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**Alan G. Hevesi  
COMPTROLLER**



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**OFFICE OF THE  
NEW YORK STATE COMPTROLLER**

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**DIVISION OF STATE SERVICES**

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**OFFICE OF CHILDREN  
AND FAMILY SERVICES**

**EDUCATION PROGRAMS  
AT RESIDENTIAL  
FACILITIES**

**Report 2005-S-13**

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## AUDIT OBJECTIVES

One objective of our performance audit was to determine whether OCFS monitors compliance with pertinent Education Department guidelines for the GED testing process. Additional objectives were to determine whether there are significant variations among OCFS facilities in the rates of student success in passing the GED Test and whether OCFS facilities sufficiently document student eligibility to take the GED Test.

## AUDIT RESULTS - SUMMARY

Statewide, the Office of Children and Family Services (OCFS) operates 29 residential and day treatment facilities for troubled youth. OCFS offers the Alternative High School Equivalency Preparation Program (Program) at 28 of these facilities to allow youth aged 16 or older and at risk of not completing high school an opportunity to take the General Educational Development Test (GED Test) while in OCFS custody. Each year, OCFS applies to the State Education Department (Education Department) for approval to operate the Program. The application includes Program enrollment and delivery data.

- Since the Program is an education curriculum, OCFS should seek to improve the Program to enable as many students as possible to take and pass the GED Test while in OCFS custody. OCFS is also responsible for operating the Program in conformance with Education Department Regulations and policy, and for accurately reporting Program data to the Education Department on an annual basis. However, we found that OCFS has not acted to improve the Program at individual facilities. Further, we found that OCFS reported conflicting and unreliable

Program enrollment data to the Education Department. In addition, OCFS has obsolete policies for managing the Program, and an inadequate system for collecting Program data. OCFS should strengthen its monitoring practices to provide for compliance with relevant requirements, accurate reporting and more effective service to the youth in its care. [Pages 6-10]

- Education Department Regulations and OCFS Program guidelines state that students must meet certain testing readiness requirements to be eligible for instruction specifically designated to prepare for the GED Test and the GED Test itself. However, we found that 2004-05 GED Test passing rates at six sampled facilities ranged from 91 percent to 40 percent, principally because some facilities waived these testing readiness requirements in favor of using their professional judgment to determine readiness. [Pages 8-10]

Our report contains 11 recommendations to improve OCFS administration of the Program at its facilities. Officials generally agreed with our recommendations and have taken steps to implement changes.

This report dated April 25, 2006, is available on our website at: <http://www.osc.state.ny.us>. Add or update your mailing list address by contacting us at: (518) 474-3271 or Office of the State Comptroller  
Division of State Services  
State Audit Bureau  
110 State Street, 11<sup>th</sup> Floor  
Albany, NY 12236

## BACKGROUND

The Office of Children and Family Services (OCFS) operates residential and day placement facilities that serve troubled youth whom the courts have placed in their care. Currently, OCFS operates 29 facilities statewide that provide for the care, custody and treatment of over 2,000 youth. Facility classifications range from Secure (housing youth sentenced by criminal courts) to Limited-Secure and Non-Secure (both housing youth placed by family courts). Education and career education services are provided to youth in custody by the OCFS Bureau of Educational Services (Bureau). Bureau responsibilities include identifying statewide service priorities and needs; planning education program systems; recommending educational policies; providing technical assistance to and overseeing educational activities; and monitoring compliance with the State Department of Education's (Education Department) Regulations.

Although many youth in OCFS custody are of high school age, their academic deficiencies often preclude their pursuit of a Regents high school diploma. Thus, OCFS offers the Alternative High School Equivalency Preparation Program (Program), approved by the Education Department, to give these youth an opportunity to complete high school. The Program, which is offered by school districts as well as by OCFS, prepares youth for the General Educational Development Test (GED Test). OCFS operates the Program at 28 of its 29 facilities. A youth is eligible for the Program if he or she is 16 or older and is at risk of not completing high school. According to Education Department Regulations and OCFS requirements, youth must demonstrate academic ability and test readiness to be eligible for the GED Test. Youth who pass

the GED Test receive a New York State High School Equivalency Diploma (Diploma). OCFS reported that 803 OCFS youth were enrolled in the Program in December 2004. For the school year ended June 30, 2004, the Education Department reported that 221 OCFS youth passed the GED Test.

Education Department Regulations require OCFS and other Program operators to apply annually for approval to operate the Program. OCFS submits a consolidated application for all its facilities that offer the Program. The consolidated application is prepared using the prior year's school data, and comprises the Program Application; data for the System of Accountability for Student Success Report (Accountability Report); and Appendix A. The Program Application, which is prepared by OCFS officials, includes student statistical data (e.g., the number of students enrolled in the Program) for all facilities, as well as an attestation of regulatory compliance signed by the Bureau Director. The Accountability Report contains Program delivery data based on academic achievement levels and instructional hours. Appendix A provides demographic information for the students who took the GED Test and an assessment of the Program's operation for the school year. Facilities complete their own Accountability Report and Appendix A, which they forward to OCFS. OCFS compiles this data for reporting on the consolidated application. OCFS submits the application and individual reports from facilities to the Education Department.

