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September 11, 2008

Mr. Richard P. Mills
Commissioner
State Education Department
State Education Building - Rm. 111
89 Washington Avenue
Albany, New York 12234

Re: Report 2008-F-13

Dear Commissioner Mills:

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, we have followed up on the actions taken by officials of the State Education Department (SED) to implement the recommendations contained in our audit report, *State Education Department: Security Over Regents Examinations* (Report 2006-S-104).

Background, Scope and Objective

Regents examinations are statewide tests for high school students in particular subject areas. The examinations are developed by the SED and administered by participating high schools. To preserve the integrity of the examination process, each particular Regents examination is given on the same day, at the same time, by each participating high school. In addition, the schools are required by SED to follow certain security-related procedures in their handling of the examination materials (e.g., test booklets and answer keys). Most Regents examinations are given in June, when over 3 million tests are shipped to more than 2,000 schools. However, certain examinations are also given in August and January, and more than one million tests were distributed in January 2008. Local school administrators are responsible for maintaining security over the examination materials once they have been delivered to the schools.

Examination materials are printed by SED and shipped to the districts shortly before the tests are scheduled to be given. The materials are shipped in sealed, labeled packages inside of locked Regents boxes. The schools are required to inventory the packages upon receipt, place the packages back into the locked boxes, and store the boxes in an approved safe or vault until the day of the examination. Under no circumstances are any of the sealed packages to be opened before the day of the examination. The sealed packages are to be opened only on the day of the examination and only shortly before the examination is to be administered.

Our initial audit report, which was issued on June 5, 2007, determined whether schools complied with applicable SED requirements to maintain security over Regents examinations, from the time the examination materials were received by the schools until the day the examinations were given. Our report identified a number of schools that were not in compliance with the applicable SED guidance. Specifically, some schools stored examination materials in unapproved locations and/or opened sealed packages of examination materials before the allowed time. Because of these and other non-compliant actions, we concluded that the risk of breaches to examination security was increased at certain locations. The objective of our follow-up review was to assess the extent of implementation, as of June 27, 2008, of the nine recommendations included in our initial audit report.

Summary Conclusions and Status of Audit Recommendations

SED officials made extensive efforts to address the matters identified in our initial report. As a result, the nine recommendations from that report have been fully implemented.

Follow-up Observations

Recommendation 1

Develop and provide security awareness training for schools administering Regents examinations to ensure that the schools are familiar with their security requirements.

Status - Implemented

Agency Action - In August and October of 2007, officials from SED's Office of Elementary, Middle, Secondary and Continuing Education provided security awareness training for school officials who administer Regents examinations. The training, given at Long Island City High School in Queens and the Ulster BOCES Conference Center in New Paltz, was attended by over 200 school administrators. The training program included the requirements for ordering, storing and handling examination materials, as specified in the School Administrator's Manual (Manual). In addition, the training addressed the new procedure that district officials must use when they request examination materials through SED's on-line ordering system. Specifically, as part of the examination request agreement, school officials must attest that they have read and agree to comply with the Manual's requirements for storing and handling examination materials. Also, officials plan to provide this training again, in the Fall of 2008.

Recommendation 2

Determine whether the schools using unapproved safes or vaults should be allowed to retain their storage privileges, and complete the determinations in time to make any necessary alternative storage arrangements for the June 2007 Regents examination period.

Status - Implemented

Agency Action - In a letter dated April 27, 2007, SED officials revoked the storage privileges of 21 schools, including five schools identified in our initial audit report that used unapproved safes or vaults. The letter also stated that a school may not petition SED for the reinstatement of its storage privileges until January 2009, and prior to the reinstatement of such privileges, a school's safe or vault area will have to be inspected and approved by SED. Further, on June 8, 2007, SED sent warning letters to 24 additional schools (including four other schools identified in our report) indicating that SED would closely monitor those schools' security procedures during the Regents examination period.

Recommendation 3

Remind school officials that sealed packages of examination materials must not be opened until the allowed time, and sanction schools, as appropriate, for violations of this requirement.

