all school bus drivers. The examining physician shall issue a certificate valid for one (1) school year to operators who complete the required physical examination and who satisfy the vehicle code.[4]

All school bus operators must complete ten (10) hours classroom instruction every four (4) years.

A file shall be maintained for all drivers which contains employment record, safety record, driver statistics, license information, accident history, incidents, and complaints.

Driver Orientation/Training/Responsibility

Each driver shall receive a detailed route which clearly shows the route to be driven. The route will show: 1) each stop, 2) special instructions, 3) driving hazards, dangerous hills, and intersections. Extra copies of the route will be maintained by the Transportation Department and administration. Routes will be provided to substitute drivers.

Each driver shall receive a manifest of students assigned to his/her route with their assigned stop.

Any currently employed driver must immediately notify the district, in writing, if they are charged with a violation of criminal law.

School Bus Equipment

All school buses shall meet requirements under Title 67, Rules and Regulations for the School Bus Equipment and Safety Requirements, Chapter 2-21, Motor Vehicle Code.

Pupil Safety

Transportation is a privilege. Students who abuse/misuse this privilege will be disciplined. The schools oversee safety of all pupils who use district transportation. Pupils will not be permitted to behave in a manner that could endanger their safety or others.

Rules have been established for the safety of students riding a school bus. It is the pupil's responsibility to obey the rules established and approved by the school administration and the school board. Neshannock Township School District provides transportation as a courtesy to students; it is not required by Pennsylvania state law. The school provides transportation from designated stop to school and from school to home designated stop.

Bus Stop Regulations

1. **5 Minute Rule** - Students should arrive at their bus stop 5 minutes prior to scheduled bus arrival. Students are to wait for the bus, **not** the bus waiting for the student.
2. **Reasonable Time** - Students are expected to wait a reasonable amount of time when the bus does not arrive as scheduled.
3. **Safe Place** - Students are to wait for the bus in a safe place, well off the roadway, and conduct themselves in a safe and appropriate manner.
4. **Bus Stop** - Students are to wait until the bus comes to a complete stop before boarding and enter the bus in an orderly fashion.
5. **Respecting Property** - Students are expected to respect the property rights of persons residing at or near the bus stop.

6. **Walk do not run** - Students who must cross the roadway to board the bus must check to make sure all traffic has stopped, watch for the bus driver's signal to cross, and then proceed to walk ten (10) feet in front of the bus so the bus driver can see them.

Bus Riding Regulations

Students are expected to respect, obey, and cooperate with the bus driver. The bus drivers are an extension of the classroom teachers and they also have the authority to assign seats. In order to drive a safe bus, the following student behavior will result in disciplinary action:

1. Singing loudly and/or profane language.
2. Eating, drinking, or littering on the bus.
3. Throwing objects in or outside the bus.
4. Not remaining seated.
5. Placing hands, head, or feet outside windows. (Windows are to be opened with driver's permission).
6. Vandalism of any sort.
7. Use or possession of tobacco products or lighting of matches or lighters.
8. Possession of radios, tape players, or any form of sound system without written permission of a teacher, indicating it is for school use. (The bus driver has been instructed to confiscate these items and turn them into the principal. They will be kept in the school office until a parent/guardian picks them up.)
9. Possession of squirt guns, water bottles, balloons, glass containers, or live animals of any kind.
10. Situations not mentioned about that interfere with the safety of others will be referred to the building principal. Riders are expected to be courteous to fellow students and listen to the bus driver as they would to their teachers.

Bus Unloading Procedures

1. Students must remain seated until the bus comes to a complete stop.
2. Students should exit the bus in a quiet, orderly manner, and proceed directly to their assigned area at school or directly to their home after school.
3. Students who must cross the roadway should cross ten (10) feet in front of the bus. Please check traffic in both directions before proceeding across the roadway, and always watch the bus driver's signal before you cross.
4. Students walking along side the bus should always stay a very safe distance away from the bus.

Extracurricular Activities

1. The above regulations apply to any trips under school sponsorship.
2. Students should obey and cooperate with the chaperones assigned.

Emergency Procedures

1. Bus evacuation drills are scheduled so that students know exactly what to do in case of an emergency on the bus.
2. The bus driver or the assigned helpers must have full cooperation of the students. They must remain quiet during drills or emergency evacuation so that all directions can be heard and understood.

