



New York State Office of the State Comptroller
Thomas P. DiNapoli

Division of State Government Accountability

Public School Safety: Incident Reporting and Unauthorized Student Departures

New York City Department of Education



Report 2014-N-1

April 2015

Executive Summary

Purpose

To determine whether New York City Department of Education (DoE) officials accurately recorded and reported violent and disruptive incidents to the State Education Department (SED); and whether the DoE had sufficient controls to prevent and address unauthorized student departures. The audit covers the period July 1, 2011 to October 17, 2014.

Background

The New York City Department of Education (DoE) is the largest school district in the country and serves about 1.1 million students in over 1,800 schools. Ensuring the safety of those students, teachers, visitors, and staff is a high priority for DoE and for government policymakers. New York State's Safe Schools Against Violence in Education Act (SAVE Act) requires public school districts to collect data on violent and disruptive incidents that occur on school property, report those incidents to SED, and develop safety plans, codes of conduct, and emergency response plans for each school as appropriate. In conjunction with the New York State Division of Criminal Justice Services, SED developed a uniform incident reporting system, the Violent and Disruptive Incident Report (VADIR), that requires each public school in the State to compile records of reportable incidents and to submit an annual summary of those incidents to their district office. Each district compiles its school summaries and submits its reportable incidents to SED by September 30 of each year. SED uses this VADIR data to calculate each school's "School Violence Index" (SVI). Schools with SVIs over certain predetermined limits are designated "Persistently Dangerous" (PD) or "Potentially Persistently Dangerous" (PPD). Officials of PD schools are required to notify parents of their option to enroll their children in another school within the district that is not designated PD.

Key Findings

- Our review of 10 sampled schools found that DoE staff did not include over 400 reportable incidents on the related VADIRs, and many of the incidents that were reported were not correctly categorized.
- Of the unreported incidents, 126 were in categories SED defines within VADIR guidelines as violent, including assaults with physical injury; weapons possession; sexual offenses; and reckless endangerment.
- As a result of the misreporting, decision makers were not provided with complete and accurate incident information; schools' violence indexes may not be correct; and the necessary corrective actions might not have been taken.
- On 184 occasions, students appear to have left the premises of nine of the sampled schools without prior authorization. In 177 (of the 184) cases, there was no documentation indicating that school staff looked for the students and/or brought them back to their assigned classrooms, or the students returned to their classrooms on their own.

Key Recommendations

- Ensure that all SAVE-reportable incidents are captured in DoE's "Online Occurrence Reporting System" (OORS) and submitted to SED for VADIR purposes.

- Ensure that each reportable incident is accurately categorized based on SED guidelines.
- Implement procedures to prevent and/or immediately detect unauthorized student departures from the school buildings.
- Ensure that appropriate actions are taken to respond to unauthorized student departures and such actions are adequately documented.

Other Related Audits/Reports of Interest

[New York City Department of Education: Compliance With State Arts Education Requirements \(2011-N-4\)](#)

[New York City Department of Education: Accuracy of Reported Discharge Data \(2009-N-9\)](#)

**State of New York
Office of the State Comptroller**

Division of State Government Accountability

April 29, 2015

Ms. Carmen Fariña
Chancellor
NYC Department of Education
52 Chambers Street
New York, NY 10007

Dear Chancellor Fariña:

The Office of the State Comptroller is committed to helping State agencies, public authorities, and local government agencies manage government resources efficiently and effectively. By so doing, it provides accountability for tax dollars spent to support government operations. The Comptroller oversees the fiscal affairs of State agencies, public authorities, and local government agencies, as well as their compliance with relevant statutes and their observance of good business practices. This fiscal oversight is accomplished, in part, through our audits, which identify opportunities for improving operations. Audits can also identify strategies for reducing costs and strengthening controls that are intended to safeguard assets.

Following is a report of our audit of the New York City Department of Education entitled *Public School Safety: Incident Reporting and Unauthorized Student Departures*. The audit was performed pursuant to the State Comptroller's authority as set forth in Article V, Section 1 of the State Constitution and Sections 33 and 34 of the General Municipal Law.

This audit's results and recommendations are resources for you to use in effectively managing your operations and in meeting the expectations of taxpayers. If you have any questions about this report, please feel free to contact us.

Respectfully submitted,

*Office of the State Comptroller
Division of State Government Accountability*

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Background

The New York City Department of Education (DoE) is the largest school district in the country and serves about 1.1 million students in over 1,800 schools. Ensuring the safety of students, teachers, visitors, and staff is a high priority for DoE and for policymakers at the City, State, and federal levels. Nevertheless, according to available statistics on file with the State Education Department (SED), thousands of violent incidents take place each year in the New York City public school system. These acts include assaults, weapons possession, and robberies.

New York State's Safe Schools Against Violence in Education Act (SAVE Act), effective July 2000, requires public school districts to collect data on violent and disruptive incidents that occur on school property, report those incidents to SED, and develop safety plans, codes of conduct, and emergency response plans for each school as appropriate.

