

# AUDIT REPORT

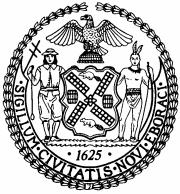


CITY OF NEW YORK  
OFFICE OF THE COMPTROLLER  
BUREAU OF MANAGEMENT AUDIT  
**WILLIAM C. THOMPSON, JR., COMPTROLLER**

## **Audit Report on the Department of Education's Reporting of Violent, Disruptive, And Other Incidents at New York City Public High Schools**

*MG06-140A*

**September 19, 2007**



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

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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 examined the Department of Education (DOE) controls in place to ensure that incidents at New York City public high schools, including those determined to be violent and disruptive, are consistently entered in DOE's On-line Occurrence Reporting System (OORS) so that DOE can then report them to the New York State Education Department (SED) in accordance with SED requirements.

All school districts, including New York City, are required to report annually to SED violent and disruptive incidents that occur in their schools. SED then posts the data on its Web site in its annual "Violent and Disruptive Incident Report" (VADIR). Audits such as this provide a means of ensuring that DOE and other city agencies improve their reporting controls to ensure that information provided to the citizens of the City of New York is complete and accurate.

The results of our audit, which are presented in this report, have been discussed with officials from DOE, and their comments were considered in the preparation of 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](mailto:audit@comptroller.nyc.gov) or telephone my office at 212-669-3747.

Very truly yours,

A handwritten signature in black ink that reads "William C. Thompson".

William C. Thompson, Jr.  
WCT/ec

**Report:** MG06-140A  
**Filed:** September 19, 2007

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

**Audit Report on the  
Department of Education's  
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**AUDIT REPORT IN BRIEF**

This audit determined whether the New York City Department of Education (DOE) has adequate controls in place to ensure that incidents at New York City public high schools, including those determined to be violent and disruptive, are consistently entered in the On-line Occurrence Reporting System (OORS) so that DOE can then report them to the New York State Education Department (SED) in accordance with SED requirements.

DOE is responsible for ensuring that its schools are places where students learn and staff teach in a safe, secure, and orderly environment. To accomplish this goal, among other things, DOE issues regulations, known as the "Chancellor's Regulations," that all schools are required to follow. In addition, each year DOE publishes a booklet, "Citywide Standards of Discipline and Intervention Measures," known as the "discipline code."

In July 2000, the New York State Education Law was amended by the Safe Schools Against Violence in Education (SAVE) Act to improve the safety of children in the public schools. As a result, all school districts, including New York City, are required to report annually to SED violent and disruptive incidents, as defined by SED, that occur in their schools. SED then posts the data on its Web site in its annual "Violent and Disruptive Incident Report" (VADIR). DOE developed and implemented a computer system, OORS, to record incidents reported by the schools. DOE reports to SED only those incidents that are recorded in OORS.

For the 2004/2005 school year, SED asked school districts to report data in 20 categories. The incident data reported by a school is used by SED to calculate its School Violence Transitional Index (SVTI). The SVTI is a ratio of incidents to enrollment in a school and is determined by the number of incidents, the seriousness of the incidents, and the school's enrollment. SED's designation of a school as "persistently dangerous" is based on the school's SVTI for two consecutive years. The parents of the children attending such a school are to be given the option of sending their children to another school in the district if another school has an available opening.

In the 2004/2005 school year, almost 300,000 students were enrolled in 308 public high schools in New York City. High school enrollments ranged from fewer than 100 students to almost 5,000 students. During the current 2006/2007 school year, New York City has nearly 302,000 students enrolled in 333 public high schools.

### **Audit Findings and Conclusions**

DOE does not have effective controls to ensure that incidents at its high schools are consistently entered in OORS so that DOE can then report them in accordance with the requirements of SED. For the 10 sampled schools, 414 (21%) of the 1,996 sampled incidents that we identified were not entered in OORS. Of the 1,996 incidents, 1,247 (62%) were serious<sup>1</sup> and 174 (14%) of these were not entered in OORS.

Additionally, we found a wide variation from school to school in the reporting of incidents and in the consistent reporting of similar incidents. Based on discussions with administrators at the 10 schools, a significant reason for the variation is the large amount of discretion that administrators have in categorizing incidents at their schools. The effect of this discretion is significant because OORS is the source of the data reported in VADIR for New York City high schools. Therefore, these variations make it difficult for parents, the public, and government officials to rely on VADIR data to assess the relative safety of a school or to compare the safety of different schools. Without more effective central controls, DOE cannot ensure that incidents are, in fact, entered in OORS by its schools and that those incidents determined to be violent and disruptive are reported consistently among schools, so that DOE can report them in accordance with SED requirements.

### **Audit Recommendations**

To address these findings we make three recommendations that DOE:

- Exercise more oversight of data entry in OORS by the schools to ensure that incidents are reported in accordance with DOE regulations. Such oversight should include visiting schools and performing testing of the data entry and reporting process used at the schools.
- Take corrective actions at schools that fail to enter incidents in OORS in accordance with DOE regulations.
- Provide additional training to school administrators regarding how incidents are to be categorized and subsequently recorded in OORS to help ensure that the recording of incidents is consistent from school to school.

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<sup>1</sup> For the purposes of this audit, serious incidents are those that SED regulations require be included in VADIR.

### **DOE Response**

In their response, DOE officials generally agreed with all three recommendations. However, they disagreed with the tone of the report and stated that the language and data used in the report were imprecise and misleading. After carefully reviewing DOE's arguments, we found them to be without merit. Accordingly, we stand by our findings.

## INTRODUCTION

### **Background**

DOE is responsible for ensuring that its schools are places where students learn and staff teach in a safe, secure, and orderly environment. To accomplish this goal, among other things, DOE issues regulations, known as the “Chancellor’s Regulations,” that all schools are required to follow. In addition, each year DOE publishes a booklet, “Citywide Standards of Discipline and Intervention Measures,” known as the “discipline code.” School Safety Agents, who are uniformed civilian employees of the Police Department’s (NYPD’s) School Safety Division, work in the schools and are authorized to enforce both the New York State Penal Law and the DOE discipline code.

In July 2000, the New York State Education Law was amended by the SAVE Act to improve the safety of children in the public schools. As a result, all school districts, including New York City, are required to report annually to SED violent and disruptive incidents, as defined by SED, that occur in their schools. SED then posts the data on its Web site in its annual “Violent and Disruptive Incident Report.”

DOE developed and implemented a computer system, OORS, to record incidents reported by schools. OORS has been in use since the 2003/2004 school year, and each year its infraction codes are changed to align with changes in the discipline code and SED incident-reporting requirements. Schools enter incidents in OORS, and DOE Regional Safety Administrators review the data for the schools in their respective regions before it is forwarded to SED.

Incidents are entered in OORS along with the infraction codes defined in the discipline code. For the 2004/2005 school year, the code listed 56 infractions grouped into five levels, depending on the severity of the infraction, with Level 1 being the least serious and Level 5 being the most serious. The levels are listed below.

- Level 1 Infractions: (codes 1-12) Insubordinate Behaviors (e.g., unexcused absence from school, failing to be in one’s assigned place, and engaging in verbally rude or disrespectful behavior).
- Level 2 Infractions: (codes 13-19) Disorderly Disruptive Behaviors ( e.g., smoking, giving false information to school personnel, misusing property belonging to others).
- Level 3 Infractions: (codes 20-35) Seriously Disruptive or Dangerous Behavior (e.g., leaving school without permission, insubordination, fighting, vandalism, and sexual harassment).
- Level 4 Infractions: (codes 36-49) Dangerous or Violent Behavior (e.g., intimidation, participating in group violence, behaving in a way that creates substantial risk of or results in injury, and inciting/causing a riot).

- Level 5 Infractions: (codes 50-56) Seriously Dangerous or Violent Behavior (e.g., using extreme force against or inflicting or attempting to inflict serious injury upon others, possessing or using a weapon (gun, switchblade, blackjack).

At year end, DOE recategorizes incidents in OORS to reflect SED categories so it can fulfill its SED incident-reporting requirements. DOE reports to SED only those incidents that are recorded in OORS.

