
**Thomas P. DiNapoli
COMPTROLLER**



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**OFFICE OF THE
NEW YORK STATE COMPTROLLER**

**DIVISION OF STATE
GOVERNMENT ACCOUNTABILITY**

**NEW YORK STATE
EDUCATION DEPARTMENT**

**SCHOOL DISTRICT
COMPLIANCE WITH
RESCUE ACT PROVISIONS
FOR BUILDING
ASSESSMENT AND
PLANNING**

Report 2007-S-24

AUDIT OBJECTIVE

Our objective was to determine if school and BOCES districts (districts) have complied with the building assessment and planning requirements of the Rebuild Schools to Uphold Education (RESCUE) Act.

AUDIT RESULTS - SUMMARY

A significant proportion of the 50 districts we reviewed did not fully comply with the school building assessment and planning requirements of the RESCUE Act. For many districts, the non-compliance was material. Specifically, we determined that some districts had not prepared the required Annual Visual Inspections, Building Condition Surveys, Five-Year Capital Plans and Facility Report Cards for some or all of their occupied buildings. In 2005, for example, 12 districts had not fully complied with the requirement for the Building Condition Survey. Further, 11 districts had not prepared a Five-Year Capital Facilities Plan. Consequently, State Education Department (SED) officials have limited assurance that district officials are adequately assessing their facilities' building conditions and the corresponding needs for maintenance and capital programs.

We further concluded that SED's Office of Facilities Planning (OFP) needs to strengthen its efforts to monitor districts' compliance with the RESCUE Act. This includes improving data used to collect and track information that districts are required to submit. We found inconsistencies in databases used to administer the RESCUE program and monitor district compliance with RESCUE requirements. Specifically, we determined that 215 districts submitted Annual Visual Inspections (AVIs) for up to ten more buildings than were indicated on OFP's building list. Conversely, 132 districts submitted AVIs for up to fourteen fewer

buildings than were indicated on the building list. Officials believe these differences resulted primarily from districts providing incorrect building identification numbers and other data when completing electronic AVI forms.

District officials need RESCUE-related information to properly assess building conditions and needs, to plan repair and maintenance projects, and to estimate the costs of such projects. The absence of RESCUE-required documentation, as identified by our audit, could limit efforts to inform the Board of Education and members of the community of the conditions of school buildings. Furthermore, without periodic inspection and evaluation of school building conditions, preventative and regular maintenance of such buildings may not be identified or performed in a timely manner.

Our report contains 12 recommendations to improve SED's oversight of the RESCUE program. SED officials agreed with 11 of our report's recommendations and agreed in part with the remaining recommendation. Officials also indicated the specific steps they will be taking to implement the recommendations.

This report, dated, April 10, 2008, 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 Government Accountability
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Albany, NY 12236

BACKGROUND

SED's Office of Education P-16 (Office), among many other activities, strives to involve district officials and residents in decisions affecting the physical condition of

their facilities. The Office oversees 703 school districts and 37 Boards of Cooperative Educational Services (BOCES) districts. BOCES districts, like school districts, must adhere to the State Education Law and the Regulations of the Commissioner of Education. (Note: For the remainder of this report, school districts and BOCES districts are referred to as “districts.”) Public schools in the State educate about 2.7 million students each year. The districts own or operate more than 4,000 school buildings. Excluding facilities within the New York City public school system, school buildings throughout the State are (on average) about 52 years old.

District officials are responsible for providing students with a safe and healthy educational environment that promotes learning and achievement. In 1998, SED notified the Governor of concerns about the quality and safety of public school buildings. SED officials stated that many school buildings were in need of serious repair or reconstruction due to deterioration of the aging public school infrastructure. Pursuant to SED’s concerns, Section 409-d of the State Education Law was amended to authorize the Commissioner of Education to establish and monitor a Comprehensive Public School Building Safety Program. The main objective of the program was to ensure the proper maintenance of school buildings and to protect the health and safety of students and staff. The program requires uniform inspection, monitoring and safety rating systems.

