



THE ROUTE OF THE PROBLEM

Investigation into the Toronto District and Toronto Catholic District school boards' oversight of student transportation and their response to delays and disruptions at the start of the 2016-2017 school year

OMBUDSMAN REPORT

PAUL DUBÉ, OMBUDSMAN OF ONTARIO
AUGUST 2017

Office of the
Ombudsman
of Ontario

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THE ROUTE OF THE PROBLEM



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Toronto District and Toronto Catholic District
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start of the 2016-2017 school year

The Route of the Problem

Paul Dubé
Ombudsman of Ontario

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Executive Summary

- 1 The first day of school is often met with anticipation, expectation and a degree of trepidation by students and their families. Advance planning is key to getting students to school before that first morning bell. On Tuesday, September 6, 2016, six-year old Adam¹, who lives with autism spectrum disorder, was one of about **49,000** Toronto students, **10,000** with special transportation needs, who waited anxiously for the iconic yellow school bus to arrive for the first day of school. However, the bus never came for Adam. Frustrated and desperate, his mother had to take him to school herself. In fact, for an entire week, Adam’s mother had to stay home from work to ensure that he made it to school and back.
- 2 Adam and his family were not alone. In the first weeks of September 2016, about **2,687** Toronto students, more than **300** with special needs, were left stranded at bus stops or after school, waiting for buses that were hours late or never arrived because of a bus driver shortage. Many parents² scrambled to cope with this unexpected development, missing work and making urgent alternative arrangements to get their children to and from school. The mother of Beth, 6, lost her job after repeatedly showing up to work late because the bus was delayed or didn’t arrive to pick up her daughter in the morning.
- 3 For some, the situation lasted a matter of days. For others it took weeks to stabilize. Thousands of students missed up to an hour of class each day in those crucial first days. The chaotic busing situation also compromised the safety of young and vulnerable students. At times, overwhelmed bus drivers, unfamiliar with routines, routes and security protocols, dropped students off alone, at wrong stops, or with strangers on the street. Special purple tags affixed to backpacks – signalling that children were to be left with a parent or other responsible person – were ignored. At least three junior kindergarten students sporting purple tags went missing for varying periods after being dropped off at the wrong stops. A Grade 3 newcomer with limited English and a purple tag was left alone on the sidewalk outside her apartment building. She was missing for four hours before she was found at the home of a neighbour. Students with special needs who were supposed to receive “door-to-door” transportation also went missing during the crisis. A 10-year-old non-verbal student living with autism spectrum disorder was found wandering in the yard of the wrong school, and a 15-

¹ Names have been anonymized to protect confidentiality.

² The reference to parents in the context of this report includes guardians.

year-old student with physical and intellectual disabilities was dropped off at the back of her school without adult supervision.

- 4 Some students endured excruciatingly long bus rides because bus operators resorted to using one bus to cover multiple routes. For instance, we heard of a non-verbal child with autism spectrum disorder and epilepsy who spent two and a half hours on the bus one afternoon. Another student with Type 1 diabetes had a similar experience. Charlie, an 11-year-old boy who attends school at a children's treatment centre, spent almost four hours every day on the bus because of the driver shortage. Charlie's mother told us these long rides meant he arrived home each evening "starving, exhausted."
- 5 Bus delays and mix-ups during the disruption were particularly challenging for children with special needs. Danielle, a nine-year-old, non-verbal girl living with autism spectrum disorder, was picked up and dropped off at wildly inconsistent times for weeks. She was extremely distressed by the unpredictable changes in her routine. On the fourth day of school, she arrived home three hours late. Once, she was even driven to Markham despite the fact that she should have been dropped off in Scarborough. Apparently, each city has a street with the same name. Danielle wears a harness while riding the bus, and the stress and delay caused by the driver's mistake caused her to have a meltdown and soil herself.
- 6 My Office has had authority to investigate school board administration since September 2015. Since then, we have received more than **1,400** complaints about Ontario's school boards, including hundreds relating to busing. In September 2016, we received nearly **90** complaints from parents in Toronto concerning bus delays, cancellations, students dropped off at the wrong stops and the lack of response from school board officials. Given the volume and serious nature of these concerns, I initiated my first systemic investigation in the school board sector, focused on the Toronto District and Catholic District school boards' oversight of student transportation and their response to the busing crisis. I received a further **78** complaints after I launched my investigation.
- 7 School busing delays and mishaps occur each year. However, the scope of the problem in September 2016 was unprecedented. The Toronto District and Catholic District school boards, and the Toronto Student Transportation Group, which arranges busing for them, publicly blamed the disruption and delays on a severe and unanticipated bus driver shortage experienced by contracted bus operators. However, my investigation revealed that there were clear early warning signs evident months before the start of the 2016-2017 school year. Officials simply failed to adequately

monitor the developing situation, communicate effectively or plan for contingencies to minimize disruptions and delays.

- 8 Although driver scarcity is a perennial problem, the situation in September 2016 was compounded by the bifurcated nature of transportation planning and administration in Toronto. Staffing loyalty at the Toronto Student Transportation Group is divided, based on whether employees come from the Toronto District or Catholic District boards, resulting in operational silos and a culture of distrust. Each board separately administers its transportation policy, which can result in unexpected and adverse service impacts between the boards. Leading up to September 2016, the Toronto Catholic District board removed thousands of students from nearly finalized bus routes, only to re-add them after a public outcry. These route changes caused planning delays and confusion.
- 9 New busing contracts that came into effect in September 2016 also contributed to the busing crisis. As a result of the contracts, two new bus operators, unfamiliar with the Toronto landscape, were awarded hundreds of new bus routes, while familiar operators were shifted to different geographic areas. Some drivers dissatisfied with their new routes peremptorily quit or changed employers at the last minute. The route planning delays and changes resulting from the Catholic District board's decision also meant that the final routes were nothing like the mock routes operators had been given to prepare for the school year. The late route adjustments left operators struggling to find interested drivers only a few weeks before school began.
- 10 The Toronto Student Transportation Group was aware of the potential for significant service delivery issues in the weeks leading up to the first day of school. However, it failed to fully understand and adequately notify the boards about the gravity of the unfolding situation. Even once it told the boards about the impending serious service disruptions, the boards failed to warn parents and schools.
- 11 The boards and Transportation Group were unprepared when the crisis materialized. There was no communication strategy, so parents and school administrators were often left in the dark, uncertain when or if students would be picked up and dropped off each day. The Transportation Group, bus operators and school staff were quickly overwhelmed by a flood of inquiries and complaints. Telephones weren't answered and voicemail boxes quickly reached capacity. The boards also had no contingency plans in place to ensure student safety and supervision during the disruption. They were forced to strategize reactively in the midst of the ongoing crisis.

- 12 I have concluded based on the results of my investigation that the boards' oversight of student transportation and their response to delays and disruptions at the start of the 2016-2017 school year were unreasonable and wrong under the *Ombudsman Act*. This report makes 42 recommendations to improve the safety and reliability of the boards' student transportation. My Office received many complaints in fall 2016 relating to busing issues at school boards outside of Toronto. While they may not have experienced problems on the same scale as Toronto, I hope that these recommendations will also serve as a guide to other boards seeking to improve their transportation policies, procedures, and practices.
- 13 Ensuring the safe and timely transportation of children is a serious responsibility. Pre-planning, co-ordination and communication are essential to prevent and respond effectively to delays and disruptions. Children, parents and school administrators should not be left in the lurch when the wheels metaphorically fall off the bus.

Investigative Process

- 14 My Office began receiving complaints about school bus issues in Toronto as soon as the 2016-2017 school year began on September 6, 2016. This wasn't surprising. Complaints are common during the first weeks of school, as various issues with bus routes arise and are resolved. However, the complaints we received in September 2016 were markedly different. We heard about lengthy bus delays and cancellations, vulnerable students being dropped off at the wrong stops, and an overwhelming lack of response from bus operators, the school boards and the Toronto Student Transportation Group, which arranges busing on their behalf. In addition, there were numerous media reports of delays, cancellations, and other disruptions. My staff closely monitored these serious issues and worked to find individual resolutions to the **88** complaints that we received during September 2016.
- 15 Given the number of complaints and the impact of the service disruptions, on September 26, 2016, I notified the Toronto District School Board, the Toronto Catholic District School Board, and the Toronto Student Transportation Group that I was launching a systemic investigation into whether the boards' oversight of student transportation and their response to delays and disruptions at the start of the 2016-2017 school year were adequate. I also informed the Ministry of Education, which funds student transportation in the province. After publicly announcing my investigation, we received an additional **78** complaints and submissions about the bus disruptions in Toronto.

- 16 Seven investigators, assisted by members of our Legal team, conducted **43** interviews with school board and Transportation Group staff, as well as staff from the Ministry of Education, school bus operators, industry stakeholders, unions representing school bus drivers, and representatives from other school boards and transportation groups. They also spoke to individuals who contacted our Office with complaints about the busing disruptions. Whistleblowers also came forward during the course of the investigation.
- 17 Investigators also reviewed more than 20 gigabytes of information provided at my request, including some 55,000 emails. As well, we looked at the structure, policies and procedures used by student transportation bodies throughout the province.
- 18 We received excellent co-operation from the school boards, the Transportation Group and other key stakeholders during the course of the investigation.

Scope of investigation

- 19 My investigation focused on the Toronto District and Toronto Catholic District school boards, which experienced intense service disruptions on a significant scale in September 2016. However, our Office spoke with other school boards that were also affected by busing problems around the same time. Student Transportation of Peel Region told our investigators about significant service issues at the start of the September 2016 school year. They told us that, as of December 2016, **3,000** students were affected by these disruptions. We also heard about transportation disruptions in the Hamilton-Wentworth District and Hamilton-Wentworth Catholic District school boards, where staff told us approximately **1,500** students were affected. Although I did not expand my investigation to include these other boards, I am hopeful that this report and recommendations will help school boards throughout the province improve their oversight of student transportation and better respond to delays and disruptions.
- 20 During our investigation, we also heard from stakeholders who raised concerns about the procurement framework that governs busing contracts in the province, as well as issues with bus driver pay and working conditions. These matters were largely outside the scope of this investigation, which was limited to whether the Toronto boards' oversight

of student transportation and their response to delays and disruptions at the start of the 2016-2017 school year was adequate.³

Student Transportation in Ontario

- 21 Before addressing Toronto’s September 2016 busing crisis in detail, it is useful to consider the general context of school transportation in Ontario, where more than **800,000** students are bused to and from school each year.

Legislative framework

- 22 Under the *Education Act*, school boards are self-governing bodies entitled to establish their own transportation eligibility criteria and policies.⁴ There is no legislated requirement that boards provide busing for students. However, the Act excuses children from attending school if transportation is not provided by a board and there is no school within a prescribed distance from their residence.⁵ In Ontario, most school boards arrange transportation for eligible students, usually by school bus.

Ministry of Education

- 23 The Ministry of Education plays an important financial role in student transportation. It provides the bulk of operating funding to school boards, through the annual Grants for Student Needs program, also known as the “funding formula.”⁶ For the 2016-2017 school year, the total transportation grant amounted to \$896.6 million.

School boards

- 24 School boards establish policies and eligibility criteria related to student transportation. To deliver these services efficiently, those in the same

³ Reference to Toronto boards in this report are to the Toronto District School Board and the Toronto Catholic District School Board. Two French-language boards – Conseil scolaire Viamonde and Conseil scolaire de district catholique Centre-Sud – also operate schools in Toronto. These boards were not included in our investigation.

⁴ *Education Act*, RSO 1990, c E2, s 190.

⁵ These distances are: 1.6 km for children under 7 years of age, 3.2 km for children aged 7-10, and 4.8 km for children over 10. *Education Act*, supra note 4 at s 21(2)(c).

⁶ “Grants For Student Needs - Legislative Grants For The 2016-2017 School Board Fiscal Year”, O Reg 215/16.

geographic area typically join together to establish a body to assist with arranging transportation, referred to as a consortium. They are represented on the boards that govern these consortia, and must provide them with information about their schools and students to assist in administering the transportation program.

- 25** School boards are not required by law to establish consortia, but since 2000, the Ministry of Education has provided financial incentives to those that chose to do so.
- 26** Since 2011, school boards have been required under the *Broader Public Sector Accountability Act, 2010* and its related directive to use competitive procurement for contracts greater than \$100,000.⁷ Given their size, all student transportation contracts must be awarded using an open, fair, transparent and competitive procurement process. Procurements must be advertised through an electronic tendering system accessible to all Canadian suppliers, and suppliers must be given at least 15 days to respond.

Transportation consortia

- 27** While some consortia are incorporated as legal entities separate from the boards that created them, many are not. Today, there are 33 transportation consortia in the province, and virtually all student transportation service is co-ordinated through them.
- 28** Typically, a consortium is responsible for:
- a) Administering the transportation policies of member school boards;
 - b) Planning transportation services for member school boards, including designing routes, identifying eligible students, determining student pickup and drop-off locations and times, and managing student information required by school bus operators;
 - c) Contracting with school bus operators to provide student transportation services and monitoring operators' service performance; and
 - d) Performing audits on school bus operators to ensure compliance with legislation, regulations, and contractual terms between the consortium and the operators.

⁷ *Broader Public Sector Accountability Act, 2010*, SO 2010 c 25.

Bus operators

- 29** School bus operators are contracted by consortia and are responsible for providing transportation services that comply with legislative and regulatory requirements, as well as the contractual provisions between the operator and the consortium. There are more than 200 school bus operators in Ontario that provide publicly funded student transportation.

Bus drivers

- 30** Most school bus drivers are employees of bus operators. For most students, parents, and school administrators, bus drivers are the face of student transportation.
- 31** The bus driver position is part-time, usually split-shift (i.e. they work in the morning and afternoon with a break in between), and low-paying, relative to other jobs that require a specialized driving license. It is also demanding work that can require supervising up to 70 children while safely navigating congested city streets. There is a chronic shortage of drivers and a high rate of attrition and turnover. One bus operator representative told us the company loses 15% of its drivers every year. We were told retention issues have worsened in recent years due to increased competition for drivers from other industry employers.
- 32** Typically, bus drivers are attached to specific routes, schools, or children, and will work for the operator that has the route they want. Bus operators told us that drivers often refuse to drive routes they do not like, insist on selecting their own routes, and quit if a route is changed too often or too significantly. Drivers may also commit to driving for multiple bus operators in the months preceding the start of school and then choose their preferred route and employer at the last moment. We heard of one case where a bus driver quit one operator to work for another – leaving the bus parked in a public place – without any notice to the original employer. We were also told drivers are not normally paid for the time it takes to get to and from where their buses are parked, and for that reason, they may refuse routes that are too far from their home. This was a significant factor in September 2016, when bus operators were given routes in parts of the city where they had not recruited drivers.

Toronto's School Bus System

- 33 Transporting students in Toronto is a massive and challenging undertaking. There are some **49,000** children, **10,000** of whom have special transportation needs, who are bused accordance with policies established by the Toronto District and Toronto Catholic District school boards. The primary responsibility for arranging this transportation falls to the Toronto Student Transportation Group.