Status - Implemented

Agency Action - In June 2008, SED officials issued a memorandum to principals of public and non-public schools to remind them that the sealed packages of examination materials must not, under any circumstances, be opened until the designated times. This memorandum was also posted to SED's website. Further, in April 2007, SED officials sanctioned the 11 schools, identified in our report, for opening packages of examination materials prior to the designated times.

Recommendation 4

Remind school officials that examinations needed for review purposes only should not be requested through the regular ordering process.

Status - Implemented

Agency Action - In February 2008, SED officials issued a memorandum to school officials to remind them that examinations needed for review purposes should not be requested through the regular examination ordering process. This memorandum further stated that schools should fax (on school letterhead) to SED their requests for additional copies of examinations, if copies are needed for review purposes. Instructions for such requests can also be found in Section 2 of the Manual (Obtaining Examination Materials).

Recommendation 5

Remind school officials of the inventory requirements for sealed packages of examination materials.

Status - Implemented

Agency Action - In the June 2008 memorandum, SED reminded school officials of the inventory requirements for packages of examination materials. The memorandum instructed school principals to reconcile the shipping notice with the school's "Record of Examinations Requested" to ensure all appropriate examination materials have been received for each

subject, as soon as the Regents examination box(es) have been received. Similar information exists in Section 2 of the Manual (Shipment and Emergency Supplies of Examination Materials), which states that the principal is responsible for verifying that all materials requested by the school have been received. In addition, SED officials have included this requirement in SED's training for school officials who administer Regents examinations.

Recommendation 6

Request that schools notify SED when they receive unordered or excess examination materials, and remind such schools that the excess materials should be maintained as securely as the materials that are needed.

Status - Implemented

Agency Action - In the June 2008 memorandum, SED officials instructed school principals to notify SED's Office of State Assessment immediately if their shipments contained any excess examination materials or examination materials that were not requested. Further, the memorandum states that the principal is responsible for maintaining any excess materials under the same strict security as the materials to be used by the school for its planned examination activity.

Recommendation 7

Develop and implement a formal program for conducting regular site visits to schools to verify their compliance with SED's requirements for storing Regents examination materials.

Status - Implemented

Agency Action - SED officials have developed and implemented a formal program for conducting site visits to verify schools' compliance with the requirements for storing Regents examination materials. During the January and June 2008 Regents examination periods, SED officials performed site visits at 42 schools. During these visits, SED staff used a checklist to assess school's compliance with specific security requirements for examination materials. In addition, SED officials plan to conduct at least 40 unannounced site visits a year during the periods when Regents examinations are given.

Recommendation 8

Update the Regents examination storage facility database to reflect the most current inspection information available.

Status - Implemented

Agency Action - Between January 2007 and April 2008, SED officials completed safe and vault inspections at 25 schools. Based on the results of the inspections, the storage facility database was updated to reflect the most current information available, including the inspection date, inspection results, and the name of current school principal.

Recommendation 9

Periodically survey schools that have not recently been inspected to determine whether their storage facilities still meet SED's requirements.

Status - Implemented

Agency Action - In November 2007, SED officials surveyed 29 schools that had not been inspected recently to determine whether the examination storage facilities of these schools met SED's requirements. Each of the 29 schools received a "Secondary-Level State Examinations Storage Facility Self-Report" to be completed, signed by the school's principal and returned to SED by a prescribed date. (If a selected school did not submit the self-report by the required date, SED would suspend shipment of examination materials to that school.) SED officials told us that all 29 schools completed the self-report, and several schools indicated that their storage facilities were not in compliance with SED's requirements. Further, officials revoked the storage privileges of four schools that were not in compliance, and they indicated that they will continue to use the self-report as a monitoring tool in the future.

Major contributors to this report were Karen Bogucki and Mary Roylance.

We thank SED management and staff for the courtesies and cooperation extended to our auditors during this review.

Very truly yours,

Brian E. Mason
Audit Manager

cc: Ms. Theresa Savo, SED
Mr. James Conway, SED
Mr. Thomas Lukacs, DoB