For the 2004/2005 school year, SED asked school districts to report data in 20 categories. Categories 1-8 are used to report incidents that involve physical injury or the threat of physical injury. These categories are: Homicide, Sexual Offenses, Robbery, Assault with Serious Physical Injury, Arson, Kidnapping, Assault with Physical Injury, and Reckless Endangerment. Incidents in these categories must be reported regardless of whether or not the offender was disciplined or referred to law enforcement. Categories 9–16 and 20 are used to report incidents that disrupt the educational process and are serious enough to lead to disciplinary or referral actions, or that involve weapons, regardless of whether or not they result in a disciplinary action or referral. These categories include: Minor Altercations, Harassment or Bullying, Burglary, Criminal Mischief, Larceny, Bomb Threat, False Alarm, Riot, and Other Disruptive Incidents. Categories 17-19 are used to report Weapons Possession and the Sale, Use, or Possession of Drugs or Alcohol (if not already reported in another incident category).

The incident data reported by a school is used by SED to calculate the school's SVTI. The SVTI is a ratio of incidents to enrollment in a school and is determined by the number of incidents, the seriousness of the incidents, and the school's enrollment. SED's designation of a school as "persistently dangerous" is based on the school's SVTI for two consecutive years. For the 2005/2006 school year, a school would have been designated as persistently dangerous if for both the 2004/2005 and 2005/2006 school years it had (1) an SVTI of 1.5 or greater, or (2) an SVTI of 0.5 or greater and a total of 60 or more serious incidents, as previously defined. The parents of the children attending such a school are to be given the option of sending their children to another school in the district if another school has an available opening.

To fulfill SED's reporting requirements for the 2004/2005 school year, DOE forwarded incident data from the NYPD on April 7, 2006. Additional data from OORS was subsequently requested by SED and sent on May 26, 2006, and June 6, 2006. This combined data for the 2004/2005 school year was posted on the SED Web site on June 12, 2006. In July 2006, SED requested DOE to resend data for the 2004/2005 school year based solely on OORS since DOE was unable to reconcile the incidents on OORS with the incidents from NYPD. DOE reviewed incidents entered in OORS, aligning its own discipline code categories with those categories requested by SED and forwarded it on August 2, 2006. On August 22, 2006, SED posted the "revised" incident data (data solely from OORS) on its Web site.

In 2006, the Office of the New York State Comptroller (State Comptroller) issued an audit entitled *Reporting of Violent and Disruptive Incidents by Public Schools* (Report 2005-S-38, issued May 22, 2006) that determined, among other things, whether SED had developed effective processes for ensuring that school districts report violent and disruptive incidents to

SED in accordance with State law and regulations and for ensuring that incident data reported by school districts is recorded accurately and correctly. That audit focused on districts outside New York City.

In the 2004/2005 school year, almost 300,000 students were enrolled in 308 public high schools in New York City. High school enrollments ranged from fewer than 100 students to almost 5,000 students. During the current 2006/2007 school year, New York City has nearly 302,000 students enrolled in 333 public high schools.

### **Audit Objective**

The objective of this audit was to determine whether DOE has adequate controls in place to ensure that incidents at New York City public high schools, including those determined to be violent and disruptive, are consistently entered in OORS so that the incidents may be reported in accordance with the requirements of SED.

### **Scope and Methodology**

The scope of our audit was Fiscal Year 2005. The most recent data posted on the SED Web site, as of August 22, 2006, was the 2004/2005 school year (September 2004–June 2005), therefore our testing focused on that period.

For the purposes of this audit, “serious incidents” are those which SED regulations state must be included in VADIR reporting. They include incidents that would be categorized in the DOE discipline code as Level 5 (seriously dangerous or violent behavior), Level 4 (dangerous or violent behavior), and certain types of Level 3 (seriously disruptive or dangerous behavior). The code infractions we included under this category of serious incidents are listed in the Appendix of this report.

To gain an understanding of SED’s requirements for the reporting of violent and disruptive incidents, we reviewed relevant laws, including the SAVE Act and New York State Education law §2802 (School Incident Reporting), §3214 (Teacher Removal of Disruptive Students), and §100.2 (Incident Definitions). We reviewed SED’s reporting instructions and forms for the 2004/2005 school year; its criteria for determining persistently dangerous schools; and a letter from the SED Commissioner to the Chancellor dated July 13, 2006, that requested additional data for the 2004/2005 school year. We also reviewed the State Comptroller’s audit report concerning SED, “Reporting of Violent and Disruptive Incidents by Public Schools” (#2005-S-38), which was issued on May 22, 2006, and New York City Comptroller’s Directive #1, “Principles of Internal Control.”

We reviewed DOE’s written policies, procedures, and internal controls related to incident reporting. These included “Getting Started—Safe and Orderly Environment Initiative”; the discipline code for the 2004/2005, 2005/2006, and 2006/2007 school years; Chancellor’s Regulations “Security in the Schools” (A-412, issued 9/13/05 and reissued 11/8/06) and “Student Discipline Procedures” (A-443, issued 3/5/04); and the annual “Safety and Discipline Procedures” memos to all school principals for the 2005/2006 and 2006/2007 school years.

We interviewed senior DOE officials about the DOE incident-data collection and reporting process. We attended a detailed demonstration of the OORS computer system and reviewed its data field layouts and its user manual to understand how incident data is captured and reported. Since School Safety Agents work with DOE to maintain safety in the schools, we also interviewed School Safety Division officials and learned how incident data is processed and reported.

During the survey stage of our audit, we visited one high school in Brooklyn selected by DOE to gain a better understanding of the incident-reporting procedures practiced in high schools. At the school, we interviewed key school personnel and obtained documents<sup>2</sup> for limited testing. We then tested the completeness of incident data in OORS for the 2004/2005 school year against incidents identified from a variety of sources.

During the fieldwork stage of our audit, we judgmentally selected 10 high schools for testing (each with at least 1,000 students). The selected high schools were situated throughout the five boroughs. In Brooklyn, Manhattan, Queens, and the Bronx, we selected one high school above and one high school below the citywide median SVTI. (Two of the schools selected had student populations of more than 4,000 students each.) In Staten Island, where there are only seven high schools, we selected one (this school was below the median SVTI). We also selected the one high school on SED's persistently dangerous list (this school is in Brooklyn).

At these schools, we compared a total of 1,996 unique incidents<sup>3</sup> identified from DOE, School Safety Agent, School Safety Division, and individual school sources against OORS data for the 2004/2005 school year to test whether reportable incidents are in OORS (completeness). Specifically, we identified all 1,454 incidents that resulted in a student suspension as recorded in DOE's Suspensions and Office of Hearings Online (SOHO) and Automate the Schools (ATS) computer applications. In addition, we identified from building and scanning logs or records maintained by School Safety Agents at eight schools all incidents that required at least the removal of a student from the classroom by a School Safety Agent during two judgmentally selected three-week periods (in October 2004 and March 2005) during the 2004/2005 school year. (Note: two schools did not have logs or records to test.) We also identified all 706 incidents in criminal incident report (CIR) summaries in School Safety Division records for the 2004/2005 school year. Finally, we identified a sample of 189 incidents from the schools' on-site disciplinary records that involved fighting or weapons. (We initially selected up to 25 incidents from each school's records in which it appeared fighting or weapons may have been involved.

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<sup>2</sup> Documents included School Safety Division building and scanning log books maintained by School Safety Agents that recorded daily activities and incidents during school hours, and DOE listings from the Dean's referral database that documented disruptive behavior where students had to be removed from the classrooms and/or had committed infractions.

<sup>3</sup> Of the 1,996 incidents that we identified, 189 were found in school disciplinary records, 706 were found in records reported by School Safety Agents to the NYPD, 279 were found in building and scanning logs and records maintained by School Safety Agents; and 1,454 were found in student suspension records. (There is some overlap: some of these incidents were recorded in more than one source.)

Of the 222 incidents initially selected—at schools #4 and #9 we were only able to identify 18 and 5 incidents respectively—we dropped 33 incidents from our analysis after further review revealed that 10 were duplicate entries and there was inconclusive evidence that fighting or weapons were involved for the remaining 23.) We then confirmed whether or not the incidents were entered in OORS.

