

**FACILITIES AND OPERATIONS
SUBCOMMITTEE MEETING**

Tuesday, April 29, 2014
6:30 PM

Matthew J. Kuss Middle School
52 Globe Mills Avenue
Fall River, MA 02724

AGENDA

Discussion:

- Amaral Bus Company incident, penalty fee, and contracts.

MINUTES

At 6:30 PM, Chairman Hart read the open meeting law and asked for a roll call.

A roll call for attendance showed that Mr. Costa, Mr. Hart, and Mr. Maynard were present. Also seated at the table were Superintendent Meg Mayo-Brown, Attorney Bruce Assad, Mr. Tom Coogan and representatives from Amaral Bus Company. Transportation Coordinator, Donna Cabral, as well as members of the press were also present in the room.

Mr. Hart thanked Amaral Bus Company for being there to discuss an incident that occurred where a child was let off the bus without an adult present. He then asked Mr. Coogan or Superintendent Mayo Brown to begin.

Mr. Coogan explained that the incident occurred in late March. It was an afternoon drop off of a student who had relocated from another school and was being transported from out of district into another district to allow them to finish the school year at the school they had started at. Policy is that when a student is delivered door-to-door, there needs to be an adult-to-adult exchange. Usually the parent meets the bus and the child is escorted off the bus by the monitor to the parent and the handoff is made. If there is no parent present, the bus will wait three minutes which gives parents some time to meet the bus. If the parent does not come out to meet the bus, the protocol calls for the bus to return the child back to the school. The school and transportation office are notified if this happens. On occasion, the parent is contacted in the meantime and will meet up with the bus or the bus may loop back around if they can and meet the parent at their residence.

Mr. Coogan continued that in this particular case the bus pulled up and was not met by the adult. The child left the bus and was escorted over to the sidewalk and went into the apartment building. The bus company waited. In the past, there was some type of exchange of the parent meeting the child or coming to the window to let them know that the child had entered the building and was safe. This did not happen and the child did not return to the sidewalk. After a couple of minutes, the bus left. The parent arrived at the school shortly after because she was not home to receive the child and was

expecting that the child would be returned to the school. The school told the parent that they had not been notified that the child was being returned to the school so they called Ms. Cabral, transportation coordinator, and the bus company who told them the child was dropped off at the house. At that point, they went into full alert because the child was presumed to be not with an adult. The police department was notified. Ms. Cabral went to the child's address and nobody answered doors when she knocked even though she heard activity. Mr. Coogan met her there when she received a call that the child had been returned to the school by another adult.

Mr. Coogan noted that the parent had gone to the school to get the child with this other adult. When they found that the child was not at the school, the mother was talking to school personnel trying to find out where the child was. The other adult (friend of the mother) left and went to the house. The child was at the house with a neighbor in the apartment and they took the child back to the school. By 4:30 PM the child had been returned to the mother. They notified the police that the child was safe and then went to get statements. DSS was notified and at that point the police did their investigation.

Mr. Hart asked Amaral Bus Company representatives to introduce themselves and asked that one of them speak on their behalf.

Mr. Amaral said that he was Joe Amaral, Owner and President of the company. To his right was Eric Amaral, Vice President; and to his left was Andrew Amaral, Transportation Director.

Mr. Andrew Amaral said he would speak regarding the incident and noted that they are a family business and are pretty personal with all the families they service. He explained that that particular day, the driver and monitor made a bad decision. The student is a special needs, door-to-door passenger. The parent has had issues in the past with being present at drop-off and the child has been brought back to the school several times. They know that there is a particular vehicle that is there when the mother was present. If the vehicle was not there, they knew the child would be going back to the school.

Mr. Hart asked how often that happened with this student.

Mr. Andrew Amaral said it was often/several times but that they try their best to wait there the three minutes because they knew whenever the student did go back to the school, it was a burden on this family (i.e. no money for gas, no vehicle). Also, when mom was present, it was tough for her to be outside with mom just waving or throwing keys out of the window for the monitor to open the outside door.

He continued that on this particular day, the vehicle was there and the door happened to be unlocked so the child went into the building. The monitor is not allowed, for liability reasons, to enter the home. The driver and monitor waited the three minutes and didn't see the adult, which is what they should have done, but made the assumption that the van was there and the door was open so mom must be inside and the child was safe so they continued on with their route. He explained that time is of the essence with the special needs students due to medication schedules and anxiousness so they try not to go over the one hour mark with drop-offs.

Mr. Hart explained that they are not there on trial but there was a policy implemented years ago which states the hand-off is to be adult-to-adult and if not a \$25K fee is to be imposed which is what they were there to speak about that evening.

Mr. Costa thanked Amaral Bus Company and asked Mr. Coogan if he understood it correctly that in this particular case the mother was expecting the child to be returned to the school.

Mr. Coogan said that it is the responsibility of the parent or adult to be at the house to receive the child and because the mother was not at that home, she was expecting that the child would be returned to the school as has happened in the past.

