

AUDIT REPORT

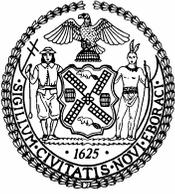


CITY OF NEW YORK
OFFICE OF THE COMPTROLLER
BUREAU OF MANAGEMENT AUDIT
WILLIAM C. THOMPSON, JR., COMPTROLLER

Audit Report on the Monitoring and Tracking of Special Education Services For Elementary School Students by the Department of Education

MD06-073A

June 29, 2007



THE CITY OF NEW YORK
OFFICE OF THE COMPTROLLER
1 CENTRE STREET
NEW YORK, N.Y. 10007-2341

WILLIAM C. THOMPSON, JR.
COMPTROLLER

To the Citizens of the City of New York

Ladies and Gentlemen:

In accordance with the Comptroller's responsibilities contained in Chapter 5, §93, of the New York City Charter, my office has audited the Department of Education's (DOE's) monitoring and tracking of Special Education Services for elementary school students.

DOE is mandated by the federal Individuals with Disabilities Education Act to ensure that all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services. We conduct audits such as this to ensure that City agencies provide required services and are properly accountable for them.

The results of our audit, which are presented in this report, have been discussed with DOE officials, and their comments have been considered in preparing this report. Their complete written response is attached to this report.

I trust that this report contains information that is of interest to you. If you have any questions concerning this report, please e-mail my audit bureau at audit@comptroller.nyc.gov or telephone my office at 212-669-3747.

Very truly yours,

A handwritten signature in cursive script that reads "William C. Thompson, Jr.".

William C. Thompson, Jr.

WCT/ec

Report: MD06-073A
Date: June 29, 2007

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*The City of New York
Office of the Comptroller
Bureau of Management Audit*

**Audit Report on the
Monitoring and Tracking of
Special Education Services for Elementary
School Students by the Department of Education**

MD06-073A

AUDIT REPORT IN BRIEF

This audit determined whether the New York City Department of Education (DOE) adequately monitors, tracks, and documents the services provided to mainstreamed elementary school special education students. DOE is mandated by the federal Individuals with Disabilities Education Act to ensure that all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services. Special education is specially designed individualized or group instruction, special services, or programs provided at no cost to the parent to meet the unique needs of students with disabilities.

Audit Findings and Conclusions

DOE maintained complete and current documentation for each of the 89 students in the audit sample with regard to the justification for the performance of an evaluation and the recommendation of special education services. However, DOE is not monitoring, tracking, or documenting the provision of these services in an effective manner, as shown by documentation that is incomplete, inaccurate, or lacking altogether. The records for all of the 89 students in our sample who were mandated to receive services during the 2004-2005 School Year had some type of deficiency, including no attendance forms (all student records lacked at least one form) and missed sessions with no make-ups (87 percent of the sampled student records requiring make-up sessions). In addition, the review of the special education attendance records that DOE was able to provide found incomplete information and conflicts with general education attendance records. Due to these deficient records, DOE could not demonstrate the extent to which services were provided as prescribed by the students' Individualized Education Programs (IEPs). DOE should ensure that all students mandated to receive special education services are receiving the prescribed services, and that all necessary documentation is maintained as evidence that such services are being provided.

Audit Recommendations

Based on our findings, we make nine recommendations, five of which are listed below. DOE should:

- Develop and enforce written formal policies and procedures to ensure that services are provided according to the provisions of each student’s IEP.
- Develop policies to ensure that all attendance forms and summaries are maintained as evidence of services provided.
- Ensure that providers fill in all required information on the special education attendance forms and sign the forms as certification of the delivery of services.
- Ensure that supervisory review of attendance records is performed and documented.
- Institute a control (e.g., periodically reconcile special education attendance forms with general education attendance forms) to help ensure that the days that services are provided are accurately recorded.

DOE Response

In their response, DOE officials agreed with six of the nine audit recommendations. However, the DOE officials’ response, which is lengthy, included objections to our methodology and findings. We strongly disagree with the DOE officials’ arguments about our methodology, which appear to be self serving and correspondingly misleading. Our audits—including this one—are conducted in accordance with generally accepted government auditing standards (GAGAS). GAGAS §7.30 states “Ultimately, the benefits of audit work occur when officials of the audited entity take meaningful and effective corrective action in response to the auditors’ findings and recommendations.” In agreeing with six of our recommendations, DOE officials confirm the benefit of this audit and their desire to improve the delivery of special education services to their students.

A detailed discussion of the DOE response is included as an appendix to this report and the full text of the DOE response follows the appendix as an addendum.

INTRODUCTION

Background

The New York City Department of Education (DOE) is mandated by the federal Individuals with Disabilities Education Act (IDEA) to ensure that all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services. Special education is specially designed individualized or group instruction, special services, or programs provided at no cost to the parent to meet the unique needs of students with disabilities.

Students with disabilities are to be educated in the least restrictive environment in which their needs can be met. To the maximum extent appropriate, students with disabilities should be educated with students who are not disabled. An Individualized Education Program (IEP) team considers a general education setting along with the supplementary aids and services necessary for the student to benefit from such placement. Thus, to the greatest extent possible, students with disabilities should attend schools they would normally attend if they did not require special education services to address their learning needs.

Special education services include typical general education classes supplemented with special education aids and services. These include:

- Related services: developmental, corrective, and other support services that are required to assist a child with a disability to benefit from his or her instructional program.¹
- Special Education Teacher Support Services: Specially designed or supplemental instruction provided by a special education teacher.
- Collaborative Team Teaching: Students with and without disabilities are educated together with two teachers, a full-time general education teacher and a full-time special education teacher, who collaborate throughout the day.

Special education services also include Special Class Services, which are services for children with disabilities provided in a self-contained classroom. They serve children with disabilities whose needs cannot be met within the general education classroom, even with the use of supplementary aids and services.

Students are referred for evaluations to determine eligibility for these services from such varied sources as parents, a professional staff member of the school, a licensed physician, or a judicial officer. Once the student is referred for special education programs or services (special education services), parental consent must be obtained before an evaluation can be initiated.

¹ Related Services include: counseling, hearing education services, speech and language therapy, occupational therapy, orientation and mobility services, physical therapy, school health services, vision education services, and parent counseling and training.

Students recommended for special education services are evaluated under the auspices of the DOE Committees on Special Education (CSEs).²

Students who are referred to the CSE receive an initial individual evaluation consisting of a physical examination, psychological evaluation, a social history, an observation of the student in the current educational placement, and other appropriate assessments and evaluations. As part of an initial evaluation, the CSE and other qualified professionals review existing evaluation data on the student, including, evaluations and information provided by the parents of the student, classroom-based assessments, local or State assessments, classroom-based observations, and observations by teachers and related-service providers. After the student's evaluation, the IEP team must make a determination of the student's eligibility for special education services. The IEP team must find that the student has an identified disability based on New York State regulations³ in order for the student to receive special education services.

The results of the evaluation are presented during an IEP meeting conducted with the teacher, a parent, and a psychologist. If the student is determined eligible for special education services, the CSE develops an IEP. The IEP is the tool that ensures that a student with a disability has access to the general education curriculum and is provided the appropriate learning opportunities, accommodations, adaptations, specialized services, and support to meet the unique needs related to his or her disability. The IEP details the recommended special education program and services that will be provided to the student, including frequency, duration, and class size.

A student's progress and goals are to be evaluated annually, and any additions or changes to the IEP that result from the annual review require the creation of a new IEP. A student's IEP can also be reevaluated at the request of a parent or teacher at any time during the year. This reevaluation must be documented as well. The purpose of the reevaluation is to determine whether the student's goals are being met and whether any adjustments to the IEP are needed. For those students whose needs cannot be met within the City public school environment by DOE teachers and other professional providers, DOE is authorized to contract with New York State Education Department-approved non-public schools to provide the special education services. Services may not be provided without parental or guardian consent.

Information reflecting the referral and the placement process is entered in the Child Assistance Program (CAP) system. CAP is a computerized data collection system that was developed to track the process of student referral for special education services. CAP tracks students who are referred for evaluation and possible placement in special education programs and services. CAP also tracks the delivery of services to students found to be in need of special

² There are currently 10 regional CSE offices, each headed by a chairperson. Each CSE reports to the regional superintendent. Committee members generally include the student's parents, a special education teacher, a general education teacher, a representative of a school district, and a school psychologist.

³ New York State special education regulations include the following categories of disabilities: autism, deaf-blindness, deafness, hearing impairment, emotional disturbance, learning disability, mental retardation, multiple disabilities, orthopedic impairment, other health impairment, speech or language impairment, traumatic brain injury, and visual impairment, including blindness.

education programs and services as well as the cessation of those services upon decertification or discharge.

This audit focused on the monitoring and tracking of services to elementary special education students who are mainstreamed (i.e., receive their education in a school together with the general student population). Those students may receive services separately, inside or outside the school. Another audit, issued by the State Comptroller in November 2005 (“Audit on Services Rendered to Special Education Students”), pertained to the provision of special education services to students who are educated within District 75.

Objective

The objective of the audit was to determine whether DOE adequately monitors, tracks, and documents the services provided to mainstreamed elementary school special education students.

Scope and Methodology

The scope of the audit was the 2004–2005 School Year (September 2004–June 2005) and covered elementary school students receiving special education services during that period.

To achieve our audit objective and to gain an understanding of DOE’s provision of special education services, we interviewed the DOE Deputy Superintendent and Assistant Superintendent for Special Education Initiatives, as well as the Lead Regional Administrators of Special Education and the CSE Chairpersons from Regions 5, 7, and 9. We judgmentally selected those three of the ten regions because together they encompass all five boroughs.

In addition, we interviewed either the principals, the special education teachers, or the related service providers, all of whom were DOE employees, for our randomly selected sample of nine elementary schools, and obtained their perspective on the delivery of special education services. To gain an understanding of the procedures with regard to the provision of special education services, we reviewed DOE’s internal guide, “Special Education Services as Part of a Unified Service Delivery System (The Continuum of Services for Students with Disabilities).”

In testing the extent to which prescribed services were provided and documented, we randomly selected for our review a sample of 30 students from each of the three regions for a total of 90 out of 19,577 elementary school special education students. An IEP for one of the 90 students indicated that services were no longer required during the 2004-2005 School Year. Although we tested to be certain that this student was not receiving services, we did not include this student in the other tests related to service documentation. The remaining 89 students were mandated to receive 199 services⁴ during the 2004-2005 School Year. We reviewed

⁴ For the purposes of this report, each service mandate is counted as one service. For example, three students, each mandated to receive both speech therapy and occupational therapy, would be considered as receiving a total of six services.

documentation related to the provision of services for the year as well as documentation related to the service mandates the sampled students have received since the first year that each student began receiving the special education services.

To determine whether the individual records of sampled students included complete and current documentation to justify the performance of the evaluation and the recommendation of special education services, we reviewed the following for each of the 89 students in our sample: notice of referrals indicating the need for services; consent from parents for evaluation; appointment letters indicating scheduled evaluations; final notices of recommendation; and conference-result forms indicating a meeting with the parents; and special education service recommendations resulting from those meetings. We also reviewed the authorization form to attend the special education program, which provides parents with instructions for start of services, and the authorization to commence change-of-program services indicating that a program change was initiated and a new IEP was developed.

In addition, to determine whether the individual records of sampled students included complete and current documentation reflecting the provision of special education services (including Related Services, Special Education Teacher Support Services, Collaborative Team Teaching, and Special Class Services), we reviewed the following for each of the 89 students in our sample: IEPs indicating services that students were authorized to receive, as well as annual IEPs indicating an evaluation of services provided; Attendance Record for Related and Support Services and SETSS & ESL (special education attendance forms), indicating services reported as provided; and CAP data, indicating DOE's documentation of services that should have been provided according to the IEP.

To determine whether the special education services that were reportedly delivered corresponded to the special education services prescribed on students' IEPs, we reviewed the IEPs for our sample of 89 students. We then compared the IEPs to their special education attendance forms. This allowed us to determine whether the correct services were provided according to the IEP. In addition, we ascertained the accuracy of the documentation of the provision of services by checking for the provider's signature on the attendance forms. To test whether special education services were provided when students were reported present at school, we compared the general education attendance forms, which indicate a student's attendance in general education classes, to the special education attendance forms, which indicate a student's attendance for special education services.