To ensure that data from DOE was accurately transmitted to SED, we compared the data file we received from DOE to the data posted on August 22, 2006, on the SED Web site.

To determine how schools ensure that incidents at their schools are consistently and accurately entered in OORS, we sent a questionnaire to the principals of all of the 333 high schools in January 2007. We asked each of them to respond to four questions:

“(1) what do you do and what controls or processes do you have in place to best ensure that you are aware of violent and disruptive incidents at your school; (2) what do you do and what controls or processes do you have in place to best ensure that violent and disruptive incidents at your school are reported accurately on OORS; (3) who at your school enters information on OORS; and (4) who at your school reviews the information that is entered on OORS?”

The results of these tests, while they cannot be projected to all public high schools in New York City, provided a reasonable basis to determine whether DOE has adequate controls in place to ensure that incidents at high schools are consistently and accurately reported in accordance with the requirements of SED.

The audit was conducted in accordance with generally accepted government auditing standards (GAGAS) and included tests of records and other auditing procedures considered necessary. This audit was performed in accordance with the City Comptroller’s audit responsibilities as 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 on May 10, 2007, and was discussed at an exit conference on May 22, 2007. After the exit conference, we submitted a draft report to DOE officials on June 15, 2007, with a request for comments. We received a written response from DOE officials on July 17, 2007. In their response, DOE officials agreed with the audit’s three recommendations, stating that:

“Even before the Comptroller’s audit was announced, very many of the findings noted in this Report had been addressed, and very many of the recommendations made in this Report had been implemented. . . . Alongside academic performance, there is nothing more important to the leadership of the DOE than the safety of its students. . . . Accuracy in data and in reporting of incidents is vital to inform the allocation of resources and the deployment of effective prevention and intervention measures and controls to establish and sustain safe schools.”

However, DOE officials expressed specific concerns about the report. DOE states:

“The Comptroller’s use of the term ‘serious incidents’ instead of ‘VADIR-reportable incidents’ is misleading and imprecise. The Report veers off course when it establishes the term ‘serious incidents’ and seeks to define that term with reference to DOE’s discipline code, rather than with reference to either the VADIR or SVTI standards established by the SED. It is wrong, misleading and contrary to the intent of SED and the applicable laws and regulations for the Comptroller to make or invite inferences about the designation of DOE high schools as ‘persistently dangerous’ using data that SED would not have weighed in making that determination.”

We fail to understand DOE’s contention that our use of the term “serious incidents” is misleading and imprecise, since this term is taken from DOE’s own discipline code. Further, as we state in the report, SED requires that these incidents be included in VADIR. It is important to note that SED posts *all* violent and disruptive incidents on its Web site, not just the incidents that are used in the SVTI calculation. We do not make or invite inferences about the designation of DOE high schools as “persistently dangerous” by SED; we merely observe that inaccurate reporting and underreporting of incidents in OORS limit the usefulness of the data reported to SED.

DOE officials also state in their response:

“The Comptroller concedes that the 10 schools were chosen judgmentally, not randomly, and it would appear that the auditors chose certain schools for their sample specifically because they were data outliers, i.e. schools with anomalously high or low numbers of reported incidents, and thus were likely to produce the most inflammatory results. Even within the findings for those 10 schools, removal of the statistical outliers would present a drastically different picture from the one painted by the Report.”

DOE’s reasoning is incorrect. We selected schools with SVTIs above and below the Citywide median to ensure that schools on both sides of the spectrum were included in our analysis. There was no expectation on our part that the schools selected would “produce the most inflammatory results.” (By “inflammatory results,” it appears that DOE is referring to a high percentage of reportable incidents not found in OORS.) Following DOE’s logic, it would be more likely that one would find a higher percentage of unreported incidents at a school with a low SVTI than a high one. In fact, our audit found mixed results. Of the five schools that we found had failed to report more than 15 percent of reportable incidents in OORS, three had SVTIs above the Citywide median and two had SVTIs below the median.

DOE officials further state, “The Report focuses on two-year old data from a non-illustrative school year in which the DOE was requested after the fact to change the source for its data and reconstruct its reporting.”

Our audit tested the most recent SED published incident data (2004/2005 school year) that was posted on the SED Web site in August 2006. In fact, complete 2005/2006 data had not been posted as of June 30, 2007.

Finally, DOE claims: “The DOE was not afforded an opportunity to review or assess the bases for the treatment of specific incidents within the Report. . . . Our request for access to work papers or incident-level spreadsheets having been rejected, we were left with no choice but to engage in a half-blind review of the raw numbers in the tables. That review demonstrated significant numerical errors and previously undisclosed changes in the tables, which when brought to the attention of the audit team resulted in the issuance on June 28, 2007 of a revised draft report.”

DOE’s assertion is incorrect. We gave the DOE numerous opportunities over the course of the audit to document all incidents that we could not find in OORS in order to ensure fairness in our report, including our sending the DOE in February 2007 the listings of *all* incidents that we identified in our testing but could not find in OORS. These listings contained the dates of the incidents, student ID numbers (if known), student names (if known), and the DOE infraction codes or incident descriptions. Our provision of detailed particulars was meant to assist DOE in its review of these incidents and to obviate the need for any “half-blind review” of “raw numbers.”

DOE’s statement that there were significant numerical errors and previously undisclosed changes in the tables is also incorrect. There was a minor mathematical error resulting from a transposition which appeared in the report. DOE was not issued a revised draft report; we merely provided DOE with the changes to the numbers, which appear in the final version of this report.

The full text of the DOE response is included as an addendum to this report.

## FINDINGS AND RECOMMENDATIONS

DOE does not have effective controls to ensure that incidents at its high schools are consistently entered in OORS so that they may then be reported in accordance with the requirements of SED. For the 10 sampled schools, 414 (21%) of the 1,996 sampled incidents that we identified were not entered in OORS. Of the 1,996 incidents, 1,247 (62%) were serious and 174 (14%) of these were not entered in OORS.

Additionally, we found a wide variation from school to school in the reporting of incidents and in the consistent reporting of similar incidents. Based on discussions with administrators at the 10 schools, a significant reason for the variation is the large amount of discretion that administrators have in categorizing incidents at their schools. The effect of this discretion is significant because OORS is the source of the data reported in VADIR for New York City high schools. Therefore, these variations make it difficult for parents, the public, and government officials to rely on VADIR data to assess the relative safety of a school or to compare the safety of different schools. Without more effective central controls, DOE cannot ensure that incidents are, in fact, entered in OORS by its schools and that those incidents determined to be violent and disruptive are reported consistently among schools, so that DOE can report them in accordance with SED requirements.

The details of these findings are discussed below.

### **New York City High Schools Are Not Reporting Incidents Completely or Consistently**

Overall, the 10 sampled schools did not report 414 (21%) of 1,996 sampled incidents we identified from various sources. While each school had incidents that were not entered in OORS, the percentage of incidents not entered varied greatly among the schools, ranging from 5 percent to 75 percent of the incidents being unreported.

To ensure that incidents at high schools are consistently reported in accordance with DOE regulations, DOE relies on its administrators at the schools to report incidents in OORS. DOE provides guidance through its written regulations, discipline code, and an annual safety memorandum to principals. DOE also provides ongoing OORS training and education to school administrators. However, DOE officials told us that the agency does not visit schools or analyze their school safety and disciplinary records to determine how well the schools are adhering to DOE's guidelines. Thus, DOE is limited in its ability to determine whether the data entered in OORS is reliable and is consistently reported from school to school.

We believe that these limitations contributed to the conditions that we found at the schools we visited. In our testing, we selected incidents from various sources, including suspension records, school disciplinary records, and School Safety Division records. In total, we identified a sample of 1,996 unique incidents at the 10 sampled schools. (Some incidents were recorded in more than one source.) Of the 1,996 incidents identified, schools did not report a total of 414 (21%). Of the 1,996 incidents, 1,247 (62%) were serious. Of these, 174 (14%) were not reported in OORS. The breakdown per school is shown in Table I, below.

