

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Office of the Inspector General

Charles C. Maddox, Esq.  
Inspector General



March 28, 2000

Ms. Arlene Ackerman, Superintendent  
District of Columbia Public Schools  
825 North Capitol Street, N.E., 9<sup>th</sup> Floor  
Washington, D.C. 20002

Reference: Management Alert Report (MAR 00-I-005) dated February 7, 2000 to  
D.C. Public Schools Superintendent Arlene Ackerman

Letter from Inspector General Charles C. Maddox, Esq. to D.C. Public  
Schools Superintendent Arlene Ackerman dated March 13, 2000

Dear Ms. Ackerman:

This is a follow-up Management Alert Report (MAR 00-I-006) on an issue previously called to your attention on February 7 and March 13, 2000. The Office of the Inspector General (OIG) provides these reports when we believe a serious matter requires the immediate attention of a District of Columbia Government (District) official.

DCPS may be in violation of a court order regarding the qualifications of individuals who drive buses for special education students. In addition, this Office is receiving conflicting information from DCPS officials regarding the completion of FBI criminal history checks that are required by law for school bus drivers.

### **Background**

Following a 1995 class action suit filed on behalf of the District's special education students (*Petties v. District of Columbia*), the U.S. District Court issued a number of orders to the District concerning the provision of services to these students. A March 19, 1997 order issued by U.S. District Judge Paul L. Friedman concerning transportation of these students incorporated a corrective action plan directing that

**[t]he DCPS recruitment and selection process will be reviewed by defendants to ensure that drivers, attendants, and site supervisors, including contract staff, have the qualifications that correspond to their job responsibilities.**

DCPS was to establish standards for school bus drivers "consistent with applicable federal and local laws." (Att 1) One of the qualifications required by Title 18 of the District of Columbia Municipal Regulations is that FBI checks be done to determine

whether or not an applicant has a disqualifying criminal record. This Office has been told that in June 1999, DCPS assured the court that all school bus drivers were fully qualified, that information on drivers was up to date, and that files on drivers were complete.

### **OIG Inspection Finds Uncleared Drivers On DCPS Rolls**

An OIG inspection of the Department of Motor Vehicles (DMV) that began in September 1999 found that DMV had been issuing school bus driver's licenses to individuals prior to receiving completed and qualifying checks from the FBI. This was contrary to District law. After receiving their licenses, these individuals were added to the staffing lists of DCPS and its contractor as school bus drivers. DMV issued a notice to its employees in November 1999 instructing them to cease this practice. (Att. 2)

### **Director of Security States New Drivers Not Cleared**

On February 17, 2000, Inspector Karen Meunier spoke with Director of Security Patrick Fiel. During that conversation, Fiel stated that DCPS Transportation had recently hired 80 to 100 drivers who did not have completed FBI checks and that such employees working near children would violate Security Division policy. Fiel also stated that he was unaware of the November 1999 DMV policy prohibiting the issuance of school bus licenses prior to receipt of FBI background checks.

### **DCPS Transportation Director: All FBI Checks Completed**

Our February 7, 2000 Management Alert Report informed you of OIG's finding that some school bus drivers still may not have the required FBI checks. (Att 3) In your responding letter, you stated that Transportation Executive Director Alfred Winder had advised you that "all DCPS employees who drive school buses have completed FBI background checks." Your letter, however, did not provide the basis for Mr. Winder's conclusion. (Att 4) In a follow-up letter to you dated March 13, 2000, we asked how it had been determined that all school bus drivers have the completed FBI background checks. (Att 5)

### **Transportation Deputy Unsure About FBI Checks**

On March 14, 2000, Deputy Director of Transportation Ronald Austin contacted OIG Inspector Karen Meunier by telephone. Austin was responding to the March 13, 2000 memo cited above that asked how it had been determined that all school bus drivers have completed FBI background checks. Austin told Meunier that he was not sure if all school bus drivers have completed FBI background checks because that would require that someone go through all drivers' files stored at the DMV, and this had not been done. Austin stated that DCPS has never received copies of FBI background checks and did not know what the law requires regarding such checks. He said that DCPS needs to ensure that criminal history checks are done on drivers or DCPS will be out of compliance with a court order.

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On March 24, 2000, Austin stated during a telephone conversation with Assistant Inspector General Alvin Wright, Jr. that he and other DCPS employees had been to DMV and to DCPS Security and reviewed the files of school bus drivers. Austin did not reveal the results of the review, but said that he would report them to Winder, who would in turn assist in writing the DCPS response to the OIG March 13 letter.