The Education Department uses Accountability Report data to create a management report that rates a Program's achievements with regard to specific performance measures: GED Test success rates; student progress (advancement from one grade level to another); and drop-out rate.

Each operator's performance is compared to Statewide Reference Points (minimum performance standards), which are derived from the data reported by all Program operators statewide. The Education Department also creates GED Test Results Reports which show the passing rates at OCFS facilities overall, and the passing rates at individual facilities. Program operators can review these reports to gauge the relative success of their Program in preparing students for the GED Test. The Education Department gives Program operators whose performance statistics are far lower than Statewide Reference Points two years to improve their performance. Absent improvement, such an operator may be classified as a School under Registration Review, and be required to implement remedial strategies designed by the Education Department.

## **AUDIT FINDINGS AND RECOMMENDATIONS**

### *Program Operations and Reporting*

Since the Program is an education curriculum, OCFS should seek opportunities to improve the Program to enable as many students as possible to earn their diplomas while in OCFS custody. OCFS is also responsible for the Program's conformance with Education Department Regulations and its own requirements, and for accurately maintaining and reporting Program enrollment and results data. However, we found that OCFS has obsolete policies for managing the Program, and has not acted to improve the Program's operation at individual facilities. Further, we also found that OCFS reported conflicting and unreliable Program enrollment data to the Education Department. OCFS must significantly improve its monitoring practices to provide for compliance with Program requirements, accurate reporting of Program

data, and more effective service to the youth in its care.

### **Monitoring and Improving Facilities' Programs**

The Program is an education curriculum whose objective is to enable youth to earn their high school diploma. As a Program operator, OCFS is responsible for monitoring facilities' Programs, not only to verify compliance with relevant requirements, but also to improve the Program's operation and curriculum. OCFS management can accomplish these monitoring goals by:

- reviewing management reports to identify deficient or superior performance;
- visiting facilities to review or improve their Programs; and
- providing and soliciting feedback about the operation of facilities' Programs.

The Education Department makes various management reports available to Program operators. However, we found no evidence OCFS officials review the management reports. For example, the Education Department's Accountability Report, based on data submitted by Program operators with their Program, measures each Program's performance against all Programs statewide and against minimum performance standards. When we reviewed the OCFS Accountability Report for 2002-03, we found that two facilities' results did not meet the minimum performance standards. A review of this Report's data should have prompted OCFS officials to investigate the underlying reasons for this performance gap. Even if some of the data was reported inaccurately by the facilities, OCFS officials should have reacted to the data on the Report. OCFS officials

stated that they never saw the Accountability Report for 2002-03.

Another Education Department report shows the GED Test passing rates for each facility. This report showed that facilities' GED Test passing rates for 2002-03 ranged from 20 percent to 100 percent, and for 2003-04 ranged from 29 percent to 100 percent. A review of this report could help OCFS officials identify deficient programs, where changes (such as staff development) may be needed; alternately, officials could identify relatively successful Programs, and identify effective practices that could be shared with under-performing facilities to raise their passing rates. We found no documentation to indicate that OCFS management used these reported statistics to manage or improve the program. In fact, officials at four of the six facilities we visited told us OCFS had never discussed the GED Test results with them.

OCFS periodic site visits centered generally on physical security of GED Test documents rather than Program performance or curriculum. OCFS performed four such visits from July 2002 through November 2004. Starting in December 2004 and continuing through January 2005, OCFS performed 23 site visits. OCFS managers indicated that the field visits occurred, in part, due to our audit. OCFS managers said formal site visits are not routine, but occur instead when an issue arises. Although OCFS officials said they also obtain information on program data/operations via the telephone, and keep logs on such information gathering, they could not produce any evidence of these contacts.

We also found that OCFS managers had provided little or no feedback to facility personnel about their Program operations, and had not developed a mechanism for soliciting

comments or questions about Program operations from facility staff. Officials at one facility told us the only information they received was a copy of the most recent site visit report; officials at another two facilities told us they received no feedback at all. Facility personnel stated that, while they get some guidance from OCFS, they need more direction about operating and improving the Program. OCFS managers may also be able to resolve certain problems, like reporting issues, and enhance Program quality by encouraging facility Program personnel to voice their questions and make suggestions for improvement.

OCFS should use the Accountability Report and GED Test Results Reports to monitor and correct facilities' performance. Monitoring practices should also include site visits that focus on overseeing and improving Programs, and providing for two-way communication between OCFS managers and the facility personnel who carry out the Program. Unless OCFS significantly improves its oversight of the Program, youth in facilities with low GED Test passing rates will remain underserved by a Program that was established to meet their educational needs.