**Table I**

Total Incidents\*  
Entered and Not Entered in OORS  
 (2004/2005 School Year)

School	All Incidents Identified					Serious Incidents Identified					
	Total	In OORS		Not in OORS		Total	% of All Incidents	In OORS		Not in OORS	
		#	%	#	%			#	%	#	%
1	160	102	64%	58	36%	138	86%	93	67%	45	33%
2	429	387	90%	42	10%	191	45%	182	95%	9	5%
3	229	96	42%	133	58%	121	53%	90	74%	31	26%
4	148	134	91%	14	9%	106	72%	102	96%	4	4%
5	102	97	95%	5	5%	79	77%	76	96%	3	4%
6	162	150	93%	12	7%	112	69%	106	95%	6	5%
7	171	158	92%	13	8%	135	79%	127	94%	8	6%
8	440	362	82%	78	18%	240	55%	219	91%	21	9%
9	100	82	82%	18	18%	79	79%	65	82%	14	18%
10	55	14	25%	41	75%	46	84%	13	28%	33	72%
<b>Total</b>	<b>1,996</b>	<b>1,582</b>	<b>79%</b>	<b>414</b>	<b>21%</b>	<b>1,247</b>	<b>62%</b>	<b>1,073</b>	<b>86%</b>	<b>174</b>	<b>14%</b>

\* Incidents are counted only once even if the same incident has been identified from more than one source.

The percentage of incidents not entered in OORS varied significantly among the schools. Five of the schools had rates of 10 percent or less while another three had rates over 25 percent. One school did not report nearly three-fourths of the incidents we identified. A review of the percentage of serious incidents not entered in OORS also varied significantly among the schools. For 6 of the 10 schools, there was no appreciable difference between the percentages for all identified incidents and serious incidents only.

**DOE Response:** “Again, the DOE does not seek to minimize any of the incidents under review, nor does it seek to minimize the importance of accurately capturing those incidents in OORS and reporting them as required by law and regulation, in accordance with SED’s guidance. However, the finer distinctions made be SED in calculating a school’s SVTI and the case-by case judgment afforded to school personnel in categorizing incidents and meting out discipline are whitewashed, in essence, within the Report, which treats all of the incidents as ‘serious,’ invites the general public to assign them all equal weight, and then invites an inference that they all speak equally to the relative safety or violence of a particular school.”

**Auditor Comment:** DOE is attempting to argue points that are not made in this report. The purpose of our audit was to determine whether incidents are accurately reported in OORS. We did not attempt to determine the appropriate VADIR categories for the

incidents we identified (nor whether the incidents would be included in a school's SVTI calculation), primarily because there was insufficient information in the records we reviewed by which we would be able to make such determinations.

The breakdowns per source type are discussed below.

### **Incidents Identified from Suspension Records**

We looked at on-line records of all student suspensions at each of the 10 schools. We identified a total of 1,454 incidents for the 2004/2005 school year that resulted in either a superintendent or principal suspension of which only 5 were not entered in OORS. Of the 1,454 incidents, 985 (68%) were serious. Among the different sources, we found the fewest instances of non-reporting for incidents resulting in superintendent or principal suspension. The results per school are shown in Table II, below.

**Table II**

Incidents Resulting in Superintendent or Principal Suspensions  
Entered and Not Entered in OORS  
(2004/2005 School Year)

School	All Incidents Identified						Serious Incidents Identified					
	Total	In OORS		Not in OORS		Total	% of All Incidents	In OORS		Not in OORS		
		#	%	#	%			#	%	#	%	
1	78	78	100%	0	0%	73	94%	73	100%	0	0%	
2	363	363	100%	0	0%	172	47%	172	100%	0	0%	
3	81	81	100%	0	0%	80	99%	80	100%	0	0%	
4	128	128	100%	0	0%	98	77%	98	100%	0	0%	
5	95	95	100%	0	0%	76	80%	76	100%	0	0%	
6	145	144	99.3%	1	0.7%	103	71%	102	99.0%	1	1.0%	
7	146	143	97.9%	3	2.1%	118	81%	116	98.3%	2	1.7%	
8	335	334	99.7%	1	0.3%	198	59%	197	99.5%	1	0.5%	
9	73	73	100%	0	0%	57	78%	57	100%	0	0%	
10	10	10	100%	0	0%	10	100%	10	100%	0	0%	
<b>Total</b>	<b>1,454</b>	<b>1,449</b>	<b>99.7%</b>	<b>5</b>	<b>0.3%</b>	<b>985</b>	<b>68%</b>	<b>981</b>	<b>99.6%</b>	<b>4</b>	<b>0.4%</b>	

**DOE Response:** “The incidents in Table II reflect nearly two-thirds of the total incidents reviewed and nearly four-fifths of the serious incidents reviewed. For this lion’s share of the audit sample, the schools’ capture of incidents in OORS was nearly perfect.”

**Auditor Comment:** We disagree with DOE’s logic that the number of incidents identified from limited reviews should be weighted equally with a full year of suspension data. As

we state in the methodology, the tests related to school disciplinary records and school safety agents records (Tables III and V) were limited reviews that did not cover the entire school year. If the entire year's worth of incidents had been reviewed in these tests, the total number of incidents we identified would have been more and suspensions would have accounted for a much smaller percentage overall.

### **Incidents Identified from School Disciplinary Records**

We looked at on-site disciplinary records available in the dean's office and in student files and identified a sample of 189 incidents at the 10 schools in which fighting or weapons were involved. Of the 189 sampled incidents, we found that 55 (29%) were not entered in OORS. Again, we found that the percentage not reported varied greatly among the schools. Only two schools reported all incidents, while three schools failed to report 40 percent or more of their incidents. One school (#10) failed to record in OORS any of the incidents we identified. Examples of incidents recorded in disciplinary records that were not entered in OORS include the following:

- On October 20, 2004, at school #10, a student was choked by another student in the cafeteria. In another incident on the same day, a student was punched in the chest by another student.
- On April 12, 2005, at school #9, a fight between two students in the school was broken up by a school official.

The breakdown per school is shown in Table III, below.

**Table III**  
Incidents from Disciplinary Records  
Entered and Not Entered in OORS  
(2004/2005 School Year)

School	All Incidents Identified					Serious Incidents Identified					
	Total	In OORS		Not in OORS		Total	% of All Incidents	In OORS		Not in OORS	
		#	%	#	%			#	%	#	%
1	24	18	75%	6	25%	24	100%	18	75%	6	25%
2	12	12	100%	0	0%	12	100%	12	100%	0	0%
3	25	9	36%	16	64%	25	100%	9	36%	16	64%
4	15	13	87%	2	13%	15	100%	13	87%	2	13%
5	18	16	89%	2	11%	18	100%	16	89%	2	11%
6	22	21	95%	1	5%	22	100%	21	95%	1	5%
7	18	18	100%	0	0%	18	100%	18	100%	0	0%
8	25	24	96%	1	4%	25	100%	24	96%	1	4%
9	5	3	60%	2	40%	5	100%	3	60%	2	40%
10	25	0	0%	25	100%	25	100%	0	0%	25	100%
<b>Total</b>	<b>189</b>	<b>134</b>	<b>71%</b>	<b>55</b>	<b>29%</b>	<b>189</b>	<b>100%</b>	<b>134</b>	<b>71%</b>	<b>55</b>	<b>29%</b>

As shown in Table III above, all of these incidents were “serious,” as defined in this audit, and had they been entered in OORS would eventually have been reported in VADIR. It should be noted that we limited our analysis to 25 incidents (or fewer) for each school and chose only those incidents that involved fighting or weapons. Accordingly, it is probable that there were other serious incidents that were not entered in OORS and subsequently not reported in VADIR.

**DOE Response:** DOE noted, “Acknowledging schools 3 and 10 were not satisfactorily meeting their OORS reporting obligations in school year 2004-2005, a condition the DOE, having self-identified them as data outliers, had since addressed with those schools.” DOE further states “that many fighting incidents included in the sample are reasonably classified as ‘minor altercations’ not involving weapons and not resulting in injury.”