Mr. Costa asked if the mother called the school.

Mr. Coogan said she did not and that she just went from wherever she was directly to the school thinking that the child would be returned there.

Mr. Costa reiterated that the parent was running late and just anticipated that the child would be returned to the school.

Mr. Coogan said that was correct.

Mr. Costa questioned again that there was no phone call from parent to school stating that she was running late and that she would be at the school to get her daughter.

Mr. Coogan responded that there was no notice.

Mr. Andrew Amaral said there was no call to the bus company either.

Mr. Maynard asked if the driver called the school to say they were bringing the child back.

Mr. Andrew Amaral said they did not.

Mr. Coogan interjected and said it was because the child went into the building and didn't come out after the three minutes and the fact that they saw the vehicle there and the door had been unlocked. The assumption on the part of the driver and monitor was that the mother was home but was not greeting the child at the door. When the child did not return back outside they made the assumption and left. Meanwhile, the child knocked on a neighbor's door inside the apartment building and stayed with them. What didn't occur was the adult-to-adult exchange. The situation was that several times prior to this, they had had difficulty with the exchange with the mother.

Mr. Costa asked how old the child was.

Mr. Coogan said second grade/seven years old.

Mr. Costa asked if DCF was notified.

Mr. Coogan said they were.

Mr. Costa asked if there was any decision by them.

Mr. Coogan said it was screened out.

Mr. Costa asked if they launched an investigation.

Mr. Coogan said they do what they normally do with statements, etc.

Mr. Costa said usually, they take the report and it goes through a screening and they decide whether to screen it in and investigate it or screen it out.

Ms. Cabral said it was filed at the school that night and she called to confirm her part in it.

Mr. Costa said as a mandated reporter from the school, if it had been investigated, notice would have been sent back to the mandated reporter saying whether or not it was or was supported or unsubstantiated.

Mr. Coogan said typically if it is screened out there are check marks and an explanation as to why.

Mr. Costa agreed and asked if there was any record.

Superintendent Mayo-Brown said she did not have record of it.

Mr. Coogan said he does not have record of it but it was his understanding that it was screened out and that the record was at the school.

Mr. Costa asked what happened with the monitor and driver.

Mr. Andrew Amaral said they were terminated immediately.

Mr. Costa asked if any policy changes were put into place.

Mr. Andrew Amaral said that they still try to be as accommodating as they can for the parents because they do have some with disabilities so they get a view from the window. They are adamant that they get that face-to-face or thumbs-up confirmation.

Mr. Eric Amaral said it seems like a simple thing but it is not and gave examples of reasons parents give for not meeting outside of the house and how the runs start to get behind schedule.

Mr. Hart questioned again that the parent in this incident knew the time of the drop off and instead of being home, went to the school. He stated that he felt that was a problem and questioned why she wouldn't have gone home at the proper time or called. He asked if this could be discussed with parents.

Superintendent Mayo-Brown said that it is discussed and in some circumstances, the police are notified if it is a repeated pattern. This had happened on a number of occasions with this child but the bus company had been accommodating to the parent.

Mr. Costa asked if the police investigation yielded any findings.

Mr. Coogan said there were no criminal charges against the monitor or driver.

Mr. Andrew Amaral said when he brought the driver and the monitor to the school where the officers took down the report, their final words to him was that they did not see any criminal intent so they would just let child services take care of it.

Mr. Costa said, "and that base was covered and screened out."

Mr. Coogan and Ms. Cabral agreed.

Mr. Costa said that the bus company had already acknowledged what transpired as unacceptable and he feels they dealt with it appropriately and swiftly. He thought that, in this case, some responsibility needed to be put back on the parent. He felt that the contract language was written with the intent to have companies pay more attention to when children are getting off the bus or being left on the bus. He said he could not support any penalty or sanction to the bus company to that magnitude because he thought the contract language spoke specifically to "left unattended on a vehicle". He added that he is not saying that the actions of the bus driver and monitor were not warranted some response but he felt they handled that appropriately.

Mr. Coogan handed Mr. Costa a copy of the contract language. He noted that one of the changes that was put in place since the incident is that Ms. Cabral now logs the students who are being returned to schools. The informal procedure before was that on the fourth instance, the child was taken to the police department and DSS was notified. That is now run through the transportation office so that Ms. Cabral can log that and make sure that they stick to the three time rule. It was his understanding that in this particular case, they were well beyond the three time rule. He added that many times the school plays a role in that because they may be aware of a situation in the home and feel obligated to work with the parent. He also noted that the intent of the "after three times rule" is not to instigate any criminal action against the parent but to have an outside party to have the parent pay attention to that rule.

Mr. Costa said he stood corrected; the policy does not speak specifically to the child being left on a vehicle.

Mr. Maynard asked how long it took to run a route and how many students are picked up.