During visits to our sampled facilities, we also identified issues that OCFS should pursue to enhance the Program's quality and consistency at all facilities. These issues relate to improving the quality of and presentation of Program material, and ensuring that teachers who deliver the courses are appropriately certified and trained to provide GED Test preparation.

According to the Education Department, Program instruction should provide a substantive offering for a full range of courses that align with the core content measured by the GED Test. The Program should be

presented through a combination of teacher instruction, prepared material, and standardized GED instructional materials from publishers. However, we determined that Program instruction for GED Test preparation generally consists of a self-study guide and only sporadic teacher guidance. As a result, Program youth may not be receiving the comprehensive preparation needed to pass the GED Test. Gossett was the only facility we visited that provided a specific class oriented to GED Test preparation. OCFS officials told us their budgets do not allow for dedicated Program teachers at each facility. However, OCFS did not show us where they requested additional funding for such purposes and were rejected.

Education Department Policy requires that youth preparing for the GED Test receive high school level instruction from teachers certified in secondary education (grades 7-12). We found that teachers without secondary education certification were teaching youth in the Program. OCFS officials provided us with a “waiver” from the Education Department that allows teachers to teach outside their area of certification provided that it is not done for all the day classes. We note, however, that this type of waiver must be renewed annually. Since OCFS’s 15-year old waiver has never been renewed, it would appear that it is no longer in effect. Moreover, we found that 13 of 45 teachers (29 percent) at the 6 facilities we visited were providing instruction outside their area of certification for a full day. As a result, OCFS youth may not be receiving adequate instruction.

### **Recommendations**

1. Actively oversee Program operations and results system-wide to obtain assurance that the Program is operating in

conformance with Education Department Regulations. Activities should include, but not be limited to:

- using Education Department management reports to identify underperforming and successful programs, and working with facilities to improve Program results;
  - performing periodic site visits to review Program curriculum and performance; and
  - establishing a two-way feedback mechanism to improve communication between Central Office and facilities about Program operations and reporting.
2. Investigate the underlying reasons for performance gaps noted during our audit and take corrective action as needed.
  3. Require teachers certified for secondary education teach Program courses, or obtain an up-to-date and appropriate waiver from the Education Department that allows facilities to use teachers without secondary education certification to instruct Program youth.

### **Data Reported to the Education Department**

OCFS is required to apply annually to the Education Department for approval to operate the Program. We reviewed OCFS’s consolidated applications for 2003-04 and 2004-05, and found there were wide variations in reported Program enrollment figures - for the same year - between the Program Application and the Accountability Report. Furthermore, when we compared these numbers to enrollment data submitted by the facilities, we found that the facilities’ enrollment figures for these school

years did not agree with either of these sources, as illustrated by *Tables 2 and 3 (Page 13)*, which represent all 26 facilities administering the Program.

As shown in *Table 2 (Page 13)*, the total enrollment figures, as reported in the 2003-04 Program Application (614) and in the Accountability Report (683), differed by 69 students. However, facilities' enrollment data indicated there were only 310 enrollees for the 2002-03 school year.

In 2004-05, OCFS annually submitted two Program Applications, as shown in *Table 3 (Page 13)*; one application was dated July 2004, and the other was dated December 2004. These two applications, both reportedly based on 2003-04 Program data, stated that 690 and 803 youth, respectively, were enrolled in the Program during the 2003-04 school year. Neither of these numbers agrees with Accountability Report or with facilities' data.

In addition, the Appendix A submitted by OCFS with its July 2004 application reported that 635 youth were enrolled in the Program during the 2003-04 school year. This enrollment number does not agree with enrollment reported on the Program Application (either for July or December); the Accountability Report; or the facilities' enrollment figures.

Program Policies OCFS does not have current written policies and procedures for operating the Program, and has not established any Program goals and objectives. OCFS's written policy relating to the GED, which was last updated in 1989, does not even mention the Program. Education Department officials who reviewed the existing policy confirmed that it was obsolete, and did not reflect the changes in the Education

Department's Regulations. All the facilities we visited had established their own Program policies and procedures, including GED Test requirements. However, these policies and procedures varied from facility to facility, and were not always clearly understood by facility education staff. At one facility, the Education Supervisor was not aware of the facility's own policies. Further, OCFS Central Office officials did not know that individual facilities had actually developed their own Program policies and procedures.

Training Issues We found that OCFS personnel, as well as some facilities' staff, were confused about how to properly complete the required reports. On observation, we noted that some reports, such as the Accountability Report, are complex. Although the Education Department provided report training a few years ago, OCFS personnel stated they do not thoroughly understand the instructions and forms related to reporting, especially instructions for the Accountability Report. OCFS officials agreed that more training is needed. They indicated the training will be planned and offered in conjunction with the Education Department.