**Auditor Comment:** We are unable to verify DOE’s claim that it had identified schools 3 and 10 as not having satisfactorily met their obligations and that it had already addressed this issue with the schools as DOE provided us with no evidence of its identification of the problem nor its intervention with any of these schools. DOE had ample opportunity to do so when we requested such information during the course of the audit concerning OORS-reporting issues. While DOE maintains that the fighting incidents could be classified as “minor,” it nonetheless requires that fighting incidents, regardless of their severity, be reported on OORS.

### **Incidents Identified from School Safety Division Records**

School Safety Agents working in the schools are required to report incidents to both the School Safety Division and school officials. At every school we visited, we were told during independent interviews with school administrators and school safety agents that they meet together at least daily to discuss school safety and security issues, including incidents that occur in the school. This daily communication between school officials and their School Safety Agents is intended to ensure that administrators are aware of all incidents that have occurred in their schools.

We looked at CIR summaries of incidents in the School Safety Division’s records for each of the 10 schools. We selected those incidents that occurred on school property. The incidents selected varied in severity, ranging from incidents that appeared to be disruptive only (e.g., loitering, disorderly conduct) to those that appeared to be dangerous (e.g., assault). Our review identified 706 incidents that were reported during the 2004/2005 school year. Of the 706 incidents, 224 (32%) were not entered in OORS. For all 10 schools, at least 15 percent of the incidents we identified were not in OORS. Serious incidents made up 520 (74%) of the 706 incidents. Of these, 94 (18%) were not entered in OORS. Examples of incidents taken from CIRs that were not entered in OORS include the following:

- On January 14, 2005, at school #8, a student was pushed by another student while going to class.
- On January 12, 2005, at school #1, a student was found carrying a concealed weapon (a folding knife).

- On September 15, 2004, at school #2, a student assaulted a School Safety Agent.

The results per school are shown in Table IV, below.

**Table IV**

Incidents from CIR Summaries  
Entered and Not Entered in OORS  
(2004/2005 School Year)

School	All Incidents Identified					Serious Incidents Identified					
	Total	In OORS		Not in OORS		Total	% of All Incidents	In OORS		Not in OORS	
		#	%	#	%			#	%	#	%
1	132	80	61%	52	39%	112	85%	73	65%	39	35%
2	68	57	84%	11	16%	47	69%	43	91%	4	9%
3	103	67	65%	36	35%	76	74%	63	83%	13	17%
4	54	42	78%	12	22%	42	78%	40	95%	2	5%
5	9	6	67%	3	33%	4	44%	3	75%	1	25%
6	37	27	73%	10	27%	29	78%	24	83%	5	17%
7	54	46	85%	8	15%	44	81%	40	91%	4	9%
8	204	131	64%	73	36%	133	65%	117	88%	16	12%
9	27	18	67%	9	33%	21	78%	16	76%	5	24%
10	18	8	44%	10	56%	12	67%	7	58%	5	42%
<b>Total</b>	<b>706</b>	<b>482</b>	<b>68%</b>	<b>224</b>	<b>32%</b>	<b>520</b>	<b>74%</b>	<b>426</b>	<b>82%</b>	<b>94</b>	<b>18%</b>

We also looked at command, building, scanning logs, or, in the absence of logs, hard copies of CIRs maintained by school safety agents at the schools. We reviewed all 279 incidents that indicated at least the removal of a student from the classroom by a School Safety Agent at eight schools<sup>4</sup> during two, three-week periods, one in October 2004 and one in March 2005. Of these, 154 (55%) were not entered in OORS. Serious incidents made up 153 (55%) of the 279 incidents, out of which 39 (25%) were not in OORS. All eight schools failed to report some of the serious incidents identified from the School Safety Agents' records. The variance in non-reporting among the schools was significant, from one school with 10 percent unreported to another school with 60 percent unreported. Examples of incidents recorded in the School Safety Agents' records that were not entered in OORS include the following:

- On October 5, 2004, at school #3, a student was found in possession of a Swiss Army knife that was detected during scanning.
- On March 18, 2005, at school #1, a fight occurred between five students in a school basement.

<sup>4</sup> We were unable to test records at two schools (5 and 6 in Table V) since their School Safety Agents maintained no written records of incidents.

- On March 11, 2005, at school #2, a fight occurred between students to which multiple School Safety Agents responded.

The results per school are shown in Table V, below.

**Table V**

Incidents from School Safety Agent Records  
Entered and Not Entered in OORS  
(Six Weeks in 2004/2005 School Year)

School	All Incidents Identified					Serious Incidents Identified					
	Total	In OORS		Not in OORS		Total	% of All Incidents	In OORS		Not in OORS	
		#	%	#	%			#	%	#	%
1	23	17	74%	6	26%	23	100%	17	74%	6	26%
2	58	27	47%	31	53%	26	45%	21	81%	5	19%
3	98	10	10%	88	90%	18	18%	10	56%	8	44%
4	12	8	67%	4	33%	10	83%	8	80%	2	20%
5	----	----	----	----	----	----	----	----	----	----	----
6	----	----	----	----	----	----	----	----	----	----	----
7	15	13	87%	2	13%	14	93%	12	86%	2	14%
8	33	30	91%	3	9%	31	94%	28	90%	3	10%
9	23	15	65%	8	35%	21	91%	14	67%	7	33%
10	17	5	29%	12	71%	10	59%	4	40%	6	60%
<b>Total</b>	<b>279</b>	<b>125</b>	<b>45%</b>	<b>154</b>	<b>55%</b>	<b>153</b>	<b>55%</b>	<b>114</b>	<b>75%</b>	<b>39</b>	<b>25%</b>

As shown in Tables III through V, the percentage of serious incidents that was not entered in OORS varied from school to school. For instance, school #2 had entered in OORS all of the serious incidents we identified from its disciplinary records (Table III), yet it did not enter almost 20 percent of the serious incidents we identified from its School Safety Agents' records (Table V).

**DOE Response:** “Of the 378 incidents within the two tables [IV and V] we have determined that 110 were for ‘disorderly conduct’ and would not have been weighted in the schools SVTI. Another 55 incidents not found in OORS were for ‘harassment,’ which would not have been weighted in the schools’ SVTI unless a weapon was used. An additional 99 incidents (including 81 at School 3 alone) involved an SSA removing a student from class, primarily based on an SSA’s informal logbook notes, which in many cases included no student name or even a reason for the student’s removal from a classroom. In these cases, there is not enough information to determine whether the incidents are even required to be entered in OORS, let alone in the VADIR. Those three categories account for 264 of the 378 incidents (70%) not found in OORS for tables IV and V.”

**Auditor Response:** The issue is not whether an incident was included in the SVTI, but whether it was recorded in OORS—an issue that DOE does not address.

In light of the number of serious incidents we identified that schools failed to enter in OORS, it is conceivable that there was an intent by the schools to underreport the number of incidents at their schools. For example, as shown in Table III, school #10 did not enter any of the serious incidents we identified from its disciplinary records in OORS. However, considering the wide variance of unreported incidents among the various source types, it is also conceivable that schools may be unfamiliar with what specifically is required of them in terms of reporting. In such an environment, the number of incidents entered in OORS and ultimately reported in VADIR will have limited usefulness to parents and other interested parties that rely on this information in determining the relative safety of a school. Furthermore, inaccurate or underreporting of incidents may result in not designating schools as “persistently dangerous” that should in fact be classified as such.

To ensure the integrity of the data entered in OORS, DOE officials must take a more active role in ensuring that school administrators know what is expected of them in reporting and that they are adhering to the guidelines established by DOE.

### **DOE Should Institute More Effective Controls over Reporting of Incidents**

DOE has given general instructions to school administrators about their responsibilities in reporting incidents that occur at their schools. However, DOE has not established adequate controls to determine whether those instructions are being followed on a consistent basis at the schools.

Comptroller’s Directive #1, “Principles of Internal Control,” states that a sound internal control system must be supported by ongoing monitoring of activities at various organizational levels in the course of normal operations. Such monitoring should be performed continually and be ingrained in an agency’s operations.

DOE officials stated that DOE provides professional development workshops as well as training sessions on OORS. Further, if principals appear to be having trouble, they may be asked to attend a training session.