We tested the reliability of the data in CAP by comparing the information recorded in CAP to the sampled students' IEP information. To assess DOE internal controls as they related to our audit objectives, we evaluated information obtained through interviews and reviewed documentation related to DOE's provision of special education services. We examined the documentation related to DOE's provision of the services and conducted tests of DOE's record-keeping practices to determine the reliability of the controls in these areas.

The results of the above tests, while not projected to their respective populations, provided us with a reasonable basis to determine whether DOE adequately monitors, tracks, and documents the services provided to mainstreamed elementary school special education students.

Our audit was conducted in accordance with generally accepted government auditing standards (GAGAS) and included tests of the records and other auditing procedures considered necessary. The audit was performed in accordance with the City Comptroller's audit responsibility set forth in Chapter 5, §93, of the New York City Charter.

Discussion of Audit Results

The matters covered in this report were discussed with DOE officials during and at the conclusion of this audit. A preliminary draft report was sent to DOE officials and discussed at an exit conference held on April 27, 2007. On May 16, 2007, we submitted a draft report to DOE officials with a request for comments. We received a written response from DOE officials on June 7, 2007.

In their response, DOE officials agreed with six of the nine audit recommendations. However, the DOE officials' response, which is lengthy, included objections to our methodology and findings. After carefully reviewing DOE's arguments, we found them to be without merit. Comments concerning our methodology are erroneous and appear to be an attempt to divert attention from the fact that there was what now appears to have been a lack of coordination and communication within DOE as they pertain to this audit.

Our audits—including this one—are conducted in accordance with Generally Accepted Government Auditing Standards (GAGAS). GAGAS §7.30 states "Ultimately, the benefits of audit work occur when officials of the audited entity take meaningful and effective corrective action in response to the auditors' findings and recommendations." In agreeing with six of our recommendations, DOE officials confirm the benefit of this audit and their desire to improve the delivery of special education services to their students.

A detailed discussion of the DOE response is included as an appendix to this report and the full text of the DOE response follows the appendix as an addendum.

FINDINGS AND RECOMMENDATIONS

DOE maintained complete and current documentation for each of the 89 students in our sample with respect to the justification for the performance of an evaluation and the recommendation of special education services. However, DOE is not monitoring, tracking, and documenting the provision of these special education services in an effective manner, as evidenced by documentation that is incomplete, inaccurate, or lacking altogether. In addition, DOE does not have formal written policies and procedures in place to ensure the monitoring, tracking, and documenting of these services, which contributes greatly to this problem.

Without formal policies and procedures to ensure the monitoring and tracking of services, DOE cannot be assured that it is providing proper instructions to those individuals responsible for providing special education services. The absence of such policies and procedures makes it difficult to properly monitor and track the provision of services to ensure that they are delivered and documented as specified in the IEPs. The records for all of the 89 students in our sample who were mandated to receive services during the 2004–2005 School Year, had some type of deficiency, including no attendance forms (all students lacked at least one form), and missed sessions with no make-ups (87 percent of the sampled student records requiring make-up sessions). Because of these deficient records, DOE could not demonstrate to the auditors the extent to which services were provided as prescribed by the students' IEPs. DOE should ensure that all students mandated to receive special education services are receiving the prescribed services, and that all necessary documentation is maintained as evidence that such services are being provided.

Weakness in the Monitoring, Tracking, and Documenting of the Provision of Special Education Services

Lack of Formal Policies and Procedures

DOE does not have any written formal policies or procedures for monitoring, tracking, and documenting the provision of special education services. DOE provided us with a list of Frequently Asked Questions regarding special education services and instructions, which are guides to providers for completing special education attendance records. In addition, DOE officials provided us with their internal guide, "Special Education Services as Part of a Unified Service Delivery System," which contains the general outline of the program. However, these documents fail to contain formal policies or procedures regarding monitoring, tracking, and documenting special education services.

Policies and procedures are intended to help ensure that management directives—in this case, the provision of special education services—are carried out. They include a range of such activities as approvals, authorizations, verifications, reconciliations, and reviews of operating performance. However, DOE has no such policies and procedures, whatsoever, with regard to monitoring the provision of special education services. Furthermore, whatever monitoring that does occur is restricted to the school level.

According to officials interviewed at the schools, the principal, assistant principal, or service provider at each school is responsible for monitoring and tracking special education services. There is no mechanism in place to help ensure that monitoring efforts are adequate and consistently followed from school to school. As determined by this audit, without such a mechanism, schools do not ensure that special education students receive necessary services.

For example, we were unable to find any formal policies and procedures specifying where the ultimate responsibility lies for a number of areas, including but not limited to, ensuring that the services are provided in compliance with the IEP, certifying that services were provided to students, maintaining complete and accurate documentation to support the services delivered, and ensuring that make-up sessions are held when regular sessions are not held. Currently, there is no requirement for teachers or providers to sign their names on the attendance forms to certify that they delivered the services, that special education attendance forms are reviewed and reconciled with general education attendance forms, that students receive make-up sessions if teachers or providers are absent, and that schools maintain documentation of service delivery.

Without sufficient oversight of the delivery of services and adequate documentation of those services, there is a very real risk that students are not receiving all the services mandated in their IEPs. Formal policies and procedures would allow DOE to create a structure that ensures the maintenance of updated and adequate supporting documentation and the ability to track and monitor service delivery. Such a structure would, in turn, allow DOE to identify students who are not receiving the required services and undertake appropriate measures to meet their educational needs.

Recommendation

1. DOE should develop and enforce written formal policies and procedures to ensure that services are provided according to the provisions of each student's IEP.

DOE Response: “We maintain that DOE has policy and procedures surrounding the special education related service *first-attend* [emphasis added] and attendance systems, many of which were in place during the audited school year. More specifically . . .

- Through advisories posted in the Chancellor's Principals' Weekly—copies of which were provided to the auditors—and repeatedly reinforced at regional principal conferences, principals have been apprised of their responsibilities and the processes by which students are identified for and provided with special education services and their responsibility for ensuring that service provision is documented.
- RSSA [Related and Support Service Attendance] official attendance booklets include the policy and procedures for maintaining attendance and instructions for completing the attendance forms and the telephone number of a help-desk in the event further assistance is needed.

- Training for principals over the past two years has resulted in their regular use of the web-based dashboard system to manage provision of special education services at the school level.
- The Integrated Voice Response system (IVR) has been regularly upgraded. In addition to the installation of new telephone lines, clear prompts have been added to facilitate the system’s use to capture first service start dates.”

Auditor Comment: We do not consider any of the above to be adequate responses to our recommendation that DOE develop and enforce written formal policies and procedures. Instead, DOE is focusing on the first-attend date, which serves a different purpose. A first-attend date shows only the date that service was started and does not detail provision of services. Moreover:

- DOE’s assertion that their officials provided us with copies of the Chancellor’s “Principals’ Weekly” is not factual. The first time that we knew of such a report was its mention in the DOE response to our draft report. As a result, we did not have an opportunity to review the report for its contents and cannot verify that it reflects written policies or procedures.
- The RSSA official attendance booklets contain only instructions for completing attendance records. Neither this booklet, nor its provision of a help-desk telephone number, constitutes a formal document comprising written policies and procedures.
- Regarding the web-based dashboard system, DOE officials informed us at a meeting in February 2007 that the system would not be fully functional until 2009. Although we acknowledge that training for principals is beneficial, such training should be based on and supported by written formal policies and procedures.
- We are unclear as to the correlation between the Integrated Voice Response system and written policies and procedures. We appreciate that DOE is upgrading its systems to improve efficiency, but this action does not address our recommendation.

Inaccurate or No Service Documentation

DOE does not ensure that adequate attendance records (summaries and attendance forms) are maintained to document the delivery of special education services. Schools generally do not maintain attendance records for services provided. Further, DOE was unable to provide us with any attendance records for 48 (24%) of the 199 services mandated for the 89 students in our sample. Overall, DOE was able to provide a little less than half of the monthly attendance forms for the sampled students. These findings are discussed in greater detail below.

Schools Do Not Maintain Attendance Records of Services Provided

DOE does not ensure that schools retain attendance records to indicate the delivery of services. Seven of the nine schools in our sample had no attendance records to support the 163 services mandated to be delivered to 69 of the 89 students in our sample.

According to DOE's written instructions, service teachers and providers are required to complete monthly attendance forms for special education students to document that the students were present to receive the mandated services, and that the services were provided as mandated. The schools forward these attendance forms to a company called SourceCorp for scanning and record retention. Schools are to retain an attendance summary form for each service provided to document all of the service sessions held during the year.

At the start of services, a provider is given a booklet of 11 monthly attendance forms for each service that the student is mandated to receive. Each of the first 10 forms represents one month of service; the eleventh form is a summary of all services provided throughout the year. As the attendance records are filled out during the month to indicate that services were provided, the carbon paper form automatically copies the information on the summary form that is included.

The special education attendance forms are the only documents that indicate the parameters (type, frequency, and group size) of the services provided. According to DOE officials, the attendance forms (including the summaries) are the only evidence with which to determine whether services were provided as mandated in the IEPs. A DOE spokesperson stated that the summaries should be maintained at the schools as evidence of services provided.

We visited the nine schools that the 89 sampled students attended and requested the attendance summaries. However, only two of the nine schools maintained any copies of the student's summaries. Twenty of the 89 students attended these schools. The remaining seven schools, which 69 students attended, did not have any records to support the 163 services that the schools were mandated to provide to these students.

At the exit conference, DOE officials stated that attendance summaries are not maintained by the schools, but are forwarded to SourceCorp at the end of the school year. This is contrary to what we were told during the course of the audit. However, it should be noted that we received only 68 attendance summaries for the 199 services mandated for the 89 students in our sample. Whether the attendance summaries were maintained by the schools or by SourceCorp, DOE was nonetheless unable to provide attendance summaries for 131 services.

The lack of attendance summaries at schools constitutes a material control weakness. Since monitoring of the delivery of services is accomplished primarily at the school level, it is imperative that the schools maintain documentation related to the provision of those services. By not maintaining attendance summaries, the schools (1) are unable to verify that the original attendance forms submitted to SourceCorp were, in fact, received, (2) cannot recreate records that may have been lost or damaged, and (3) have no evidence that services to students were provided in accordance with the parameters of the students' IEPs.

DOE Unable to Provide Attendance Forms for More Than Half of the Months of Service Mandated to be Provided

DOE has no attendance forms to support the delivery of 56 percent of the months of services to the 89 sampled students. Furthermore, DOE had no attendance records for 24 percent of the services mandated. As a result, neither we nor DOE can verify that services were provided in accordance with the terms set in the students' IEP.

Since the schools did not maintain attendance records, we asked DOE to provide us with copies of the attendance documents (DOE obtained these documents from SourceCorp). Based on the IEPs for the 89 students in our sample, DOE should have provided 1,794 months of service (service-months) to those students. However, DOE was unable to provide us with the monthly attendance forms for 1,009 (56%) of the 1,794 service-months that students were mandated to receive. We were not provided with a complete set of forms for any of the students; in fact, for five students we received no attendance forms. Moreover, DOE did not provide attendance records for 48 (24%) of the 199 services mandated.

A prior audit by the Comptroller's Office, *Audit Report on The Board of Education's Medicaid Billing Practices for Services to Autistic Students*, issued May 7, 2003, also cited the lack of attendance forms. In its response to that report, DOE stated it "hired a company to collect almost 2 million related service attendance cards from the New York City public schools, and scan them into a database."

Although DOE has hired SourceCorp to maintain these records, it does not verify that the information has been received and entered into a centralized database. As a result, DOE was not able to demonstrate to the auditors whether the schools failed to forward the attendance forms for 1,009 service-months to SourceCorp or whether SourceCorp misplaced or failed to scan those attendance forms. This issue has not been resolved. Therefore, DOE should develop a system to ensure that all attendance forms are forwarded to and retained by SourceCorp and that SourceCorp is scanning all the attendance forms.

As stated previously, the attendance records are the only documentation identified by DOE that indicate the parameters of the services provided. Therefore, in the absence of these records, neither we nor DOE can determine whether special education services were provided to students in accordance with the terms mandated in their IEPs.

Attendance Forms Are Not Reviewed for Accuracy and Completeness

Our review of the attendance records that DOE was able to provide revealed incomplete information and discrepancies with general education attendance records. Attendance records for 16 (11%) of the 151 services for which DOE was able to provide some attendance records did not indicate the parameters of the services provided. Moreover, 79 (10%) of the 785 monthly attendance forms provided by DOE were not signed by providers. In addition, we found 81 instances in which services were reportedly delivered on dates that students were marked absent in the general education attendance records, or on dates that fell on weekends or holidays.