Toronto Student Transportation Group

- 34 The Toronto Student Transportation Group is an unincorporated consortium that was created in September 2011 under agreement between the Toronto District School Board and the Toronto Catholic District School Board. The Transportation Group procures and manages transportation for the two boards. Its 2016-2017 budget was nearly \$100 million.

Organizational structure

- 35 Day-to-day decision making at the Transportation Group is guided by an operations committee comprised of three members of its senior staff, as well as each board's senior business official responsible for transportation. The committee is responsible for:
- a) Making recommendations about the financial planning, annual budgeting and reporting;
 - b) Dealing with operator-related contract issues, including negotiations and dispute resolution;
 - c) Identifying and advising on policy and regulatory matters;
 - d) Dealing with transportation issues, such as parent requests for exceptions to the boards' transportation policies;
 - e) Communicating with provincial ministries regarding policy direction and regulations; and
 - f) Dealing with staffing and safety issues.
- 36 The Transportation Group is governed by a four-member committee that provides direction, oversight, and advice. Each board appoints a trustee and senior business official to sit on the governance committee. It is responsible for, among other things, reviewing and reporting to the boards on proposed policy changes, assessing policies and procedures, as well

as mediating and resolving issues brought forward by the operations committee.

Transportation planning

- 37** Each board has developed its own transportation policy, to which the Transportation Group's route planners must adhere. These policies establish eligibility requirements and place limits on the timing and length of bus rides.⁸
- 38** There are two types of bus routes in Toronto: Those serviced by traditional, large-capacity school buses ("big-bus" routes), and those serviced by smaller buses for students with special transportation needs. Planning for these routes is done separately, with big-bus route planning typically beginning in the spring so that a tentative schedule can be released before the school year ends in June.
- 39** The route planning process for students with special needs is more complicated. Every April, the Toronto Student Transportation Group contacts schools to determine how many existing students with special needs will require transportation for the next school year. The Transportation Group also receives transportation requests from each board for new students with special needs. Typically, routes for students with special needs are provided to bus operators in August.

Toronto school bus operators

- 40** There are seven school bus operators that service about **1,750** routes in Toronto, covering more than 74,000 kilometres each day. Separate from these operators, the Toronto District board also maintains a fleet of 13 large school buses and a roster of full-time drivers to operate them. The Toronto Catholic District board does not have its own fleet.
- 41** The contracts entered into by the boards require that operators meet specified service standards including that they:

⁸ "Transportation of Students", Toronto District School Board (2005 October 27), online: <<http://www2.tdsb.on.ca/ppf/uploads/files/live/93/185.pdf>> and "Transportation Policy", Toronto Catholic District School Board (2015 November 19), online: <https://www.tcdsb.org/Board/Policies/Documents/S.T.01_Transportation_Meta%20Policy%20Format.pdf>.

- Have a dedicated driver for each route and a sufficient number of spare drivers to cover for absent drivers. Operators must notify the boards when they have more routes than available drivers;
- Adhere to scheduled pick-up and delivery times unless “unusual circumstances” occur. If a bus will be delayed more than 15 minutes, the bus operator must directly notify parents of students with special needs. Operators must also notify schools and the consortium if students will arrive at school late;
- Ensure that students who participate in the “Purple Equals Parent” program (which uses purple tags on backpacks to identify children who must be met when dropped off) are not dropped off without a responsible individual present;
- Equip all buses with GPS tracking;
- Use a public notification system to provide parents with information about late buses in a variety of formats (e.g. email, text, phone call); and
- Maintain a sufficient number of phone lines and office staff to address inquiries from the public, schools, and families. One dedicated phone number must be provided to the Transportation Group for its sole use.

42 Failure to meet these requirements entitles the boards to take remedial action, such as imposing financial penalties, assigning routes to another operator, and/or terminating the service contract. For instance, the contract provides that an operator can be penalized \$2,000 when a driver drops off a student unsupervised who has a purple tag displayed.

43 To meet their obligation to report bus delays, operators use a special computer program that can be accessed by the Transportation Group and individual schools. Information about delays is also transmitted to a website – www.torontoschoolbus.org – that can be accessed by parents, schools, and the general public.

Crisis, What Crisis?

44 As the first day of school for the 2016-2017 year approached, students, parents and school administrators in the two Toronto boards had no clue that a large-scale busing crisis was brewing. They reasonably assumed that the Toronto Student Transportation Group and senior board officials

had carefully planned and co-ordinated bus routes and schedules for the new school year. They were wrong.

Harbinger of crisis

- 45** Six-year-old Adam lives with autism spectrum disorder. Transitions are particularly difficult for him. The first day of school, September 6, 2016, he waited anxiously for the school bus to arrive. As time passed without the familiar yellow bus coming into sight, his mother became increasingly concerned. She tried to contact the bus operator to find out what was going on, but couldn't get through. Finally, she was forced to stay home from work to take Adam to school and back. She continued to do so for an entire week. As would soon become apparent, Adam was not alone.
- 46** Similar scenarios were materializing throughout the city. In an email to the board, one Catholic District board principal said that on the first day:
- ...our last bus arrived at, yes really, 10:30 a.m. for an 8:30 a.m. school. A Grade 2 [student]...was left stranded at their bus stop for over two hours and [was] only picked up because another parent called me and advised me... His mother had left him there because she couldn't wait anymore because she had to get to work.
- 47** At the height of the service disruption, some **2,687** students were directly affected. About 2,400 of them were assigned to large-capacity buses; **300** were students with special transportation needs. The Transportation Group told us that at the worst point, 20 large-capacity and 27 special education routes did not have assigned drivers. However, the number of affected routes was much higher, since some drivers were servicing not only their routes, but portions of the driverless routes. Some students were affected for a few days, but others were subject to delays and disruptions for months.

Safety breaches

- 48** The most disturbing aspect of the busing crisis was the lapse in safety protocols, which placed young and vulnerable students at risk. The Toronto Student Transportation Group has a program known as "Purple Equals Parent," to assist bus drivers in identifying students from junior kindergarten through Grade 3 who must be met when dropped off. A purple tag is affixed to the student's backpack, and drivers are responsible for checking for the purple tag. If a parent, older sibling or other responsible person is not at the stop, the driver is required to contact a

dispatcher and await instructions on how to proceed. Bus operators are responsible for training drivers on the program. During the crisis some bus drivers may have been unfamiliar with the routines, routes and security protocols or simply too overwhelmed to follow them. In the confusion and chaos, some students were dropped off at the wrong stops, sometimes several kilometres from their homes without supervision. At least one young student was handed over by a driver into the custody of a stranger walking along the street near the school.

- 49** Our Office heard of three separate cases where a driver dropped off a junior kindergarten student with a purple tag at the wrong stop. One four-year-old went missing on the first day of school when he got off at a wrong stop. Another's absence, after being delivered to the wrong location, went unnoticed for 20 minutes, until a passerby discovered the young boy wandering alone and brought him into a nearby school. Staff there called the boy's home school, just as it was preparing to call 911. Another junior kindergarten student with a purple tag was dropped off three stops early with no one to meet him. All the children were eventually reunited with their families, but given their ages, clearly the safety breaches were significant.
- 50** We also learned of other vulnerable students placed at risk during the busing crisis. For instance, a Grade 3 newcomer student with limited English and a purple tag was left alone on the sidewalk outside her apartment building around 3:30 p.m. Her parents eventually contacted the school and police after their daughter didn't arrive home as expected. At 7:40 p.m. – four hours after the student had been dropped off – she was found with an unfamiliar neighbour who had discovered her alone on the street. In another case, a 10-year-old nonverbal student with autism spectrum disorder was found wandering in the yard of the wrong school. This was in contravention of the transportation policy for students with special needs, which specifies that they receive door-to-door transportation to ensure safety and supervision.

Missed classes, long rides and difficult adjustments

- 51** Many students lost out on significant learning time as a result of the busing situation in the critical first days and weeks of school. Two parents, one of a kindergartner with a developmental disability, told us that their children missed up to an hour of instruction per day for over a month. A public school principal raised a similar issue, noting that the impact on student learning was “becoming more significant with each passing day.”
- 52** Others told us that their children had very long bus rides because drivers made extra stops to help service driverless routes. Toronto Student

Transportation Group staff told us some students didn't get home until 6 p.m., even though their school was dismissed at 3:15 p.m. We heard of a non-verbal child with autism spectrum disorder and epilepsy who spent two and a half hours on the bus in the afternoon. Another student with Type 1 diabetes had a similarly long bus ride. Charlie, an 11-year-old who attends school at a children's treatment centre, spent nearly four hours on the bus every day for months.

- 53** More generally, parents complained that the delays and makeshift transportation plans made it difficult for students – especially those with special needs – to adjust to a new school year. A Catholic District principal expressed these concerns in an email to the board, noting:

Parents, teachers, support staff and administrators are very dependent on the transportation for our students with special needs, as we wish them to arrive to school safe, on time and ready to learn. Due to multiple transportation no-shows, our students with special needs have experienced high anxiety and a sense that they are not important...Parents, teachers, support staff and administrators are worried about the message being sent out to our students. It is clearly being said that they are not important and don't matter.

- 54** The mother of Danielle – a nine-year-old, non-verbal girl living with autism spectrum disorder – told us about her busing struggles at the start of the year. On the first day of school, Danielle was picked up 20 minutes early and dropped off over an hour later. On the third day of school, the bus driver mistakenly drove Danielle to Markham after school, even though she should have been dropped off in Scarborough, apparently because the street had the same name as one in Markham. The stress and delay caused by the driver's mistake caused her to soil herself. On the fourth day of school, Danielle arrived home three hours late. These severe busing issues would be upsetting for any nine-year-old, but they were especially challenging for Danielle, who struggled to understand the delay and becomes severely stressed and anxious when her routine is changed. Danielle's mother complained about these incidents but never received an adequate explanation.
- 55** Several parents told us they were forced to risk their employment by skipping work or repeatedly showing up late. The mother of six-year-old Beth told us the bus was late or a no-show so often that she lost her job, because getting her daughter to school made her late for work too many times.

First day of school: “Tomorrow will be better”

- 56** While students and their families grappled with their personal transportation nightmares on the first day of school, the Transportation Group and the two Toronto school boards remained relatively oblivious to the situation.
- 57** When buses began picking up students on September 6, 2016, the Toronto Student Transportation Group and the Toronto boards initially thought things were going as well as could be expected for the first day. They knew of some transportation disruptions in the morning and afternoon, but they attributed this to new drivers, teachers, students and parents getting accustomed to their routes. After the morning buses completed their routes, the Transportation Group’s Operations Manager emailed the Toronto District board that the first morning was “not smooth, but no first day is smooth.” In an update to both boards around 12:30 p.m., the Operations Manager assured them that “tomorrow will be better” because drivers would have experience with the routes and operators would improve in covering vacant routes and providing notification about any residual service issues.
- 58** In reality, thousands of parents and children were spending hours waiting for buses that were late or never showed up and some young and vulnerable students were being let off at the incorrect bus stops without adult supervision. Parents were receiving little or no information about bus delays or cancellations and struggled to contact bus operators whose lines were constantly busy.
- 59** Some parents began sharing their frustration on Twitter. Many parents tweeted about buses that were over an hour late, while others complained that buses didn’t arrive at all. Some examples of their comments:

@tdsb Day 1 school bus was 90 minutes late! Can this be more ridiculous?!

#TDSBfirstday @tdsb who organizes the buses for TDSB? 1 hr after school let out and my daughter who is in SK and 20 others still no bus

The afternoon bus didn’t come either. How can we find out if there’ll be a bus tomorrow morning?

@TCDSB first day JK! Yeah! Why was our afternoon bus 1hr late?? Kids were home @ 5pm!! I hope tm is better day! Bus didn't show this morn

@TCDSB Your services with the school buses are sickening. My 3 kids and I have been waiting over an HOUR for pickup. STILL NO BUS!!!

- 60 By the end of the day, the Transportation Group had also received reports of several delays and buses that never appeared. For instance, it reached out to a bus operator at 5 p.m. because several schools with 3 p.m. dismissal bells had called to say that students still had not been picked up. The Toronto District board's communication officer even received a media inquiry about delay at one school.

Second day: Wednesday, September 7

- 61 By the second day of school, the Transportation Group, bus operators, the two boards and individual schools were overwhelmed with inquiries and complaints about busing. A member of the Toronto District board's communications department who had been monitoring social media emailed colleagues to say that the volume of complaints seemed "**really off the charts**" compared to previous years. Parents were frustrated and angry that they had received no prior notice of the service disruptions and were still being kept in the dark. Parents tweeted about long waits and no-show buses. One mother of a seven-year-old boy with autism spectrum disorder shared her frustration about waiting with her son 90 minutes for the school bus on the first day of school and 120 minutes on the second. She said her son "cried for an hour" because of this delay. Some other examples of tweets from September 7:

No bus pickup after school either, school is as confused as I am, no calls returned from bus company. Put student safety first!

So bus company says they haven't even hired driver yet for her route. Expected us to just put [daughter] in cab with no notice. Ridiculous @tdsb

@TCDSB anybody home? Seems all these phone numbers to call and nobody answering?

Day 2 kids are stranded. No school bus! How do u expect these lil ones to have a great school experience?! #HELP #GetOurKidsToSchool

- 62 My Office also received numerous calls from parents frustrated by the boards' and Transportation Group's inadequate response to the disruption.
- 63 As the service problems began to mount, the Transportation Group and boards recognized that it was not busing as usual. One operator called the Transportation Group to advise that it would be unable to service 34 of its routes that day. After receiving complaints about no-show buses from a different operator, the Transportation Group contacted it by phone and was told that it, too, was having difficulties servicing its routes. By 9 a.m. on the second day, the Transportation Group's General Manager told the Toronto District board in an email that this was "one of the worst years" he'd seen. Together, the Transportation Group and the boards began to work in crisis mode, discussing how to resolve the effects of the transportation disruptions – late and stranded students, angry parents and schools – while trying to deal with the underlying cause of too few drivers.
- 64 That afternoon, the Transportation Group and both boards met by teleconference to discuss the service disruptions and to develop an action plan. Rapid communication was deemed the top priority, and after this meeting, general information referring to school bus delays was posted on the Transportation Group's and school boards' websites. Around 1 p.m., both boards shared information about the service disruptions on Twitter:

From Toronto DSB (@tdsb):
Important information for parents about significant bus delays and possible cancellations. [link to website]

From Toronto Catholic DSB (@tcdsb):
Driver shortages causing school bus delays at some TDSB & TCDSB schools. Latest updates online: [link to website]

- 65 Both boards attributed the service disruptions to a serious, unanticipated driver shortage. On its website and Facebook, the Toronto District board said the public "should expect significant delays and the possibility that some buses may not be running due to an **unanticipated bus driver**

shortage” [emphasis added].⁹ The Toronto Catholic District board relayed a similar message, indicating that it “was advised **today** that a **serious driver shortage** is impacting many of [its] schools” [emphasis added].