In response to the SAVE Act, SED requires each public school in the State to compile records of reportable incidents and to submit an annual summary of those incidents to their district office. To record detailed information about reportable incidents, SED developed the Violent and Disruptive Incident Report (VADIR). Schools report each incident in one of 20 VADIR categories. Certain incidents, based on their nature and severity, are assigned weights to help assess a school's overall safety and security status. School districts compile and summarize VADIR data from their schools and submit the information to SED, generally by September 30 of each year.

SED uses VADIR data to calculate each school's "School Violence Index" (SVI), a ratio of violent incidents to school enrollment that takes into account the number, type, and severity of incidents. Schools that have an SVI at or above 1.5, or have an SVI at or above 0.5 and have 60 or more violent incidents for two consecutive years, are designated as "Persistently Dangerous" (PD), while those that meet the criteria for one year are designated as "Potentially Persistently Dangerous" (PPD). SED lists PD schools on its website. Officials of PD schools are required to notify parents of their option to enroll their children in another school within their district that is not designated PD, if one is available.

To capture the required data for eventual transmission to SED, DoE uses its "Online Occurrence Reporting System" (OORS). DoE's Office of Safety and Youth Development (OSYD) determines whether a behavioral incident is reportable under VADIR guidelines, and if so, categorizes and reports the incident.

During the course of our audit, we conducted site visits to 10 selected DoE schools (2 in each of the 5 boroughs). The 10 schools included PS 166 Henry Gradstein, MS 596 Peace Academy, PS Q811, IS 27 Anning S Prall, PS 83 Luis Munoz Rivera, MS 334, Staten Island Technical HS, ESMT – IS 190, PS 85 Great Expectations, and the Choir Academy of Harlem. A map indicating the location of each of the 10 schools is included in Exhibit A.

Audit Findings and Recommendations

For the sampled schools we reviewed, DoE staff did not include over 400 reportable incidents on its VADIR summaries submitted to SED. Further, we concluded that many of the reported incidents were not correctly categorized. As a result, decision makers were not provided with accurate information; schools' violence indexes were likely incorrect; and officials might not have taken sufficient actions to minimize violent and disruptive incidents. In addition, during our audit review period, we identified 184 instances where students left school premises without proper authorization. The DoE did not have sufficient controls in place to prevent unauthorized student departures. Further, in most of these instances, there was no documentation indicating that school staff searched for the students, found them, and/or brought them back to the classroom.

Recording and Reporting Violent and Disruptive Incidents

Pursuant to DoE Regulations, upon observation of a violent or disruptive incident on school premises, DoE faculty, staff, and/or safety personnel are required to immediately notify their school's incident reporting officer (usually the Principal or the Principal's designee). If the incident creates an immediate safety emergency, the incident observer, School Safety Agent, or other DoE employee must also immediately notify the police. When an incident does not pose an immediate safety threat, the principal or designee should notify the police if it appears that a crime was committed. The principal/designee must also immediately notify the parent or guardian of the student(s) involved and the appropriate district superintendent.

The principal/designee is required to file an incident report for all school-related crimes and incidents within 24 hours of the event. Incident reports shall be prepared and signed by the principal/designee and include in sufficient detail a full, factual description of what transpired. The principal/designee must seek to obtain signed handwritten statements from the parties involved and from witnesses, specifying the time, date, and place of the occurrence with an account detailing the nature and sequence of events. The incident reports form the basis for incidents reported on OORS and ultimately to SED for VADIR purposes.

To determine whether the DoE captured and reported VADIR information in compliance with SED requirements, we reviewed the records that support the incident information reported by DoE to SED for a sample of ten schools. For the period July 1, 2011 through June 30, 2012, the incident data reported for the ten sampled DoE schools showed a total of 637 violent and disruptive incidents among their 6,130 enrolled students. For the period from July 1, 2012 through June 30, 2013, DoE reported 352 incidents to SED for the ten schools among 6,156 students – a significant decrease from the previous year. In total, the DoE reported 989 (637 + 352) violent and disruptive incidents for the ten schools for the two years.

For the same period, there were 2,922 behavioral incidents recorded in OORS – almost three times the number of incidents (989) reported to SED for VADIR purposes. However, the DoE was not required to report all OORS incidents, based on their nature and/or severity, to SED through the VADIR process. Nevertheless, after reviewing the supporting records for the 2,922 incidents, and

applying the VADIR code definitions, we concluded that an additional 428 (net) VADIR-qualifying incidents should have been reported to SED (see Exhibits B and C). Of these incidents, 126 were in categories SED defines as violent, including assaults with physical injury; weapons possession; sexual offenses; and reckless endangerment.