Data Collection System There is no standard data collection system in place to help facilities maintain Program data. Instead, each facility is left to develop its own mechanisms for keeping track of the data required for the reports. For example, when we asked officials at one facility how they knew if a youth was enrolled in the Program, we were told they were "guessing" at the youth's status. At another facility, officials said they knew a youth was in the Program, based on the youth's Assessment Test score and their memory. Neither of these facilities used a formal Program enrollment form or an adequate data collection system to accurately

determine who was enrolled in the Program. Thus, documentation of enrollment and other Program information at facilities was often incomplete or missing.

In fact, only two of the six facilities we visited (Louis Gossett and Brace) used a facility-created Program enrollment form, and we noted that there was less inconsistency in the reported enrollment numbers for these two facilities. We also determined that none of the facilities we visited tracked hours of Program instruction, an essential data figure required for the Accountability Report.

Verification of Facilities' Data OCFS officials have not established any control processes to verify the accuracy and completeness of facilities' Program data before it is compiled and submitted to the Education Department.

Because OCFS is submitting inaccurate and unreliable data to the Education Department, the Education Department's assessment of the Program applications containing this data could be subject to errors. As a result of our audit, OCFS officials informed us they have begun to develop a uniform data collection system for the Program.

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*Variances in GED Test Passing Rates at  
OCFS Facilities*

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In accordance with Education Department Regulations, OCFS requires that all Program students score a 9.0 on the Woodcock Johnson Assessment Test (Assessment Test) before beginning instruction specifically designed to prepare for the GED Test. OCFS also requires all Program students to demonstrate readiness to take the GED Test by taking and passing their Official Practice Test (Practice Test). However, according to officials of OCFS and the Education

Department, facility education officials, using their professional judgment, may allow any student demonstrating readiness through academic performance to take the GED Test, even if the student does not demonstrate readiness as measured by the Practice Test. Should this occur, OCFS requires documentation supporting this decision be maintained in the student's education file. The GED Test is administered by a Chief Examiner, an OCFS employee trained by the Education Department, who confirms that the student(s) met eligibility requirements. The Bureau Director also affirms on the annual application to the Education Department that OCFS students are eligible to take the GED Test. OCFS requirements further state that students should be allowed to take the GED Test within a reasonable timeframe.

To determine the extent to which OCFS facilities complied with the above Education Department Regulations and OCFS requirements during the 2004-05 school year, we selected a sample of six OCFS facilities to visit: Annsville, Brace, Brookwood, Industry, Louis Gossett and Tryon. Our sample was judgmentally selected to include all security types and a range, from high to low, in Program enrollment and in GED Test passing rates in prior years. Program statistics for 2004-05 were not yet available from OCFS, so we calculated sampled facilities' GED Test results for 2004-05 based on facility records.

At the six facilities we visited, a total of 531 youth were eligible for the Program, since they were at least 16 years old and were at risk of not completing high school and 169 of these 531 students were enrolled in the Program. (Some students in custody do not choose to pursue a diploma.) Of the 169 students enrolled, 130 students took the GED Test in 2004-05. We examined facility records to determine whether these 130

students met the eligibility requirements for taking the GED Test. We also reviewed the GED Test results for all 130 students.

As is summarized in *Table 1 (Page 13)* we found that many of the students did not meet the formal eligibility requirements and these students did not perform as well on the Test as the students who did meet these formal requirements.

We further determined that the GED Test passing rates varied significantly at the six facilities (ranging from 91 percent to 40 percent), and passing rates were highest at the facilities where the students taking the GED Test generally met the formal eligibility requirements.

For example, at Brookwood, 19 of the 23 students (83 percent) who took the GED Test met OCFS formal requirements for the test, because they had passed both the Assessment and Practice Tests; 21 of these 23 students (91 percent) passed the GED Test. However, at Industry, only 1 of the 10 students (10 percent) who took the GED Test met OCFS formal requirements for the test, and only 4 of the 10 students (40 percent) passed the GED Test.

In total, only 56 of the 130 students at the 6 facilities met OCFS formal requirements to take the GED Test. The remaining 74 students did not meet OCFS formal requirements for the following reasons: 22 students did not pass the Assessment Test; 16 students failed or did not take the Practice Test; and 36 students did not meet either criterion. Overall, the passing rate for students who met OCFS requirements was 91 percent (51/56), while the passing rate for students not meeting the requirements was only 49 percent (36/74).

If a student not demonstrating readiness as measured by the Practice Test is allowed to take the GED Test, the facility is required to document why the student was permitted to take the GED Test. However, we found that no documentation or written evidence was available to support many of the facility decisions to allow these students to sit for the GED Test. At each of the facilities we visited, education administrators told us they prefer to “give the youth a chance” to take the GED Test.