- 66 Around 3:30 p.m., the boards notified schools that this information had been posted and asked them to contact parents. They also asked their schools to help identify which routes and students were affected by the service disruptions, since this information wasn’t readily available from the Transportation Group or the bus operators. Although the service contract required operators to share this information with the Transportation Group, this didn’t consistently occur.
- 67 News media quickly picked up these communications and began reporting on the service disruption. According to one article, the boards blamed a “sudden and unexpected” driver shortage for the delays,¹⁰ with the spokesman for the Toronto Catholic board calling the shortage a “unique and unprecedented situation.”¹¹ However, a spokesman for the Toronto District board was also quoted as saying the board knew of potential concerns in advance:

Last week we started to hear about potential number problems, but no one anticipated this to be an issue, otherwise we would have told everyone.¹²

- 68 As the crisis unfolded, school administrators and staff bore the responsibility of communicating with parents about the delays, fielding complaints, and arranging supervision and transportation for students. This burden fell primarily on principals, who were often contacted by parents who could not get through to the Transportation Group and bus operators because phone lines were busy or went straight to voicemail. Principals were quickly overwhelmed by the number of complaints they received, the

⁹ Toronto District School Board Facebook post (2016 September 7), online: <https://www.facebook.com/toronto.dsb/posts/10157324839770431?comment_tracking=%7B%22t%22%3A%22O%22%7D%3E>.

¹⁰ Andrea Gordon, “Bus bungle starts school year in chaos for thousands of students”, *The Toronto Star* (8 September 2016), online: <<https://www.thestar.com/yourtoronto/education/2016/09/08/driver-shortage-delays-hundreds-of-toronto-school-buses.html>>.

¹¹ Courtney Greenberg, “Mom waited 1 hour at bus stop for kids to come home but they never showed up”, *CTV News Toronto* (7 September 2016), online: <<http://toronto.ctvnews.ca/mom-waited-1-hour-at-bus-stop-for-kids-to-come-home-but-they-never-showed-up-1.3062996>>.

¹² The Canadian Press, “Bus driver shortage leaves about 1,000 students stranded, delayed”, *The Globe and Mail* (8 September 2016), online: <<http://www.theglobeandmail.com/news/toronto/bus-driver-shortage-leaves-about-1000-toronto-students-stranded-delayed/article31762481/>>.

need to quickly disseminate information to affected parents, and the practicalities of dealing with late and stranded students. The Toronto School Administrators' Association summarized these concerns in an email to the Toronto District board on the afternoon of the second school day:

...**There are schools where 70 or more students have not been picked up by buses.** It is not feasible for [a] single admin [staff] with one office staff to contact this many families within a reasonable time frame. Also some [principals] have informed us that there are parents who cannot get to the school to pick up their children, which puts the onus on principals to find some way to get the children home. Again this is not workable (too many children and too few adults). There are also some parents who cannot be reached by phone.

Third day and beyond: Thursday, September 8...

- 69 When the third day of school began, there still had not been a formal, written notification to parents from the boards or the Transportation Group about the disruptions. Instead, parents were left to obtain updates from social media and news reports.
- 70 Finally, during the day on September 8, the Catholic District board's Director of Education issued a letter to parents, advising that a significant number of students had experienced busing delays, which would be resolved in the coming weeks. In the letter, the board again blamed the disruption on the serious driver shortage and said it had only learned of the issue the previous day. It said, in part:

Dear Parent/Guardian:

As you are aware, the Toronto Catholic District School Board **was informed on September 7th of a serious shortfall in the number of school bus drivers** employed by three transportation providers for the Board [...] As a result, a significant number of our students across the City, including Toronto District School Board students, have experienced general delays and both pickup or drop-off interruptions in school bus transportation service this week.[emphasis added]¹³

¹³ Online:

<<https://www.tcdsb.org/ProgramsServices/BoardServices/studenttransportation/Documents/Bus%20Letter%20to%20Parents,%20September%208,%202016.pdf>>

- 71 The board's letter said approximately 1,200 students were directly affected by the service disruption, and their families would receive a separate letter from their school principal with additional information and instructions. The letters from principals informed affected parents that their child's bus route had no driver assigned and urged them to make alternative transportation arrangements "if at all possible" for a few weeks. Parents were asked to contact the principal if this was not possible to canvas alternatives. Some parents complained to our Office that the letters were insufficient and lacked necessary details. A letter was sent on September 13 to update parents about the ongoing disruptions, which again blamed the driver shortage for the ongoing disruption. However, many parents continued to complain to our Office and the board about the lack of ongoing communication.
- 72 It was not until September 9 – the fourth day of school – that the Director of Education for the Toronto District board issued a letter to parents with information regarding the disruption. The letter explained that an unexpected, serious shortfall of drivers had led to significant service disruptions. It indicated that the board first learned of the issue on September 6:

Dear Parent/Guardian,
On September 6, 2016, the Toronto District School Board (TDSB) was **unexpectedly** informed of a **serious shortfall in the number of school bus drivers** employed by three of our transportation providers [...] As a result, some students attending the city's public and Catholic schools have experienced significant school bus delays and, in some cases, cancellations. [emphasis added]

It is not uncommon to experience minor and isolated transportation issues at the start of every school year, which are resolved within a short period of time. This year, the level of disruption caused by the shortage of bus drivers cannot be solved immediately. While the shortage of bus drivers is beyond the school board's control, we sincerely apologize for this inconvenience and thank you for your continued patience.¹⁴

- 73 The board indicated that **1,275** students from 50 public schools were directly affected by the disruption and would receive a separate letter from their school. In those letters, parents were assured that students would be supervised from 7:30 a.m. until the last bus departed in the afternoon. The board sent another letter to affected students a week later to provide

¹⁴ Online: <<http://www.tdsb.on.ca/EarlyYears/Kindergarten/SchoolBusDisruptions.aspx>>

further updates. In his interview with our Office, the board's Director of Education said he felt the board had done everything in its power to keep parents informed. However, parents complained to the board and our Office that these communications failed to provide clear, concrete information about the transportation disruptions.

Ignoring the Warning Signs

- 74 The chaos caused by the service disruptions was largely avoidable. Although the Toronto Student Transportation Group and the Toronto District and Toronto Catholic District school boards repeatedly told my investigators, parents and the media that the transportation disruptions were unforeseeable, there were many indications that September 2016 would be exceptionally challenging for student busing. A key factor involved the new service contracts with bus operators, which were in place for the start of the 2016-2017 school year. As a result of service changes, new operators and drivers would be responsible for many routes, increasing the risk of error.

The Transportation Group's Request for Proposal

- 75 The Toronto Student Transportation Group was required to engage in its first competitive procurement process under the new broader public sector procurement directive in 2016 because its 2007 agreements were expiring.
- 76 The Transportation Group issued a Request for Proposal (RFP) in November 2015. The request was more comprehensive than the 2007 contracts and contained many new or modified provisions regarding service requirements.
- 77 More than 1,700 routes were up for grabs under the RFP. Bus operators bid on "bundles" of 30 routes. Operators were not given information about the location of specific routes and were not able to limit their bid to a specific geographic area.

Contract award process

- 78 Eight bus operators submitted proposals, three of whom had not previously worked with the Transportation Group. As part of a three-stage evaluation process, the bidders had to meet several requirements, demonstrate a technical capacity to provide service, and provide competitive pricing. They also had to provide information about their driver retention/recruitment

strategy, external and internal communication strategies, and their administrative and/or operations team, among other matters. A fairness commissioner was engaged to monitor, advise, and provide expert procurement guidance during the RFP process. Seven bidders were successful; the eighth was automatically disqualified because it was the most expensive.

- 79** In its final report to the school boards on the process, the Transportation Group noted that the new broader public sector procurement requirements¹⁵ had impacted how it procured student transportation, and that it had “very little control over who is awarded services.” The Transportation Group was hesitant about the number of routes that would be awarded to two bus operators that had not worked with it before. In the past, new operators were limited in the number of routes they were awarded. However, the RFP fairness commissioner told the Transportation Group that it could not restrict the number of routes allotted to new entrants to the Toronto market. These two operators were among those that ultimately had driver shortages in September 2016.
- 80** Service contracts were awarded in February 2016. The contracts were for six years, with two optional one-year extensions.

Ambiguity in the RFP

- 81** Some bus operators we interviewed told us the language in the RFP was ambiguous, causing them to misinterpret provisions about route allocation and pricing. Although the Transportation Group issued an addendum to the RFP responding to 130 questions from operators, confusion remained.
- 82** For instance, one operator bid on and was awarded 300 routes in February 2016, but later approached the Transportation Group to explain it had not intended to service 300 routes and would be returning 150 of them. The Transportation Group had to distribute these routes to other operators willing to take on additional work. The operator told us it may have misunderstood the RFP, but the information and documentation submitted as part of its bid clearly demonstrated it only had resources to operate 150 routes. Another operator misunderstood the wording in the RFP regarding the pricing guidelines per route. These misunderstandings occurred even though operators had the opportunity to ask questions before submitting a bid.

¹⁵ As noted in Paragraph 26.

A learning experience

- 83** While there were multiple contributing causes for the busing disruptions in September, many of the underlying issues originated from the structure of the 2016 RFP. These issues might have been avoidable if the RFP had been drafted differently, with a greater emphasis on service reliability and a lower emphasis on price. Although it will be some time before the Transportation Group conducts a new RFP for transportation services, the lessons learned during the 2016 RFP should guide future procurements for both the Toronto Student Transportation Group and other consortia throughout the province. The recommendations in this report will help ensure the Transportation Group obtains adequate and reliable transportation services in a manner that is open, fair and transparent, as called for in the broader public sector procurement requirements.
- 84** For instance, the Toronto Student Transportation Group failed to give bus operators specific route information during the bidding process. Operators were expected to rely on the Transportation Group to ensure routes were assigned in areas where the operators had depots, wanted to work, and had engaged drivers.
- 85** Other transportation groups in the province, such as the Student Transportation Services of York Region, told us they provide operators with copies of the specific routes available to be bid on, including the length and timing of the route. Minor changes can be made to some routes, especially those servicing students with special needs, but an estimated 90-95% would remain unchanged. Student Transportation of Peel Region told us it uses a similar route bidding process.
- 86** In future, the Toronto Student Transportation Group should ensure that its RFPs allow bus operators to bid for specific routes in clear geographic zones.

Recommendation 1

The Toronto Student Transportation Group should ensure future RFPs allow bus operators to bid for specific routes in clear geographic zones.

- 87** The evaluation criteria used in the RFP were also problematic. It did not consider whether operators had a history of successfully operating in Toronto. In at least one case, the evaluation committee had difficulty determining whether an operator had the resources to service the number of routes bid on. The Transportation Group is aware of these issues. In the

wake of the September 2016 service disruptions, the Toronto District board asked its staff to prepare a report for its Finance and Accountability Committee regarding the causes of the driver shortage and what could be done to prevent its recurrence. A draft version of the report recommended that the Transportation Group:

develop language for future RFPs that adds more weight to experience in operating in urban areas, and to operators who have more resources to draw upon in these situations and less emphasis on price.

- 88 However, the final report – dated September 28, 2016, and signed off by the Toronto District board’s Associate Director responsible for transportation – did not contain this recommendation, or any of the other eight recommendations put forward in the draft report. To prevent future busing disruptions, the Transportation Group should consider including language in future RFPs prioritizing operators with experience operating in urban areas and with greater resources.

Recommendation 2

The Toronto Student Transportation Group should consider including language in future RFPs prioritizing operators with experience operating in urban areas and with greater resources.

Driver recruitment and route planning

- 89 In February 2016, after bus operators learned how many routes they had been awarded, some asked for route location details so they could start recruiting drivers.
- 90 Operators typically hold a series of open houses to recruit bus drivers for the coming school year. As part of these open houses, operators share the routes they have been assigned, and interested drivers sign up, indicating which route they would like to drive. Routes are inextricably connected to the recruitment of drivers – drivers often choose their employer based on the route they want to drive. Accordingly, it is important for operators to know which routes they are responsible for, so they can recruit drivers effectively.

Mock routes and spring driver recruitment

- 91 The Toronto Student Transportation Group was well aware of the importance of routes to the driver recruitment process. In March 2016, it issued “mock routes” – generally based on routes from previous years, taking into account the location of driver depots – to help operators during the spring recruitment cycle. This was a new approach. Operators were asked to review the mock routes, and the Transportation Group said it would be “tweaking the route allocations” based on feedback received. All operators we spoke with said they interpreted this to mean the mock routes would reflect the location of the finalized routes and that they could rely on them for driver recruitment. Several operators displayed the mock routes at open houses to help bus drivers determine whether the operators had routes that interested them.
- 92 Based on the feedback received, the Toronto Student Transportation Group made minor changes and reissued the mock routes in April 2016. The Planning Supervisor sent the revised versions to the operators in an email, noting that although not necessarily the “actual routes,” they were “**a good indication**” of the location of the final routes.
- 93 As the spring recruitment process began, the Transportation Group asked operators to maintain and periodically submit lists of drivers who had committed to working for them. Aware of perennial driver shortages and the dynamics of their employment, the Transportation Group intended to cross-check the lists against each other to determine where drivers had made multiple commitments.

Last-minute route changes

- 94 On June 2, 2016, after the Transportation Group had planned bus routes and operators had recruited drivers for those routes, the board of trustees for the Toronto Catholic District School Board voted to stop busing students who did not meet its transportation policy’s eligibility criteria (e.g. they lived too close to school). Because the board had a widespread practice of transporting ineligible students, this decision affected more than 7,000 students and stood to save the board some \$2.85 million per year.
- 95 The Transportation Group was notified of this decision and staff began the process of removing thousands of ineligible riders and adjusting hundreds of affected routes. The changes, which primarily affected big-bus routes, necessitated a complete re-planning and optimization of all routes. We were told this process is painstaking and time-consuming. Moreover, it

needs to be completed three times whenever changes are made – once for each board, and once for all routes. This process sets the baseline for the boards’ cost-sharing methodology.

- 96** However, the trustees’ decision proved to be incredibly unpopular, and in a unanimous vote on June 27, 2016, the board reversed its position. This about-face meant the transportation planning staff had to add all of the removed students back to the computer system and generate new routes, which again had to be optimized three times. The Transportation Group’s General Manager told our Office that this process took over a month, and delayed the finalization and publication of big bus routes until August. Typically, the Transportation Group aims to have routes substantially completed before school lets out in June, so information can be sent home with students’ final report cards.
- 97** This change of heart also resulted in pressure from the Toronto District board on the Transportation Group to cut transportation costs in other ways. Planning staff looked for efficiencies in existing routes, primarily by shortening the break between routes serviced by the same bus. This meant that if a bus were delayed for any reason, the delay might snowball and affect many other students. All of these changes, optimizations, and re-optimizations affected the validity of the mock routes that were issued in March and April 2016 to guide driver recruitment.