As part of the Comprehensive Public School Building Safety Program, the RESCUE Act (passed in 1998) requires districts to carry out prescribed facility preservation and planning activities. In addition to the preservation and planning activities mandated by the RESCUE Act, the legislature approved funding of \$195 million, beyond the normal State capital

construction assistance. These monies were provided to fund school accessibility, educational technology, health and safety and emergency construction projects. The \$195 million in funding has been expended, although the planning activities are still required of the schools. The Commissioner of Education developed corresponding regulations (Commissioner’s Regulations) requiring districts to develop and document plans for maintaining district properties. In addition, districts are required to complete regular inspections and evaluations of their school buildings, submit certain reports to SED and maintain other reports at the district. Each required document is intended to help ensure that districts take sufficient steps to monitor the condition of their buildings, preserve their buildings, and thereby ensure the health and safety of building occupants.

The Commissioner’s Regulations require the districts to prepare and update the following:

- **Building Condition Survey (BCS).** The BCS is a report completed by a licensed architect or engineer identifying the results of an inspection of each occupied district building. Districts are required to submit a BCS for each occupied district building to SED every five years.
- **Annual Visual Inspection (AVI).** The AVI is a report of the results of a visual re-inspection of the condition of the district’s buildings identified in the BCS. Licensed code enforcement officials and district administrators annually complete the AVI except for years when the BCS is performed.
- **Five-Year Capital Facilities Plan.** The Five-Year Capital Facilities Plan documents the districts’ capital

projects and repair needs for the next five years, and prioritizes projects based on their urgency. The Plan is required to be updated annually.

- **School Facility Report Card (Report Card).** The Report Card summarizes the results of the BCS and AVI, and includes the safety ratings of all the district's buildings. Districts must prepare this report and obtain Board of Education approval of it annually.
- **Comprehensive Maintenance Plan.** The Comprehensive Maintenance Plan addresses all major building systems (i.e. electrical, HVAC, plumbing, etc.), within a district's properties, and is a tool for districts to monitor and ensure their systems are in a state of good repair. The Comprehensive Maintenance Plan should be updated annually.

The RESCUE Act requires districts to submit copies of their BCSs and AVIs to OFP. The districts are not required to submit their Five-Year Capital Facilities Plans, Comprehensive Maintenance Plans, and Report Cards to OFP. Many districts began submitting their BCSs to OFP in 2000. Thus, 2005 was the next year in which these districts were required to prepare a BCS. The districts' preparation of the BCS in 2005 obviated the need for them to prepare an AVI for that year.

OFP is responsible for the oversight of the RESCUE program. According to OFP officials, this responsibility includes ensuring districts are properly evaluating their facilities, performing construction in a manner that is safe for students and staff, and monitoring the school environment to ensure compliance with various health and safety requirements. In addition, OFP officials state

they monitor the requirements of the districts' health and safety committees, the Comprehensive Maintenance Plan, and the Report Card. OFP officials told us that, since the program's inception in 1998, they have administered the RESCUE program with limited staff and resources.

In 2003, the Office of the State Comptroller (OSC) issued audit report (2002-S-51), which concluded that OFP did not provide districts with the templates necessary to complete certain RESCUE-related documents, including the Five Year Capital Facilities Plan and the Report Card. The audit also found that districts did not develop adequate Five Year Capital Plans or Report Cards. Our follow-up audit report (2004-F-30) concluded that OFP had developed a format for the Five-Year Capital Facilities Plan and Report Card. Additionally, OFP made the templates accessible to districts through the OFP website. OFP also developed a system for tracking the submissions of AVIs and BCSs from the districts.

AUDIT FINDINGS AND RECOMMENDATIONS

School District Compliance with RESCUE Requirements

To determine if districts complied with RESCUE requirements, we judgmentally selected 50 districts (of the 740 districts statewide) to review for the following RESCUE-required documents; the 2004 AVI, the 2006 AVI and the 2005 BCS. We also verified districts' preparation and maintenance of the Five-Year Capital Facilities Plan, Report Cards, and the Comprehensive Maintenance Plan.