Mr. Andrew Amaral said they try to do between 45 minutes to 1 hour, at most. With some of the buses that do two schools, they only have 43 minutes.

Mr. Maynard asked if they could extend that because he feels they are rushing.

Mr. Andrew Amaral said they cannot due to dismissal times. They try to make the routes 40-45 minutes but sometimes traffic brings them to that hour.

Mr. Joe Amaral said if they have a second school to pick up, they arrive at the second school late and students and teachers are waiting and it creates chaos.

Mr. Eric Amaral interjected and said now the second load of children may be late to their stops and the parents wait and start calling the school and bus company wondering where their child is. He added that this is why it is very important that the parents are at the stop because if they are not, they start to fall behind.

Mr. Maynard said that he observed a bus that morning and timed it to see how long the driver waited for the parent to bring the child out and it took about 8-9 minutes. He felt the parents were lacking in their responsibility.

Mr. Hart asked if the child is brought immediately back to the school or if the route is finished first.

Mr. Joe Amaral said they finish the route but the school is already notified as to the status of the student.

Mr. Maynard said they cannot take anything for granted and need to make sure that the child is hand-to-hand before leaving.

The Amarals agreed.

Mr. Maynard said that is what is in the contract and what they did wrong.

Mr. Andrew Amaral said that with the hand-to-hand they try to accommodate those with disabilities and then those who flat out refuse to come out.

Mr. Maynard asked if this was their first offense.

Mr. Coogan responded that it was.

Mr. Costa asked how long they have been working with the school department.

Mr. Joe Amaral said he has been in business for 36 years and with Fall River for about 20+ years.

Mr. Eric Amaral said they try to run a tight company.

Mr. Costa said he can see that and that he did not want to see any child in this situation but thought there were mitigating circumstances when looking at the whole picture. He said that the police and DCF took a look at it and it didn't look like either of those agencies found culpability. He added that if DCF didn't find negligence on their part...

Mr. Coogan interrupted and informed them that they had heard back from Principal Pontes regarding the report and negligence was found, not against the company, but on the part of the driver and monitor.

Mr. Costa questioned their prior conversation regarding screening out.

Mr. Coogan said that they screened out the company and that there were no criminal acts but they did substantiate that there was neglect on the part of the driver and monitor.

Mr. Costa said that was the question that he asked what the DCF findings with respect to the staff and the information he received was that it was screened out. He questioned what was screened out.

Superintendent Mayo Brown said that she did not have any record but was communicating with the Principal via text. Principal Pontes indicated that the school received the report and DCF substantiated the allegation against the two employees.

Mr. Costa said the problem he had was that the meeting was not a surprise and questioned why the findings letter was not given to someone prior to the meeting taking place. He was making a judgment based on information he was given and is now being told...

Mr. Coogan interjected by apologizing and taking responsibility. He added that when he had checked with Ms. Cabral earlier, it was confused with another report.

Mr. Hart questioned that DCF said the two employees were negligent.

Mr. Coogan said they substantiated that they had acted negligently.

Mr. Hart stated, "and Amaral Bus Company acted accordingly."

Mr. Joe Amaral said they acted before the report/immediately.

Superintendent Mayo Brown said that was part of the policy.

Mr. Maynard said if they are going by policy, they went against the policy by not having an adult-to-adult hand off.

Motion: Mr. Maynard – Mr. Hart: To fine Amaral Bus Company \$25,000.

Discussion:

Mr. Hart said he seconded that based on it being the policy that was implemented years ago and he felt they had to follow it as they did with the last company.

Mr. Joe Amaral said he did not think they were talking about the same thing as the other company had left a child on a vehicle unattended. This case was a child that walked into an unlocked house with the parent's vehicle there.

Mr. Maynard said they took it for granted.

Mr. Hart said he understood but read from the policy that "when a student is left unattended by said employee, regardless of the children's age, the bus company will immediately terminate the employment of any driver, monitor, or staff in that situation." He handed Mr. Joe Amaral a copy of the policy and said that is what the policy is and they have to go by it.

Roll call:

Mr. Costa: abstain
Mr. Hart: yes
Mr. Maynard: yes

2 were in favor

1 abstained (Mr. Costa)

Motion Passed

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Mr. Hart asked if they wanted to talk about the fine and how they wanted to implement it or send it to the full Committee.

Motion: Mr. Hart – Mr. Maynard: To present this in May to the full body.

Roll call:

Mr. Costa: yes

Mr. Hart: yes

Mr. Maynard: yes

All were in favor

None opposed

Motion Passed

Mr. Hart asked if anyone had any final words. There were none.

Motion: Mr. Maynard – Mr. Hart: To adjourn.

All were in favor

None opposed

Motion Passed

Meeting adjourned at 7:06 PM.

Respectfully submitted,



Interim Administrative Assistant for
School Committee Services

Please note: A videotape/DVD of this meeting is on file in the School Committee Office and is available for review by contacting the Interim Administrative Assistant for School Committee Services.