Bus operator meeting in August 2016

- 98** With the start of school only a few weeks away, the Transportation Group scheduled a meeting for August 18, 2016, for bus operators to receive their finalized routes. Operators were asked to bring a dispatcher knowledgeable about Toronto geography so they could swap routes if they did not have operational capacity or drivers to service particular routes.
- 99** At the meeting, operators were given hard copies of their routes. We were told that as soon as some operators looked at the routes, it became clear they were different from the mock routes issued in March and April 2016. One operator who had transported students in Toronto for decades told us: “None of the mock routes even remotely showed up in our [final] routes. Everything was just a wholesale change.” That operator immediately recognized the problem this would cause for driver retention and spoke with the Transportation Group’s General Manager. Other operators raised similar concerns, and two days later, the General Manager sent an email to all bus operators to address the complaints and remind them that the mock routes had never been intended to reflect final routes. Operators

were again encouraged to trade routes among themselves. One operator responded to this email expressing skepticism that trading routes would resolve its issues, because entire schools it had expected to service had been assigned to a different operator. In his interview with our Office, the General Manager admitted that the discrepancy between the mock and final routes "...may have led to some issues with drivers."

- 100** In the days that followed, the Transportation Group continued to make changes to the "final" routes that operators were given at the August meeting. These changes were largely to accommodate the hundreds of last-minute transportation requests that are traditionally received in the lead up to the first day of school. However, bus operators said things were different in 2016. The changes were more dramatic and required drivers to pick up students in areas they had not agreed to initially. Some routes became very long, requiring drivers to criss-cross the city each morning and afternoon. Given the propensity of drivers to walk away from routes they were dissatisfied with, the operator was concerned these changes would exacerbate the emerging driver shortage.

The wheels fall off the bus

Too few drivers

- 101** By the last week of August, it was clear to the Transportation Group and bus operators that they might have a problem ensuring every bus route was serviced. The Transportation Group asked operators to provide a list of routes with assigned drivers. Operators responded that **nearly 100 routes** had no driver assigned (i.e. they were "open" routes). After the Transportation Group facilitated route trades amongst operators, this number fell to 60. The General Manager remained concerned and wrote on August 25, 2016, to the operations committee, which includes senior staff from each board, expressing that there might be an issue with some bus operators. That same day, he also wrote directly to senior employees at both boards to alert them that:

It has been a far more stressful and chaotic summer than normal because of the new contract and the late news about the [transportation for non-eligible students] from the Boards...We had our start-up meeting with the carriers and reviewed expectations for the upcoming school year...We've been securing driver lists each week for the last month to gauge how well the carriers have recruited and supported their driver needs. **There is some concern that some**

companies may not be as prepared as they think they are...[emphasis added]

- 102** This email, however, also downplayed the seriousness of the potential problem and contained numerous assurances about the number of drivers and the steps being taken to minimize the consequences of any disruptions. As a result, this warning seems to have had little effect, and officials from both boards later told us they did not appreciate the magnitude of the impending situation.
- 103** Also on August 25, 2016, the General Manager again wrote to bus operators to get detailed information about which bus and driver would service each route. He heard back on August 30 that one operator had 42 open routes. That same day, after learning that a different operator had 16 open routes, the General Manager described the situation as “dire” in an email to the Transportation Group’s senior staff.

Too many changes, impossible routes

- 104** For routes that were assigned drivers, “dry runs” in the week before school revealed logistical problems with the routes as planned. In some cases, the routes took much longer to complete than the Transportation Group estimated, meaning the driver could not pick up or drop off students as scheduled. Drivers were frustrated by what one described as “impossible” routes, as well as the constant changes to planned routes in the week before school began.
- 105** In the days leading up to the start of school, one operator emailed the Transportation Group to complain that routes had changed completely after drivers had selected routes and completed dry runs. These changes had consequences. An operator told our Office about a new driver who, after doing a trial run for a route, accepted the assignment and took possession of a school bus. However, the route subsequently changed drastically. Unhappy with the new route, the driver quit without telling the operator or returning the bus. It took two days and a call from a school principal for the operator to find out that the route had not been serviced on the first two days of school. The operator found out later that the driver went to work for a different operator and had abandoned his bus at a school. When the operator spoke to the driver, the driver explained that his route changed completely so he decided to work for someone else.

What the boards knew

- 106** Aware that driver shortages at several operators would lead to service disruptions at the start of the school year, the Transportation Group's Operations Manager drafted an update for the Toronto District board, indicating that:

...we have been informed by several carriers that there will be driver shortages for the first week of school. We are working closely with those carriers to try and minimize the extent of the problem but **we need to be aware that service could be significantly impacted.** [emphasis added]

- 107** On August 31, 2016 – about a week before school started –this warning language was shared with the Toronto District board. A substantially softened version of the notice appeared in the Toronto District board's internal staff bulletin on September 6, 2016, the first day of school:

In the first year of the [transportation] contract we will ordinarily experience some growing pains that may manifest as service issues. For one, many of the carriers are starting new routes and some have informed us they **may have driver shortages** for the first week of school...please be aware that **service could be impacted** and we are here to support in any way we can...[emphasis added]

- 108** On September 1, 2016 – the Thursday before the Labour Day long weekend and the start of the school year on Tuesday – the Transportation Group's General Manager emailed transportation officials at each board to advise that some bus operators were "**severely short drivers.**" He said the Transportation Group was working to minimize the gap between routes and drivers, but that "**significant service delivery issues**" should be expected. While the General Manager had previously told the boards about the driver shortage, this was the first time that he indicated it would be severe.

- 109** The Toronto District board did not issue any public communication in response to this warning.

- 110** At the Toronto Catholic District board, its Associate Director emailed a senior colleague about the potential service disruption: "**You need to let everyone know!**" The Toronto Catholic District board's Director of Education asked her staff to work with a communications officer to prepare a statement. However, no communication to parents or staff occurred.

- 111 In late September 2016, in response to our Office’s pending investigation, the Associate Director emailed the Transportation Group’s General Manager about the implications of an Ombudsman investigation. The email said, in part:
- ...when I responded to [the General Manager’s] email on September 1st [...] and I asked [staff] to let everyone know about the potential disruption from the lack of drivers, and the Director asked that a communication be prepared to go out to the schools...why didn’t something go out on the Friday? Why did we wait until the 2nd day of school, as did TDSB? Did you tell [board staff] that based on past experience it was covered? This is our only vulnerability?
- 112 According to the information provided to our Office, the Transportation Group’s General Manager did not respond to this email.
- 113 No public communication about the anticipated driver shortage and service disruptions was issued by the Transportation Group or either board before school began. According to emails we reviewed, the General Manager was reluctant to refer to a driver shortage and suggested that call centre staff say they were working with operators to “address operational concerns.”
- 114 Both boards publicly stated that they did not learn about the driver shortage or the possibility of service disruptions until the school year started. In interviews with our Office and in its letters to parents, the Catholic District board said the Transportation Group told it about the problem on Wednesday, September 7, 2016, while the Toronto District board said it was told on Tuesday, September 6. However, our investigation clearly indicates that both boards were aware of driver shortages and significant service disruptions a week before school began and took almost no action on that information.
- 115 When asked about this, the Catholic District board’s Associate Director told our investigators there had been a gap in communication and the board should have alerted parents and other stakeholders when it received information from the Transportation Group in the days before school began. The Toronto District board’s Director of Education took a different position, saying that the information he had been provided before school began wasn’t concerning enough to justify issuing an alert.
- 116 In the first acknowledgement of responsibility that our Office saw or heard, the Transportation Group’s General Manager told our investigators he did not fully recognize the scope of the impending disaster. He explained that

he was not overly concerned with the number of open routes because there were always open routes at the start of the school year. His error, he said, was not taking into account that the routes were concentrated among three operators. The concentration of routes with so few operators made it almost impossible to arrange temporary coverage. However, this explanation is at odds with emails we reviewed, which revealed that the General Manager and his staff were fully aware and concerned that specific operators had high concentrations of open routes – notably the email he sent on August 30, 2016, which described the situation with one operator as “dire.”

Radio silence

- 117 Despite warning signs, the Transportation Group and the boards did not truly appreciate the seriousness of the impending busing disruption. The information that was available about the driver shortage should have led the Transportation Group and the boards to notify otherwise unsuspecting families that they should expect some delays and disruptions. Notification in the week before school began would have given affected parents and school officials some time to arrange alternative transportation and child supervision, as well as ensure they knew to expect severe disruptions.
- 118 Communication between the Transportation Group and the boards must be improved. Each year in early August, the governance committee should meet with the operations committee to discuss transportation readiness and address any outstanding issues. Communications staff from both boards should also be present at this meeting.

Recommendation 3

The Toronto Student Transportation Group’s governance committee should meet with its operations committee in early August every year to discuss transportation readiness and address any outstanding issues. Communications staff from both boards should also be present at this meeting.

- 119 The Transportation Group should also develop a communications protocol that specifies how and when parents, school boards, and other stakeholders will be notified of known or suspected service disruptions. Consideration should be given to when to use social media, news media and automated calling systems to alert stakeholders to the disruptions.

Recommendation 4

The Toronto Student Transportation Group should develop a communication protocol that specifies how and when parents, school boards, and other stakeholders will be notified of known or suspected service disruptions.

- 120 Principals at both boards were largely left to deal with frustrated parents and stranded students without support from board administrators. Many said they were strained by the volume of work and confused about the extent of their communication responsibilities. The boards' policies and the Transportation Group's operation manual provided limited guidance for dealing with this type of situation. During the crisis, the Transportation Group discussed adding another section to its policy regarding principals' communication obligations, but this change was not implemented. To ensure clear communication and division of responsibilities, the Transportation Group should review the operation manual to ensure that the responsibilities of all stakeholders (e.g., board officials, principals, parents, operators) are clearly established. The revised manual should outline clear responsibilities and processes for communicating transportation information and be made publicly available on the websites of the Transportation Group and both boards.
- 121 The revised manual should specifically indicate that schools are responsible for notifying the Transportation Group about the nature of any service disruption affecting them. This would reflect the practice that was put in place informally during the 2016 crisis. School administrators are a reliable and efficient method for determining which bus routes are subject to delays and other issues. In addition, this reporting requirement would allow the Transportation Group to begin working with affected schools immediately to resolve transportation disruptions.

Recommendation 5

The Toronto Student Transportation Group should review its transportation operation manual to ensure that the responsibilities of all stakeholders are clearly established. The revised manual should delineate clear responsibilities and processes for communicating transportation information. The manual should be made publicly available on its website and those of the Toronto District and Toronto Catholic District school boards.

Recommendation 6

The Toronto Student Transportation Group should ensure the revised transportation operation manual requires schools impacted by service disruptions to notify it about the nature of the disruption.

Chaotic Communication and Complaint Handling

- 122 The magnitude of the service disruptions exposed numerous weaknesses in the operators', boards' and Transportation Group's existing processes for communicating delay information to parents, responding to complaints, and investigating reported safety incidents.

Bus operators' communication

- 123 Bus operators failed to communicate timely and accurate information to parents and the Transportation Group as the crisis unfolded.

Updating the delay portal

- 124 The Toronto Student Transportation Group operates a website that allows its staff, parents, and school officials to check on the status of each school bus route. Under their service contracts, operators are responsible for updating this information in a timely manner. During the service disruptions, however, the delay information provided by operators was often inaccurate or out of date. Parents who checked the website had no way of knowing the real status of their child's bus, and Transportation Group staff who relied on this information to monitor bus routes and respond to parent inquiries were left in the dark. Given the importance of accurate delay information, the Toronto Student Transportation Group should monitor operators' compliance with their contractual obligation to notify schools and parents about bus delays and, in accordance with the service contract's provisions that allow for financial penalties, take remedial steps against operators who consistently fail to do so.

Recommendation 7

The Toronto Student Transportation Group should monitor whether operators notify schools and parents about bus delays

and take remedial steps against operators who consistently fail to do so.

- 125** When operators did provide information about bus delays, it was sometimes intentionally inaccurate. In one case, an operator reported buses would be “50 minutes late” when in fact there was no driver to cover the route. We were told that this strategy was used because the website did not provide the option of indicating that a bus would not show up. The Transportation Group repeatedly told operators they were not allowed to officially cancel routes, even when they could not be serviced within a reasonable time period.
- 126** The misinformation about bus schedules was frustrating to parents and school officials. We heard of a school principal who checked the delay website and found that the bus was expected to be 50 minutes late. However, the bus never arrived. Later, the principal wrote to the board to complain that the portal was “very deceiving” and that “it would have been better if [the operator] had simply told us that there was no bus instead of saying that it was delayed.”
- 127** In May 2017, staff at the Toronto District board prepared a report for its Finance, Budget and Enrolment Committee,¹⁶ providing a status update on student transportation generally, as well as outlining the steps taken to ensure a smoother and more effective start to bus service in the upcoming 2017-2018 school year. According to the report, a new online transportation portal has been developed to provide the public with improved access to bus delay information. The report indicated the portal would launch in June 2017. To ensure parents and schools are provided with accurate information, the Toronto Student Transportation Group should ensure this portal allows bus operators to disclose when a bus is unable to service a route on a particular day.

Recommendation 8

The Toronto Student Transportation Group should ensure its new transportation portal allows bus operators to disclose when a bus is unable to service a route on a particular day.

¹⁶ Report to the Finance, Budget and Enrolment Committee, Toronto District School Board (10 May 2017), online:
<<http://www.tdsb.on.ca/Leadership/Boardroom/AgendaMinutes.aspx?Type=A&Folder=Agenda%2f20170510&Filename=170510+Transportation+Contracts+3118.pdf>>.

- 128** Bus operators told us they struggled to get accurate delay information from drivers and that this information was constantly in flux, making it difficult to update the delay website. However, under their service contracts, school buses must be equipped with GPS equipment that allows the Transportation Group and operators to determine its location at all times. The Transportation Group has indicated the GPS system will be fully operational for the 2017-2018 school year, which will allow operators to track the status of their fleets in real time and provide parents and other stakeholders with up to date information.
- 129** Public transit organizations, including the Toronto Transit Commission, commonly use this location information in online applications that can estimate when a bus will arrive at a specific location. The Transportation Group has indicated that it is in the process of providing similar functionality through a “where’s my bus” application. The Toronto Student Transportation Group should expedite this initiative to ensure that information about delayed and no-show buses is shared with parents and school administrators in a timely and accurate manner.

Recommendation 9

The Toronto Student Transportation Group should expedite its initiative of using bus GPS information and software to automatically post real-time and accurate information about delayed and no-show buses on its website.

Overloaded phone lines, inaccurate information

- 130** When parents or school officials tried to call bus operators during the crisis, they were rarely able to speak with anyone and often couldn’t leave messages because voice message boxes were full. Even when bus company staff did answer the phone, the information they provided was often inaccurate. Parents were falsely told that buses were on their way or their children had been dropped off at school or home.
- 131** Our investigation found instances when school officials, faced with safety crises, including missing students, were unable to get through to bus operators to obtain information about the student’s possible whereabouts. The Toronto Student Transportation Group also had difficulty communicating with some of its bus operators by phone, even though each operator was supposed to have a dedicated phone line for this purpose. The Transportation Group’s Operations Manager had to ask senior executives of the bus operators for their mobile phone numbers.