We acknowledge that assessing which incidents to report to SED for VADIR purposes can sometimes require a degree of subjectivity. Consequently, we limited our exceptions to incidents that clearly fit into specific incident categories (and thereby required little or no subjectivity). For example, in 2012 at IS 27, a male student pushed another male student over a desk. The victim landed on the floor with the desk on top of him. Although this incident was recorded in OORS, it was not reported to SED for VADIR. Also, at PS 83, a student punched another student in the face and proceeded to throw him into the surrounding desks and onto the floor. This incident was not recorded in OORS and consequently not reported to SED. Moreover, these violent and disruptive incidents should have been reported to SED and used in the calculation of the respective schools' SVIs.

We also identified 52 incidents that were reported to SED for VADIR purposes, but should have been classified in more serious categories of violent or disruptive conduct. According to supporting documents, 17 (of the 52) incidents should have been classified as assaults with physical injury (VADIR code 7). Instead, however, they were classified in the less-serious categories of minor altercations (code 9) and criminal mischief (code 12).

For example, in 2013, a student at IS 190 punched another student in the face twice, resulting in bruising and swelling. We classified this as an assault with physical injury (category 7) while the DoE classified it as a minor altercation (category 9). In 2011, a student at IS 27 put another student in a headlock and hit the victim's head against a wall. The victim had to be taken to an emergency room, where he was diagnosed with head trauma. We classified this incident as an assault with serious physical injury (category 4) while DoE classified this incident as an assault with physical injury (category 7).

As a result of the unreported and misclassified incidents, DoE officials were not provided with sufficient information to accurately assess schools' safety and security and take the actions needed to minimize the recurrence of such incidents. In addition, parents were not accurately advised of the safety risks posed by their respective schools.

When we shared these observations with DoE officials, they stated that they classified the incidents according to SED's definitions and guidance documents. Officials further indicated that the incidents in question did not have to be reported to SED, based on the DoE's interpretations of the applicable SED guidelines. In fact, DoE officials asserted that the guidelines actually prohibited them from reporting certain incidents, specifically when administrative actions were pending at the time the reportable incident report was due. They also asserted that for PD and PPD schools, a separate annual incident report is provided to SED each July detailing all incidents, including those we concluded should have been reported for VADIR purposes.

We discussed our findings and related matters with SED officials responsible for receiving and

processing VADIR data. Based on our discussions, we concluded that the DoE was not prohibited from reporting the aforementioned incidents. In fact, SED confirmed that such data should have been reported. Consequently, we maintain that we had sufficient basis for our findings. Also, it should be noted that the July report is required only for schools previously classified as PD or PPD. Since most schools are not classified as PD or PPD, there is no July report for most schools. Consequently, the DoE did not report certain VADIR-reportable incidents for many schools to SED. For example, of the ten schools we site visited, four were neither PD nor PPD during our scope period. As such, SED was not advised of 134 (net) VADIR-reportable incidents at these four schools.

We also noted a risk that not all reportable incidents are entered in OORS. Several administrators at the schools we visited said they had certain discretion in terms of what was entered into OORS. For example, officials at Public School 83 told us that they enter incidents into OORS only if the offending student has a pattern of disruptive behavior. This school had a 2011-12 enrollment of 432 students, but had only five incidents reported in OORS for that year, and only one of them was reported for VADIR purposes.

Some administrators were concerned that posting an incident to OORS could blemish a student's permanent record, and others told us they do not record an incident in OORS unless the incident is so egregious that reporting cannot be avoided. Nevertheless, without consistent, accurate, and complete OORS data, school officials have limited ability to accurately assess school safety and security and to design effective safety programs.

The DoE uses OORS data to generate two monthly reports: the Spiking Report and the Incident and Disciplinary Action Report. The Spiking Report is generated for each borough and reports the top 25 Level 4 and 5 incidents occurring in schools. (The DoE's discipline code is based on a scale of 1-5, with Levels 4 and 5 being the most serious infractions.) The Incident and Disciplinary Action Report discloses how many incidents tend to occur during certain times of the school day.

DoE officials informed us that school administrators and Borough Safety Directors (BSDs) use these reports to assess school safety and security. The BSDs are responsible for assisting school principals with any safety concerns and addressing emergencies within schools. The DoE has ten BSDs, and a BSD may be assigned to as many as 200 schools. Further, BSDs routinely use OORS data to identify the schools that need greater intervention and support. However, deficiencies in OORS data may impair efforts to effectively design safety programs and allocate limited security resources intended to help minimize violent and disruptive incidents.

Also, the State Education Law (Section 2802) requires schools designated as PD to take steps to reduce violent incidents and improve school safety. These requirements, pursuant to an SED policy directive, include having an "Incident Reduction Plan" (IRP), and the schools use OORS data to develop the IRPs. The Education Law further requires school districts to notify parents of the option to enroll their children in another district school that is not designated as PD, if one is available. Parental notification of school choice is a requirement of both the SAVE Act and the 2002 federal No Child Left Behind Act. However, compliance with these statutes is compromised when the pertinent incident data is incomplete and/or inaccurate.