We determined that a significant proportion of the districts we selected were not in full compliance with the building assessment and

planning requirements of the RESCUE Act. Specifically, we determined that many districts had not completed the required AVI, BCS, Report Card, Comprehensive Maintenance Plan, and/or Five-Year Capital Facilities Plan. We also noted that some of the required forms were incomplete, and/or data was entered into the wrong fields on the forms. In certain instances we questioned if the AVIs were actually performed. Also, many districts did not submit required reports to OFP by the prescribed deadlines.

Required Documents Not Prepared

As noted previously, districts are required to submit their AVIs and BCSs to OFP. However, significant numbers of the 50 districts we reviewed were not in compliance with pertinent RESCUE requirements. (Note: In several instances, our audit tests included slightly fewer than all 50 of the districts we selected for review because certain documents were not required for the year in question and/or for other acceptable reasons.) Specifically, we found the following:

- In 2004, 17 of the districts we selected had not fully complied with the requirement for the AVI. Eight districts were missing AVIs for all of their occupied buildings, and the remaining nine districts were missing AVIs for some of their occupied buildings;
- In 2006, 16 of the districts we selected had not fully complied with the requirement for the AVI. Six districts were missing AVIs for all of their occupied buildings, and the remaining ten districts were missing AVIs for some of their occupied buildings; and

- In 2005, 12 of the districts we selected had not fully complied with the requirement for the BCS. Six districts were missing BCSs for all of their occupied buildings, and the remaining six districts were missing BCSs for some of their occupied buildings.

As noted previously, the Report Card, Comprehensive Maintenance Plan and Five-Year Capital Facilities Plan must be prepared by districts; however, the districts do not have to submit these documents to OFP. We determined that several of the districts we selected did not comply with the requirements for these documents, as follows:

- 11 districts did not prepare a Five-Year Capital Facilities Plan. A key goal of the RESCUE Act is to foster long-range capital planning at the districts as a means to ensure building safety and to reduce long-range maintenance and other capital expenditures;
- 25 districts were missing Report Cards for all of their occupied buildings, and another four districts were missing Report Cards for some of their occupied buildings;
- Three districts completed their Report Cards only days before meeting with OSC staff (and likely did so as a result of our scheduled visit). Consequently, there is considerable risk that the Report Cards for these districts had not been prepared when they should have been;
- 14 districts (of those who prepared Report Cards) did not have them formally approved by the Board of Education. Nor were the Report

Cards' results disclosed in a public meeting, as required by the RESCUE Act. Generally, district officials told us that they were not aware of these requirements; and

- 30 districts did not have an adequate Comprehensive Maintenance Plan. For example, one district tracked repair and maintenance information on a calendar instead of using the Comprehensive Maintenance Plan form. Some district officials told us that they found OFP's template for the Comprehensive Maintenance Plan confusing or did not understand the instructions for this form. In one instance, a district official asked OSC staff for help in finding the form on the website and completing it.

We also found that officials at several districts surveyed lacked an adequate understanding of RESCUE requirements. For example, some officials did not know which buildings were subject to RESCUE reporting requirements. We noted that OFP provides RESCUE compliance training mostly through professional organizations, such as the Superintendents of Buildings and Grounds Association. However, OFP does not track the attendance at these training sessions. Therefore, OFP does not know which districts may or may not have received the training necessary to understand and comply with the Act's requirements.

Officials from many districts stated they use BOCES or outside consultants to help them comply with RESCUE requirements, including submitting RESCUE documents to OFP. However, we found some of these districts did not have evidence that the consultant actually completed the documents and submitted them to OFP. For some districts, OFP did not receive the RESCUE-

required documents that were supposedly prepared by BOCES or consultants. Consequently, these districts were often non-compliant with requirements. OFP officials noted that compliance with RESCUE regulations, including the supervision of consultants, is a district responsibility.

We also found that OFP does not have formal procedures for collecting and reviewing RESCUE data. We noted that OFP began to review the BCSs of districts that had identified unsatisfactory building conditions in 2005. For example, one district indicated that all five of its buildings had conditions that rendered them to be categorized as unsatisfactory. The unsatisfactory conditions were found for sidewalks, windows, interior doors, interior stairs, parking lots and roofs. However, OFP waited until May 2007, over a year after the 2005 BCS reports were due, to contact these districts to determine the actions the districts involved planned to take to correct such conditions. Timely follow up increases the likelihood that unsatisfactory conditions are addressed as quickly as possible.