SED changes its incident reporting categories and forms each year; DOE also updates the infraction codes in its Safety and Discipline Procedures and in OORS each year. With both infraction codes and incident categories changing from year to year, it is important that principals understand the necessity to report incidents and to categorize them in line with each year’s new codes. The need is even greater at those schools with high staff turnover. At two schools in our sample, turnover of both school administrators and School Safety Agents, resulted in the need to provide training to those persons in these key positions. At one high school, there were three principals and six assistant principals of security during the past few years, while at another high school, the school’s supervising School Safety Agent changed five times in less than a year.

In our survey of high school principals, 230 (83%) of the 278 principals who responded stated that they reviewed OORS data for their schools. According to DOE officials, principals are ultimately responsible for entering school incidents in OORS. However, in answer to our question regarding the controls they have in place to ensure that all violent and disruptive incidents are accurately reported in OORS, many of the principals stated that their review of the OORS data was the control. Most of the responses did not indicate what this review entailed, but if their level of review is consistent with the results of our testing at the 10 schools in our sample, more controls are needed. We should note that the principals of our sampled schools also stated that they review the OORS data, yet, as shown in this report, omissions and inconsistencies still occurred.

Administrators at each school we visited stated that they decide for themselves the category of an incident and whether it should be reported. For example, officials at one school told us that they reported all infractions to the discipline code, while officials at another school told us that they reported only the more serious infractions and did not always report insubordinate and disruptive behaviors. This contrast in reporting, coupled with the schools' failure to record all incidents in accordance with DOE requirements, results in wide variations in the incident data recorded in OORS and ultimately reported in VADIR. These wide variations are clear from our analysis of the number of incidents reported in VADIR for each of our sampled schools, as shown in Table VI, below.

**Table VI**

Incidents Reported in VADIR for Sampled Schools  
School Year 2004/2005

School	Number of Students	# of incidents in VADIR	Ratio of incidents to students	Sum of weighted incidents*	SVTI
1	1,530	99	1:16	1,070	0.70
2	1,821	360	1:5	1,430	0.79
3	1,243	100	1:12	890	0.72
4	2,606	122	1:21	210	0.08
5	1,868	96	1:20	205	0.11
6	2,967	123	1:24	565	0.19
7	2,128	154	1:14	1,135	0.53
8	2,419	221	1:11	1,255	0.52
9	4,632	90	1:51	515	0.11
10	4,335	16	1:271	90	0.02

\* incidents are assigned weights based on their severity.

As shown in Table VI, the ratio of incidents to students varied greatly among the schools. School #2 had a ratio of one incident for every five students, while school #10 had a ratio of one incident for every 271 students. As previously stated, school #10 recorded none of the incidents we identified in its school disciplinary records in OORS, but we do not believe that this alone

accounts for the wide variation between school #10 and the remaining nine sampled schools. Based on our interviews with the administrators of the schools, the disciplinary approach used at the schools plays a role in how incidents are categorized and subsequently reported (or not reported) in OORS.

According to DOE officials, the disciplinary response to an incident is important in determining how that incident is classified. For example, a fight resulting in a suspension is categorized differently from one in which no suspensions take place. Additionally, an incident that results in a “formal removal” of a student from a classroom is recorded in OORS and reportable in VADIR while the “routine referral” of a student to a dean is not. It is therefore left to the discretion of the administrators on site to determine the severity of an incident and the appropriate disciplinary response. However, this means that the recording of an incident is based in large part not only on the infraction but on the disciplinary response to that infraction, which is influenced by the approach used by a school. At school #10, the administrators stated that they strive to address conflicts through mediation as often as possible and very rarely issue suspensions. In contrast, administrators at school #2 stated that they always report Level 3, 4, and 5 infractions in OORS, but that they may report first-time offences as Level 1 and 2 infractions. Moreover, since DOE does not generally analyze how schools categorize incidents, it cannot determine whether the recording of incidents in OORS is consistent from school to school. As a result, the fact that one school has fewer incidents per student recorded in OORS than another school, or has a lower SVTI as recorded in VADIR, does not necessarily mean that it has a less disruptive atmosphere or is safer.

With each school relying on its own determination of which incidents should be entered in OORS, incident data will not be comparable from school to school. In addition, since DOE has limited procedures in place to independently review or monitor data submitted by schools, relying instead on the schools themselves to ensure that they report incidents appropriately, the OORS data reported to SED will not be complete.

### **DOE Should Take a More Active Role in Incident-Reporting in OORS**

DOE should enhance their oversight to ensure that schools are aware of and comply with regulations regarding incident reporting.

Regional Safety Administrators review the data reported by schools in their districts and are available to assist schools if a school administrator has a question. Additionally, DOE’s Office of School Intervention and Development is responsible for ensuring that incidents are accurately recorded in OORS. However, DOE should take a more active role in ensuring that principals understand what is required of them and that they comply with those requirements. At a minimum, DOE should visit selected schools to review their methods for collecting and recording incident-related data and should conduct limited testing of supporting school records to ensure that incidents are categorized and reported in accordance with DOE regulations.

DOE should exercise more oversight of the school-reporting process and establish more effective controls to better ensure that violent and disruptive incidents are entered in OORS and subsequently reported to SED in accordance with SED requirements. Without adequate

monitoring, DOE is unable to identify which schools do not comply and is therefore unable to take corrective actions when it is needed.

## **Recommendations**

DOE should:

1. Exercise more oversight of data entry in OORS by the schools to ensure that incidents are reported in accordance with DOE regulations. Such oversight should include visiting schools and performing testing of the data-entry and reporting process used at the schools.

**DOE Response:** “In the last two years, the DOE has implemented a range of updates to OORS, including an audit tool in use since July 2006 that enables both Borough and Central DOE personnel to monitor the reporting of school-based incidents. . . . Over the past two years, the Office of School Intervention and Development (OSID), working with Regional/Borough Safety Administrators has and will continue to monitor reported data and to identify schools in need of intervention, additional support and/or staff training. Both Central OSID staff and Regional/Borough Safety Administrators periodically review school safety data for trends and indicators that suggest a risk of incomplete or inaccurate reporting. Those reviews trigger school visit ‘spot checks’ and follow-up training, intervention and support as needed. . . . The DOE has shared and discussed this Report with NYPD officials and we have agreed to expand and enhance the exchange of data and other information that would aid the DOE in its oversight of incident reporting.”

**Auditor Comment:** While the DOE may review school safety data in OORS for trends and indicators periodically, these statistics may be inaccurate if incidents are not entered in OORS as required. The DOE’s heavy reliance on training of school-based personnel and on reviews of data entered in OORS does not provide it with assurance that all incidents are recorded. DOE should consider taking a more proactive approach and on random school visits audit incident data in school records against incidents recorded in OORS.

2. Take corrective actions at schools that fail to enter incidents in OORS in accordance with DOE regulations.

**DOE Response:** “Substantial training has been provided to school personnel across the city to ensure that principals and their school teams understand and fulfill reporting requirements. Coaching for principals and their designees and additional school-specific training have been and will continue to be provided at schools identified as in need of intervention based on data review and/or school visits.”

3. Provide additional training to school administrators regarding how incidents are to be categorized and subsequently recorded in OORS to help ensure that the recording of incidents is consistent from school to school.”

**DOE Response:** “During the past two years, the DOE has conducted training for school leaders, deans of discipline, and other school personnel who enter incidents into OORS to ensure that they have the knowledge and skills needed for complete and accurate compliance with the DOE’s incident-reporting requirements. . . . School-based training will continue and training for Integrated Service Center staff and School Support Organizations will be added to ensure that all DOE offices and all agencies that support schools understand and provide support to schools to implement all DOE safety and security mandates and initiatives, including those relating to reporting.”

## **Conclusion**

To ensure that violent and disruptive incidents at City high schools are consistently and accurately reported in accordance with the requirements of SED, DOE must more actively monitor school incident data entered in OORS and take corrective actions as needed at schools that fail to report incidents appropriately. So that incident data is consistent and can be compared from school to school, DOE should issue specific instructions annually to schools that detail exactly which incidents should be entered in OORS and conduct testing as needed to determine whether those instructions are being followed.