Unauthorized Student Departures

During our school site visits, we arrived after the official start of the school day to check access to and egress from the schools through other than the main entrances. For all 10 visits, we could not enter the schools from an ancillary entrance after the start of the school day. However, once inside, we were able to exit from any of the doors we tested. School personnel told us that the doors had to be unlocked for fire safety purposes. However, these points of egress did not have sensors or alarms to notify school staff of potential unauthorized student departures, which could pose safety risks (including injury to and/or problematic conduct by such students). We noted 184 recorded instances of students leaving nine of the schools (or at least the assigned classrooms) without prior authorization from faculty or school administrators.

DOE officials pointed out that several of the reports noted that the student left the “classroom” as opposed to the school building. However, there were only 5 documented incidents in the audit period in which the student left the classroom, but not the school building (and we excluded those incidents from the 184 in question). In addition, only 5 of the 184 incidents had documentation indicating that school staff searched for the students, found them, and/or brought them back to the classroom. In two other instances, records indicated that the students returned to school on their own. Thus, for the remaining 177 instances, there is considerable risk that the students left the school buildings and did not return.

According to DoE officials, the DoE did not have a formal policy prescribing the actions school officials should take in response to unauthorized student departures until November 2013 (subsequent to our review period). Further, on July 24, 2014, the New York City Council unanimously passed a bill authorizing the DoE, in consultation with the New York City Police Department, to assess the benefits of installing audible exit door alarms where they do not currently exist throughout the DoE school system.

Given the safety risks to students associated with unauthorized departures, central and school-based DoE officials should ensure that sufficient actions are taken to reasonably minimize such departures and help ensure proper responses when occurrences are detected.

Recommendations

1. Ensure that all SAVE-reportable incidents are captured in OORS and submitted to SED for VADIR purposes.
2. Ensure that each reportable incident is accurately categorized based on SED guidelines.
3. Work with SED to revisit, and revise as necessary, the safety ratings previously assigned to schools considering the above noted underreported and improperly categorized reportable incidents.
4. Implement procedures to prevent and/or immediately detect unauthorized student departures from the school buildings.

5. Ensure that appropriate actions are taken to respond to unauthorized student departures and such actions are adequately documented.

Audit Scope and Methodology

The objectives of this audit were to determine whether DoE officials accurately recorded and reported violent and disruptive incidents to SED, as required; and whether they used such data to develop and implement adequate safety and security plans. We also assessed the controls over unauthorized school egress. The audit covered the period from July 1, 2011 to October 17, 2014.

To achieve our objectives, we reviewed applicable laws, including the SAVE Act and the No Child Left Behind Act, and met with DoE and SED officials to discuss the controls and records pertaining to the incident data-collection process and how the data is used.

In addition, we selected a judgmental sample of ten New York City schools, based on geographic location and population. The 10 schools included PS 166 Henry Gradstein, MS 596 Peace Academy, PS Q811, IS 27 Anning S Prall, PS 83 Luis Munoz Rivera, MS 334, Staten Island Technical HS, ESMT – IS 190, PS 85 Great Expectations, and the Choir Academy of Harlem (see Exhibit A). At each school, we interviewed principals and designees, school safety agents, and selected teachers. We also interviewed representatives of the New York City Police Department regarding incidents that were reported to local precincts by school safety agents to ensure they were recorded in OORS. Our testing included a comparison of recorded OORS data to reported VADIR data, and a review of the supporting incident reports, safety plans, and incident reduction plans.

We conducted our compliance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

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

This audit was performed pursuant to the State Comptroller's authority under Article V, Section 1 of the State Constitution and Sections 33 and 34 of the General Municipal Law.

Reporting Requirements

We provided a draft copy of this report to NYC DoE officials for their review and formal comment. We considered the DoE's comments in preparing this report and have included them at the end of it. In their response, DoE officials contest several of our audit observations and conclusions. However, DoE officials agreed with 4 of our report's 5 recommendations and indicated that they have taken or will take actions addressing the recommendations they agreed with. Also, our rejoinders to certain DoE comments are included in the report's State Comptroller's Comments.

We request the Chancellor of the Department of Education to report to the Comptroller within 90 days after final release of this report, advising what steps were taken to implement the recommendations contained herein, and if the recommendations were not implemented, the reasons why.

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Vision

A team of accountability experts respected for providing information that decision makers value.

Mission

To improve government operations by conducting independent audits, reviews and evaluations of New York State and New York City taxpayer financed programs.