Incomplete Special Education Attendance Forms

As stated previously, the special education attendance forms are the source documents that provide the details in regard to the provision of special education services. According to instructions on the attendance forms, the provider is required to include the dates that the services were delivered, as well as the parameters of the services. There is also a specific field for the provider's signature. According to DOE officials, the provider's signature, as well as the completion of all the fields on the attendance forms, certifies the delivery of services and serves as evidence to determine whether services were provided in accordance with students' IEPs.

However, DOE does not ensure that the attendance forms are complete and does not require a certification from providers that services were given. We found that attendance forms for 16 (11%) of the 151 services mandated for which we received records did not include the parameters of the services and that 79 of the 785 attendance forms (10%) lacked the provider's signature certifying that services had been delivered. Furthermore, we found no evidence of supervisory review for any of the attendance records to ensure that attendance forms are complete and that services are provided in accordance with the terms mandated in the IEPs. Without controls in place to ensure that attendance records are signed off and complete, DOE is hindered in its ability to hold providers accountable for the delivery of services and to ascertain whether services are provided in accordance with the terms mandated.

Contradictions in Attendance Forms

DOE does not ensure that attendance records accurately record the days that services are delivered. There were 32 students for whom providers recorded 72 instances of services being given, even though these students were marked absent from general education classes. (In each of the 72 instances, services were required to be delivered in the schools and not at an outside facility or setting.) In addition, there were three students whose special education attendance forms indicate services were given nine times on weekends or holidays. (One student fell into both categories: eight instances of service delivery when the student was marked absent from general education classes and four instances when delivery occurred on other than school days.)

Because students would either be removed from general education classes to receive special education services or receive the services in the classes, the two sets of attendance records should indicate the student was in attendance. In addition, students should not have been marked as receiving services on a non-school day. We were unable to determine whether providers intentionally recorded that they delivered services on days that they did not. While it is possible that these discrepancies were due to writing errors, it is also possible that the general education or special education attendance forms were not filled out correctly and did not accurately reflect the students' attendance. However, without adequate controls in place, DOE cannot attest that special education attendance records contain an accurate record of when and whether services are provided.

Recommendations

DOE should:

2. Develop policies to ensure that all attendance forms and summaries are maintained as evidence of services provided.

DOE Response: “The recommendation is tied to a finding that is based on an erroneous assumption, that being that the attendance records are supposed to be maintained at the school after the school year ends OSEI [Office of Special Education Initiatives] management explained to the audit team that the process for maintaining and storing related services and other support services attendance sheets is this: ‘Original’ hard copies of RSSA cards are sent monthly to SourceCorp for imaging. A ‘carbon’ copy (summary card) of the monthly entries is maintained at the school until the end of the school year, at which time it is delivered to SourceCorp and maintained there.”

Auditor Comment: This recommendation is based on the fact that 1,140 attendance records and summaries could not be provided to us by DOE officials, through SourceCorp, the schools, or the regional offices. Since schools—as the primary monitor of special education service delivery—do not maintain copies of attendance records, neither we nor DOE can determine whether the 1,140 records mentioned above were merely missing or whether they indicate that the services were not provided. Accordingly, we reaffirm our recommendation.

3. Ensure that providers fill in all of the required information on the special education attendance forms and sign the forms as certification of the delivery of service.
4. Ensure that supervisory review of attendance records is performed and documented.

DOE Response: “OSEI managers agree with the recommendations and will address with supervisory personnel the findings that point to the need for improvement in the quality of RSSA card completion. Further, principals will again be advised of the need to conduct quality reviews of attendance sheets at the school before submitting them to SourceCorp.”

5. Institute a control (e.g., periodically reconcile special education attendance forms with general education attendance forms) to help ensure that the days that services are provided are accurately recorded.

DOE Response: “Currently, OSEI is developing an RFP for a web-based special education tracking system that will include related and supplemental instructional support services attendance. It is indisputable that internal controls must be designed into the system. As such, and with regard to the Comptroller’s recommendation, the DOE will discuss with the successful contractor the inclusion of a hard edit to

preclude entry of school-based related and supplemental instructional support services on dates that a student is absent from the primary class placement.”

Provision of Make-up Sessions Not Ensured

DOE has no provision in place to ensure that make-up sessions are given when a provider is absent. As a result, there were 694 sessions⁵ for which 44 providers were absent; however, there were only 22 sessions for which there is evidence that make-up sessions were provided. The providers were absent for periods ranging from 1 day to 55 days, as shown in Table I, below.

Table I

Ranges of Days Providers Were Absent

Range of Days	1-10 Days	11-20 Days	21-30 Days	31-40 Days	41-50 Days	51-60 Days	Total
# of Providers Absent	32	8	3	0	0	1	44

The provider who was absent 55 days was absent for 54 consecutive service days. The lack of make-up sessions affected 71 students who did not receive all of their required services, as shown in Table II, below.

Table II

Number of Sessions Missed Per Student

Range of Missed Sessions	1-10 Sessions	11-20 Sessions	21-30 Sessions	31-40 Sessions	41-50 Sessions	51-60 Sessions	Total
# of Students Affected	47	16	7	1	0	0	71

DOE officials stated that the providers make every attempt to offer make-up sessions when the provider is absent, but not when the student is absent; however, they did not provide us with any guidelines pertaining to make-up sessions. In addition, DOE officials stated that if a make-up session is to be provided, it should take place within the week that the original sessions were supposed to be provided. We did not find that to be the case for these 672 sessions in which services were not provided because a provider was absent.

⁵ These 694 sessions consist of 359 group sessions provided to 71 students. Since some of the sessions are conducted as group classes, more than one student is affected when a provider is absent.

DOE officials stated that they try to maximize the provider's schedules and as a result, providers may not always be available to offer make-up sessions. They also stated that it was not possible or practical to offer substitute providers because there is a shortage of providers, and those available may not be qualified to offer the required services. However, DOE has not established any guidelines indicating the circumstances under which make-up sessions should be provided. When DOE is aware that a student has not received a number of sessions as a result of a provider's absence, an attempt should be made to provide alternate accommodations for the student to receive the required services, even if this requires DOE to contract out for the services. For example, one speech provider was absent for approximately three months, but we saw no evidence that service was provided to three of her students. Without alternate accommodations during the providers' absences, students are being deprived of necessary services to meet their special education needs.

It is possible that students may not progress academically if they do not receive all of their required sessions. DOE officials stated that there is no legal mandate that students be provided make-up sessions. Though we acknowledge the difficulties that make-up sessions may pose to a provider's schedule, the fact remains that when sessions are not held, students are not receiving needed services to help them reach their goals. Accordingly, DOE should establish guidelines to attempt the provision of make-up sessions and should ensure that those guidelines are followed.

Recommendation

DOE should:

6. Establish guidelines for makeup sessions and should ensure that those guidelines are followed.

DOE Response: "When a student or provider is absent, makeup sessions *may* be held within the week that the services were to be provided based upon individual circumstance, but that there is no legal or policy-based requirement that makeup sessions must be held. The Report acknowledges this position.

"We are concerned, then, that the Report raises the specter of academic failure in suggesting that 'it is *possible* (emphasis added) that students may not progress academically if they do not receive all of their required sessions.' It is, as well, possible that students, who are removed from class to make up missed related service sessions, will risk missing a crucial academic lesson. And, it is possible that a student will reach a point of negative returns when makeup sessions are added to the cadre of regularly scheduled related services sessions.

"The final audit report should withdraw the recommendation for extra-regulatory action. The DOE will continue to recommend that providers consider makeup sessions on a case-by-case basis."

Auditor Response: DOE officials stated that the providers make every attempt to offer make-up sessions. Make-up sessions ensure that students receive all the services that help them reach their goals. As mentioned previously, one provider was absent 54 consecutive service days, during which time three students did not receive between 21 and 32 consecutive sessions of speech services. A child's IEP is premised on a correlation between the provision of special education services to a child and the child's progress in academic growth. Therefore, any delays or omissions in those services, such as provider absence, inevitably will hinder the child's ability to meet both the annual and short-term goals stipulated in the IEP.

DOE Needs a More Reliable Computerized Tracking And Monitoring System of Special Education Services

Our review of the special education services recorded in CAP for the sampled students revealed some inconsistencies between CAP data and services authorized in the IEPs, limiting CAP's effectiveness as a useful monitoring tool.

CAP was designed to be DOE's official database to maintain all IEP information so that DOE personnel could gain remote access to information from student files when hard copies of the student files were not available. It was intended to be used as a computerized tracking and monitoring tool. However, DOE has not taken adequate measures to help ensure that data recorded in CAP is accurate.

For 108 of 793 mandated services⁶ for the 89 students in our sample, there were inconsistencies between IEP-authorized services and service data entered in CAP. The inconsistencies between the two sets of records were in reference to such information as frequency of services, group size, and services authorized but not entered in CAP. CAP does not continuously capture data on the provision of services after a provider has telephoned to report the start of service. In fact, CAP is not linked to the attendance records in a way that would allow DOE personnel to monitor the type or frequency of services that the student is receiving. DOE has not established adequate controls to ensure that CAP data reconciles with service delivery records. Without adequate controls to ensure that CAP is accurate and current, CAP's effectiveness as a monitoring tool is limited.

DOE officials acknowledge that CAP is outdated and rather cumbersome to use. They stated that they have recently begun to phase out CAP and gradually replace it with a new computer system, Student Special Education Component (SSEC). The new system, which is described by DOE officials as being more user friendly, is intended to replace CAP entirely.

DOE officials believe that the new system will allow for the monitoring and tracking of special education services and also will enable a more efficient documentation of services. DOE stated that SSEC will be designed to capture the receipt of services. However, SSEC will not be fully operational for at least another two years (by Fiscal Year 2009). Since the data in CAP is

⁶ Including all services mandated from the time that the student was first authorized to receive services.

unreliable and the new computer system will not be fully functional for at least another two years, DOE is left without a tracking and monitoring tool for special education services.

Currently, the only source of evidence that services were provided as mandated in the IEP is the special education attendance forms which, as previously stated, are often unavailable, incomplete, or unreliable. Until SSEC is fully functional, DOE should periodically monitor information within CAP to assess whether students are receiving the required services and see that any inconsistencies are addressed with the school Principals and the special education providers. In addition, it is in DOE's best interest that SSEC be designed to capture the receipt of services so that it can be used as a monitoring tool, and that SSEC be placed into service in a timely manner.

Recommendations

DOE officials should:

7. Periodically monitor the information in CAP to ensure that it is reliable.
8. Replace CAP by upgrading SSEC in a timely manner so as to allow for the monitoring and tracking of special education services.

DOE Response: "We agree with the recommendations. Well before the Report was issued, the DOE engaged in self-evaluation and commissioned an independent, comprehensive assessment of special education service delivery which reinforced the position that a global solution to numerous problems with paper records lay in the development of a new special education data system. Until that system is fully realized through our proactive efforts, we have taken interim measures, including updating CAP, introducing IVR, developing on-line real time reports for schools in SEC and utilizing scanning technology for related service attendance through SourceCorp."

9. Ensure that SSEC contains accurate, complete data regarding a student's intended and provided special education services. This will allow SSEC to be used as a monitoring and tracking tool for student special education services.

DOE Response: "We agree that it is necessary and will redouble the significant efforts that have been made over the past several years to ensure that related service providers precisely record related service attendance. We will continue to provide training to principals and providers on the need for accurate data and request that principals review monthly RSSA scan sheets to assure completeness."

Detailed Discussion of the DOE Response

During the course of the audit, we had numerous meetings and correspondence with DOE officials to discuss the issues addressed in this report. All of our analyses of the monitoring and tracking of special education services were based on criteria and documentation provided to us by DOE itself. Nevertheless, in its response, DOE strongly objected to our methodology and our findings. We disagree with DOE officials' arguments and therefore have added this Appendix to record the main issues raised in the DOE response and our comments. (For the full text of DOE's response, see the Addendum of this report.)

DOE has claimed that missteps were taken in the methodology we employed. In its response DOE has "recasted" our methodology. However, we are not in agreement with DOE's methodology for reasons that will be discussed later in this appendix. In their response, DOE officials admit to "re-framing the categories of findings," apparently altering methods as it suits them to reach more favorable "findings." However, their "audit" is in no way comparable to ours.