It should be noted that our findings are similar to some of the findings of the State Comptroller’s audit of the reporting of violent and disruptive incidents by schools outside New York City. That audit found that at a majority of the schools it sampled, a significant percentage of the violent and disruptive incidents documented in the schools’ records was not reported to SED. That audit also found that incidents were not fully and accurately reported by the school districts because the reporting guidelines were not always understood and accepted by school district officials and that officials may have been reluctant to publicly report such incidents.

During the course of this audit, DOE officials stressed that they continually evaluate and seek to enhance controls over reporting of incidents and that improvements have been made since our audit test period. Officials stated that DOE has linked the SOHO and ATS computer applications with OORS to reduce entry errors. Officials also stated that training seminars are provided to school administrators on an ongoing basis to promote complete and consistent incident reporting in OORS. While these steps, if properly implemented, should improve the accuracy and completeness of OORS data, we believe they are not enough. It is important that DOE provide increased oversight and monitoring of schools to ensure that they are properly implementing the reporting requirements established by DOE. Otherwise, the categorization and reporting of incidents will continue to be subject to each principal’s interpretation, and inconsistencies and omissions such as those we identified in this report will continue to occur.

## Appendix

### Department of Education's Discipline Code 2004/2005 Infractions Defined as Serious Incidents

Infraction Level	Discipline Code	Infraction
3	B23	Fighting/engaging in physically aggressive behavior
3	B27	Vandalism, damaging school property, etc.
3	B28	Falsely activating a fire alarm, bomb threat, etc.
3	B29	Sexually suggestive comments, innuendoes, physical contact of a sexual nature, etc.
3	B30	Sexual conduct at school or related functions
3	B31	Theft or knowingly possessing another's property without permission
4	B36	Intimidation, coercion, extortion or threatened violence
4	B37	Disruptive behavior on school bus risk of or results in injury
4	B38	Intimidating and bullying behavior
4	B39	Possessing controlled substances without authorization, illegal drugs, etc.
4	B40	Threatening, dangerous, or violent gang-related behavior
4	B41	Participating in group violence
4	B42	Threatening, while on school property, to use instrument capable of causing injury
4	B43	Behavior which creates risk of, or results in, injury
4	B44	Physical sexual aggression or forcing another to engage in sexual activity
4	B45	Arson
4	B46	Inciting/causing a riot
4	B47	Possessing weapon defined in Category II*
4	B48	Using controlled substances without authorization, illegal drugs, etc.
5	B50	Use force or inflict or attempt to inflict serious injury against school personnel or SSA
5	B51	Use extreme force or inflict or attempt to inflict serious injury upon others
5	B52	Selling or distributing illegal drugs or controlled substances
5	B53	Possession of Category I weapon**, other than firearm
5	B54	Use of Category II weapon to attempt to inflict injury upon others
5	B55	Use of Category I or II weapon, other than firearm, to inflict injury or Category I to attempt to inflict injury upon others
5	B56	Possessing or using a firearm

\* Category II: Weapons include acid and dangerous chemicals, limitation guns, loaded or blank cartridges, ammunition, stink bombs, stun pens, laser beam pointers, deadly, dangerous or sharp pointed instruments which can be or is intended for use as a weapon (such as scissors, nail file, broken glass chains wire).

\*\* Category I: Weapons include pistols, handguns, dart guns, stun guns, rifles, shotguns, machine guns, switch blade and other knives, daggers, box cutters, case cutters, razors, billy clubs, blackjack and firecrackers, bombs and other explosives.



## THE NEW YORK CITY DEPARTMENT OF EDUCATION

JOEL I. KLEIN, Chancellor

Kathleen Grimm, Deputy Chancellor for Finance and Administration

July 16, 2007

Honorable 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 Department of Education's Reporting of Violent Disruptive, and Other Incidents in New York City Public High Schools  
(MG06-140A)

Dear Mr. Graham:

This cover letter, with the attached detailed response of the New York City Department of Education (DOE) to specific findings (Response), addresses the City of New York Office of the Comptroller's (Comptroller) draft audit report dated June 15, 2007 (as revised June 28, 2007) and titled "Audit Report on the Department of Education's Reporting of Violent, Disruptive and Other Incidents in New York City Public High Schools" (Report). The Report comes to us at the close of School Year 2006-2007, as the culmination of an audit that covered School Year 2004-2005.

Alongside academic performance, there is nothing more important to the leadership of the DOE than the safety of its students. The DOE is committed to providing a safe and orderly learning environment for all students and staff in all schools. Accuracy in data and in reporting of incidents is vital to inform the allocation of resources and the deployment of effective prevention and intervention measures and controls to establish and sustain safe schools.

It is because the safety of our students is of such paramount importance that the DOE is troubled by the imprecise and misleading use of language and data within the Report, as well as by the unsupported inferences about violence in New York City high schools that the Report draws or invites readers to draw from its findings. Moreover, because of the audit's focus on a transitional school year for which the DOE was asked to change the data source for its reporting after the fact, we believe the findings are not reflective of current conditions and controls, as we are now two full school years after the audit period.

***The Report fails to clarify the differing scopes and standards of the incident reporting systems and measures it references.***

The Report does not accurately or effectively distinguish among (i) those incidents that schools are supposed to record in the DOE's own On-Line Occurrence Reporting System (OORS), (ii) those incidents that the DOE is required to submit to the New York State Education Department (SED) for its annual Violent and Disruptive Incident Report (VADIR), and (iii) those incidents that drive SED's calculation of each school's School Violence Transitional Index (SVTI) and the designation of schools as "persistently dangerous".<sup>1</sup>

Moreover, the Comptroller's use of the term "serious incidents" instead of "VADIR-reportable incidents" is misleading and imprecise. Throughout, this Report lumps together as "serious" such disparate incidents as vandalism, theft, disruptive behavior on a school bus or in a classroom, possession of a pocket knife confiscated as a student enters a school, intimidation and bullying, minor altercations and serious fights or attacks, and then invites the reader to assign them each equal weight. Both "violent incidents" and "disruptive incidents" are important for the DOE to address and to report accurately, as it is important to foster school environments that are both safe and orderly. However, disruptive incidents, offenses against property, and even minor altercations between students not involving weapons or resulting in injury, do not and were never intended to drive a school's SVTI rating. It is wrong, misleading and contrary to the intent of SED and the applicable laws and regulations for the Comptroller to make or invite inferences about the designation of DOE high schools as "persistently dangerous" using data that SED would not have weighed in making that determination.

Further, we are confused and troubled by the Comptroller's decision to even include in its Report data on incidents that do not rise to the level of either "violent" or "disruptive" under SED's criteria for VADIR and to bundle that "other incidents" data with the VADIR-reportable data under the title "all incidents". When the overwhelming focus of the summary sections of the Report is on violence and school safety, it is inevitable that the "all incidents" data in the Report will be misconstrued.

***The Report invites the reader to make broad inferences about all New York City high schools based on small numbers of incidents at a small number of schools.***

In view of the judgmental selection of 10 high schools (out of approximately 450 in the system) and the small numbers of incidents at many of those schools in some of the tables within the Report, the Comptroller's repeated use of percentages to describe and elaborate on many of its findings misleads readers about the extent of incidents not

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<sup>1</sup> The DOE is required by law to submit a Violent and Disruptive Incident Report (VADIR) to SED annually. Not all school-based incidents are reportable, but those that are reportable are defined by the State. Using school-specific information from the VADIR, the SED calculates each school's School Violence Transitional Index (SVTI), assigning a numerical value to incidents so that the most serious are assigned the highest weight; many incidents that must be included in the VADIR carry no weight at all for purposes of the SVTI. A school's designation as "persistently dangerous" is derived from the SVTI.

found in the OORS database, and invites the inference that the percentages in the Report can be extrapolated to all DOE high schools, which they most decidedly cannot be. The Comptroller concedes that the 10 schools were chosen judgmentally, not randomly, and it would appear that the auditors chose certain schools for their sample specifically because they were data outliers, i.e., schools with anomalously high or low numbers of reported incidents, and thus were likely to produce the most inflammatory results. Even within the findings for those 10 schools, removal of the statistical outliers would present a drastically different picture from the one painted by the Report.

