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STATE OF NEW YORK
OFFICE OF THE STATE COMPTROLLER

November 28, 2017

Ms. MaryEllen Elia
Commissioner
State Education Department
State Education Building
89 Washington Ave
Albany, NY 12234

Re: Oversight of School Fire Safety
Compliance
Report 2017-F-22

Dear Commissioner Elia:

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 to implement the recommendations contained in our prior audit report, *Oversight of School Fire Safety Compliance (2015-S-86)*.

Background, Scope, and Objectives

The State Education Department (Department) is responsible for overseeing school fire safety, including mandatory fire and building inspections, and for ensuring schools' compliance with fire safety provisions established in the State Education Law, the State Uniform Fire Prevention and Building Code, and Department regulations. The Department's Facilities Planning Unit (Unit) is responsible for the fire safety program for schools located outside New York City.

All buildings owned, operated, or leased by a public school district, a Board of Cooperative Educational Services (BOCES), a charter school established after 2010 (hereinafter referred to as charter schools), as well as non-public schools (private schools) must be inspected annually by a qualified fire inspector. The results of the inspection are required to be filed with the Department. All public, charter schools, and BOCES enter the information from their annual fire inspection reports into an online portal, which uploads the information to the Department's fire inspection system. School officials can print a certificate of operation after their inspection information is entered. Private schools continue to submit hard copy inspection reports to the Department. The State Office of Religious and Independent Schools (SORIS) is responsible for collecting, logging, and maintaining inspection reports from private schools. As of October 2017, there were approximately 2,909 public schools, 37 BOCES, 293 charter schools, and 1,866 private schools operating in the State (excluding New York City).

Our initial audit report, issued on August 24, 2016, determined whether the Department was providing effective oversight to ensure school compliance with required fire safety procedures including inspections, reporting, and monitoring. We concluded that the Department did not adequately monitor whether schools are in compliance with all fire safety regulations and accurately report violations. Specifically, our audit found that:

- Many of the 25 schools we visited did not complete the required number of fire drills, and emergency evacuation plans at six schools did not include procedures to address evacuation of students who have disabilities or special needs. Additionally, we observed several violations and deficiencies, including: electrical hazards such as overloaded power strips and extension cords; missing or outdated fire extinguishers; partially obstructed means of egress; and violations cited in prior inspections that had not been corrected.
- Almost 50 percent of private schools did not submit required inspection reports for the 2015-16 school year. Even so, the Department did not follow up to prompt compliance and, as a result, had little assurance that all these schools were actually inspected.
- In 2015, the Department implemented a new electronic system that allows schools to self-report inspection data, but had taken no steps to verify the accuracy of information provided by schools. Further, officials had not implemented tools or commands to enable staff to analyze the data or produce reports to monitor school compliance. For example, the Unit could not easily determine how many, or which, schools' inspection reports were outstanding at any given point in time.

The objective of our follow-up was to assess the extent of implementation, as of November 6, 2017, of the four recommendations included in the initial report.

Summary Conclusions and Status of Audit Recommendations

We found the Department made progress in implementing the recommendations identified in our prior audit report. Of the four prior audit recommendations, two have been implemented and two have been partially implemented.

Follow-Up Observations

Recommendation 1

Develop a risk-based approach for verifying, by site visit or other means, whether information provided in fire inspection reports is accurate and schools are complying with fire safety requirements.

Status – Partially Implemented

Agency Action – The Department did not completely develop a risk-based approach nor did it perform site visits, outcomes which officials attributed to staffing shortages. In addition, the fire inspection system has limited capabilities to conduct risk-based analysis. However, since our initial audit, the Department has taken action to enhance its reporting and

analytical capabilities. In fiscal year 2017-18, the Department received about \$2 million from the Legislature which it is using to make Information Technology (IT) improvements for system modernization and developing better ways of reporting and analyzing data. Upon completion, the Department will be able to incorporate risk-based analysis to assist in identifying compliance issues.

Recommendation 2

Formally assess the need to issue guidance to school districts regarding whether school emergency management plans should address any unique evacuation procedures for people with special needs.

Status – Implemented

Agency Action – The Office of School Operations and Management Services is responsible for providing guidance to schools on development of their emergency management plans. This office provided the schools with a template they can use when developing their plans. In addition, the Department posted the New York State Guide to Emergency Response Planning on its website, which includes instructions regarding evacuation plans for students and staff with special needs.

Recommendation 3

Develop and implement actions to follow up with non-compliant private schools to encourage and improve their submission of annual fire safety inspection reports.

Status – Implemented

Agency Action – In September 2016, the Unit sent a letter to all private schools reminding them to submit their annual fire safety inspection report for the 2016 school year by December 16, 2016. In March 2017, the Unit sent follow-up letters to non-compliant private schools.

SORIS took over responsibilities from the Unit for collecting, logging, and maintaining private schools' fire safety inspection reports for the 2017 school year. SORIS maintained a log of schools whose inspections were outstanding for the 2017 school year and documented efforts to follow up with the schools, including any emails and phone calls staff made. SORIS also provided the Commissioner's Advisory Council with a listing of those schools that had not submitted the required inspections for the 2017 school year for follow-up.

Recommendation 4

Develop, in conjunction with information technology staff, the capabilities and data reliability of the new fire inspection data system, so that it can be used to easily access, analyze, and generate management reports on relevant inspection information for all schools.

Status – Partially Implemented

Agency Action – Since the fire inspection system was implemented in 2015, the Department has been making updates directly in response to issues identified in our initial audit to increase its reporting and analytical capabilities. However, currently, the system’s capabilities are still limited. For example, the system can report on how many inspection reports are late, but is not able to provide a list of all current violations. As previously stated, the Department is using the \$2 million in additional funding for IT modernization and developing better ways of reporting and analyzing data. Once the system’s upgrade is complete, the Department will be able to analyze information and generate reports on relevant inspection information.

Major contributors to this report were Ed Durocher, Heather Pratt, Amanda Dare, and June-Ann Allen. We would appreciate your response within 30 days indicating actions planned to address unresolved issues discussed in this report. We thank Department management and staff for the courtesies and cooperation extended to our auditors during this process.

Sincerely,

Stephen J. Goss, CIA, CGFM
Audit Director

cc: Thalia Melendez, State Education Department
Division of the Budget