For example, upon review of DOE's Exhibit C we found several inconsistencies between DOE's methodology and documents provided during the audit. It is apparent that DOE, while trying to discredit our findings is at the same time attempting to lower our number of missing attendance records. For example, in one instance, by stating that there was no service start date in CAP, DOE is disputing our claim that a service should have been provided yet conveniently gives itself credit for finding records indicating provision of this same service.

Therefore, we could not give merit to any of the documents that DOE provided us after the completion of the audit because these documents were tainted by DOE's alternate methodology, which we believe to be self-serving and correspondingly misleading. Specifically, DOE's methodology used CAP dates even though CAP data is unreliable and incomplete, and the methodology used summary cards as source documentation to credit months of service, which we could not accept as original, certified source documents.

Moreover, based on arguments being raised in its response, it appears that DOE was not forthcoming with documents and information when we requested them during the audit. This lack of response, combined with the fact that we continued to receive conflicting verbal and written information from DOE both during and after our audit is indicative of weaknesses and conflicts within DOE. It is apparent that there is a lack of coordination, organization, and communication within DOE as they pertain to the area audited, and that DOE should address these issues. DOE's shortcomings were so grave that it was either incompetence or deliberate non-cooperation on its part.

DOE should formulate an efficient system, including uniform policies and procedures, and should ensure that every regional administrator, principal/assistant principal, and special education teacher/related service provider is fully informed of the policies and procedures. In

addition, DOE should enforce such policies and procedures to ensure that NYC Public School students receive the quality services they deserve.

Although DOE is disputing our sample methodology, it nevertheless agreed to implement six of the nine recommendations made in the audit.

Re: Audit Sample

DOE Response:

“The audit sample consisted of 89 students in elementary schools from three of ten regions system-wide. . . . To provide appropriate context, we offer that there are over 19,000 students receiving special education services in the three regions selected. . . .

“DOE managers expressed concerns that despite that a statistically valid sample selection methodology had not been employed, the report unfairly invites informal extrapolation of the findings, particularly in light of recommendations that call for system-wide improvements.”

Auditor Comment

As stated in the report, we judgmentally selected three of the ten regions because together they encompass all five boroughs, and our findings spanned students receiving special education services within each of the five boroughs. It should be noted that generally accepted government auditing standards (GAGAS) do not require that audit sample results be statistically projected to the populations from which the samples were drawn. (To do so in some instances could require prohibitively large samples.) However, as stated in our report, “The results of the above tests, while not projected to their respective populations, provided us with a reasonable basis to determine whether DOE adequately monitors, tracks, and documents the services provided to mainstreamed elementary school special education students.” Finally, even as DOE criticizes our methodology, in agreeing to implement six of the nine audit recommendations, it concurs that system-wide improvements must be made.

Re: Source Documents Deemed Acceptable for Testing

DOE Response

“More precisely, and as explained in greater detail below, while the Report concludes that only 44% of service records supporting special education service provision in School Year 2004/2005 to the 89 sampled students were available, the DOE’s application of the appropriate methodology to the same sample resulted in identification in 83% of service records.”

Auditor Comment

According to DOE, the 83 percent of the records it found to use in its own methodology included those from the summaries, which DOE states elsewhere are “carbon copies,” not original source, certified documents. We cannot accept documentation that is neither the original source nor supported by source documents, as DOE did in their finding that 83 percent of services had records. The DOE “finding” is all the more troublesome since the summaries are not reviewed and certified by a supervisor for accuracy. In addition, DOE relied in its own methodology upon CAP information for the start and stop dates for special education services. As stated in the report, there were numerous inconsistencies between the information in CAP and information on the IEPs. We were therefore unable to rely on the information in CAP and relied solely on the IEPs that mandated the special education services. DOE’s methodology is a transparent attempt to reinvent this audit in terms that obscure DOE’s inability to monitor and track the provision of services through a reliable and consistent system of documentation.

Re: Complexity of Special Education

DOE Response

“We grant that many aspects of the special education process from referral to service provision and the special education data system are complex. Individuals who are not routinely involved in these processes or the use of the complex special education data system may not readily understand the terms used to describe ‘services’ associated with special education and how electronic and hardcopy information relative to those services was maintained by the DOE during the audit period. Without casting fault for that, we realize that confusion has led to misunderstandings on both sides of this audit.

“We regret that until recently, we did not fully realize the extent to which the audit team’s application of incorrect information affected the findings.”

Auditor Comment

Apart from the patronizing nature of the DOE response, we agree that the system is complex. For this reason, we relied on DOE’s professional good faith in sharing its expertise in this area. All our testing was conducted based on information gathered from on-site meetings with OSEI management, Regional chairpersons, related service and special education providers, and principals or assistant principals.

In April 2006, we sent the three regional chairpersons a detailed request for all the documents and computer-generated screens required for our analysis, which included a request for general education, special education, and related-service documentation. In May 2006, at the request of the DOE Office of Auditor General (OAG), we submitted the same list to OAG officials for their review. In July 2006, and then again in September 2006, we sent e-mails to OAG and OSEI management detailing information missing from documentation that was provided. These e-mails listed the services for which we lacked supporting attendance records

and included special education services that DOE is now claiming is not included on RSSA cards. Moreover, in February 2007, upon the completion of our fieldwork, we met with OSEI officials to update them on the results of our review. Immediately following that meeting, at OSEI management's request, we sent schedules to OSEI detailing our findings for its review. These schedules included all special education services for which there were no supporting attendance records.

We issued the preliminary draft report on March 23, 2007, and shortly thereafter requested an exit conference to discuss the report. DOE refused to grant us the exit conference until we *once again* supplied them with the schedules to support our findings. On April 10, 2007, upon OAG's insistence, we submitted schedules supporting our findings to OAG, after which we met with both DOE OSEI management and OAG officials at the exit conference to discuss the report held on April 27, 2007.

DOE had numerous opportunities, from April 2006 until April 2007, to address, correct, or contradict our understanding of the special education process or our findings. At the exit conference, DOE officials focused on the background section of the preliminary draft report; they did not dispute or contradict the details of our findings. Based on the arguments now being raised in its response, it appears that DOE paid no attention to the numerous and various items of correspondence detailing our requests and communicating our audit results. We can only conclude that our expectation of DOE's good faith at the outset of the audit was misplaced.

Re: DOE Recasting of Audit Methodology and Sample

DOE Response

“Our recent informal attempts to assist the audit team with an expeditious revision of the Report having not been accepted; we are in this response, therefore, recasting the audit team's methodology and applying that methodology to the auditors' sample, re-framing the categories of findings, and then addressing those findings. We remain ready to walk the audit team through these operations to clarify, if necessary, how the methodology and results meet the Report's stated objective.”

Auditor Comment

DOE officials had more than ample opportunity to review the audit's findings. We did not accept DOE officials' offer to “assist” us with an expeditious revision of the report in light of the fact that their own methodology was not sound or valid. DOE seems to be intent on conducting another audit with objectives more to its liking and that relies on secondary data found in CAP, data that does not accurately reflect the data we examined.

Re: Definitions of “Special Education Services”

DOE Response

“Once the sample was selected by the audit team, a request was made for a ‘list of services mandated per IEP for each student, for School Year 2004/2005,’ including the ‘frequency of service . . . duration in minutes, and group size.’ The OSEI managers, with the knowledge that ‘frequency,’ ‘duration’ and ‘group size’ pertain only to related services, interpreted the request as a signal that the scope of the audit was limited to related services. That interpretation was reinforced when the discussion with the audit team turned to the scope of audit and the documentation that would be sought to establish that services had been provided.”

Auditor Comment

DOE could not have interpreted our request as a signal that the scope of the audit was limited to related services. The students in our sample included those in primary class special education placement, supplemental instructional support services, and related services, a fact that DOE was well aware of. The e-mail that DOE refers to was sent in October 2006, one year after the audit began, the sample was selected, and numerous requests for documents had been made. The purpose of this e-mail was to confirm our understanding of the services to be provided, since at that point we had not received many of the documents requested. By that time, DOE had already provided us with attendance records based on numerous requests and was fully informed of the detailed information pertaining to our requests. By referring to a request we made after they had already provided us with relevant documents, DOE officials are trying to circumvent and cloud the issues with irrelevant and erroneous information.

Re: RSSA Cards

DOE Response

“So that it is clear, we underscore that RSSA cards are intended to be used *only* for capturing attendance for *related services* and *supplemental instructional support services*, not primary class placements. Primary class placement attendance resides in the DOE’s ATS database.”

Auditor Comment

DOE’s statement is at odds with what we were provided during the course of the audit. Though DOE now claims that the RSSA cards are “intended to be used *only* for capturing attendance for *related services* and *supplemental instructional support services*, not primary class placements,” DOE nevertheless did provide us with RSSA cards that captured primary class placements when we requested the attendance records for these placements. These documents were given to us for more than one student, and from more than one school. If the attendance for primary class placements is recorded in ATS and not RSSA cards as DOE now

claims, a good faith response on the part of DOE would have ensured that the source attendance records for ATS were part of the documentation we received.

Re: CAP

DOE Response

“CAP is an approximately twenty-five year old computerized data system that tracks the process by which students are identified for and provided with special education services. It was never intended to, and does not, track students’ attendance in the primary class placement or the dates on which they receive related services or supplemental instructional support services.”

Auditor Comment

DOE’s response regarding CAP contradicts what is outlined in information we obtained directly from the DOE Web site, which states:

“CAP is the computer system that tracks New York City Public School students who are referred for evaluation and possible placement in special education programs/services. CAP also tracks the delivery of services to students found to be in need of special education programs and services as well as the cessation of those services upon decertification or discharge.”

As indicated in the DOE Web site, CAP is designed to track the delivery of special education programs and services. The actual delivery of services can only be tracked through attendance information, which, according to DOE’s Web site, is contained in CAP.

Based on the discrepancy between the above description and DOE’s response to the report, it appears that there is confusion on the part of OSEI management regarding the overall functions of CAP. Since we received CAP information that indicated only the services mandated by an IEP, but did not indicate that those services were actually provided according to that IEP, we did not rely on or use CAP as evidence that services were provided.

Re: Counting Service Months

DOE Response

“We carefully reviewed the methodology employed by the audit team and determined that several missteps were taken.

“First, it appears that the auditors used a screen in CAP that reported a first attend date in the primary class placement to begin counting service months for related and supplemental instructional support services.”

Auditor Comment

DOE is aware that we did not use CAP to determine a first-attend date to begin counting service months. After we issued the preliminary draft report, held an exit conference with DOE officials, and subsequently issued the draft report—and prior to DOE’s issuing its written response, OAG officials asked by telephone and e-mail, whether we calculated the months of special education services from the IEP recommendation service start date or from the start date in CAP. We informed DOE, by telephone and e-mail, that we used the IEP-recommended service start date to determine the dates that the students should be receiving their mandated services. OAG officials informed us that we should have used the dates in CAP because it contains the actual start and stop dates.

We reviewed our schedule listing missing attendance records and determined that for the majority of the mandated services we reviewed, we could be assured that services were begun by the IEP-recommended service start date because we received RSSA cards indicating the same date. In fairness to DOE, we then looked at the dates in CAP and determined that in many instances the date in CAP differed from the dates that services actually started, as evidenced by the attendance records provided by DOE. We discussed our observations with OAG officials and reinforced the fact that we would not use CAP due to its inconsistencies with service documentation. At that time, an OAG official stated that DOE is in the process of getting a new system because CAP is “obsolete and arcane.”

Re: RSSA Cards and Primary Class Placements

DOE Response

“RSSA cards incorrectly were sought for primary class placements.”

Auditor Comment

Our initial requests were for records that reflected provision of special education services as mandated by the IEP. DOE identified the RSSA cards as the record and provided RSSA cards for both related services and primary class placements, thereby contradicting DOE’s later claim that RSSA cards are not required for primary class placements. On at least two occasions, we sought attendance records for specific IEP-recommended services, including primary classes and related services. As previously stated, neither at any time during the audit nor after we asked DOE for missing information, indicating clearly that we lacked attendance records for both primary special education and related services, did DOE identify another source of information for primary class placement services.

Re: RSSA Carbon Summaries

DOE Response

“RSSA carbon ‘summary’ of service cards inexplicably were not credited by the audit team in its review of supporting documentation.