Although OCFS requirements state that students should be allowed to take the test within a reasonable timeframe, we found that facilities did not always administer the GED Test to coincide with the youths’ placement dates. Specifically, at least six students at three sampled facilities left OCFS custody without having the opportunity to take the GED Test, as follows:

- One Industry student, whose educational goals included taking the GED Test, was not given either the Practice Test or the GED Test, despite having achieved a 10.3 on the Assessment Test, because a Chief Examiner was not available to give either test. Industry has not had a Chief Examiner available to administer the Practice Test or the GED Test to any student since October 2004.
- Three youths at Gossett and two youths at Brookwood, all in OCFS custody for relatively short periods, left their respective facilities before the GED Test was scheduled to be given at their facilities. All five students could have been given the opportunity to take the GED Test because the facilities have the GED Test documents on hand, and could administer the test “off-cycle” at any time.

We note that the six facilities administer the Program in an inconsistent manner, which may account for the significant range in the sampled facilities' GED Test passing rates for 2004-05. Moreover, the variation in 2004-05 GED Test results continues a performance trend that existed throughout our audit scope period. According to the Education Department, GED Test results for the OCFS facilities where the test was administered in the two prior years showed passing rates ranging from 0 percent to 100 percent in 2002-03, and from 29 percent to 100 percent in 2003-04.

As is discussed later in this report, Program activities at the facilities are not closely monitored by OCFS. If the facilities were monitored more closely, both the inconsistencies in administrative practices and the variations in passing rates might be reduced. At the very least, to ensure eligible students have an opportunity to take the GED Test, we recommend OCFS develop a standard "off-cycle" testing process for the facilities and instruct the facilities to have Chief Examiners available for students.

We also note that one of the eligibility requirements (a score of 9.0 or higher on the Assessment Test) may be overly restrictive, as some of the students in our sample who did not meet this particular requirement were nonetheless able to pass the GED Test. Some of the OCFS and Education Department officials we interviewed also observed that this requirement may be overly restrictive. We recommend OCFS work with the Education Department to determine whether the requirement should be modified.

## Recommendations

4. Develop and implement concrete action plans to better prepare youth to pass the GED Test.
5. Revise the outdated Program policies and procedures to reflect Education Department Regulations, OCFS Program guidance and Program data reporting requirements. Require all facilities to use these policies and procedures to operate their Programs and report on Program performance. Ensure facilities comply with policies and procedures by enhancing the monitoring of these facilities.
6. Seek additional training on Program reporting from the Education Department.
7. Continue to develop and enhance a data collection and reporting system that enables facilities to accumulate and track Program data in a consistent and reliable way.
8. Verify that facilities maintain written supporting documentation where students are permitted to take the GED Test even though they have not met the formal eligibility criteria of taking and passing both the Assessment and Practice Tests.
9. Direct facilities to have Chief Examiners available to administer the GED Test to students.
10. Develop a process facilities should follow to administer the GED Test "off-cycle," as necessary.

## Recommendation

11. Work with the Education Department to determine whether a score of 9.0 or higher on the Assessment Test should continue to be an eligibility requirement for the GED Test.

## AUDIT SCOPE AND METHODOLOGY

We conducted our performance audit in accordance with generally accepted government auditing standards. We audited OCFS administration of the Program for the 2002-03 school year (July 1, 2002 through June 30, 2003) through the 2004-05 school year (July 1, 2004 through June 30, 2005).

To determine whether there were significant variances in enrollment and in the GED Test passing rates, we reviewed OCFS' 2002-03 through 2004-05 Program applications and Accountability Reports, as well as the GED Test Results Report from the Education Department. Further, we reviewed Appendix A data for 2004-05, as prepared by individual facilities, which included enrollment and demographic data. We also interviewed OCFS management and staff. Further, we also interviewed officials and management from the Education Department. To determine the accuracy, reliability and completeness of data reported in Program applications, Accountability and Appendix A reports submitted during our scope period, we reviewed reports and supporting documentation, and interviewed staff members responsible for the reports.

To assess OCFS oversight of the Program's curriculum for compliance with pertinent guidelines and for overall effectiveness, we visited the following six residential facilities: Annsville, Brace, Brookwood, Industry, Louis Gosset and Tryon. Our judgmental sample

was selected to obtain a sample of facilities that included all security types (Secure, Limited Secure, Non-Secure); a range, from high to low, in Program enrollment and success (GED Test passing rates); and at least one facility (Annsville) that reportedly focuses on preparing students for the GED Test. We also interviewed facility education officials and facility teachers; examined supporting documentation, including GED Test documentation; and reviewed teacher certifications. We also reviewed Program-related Site Visit Reports from 2002-03 through 2004-05; staff development training; and OCFS correspondence with facilities.