Exhibit A

Location of Schools Included in Audit Sample

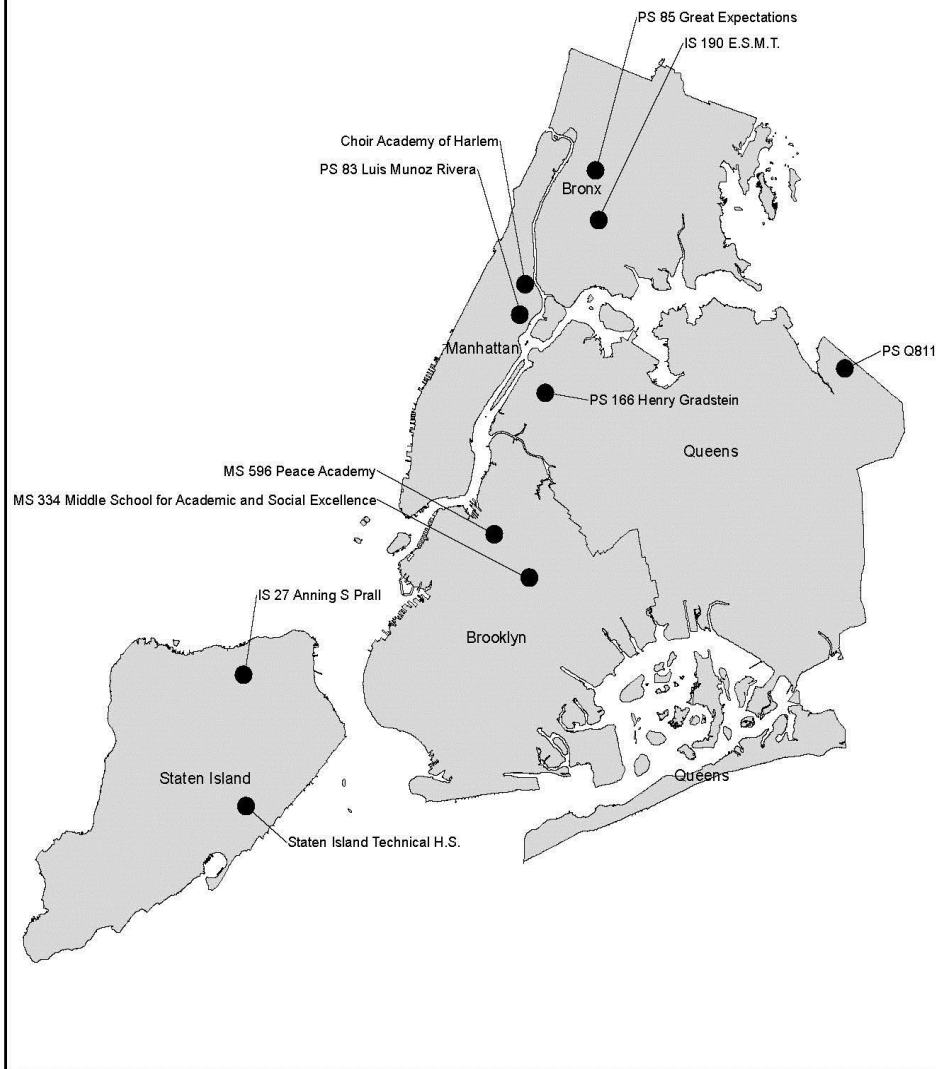


Exhibit B

VADIR Reportable Incidents by Category Documented in OORS for 10 Selected Schools For the 2011-12 and 2012-13 School Years

SED Violent and Disruptive Incident Category	VADIR Code	Reportable Incidents per Audit Based on OORS Records	Data Publicly Reported in VADIR	Difference Under-reported (Over-reported)
Homicide*	1	0	0	0
Forcible sex offenses*	2.1	0	0	0
Other sex offenses*	2.2	52	39	13
Robbery*	3	6	4	2
Assault with serious physical injury*	4	9	8	1
Arson (intent to damage)*	5	7	7	0
Kidnapping*	6	0	0	0
Assault with physical injury*	7	232	182	50
Reckless endangerment*	8	88	33	55
Minor altercations (no weapon)	9	367	262	105
Minor altercations (with weapon)*	9	35	46	(11)
Intimidation, harassment, menacing, or bullying (no weapon)	10	140	111	29
Intimidation, harassment, menacing, or bullying (with weapon)*	10	16	29	(13)
Burglary (no weapon)	11	1	0	1
Burglary (with weapon)*	11	0	0	0
Criminal mischief (no weapon)	12	19	16	3
Criminal mischief (with weapon)*	12	2	2	0
Larceny or other theft (no weapon)	13	18	11	7
Larceny or other theft (with weapon)*	13	0	0	0
Bomb threat	14	1	1	0
False alarm	15	4	4	0
Riot (no weapon)	16	2	0	2
Riot (with weapon)*	16	0	0	0
Weapons possession (confiscated/entry screening)*	17.1	6	1	5
Weapons possession (found/other circumstances)*	17.2	5	23	(18)
Use, possession, or sale of drugs	18	7	7	0
Use, possession, or sale of alcohol	19	3	3	0
Other disruptive incidents	20	397	200	197
Totals		1,417	989	428

*Incident categories used to calculate a school's SVI.