### Conclusions

Based on the above statements by Winder, Fiel, and Austin, the findings documented during the OIG inspection of DMV, and information developed by this Office after the DMV inspection, it appears that DCPS

- (a) had not determined the status of FBI checks for all of its school bus drivers prior to March 14, 2000;
- (b) may be in violation of Title 18 of the District Code of Municipal Regulations which requires school bus drivers to have qualifying FBI checks prior to the issuance of school bus licenses; and
- (c) may be in violation of the March 1997 court order regarding the qualifications of District of Columbia school bus drivers.

### Recommendation

I recommend that you direct and verify an immediate review of all files on employees who currently drive DCPS school buses and determine conclusively which drivers have current, complete, and qualifying FBI background checks and which drivers do not. This review should include drivers employed by the DCPS contractor. Those drivers who do not have the required qualifying FBI check should be relieved of their driving duties immediately. Upon completion of this review, please inform this Office in writing of the results and any actions taken. If you have questions or require further assistance, please contact Assistant Inspector General for Inspections and Evaluations Alvin Wright, Jr. on 202-727-5052.

Sincerely,



Charles C. Maddox, Esq.  
Inspector General

cc: See Distribution

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Distribution:

The Honorable Anthony A. Williams  
Council of the District of Columbia  
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**DISTRICT OF COLUMBIA  
PUBLIC SCHOOLS**

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April 21, 2000

Charles C. Maddox, Esquire  
Inspector General  
Office of the Inspector General  
717 14<sup>th</sup> Street, N.W.  
Washington, D.C. 20005

**Re: Management Alert Report 00-I-006**  
**Report Date 3/28/2000**

Dear Mr. Maddox:

Thank you for the extension granted by Alvin Wright, Jr. until today's date to forward this response to the above referenced correspondence addressed to Superintendent Arlene Ackerman.

**RECOMMENDATION**

*I recommend that you direct and verify an immediate review of all files on employees who currently drive DCPS school buses and determine conclusively which drivers have current, complete, and qualifying FBI background checks and which drivers do not. This review should include drivers employed by the DCPS contractor. Those drivers who do not have the required qualifying FBI check should be relieved of their driving duties immediately. Upon completion of this review, please inform this Office in writing of the results and any actions taken.*

A review of various records from the Division of Security and Division of Transportation revealed the following. According to records provided by our Division of Security, as of April 12, 2000, 198 DCPS drivers have been printed, including all current DCPS drivers who were reprinted beginning in January 2000 in order to update all records. The results of that printing and reprinting are as follow.

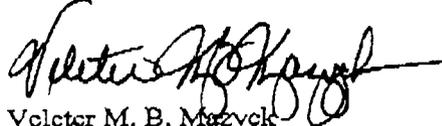
- ✓ Of the 198 drivers printed or reprinted by DCPS' Division of Security, our records indicate that 175 have cleared the background check as of April 12, 2000.
- ✓ Since January 2000, five (5) drivers have been terminated by DCPS as a result of background checks and related issues. Notably, however, all five terminations were based on the individual's failure to reveal the past convictions on their employment application and/or signed disclosure statement, and may not have precluded the driver from being hired or receiving a school bus operator's license.

Letter: C. Maddox  
MAR 00-I-006  
April 21, 2000  
Page 2

- ✓ Currently, four (4) DCPS drivers have completed background checks but are under investigation by Security and/or Labor Relations pending receipt of disposition information from each employee. The reported offenses giving rise to the investigations and/or need for disposition information would not ordinarily preclude the drivers from receiving their school bus operator's licenses. Of those four (4) drivers, three (3) are still driving, while one (1) has reportedly been on sick leave.
  
- ✓ According to information received from Gene Shipman of Laidlaw Transit, Inc., eighteen (18) Laidlaw drivers needed to be printed/reprinted. Of that eighteen (18), seventeen (17) have been reprinted since April 7, 2000, with the eighteenth directed to present for fingerprinting by Tuesday, April 25, 2000. According to the DCPS Security Division, which is processing the fingerprinting for Laidlaw, the results for the 17 drivers printed should be received from the FBI during the week of April 24, 2000. All eighteen (18) have face cards according to information received, and are still considered active drivers by Laidlaw Transit, Inc.

If you have questions, or need additional information, kindly contact me at (202) 442-5000.

Sincerely,



Victor M. B. Mazyck  
General Counsel

VMBM

cc: Arlene Ackerman