In addition to being the State Auditor, the Comptroller performs certain other constitutionally and statutorily mandated duties as the chief fiscal officer of New York State, several of which are performed by the Division of State Services. These include operating the State's accounting system; preparing the State's financial statements; and approving State contracts, refunds and other payments. In addition, the Comptroller appoints members to certain boards, commissions and public authorities, some of whom have minority voting rights. These duties may be considered management functions for purposes of evaluating organizational independence under generally accepted government auditing standards. In our opinion, these management functions do not affect our ability to conduct independent audits of program performance.

## AUTHORITY

The audit was performed according to the State Comptroller's authority under Article V, Section 1, of the State Constitution; and Article II, Section 8, of the State Finance Law.

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## **REPORTING REQUIREMENTS**

A draft copy of this report was provided to OCFS officials for their review and comment. Their comments were considered in preparing this final report, and are included as Appendix A. OCFS officials concurred with our findings and recommendations. In fact, during the course of the audit, as we met and briefed OCFS officials on the issues we were identifying, they convened two work groups to begin taking immediate corrective actions. Their response describes those actions, as well as additional ones being taken to address our recommendations.

Within 90 days of the final release of this report, as required by Section 170 of the Executive Law, the Commissioner of the Office of Children and Family Services shall report to the Governor, the State Comptroller, and the leaders of the Legislature and fiscal committees, advising what steps were taken to implement the recommendations contained herein, and where recommendations were not implemented, the reasons therefor.

## **CONTRIBUTORS TO THE REPORT**

Major contributors to this report include William Challice, Richard Sturm, Anthony Carbonelli, Stephen Lynch, Diane Gustard, Jackie Keys-Holston, Anthony Calabrese, and Nancy Varley.

Facility	Students Enrolled in Program	Students Who Took GED Test	Successful Students	Percent	Students Who Met Requirements	Students Who Met the Requirements and Passed GED Test	Students Who Did Not Meet Requirements	Students Who Did Not Meet Requirements Passed GED Test *
Brookwood	40	23	21	91%	19	17/19 (89%)	4	4/4 (100%)
Brace	12	9	7	78%	7	7/7 (100%)	2	0/2 (0%)
Gossett	33	30	21	70%	15	12/15 (80%)	15	9/15 (60%)
Annsville	30	27	18	67%	9	9/9 (100%)	18	9/18 (50%)
Tryon	39	31	16	52%	5	5/5 (100%)	26	11/26 (42%)
Industry	15	10	4	40%	1	1/1 (100%)	9	3/9 (33%)
<b>Totals</b>	<b>169</b>	<b>130</b>	<b>87</b>	<b>67%</b>	<b>56</b>	<b>51/56 (91%)</b>	<b>74</b>	<b>36/74 (49%)</b>

\* An additional age-ineligible test-taker was not included among the 74 ineligible students because the Education Department did not grade the student's test.

	(a)	(b)	(c)		
<b>2003 Application</b>	Program Application	Accountability Report	Facilities' Enrollment Data	Difference Between (a) and (b)	Difference Between (a) and (c)
Program Enrollment	614	683	310	69	304

	(a)	(b)	(c)		
<b>July 2004 Application</b>	Program Application	Accountability Report	Facilities' Enrollment Data	Difference Between (a) and (b)	Difference Between (a) and (c)
Program Enrollment	690	627	802	63	112
<b>December 2004 Application</b>	Program Application	Accountability Report	Facilities' Enrollment Data	Difference Between (a) and (b)	Difference Between (a) and (c)
Program Enrollment	803	627	802	176	1

**APPENDIX A - AUDITEE RESPONSE**



**New York State  
Office of  
Children & Family  
Services**

March 28, 2006

George E. Pataki  
*Governor*

John A. Johnson  
*Commissioner*

Mr. William P. Challice  
Audit Director  
Office of the State Comptroller  
State Audit Bureau  
123 William Street—21<sup>st</sup> Floor  
New York, NY 10038

Subject: Draft Audit 2005-S-13

Dear Mr. Challice:

**Capital View Office Park**  
52 Washington Street  
Rensselaer, NY 12144-2796

The Office of Children and Family Services has reviewed the draft audit report on the Education Programs at Residential Facilities (Alternative High School Equivalency Preparation Program) issued February 28, 2006. Enclosed is our response for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Susan A. Costello".