DISCIPLINE PROCEDURE

Bus Discipline

Riding a school bus is a privilege. Students who are discipline problems on the bus may have their riding privileges suspended by their principal. The parents/guardians of suspended students are responsible for transporting their children to and from school safely. Bus drivers will report discipline problems to the principal on the "Bus Misconduct Report" form if the student(s) involved do not respond positively to the bus driver's corrective measures. The principal will administer the following consequences:[6]

First Offense:	Warning, special seating arrangement may be determined.
Second Offense: Elementary - Middle - Secondary -	1 day suspension or conference with principal, parent/guardian, and driver. 1 day suspension if major (fighting, etc.) or special seating arrangement. 3 days suspension of riding privileges.
Third Offense: Elementary - Middle - Secondary -	3 days suspension of riding privileges. 3 days suspension of riding privileges. 3 days suspension of riding privileges.
Fourth Offense: Elementary - Middle - Secondary -	5 days suspension of riding privileges. 5 days suspension of riding privileges. 30 days suspension of riding privileges or may suspend riding privileges for remainder of the year.
Fifth Offense: Elementary - Middle - Secondary -	10 days suspension of riding privileges or may suspend riding privileges for remainder of the year and possible into the next year. Same as Elementary. Riding privileges suspended for remainder of the year.
Sixth Offense: Elementary - Middle -	30 days suspension of riding privileges. Same as Elementary.
Seventh Offense: Elementary - Middle -	Riding privilege suspended for remainder of year. Same as Elementary.

Bus Driver's Authority And Responsibility

1. The safety of all children is the driver's primary responsibility and takes precedence over all other considerations.
2. The driver must satisfy the district and state police requirements concerning bus driving operation and handling before employment and continue to perform satisfactorily during employment.

3. The driver must maintain bus order and discipline at all times and always uses consistent firmness, patience, respect and courtesy. The driver must set a good example for pupils.
4. The drivers will enforce pupil safety procedures including assigning specific seats to any pupil(s). The driver must stop the bus at a safe place in traffic before doing so enroute.
5. The driver must report pupils whose misconduct persists, despite efforts to correct, to the building principal for disciplinary action. First offence actions of a serious nature should be reported to the principal's office immediately.
6. The driver should in cases of general disorderliness by a bus load of pupils enroute home, pull to the road side and try to restore order. If disorderliness persists, the driver should return to the school with pupils on the bus. The building principal must be notified immediately.
7. The driver should never unload pupils along the route for disciplinary reasons.
8. The driver will maintain bus schedules as prepared by the administration unless pupil safety, traffic detours, and road conditions require schedule adjustments.
9. The driver will not change bus stop location pickup, time or route sequence unless directed by school district administrators.
10. The driver will not permit pupils to board or leave the bus except at their regular stop without written permission from the administrators.
11. The driver will be seated when the bus is loading or unloading pupils.
12. The driver will not leave the bus unattended while the motor is running.
13. The driver will report unsafe conditions immediately (equipment, location of stops, road conditions, etc.) to the Director of Transportation.
14. The driver will report overloads immediately (capacity for elementary, reasonable number of secondary, which consider pupil size) the bus company.
15. The driver will suggest how to improve route, schedules, stops, time, and path.

Building Principal Responsibility

Building Principals will administer disciplinary measures and alert staff in the case of a bus emergency or accident. Principals also stay in direct contact and communicate with the driver, Director of Transportation, and parent/guardian (via two-way radio and telephone).

District Director Of Transportation Responsibility

1. The maintenance of a record of pupils transported to and from school, including determination of pupils' distances from home to pertinent school bus loading zones.
2. Prepare and furnish rosters of all pupils to be transported on each school bus run and trip.
3. Prepare and maintain daily records of pupil counts and mileage data, as required by DE instructions and Chapter 23 regulations.
4. Prepare detailed route descriptions and to perform a yearly verification of all routes and mileage to ensure all buses follow board approved bus routes.
5. Report all bus contractor data to DE for reimbursement, and to prepare/retain the required supporting documentation according to instructions.