Exhibit C

**Reportable Incidents by School
For 10 Selected Schools
For the 2011-12 and 2012-13 School Years**

DBN	School Name	No. of Incidents Reportable per OSC	No. of Incidents Actually Reported Through VADIR	No. of Incidents Under-Reported (Over-reported) Through VADIR
30Q166	PS 166 Henry Gradstein	61	48	13
13K596	MS 596 Peace Academy	167	140	27
26Q811	PS Q811	55	44	11
31R027	IS 27 Anning S Prall	408	243	165
04M083	P.S. 83 Luis Munoz Rivera	7	9	(2)
17K334	MS 334	26	19	7
31R605	Staten Island Technical High School	70	21	49
12X190	E.S.M.T - I.S. 190	41	28	13
10X085	PS 85 Great Expectations	281	207	74
05M469	Choir Academy of Harlem	301	230	71
Totals		1,417	989	428

Agency Comments



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April 2, 2015

Mr. Frank Patone
Office of the State Comptroller
123 Williams Street, 21st Floor
New York, NY 10038

Re: Response to Draft Audit Report, "Public School Safety: Incident Reporting and Unauthorized Student Departures (2014-N-1)"

Dear Mr. Patone:

This is the formal response of the New York City Department of Education ("Department") to the Office of the State Comptroller's ("Comptroller") draft audit report titled *Public School Safety: Incident Reporting and Unauthorized Student Departures* ("Report"). The safety and security of students and staff is of utmost importance to Department leadership, apparent by the resources dedicated to promoting positive behavior, creating safety protocols, and providing needed interventions. The Department regularly solicits ways to improve the system from stakeholders, including school leaders, families and oversight agencies. We thank the Comptroller's office for its contributions and recommendations; however, we would like to take this opportunity to clarify areas that we believe are vital to a constructive discussion of the Department's school safety policies.

Department Systems

The Department has two systems that are used to capture, report and where warranted, track disciplinary actions for incidents that occur in or adjacent to a school namely the: (1) Online Occurrence Reporting System (OORS)¹, and (2) Suspensions and Office of Hearing Online (SOHO) system.

¹ Online Occurrence Reporting System is also the system of record for incidents in central offices, however, for the purposes of this response, we will only be discussing its school level functionality.



OORS, which serves as the Department's incident reporting system, captures disciplinary incidents, building conditions, medical illnesses, accidents, Administration for Children's Services and Office of Special Investigations allegations, suicidal ideations, and weather related conditions, as well as other incidents that can occur in a school building. The procedures that govern the system stem from policies outlined in the Department's Chancellor's Regulation A-412 and its Citywide Standards of Intervention and Discipline Measures ("Discipline Code"). The required timeframe for schools to file an incident in OORS is 24 hours from the incident date. This is to ensure incidents are reported in a complete and accurate manner. In addition to being an incident reporting system, OORS also generates reports to inform school leaders and central support officials of a single school or multiple schools' environment. When deemed appropriate, disciplinary actions are tailored to student's individual needs. The decision to discipline a student usually occurs after the OORS 24 hour entry deadline has passed.

The SOHO system tracks suspensions and removals including teacher removals, principal and superintendent suspensions, and guidance and intervention support services. While some incidents are recorded in both OORS and SOHO, it is incorrect to assume that all entries in OORS will have a resulting entry in SOHO. Not every incident in OORS warrants a disciplinary action. In fact, the Discipline Code offers recommended guidance and intervention measures that should be employed prior to removing or suspending a student. The Department investigates incidents and reviews mitigating circumstances prior to determining an appropriate disciplinary course of action which may include a suspension or removal.

Reporting Information to the State Education Department

When it comes time for the Department to report information to the State Education Department (SED), the Department reviews OORS incident reports, and evaluates information about any student injury sustained during an incident, and any details gathered in follow up conversations with schools. Then incidents are categorized per SED's Violent and Disruptive Incident Reporting (VADIR) guidelines. Not all instances reported in OORS fall within the SED's guidelines. For example, a medical illness at a school would be entered into OORS but it would not belong in the Department's VADIR to the SED. In the Comptroller's Report the number of incidents in OORS is compared to those in VADIR without qualifying that OORS is designed to be a system used to track all incidents, not just those that are VADIR admissible (Report, page six). The Report's analysis therefore unjustly calls the Department's efforts and reporting

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Comment
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*See State Comptroller's Comments, Page 23.



into doubt with this flawed comparison. With regards to the Department's reporting 19.5% less incidents to the SED for 2012-2013 school year, this is attributable to the 19% decrease in crimes in schools over the same time period and accordingly the 23% decrease in suspensions. It is not indicative of a change in the Department's reporting behavior.