Susan A. Costello  
Deputy Commissioner  
for Administration

Enclosure

cc: L. Dobriko



An Equal Opportunity Employer

**New York State Office of Children and Family Services  
Response to Office of the State Comptroller (OSC)  
Draft Report—2005-S-13  
Education Programs at Residential Facilities**

The New York State Office of Children and Family Services has reviewed Draft Report 2005-S-13 on the Education Programs at Residential Facilities and offers the following response:

**Introduction**

Residential facilities with in-house school programs operated by the Office of Children and Family Services (OCFS) must provide a wide range of educational services. In accordance with Part 116.2 of the State Education Department (SED) Commissioner's Regulations, these services must be "comparable and equivalent" to those provided in a public school. Some youth in OCFS' residential care are of middle-school age and must be provided with 5<sup>th</sup> to 8<sup>th</sup> grade curricula. The vast majority, however, are high school students who must follow the course requirements leading to a Regents diploma. Regardless of the number of credits previously earned and/or academic ability, these youth must participate in a sequence of courses leading to a Regents diploma until they reach the maximum compulsory school attendance age. Youth who have passed the compulsory age limit and who are deemed eligible may pursue a high school equivalency diploma. This group accounts for 20 percent of youth served in school programs within OCFS' operated facilities. OCFS' education programs must also provide remedial services for youth who are not functioning at their chronological age level. In addition, in accordance with Part 200 and 201 of the SED Commissioner's Regulations, OCFS' school programs must provide special education services for those youth identified by a Committee on Special Education.

According to the State Education Department Application to operate an Alternative High School Education Program (AHSEP), a student is eligible for the AHSEP if he or she has reached maximum compulsory school attendance age and is at substantial risk of not completing graduation requirements for a high school diploma. According to AHSEP guidelines developed by the General Education Development Testing Service (GEDTS) and endorsed by SED, the AHSEP "is not meant to be a preferred means of completing high school or to provide a quicker way of doing so..." "The program should be geared to students who will not graduate with their class because of credit deficiency, but who are otherwise capable of completing graduation requirements."

The OCFS' operates in-house school programs in 29 of its facilities and of those 26 are GED Test sites.

#### **Data Variances**

The forms required by SED from OCFS, the AHSEP application and the System of Accounting for Student Success (SASS) report, call for two data collections each school year (July 01–June 30), one in June (while facilities may be awaiting results on GED exams administered near the end of the school year) and the other in October (after the facility has received results from the previous school year and begun testing in the new school year). The summary reports provided to agencies by the SED Test Center are confusing. There are separate SED generated summary reports for the AHSEP (a program in which OCFS' participates and which is designed for 16 – 18 year olds) and the High School Equivalency (HSE) program. SED includes all OCFS' students in the AHSEP category despite the fact that 19 and 20 year olds are intended to be served by the HSE program. OCFS' facility test centers receive printouts for both programs. Additionally, the definitions for data elements in the SED reports are overlapping. Some data could be reported in any of three categories, depending on individual interpretation.

A report entitled *Educational Programming for Students Who Are Incarcerated and/or Institutionalized Through the Judicial System* was prepared by SED January 14, 2005 and presented to the Board of Regents at their February 7, 2005 meeting. "This report provides information regarding the educational programs and services available to individuals under the age of 21 who commit offenses determined by the judicial system to warrant removal from the community, and are remanded to the custody of the NYS Department of Correctional Services, OCFS, county jails and Rikers Island in New York City." The report includes information about GED Testing results and next steps. The SED "...identified three areas to focus its efforts to improve education services for students who are incarcerated and/or institutionalized through the judicial system." One of these areas is the data collection system. During the February 7, 2005 Board of Regents' presentation, the SED representative noted that their data collection mechanisms were "confusing."

#### **Response to Recommendations**

During the course of the OCS Audit, the Division of Rehabilitative Services (DRS) met several times with OSC and was briefed on findings and issues that were being raised. As a result of the audit briefings, DRS took immediate corrective action by convening two work groups comprised of educational administrators and home office educational staff.

The first group focused on re-writing and updating the OCFS' GED policy. This group completed the draft version which is in internal clearance in DRS. The second group focused on post GED programs and services for youth. A post GED manual has been developed. In addition, standardized programming in facilities will be implemented.

The Associate Commissioner's Office has also centralized the oversight of GED programming at the home office. The responsibility to monitor the programs, select appropriate candidates, and complete required data is now supervised by one person in the Bureau of Education Services (BES). Facilities will not have authority to conduct GED programs independent of this oversight.

Listed below are the recommendations and additional actions taken to address the issues.

**Recommendation 1:** Actively oversee Program operations and results system-wide to obtain assurance that the Program is operating in conformance with State Education Department Regulations. Activities should include...”:

**OCFS Response:** OCFS' BES conducted GED training as part of the Education Administrator's meeting in September 2005. The GED Test results from July 1, 2004 – June 30, 2005 for each Test Center were disseminated and reviewed. During the meeting, BES reviewed the minimum eligibility criteria for youth to meet before they are eligible to take the GED Test.

BES created a document, *OCFS Student Enrollment Summary Alternative High School Equivalency Preparation (AHSEP) Program*, which facilities must submit to BES for prior approval for each youth to take the GED Test.

A new BES staff has been assigned to monitor the GED program, which includes practices and procedures involved in the GED test implementation, review and approval of all test administrations, and establishing systems for intake of information to be disseminated to SED through annual reports and applications.