- 132 The lack of accurate information and timely communication made an already frustrating situation worse. Parents, schools, board officials and the Toronto Student Transportation Group should be able to reach bus operators to obtain information and complain about service disruptions. The service contract with each operator requires them to maintain a sufficient number of phone lines and office staff to address inquiries from the public, schools, and families. The Transportation Group must reinforce this expectation with each bus operator and take remedial steps against those that fail to meet it.

Recommendation 10

The Toronto Student Transportation Group should ensure that bus operators comply with the service contract's requirement to maintain a sufficient number of phone lines and office staff to address inquiries from the public, schools, and families.

Toronto Student Transportation Group's call centre

- 133 The Toronto Student Transportation Group operates a call centre, staffed by about 10 contract employees, at the start of each school year – usually from the last week of August until the end of September. In 2016, it was open until mid-October, due to the ongoing transportation disruptions. The call centre responds to questions and complaints from parents and school administrators as everyone becomes accustomed to the bus schedule and routes.
- 134 In the first month of the 2016-2017 school year, the centre was deluged by more than 4,000 calls. The centre and Transportation Group staff received more than 7,500 calls between September and December 2016. Many parents complained to our Office that they were unable to get through to the call centre in September because the lines were constantly busy. According to its statistics, the call centre was only able to answer 54% of calls it received that month. Transportation Group staff told us they couldn't hire additional staff to address the call volume during the transportation disruptions due to office space limitations.
- 135 The Transportation Group is aware call centre staffing was an issue during the crisis. The draft of the September 2016 report prepared for the Toronto District board recommended this be considered in future:

During September [2016] significant communication challenges...occurred. Due to the large volume of disruption in the system the call volume was much higher than expected...In planning for next year, it is imperative that the level of staffing centrally and at all carriers be considered to ensure timely and accurate information is shared.

- 136 In their May 2017 report, Toronto District board staff said the call centre would have additional staffing in the 2017-2018 school year during peak complaint periods. The Transportation Group should ensure its call centre is adequately staffed and resourced to handle the volume of complaints and enquiries received each year. The centre's infrastructure and staff complement should be adaptable to unpredictable and changing complaint volumes.

Recommendation 11

The Toronto Student Transportation Group should ensure that its call centre is adequately staffed and resourced to handle the volume of complaints and enquiries received each year. The centre's infrastructure and staff complement should be adaptable to unpredictable and changing complaint volumes.

- 137 The Transportation Group should also develop call centre policies and procedures that establish minimum service standards for wait and response times. It should also conduct ongoing trends analyses of complaints and inquiries received, in order to address operator service performance issues and identify opportunities for improvements.

Recommendation 12

The Toronto Student Transportation Group should develop call centre policies and procedures that establish minimum service standards for wait and response times.

Recommendation 13

The Toronto Student Transportation Group should conduct ongoing trends analyses of complaints and inquiries received in order to address operator service performance issues and identify opportunities for improvements to processes and communication.

Muddled complaint process

- 138** Our investigation found that during the crisis, many parents and other stakeholders weren't sure where they should address their transportation complaints. Even if they did know who they should contact, their inability to get through to their child's school, the Toronto Student Transportation Group or bus operators forced them to complain to other organizations. As a result, school principals, board officials, bus operators, and Transportation Group staff all received complaints, but had no centralized system to track issues, resolutions, or follow-up. Accordingly, meaningful complaint statistics and trends about the crisis don't exist.
- 139** According to our interviews, the Transportation Group and boards do not have a procedure to provide parents with information proactively about how to obtain bus service information or complain about issues. They should ensure parents know how to access bus service information and complaint procedures prior to the start of each school year. At present, the Transportation Group's website includes electronic pamphlets that, despite some outdated content, provide much of this information and could serve as a model for future communication with parents.¹⁷

Recommendation 14

The Toronto Student Transportation Group, in combination with the Toronto District and Toronto Catholic District school boards, should proactively ensure that parents know how to access bus service information and complaint procedures prior to the start of each school year.

- 140** To ensure complaints are dealt with expeditiously and tracked consistently, the Transportation Group, school boards, and bus operators should jointly devise a school bus transportation complaint procedure. This procedure should include a mechanism for recording and responding to complaints, as well as for escalating serious or unresolved complaints. It should also distinguish between requests for information about bus schedules and

¹⁷ These pamphlets have not been updated to reflect new operators that now provide transportation services to the Toronto boards. "Transportation Brochure", Toronto Student Transportation Group, online: <<https://www.torontoschoolbus.org/wp-content/uploads/2014/05/TransportationBrochure.pdf>> and "Transportation of Students with Special Needs", Toronto Student Transportation Group, online: <<https://www.torontoschoolbus.org/wp-content/uploads/2014/05/TransportationBrochureSpecial.pdf>>.

routes, and complaints about bus service. Parents and other stakeholders should be provided with information about how to access this policy each year.

Recommendation 15

The Toronto Student Transportation Group, in combination with bus operators and the Toronto District and Toronto Catholic District school boards, should create a school bus transportation complaint procedure. The procedure should:

- **create a centralized mechanism for recording and responding to complaints;**
- **include provisions for escalating serious or unresolved complaints; and**
- **distinguish between requests for information about bus schedules and routes, and complaints about bus service.**

Recommendation 16

The Toronto Student Transportation Group should ensure parents and other stakeholders are provided with information about how to access the complaint procedure each year.

Responding to student safety concerns

- 141** The Transportation Group's call centre uses a priority system (high, medium, low) to categorize the urgency of incoming calls. Our Office was not provided with any policy that governs this determination, although during interviews we were told that "anything that has to do with the safety of the children" is given high priority. The call centre has a Safety Officer who investigates safety concerns brought to the Transportation Group's attention and, when incidents occur, ensures that the proper protocols were followed by the bus operator and an incident report documents the safety issue. We were told that the Safety Officer tracks incident reports to determine if drivers or bus operators have multiple safety incidents, in which case the officer can ask the operator to retrain the driver to help ensure safety protocols are followed in future. These steps are not documented in any Transportation Group policy or procedure. Regarding student safety, the manual only contains a general "missing student" protocol that outlines the steps that must be taken to find a student who is reported missing, as well as the reporting requirements for such incidents.

- 142 Given the importance of ensuring student safety, the Transportation Group should ensure that its process for identifying and responding to safety incidents is documented in its policies and procedures. Specific steps for evaluating the adequacy of the bus operator’s investigation, incident report, and response should be established, as well as a procedure for following up with and taking remedial steps against operators when these are found to be inadequate.

Recommendation 17

The Toronto Student Transportation Group should establish clear steps for evaluating the adequacy of the bus operator’s investigation, incident report, and response to safety incidents.

Recommendation 18

The Toronto Student Transportation Group should follow up with and take remedial steps against operators who fail to adequately investigate, report, and respond to safety incidents.

Recommendation 19

The Toronto Student Transportation Group should document its process for identifying and responding to safety incidents in its policies and procedures.

- 143 The service contracts between bus operators and the boards require that all drivers be trained in school bus safety programs. The agreement sets out the minimum time that drivers must spend in training on various subjects and how frequently they must take refresher courses. Bus operators must provide the boards with the dates and agendas for this training, and board staff have the option to attend the sessions. The service contracts also allow the boards to appoint an independent organization to perform a driver safety audit.
- 144 According to the service contract, one vital aspect of the training – the “Purple Equals Parent” program requirements – lasts 30 minutes and only needs to be provided to new drivers. New drivers must also receive four hours of training on “awareness of sensitivity” for special needs students and accessibility requirements, including the requirement to provide door-to-door transportation for students with special needs.

- 145 Given the severe impact that mistakes can have on student safety, the Toronto Student Transportation Group should ensure future service contracts with bus operators provide drivers with initial and ongoing annual training about each program's procedures and importance. In cases of repeated or egregious errors, the Transportation Group should carefully consider enforcing the contractual penalties (\$2,000 per occurrence) against operators that fail to adhere to the Purple Equals Parent program requirements. The Transportation Group should also consider adding provisions to future service contracts allowing it to penalize operators that contravene the transportation policy for students with special needs, such as the requirement for door-to-door transportation.

Recommendation 20

The Toronto Student Transportation Group should ensure future service contracts require that bus operators provide drivers with both initial and ongoing annual training about the procedures and importance of the "Purple Equals Parent" program and the requirement to provide door-to-door transportation for students with special needs.

Recommendation 21

The Toronto Student Transportation Group should carefully consider enforcing contractual penalties against operators with bus drivers that consistently or egregiously fail to adhere to the "Purple Equals Parent" program requirement.

Recommendation 22

The Toronto Student Transportation Group should consider adding provisions to future service contracts allowing it to penalize operators that contravene the transportation policy for students with special needs, such as the requirement for door-to-door transportation.

Stopgap Solutions

- 146** By the second week of the 2016-2017 school year, the transportation disruptions began to improve for most students. The Transportation Group worked with bus operators over the first weekend to minimize the impact of the driver shortage, parents received communication about the disruptions, and contingency plans were finally developed and in place to supervise stranded students. Some routes were modified to ensure that students were transported to and from school, albeit at inconvenient times. By September 15, 10 days after school began, 1,400 students continued to be affected by service delays, although all routes were serviced (17 buses were scheduled to arrive late in the morning; three left late in the afternoon). These stopgap measures made it possible for students to get to and from school each day while the Transportation Group and bus operators worked to resolve the driver shortage.
- 147** As of January 2017, some **40** routes still did not have permanent drivers. However, all were being serviced by a designated spare driver or taxi, and the Transportation Group's manager told us that no students were negatively affected.

Taxi program

- 148** During the busing crisis, taxis were sometimes hired to fill the gap left by the bus driver shortage. Some bus operators arranged and paid for taxi companies to provide coverage for routes without drivers, especially those servicing students with special needs. The Catholic District board also instituted a taxi voucher program. It distributed approximately 15,000 vouchers to schools to use as a last-resort method of transporting students, although at the time of our interviews, the board did not know how many were ultimately used. In addition, the Toronto Student Transportation Group arranged and paid for taxis for some stranded students requiring immediate assistance.
- 149** In each case, parents needed to approve taxi transportation for their child, and taxis were generally not used for students under nine years of age. Bus operators were also required to notify the student's school when they subcontracted a bus route to taxi drivers. We heard that some parents were uncomfortable having their children transported by a different, unknown taxi driver each time. Others were concerned that taxi drivers lacked the training and knowledge to transport students, especially those with special needs. The Transportation Group told us it relied on bus operators to communicate safety instructions and protocols to taxi

companies, and that it had no mechanism to oversee taxi driver compliance. The expectation is that bus operators will only subcontract routes to taxi companies that are listed as vendors of record with the Toronto boards.

- 150** This lack of oversight is troubling, and our investigation found several instances where student welfare was compromised because taxi drivers failed to follow basic safety measures. One vice-principal reported that a vulnerable student had been left by a taxi driver with a passing adult near the school. In explaining the situation to board staff, the vice-principal wrote:

The taxi pulled over to the side of the street, rolled down the window and asked an adult passing by if they were a teacher at the school and if they could take the student inside. The passerby, who happened to be a teacher, took the student into the school. The student wasn't able to speak his name or indicate where he was supposed to go. The driver left the student with the adult and didn't confirm that the adult was a teacher...[T]his could have been a serious situation.

- 151** Our Office also received a complaint from the mother of a 15-year-old student with physical and intellectual disabilities who was supposed to always be dropped off with a responsible adult. Instead, a taxi driver dropped her off at the back of the school without staff supervision. The bus operator's investigation confirmed that the taxi driver's behaviour was not in accordance with policy and procedure, and the driver was removed from the route.
- 152** There were also issues with late and no-show taxis. We heard of one school where taxis consistently arrived 60 to 90 minutes after the end of classes, requiring three staff members to supervise a group of stranded students.
- 153** The service contracts between the boards and the operators require that operators obtain the board's permission before subcontracting any work, including to taxis. Subcontractors must abide by all terms of the service contract, and operators are responsible if their subcontractor fails to do so. However, there are limited mechanisms that would allow the Transportation Group to verify whether taxi subcontractors are in compliance with the service contract.
- 154** If the Toronto Student Transportation Group and the Toronto boards are going to grant bus operators permission to subcontract routes to taxi drivers, they need to ensure taxi drivers are aware of and comply with

basic safety instructions and protocols contained in the service contract. The Toronto Student Transportation Group should ensure that bus operators who subcontract work to taxi companies comply with the service contract's requirements, including that they provide instruction and training to taxi drivers before they begin picking up students. When deciding whether to approve an operator's request to subcontract work to a taxi, the Transportation Group should ensure the taxi is being used as a last resort and that the same taxi driver will service the route whenever possible.

Recommendation 23

The Toronto Student Transportation Group should ensure that bus operators who subcontract work to taxi companies comply with the service contract's requirements, including that they provide instruction and training to taxi drivers before they begin picking up students.

Recommendation 24

When deciding whether to approve an operator's request to subcontract work to a taxi, the Toronto Student Transportation Group should ensure that the taxi is being used as a last resort and that the same taxi driver will service the route whenever possible.

Route modifications

- 155** In addition to facilitating route trading and redistribution, the Toronto Student Transportation Group modified some open routes (those without drivers), primarily by scheduling buses to take on multiple additional routes. Bus operators, on their own initiative and without notifying the Transportation Group, modified routes in the same way. Doubling up routes in this manner ensured students were transported to and from school, although often at inconvenient times. However, the modified routes created a new set of problems, with students arriving at school very early in the morning and leaving late in the afternoon. The emails our investigators reviewed suggest the Transportation Group and the boards did not check with schools before making these changes to ensure students were supervised before and after school. One principal at an affected Catholic District school wrote on September 12 to express her concerns to senior board and Transportation Group management:

I am beside myself right now! I reviewed the pickup time for the students on [a specific route.] Pickup time starting at 7 a.m. There are many issues with this...Who is to meet the students when they get [to school] before 8 a.m.? Our educational assistant? The teachers? All are unionized. Me? I will do this, but what happens on the days I cannot make it in before the students arrive? I realize that this is temporary – how long?

- 156 In other instances, students were scheduled to arrive substantially after classes began each day. One principal complained to board officials that the first of nine stops on a bus route was scheduled for 8:27 a.m., even though school started at 8:30 a.m. Another principal complained that parents were given little notice of modified pickup and drop-off times that were to go into effect the following day. For many parents, these changes were difficult to accommodate, given their work schedules and other commitments. Similarly, school administrators were left to ensure staff were available to supervise and meet students at new and unexpected times. In the future, the Toronto Student Transportation Group, the Toronto District and Toronto Catholic District school boards should ensure affected schools and parents are provided adequate and reasonable notice before they modify students' pickup or drop-off times.

Recommendation 25

The Toronto Student Transportation Group, the Toronto District, and Toronto Catholic District school boards should ensure that parents and schools are provided adequate and reasonable notice before they modify students' pickup or drop-off times.