“When a monthly service card was missing, the audit team did not look to the summary of services card to determine whether that record indicated service during the ‘missing’ month. We cannot explain why the auditors opted not to credit the information on the summary card, which is simply a ‘carbon’ copy of original monthly cards.”

Auditor Comment

As stated in the report, DOE was only able to provide summary of service cards for 68 out of the 199 mandated services. However, we did not credit summary of service cards because they are not original, certified source documents showing provision of service; instead, we relied on the original attendance records.

Re: RSSA Cards and New Service Providers

DOE Response

“Where a student’s provider was changed during the school year, the auditors reported as ‘missing’ RSSA cards for the months that were covered by the newly assigned provider.”

Auditor Comment

We focused on documentation that would indicate the actual delivery of services as mandated in the student’s IEP and therefore credited every attendance record that we received from DOE. The reason DOE gives for not having provided RSSA cards, i.e., newly assigned providers, is immaterial. The fact remains that DOE did not provide us the attendance records for these months.

Re: CAP IEP Data

DOE Response

“In formulating an alternative methodology, the Office of Auditor General (“OAG”) recommends, as the first step, identifying—using CAP IEP data—the special education services for which the students in the auditors’ sample were mandated in School Year 2004/2005. . . .

“To determine first, whether students were provided with related services and/or supplemental instructional support services and, then, for which service periods supporting documentation should be sought, OAG looked for service start and stop dates in CAP screens and SEC data reports reflecting that information for School Year 2004/2005.”

Auditor Comment

The IEP is the only original, legal document that details the mandated special education services for a student. Our methodology therefore consisted of obtaining all the IEPs for each student in our sample for the 2004/2005 school year. Each time there is an annual or a requested review of the student’s IEP progress based on IEP-mandated services provided to the student, a new IEP is developed and supersedes the prior IEP. The consecutive IEPs obtained for each student allowed us to determine the applicable dates of service and whether the services were supposed to be initiated, continued, modified, or terminated. If an IEP was developed prior to the required annual review, we determined the start date of service based on the projected initiation date, the duration of services, and the next consecutive start date. We applied this methodology for each IEP and determined the dates the services should have been provided.

Re: DOE Recategorization

DOE Response

“Using the results obtained from the above steps, the students’ services should be considered as falling into two categories: one for those that appear not to have a start date at all and one for those services with a start date. It is only for the latter group that documentation should be sought and then only for the indicated service period.”

Auditor Comment

Since there were instances in which services were provided but the start dates were not entered in CAP, as evidenced by attendance records that we received from DOE, we cannot accept DOE’s methodology of using the start dates in CAP. This is precisely why we insist on our methodology of using all relevant IEPs for the 2004/2005 school year.

Re: DOE’s Alternate Methodology

DOE Response

“OAG’s application of the above-outlined methodology yielded the results reflected in Spreadsheets 1 and 2, attached as Exhibit C.”

Auditor Comment

As stated previously, we do not accept or acknowledge the OAG's redefined methodology since it is based on unreliable data. DOE illustrates their statement above in Exhibit C of its response; however we cannot accept Exhibit C because the actual service-stop dates listed in Exhibit C do not agree with the information on the attendance records concerning the last day the student receives a particular related service or supplemental instructional support service from the provider. For example, in one instance Exhibit C indicates a service-stop date of October 13, 2004. However, as evidenced in the corresponding RSSA card, after the October 13 stop-date, the service resumed from January 3, 2004, until March 21, 2005. This example illustrates that Exhibit C does not indicate any of the additional days when services were provided. Therefore, we cannot accept Exhibit C as evidence of service provision.

DOE Response

"The OAG offers the following as guidance in understanding how the results were obtained and how they are presented.

"With the auditors' spreadsheet (SourceCorp missing signatures and missing months with services with no records) as a template, OAG added fields as necessary to achieve the audit objective using the re-defined methodology. The product[s] of those efforts are Spreadsheet 1, pertaining only to related services and supplemental instructional support services . . ."

Auditor Comment:

As explained above, we do not accept the documentation for the 234 service months that DOE found on the summary cards (the months that were not accounted for in documents provided to us) since the summaries are not supported by the original, certified, source documents.

DOE Response

"Where the auditors' spreadsheet indicated that related service or supplemental instructional support service was provided in a month earlier than the one reflected in CAP, the OAG used the earlier month to define the beginning of the service period.

"By the same logic, where CAP did not indicate a service start date at all, but the auditors' spreadsheet showed that service records had been obtained, the OAG credited the auditors' information and considered that the student was in receiving service status.

"Where there was neither a service start date in CAP/SEC nor a reference to service in the auditors' spreadsheet, the OAG filled in 'No Service Start' in the spreadsheet field labeled 'Service Start.'"

Auditor Comment

We are curious how DOE could possibly be certain that a service was not started simply because there was no date in CAP or no attendance records, since DOE clearly agrees that sometimes there is no start date recorded in CAP. This being the case, how can DOE be sure that a service has not started when it is possible that the relevant attendance records may be missing. In 16 instances, according to DOE's "logic," the lack of a start date in CAP indicates that no services were provided, although the services were mandated by the IEP. DOE's reasoning here is of greater concern than the lack of attendance records because what DOE is saying is that although the students' IEPs reflect that services should have already begun, these students were not receiving these services. For example, an IEP shows that the projected start date of speech therapy service for one student was September 2004; however, by DOE's reasoning, since there is no corresponding start date in CAP, this student therefore did not receive speech therapy for the entire school year. According to DOE's Schedule 1 in Exhibit C, there are 12 instances in which mandated IEP services are listed as having "No Service Start." Following DOE's logic, these 12 services were mandated but never provided to the students during the 2004-2005 School Year.

From DOE's response above, it appears that DOE is advocating the selective use of CAP data: that in certain instances, CAP dates should be used as the start date of a service, but in other instances CAP dates should not be used. For example, if there was a date in CAP, but attendance records were available prior to that date, then the date of the attendance records should be used to determine the service start date. Also, if CAP does not have a date but attendance records are available, then the first attendance record would indicate the service start date. These statements by DOE further reinforce our finding that CAP data is incomplete and unreliable; we therefore question why DOE would suggest that we should have used the dates in CAP to determine the service start dates. Apparently, DOE officials would like us to use the dates in CAP when it benefits them.

Re: Identification of Service Mandates in DOE Alternate Methodology

DOE Response

"OAG reviewed CAP data to determine whether the service recommendations posted on the auditors' spreadsheet were accurate. Where there was a discrepancy between the information on the auditors' spreadsheet and CAP, OAG obtained the IEP(s) in effect during the audit period. In doing that, OAG found 13 instances where students were associated with services on the auditors' spreadsheet, but were not recommended for the service according to CAP and the IEP. In those cases, even when the auditors identified records of service, the OAG did not include those records in its count."

Auditor Comment

DOE states that there were 13 instances in which services were not recommended for students according to CAP and the IEP, but most for which there were records of service

delivery for these students. If this is the case, then DOE is stating that these students are receiving services that were not mandated and that they should not have received.

Re: Identifying and Counting Service Months in DOE Alternate Methodology

DOE Response

“Having established appropriate service periods, OAG sought to count the months for which service documentation in the form of an RSSA card or summary card was available. Thusly, of the 1252 related service and supplemental instructional support service months identified by OAG, 1034 (83%) service records were obtained. Those ‘found’ records are reported on Spreadsheet 1 in the fields labeled ‘Number of Missing Months Found on Summary.’”

Auditor Comment

As previously stated, we did not credit summary-of-service cards because they were not the original, certified source document showing provision of service. That being the case, we do not consider OAG’s number of found records to be valid.

Re: Records of Special Class Placements

DOE Response

“As to the twenty special class placements that the audit team had incorrectly included in its count of ‘missing’ monthly supporting records, the OAG confirmed with reference to ATS that the students have established first attend dates in those classes. Those instances are reported on Spreadsheet 2.”

Auditor Comment

As admitted by DOE, the DOE officials provided the ATS printouts along with their response after we issued the draft report. However, we cannot accept that the printouts given to us by DOE were indeed for the special class placements because the source from which these printouts were generated is not evident, and DOE did not provide an explanation for any of the codes listed in these printouts. Also, ATS records would not be sufficient because they are not the original source of the attendance information.

Re: Period Covered by Audit Report

DOE Response

“Although the use of present tense would have the reader infer that the Report reflects current conditions, the fact is that we are about to enter the third school year post-audit.

Although the audit imparts information relative to a school year already two years removed, it is virtually silent to significant improvements, shared with the audit team and outlined below, that have been made in the two school years subsequent to the audit.”

Auditor Comment

We are pleased that DOE has stated that it is making improvements with regard to special education services, as improvements are needed. However, since these improvements were made subsequent to the scope of our audit and since some are not yet in place, we were unable to test these changes.

Conclusion

Overall, after carefully reviewing DOE’s arguments, we found them to be without merit. Therefore, we could not give worth to any of the documents that DOE provided us after the completion of the audit because these documents were tainted by DOE’s alternate methodology which we believe to be misleading. Accordingly, we stand by our findings.



THE NEW YORK CITY DEPARTMENT OF EDUCATION
JOEL I. KLEIN, *Chancellor*

Office of Special Education Initiatives
52 Chambers Street, Room 220 · New York, NY 10007

June 7, 2007

John Graham
Deputy Comptroller
The City of New York
Office of the Comptroller
One Centre Street
New York, NY 10007-2341

Re: Draft Audit Report on the Monitoring and Tracking of Special Education Services for Elementary School Students (MD06-073A)

Dear Mr. Graham:

The New York City Department of Education ("DOE") submits this letter in response to the City of New York Office of the Comptroller's ("Comptroller") draft audit report titled *Audit Report on the Monitoring and Tracking of Special Education Services for Elementary School Students* ("Report") and with the expectation that it will guide the audit team in revising the Report to render it methodologically sound and substantively accurate.

The specific Report findings and recommendations cannot be addressed until we deal with the matter of the audit methodology, a matter that is not inconsequential in light of a stated audit objective, to wit, to determine whether the DOE "adequately document[ed]" the services provided to special education students.¹ In this case, the application of a less-than-exact methodology skewed the numbers in findings relating to missing service documentation. More precisely, and as explained in greater detail below, while the Report concludes that only 44% of service records supporting special education service provision in School Year 2004/2005 to the 89 sampled students were available, the DOE's application of the appropriate methodology to the same sample resulted in identification of 83% of service records.²

¹ According to the Report's title, the audit addressed the DOE's "monitoring and tracking of special education services." Nonetheless, with reference to the body of the Report, we find that the review of the DOE's processes for tracking and monitoring service provision were covered in less than a page and concluded that the DOE's efforts were lacking. The balance of the Report concerned itself with whether the DOE "adequately document[ed]" the services provided to mainstreamed special education students. Since that is the case, we recommend that the title of the Report reflect that additional objective.

² The audit sample consisted of 89 students in elementary schools from three of ten regions system-wide; none of the 89 students is served within District 75. To provide appropriate context, we offer that there are over 19,000 students receiving special education related services in the three regions selected and over 72,000 individual related services, exclusive of District 75, being provided in the public schools alone. At the very outset of the audit, and again at the exit conference, DOE managers expressed concern that despite that a statistically valid sample selection methodology had not

We grant that many aspects of the special education process from referral to service provision and the special education data system are complex. Individuals who are not routinely involved in these processes or the use of the complex special education data system may not readily understand the terms used to describe “services” associated with special education and how electronic and hardcopy information relative to those services was maintained by the DOE during the audit period. Without casting fault for that, we realize that confusion has led to misunderstandings on both sides of this audit.

We regret that until recently, we did not fully realize the extent to which the audit team’s application of incorrect information affected the findings. Our recent informal attempts to assist the audit team with an expeditious revision of the Report having not been accepted; we are in this response, therefore, recasting the audit team’s methodology and applying that methodology to the auditors’ sample, re-framing the categories of findings, and then addressing those findings. We remain ready to walk the audit team through these operations to clarify, if necessary, how the methodology and results meet the Report’s stated objective.

BACKGROUND

Preliminarily, we offer the following as a roadmap to a uniform understanding of the basic concepts upon which the audit rests.