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Comment
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The Comptroller does give credence to the subjective nature of this work but does not properly acknowledge the fact that the Department and SED have been working jointly to ensure reporting accuracy since the inception of the VADIR system. SED has the last word when it comes to accepting or rejecting the incident categorizations that the Department submits, and has disqualified incidents that the Department deemed reportable in the past. The School Violence Index (SVI), Persistently Dangerous (PD) or Potentially Persistently Dangerous (PPD) classifications are all ones that the SED determines after reviewing information provided, asking follow-up questions and deeming answers satisfactory.

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Comment
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Administrative Action Pending

The Comptroller erroneously assumed that a suspension or removal always occurs when an incident report contains the language "Administrative Action Pending." "Administrative Action Pending" is used when schools do not know the outcome of any potential disciplinary action at the time the incident is entered into OORS. A suspension or removal requires a parent conference (for Principal Suspensions or removals) or a hearing (for Superintendent Suspensions), which does not occur until after the OORS 24-hour submission deadline has lapsed. The Comptroller's analysis concluded that the Department under-reported 309 incidents (199 in school year 2011-2012 and 110 in school year 2012-2013) based on the incorrect assumption that "Administrative Action Pending" automatically resulted in suspensions or removals. In fact, SOHO records that were shared with the Comptroller clearly showed that none of the 309 incidents resulted in a suspension or removal.

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Comment
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Reportable Versus Categorized Incidents

The Comptroller inaccurately uses the terms associated with the SED reporting process as demonstrated by the continuous reference to "reportable" incidents rather than "categorized" incidents. The Department "categorizes" all incidents based on the SED VADIR guidelines. Not all incidents are reportable. As shared with the Comptroller on several occasions, SED asks that the Department only report incidents that fall into specifically outlined categories.

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The Comptroller expects the Department to report incidents that the SED does not require the Department to report per SED's reporting guidelines and template. Despite many attempts to correct the Comptroller's misunderstanding

of the reporting process, including a joint conference call with the Comptroller, SED and Department officials, the Comptroller has chosen to disregard all statements and evidence to the contrary in its audit report.

PD and PPD School Designations

There continues to be errors in the Report when it references Persistently Dangerous (PD) and Potentially Persistently Dangerous (PPD) schools

- PPD is an internal designation for the purposes of SED and Department monitoring. PPD schools are not listed on the SED website.
- The Comptroller mistakenly indicates that schools identified as PPD have to create an Incident Reduction Plan (IRP), pursuant to SED directive. IRPs are *only* applicable to schools identified as PD.
- When it comes to schools classified as PD or PPD, the SED requests all incidents at the schools be submitted for their review. The Department provides all incidents in OORS for the SED to review, not just the categorized incidents submitted through VADIR. For the audit period, six of the 10 schools were either PD or PPD. This means that the SED received and reviewed all OORS incidents for these six schools.

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Impact of the Comptroller's Findings

The Department used the Comptroller's entire data file of "Reportable Incidents per Audit Based on OORS Records" (Report, Exhibit B) and recalculated the sampled schools' SVI. In doing such the Department found that the Comptroller's revised categorizations had no impact on which schools would have been designated PD. Therefore, the Comptroller's allegation that "schools' safety ratings (indexes) were likely incorrect" is not true or valid (Report, page six). All the schools the Comptroller found to have exceeded the 1.5 SVI thresholds were already classified as such under the Department's and SED's categorizations and were therefore identified or designated accordingly.

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New York City Council Bill

The Comptroller misunderstands the City Council bill regarding the installation of audible alarms on school doors. The bill in fact requires the Department survey all schools and review with principals and their teams the benefits of



installing audible exit door alarms where they do not currently exist. The Department did raise this misconception with the Comptroller at the exit conference, however the incorrect description of the bill requirements remained in the Report. The Department has finished conducting surveys of all school buildings, and contractors will begin process of installing door alarms in the coming months.

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Reporting Responsibility

The Department thanks the Comptroller for bringing to its attention instances where Chancellor's Regulation A-412 was not being followed. Chancellor's Regulation A-412 includes a stipulation regarding a principal/principal designee being required to file an incident report for all school-related crimes and incidents and enter information into OORS within 24 hours of the incident occurring. The Department takes its reporting responsibility very seriously and will continue to investigate any instances of under reporting.

Response to Recommendations

The Department's responses to the Comptroller's recommendations are as follows:

Recommendation 1: "Ensure that all SAVE-reportable incidents are captured in OORS and submitted to SED for VADIR purposes."

The Department agrees with this recommendation and continues to take action in this area. In Chancellor's Regulation A-412 the Department mandates that school principals or their designees are, "... required to file an incident report for all school-related crimes and incidents within 24 hours of the incident" (Chancellor's Regulation A-412, page five). Administrators that fail to adhere to these mandates have been, and will continue to be, investigated and disciplined accordingly.

Recommendation 2: "Ensure that each reportable incident is accurately categorized based on SED guidelines."

The Department agrees with this recommendation and continues to take action in this area. We continually strive to ensure that every reportable incident is categorized based on the SED's own guidance and documentation in the



Glossary of Terms and Frequently Asked Questions regarding reporting VADIR data.