Completeness of AVIs and BCSs

We reviewed the AVIs submitted to OFP for 2004 and 2006 and the BCSs for 2005 for five districts. We found that all five districts documented their 2005 BCS inspections as required, and all sections of the form were complete. However, we found problems with the 2004 and 2006 AVI reports. For example, the 2004 AVI forms were either incomplete or not submitted for three of the five selected districts. Two districts did not complete the Environmental Conditions section and one district did not complete the Overall Building Rating section. For the 2006 AVI (which was electronically submitted), all five districts entered data in the wrong fields of several sections of the form and left other fields

incomplete. For example, in one instance, a building's remaining useful life was entered on a line intended for the cost of reconstruction/repair of that building. As mentioned previously, the AVI is important because it can be used to follow up on building conditions identified in a prior BCS. Therefore, it is important that AVIs be submitted timely and include all required information.

OFP officials told us the AVI electronic template does not have the capability to identify incorrect or missing information during preparation; nor is the sender electronically notified that the transmission was received at OFP. In addition, OFP officials told us they do not have enough staff to review all of the RESCUE data they receive. OFP staff review AVI or BCS reports only if they suspect a district is not prioritizing its capital projects. Consequently, OFP staff generally does not review reports in detail to ensure all required sections are complete.

Timeliness of AVIs

The Commissioner's Regulations require districts to complete AVI inspections by November 15 of the year an AVI should be completed. OFP provided us with a list of district buildings for which AVIs were submitted for 2006. The list included the date the districts conducted their 2006 AVI inspections. We determined the districts are sometimes not in compliance with the Commissioner's Regulations. AVI inspection dates for 527 buildings (106 districts) occurred after the due date of November 15, 2006. Inspections were more than one month late for 222 of these buildings. Forty-six of these buildings (37 districts) had AVI inspection dates that were subsequent to the date the list was purportedly compiled (April 17, 2007).

Compliance with Submission Deadlines

The Commissioner's Regulations require districts to file their BCSs and AVIs with OFP by January 15th of the year after they are prepared. However, we determined OFP did not follow up timely with districts that had not submitted these reports by this deadline. For example, OFP requested BOCES superintendents to remind the districts to submit their overdue BCS reports. However, in 2007, OFP waited until March (almost one and one-half months after the January deadline) to contact the BOCES. Although the use of BOCES superintendents was effective, we believe that OFP's contact with them should have been made earlier to help improve the timeliness of delinquent districts' submissions.

OFP officials did not contact BOCES superintendents to follow up with districts concerning overdue 2006 AVI reports, as they had done for the BCS reports. Instead they extended the January 15 submission deadline twice - to March 2007 and then to May 2007. OFP officials justified the extensions because only 95 of 740 districts submitted their AVI reports when originally due. We later determined that the website accepting the submissions remained open until June 2007, resulting in a six-month extension from the original deadline. In addition, OFP waited until in April 2007 to remind districts to submit their overdue AVI reports. OFP may have been able to expedite the AVI report submission process by using the BOCES to contact the districts as they had done for the BCS reports.

Recommendations

1. Annually review a sample of districts to monitor compliance with RESCUE-required documentation, including

documents the districts are not required to submit to OFP.

2. Centralize all RESCUE guidance documents and information into one link within the OFP website.
3. Remind districts of their responsibility to prepare and submit RESCUE documentation to OFP, whether or not such reports are prepared by the districts or their consultants.
4. Track district attendance at RESCUE training sessions. Follow up with districts that do not send representatives to the training and provide them with pertinent guidance and/or materials, as appropriate.
5. Establish written procedures for coordinating and monitoring the RESCUE program, including procedures for periodically verifying that the districts prepare and maintain all required forms.
6. Apply edits to the electronic AVI form to notify the sender when information is keyed in incorrectly, when required information is missing, and to notify the sender that the information was transmitted correctly. In addition, consider using edits to identify erroneous information, such as illogical dates.
7. Review the information reported on AVIs and BCSs timely and contact districts when discrepancies and questions arise.
8. Formally notify district Boards of Education when districts do not submit required RESCUE Act reports.