GED oversight also includes site visits to the facilities to provide technical assistance in the implementation of the GED program and coordination of the training of GED Chief and Alternate Examiners.

**Recommendation 2:** Investigate the underlying reasons for performance gaps noted during our audit and take corrective action as needed.

**OCFS Response:** The GED Coordinator ascertains through written documentation, that every test candidate meets minimum requirements and

ample justification is documented to give the test to those youth who do not meet the minimum requirements.

**Recommendation 3:** Require teachers certified for secondary education teach Program courses, or obtain an up-to-date and appropriate waiver from the Education Department that allows facilities to use teachers without secondary education certification to instruct Program youth.

**OCFS Response:** OCFS' waiver from SED (1990) requires a teacher to teach five periods per day in his/her area of certification. Thus, a teacher may provide instruction outside his/her area of certification one out of six periods per day. The waiver has not been revoked or cancelled by SED. SED has permitted OCFS to continue to rely on the waiver and there are no unresolved questions with regards to the OCFS' teaching staff or allegations of a violation of the terms of the waiver from any SED review of the OCFS' educational programs.

**Recommendation 4:** Develop and implement concrete action plans to better prepare youth to pass the GED Test.

**OCFS Response:** Youth in AHSEP receive instruction in the four core courses. Education Administrators at facilities audited by OSC cited the use of instructor-prepared materials, standardized GED materials from publishers or some other combination of instruction. All facilities include the use of a commercial GED preparation study guide in conjunction with other classroom assignments and homework.

**Recommendation 5:** Revise the outdated Program policies and procedures to reflect Education Department Regulations, OCFS Program guidance and Program data reporting requirements. Require all facilities to use these policies and procedures to operate their Programs and report on Program performance. Ensure facilities comply with policies and procedures by enhancing the monitoring of these facilities.

**OCFS Response:** A revised GED procedure was developed by BES to reflect SED regulations for Alternative High School Equivalency Programs. This procedure was given to all Education Administrators. The procedure will be further developed into an official OCFS' GED policy and approved by Division of Rehabilitative Services Policy Review team.

**Recommendation 6:** Seek additional training on Program reporting from the Education Department.

**OCFS Response:** On May 31, 2005, BES staff met with the SED program lead for Alternative Education to clarify information about the AHSEP application and the System of Accountability for Student Success (SASS).

Follow-up phone calls were made by OCFS to gain additional clarification. In September 2005, SED provided training to OCFS' Education Administrators on the SASS reports. The focus of this training was on the interpretation of the report and how to use the information to improve GED practices.

**Recommendation 7:** Continue to develop and enhance a data collection and reporting system that enables facilities to accumulate and tract Program data in a consistent and reliable way.

**OCFS Response:** On June 14, 2005, a training session was held for facility Education Administrators. During the session, a discussion and explanation of the data elements required in both the AHSEP application and the SASS data was provided. A data collection sheet was provided for both reports. Education Administrators then had the opportunity to record their facility's data survey for the AHSEP. The SASS data form was completed at a separate meeting in September 2005.

**Recommendation 8:** Verify that facilities maintain written supporting documentation where students are permitted to take the GED Test even though they have not met the formal eligibility criteria of taking and taking both the Assessment and Practice tests.

**OCFS Response:** Education Administrators complete the document, *OCFS Student Enrollment Summary Alternative High School Equivalency Preparation Program*. A section of the document justifies the reasons for permitting a student to take the GED Test though they have not met the formal eligibility criteria of taking and passing both the Assessment and Practice tests. This document is sent to BES for approval before allowing the youth to take the test. This document is kept on file both in BES and in the facility education file.

**Recommendation 9:** Direct facilities to have Chief Examiners available to administer the GED Test to students.

**OCFS Response:** To date, all OCFS' GED Test Centers have a trained Chief and Alternate Examiner. BES has developed a tracking process to track compliance in this area. Facilities are regularly notified of upcoming GED Chief Examiner Training both on-site and through a video-feed at various sites throughout the state.

**Recommendation 10:** Develop a process facilities should follow to administer the GED Test "off-cycle," as necessary.

**OCFS Response:** As part of BES GED procedure, off-cycle testing for eligible youth is required by all facilities administering the GED. This procedure was reviewed with Education Administrators in September 2005.

**Recommendation 11:** Work with the Education Department to determine whether a score of 9.0 or higher on the Assessment Test should continue to be an eligibility requirement for the GED Test.

**OCFS Response:** In a meeting on May 31, 2005 with SED, it was stated to BES' staff that a score of 9.0 or higher on an Assessment Test is not the sole criteria for determining if a youth is test ready. The guidelines outlined by SED call for the use of official GED practice test scores, grades rank in class and standardized test scores to indicate a youth's ability to pass the GED Test within a reasonable timeframe. In addition, SED has made it clear that professional judgment is a determining factor in selecting candidates for the AHSEP. There is no single criterion for admission to the AHSEP.