Recommendation 3: “Work with SED to revisit, and revise as necessary, the safety ratings previously assigned to schools considering the above noted underreported and improperly categorized reportable incidents.”

The Department disagrees with this recommendation. Incidents were appropriately categorized and reported to SED. The Department works closely with SED to ensure incidents are appropriately categorized. Staff members from the Department and SED responsible for categorizing incidents have an average of seven years of experience. The Department will continue to work with the SED, but we will not revisit data that has already been finalized and published to the SED website; especially given that the Comptroller’s analysis had no impact any school classifications.

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Recommendation 4: “Implement procedures to prevent and/or immediately detect unauthorized student departures from the school building.”

The Department agrees with the recommendation and has already taken action in this area. The Department was in compliance with all Fire and Building Codes for the period of the audit. The Department codified the Missing Student Protocol in November 2013 to directly address unauthorized student departures from school buildings. The Department is also on track to meet the City Council bill requirements referenced in the Report.

Recommendation 5: “Ensure that appropriate actions are taken to respond to unauthorized student departures and such actions are adequately documented.”

The Department agrees with this recommendation and has already taken action in this area. The Missing Student Protocol, codified in November 2013, standardized the procedures to be followed when a student is missing. This protocol also includes an automatic email alert that immediately notifies school support staff and Borough Safety Directors to aid in locating the student. As part of the Missing Student Protocol, schools are now required to update OORS incident reports of unauthorized departure with additional information,



including when the student was located, where, and by whom. Updating OORS for this information was not required during the audit period.

Sincerely,

A handwritten signature in black ink that reads "Elizabeth A. Rose". The signature is written in a cursive style.

Elizabeth A. Rose

CC: Danya Labban

State Comptroller's Comments

1. We acknowledge that not all OORS behavioral incidents have to be reported to SED. Moreover, our report does not assert that the DoE was required to report all OORS incidents to SED for VADIR purposes. Also, we revised our report to add further clarity to this matter.
2. The DoE's assertion is wrong. We fully understood that not all OORS behavioral incidents had to be reported to SED, and consequently, we did not include all OORS behavioral incidents in our determination of VADIR reportable incidents. Although OORS detailed nearly 2,000 more incidents for the selected schools than the DoE reported to SED, our report clearly notes that 428 (not 2,000) additional incidents should have been reported for VADIR purposes. Further, given DoE's material undercounts of reportable incidents that we identified, there is significant risk that the DoE's assertion of a 19.5 percent decrease in incidents (from the 2011-12 year to the 2012-13 year) is incorrect.
3. We acknowledge SED's role in the VADIR process, and our report does not question joint efforts by SED and the DoE toward accurate incident reporting. Nevertheless, based on our detailed review of the pertinent records, we maintain that the DoE underreported 428 incidents (net) for the 10 schools selected for review, as detailed in the report.
4. The DoE's assertion is wrong. Our report does not assume that a suspension or removal of a student must always occur when an incident report notes "Administrative Action Pending." In fact, what our report actually states is: DoE officials asserted that the guidelines prohibited them from reporting certain incidents, specifically when administrative actions were pending at the time the reportable incident report was due.
5. The DoE fails to make the appropriate distinction between "reportable" incidents and "categorized" incidents. Although many incidents are reportable, they typically are placed in different categories, as detailed in our report's Exhibit B. Further, for the purposes of our audit, we strictly followed the incident categories established by SED, and we confirmed our interpretations and applications of those categories with SED. Consequently, our report makes the appropriate distinction between reporting and categorizing incidents.
6. We revised our report, as appropriate, to improve the technical accuracy of matters pertaining to PDs, PPDs, and requirements for IRPs.
7. We acknowledge that complete OORS data is provided to SED for PD/PPD schools through the "July" report, as detailed in our audit report. However, our audit testing illustrated that certain reportable incidents (included in OORS) were not included in the VADIR reports submitted by DoE to SED. Also, as our report notes, non-PD/PPD schools were not required to provide OORS data to SED. Therefore, four of the ten schools we selected for review did not submit OORS data to SED, and consequently, SED was not advised of 134 VADIR-reportable incidents at those schools.
8. The DoE fails to sufficiently distinguish between a school's violence index (SVI) and its classification as PD/PPD. Moreover, given the material undercounts of reportable incidents (as detailed in Exhibits B and C), we maintain that schools' SVIs were likely incorrect. Further, we acknowledge that errors in incident reporting and related SVI calculations might not impact a particular school's designation as PD/PPD. Nevertheless, it is vitally important that incident reporting and SVI calculations be accurate to ensure that safety

designations (whether or not PD/PPD) are reliable, and officials take the commensurate actions to maintain schools' safety and security.

9. We revised our report, as appropriate, to present the requirements of the City Council Bill more accurately.
10. In fact, as detailed in our report, many VADIR-reportable incidents were not appropriately categorized and reported to SED by the DoE.