9. Review submitted AVI information for late and questionable dates.

10. Consider expanding the use of BOCES superintendents to notify districts when they do not submit AVIs in a timely manner.

Reliability of Data Used to Monitor School District Compliance

OFP is responsible for monitoring district compliance with RESCUE requirements. Because there are 740 school and BOCES districts throughout the State, it is important that OFP have a complete, up-to-date, and accurate data base of districts' facilities and pertinent RESCUE-related activities. However, OFP does not maintain a centralized database of districts' RESCUE submissions or an accurate, current list of district buildings for which RESCUE documents should be prepared and submitted to SED. Consequently, OFP cannot be adequately assured that all districts consistently comply with RESCUE requirements.

OFP utilizes two different databases to access and compile information on districts' RESCUE compliance. OFP maintains a list of district buildings that meet the criteria for RESCUE reporting (i.e., the buildings are occupied) that is derived from OFP's Fire Safety Database. Data pertaining to districts' submissions of AVI and BCS information is posted to OFP's Project Management Information System (PMIS). According to OFP officials, the building list (from the Fire Safety Database) should correspond with the AVI and BCS information on the PMIS list. However, OFP does not continuously update the Fire Safety Database to reflect changes in building status (including buildings no longer subject to RESCUE requirements because they are no longer occupied). Consequently,

the information on these databases is inconsistent. Moreover, we concluded that the inconsistencies limited OFP's ability to generate listings of district buildings, subject to RESCUE reporting requirements, which were complete and accurate.

We compared information pertaining to districts' AVI submissions to OFP's listing of districts' buildings (from the Fire Safety Database) and found significant discrepancies. We determined that 215 districts submitted AVIs for as many as 10 buildings more than were included on the OFP building list. Conversely, 132 districts submitted AVIs for as many as fourteen buildings fewer than were included on the building list. OFP officials believe these differences resulted primarily from districts providing incorrect building identification numbers and other data when completing electronic AVI forms. In addition, officials advised us that districts could be inspecting more buildings, such as sheds or baseball dugouts, than required by RESCUE.

We further concluded that errors exist in the building list because OFP has not developed a comprehensive systematic approach to update and correct it. In recent years, OFP has received update information from some districts pursuant to follow-up letters sent to certain districts that did not submit AVIs to SED on time. However, SED has not periodically requested updates to building listings from all districts. Consequently, the data SED has for many districts is likely outdated and inaccurate.

OFP officials told us they have been working toward a single, integrated database that can be used to accurately identify districts' RESCUE-related buildings and monitor their compliance with RESCUE requirements for several years. However, at the time of our

review, it was unclear when OFP would have such a database in operation.

Recommendations

11. Develop and implement an integrated management information system that contains RESCUE-related building data that is timely, complete, and accurate.
12. Periodically request the districts to provide a current list of their occupied buildings and any anticipated changes to the listing, including changes in status (occupied or unoccupied).

AUDIT SCOPE AND METHODOLOGY

We conducted our performance audit in accordance with generally accepted government auditing standards. We audited SED to determine if districts have complied with the building assessment and planning requirements of the RESCUE Act. In addition, we determined if SED effectively monitored district compliance with the Act. Our audit was for the period from November 15, 2004 through May 31, 2007. New York City schools were excluded from our audit.

To accomplish our objectives, we reviewed OFP's oversight, review and collection procedures for RESCUE data. We also judgmentally selected and visited 35 districts and surveyed an additional 15 districts to obtain RESCUE-related information from a total of 50 districts. We selected the 50 districts to get a mix of districts that were both RESCUE compliant and non-compliant, based on information from OFP records. We also selected districts in various geographic regions throughout the State. (Note: In several instances, our audit tests included slightly fewer than all 50 of the selected districts because certain documents were not required for the year in question and/or for

other acceptable reasons.) We collected information from the selected districts concerning documents required to be submitted to OFP (the BCS and AVI reports) and documentation that is required to be maintained at the districts (the Comprehensive Maintenance Plans, Five-Year Capital Facilities Plans, Report Cards) and Board of Education minutes to determine if districts complied with the pertinent RESCUE requirements. We also interviewed SED and district personnel and reviewed relevant laws, regulations and SED procedures.