Increased hours of student supervision

- 157 By the second day of transportation disruptions, the Toronto District board had determined that extended hours of supervision were required for affected students. In the days that followed, schools were instructed to arrange this, and principals were responsible for finding qualified employees willing to work the hours on short notice.
- 158 The Catholic District board also informed principals that they might need to make arrangements for student supervision before and after school. According to emails we reviewed, it took longer for that board to implement this directive, due to a smaller pool of staff resources.

- 159 Although the transportation disruptions in 2016 were worse than usual, we repeatedly heard that they are a common feature of the back-to-school process. Each school board should proactively develop and implement contingency staffing plans to ensure adequate student supervision if and when transportation disruptions occur. The plans should include clear protocols regarding emergency staff assignments to supervise students stranded as a result of service disruptions.

Recommendation 26

The Toronto District and Toronto Catholic District school boards should proactively develop and implement contingency staffing plans to ensure adequate student supervision if and when transportation disruptions occur. The plans should include clear protocols regarding emergency staff assignments to supervise students stranded as a result of service disruptions.

Driver recruitment and additional bus operators

- 160 Bus operators continued to aggressively recruit drivers in September 2016, but this was offset by ongoing driver attrition. Some drivers quit entirely; others were hired by competing operators. In an email to operators a week into the crisis, the Toronto Student Transportation Group's General Manager asked them to stop hiring drivers away from other carriers until the service disruptions were resolved.
- 161 The Transportation Group also spoke with charter bus operators on its approved vendor list to see if they could service any of the open routes. These operators declined the work after being shown the available routes. The Transportation Group also unsuccessfully approached companies it had worked with in the past, other operators who had expressed interest in doing so, and the one operator whose bid on the 2016 RFP was not successful. However, the Toronto District board's permanent fleet of 13 buses and staff drivers agreed to provide coverage to open routes.

Root of the Crisis

- 162 The busing crisis of fall 2016 was not a discrete event, but a symptom of underlying systemic problems. The two school boards and the Toronto Student Transportation Group sought to identify and address some of these root causes, during and after the disruptions.

Reviews and post mortems

- 163** In an email from the second week of September, the Transportation Group’s General Manager laid out different transportation strategies and addressed what could be done to avoid disruptions in future. His email noted that it was “tough to say absolutely” how to prevent the problem from recurring, but said most bus operators and drivers would continue to service the same routes the following year, minimizing the possibility of driver shortages. He also said new software might allow the Transportation Group to complete its planning for special education bus routes sooner, allowing drivers to commit to specific routes earlier in the summer.
- 164** The Transportation Group met with bus operators in December 2016 to better understand the factors that led to the driver shortage. According to the meeting’s minutes, participants identified three key factors: Operators were given routes in unexpected geographic areas, routes were frequently changed, and bus drivers were leaving the profession in general. Four strategies were identified to ensure better service in the next school year: Distributing routes earlier, improving communication, imposing a blackout period on changes at the start of the school year, and hosting a workshop for operators.
- 165** The May 2017 report to the Toronto District board identified several factors that led to the transportation disruption, including a provincewide driver shortage, a new service contract with operators that required them to work in new areas, and a delay in assigning routes to operators.
- 166** The report set out the steps taken by the Toronto District board, the Transportation Group, and bus operators to prepare for the 2017-18 school year, including:
- Ongoing meetings with bus operators to discuss concerns, plan for the coming year, and collaborate on improving the transportation system as a whole;
 - Obtaining information about which students require transportation sooner, allowing the Transportation Group to distribute routes to bus operators one month earlier than under the previous process;
 - Requiring weekly updates from operators during the summer about driver coverage for each route;
 - Enhanced call centre staffing during the start of the school year;

- The creation of a transportation portal which will allow parents to receive bus delay updates from operators directly;
- Ensuring that all buses are equipped with GPS to allow operators to track their location in real-time. The Transportation Group is also working on an initiative to provide real-time information about the location and status of individual buses through a “where’s my bus” application;
- Connecting principals from schools that specifically serve students with special needs with bus operators to provide training, advice and insight on their schools’ issues with transportation; and
- Reviewing and updating the Toronto District board’s transportation policy.

167 The report also indicated that the Transportation Group was in the process of obtaining new route planning software, which it expected to increase efficiency and automation. As well, it noted efforts were being made to improve the Transportation Group’s governance structure through increased harmonization between the Toronto boards.

168 An advisory group has been formed to assist in identifying systemic busing issues. This group consists of superintendents, school principals, bus operators, transportation staff, and members with special education expertise. Given the importance of improving communication and consultation on transportation matters, the Transportation Group should ensure that terms of reference are drafted to guide the group’s work and that minutes of its meetings are posted to the Transportation Group’s website.

Recommendation 27

The Toronto Student Transportation Group should draft terms of reference to guide the advisory group’s work.

Recommendation 28

The Toronto Student Transportation Group should post minutes of the advisory group’s meetings on its website.

169 No one we spoke to could provide a full estimate of the total additional expenses associated with the disruption, although the Toronto District board estimates the cost of additional student supervision alone at

approximately \$50,000. After receiving legal advice about these provisions, the Transportation Group's General Manager warned operators in the second week of September about the possibility that penalties and cost recovery might be imposed under service contracts. The Transportation Group told us the boards issued \$264,077 in penalties against bus operators.

Route planning and allocation

- 170** Several decisions by the boards resulted in bus routes – especially big-bus routes – not being finalized until August, substantially after they are usually completed. The biggest of these was the Catholic District board's request to remove (and then re-add) non-qualifying students to its routes. The Toronto District board also directed the Transportation Group to optimize bus routes in an attempt to reduce transportation costs. In the meantime, bus operators recruited drivers based on mock routes that ended up bearing little relationship to the routes they were ultimately assigned. Drivers, who are notoriously picky about the routes they drive, sometimes refused to take the new routes, resulting in confusion and driver shortages that were worse than expected. As well, some of the routes crafted by the Transportation Group were simply impossible to complete in the time allotted, resulting in further disruption and driver attrition.
- 171** To facilitate the timely planning of bus routes, each school board should provide student transportation information to the Transportation Group as early as possible to facilitate an earlier start to the route planning process. To minimize the possibility of transportation disruptions, decisions affecting student transportation should only be made after consulting Transportation Group management regarding the likely impact of the decision. Similarly, requests for route optimizations outside the typical route planning process should be considered and approved by the Transportation Group's governance committee. In turn, that committee should consult with Transportation Group management and both school boards about the impact of the request on route planning, driver retention, and transportation efficiency before making a decision.

Recommendation 29

To minimize the possibility for future transportation disruptions, the Toronto District and Toronto Catholic District school boards should consult with management from the Toronto Student Transportation Group before making decisions affecting student transportation.

Recommendation 30

The Toronto District and Toronto Catholic District school boards should provide student transportation information to the Toronto Student Transportation Group as early as possible to enable an earlier start to the route planning process.

Recommendation 31

The Toronto Student Transportation Group’s governance committee should provide prior approval for any requested route optimizations occurring outside the typical route planning process.

Recommendation 32

The Toronto Student Transportation Group’s governance committee should consult with Transportation Group and school board management regarding the impact of requested route optimizations before granting approval for the optimization.

- 172** The Transportation Group should also ensure that any mock routes issued to assist operators in early driver recruitment reflect the areas and schools where operators will be assigned routes. To ensure planned routes can be realistically completed in the time allotted, dry runs should be completed under realistic conditions for all routes to confirm they can be completed on schedule (e.g., the bus should stay at each stop long enough to allow students to load/unload, the route should be driven at the scheduled times).

Recommendation 33

The Toronto Student Transportation Group should ensure that any mock routes issued to assist operators in early driver recruitment reflect the areas and schools where operators will be assigned routes.

Recommendation 34

The Toronto Student Transportation Group should ensure that all bus routes can be realistically completed in the time allotted. Dry runs should be completed under expected route and traffic conditions to confirm routes can be completed on schedule.

- 173 In addition, the Transportation Group and the boards should take steps to minimize route changes at the beginning of each school year. The draft of the September 2016 report for the Toronto District board recommended “that a moratorium on route changes be imposed until the end of September to allow time to ensure minimal disruptions throughout the start-up phase.” An official at this board told us a full moratorium might not be realistic, but acknowledged the importance of completing the route planning process as early as possible.
- 174 Even if a full moratorium is not realistic, the Transportation Group can and should develop a policy for student transportation requests that sets out a process and firm deadline. We understand that for the 2017-2018 school year, the Transportation Group set an earlier deadline for submitting student transportation requests, which allowed it to distribute routes to bus operators a month sooner than under the previous process. This new practice should be codified in the Transportation Group’s policy. The policy should also establish clear responsibilities for the Transportation Group, boards and parents, as well as provide for exceptional or compassionate circumstances in which late transportation requests will nonetheless be accommodated.

Recommendation 35

The Toronto Student Transportation Group should develop a comprehensive policy for student transportation requests. The policy should:

- **Set out a process and firm deadline for submitting requests;**
- **Establish clear responsibilities for the Transportation Group, boards, and parents; and**
- **Provide for exceptional or compassionate circumstances in which late transportation requests will be accommodated.**

- 175 In the lead-up to the first day of school, the Transportation Group required bus operators to deal with routes they could not realistically service because they had no drivers willing to take them. Operators were told repeatedly to trade routes amongst themselves to resolve these issues. However, as it became clear that some were facing a significant driver

shortage, the Transportation Group moved away from the route-swapping approach. In the week before the start of school, and more intensely thereafter, it worked with operators to facilitate route trades to ensure that as many routes as possible were serviced. The Transportation Group told us it facilitated at least 40 trades amongst operators to reduce the number of open routes.

- 176** Given the success of this approach, the Transportation Group should consistently take an active role in matching open routes with interested drivers. The Transportation Group, unlike individual operators, can collect and centralize this information, increasing the efficiency of the matching process. It should ensure bus operators are contractually obligated to provide information on open routes to facilitate the matching process for routes that would otherwise not have an assigned driver.

Recommendation 36

The Toronto Student Transportation Group should take an active role matching open routes with drivers interested in those routes.

Recommendation 37

The Toronto Student Transportation Group should ensure bus operators are contractually obligated to provide information about open routes and unassigned drivers to allow it to facilitate the matching process.

Structural flaws

- 177** Another systemic issue that likely contributed to the unco-ordinated and inadequate response by board and Transportation Group officials as the busing crisis unfolded arises from the Toronto Student Transportation Group's organizational structure.
- 178** Although the Transportation Group represents the interests of the two school boards that created it, we found that its bifurcated nature negatively affects transportation planning and administration. Three staff members provide services exclusively to the Transportation Group: A General Manager, Operations Manager, and Planning & Technology Manager. Each school board covers 50% of the costs associated with these positions. The General Manager and Planning & Technology Manager are seconded from the Toronto Catholic District board, while the Operations Manager is from the Toronto District board.

- 179** Transportation Group planners are responsible for designing bus routes. They are from the transportation departments of each board. They remain employees of their respective boards, and their salaries and other employment matters continue to be dealt with by the board that hired them.
- 180** Each board has its own transportation policy, and staff at the Transportation Group generally work in silos to administer them. Toronto District board employees working for the Transportation Group report ultimately to the Operations Manager (who is seconded from that board), while Catholic District board employees report to the Planning & Technology Manager (who is seconded from the Catholic board). Each manager is responsible for dealing with the operations management related to “their” board, including interacting with school principals and superintendents on student transportation issues.
- 181** Transportation Group staff told us this separation of operational and administrative functions has an adverse impact on employee morale, as well as on the group’s efficiency and functioning. For instance, there are differences in pay scales between the two boards, which means staff members performing the same job earn different salaries. We were told that even though Transportation Group staff share the same physical space, they have different telephone and computer systems, complicating communication.
- 182** More generally, we found there is a sense of mistrust within and between the Transportation Group and the school boards. We reviewed emails in which senior staff from both boards, including Directors of Education, expressed concerns about the General Manager’s perceived preferential treatment of students and transportation issues at the other board. On occasion, staff of both boards expressed suspicion that Transportation Group staff were “fixing” financial numbers and reports to make their board pay a larger proportion of the transportation costs. The General Manager was well aware of these concerns, telling our investigators: “It’s funny – both boards think I’m playing for the other board.”
- 183** While the Transportation Group is nominally separate from the school boards, in practice staff members are loyal to their home boards and fail to work together as a unit for the combined benefit of both. This attitude is recognized by the boards, which have established differing reporting and pay structures, as well as separate computer and communication systems. To improve student transportation planning, the Transportation Group and boards should work together to remove barriers that prevent Transportation Group staff from working as a cohesive team. Management

must work to foster a culture of co-operation and consultation amongst staff and ensure they all have access to the same resources and technology. While staff may continue to be administratively employed by one school board, this should have no bearing on their employment responsibilities. The Transportation Group should ensure that these changes are reflected in its policies and procedures.

- 184** The May 2017 report to the Toronto District board said efforts were underway to improve the governance structure of the Transportation Group through “increased harmonization” between the boards. This is an important initiative, as a more cohesive, co-operative, and co-ordinated workplace culture could lead to better planning and communication in future.

Recommendation 38

The Toronto Student Transportation Group and the Toronto District and Toronto Catholic District school boards should work together to remove barriers that prevent Transportation Group staff from working as a cohesive team.

Recommendation 39

The Toronto Student Transportation Group and the Toronto District and Toronto Catholic District school boards should ensure that Transportation Group staff have access to the same resources and technology.

Recommendation 40

The Toronto Student Transportation Group should ensure that staff employment and reporting responsibilities are independent of the school board that administratively employs them.

Recommendation 41

The Toronto Student Transportation Group should modify its policies and procedures to reflect the revised organizational structure and staff employment responsibilities.

Opinion

- 185** In Ontario, hundreds of thousands of students rely on school buses each day of the school year. Buses are an indispensable lifeline for families who would otherwise struggle to get their children to school. The public expects that this service will be safe and reliable, especially since many students who ride school buses are very young or have special needs. At the start of the 2016-2017 school year, severe and persistent transportation disruptions meant that these expectations were not met for thousands of students in the Toronto District and Toronto Catholic District School Boards. Parents scrambled to get children to school after waiting for buses that never arrived, students rode on buses for hours each day, and vulnerable students were placed at risk.
- 186** My investigation found that, far from being unpredictable and beyond the control of the school boards and Toronto Student Transportation Group, the 2016 transportation disruptions were rooted in their actions and inactions before the start of the school year. A combination of factors contributed to the chaos, including:
- A dysfunctional work environment at the Transportation Group;
 - An untested new transportation service contract;
 - A substantial delay in finalizing many bus routes;
 - Inexperienced bus operators;
 - A new method for dividing and assigning routes;
 - Complete changes in the location of routes for returning operators; and
 - Last-minute and wholesale changes to routes.
- 187** Despite being aware of these factors and the possibility of severe service disruptions before school began, the school boards and Transportation Group failed to communicate effectively amongst themselves or to warn parents and school administrators. They approached the issue of school busing with a sense of complacency and were unprepared when the crisis hit.
- 188** My investigation found the response by the boards and Transportation Group to the delays and disruptions at the start of the 2016-2017 school year was haphazard and reactive. Incomplete policies and procedures meant the Transportation Group, boards, operators, and school officials were unsure of their responsibilities during the crisis. Poor communication

meant that parents and school administrators did not know when or if students would be picked up and dropped off each day. The Transportation Group, bus operators, and even school staff were overwhelmed by the volume of complaints and were unable to effectively respond to them. Both boards laboured to implement contingency plans to ensure student safety and supervision because neither board had proactively developed a strategy for large-scale transportation disruptions. Some responses, such as route modifications and the use of taxi subcontractors, caused additional disruption and student safety issues.