Special Education Services. Upon a referral for evaluation, a student’s eligibility for special education services to support their educational program is assessed. At the culmination of the assessment process, a meeting constituted under applicable laws is convened to consider whether a student has a disability and the extent to which the student requires special education services. In the event services are required, the service recommendations are stated on an Individualized Education Program (“IEP”).³

The term “special education services” generally refers to *primary class placement* (general education class, self-contained special education class, collaborative team teaching); *related services* (such as counseling, speech therapy, occupational therapy and physical therapy); and *supplemental instructional support services* (Special Education Teacher Support Services [“SETSS”], Paraprofessional Support Services, and English as a Second Language [“ESL”]) support.

At the beginning of the instant audit, pursuant to the auditors’ request, DOE Office of Special Education Initiatives (“OSEI”) managers provided information for 19,000 elementary grade students who were not assigned to District 75 programs and were receiving “special education services.” The data provided included recommendations that covered all services within the ambit of “special education services.” Thereafter, once the sample was selected by the audit team, a request was made for a “list of services mandated per IEP for each student, for School Year 2004/2005,” including the “frequency of service . . . duration in minutes, and group size.” The OSEI managers, with the knowledge that “frequency,” “duration” and “group size” pertain only to related services, interpreted

been employed, the Report unfairly invites informal extrapolation of the findings, particularly in light of recommendations that call for system-wide improvements.

³ Each child who receives special education and related services must have an IEP. An IEP is a legally binding document that describes the educational program that has been designed to meet a child’s unique needs.

the request as a signal that the scope of audit was limited to related services. That interpretation was reinforced when the discussion with the audit team turned to the scope of audit and the documentation that would be sought to establish that services had been provided.

Documentation of Service Provision. In School Year 2003/2004, the DOE implemented a new related service and supplemental instructional support service tracking and records maintenance process. In its simplest terms, each school-based related service and supplemental instructional support service provider is responsible for entering service dates on tear-off Related and Support Service Attendance (“RSSA”) cards that are arranged in a booklet – one for each student – by month. Each booklet is given a unique barcode number. If a student’s service provider changes, the newly-assigned provider begins service with a new booklet.

As attendance information is entered, a single sheet in the booklet retains a “carbon” copy of the monthly service card. The original monthly cards are collected and sent by the school to the DOE’s RSSA records maintenance vendor, SourceCorp, for imaging, data entry and archiving. At the end of the school year, the carbon copy of service, which we also refer to as a “summary” card is submitted to SourceCorp as well.

When the RSSA card collection process was initiated, it was intended that data generated by SourceCorp would be used to populate fields for related service and other support service start and stop dates in the DOE’s Child Assistance Program (“CAP”), at least until a replacement for CAP was designed and implemented. For reasons having to do with both the RSSA data collection process, and the difficulty of uploading data into CAP, the initiative was not wholly successful, particularly since the use of RSSAs had been newly introduced. As explained in more detail later in this response, to remedy this situation, the DOE subsequently implemented a telephonic system for obtaining service start dates.

So that it is clear, we underscore that RSSA cards are intended to be used *only* for capturing attendance for *related services* and *supplemental instructional support services*, not primary class placements. Primary class placement attendance resides in the DOE’s ATS database.

Special Education Data. CAP is an approximately twenty-five year old computerized data system that tracks the process by which students are identified for and provided with special education services. It was never intended to, and does not, track students’ attendance in the primary class placement or the dates on which they receive related services or supplemental instructional support services. DOE management has acknowledged that CAP is outdated, non-intuitive and cumbersome. That is why, as explained more fully below, the DOE had taken the initiative well before this Report was published to examine and begin the process of developing alternatives to CAP.

One of the newer databases that was implemented to assist with tracking and monitoring special education services is Special Education Component (“SEC”), which is part of the larger “Student Information System.” SEC takes information from other electronic databases and systems to render it available in a more readable format than is provided by CAP.

“First” Attend -“Last” Attend/Service Start - Service Stop Dates. A special education student will have a “first” attend date that reflects the date she/he begins the primary class placement. The “last” attend is the last day a student attends the primary program placement.

Additionally, depending on the IEP recommendation(s), the student may have “service start” dates for the first date the student is served by each assigned related service provider; and/or the first date the student is served by a teacher to meet a mandate for SETSS or ESL; and/or the first date a paraprofessional begins serving a student. A “service stop” date is the last day the student is served by a particular related service or supplemental instructional support service provider.

Thus, in the course of a single school year, CAP may reflect multiple first and last attend dates if there are changes in the student’s primary class placement. Multiple service start and service stop dates may appear if providers change or the recommendations for related services or other support services change.

Generally, in School Year 2004/2005, the above events were reported on various screens in CAP, having been populated by ATS and SourceCorp data.

METHODOLOGY RECOMMENDED BY THE OFFICE OF AUDITOR GENERAL⁴

A significant portion of the Report is concerned with findings pertaining to the audit objective, that is, to determine whether the DOE “adequately document[ed]” the services provided to special education students. Since a sound audit methodology is crucial to obtaining accurate results, we carefully reviewed the methodology employed by the audit team and determined that several missteps were taken.

First, it appears that the auditors used a screen in CAP that reported a first attend date in the primary class placement to begin counting service months for related and supplemental instructional support services; second, RSSA cards incorrectly were sought for primary class placements; third, RSSA carbon “summary” of service cards inexplicably were not credited by the audit team in its review of supporting documentation; and fourth, where a student’s provider was changed during the school year, the auditors reported as “missing” RSSA cards for the months that were covered by the newly assigned provider.

In formulating an alternative methodology, the Office of Auditor General (“OAG”) recommends, as the first step, identifying – using CAP IEP data - the special education services for which the students in the auditors’ sample were mandated in School Year 2004/2005.

Then, with reference to CAP, the job is to identify which of those recommended services were associated with first attend/start dates and the months that were included within service periods (the

⁴ The Office of Auditor General (“OAG”) has significant experience conducting audits and reviews in the area of special education, including CAP data integrity tests, assessment and service timeline analyses, and tests of service records maintenance. As these examinations have required an in-depth understanding of CAP and special education identification and service processes, we have asked the OAG to assist with this response and to make staff available to work with the Comptroller’s audit team.

period between first attend and last attend dates for primary class placement and the period between start and stop dates for related services and supplemental instructional support services).⁵

Using the results obtained from the above steps, the students' services should be considered as falling into two categories: one for those that appear not to have a start date at all and one for those services with a start date. It is only for the latter group that documentation should be sought and then only for the indicated service period.

As for the particulars of the documentation review, it is not only fruitless, but wrong, to seek hardcopy documentation for *primary class placement*, inasmuch as the CAP "first attend" date field is populated by ATS, the DOE's primary attendance tracking system for general and special education primary class placements.

Thus, to achieve the audit objective for *related services* and *other support services* the inquiry involves identifying whether RSSA monthly and/or summary of services cards or images made by SourceCorp from the RSSA cards have been produced for the period included within the "service start" and "service stop" dates. As to the use of summary of services RSSA cards, we have been advised by the audit manager that when a monthly service card was missing, the audit team did not look to the summary of services card to determine whether that record indicated service during the "missing" month. We cannot explain why the auditors opted not to credit the information on the summary card, which is simply a "carbon" copy of original monthly cards. Nevertheless, since we are designing a methodology that bears some logic given the objective, we have chosen to include within the methodology a review of summary card information.

APPLICATION OF METHODOLOGY AND RESULTS

OAG's application of the above-outlined methodology yielded the results reflected in Spreadsheets 1 and 2, attached as Exhibit C. The OAG offers the following as guidance in understanding how the results were obtained and how they are presented:

- With the auditors' spreadsheet (SourceCorp missing signatures and missing months with services with no records") as a template,⁶ OAG added fields as necessary to achieve the audit objective using the re-defined methodology. The product of those efforts are Spreadsheet 1, pertaining only to related services and supplemental instructional support services and Spreadsheet 2, containing information relative only to primary class placements. As to the latter, and for reasons already stated in this response, there are no fields for "missing months."
- To determine first, whether students were provided with related services and/or supplemental instructional support services and, then, for which service periods supporting documentation should be sought, OAG looked for service start and stop dates in CAP screens and SEC data reports reflecting that information for School Year 2004/2005. The following caveats, however, apply:

⁵ Exhibit A is an example of the CAP primary class placement "first attend" screen. Exhibit B is an example of the CAP screen for related service and other support services "service start" and "service stop" dates.

⁶ Although the Report shows changes in counts from those in the Preliminary Report, the auditors did not tender a revised spreadsheet. Therefore, for purposes of this response, we are using the most recent spreadsheet in our possession.

- Where the auditors' spreadsheet indicated that related service or supplemental instructional support service was provided in a month earlier than the one reflected in CAP, the OAG used the earlier month to define the beginning of the service period.
- By the same logic, where CAP did not indicate a service start date at all, but the auditors' spreadsheet showed that service records had been obtained, the OAG credited the auditors' information and considered that the student was in receiving service status.
- Where there was neither a service start date in CAP/SEC nor a reference to service in the auditors' spreadsheet, the OAG filled in "No Service Start" in the spreadsheet field labeled "Service Start."
- OAG reviewed CAP data to determine whether the service recommendations posted on the auditors' spreadsheet were accurate. Where there was a discrepancy between the information on the auditors' spreadsheet and CAP, OAG obtained the IEP(s) in effect during the audit period. In doing that, OAG found 13 instances where students were associated with services on the auditors' spreadsheet, but were not recommended for the service according to CAP and the IEP. In those cases, even where the auditors identified records of service, the OAG did not include those records in its count. Additionally, OAG identified 14 instances where students were associated with newly recommended or reinstated services on the auditors' spreadsheet as if the recommendation covered the full school year. However, in those cases, the IEP was not developed until the school year had begun, and in some cases, not until the end of the school year. The OAG established the service period for those services based on the start date entered in CAP/SEC.
- Having established appropriate service periods, OAG sought to count the months for which service documentation in the form of an RSSA card or summary card was available. Thusly, of the 1252 related service and supplemental instructional support service months identified by OAG, 1034 (83%) service records were obtained. Those "found" records are reported on Spreadsheet 1 in the fields labeled "Number of Missing Months Found on Summary" and "Number of Missing Monthly RSSA Found."
- As to the twenty special class placements that the audit team had incorrectly included in its count of "missing" monthly supporting records, the OAG confirmed with reference to ATS that the students have established first attend dates in those classes. Those instances are reported on Spreadsheet 2.

IMPROVEMENTS IN SPECIAL EDUCATION SERVICE TRACKING AND RECORDS MAINTENANCE IN THE YEARS POST SCOPE OF AUDIT

Although the use of present tense would have the reader infer that the Report reflects current conditions, the fact is that we are about to enter the third school year post-audit. Although the Report imparts information relative to a school year already two years removed, it is virtually silent as to significant improvements, shared with the audit team and outlined below, that have been made in the two school years subsequent to the audit.

- In School Year 2005/2006, the DOE implemented an integrated voice-activated telephone system ("IVR") for collecting student service start dates for special education related services.
- To facilitate case management at the school level, a web-based "dashboard" of reports for principals identifying students in their schools recommended for special education related

services was developed. The dashboard combines user-friendly prompts with graphics identifying students “awaiting” and “receiving” services.

- SourceCorp has been generating reports identifying schools that did not submit special education related service attendance scan sheets for a particular month.
- The Administrator of Special Education school visitation checklist now includes a review of records recording the provision of related services.
- To replace CAP and the current interim systems, the DOE is in the process of writing a Request for Proposals for design of a comprehensive web-based special education data system that will include real-time special education related service start dates and attendance data interfacing with referral, evaluation, recommendation and accountability data.

RESPONSE TO SPECIFIC RECOMMENDATIONS AND FINDINGS

Recommendation 1: *DOE should develop and enforce written formal policies and procedures to ensure that services are provided according to the provisions of each student’s IEP.* (Report, p. 9).

Response: The recommendation follows the Report’s finding that the “DOE does not have any written formal policies or procedures for monitoring, tracking and documenting provision of special education services” (Report, pp. 8-9). In response, we maintain that the DOE has policy and procedures surrounding the special education related service first-attend and attendance systems, many of which were in place during the audited school year. More specifically, and in addition to the improvements outlined immediately above:

- Through advisories posted in the Chancellor’s Principals’ Weekly – copies of which were provided to the auditors – and repeatedly reinforced at regional principal conferences, principals have been apprised of their responsibilities and the processes by which students are identified for and provided with special education services and their responsibility for ensuring that service provision is documented.
- RSSA official attendance booklets include the policy and procedures for maintaining attendance and instructions for completing the attendance forms and the telephone number of a help-desk in the event further assistance is needed.
- Training for principals over the past two years has resulted in their regular use of the web-based dashboard system to manage provision of special education services at the school level.
- The Integrated Voice Response system (IVR) has been regularly upgraded. In addition to the installation of new telephone lines, clear prompts have been added to facilitate the system’s use to capture first service start dates.