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. 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 functions do not affect our ability to conduct independent audits of program performance.

AUTHORITY

The audit was performed pursuant to the State Comptroller's authority as set forth in Article V, Section 1 of the State Constitution and Article II, Section 8 of the State Finance Law.

REPORTING REQUIREMENTS

We provided draft copies of this report to SED officials for their review and formal comment. We considered SED's comments in preparing this report and have included them as Appendix A. SED officials agreed with 11 of our report's recommendations and agreed in part with the remaining recommendation. Officials also indicated the specific steps they will be taking to implement the recommendations.

Within 90 days of the final release of this report, as required by Section 170 of the Executive Law, the Commissioner of Education 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 Steven Sossei, Brian Mason, Karen Bogucki, Claudia Christodoulou, Mary Roylance, Jennifer Bachinsky, Ashley Nightingale, Shanna Mogan, Nisha Thomas and Ron Pisani.

APPENDIX A - AUDITEE RESPONSE



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February 25, 2008

Mr. Steven E. Sossei, Audit Director
Office of the State Comptroller
Division of State Government Accountability
110 State Street
Albany, NY 12236

Dear Mr. Sossei:

I am responding to your letter of January 16, 2008 addressed to Commissioner Mills transmitting the Office of the State Comptroller's (OSC) draft audit report (2007-S-24) entitled "School District Compliance with RESCUE Act Provisions for Building Assessment and Planning." The following is the New York State Education Department's response to the OSC recommendations. We agree with eleven of the recommendations and agree in part with one.

Recommendation 1: Annually review a sample of districts to monitor compliance with RESCUE-required documentation, including documents the districts are not required to submit to the Office of Facilities Planning (OFP).

We agree with this recommendation. OFP staff make visits to school districts each year and will use these opportunities to incorporate review and comment on district compliance with various provisions of the RESCUE provisions as time and resources allow.

Recommendation 2: Centralize all RESCUE guidance documents and information into one link within the OFP website.

We agree with this recommendation and it will be completed immediately.

Recommendation 3: Remind districts of their responsibility to prepare and submit RESCUE documentation to OFP, whether or not such reports are prepared by the districts or their consultants.

We agree with this recommendation. Districts will be reminded that it is their responsibility to submit required information to OFP regardless of who actually completes the reports.

Recommendation 4: Track district attendance at RESCUE training sessions. Follow up with districts that do not send representatives to the training and provide them with pertinent guidance and/or materials, as appropriate.

We agree with this recommendation. The Department no longer schedules separate training sessions to discuss RESCUE regulations. These regulations have been in place for ten years, and significant resources and training were provided during the initial years the regulations were in effect. However, we routinely include RESCUE refresher information at regional meetings for various school constituency groups or new district employees. We will track attendance at these regional meetings and send letters to those districts in the region that chose not to attend. The letters will contain information about how to find pertinent information on the OFP website. It must be noted that there is no requirement for districts to attend any RESCUE training events.

Recommendation 5: Establish written procedures for coordinating and monitoring the RESCUE program, including procedures for periodically verifying that the districts prepare and maintain all required forms.

We agree with this recommendation. The Department already has procedures in place to verify that much of the RESCUE requirements are prepared and maintained by the district. Examples include dunning letters sent to districts that have not submitted building conditions surveys (BCS) or annual visual inspections (AVI). OFP also reviews executive summaries of five year capital facilities plans during the review of proposed capital projects. The discrepancy has been that OFP has not monitored those portions of the RESCUE legislation that were never required to be submitted to the Department, but were required to be maintained at the local level for district use. To improve these procedures and comply with this recommendation, OFP will develop a written procedures manual and distribute it to OFP staff. This manual will contain procedures suitable for periodic review of district compliance with RESCUE, including those portions that are not required to be submitted to the Department. Review of those documents not required to be submitted will be completed on site during staff visits to school districts in conjunction with inspection of capital projects.