- 189** Accordingly, it is my opinion that the Toronto District and Toronto Catholic District School Board's oversight of student transportation and their response to delays and disruptions at the start of the 2016-2017 school year was unreasonable and wrong under the *Ombudsman Act*.
- 190** I am committed to monitoring the efforts of the school boards and the Toronto Student Transportation Group to address my concerns and to ensuring that tangible steps are taken to improve student transportation.

Recommendation 42

The Toronto District and Toronto Catholic District school boards, as well as the Toronto Student Transportation Group, should report back to my Office in six months' time on their progress in implementing my recommendations, and at six-month intervals thereafter until such time as I am satisfied that adequate steps have been taken to address them.

Recommendations

191 Given the results of this investigation, I am making the following recommendations:

- 1. The Toronto Student Transportation Group should ensure future RFPs allow bus operators to bid for specific routes in clear geographic zones.**
- 2. The Toronto Student Transportation Group should consider including language in future RFPs prioritizing operators with experience operating in urban areas and with greater resources.**
- 3. The Toronto Student Transportation Group’s governance committee should meet with its operations committee in early August every year to discuss transportation readiness and address any outstanding issues. Communications staff from both boards should also be present at this meeting.**
- 4. The Toronto Student Transportation Group should develop a communication protocol that specifies how and when parents, school boards, and other stakeholders will be notified of known or suspected service disruptions.**
- 5. The Toronto Student Transportation Group should review its transportation operation manual to ensure that the responsibilities of all stakeholders are clearly established. The revised manual should delineate clear responsibilities and processes for communicating transportation information. The manual should be made publicly available on its website and those of the Toronto District and Toronto Catholic District school boards.**
- 6. The Toronto Student Transportation Group should ensure the revised transportation operation manual requires schools impacted by service disruptions to notify it about the nature of the disruption.**
- 7. The Toronto Student Transportation Group should monitor whether operators notify schools and parents about bus delays and take remedial steps against operators who consistently fail to do so.**

8. **The Toronto Student Transportation Group should ensure its new transportation portal allows bus operators to disclose when a bus is unable to service a route on a particular day.**
9. **The Toronto Student Transportation Group should expedite its initiative of using bus GPS information and software to automatically post real-time and accurate information about delayed and no-show buses on its website.**
10. **The Toronto Student Transportation Group should ensure that bus operators comply with the service contract's requirement to maintain a sufficient number of phone lines and office staff to address inquiries from the public, schools, and families.**
11. **The Toronto Student Transportation Group should ensure that its call centre is adequately staffed and resourced to handle the volume of complaints and enquiries received each year. The centre's infrastructure and staff complement should be adaptable to unpredictable and changing complaint volumes.**
12. **The Toronto Student Transportation Group should develop call centre policies and procedures that establish minimum service standards for wait and response times.**
13. **The Toronto Student Transportation Group should conduct ongoing trends analyses of complaints and inquiries received in order to address operator service performance issues and identify opportunities for improvements to processes and communication.**
14. **The Toronto Student Transportation Group, in combination with the Toronto District and Toronto Catholic District school boards, should proactively ensure that parents know how to access bus service information and complaint procedures prior to the start of each school year.**
15. **The Toronto Student Transportation Group, in combination with bus operators and the Toronto District and Toronto Catholic District school boards, should create a school bus transportation complaint procedure. The procedure should:**
 - **create a centralized mechanism for recording and responding to complaints;**

- include provisions for escalating serious or unresolved complaints; and
 - distinguish between requests for information about bus schedules and routes, and complaints about bus service.
16. The Toronto Student Transportation Group should ensure parents and other stakeholders are provided with information about how to access the complaint procedure each year.
 17. The Toronto Student Transportation Group should establish clear steps for evaluating the adequacy of the bus operator's investigation, incident report, and response to safety incidents.
 18. The Toronto Student Transportation Group should follow up with and take remedial steps against operators who fail to adequately investigate, report, and respond to safety incidents.
 19. The Toronto Student Transportation Group should document its process for identifying and responding to safety incidents in its policies and procedures.
 20. The Toronto Student Transportation Group should ensure future service contracts require that bus operators provide drivers with both initial and ongoing annual training about the procedures and importance of the "Purple Equals Parent" program and the requirement to provide door-to-door transportation for students with special needs.
 21. The Toronto Student Transportation Group should carefully consider enforcing contractual penalties against operators with bus drivers that consistently or egregiously fail to adhere to the "Purple Equals Parent" program requirement.
 22. The Toronto Student Transportation Group should consider adding provisions to future service contracts allowing it to penalize operators that contravene the transportation policy for students with special needs, such as the requirement for door-to-door transportation.
 23. The Toronto Student Transportation Group should ensure that bus operators who subcontract work to taxi companies comply with the service contract's requirements, including that they

provide instruction and training to taxi drivers before they begin picking up students.

24. When deciding whether to approve an operator's request to subcontract work to a taxi, the Toronto Student Transportation Group should ensure that the taxi is being used as a last resort and that the same taxi driver will be service the route whenever possible.
25. The Toronto Student Transportation Group, the Toronto District, and Toronto Catholic District school boards should ensure that parents and schools are provided adequate and reasonable notice before they modify students' pickup or drop-off times.
26. The Toronto District and Toronto Catholic District school boards should proactively develop and implement contingency staffing plans to ensure adequate student supervision if and when transportation disruptions occur. The plans should include clear protocols regarding emergency staff assignments to supervise students stranded as a result of service disruptions.
27. The Toronto Student Transportation Group should draft terms of reference to guide the advisory group's work.
28. The Toronto Student Transportation Group should post minutes of the advisory group's meetings on its website.
29. To minimize the possibility for future transportation disruptions, the Toronto District and Toronto Catholic District school boards should consult with management from the Toronto Student Transportation Group before making decisions affecting student transportation.
30. The Toronto District and Toronto Catholic District school boards should provide student transportation information to the Toronto Student Transportation Group as early as possible to enable an earlier start to the route planning process.
31. The Toronto Student Transportation Group's governance committee should provide prior approval for any requested route optimizations occurring outside the typical route planning process.

- 32. The Toronto Student Transportation Group’s governance committee should consult with Transportation Group and school board management regarding the impact of requested route optimizations before granting approval for the optimization.**
- 33. The Toronto Student Transportation Group should ensure that any mock routes issued to assist operators in early driver recruitment reflect the areas and schools where operators will be assigned routes.**
- 34. The Toronto Student Transportation Group should ensure that all bus routes can be realistically completed in the time allotted. Dry runs should be completed under expected route and traffic conditions to confirm routes can be completed on schedule.**
- 35. The Toronto Student Transportation Group should develop a comprehensive policy for student transportation requests. The policy should:**
- Set out a process and firm deadline for submitting requests;**
 - Establish clear responsibilities for the Transportation Group, boards, and parents; and**
 - Provide for exceptional or compassionate circumstances in which late transportation requests will be accommodated.**
- 36. The Toronto Student Transportation Group should take an active role matching open routes with drivers interested in those routes.**
- 37. The Toronto Student Transportation Group should ensure bus operators are contractually obligated to provide information about open routes and unassigned drivers to allow it to facilitate the matching process.**
- 38. The Toronto Student Transportation Group and the Toronto District and Toronto Catholic District school boards should work together to remove barriers that prevent Transportation Group staff from working as a cohesive team.**
- 39. The Toronto Student Transportation Group and the Toronto District and Toronto Catholic District school boards should ensure that Transportation Group staff have access to the same resources and technology.**

- 40. The Toronto Student Transportation Group should ensure that staff employment and reporting responsibilities are independent of the school board that administratively employs them.**
- 41. The Toronto Student Transportation Group should modify its policies and procedures to reflect the revised organizational structure and staff employment responsibilities.**
- 42. The Toronto District and Toronto Catholic District school boards, as well as the Toronto Student Transportation Group, should report back to my Office in six months' time on their progress in implementing my recommendations, and at six-month intervals thereafter until such time as I am satisfied that adequate steps have been taken to address them.**

Response

- 192** The Toronto District School Board, Toronto Catholic District School Board, and Toronto Student Transportation Group were each provided with an opportunity to review and respond to my preliminary findings, opinion and recommendations. These organizations provided joint comments through the Transportation Group's Governance Committee, which were taken into consideration in the preparation of my report.
- 193** On behalf of the boards and Transportation Group, the Governance Committee accepted all of my 42 recommendations. The committee acknowledged its duty to provide safe and timely bus service to students, as well as its responsibility to communicate effectively about student transportation disruptions. It also accepted its role in failing to communicate adequately with parents during the 2016-2017 service disruptions.
- 194** The Governance Committee outlined several actions it is taking to implement my recommendations. For instance, its new transportation portal was launched in June 2017. The portal allows parents to receive updates on student transportation, as well as specific information about bus delays affecting their children. In future, parents will be able to track the exact location of their children's buses, and at the start of the 2017-2018 school year, a professional call center will be used to assist in responding to high call volumes. Several other steps have been taken to

improve communication between the boards, the Transportation Group, and bus operators, as well as between bus operators and parents. The Transportation Group is also undergoing a structural review. In addition, the Governance Committee will be taking measures to deal with bus operators who fail to meet contractual obligations. A copy of the committee's response is appended to this report.

- 195** I appreciate the co-operation received from all stakeholders in this investigation, and am encouraged by the Governance Committee's positive reply to my report and its commitment to improving student transportation. The Governance Committee has agreed to provide my Office with semi-annual status updates, and we will monitor its progress in implementing my recommendations.



Paul Dubé
Ombudsman of Ontario

Appendix: Response from Governance Committee overseeing the Transportation Group



Toronto District School Board
Office of the Associate Director
5050 Yonge Street, 5th Floor
Toronto, ON M2N 5N8
Tele: 416-397-3188

30 June 2017

Mr. Paul Dubé
Ombudsman Ontario
483 Bay Street, 10th Floor
South Tower
Toronto, ON M5G 2C9

Dear Mr. Dubé:

On behalf of the Governance Committee overseeing the Toronto Student Transportation Group for the Toronto District School Board and the Toronto Catholic District School Board, we are writing in response to your preliminary report dated May 2017 (Appendix A).

The Governance Committee has reviewed your report in great detail and accepts the recommendations. Staff have already commenced action on a number of improvements as part of our commitment to ensure that future fall start-ups do not experience similar issues. We recognize the responsibility we have to our parents and students for safe and timely service, as well as, ensuring that we have effective communications concerning transportation of students. The September start presented some unique challenges last year that the two school boards did not anticipate, and these issues had significant impact on our students and parents. We accept our role in failing to adequately communicate to parents the service disruption that ensued and have focused our work with operators and the Governance Committee on planning to ensure that the start-up for this coming September is less disruptive and is well communicated. As a Governance Committee, we will have a more active role in the oversight of the consortium.

Some actions that we collectively have already undertaken include:

- A transportation portal was launched in June 2017. Information has been provided to parents in every school and notices were also sent to school office staff. The portal information available to parents will be augmented by a fully integrated “where’s my bus” app in 2018-2019 school year, which will draw GPS data into the app so parents can have instant access to locate their child’s bus on route.
- Regular meetings have occurred between bus operators and both Boards to debrief issues of last year and to plan for operational readiness for the Fall of 2017.
- Additional governance meetings have been held, including two meetings in June 2017 and additional meetings are planned for July and August to update the committee on preparations for the fall start up and discussion of any additional contingencies that maybe required.
- The Governance Committee has directed the operational team to establish weekly conference calls and/or meetings with bus operators throughout the summer and to report back as to operational readiness of the operators, including updates about open routes.
- The Governance Committee has approved the addition of a professional call centre for this year’s bussing start-up in an effort to improve our ability to respond to high call volume from parents.
- The Governance Committee approved a new routing software which will be fully operational for the 2018-2019 school year pending individual Board approval.
- The Governance Committee is undergoing a structural review of the consortium to determine the optimal structure and will put forth recommendations by early 2018.

The Governance Committee takes its role very seriously as the guiding body overseeing Transportation Services on behalf of Toronto District and Toronto Catholic District School Boards. We appreciate the time and care you have taken to provide detailed recommendations for the improvement of services for students and their families in Toronto, and by extension all of Ontario. As you will find in the attached response, we have actioned

many of these recommendations already, and for those we have yet to action we have plans to do so. We hope that all Boards, many of which had similar challenges to the Toronto Boards, benefit from both the recommendations as well our plans to implement initiatives to take action on them.

Sincerely,

Sheila Cary-Meagher
Co-Chair, TSTG
Toronto District School Board

Jo-Ann Davis
Co-Chair, TSTG
Toronto Catholic District School Board

Carla Kisko
Associate Director
Finance and Operations
Toronto District School Board

Angelo Sangiorgio
Associate Director
Planning and Facilities
Toronto Catholic District School Board

Att.

L13(Ombudsman/Trans/Ltr-TSTGcte Response to Ombudsman Preliminary Transportation Rpt - 20 June 2017)

**TSTG Response to the Ombudsman Preliminary Report
Recommendations**

1. The Toronto Student Transportation Group should ensure future RFPs allow bus operators to bid for specific routes in clear geographic zones.

The next RFP will be in 5-7 years (current contract is a 6 year agreement with the possibility of up to two, one year extension. Board agrees that we need to provide closer geographic zones. We are going to work to consolidating programming / rationalizing programs which will lead to more precise zones. We will also aim to complete the RFP further in advance in order to mitigate any complications with its implementation.

2. The Toronto Student Transportation Group should consider including language in future RFPs prioritizing operators with experience operating in urban areas and with greater resources.

It is agreed that there should be increased weighting in the RFP for those with Toronto or related urban experience. While this was in the RFP, the increased weighting for scores will help ensure that this is prioritized more.

3. The Toronto Student Transportation Group's governance committee should meet with its operations committee in early August every year to discuss transportation readiness and address any outstanding issues. Communications staff from both boards should also be present at this meeting.

It is agreed that governance and operations should meet and will meet. Further, the operations committee will also be doing weekly conference calls with carriers leading up to school start up and updating the governance committee. Governance committee will meet in June and August.

4. The Toronto Student Transportation Group should develop a communication protocol that specifies how and when parents, school boards, and other stakeholders will be notified of known or suspected service disruptions.