Recommendation 2: *DOE should develop policies to ensure that all attendance forms and summaries are maintained as evidence of services provided* (Report, p. 12).

Response: The recommendation is tied to a finding that is based on an erroneous assumption, that being that the attendance records are supposed to be maintained at the school after the school year ends. Had the audit been conducted contemporaneously with delivery of services at the school, RSSA related service and supplemental instructional support service records would have been available for the auditors’ review. Inasmuch as the audit was conducted two years after the original attendance entries were made, the records the auditors were looking for should have been sent to SourceCorp.

Despite that the Report suggests otherwise, OSEI management explained to the audit team that the process for maintaining and storing related services and other support services attendance sheets is this: "Original" hardcopies of RSSA cards are sent monthly to SourceCorp for imaging. A "carbon" copy (summary card) of the monthly entries is maintained at the school until the end of the school year, at which time it is delivered to SourceCorp and maintained there. We will continue to support this system of attendance card retention until an integrated special education services tracking system is designed and successfully implemented.

Recommendation 3: *DOE should ensure that providers fill in all of the required information on the special education attendance forms and sign the forms as certification of the delivery of service (Report, p. 13).*

Recommendation 4: *DOE should ensure that supervisory review of attendance records is performed and documented (Report, p. 13).*

Response: OSEI managers agree with the recommendations and will address with supervisory personnel the findings that point to the need for improvement in the quality of RSSA card completion. Further, principals will again be advised of the need to conduct quality reviews of attendance sheets at the school before submitting them to SourceCorp. Additionally, we will continue to provide principals, to whom school-based related service providers report, with professional development in these areas and include quality assurance instruction in the special education component of training for new and aspiring principals attending the DOE's Leadership Academy.

Recommendation 5: *DOE should institute a control (e.g., periodically reconcile special education attendance forms with general education attendance forms⁷) to help ensure that the days that services are provided are accurately recorded (Report, p. 13).*

Response: Currently, OSEI is developing an RFP for a web-based special education tracking system that will include related and supplemental instructional support services attendance. It is indisputable that internal controls must be designed into the system. As such, and with regard to the Comptroller's recommendation, the DOE will discuss with the successful contractor the inclusion of a hard edit to preclude entry of school-based related and supplemental instructional support services on dates that a student is absent from the primary class placement.

Recommendation 6: *DOE should establish guidelines for makeup sessions and should ensure that those guidelines are followed (Report, p. 14).*

Response: When a student or provider is absent, makeup sessions *may* be held within the week that the services were to be provided based upon individual circumstance, but that there is no legal or policy-based requirement that makeup sessions *must* be held. The Report acknowledges this position.

We are concerned, then, that the Report raises the specter of academic failure in suggesting that "it is *possible* (emphasis added) that students may not progress academically if they do not receive all of

⁷ Students with IEPs may be placed in a self-contained special education class or collaborative team teaching class, as well as a general education class - all of which are within the category of "primary class placement." Attendance data for these placements is in the DOE's ATS database. Therefore, we are responding as if the recommendation were to reconcile RSSA data with ATS primary class placement attendance data.

their required sessions.” It is, as well, possible that students, who are removed from class to make up missed related service sessions, will risk missing a crucial academic lesson. And, it is possible that a student will reach a point of negative returns when makeup sessions are added to the cadre of regularly scheduled related service sessions.

The final audit report should withdraw the recommendation for extra-regulatory action. The DOE will continue to recommend that providers consider makeup sessions on a case-by-case basis.

Recommendation 7: *DOE officials should periodically monitor the information in CAP to ensure that it is reliable* (Report, p. 15).

Recommendation 8: *DOE officials should replace CAP by upgrading SSEC in a timely manner so as to allow for the monitoring and tracking of special education services* (Report, p. 15).

Response: Despite that the findings upon which the recommendations are based include, inaccurately, that the “DOE is left without a tracking and monitoring tool for special education services” and take no account of numerous upgrades in the two years subsequent to the year audited, we agree with the recommendations.

Well before the Report was issued, the DOE engaged in self-evaluation and commissioned an independent, comprehensive assessment of special education service delivery which reinforced the position that a global solution to numerous problems with paper records lay in the development of a new special education data system. Until that system is fully realized through our proactive efforts, we have taken interim measures, including updating CAP, introducing IVR, developing on-line real time reports for schools in SEC and utilizing scanning technology for related service attendance through SourceCorp.

Recommendation 9: *DOE officials should ensure that SSEC contains accurate, complete data regarding a student's intended and provided special education services. This will allow SSEC to be used as a monitoring and tracking tool for student special education services* (Report, p. 16).

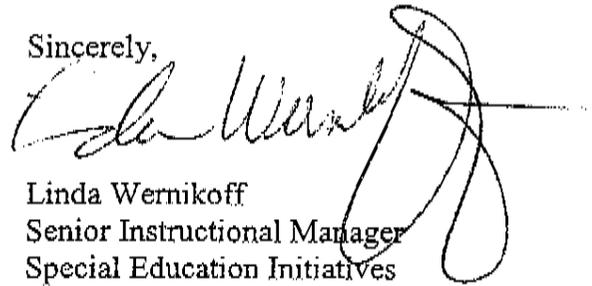
Response: We agree that it is necessary and will redouble the significant efforts that have been made over the past several years to ensure that related service providers precisely record related service attendance. We will continue to provide training to principals and providers on the need for accurate data and request that principals review monthly RSSA scan sheets to assure completeness.

In closing, the DOE shares the Comptroller's interest in ensuring that all students who require special education services are receiving them and recognizes that the ability to monitor and track service provision is key to achieving that goal. Our concurrence with several of the Report's recommendations that parallel our independent efforts demonstrates that commitment. The point of departure is with the Report's statement of findings that rest on incorrect audit methodology, substitution of auditors' judgment for regulatory requirements, and failure to acknowledge the DOE's initiatives in the years post-audit.

We ask, therefore, that the audit team review with OAG the methodology that should have been applied and the spreadsheets and source records that had been submitted during the auditors' fieldwork and are re-submitted with this response; credit the OSEI managers' position with respect to makeup sessions; and fairly report the steps the DOE has taken to address the need to track and monitor special education services. Upon that review, we expect that the final report of findings will

present a more accurate picture of special education service provision in general and supporting records maintenance as it pertained to the 89 students sampled.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Wernikoff", with a large, stylized flourish extending to the right.

Linda Wernikoff
Senior Instructional Manager
Special Education Initiatives

LW:jc

c: Andres Alonso
Brian Fleischer
Marlene Malamy
Nader Francis

EXHIBIT B

Session A - [24 x 80]

File Edit View Communication Actions Window Help

PROFILL 00 0-000 New York City Public Schools 05 29 07 11:05:58
 BT000335 Attendance History Inquiry 01586-NBLOCK

12-02-99 F 12-02-99 12-09-99
 129-02-129

Year	Term	Days	Start	End	Days	Start	End	Days	Start	End
06	Fall	73	23	95	76	2	0	27	124	129
06	Spring	72	18	90	80	1	0	27	124	119
05	Fall	81	8	89	91	2	0	27	124	119
05	Spring	76	17	93	81	0	0	27	124	319
04	Fall	77	10	87	83	2	0	27	124	319

* Most current attd listed first - use function keys for other history
 F1/Help F2/ F3/Quit-return F4/ F5/ F6/
 F7/ F8/ F9/Exam F10/Admission F11/Address F12/Exit

03/006

start InUse - Microsoft... 317 Online Com... Document2 - MIC... 11:00 AM

SPREADSHEET 1

Exhibit C

Item #	Item Description	Quantity	Unit	Material	Location	Start Date	End Date	Notes	Other	
1	###80600	169457	S1		9/13/04	6/28/05		10	6	2
1	###90600	169458	SP		9/13/04	6/28/05		10	7	1
2	###94036	169456	SP		9/14/04	9/14/04	10/4/04	9	5	2
2	###94036	120446	OT		9/29/04	6/28/05		10	0	3
3	###31058	169419	SETSS	X					0	
3	###31058	169499	SP		9/14/04	6/28/05		10	6	2
4	###71420	169497	SP		9/13/04	4/11/05	6/28/05	10	8	2
5	###53395	169487	SETSS		9/13/04	6/28/05		10	6	2
5	###53395	500771	CO		10/24/04	4/6/05	6/28/05	10	5	2
6	###52854	500756	SP		3/10/05	6/28/05		4	1	1
6	###52854	500792	CO		6/18/04	6/24/04		1	2	0
7	###02639	189494	SP		9/14/04	6/28/05		10	6	10
7	###02639	500757	CO		9/23/04	10/23/04	6/28/05	10	5	3
8	###87900	169490	SP		9/14/04	6/28/05		10	6	2
9	###78571	169447	SETSS	X					0	
9	###78571	169489	SP		9/14/04	6/28/05		10	6	2
10	###23436	500752	SP							
10	###23436	579119	SP		9/13/04	9/13/04	11/19/04	10	4	2
10	###23436	Two RSSA	SP	Duplicate				Duplicate	0	0
11	###12093	325468	SP		9/12/04	6/28/05		10	6	4
12	###08925	306560	HI		2/3/05	6/28/05		5	5	
12	###08925		SP		1/19/05	9/12/05		6	0	2
13	###84664		SETSS	X					0	
13	###84664	502652	OT		10/07/2004D	06/28/2005D		9	6	3
13	###84664	325464	SP		10/14/2004D	06/28/2005D		9	5	5
13	###84664		PT		07/01/2004	09/13/2004		none	0	1
14	###17859	325436	SETSS		9/13/04	6/28/05		10	7	
15	###54836	242753	S1		7/10/4	10/1/04	10/5/2004D	7	2	
16	###63315	242743	SP		9/14/04D	3/7/05	3/7/2005D	1	2	
16	###63315	325477	O1		1/4/05	1/4/05		0	6	3

SPREADSHEET 1

Exhibit C

Line Item	Account Number	Account Description	Service Start	Service End	Service Type	Partial Period	Start Date	End Date	Quantity	Unit Price	Total Price	Notes
17	###83504	SETSS	9/14/04	9/14/04					1			
17	###83504	CO	9/13/2004D	9/30/05D					1			
17	###83504	OT	No Service Start						0			
18	###11253	SP	9/21/04	11/29/04			3/3/05	6/28/05	10			
18	###11253	O1	3/3/05	6/28/05					4			
18	###11253	P1	No Service Start						0			
19	###15644	SETSS	4/20/05	6/28/05		Partial Period			3			
20	###39622	O1	9/23/04	9/23/04					0			
20	###39622	C1	9/13/04	9/13/04					0			
20	###39622	C1	Duplicate						Duplicate			
20	###39622	CO	Duplicate						Duplicate			
21	###38968	CO	9/13/04	4/14/05			4/14/05	6/28/05	10			
21	###38968	SP	9/13/04	6/28/05					10			
21	###38968	P1	9/23/04	9/9/05					10			
21	###38968	P1	Split period- combined above									
22	###00096	SETSS	9/13/04	6/28/05					10			
22	###00096	SP	9/13/04	6/28/05					10			
23	###77217	SETSS	10/12/04	6/28/04					9			
23	###77217	SP	9/13/04	6/28/05					10			
23	###77217	O1	9/23/04	6/28/05					10			
24	###21887	SP	9/14/04D	12/3/04D			12/3/04D	6/28/05D	10			
24	###21887	P1	9/21/04D	9/21/04D			12/03/04D	6/28/05D	10			
24	###21887	S1	9/14/04D	12/3/04D			12/3/04D	6/28/05D	10			
24	###21887	O1	9/28/04D	12/3/04D			12/3/2004D	6/28/2005D	10			
24	###21887	HP	12/21/04D	6/28/2005D					7			
24	###21887	S1	Duplicate						Duplicate			