6. Conduct an internal review to ensure the accuracy of pupil counts, daily mileage, the number of non-public pupils and the number of days students are transported.
7. Review all driver qualifications prior to presenting the individual name(s) for school board to recommend approval.
8. Organize, prepare, facilitate, and/or distribute the following: bus driver memos, mandatory bus driver orientation meetings, safety and security staff development, driver recognition programs, and liaison between homes, school and transportation department for any need.

Bus Accident Guidelines

The Board of School Directors recognizes that any accident which involves district owned buses must be promptly and accurately reported. Accurate information which pertains to children must be promptly provided to parents/guardians.

Drivers are expected to use prudent, rational judgment to protect safety of children. The following is a suggested plan of action should a school bus or van accident of a minor or serious nature occur:

School Bus Accident – Minor (No injuries involved)

1. Driver reports accident to Director of Transportation via two-way radio or cell phone.
2. School's Director of Transportation notifies:
 - a. Office of the Superintendent.
3. The Superintendent Office will notify:
 - a. Principal/Head Teacher/Nurse (If needed).
 - b. Secretary.
 - c. Parent/Guardian/Relations (when appropriate).
 - d. School Board President (when appropriate).
4. The Principal contacts/informs:
 - a. Secretaries.
 - b. Teachers.
 - c. Students.
 - d. Parents/Guardians/Relatives (when appropriate).

School Bus Accident – Serious (State Reportable Accident and/or Injury)

1. The driver reports the accident via the two-way radio to the transportation department.
2. The Director of Transportation will call 911. The driver will be in charge of the scene until emergency personnel arrive.
3. The driver will ensure pupils' safety first after an accident or emergency. The driver will keep students on the bus and remain with them unless there is a fire or hazardous material danger or if the bus is in an unsafe position. If these conditions exist, the driver will remove pupils and retain them in a safe place away from the vehicle.

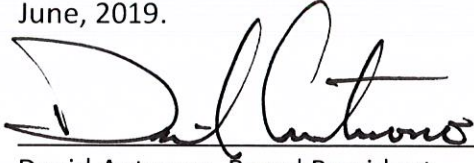
4. Director of Transportation will notify:
 - a. Office of Superintendent.
 - b. Building Principal - who will alert the nursing staff.
5. The Superintendent or Superintendent's designee will designate a person(s) to the accident scene, and to the medical treatment facility, if any, to maintain communications with the school and transportation office and to act on behalf of the school district.
6. Parents/Guardians will be notified by the principal or the principal's designee of the accident by telephone or in person. The parents/guardians will sign-off when removing student from scene.
7. School staff members assigned to the accident scene or medical treatment center will report back to the Superintendent in the school district office with specific information about the location, the extent of injuries, the extent of damages, the present situation and any administrative actions taken or to be taken.
8. When sufficient facts are available from personnel at the accident scene, an appropriate statement can only be released to the news media by the Superintendent.
9. A written report will be prepared by those staff members assisting the transportation office during the emergency so that the Superintendent will have an official statement on administrative actions taken.
10. The Superintendent will refer to the post intervention plan procedures of the Neshannock Township School District safety plan for appropriate action steps after the accident.
11. The Superintendent and Superintendent's designee should contact the school solicitor for advice on the proper handling of accident matters and related legal procedures. School personnel assigned to the accident will report and discuss observations only with Superintendent or legal counsel.
12. All insurance carriers should be properly notified of the accident by Superintendent or Superintendent's designee.
 - All Forms (discipline and resident) are on district web site.

Legal

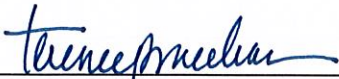
1. 24 P.S. 111
2. 22 PA Code 8.1 et seq
3. 23 Pa. C.S.A. 6301 et seq
4. Pol. 514
5. Pol. 810.1
6. Pol. 218

Neshannock Township School District

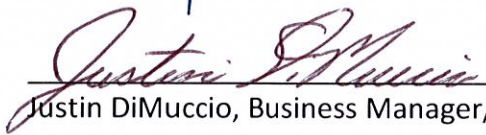
The undersigned do hereby certify that the Board of School Directors of the Neshannock Township School District formally adopted this Performance Audit Response for Fiscal Years ending June 30, 2017, 2016, 2015, and 2014 at a regular public meeting held on the 13th day of June, 2019.



David Antuono, Board President



Terence P. Meehan, Superintendent



Justin DiMuccio, Business Manager/Secretary

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