Recommendation 6: Apply edits to the electronic AVI form to notify the sender when information is keyed in incorrectly, when required information is missing, and to notify the sender that the information was transmitted correctly. In addition, consider using edits to identify erroneous information, such as illogical dates.

We agree with this recommendation. The electronic AVI form has been recognized by the Department as providing insufficient capacity to allow a user friendly interface. The system will be considered for improvement within the context of Department priorities.

Recommendation 7: Review the information reported on AVIs and BCSs timely and contact districts when discrepancies and questions arise.

We agree, in part, with this recommendation. The OFP does review reported RESCUE information and regularly questions districts about discrepancies or priorities during an OFP

project management review of capital work being proposed. OFP staff also regularly require modifications to district projects to include appropriate health and safety priorities when districts have failed to do so. The data is also reviewed to identify all buildings identified as unsatisfactory by school districts. Letters were sent to all districts with unsatisfactory buildings requesting a plan of action to correct deficiencies, and follow up is provided by OFP staff.

OFP does not have the capacity to routinely review BCS and AVI information for discrepancies unless it is in the context of a capital project proposal. As noted in the response to recommendation 6, the Department will prioritize our data collection needs and make improvements to the AVI and BCS collection system as priorities and resources allow. These improvements will be targeted to identify and notify the user of inappropriate data or errors.

The main function of the OFP is the review, approval, and issuance of building permits for over 2,000 school capital construction projects per year. The vast majority of available resources are dedicated to this task. The RESCUE legislation was a significant regulatory agenda that was added to OFP's responsibility that is why OFP utilizes RESCUE data to the extent possible as a component of the capital project approval process to require inclusion of the most critical health and safety items identified by the RESCUE information.

Recommendation 8: Formally notify district Boards of Education when districts do not submit required RESCUE Act reports.

We agree with this recommendation. Superintendents of schools are the main point of contact by the Department for all school district issues. The OFP identifies those districts that have not submitted required information and sends dunning letters to the Superintendents of schools and the BOCES District Superintendents are notified of the districts within their supervisory district that have not provided required data. District Superintendents follow up with individual districts to urge compliance. In the future, we will copy the president of the Board of Education on the dunning letters.

Recommendation 9: Review submitted AVI information for late and questionable dates.

We agree with this recommendation. This action is already taken by the Department as evidenced by the fact that late districts were identified and sent dunning letters, as described above. It should be noted that there is little OFP can do to force compliance with submittal deadlines absent any penalty for non-compliance. OFP does, however, deny project approval when project work cannot be identified as an appropriate priority if required documentation has not been completed. This denial may come at a point in time significantly past the required due date for data submission.

Recommendation 10: Consider expanding the use of BOCES superintendents to notify districts when they do not submit AVIs in a timely manner.

We agree with this recommendation. This method has proven successful and will continue to be utilized as described above.

Recommendation 11: Develop and implement an integrated management information system that contains RESCUE-related building data that is timely, complete, and accurate.

We agree with this recommendation. The Department is currently constructing this integrated management information system. It is identified as State Aid Management System (SAMS) and when completed, will be a comprehensive data gathering and reporting tool used by multiple offices within the Department. The facilities module for SAMS is currently under design. Upon completion, it will link capital project data and those RESCUE reporting requirements that are required to be submitted to the Department in one comprehensive system.

Recommendation 12: Periodically request the districts to provide a current list of their occupied buildings and any anticipated changes to the listing, including changes in status (occupied or unoccupied).

We agree with this recommendation. OFP currently accomplishes this recommendation by utilizing two separate databases: the fire safety database, and the project management database. The fire safety system requires each occupied school district building to be inspected for fire safety each year prior to issuance of an annual Certificate of Occupancy. The project management database contains records for those school facilities that have undergone capital projects. Because these two databases do not electronically communicate with each other, there are discrepancies when occupied buildings are reviewed in different databases. In the future, the SAMS database will also include a fire safety module and all systems will electronically link to each other allowing this issue to be resolved. Up-to-date and accurate records of occupied facilities will be available.

If you have any questions, please contact Carl Thurnau, Coordinator Facilities Planning, at 518-486-5198.

Sincerely,



Theresa E. Savo

c: C. Thurnau
C. Szuberla
J. Conway