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Contract ID	Contract Number	Contract Description	Contract Type	Contract Start Date	Contract End Date	Contract Status	Contract Value	Contract Location	Contract Agency	Contract Division	Contract Sub-Division	Contract Item	Contract Unit	Contract Quantity	Contract Unit Price	Contract Total Price	Contract Notes
42	###10775	67976	CO	9/24/04	10/13/04	6/28/05	10	11/5/04	10	10	1	1	10				
42	###10775	67940	SP	9/13/04	6/28/05		10		10	10	7	3	10				
43	###59907	67958	SETSS	10/2/04	6/28/05		9	1	9	10	7	3	10				
43	###59907	67942	SP	9/13/04 D	9/13/04 D	6/28/05 D	10	10/18/04 D	10	10	7	3	10				
43	###59907		OT	10/18/04 D	6/28/05 D		9		9	9	0						
44	###94377	67944	SP	9/20/04	6/28/05		10		10	10	7	3	10				
45	###64649	475103	SETSS	3/17/05	6/28/05		4	1	4	5	2	3	10				
45	###64649	475104	CO	3/18/05	6/28/05		4		4	4	2	2	10				
46	###18333	67989	ESL							0	0						
47	###42091	221519	CP	9/13/04	6/28/05		10		10	10	5	5	10				
47	###42091	221859	CO	9/15/04	6/28/05		10		10	10	6	4	10				
48	###29647	221839	SP	9/13/04	6/28/05		10		10	10	6	4	10				
49	###89180	221543	RN	10/29/04	6/28/05		1		1	1	1						
49	###89180	221802	SP	10/20/04	1/10/05	6/28/05	9	2/2/05	9	9	5	3	10				
50	###41824	221531	SETSS	9/13/04	6/28/05		10		10	10	6	4	10				
50	###41824	221854	SP	9/13/04	6/28/05		10		10	10	6	4	10				
50	###41824	221889	C1	9/13/04	6/28/05		10		10	10	6	4	10				
51	###81008	221874	SETSS	9/13/04	6/28/05		10		10	10	6	4	10				
52	###14895	221538	SETSS	9/13/04	6/28/05		10		10	10	6	4	10				
53	###80676	221539	SETSS	9/13/04	6/28/05		10		10	10	6	4	10				
54	###19398	221512	SETSS	9/13/04	6/28/05		10		10	10	6	4	10				
54	###19398	221832	SP	9/13/04	6/28/05		10		10	10	6	4	10				
54	###19398	221879	CO	9/13/04	6/28/05		10		10	10	5	5	10				
55	###76453	221895	SETSS	8/31/04	1/4/05	6/28/05	10		10	10	5	5	10				
55	###76453	221878	CO	9/27/04	10/4/04	6/28/05	10		10	10	6	4	10				
56	###83393	221529	SETSS	9/13/04	6/28/05		10		10	10	6	4	10				
57	###35379	86216	SP	9/21/04	6/28/05		10		10	10	2	8	10				

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Exhibit C

Employee ID	Rate	Code	Start Date	End Date	Days	Hours	Rate	Code	Start Date	End Date	Days	Hours	Rate	Code	Start Date	End Date	Days	Hours	
58: ###61708	86275	CO	9/20/04	9/23/05		10			10			7			10			3	1
59: ###37281	86231	SP	10/4/04	6/28/05		9			9			7			9			3	1
59: ###37281	86288	CO	9/28/04	6/28/05		10			10			7			10			3	1
60: ###52169		SETSS																	
80: ###52169	503730	O1	12/16/04	6/28/05		7			7			8			7				2
61: ###48124	86255	SETSS	9/13/04	6/28/05		10			10			8			10			2	1
61: ###48124	86220	SP	10/7/04	6/28/05		9	1		9	1		7			10			3	
62: ###99936	87110	SETSS	1/27/05	6/28/05	Partial Period	6			6			4			6				1
62: ###99936	87138	O1	2/15/05	6/28/05	Partial Period	5			5			4			5			1	
63: ###33673	86289	CO	9/29/04	6/28/05		10			10			7			10			3	1
63: ###33673	86244	O1	9/22/04	6/28/05		10			10			8			10				1
64: ###41856	86746	SP	No Service Start									1							
64: ###41856	86287	CO	10/14/04	6/28/05		9			9			7			9			3	1
64: ###41856	425328	O1	9/27/04	6/28/05		10			10			8			10				2
64: ###41856		C-1	No Service Start			0			0										
65: ###14477	86247	O1	9/20/04	6/28/05		10			10			7			10			3	2
66: ###40334	87128	VI	9/13/04	6/28/05		10			10			8			10			1	1
67: ###48705	120446	CO	No Service Start									6						4	1
67: ###48705	130356	SP																	
68: ###60923	130381	SP	9/14/04	6/28/05		10			10			7			10				1
69: ###43117	120215	SETSS	No Service Start									7							
70: ###49066	120207	SETSS	9/8/04	6/28/05		10			10			9			10				
70: ###49066	120417	SP	9/22/04	6/28/05		10			10			6			10			4	2
71: ###88059		SETSS	9/13/04	6/28/04		10			10			10			10				
71: ###88059	120222	CO	10/14/2005D	10/14/2005D		1			1			8			9				

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Exhibit C

System ID	ESSA Project	ESSA Account	ESSA Category	ESSA Code	ESSA Description	ESSA Start Date	ESSA End Date	ESSA Status	ESSA Type	ESSA Priority	ESSA Notes
72: #####79918	377825	SETSS			9/27/04	5/18/05					
72: #####79918	377839	SP			9/21/04 D	9/21/04 D	3/23/05 D	6/28/05 D			
72: #####7991B		CO			No Service Start						
73: #####63566	120277	SETSS	Partial Perof		8/31/04	12/14/04					
73: #####63566		CO			1/13/05	1/13/05					
73: #####63566	130376	SP			9/13/04	9/13/04					
74: #####57514	120209	SETSS			9/20/04	8/28/05					
74: #####57514	130399	SP			9/13/04 D	9/13/04 D					
75: #####76400		SETSS	X								
75: #####76400	275491	C1			9/24/04	6/28/05					
75: #####76400	275473	SP			9/13/04	6/28/05					
76: #####34817	275446	SP			9/24/04	3/18/05	3/18/05	6/28/05			
76: #####34817	275449	S1			9/24/04	3/18/05	3/18/05	6/28/05			
77: #####95101	275409	SP			9/13/04	6/28/05					
78: #####13878	275453	SETSS			No Service Start						
78: #####13878		SP			No Service Start						
79: #####93453	275429	S1			9/14/04	6/28/05					
80: #####36820		SETSS	X								
80: #####36820	275485	SP			9/24/04	6/28/05					
80: #####36820	275477	S1			9/15/04	6/28/05					
81: #####19075	257838	SETSS			9/13/04	6/28/05					
81: #####19075	275478	SP			9/13/04	10/13/04					
81: #####19075	592842	CP			9/13/04	6/28/05					
82: #####22842		SETSS	X								
82: #####22842	275461	SP			9/14/04	6/17/05					
82: #####22842	257807	C1			9/24/04	6/17/05					
82: #####22842		PT			No Service Start						
82: #####22842		OT			No Service Start						
83: #####03555	257841	SETSS			9/13/04	6/10/05					
83: #####03555	275440	SP			9/13/04	6/10/05					
84: #####76863		SP			No Service Start						
84: #####76863		SP			No Service Start						

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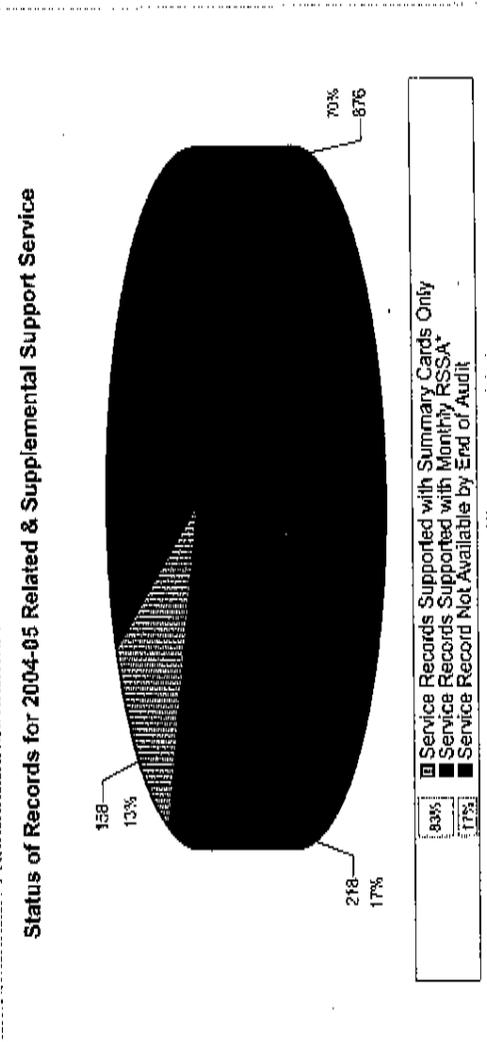
Exhibit C

#	Student ID	RSSA Card Barcode #	Recommended Services Identified by Computer	Services Not Recommended per CAP	CAP / SEC Service Start #1	CAP / SEC Service Stop #1	CAP / SEC Service Start #2	CAP / SEC Service Stop #2	# of Services Months per CAP/SEC Data	Additional Months Where Computer Found RSSA	# of Months Needing Service Records	# of Months Documented by Computer	# of Missing Monthly Found on Summary	# of Missing Monthly Found
85	#####91436		OT		No Service Start				0		0	0		
85	#####91436		P1		10/3/05	10/3/05			0		0	0		
85	#####91436		SP		10/11/05	10/11/05			0		0	0		
85	#####91436		SP		No Service Start				0		0	0		
86	#####51682		SETSS	Partial Period	5/5/05	6/28/05			2		2	0		
87	#####87747		SETSS	X							0	0		
87	#####87747		APE	X							0	0		
88	#####04066		SETSS	Partial Period	11/24/04	6/28/05			8		8	0		
											1,252	742	234	134

Legend for Related and Supplemental Support Services

- APE Adaptive Physical Education
- C-1 Counseling Service - group size 1
- CB Counseling Service
- CO Counseling Service - group size greater than 1
- CP Crisis Paraprofessional
- ESL English As a Second Language
- HI Hearing Services
- HP Health Paraprofessional
- O1 Occupation Therapy - group size 1
- OT Occupation Therapy - group size greater than 1
- P1 Physical Therapy - group size 1
- PT Physical Therapy - group size greater than 1
- RN Nursing/Health Service
- S1 Speech Therapy - group size 1
- SP Speech Therapy - group size greater than 1
- SETSS Special Education Teacher Support Service
- VI Vision Service

Duplicate - indicates a situation where the audit team counted the same service with the same group size twice.
 * - Service months for this group were also located on the summary cards.



#	Student ID	Special Education Services	Placed in a Special Class Setting?	First Attend Date in ATS	ATS Class Code - Class code
2	263694036	Special Class	Yes	9/13/2004	951 - 903
6	267352854	Special Class	Yes	10/18/2004	951 - 903
7	265702639	Special Class	Yes	9/13/2004	951 - 903
8	270587900	Special Class	No Special Class Recommended per IEP.	9/13/2004	130 - 132
10	265323436	Special Class	Yes	11/5/2004	951 - 903
11	205312093	Team Teaching	Yes	9/13/2004	319 - 019
15	206954836	Team Teaching	Yes	10/1/2004	319 - 012 019
16	204163315	Team Teaching	Yes	9/13/2004	319 - 012 019
18	205211253	Team Teaching	Yes	9/13/2004	319 - 012 019
20	203539622	Special Class	Yes	9/13/2004	953 - 941
25	206599904	Special Class	Yes	9/13/2004	953 - 951
37	274960087	Special Class	Yes	9/13/2004	953 - E31
39	270114655	Special Class	Yes	9/24/2004	953 - E31
42	261310775	Special Class	Yes	12/6/2004	961 - 164
44	205594377	Special Class	Yes	9/13/2004	953 - E31
57	265935379	Team Teaching	Yes	9/13/2004	149 - 403
58	265861708	Team Teaching	Yes	9/13/2004	159 - 503
76	268934817	Special Class	Yes	9/13/2004	951-919
84	207976663	Team Teaching	Yes	9/13/2004	319 - 019
85	205391436	Special Class	Yes	5/31/2005	953 - 009
89	264588872	Special Class	Yes	9/13/2004	951 - 929