TSTG will be launching a new Transportation portal in June. Parents will be encouraged to sign up through letters home,

**TSTG Response to the Ombudsman Preliminary Report
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system leader's bulletins to Principals and administrators, letters will go home, the website will provide information and post links to the portal and there will be media alerts. The portal will allow those parents who have signed up to receive updates on student transportation as well as specific updates if their child's bus is experiencing any delays. Both Boards are working together on shared messaging and launch. TSTG will also bring forward the protocol for review to governance and this will be shared through the transportation portal, website and through informing the schools to share with all parents.

5. The Toronto Student Transportation Group should review its transportation operation manual to ensure that the responsibilities of all stakeholders are clearly established. The revised manual should delineate clear responsibilities and processes for communicating transportation information. The manual should be made publically available on its website and those of the Toronto District and Toronto Catholic District school boards.

The operations manual will be reviewed by governance annually. A new Transportation Working Group was recently launched with representatives from both Boards (principals, SO, transportation staff), parent reps, a representative of bus operators and a SEAC representative. At their most recent meeting in May, 2017, the committee reviewed the roles and responsibilities section of the manual. This manual, which is already in place, will continue to be reviewed at every meeting of the Work Group and changes made and brought back to governance. The next meeting of the working group will be in October. The manual is also being updated to reflect any input from the Ombudsman's report. Governance will review the updated manual based on all input in a meeting by the end of 2017 and every year thereafter.

**TSTG Response to the Ombudsman Preliminary Report
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6. The Toronto Student Transportation Group should ensure the revised transportation operation manual requires schools impacted by service disruptions to notify it about the nature of the disruption.

Schools will be encouraged to notify TSTG if they are experiencing delays and how that is impacting them. It will remain the operators' responsibility to notify regarding specific delays to routes and reasons why and update the delay portal in a timely manner. These delays will be fed through the Transportation parent portal so that parents have timely access to any delay information impacting their child. GPS is a new tool that all carriers are mandated to have in place by September 2017 and it can be used to provide specific information on delays.

7. The Toronto Student Transportation Group should monitor whether operators notify schools and parents about bus delays and take remedial steps against operators who consistently fail to do so.

TSTG will continue to monitor whether operators are properly notifying schools and parents about bus delays and keep a log and contact the operator to resolve. When there is an obvious pattern, notifications will go to operators requesting improvement and where that does not work, the contract enforcement mechanisms will be utilized. Future RFPs will also include clearer financial penalties specific to this point. In the interim, where any aspect of the contract is not be complied with, there is the opportunity to change or remove routes from operators.

8. The Toronto Student Transportation Group should ensure its new transportation portal allows bus operators to disclose when a bus is unable to service a route on a particular day.

TSTG maintains that it is the operators' responsibility to ensure that all students are picked up and delivered to their school and to their home. The new Transportation portal will be a means to connect directly with parents, along with website updates and the existing bus operators' obligations to update parents. Where there is any delay, the portal will be updated

**TSTG Response to the Ombudsman Preliminary Report
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accordingly with a range of time expected for the delay. Where there is a significant delay expected, in addition to the portal being updated, the parents will also receive calls from the operator as per their contractual obligations.

9. The Toronto Student Transportation Group should expedite its initiative of using bus GPS information and software to automatically post real-time and accurate information about delayed and no-show buses on its website.

There are some steps that need to happen before the integrated GPS "where's my bus" type application can be utilized along with the Transportation Portal. The first step is a new software. TSTG is now at the proof of concept stage with a vendor and is looking to launch the new system in parallel with the existing system in January, 2018 with a full launch in September 2018. Efforts are being made to expedite the GPS portion for parents in the 2018-2019 school year. Currently, operators can use GPS to see delays and update the delay portal. In the coming school year, TSTG staff will also have access to the GPS portion.

10. The Toronto Student Transportation Group should ensure that bus operators comply with the service contract's requirement to maintain a sufficient number of phone lines and office staff to address inquiries from the public, schools, and families.

A meeting was held with representatives of both Boards and the bus operators on June 8, 2017. At that meeting, operators were asked to confirm that they have sufficient phone and office resources to meet the demands of the coming start up. All operators were present in the meeting and all indicated that they now feel fully prepared to meet the demands of start-up. Both Boards will be working with the operators at their regular bus operator meetings to update preparation. Both Boards expect, and will monitor, that it will be staffed sufficiently. If there are breaches, these will be tracked and may impact routes that they serve.

**TSTG Response to the Ombudsman Preliminary Report
Recommendations**

11. The Toronto Student Transportation Group should ensure that its call centre is adequately staffed and resourced to handle the volume of complaints and enquiries received each year. The centre's infrastructure and staff complement should be adaptable to unpredictable and changing complaint volumes.

For the first time, a professional call centre will be used, as approved by governance. The Call Centre will have the capacity to handle call volumes and escalate issues to staff as necessary. Service standards will be agreed upon by both Boards in the contract phase and shared.

12. The Toronto Student Transportation Group should develop call centre policies and procedures that establish minimum service standards for wait and response times.

We agree. Will establish service standards with input from other consortia and implement by September 2017, with an aim to be a best practice leader in the service standards and timelines within the province.

13. The Toronto Student Transportation Group should conduct ongoing trends analyses of complaints and inquiries received in order to address operator service performance issues and identify opportunities for improvements to processes and communication.

The complaints and inquiries have now been added to existing KPI's that are currently collected. These will be included for information at every governance committee information package. Where trends exist, the contract provisions regarding non-performance will be discussed and implemented.

14. The Toronto Student Transportation Group, in combination with the Toronto District and Toronto Catholic District school boards, should proactively ensure that parents know how to access bus service information and complaint procedures prior to the start of each school year.

Currently send out communication packages to all schools. Will augment this by provided letter in knapsacks and will be sent to parents who sign up on new transportation portal, as

**TSTG Response to the Ombudsman Preliminary Report
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well as on the website. Included in the information will be a complaint procedure, along with a revised communication package with input from both Boards.

15. The Toronto Student Transportation Group, in combination with bus operators and the Toronto District and Toronto Catholic District school boards, should create a school bus transportation complaint procedure, The procedure should:
- create a centralized mechanism for recording and responding to complaints;
 - include provisions for escalating serious or unresolved complaints; and
 - distinguish between requests for information about bus schedules and routes, and complaints about bus service.

School bus transportation procedure will be updated to fully implement these recommendations. TSTG currently maintains an issue tracking application and will add additional functionality to comply with the recommendation. A formal complaint procedure will be developed and brought back to governance and the transportation portal, website and letters to families will also provide access to this information.

16. The Toronto Student Transportation Group should ensure parents and other stakeholders are provided with information about how to access the complaint procedure each year.

As per above (14 and 15) this will be implemented and distributed accordingly.

17. The Toronto Student Transportation Group should establish clear steps for evaluating the adequacy of the bus operator's investigation, incident report, and response to safety incidents.

The TSTG currently employs a Transportation Safety Officer who is already tasked with the oversight of safety measures. Will look to clarify and ensure these items are included as part of our normal accident review process.

**TSTG Response to the Ombudsman Preliminary Report
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18. The Toronto Student Transportation Group should follow up with and take remedial steps against operators who fail to adequately investigate, report, and respond to safety incidents.

We will ensure bus operators are required to follow requirements. We will monitor failure to adequately investigate, report, and respond to safety incidents, and ensure they are penalized in accordance with contract, such as serving notice for loss of routes.

19. The Toronto Student Transportation Group should document its process for identifying and responding to safety incidents in its policies and procedures.

These procedures exist and have been updated November, 2016 and have been added to the operations manual in May, 2017 and will be shared with governance.

20. The Toronto Student Transportation Group should ensure future service contracts require that bus operators provide drivers with both initial and ongoing annual training about the procedures and importance of the “Purple Equals Parent” program and the requirement to provide door-to-door transportation for students with special needs.

This is in the current contract and part of annual training and we will work with the operators to ensure that this is even more robust. We will also be asking operators to put notifications in buses (if this is not acceptable, then in their manuals) reminding re: purple equals parent.

21. The Toronto Student Transportation Group should carefully consider enforcing contractual penalties against operators with bus drivers that consistently or egregiously fail to adhere to the “Purple Equals Parent” program requirement.

Carriers are required to comply. We investigate any issue where this transpires and where determined problem is driver’s responsibility we will be seeking remediation based on

**TSTG Response to the Ombudsman Preliminary Report
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level of culpability, will enforce penalties including loss of routes or removal of driver from route or company.

22. The Toronto Student Transportation Group should consider adding provisions to future service contracts allowing it to penalize operators that contravene the transportation policy for students with special needs, such as the requirement for door-to-door transportation.

This will be added to next contract based on legal and procurement input and we will also use existing levers of contract to implement to operators.

23. The Toronto Student Transportation Group should ensure that bus operators who subcontract work to taxi companies comply with the service contract's requirements, including that they provide instruction and training to taxi drivers before they begin picking up students.

TSTG requires operators to confirm that they are aware of the conditions placed upon them contractually when subcontracting. Part of that is to only use vendors of record, who are screened through the vendor recruitment process. TSTG will also provide training materials to vendors to share with their drivers and have taxi operators sign off that they will implement this.

24. When deciding whether to approve an operator's request to subcontract work to a taxi, the Toronto Student Transportation Group should ensure that the taxi is being used as a last resort and that the same taxi driver will service the route whenever possible.

This is consistent with current expectations though TSTG will also send a letter reinforcing this expectation and will also include more robust language in future RFPs that it is our expectation that taxis are used as a last resort.

**TSTG Response to the Ombudsman Preliminary Report
Recommendations**

25. The Toronto Student Transportation Group, the Toronto District, and the Toronto Catholic District school boards should ensure that parents and schools are provided adequate and reasonable notice before they modify students' pickup or drop-off times.

Current standard turnaround time is 72 hours from the time application is received until it is put on the road. This is marginally longer in Sept when set dates are used to minimize disruption to routes. The consortium informs schools/operators and they inform parents. Parents are informed by the end of school day prior to the service starting. Efforts will be made to provide greater notice where possible.

26. The Toronto District and Toronto Catholic District school boards should proactively develop and implement contingency staffing plans to ensure adequate student supervision if and when transportation disruptions occur. The plans should include clear protocols regarding emergency staff assignments to supervise students stranded as a result of service disruptions.

Board contingency program was developed in September 2016 and will continue for every school start up and all principals will be notified prior to school start up each year. The program provides lists of staff who are available for short term relief where additional supervision is required and notices go out to schools as to how to get reimbursed for these additional costs. In the 2016 start-up, these additional costs were approximately \$50,000 in additional staffing.

27. The Toronto Student Transportation Group should draft terms of reference to guide the advisory group's work.

This has been completed at May 2017 Transportation Work Group.

28. The Toronto Student Transportation Group should post minutes of the advisory group's meetings on its website.

Once approved by the committee, they will be posted on the TSTG website and website of both Boards.

**TSTG Response to the Ombudsman Preliminary Report
Recommendations**

29. To minimize the possibility for future transportation disruptions, the Toronto District and Toronto Catholic District school boards should consult with management from the Toronto Student Transportation Group before making decisions affecting student transportation.

Consultation to take place with TSTG and then GM to meet with governance to discuss how these changes will impact on operations. Governance committee will discuss creating program change deadlines for significant program changes.

30. The Toronto District and Toronto Catholic District school boards should provide student transportation information to the Toronto Student Transportation Group as early as possible to enable an earlier start to the route planning process.

Both boards have implemented new timelines for data verification forms and routes will be issued to companies 3 weeks earlier than past years. Operators indicated that this will be a significant improvement for them at the June 8, 2017 operator meeting.

31. The Toronto Student Transportation Group's governance committee should provide prior approval for any requested route optimizations occurring outside the typical route planning process.

Any significant changes to optimization implementation will be approved by governance.

32. The Toronto Student Transportation Group's governance committee should consult with Transportation Group and school board management regarding the impact of requested route optimizations before granting approval for the optimization.

Agreed.

33. The Toronto Student Transportation Group should ensure that any mock routes issued to assist operators in early driver recruitment reflect the areas and schools where operators will be assigned routes.

**TSTG Response to the Ombudsman Preliminary Report
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Measures have been taken to provide final routes earlier and therefore will not need to provide mock routes. Mock routes were done due to the new RFP and this will not be an annual process and will review and improve for next RFP process to narrow down geographical zones to provide greater focus on the area in any future RFP.

34. The Toronto Student Transportation Group should ensure that all bus routes can be realistically completed in the time allotted. Dry runs should be completed under expected route and traffic conditions to confirm routes can be completed on schedule.

We agree. Requirement is to do dry runs. Going forward we will follow up in a more timely manner prior to school start up to ensure dry runs have been completed and report back to governance that this has been done and that operators are in compliance.

35. The Toronto Student Transportation Group should develop a comprehensive policy for student transportation requests. The policy should:

- Set out a process and firm deadline for submitting requests;
- Establish clear responsibilities for the Transportation Group, boards, and parents; and
- Provide for exceptional or compassionate circumstances in which late transportation requests will be accommodated.

Governance committee will set out guidelines for when and how requests will be approved and that will also outline the responsibilities for all parties. The Boards will make the final approval of their own policies and will incorporate the requisite accommodation requirements as per best practice and case law.

36. The Toronto Student Transportation Group should take an active role matching open routes with drivers interested in those routes.

At the weekly operator conference calls in the summer, TSTG will be actively determining if any operator is having a

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challenge meeting their obligations and where bus operators are having any difficulty, TSTG will work with operators to match. Board, through TSTG has also worked closely with the operators to provide job fair venues for recruitment over the summer through the Employment Ontario network of employment assisted services.

37. The Toronto Student Transportation Group should ensure bus operators are contractually obligated to provide information about open routes and unassigned drivers to allow it to facilitate the matching process.

Operators provide weekly updates and they will report on in house staff, training program, drivers and spares and any uncovered routes

38. The Toronto Student Transportation Group and the Toronto District and Toronto Catholic District school boards should work together to remove barriers that prevent Transportation Group staff from working as a cohesive team.

Governance committee is reviewing organizational models that will best work for the team and also working closely on teambuilding and engaging the team.

39. The Toronto Student Transportation Group and the Toronto District and Toronto Catholic District school boards should ensure that Transportation Group staff have access to the same resources and technology.

A new call centre is being implemented. A new software is in the process of being selected and governance will ask in each annual plan for a list of any needed resources in order to fulfill its mandate. The TSTG has sent a letter to the Ministry requesting financial support for the software

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40. The Toronto Student Transportation Group should ensure that staff employment and reporting responsibilities are independent of the school board that administratively employs them.

Governance committee is reviewing organizational models to ensure a better structure to meet the needs of the service that is offered.

41. The Toronto Student Transportation Group should modify its policies and procedures to reflect the revised organizational structure and staff employment responsibilities.

Governance committee is reviewing organizational models.

42. The Toronto District and Toronto Catholic District school boards, as well as the Toronto Student Transportation Group, should report back to my Office in six months' time on their progress in implementing my recommendations, and at six-month intervals thereafter until such time as I am satisfied that adequate steps have been taken to address them.

Agree.



THE
ROUTE
OF THE
PROBLEM



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