***The Report focuses on two-year old data from a non-illustrative school year in which the DOE was requested after the fact to change the source for its data and reconstruct its reporting; DOE has since materially enhanced its internal incident reporting system, training and oversight.***

We are disappointed by the failure of the Comptroller in the Report to place its findings and recommendations, which are based on two-year-old data, in their appropriate historical context. How the City of New York has gathered data to meet its obligation with respect to the VADIR has changed over the past several years. At the Comptroller's behest, DOE officials spent a lot of time with the audit team explaining the communications and data processes among the SED, the DOE and the New York City Police Department (NYPD) relative to the VADIR reporting for the audit year, school year 2004-2005. As the Comptroller is aware, prior to the summer of 2005, New York State utilized NYPD data on criminal and non-criminal incidents in New York City schools to drive its VADIR reporting, not OORS. Accordingly, through the audit year of 2004-2005, OORS was not regarded by DOE principals and senior leadership, or by NYPD and its School Safety Agents assigned in the schools, as the system of record for reporting to SED. Rather, OORS was regarded predominantly as an internal DOE tracking tool and as a complement to the DOE's student-discipline and suspension processes.<sup>2</sup>

It was not until the summer of 2005 that SED, after receiving the NYPD data, which had been the basis of New York's VADIR reporting since the start of the VADIR process in school year 2000-2001, asked the DOE to attempt to recalculate and resubmit its 2004-2005 numbers based on OORS data. The DOE then undertook an arduous process to align the NYPD crime data and OORS disciplinary data and to reclassify incidents in OORS, which was not designed to overlap the VADIR classifications or the penal-law-based classifications of incidents by NYPD, so as to best address SED's request that the information be resubmitted based on the DOE's own internal data. For these reasons, 2004-2005 is in very many ways the least instructive possible year for the Comptroller to have chosen for its audit of the impact of OORS data entry on the DOE's VADIR submission.

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<sup>2</sup> The Comptroller's own findings make this understanding of the use of OORS during the audit year quite plain. *Less than one-half of one percent (5 of 1,454) of the incidents identified by the Comptroller that resulted in a superintendent's or principal's suspension of a student was missing from OORS.*

Once it became clear to the DOE in summer 2005 that all future VADIR submissions would be driven by OORS data, the DOE materially updated and enhanced OORS to better track incidents for VADIR and to permit more effective monitoring and auditing of the schools' OORS data entry. The DOE has also significantly enhanced and expanded training to the field on the importance of complete, timely and accurate reporting and the process for entering incidents into OORS and for reviewing the data. The DOE has intervened with schools, including schools within the Comptroller's audit sample, based on the enhanced monitoring and auditing tools built into the OORS system.

Additionally, the DOE meets regularly with officials from NYPD's School Safety Division to ensure and enhance effective communication and collaboration among personnel of both agencies regarding the response to and reporting of school-based incidents. The DOE has shared and discussed this Report with NYPD officials, and we have agreed to expand and enhance the exchange of data and other information that would aid the DOE in its oversight of incident reporting.

Thus, even before the Comptroller's audit was announced, very many of the findings noted in this Report had been addressed, and very many of the recommendations made in this Report had been implemented.

***The DOE was not afforded an opportunity to review or assess the bases for the treatment of specific incidents within the Report.***

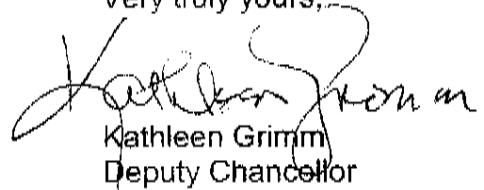
Finally, we must restate in the strongest possible terms our objection to the refusal of the Comptroller's Office to afford DOE officials an opportunity to review the specific bases for the classifications of the specific incidents that roll up into the tables included in the Report. Tables that had appeared in the Comptroller's preliminary report were recalculated and re-titled in the draft report to reflect a significant post-fieldwork change in scope. The dramatic changes between the preliminary and draft reports and the consequent need to review carefully the auditors' data and classifications on an incident-by-incident basis, occasioned the DOE's request for an extension of time to respond and an opportunity to review the auditors' work papers or spreadsheets.

It should have been apparent that any effective response on our part necessarily would have to be informed by the specific bases of the auditors' findings. Our request for access to work papers or incident-level spreadsheets having been rejected, we were left with no choice but to engage in a half-blind review of the raw numbers in the tables. That review demonstrated significant numerical errors and previously undisclosed changes in the tables, which when brought to the attention of the audit team resulted in the issuance on June 28, 2007 of a revised draft report.

Still, even after material errors in the data were made apparent to and acknowledged by the audit team, the DOE was not offered access to the work papers or spreadsheets to allow it to assess the accuracy of the Comptroller's classifications and the integrity of

the reported data. For this reason, we believe we have been handicapped in our opportunity to fairly and effectively respond to the findings in the Report. That said, we address in greater detail within the enclosed Response the findings and recommendations of the Report, to the best of our ability in view of the detailed back-up documentation withheld from our inspection.

Very truly yours,



Kathleen Grimm  
Deputy Chancellor

Enclosure

cc: Joel I. Klein  
Michael Best  
Elayna Konstan  
Connie Cuttle  
Brian Fleischer  
Nader Francis

**Response to Draft Audit Report on the Department of Education's Reporting of Violent, Disruptive and Other Incidents in New York City Public High Schools (MG06-140A)**

This, with the attached cover letter, addresses the City of New York Office of the Comptroller's (Comptroller) draft audit report titled "Audit Report on the Department of Education's Reporting of Violent, Disruptive and Other Incidents in New York City Public High Schools" (Report).

The attached cover letter broadly set forth the New York City Department of Education's (DOE) overall concerns with the Report. First, we questioned the Report's imprecise and misleading use of language, most notably in its use of the term "serious incidents", and the unsupported inferences the Report draws or invites the readers to draw about violence in New York City high schools. More specifically, we cited the Report's failure to clearly distinguish among (i) those incidents that schools are supposed to record in the DOE's own On-Line Occurrence Reporting System (OORS), (ii) those incidents that the DOE is required to submit to the New York State Education Department (SED) for its annual Violent and Disruptive Incident Report (VADIR), and (iii) those incidents that drive SED's calculation of each school's School Violence Transitional Index (SVTI) and the designation of schools as "persistently dangerous".

Secondly, we questioned the Report's invitation to readers to draw broad inferences about all New York City high schools based on a small, judgmentally-selected sample of 10 high schools and based on percentages within those schools derived in many cases from small numbers of incidents. Third, we sought to place the audit year in its appropriate context and to explain why it is not illustrative of the DOE's existing controls and processes relating to VADIR and incident reporting, and we described some of the enhanced audit and monitoring tools built into OORS, as well as the DOE's greatly expanded program of training and intervention with regard to school-based incident reporting. Finally, we objected to the Comptroller's refusal to grant us access to the work papers or spreadsheets demonstrating the audit team's specific classifications and calculations of incidents, arguing that has handicapped our ability to assess the accuracy of the findings and integrity of the data included in the Report.

In this Response, we seek to expand, where helpful, on the issues raised in that cover letter, as well as to address in greater detail the specific findings and recommendations included in the Report.

***Distinctions among OORS, VADIR and SVTI standards and the classification of "serious incidents" throughout the Report***

The Report accurately reflects that OORS is designed primarily to align with the DOE's discipline code, and that in the audit year of 2004-2005, the discipline code listed 56 infraction codes grouped into five levels depending on the severity of the infraction, with Level 1 being the least serious and Level 5 being the most serious. Infractions within every level may result in student discipline, but the DOE regards infractions in Level 3 (Seriously Disruptive or Dangerous Behaviors), Level 4 (Dangerous or Violent Behavior) and Level 5 (Seriously Dangerous and Violent Behavior) as the most urgent. Students committing such infractions are subject to higher levels of disciplinary action.

In 2004-2005, the SED asked school districts to report certain data in 20 categories for VADIR. Incidents in Categories 1-8 (covering homicide, sexual offenses, robbery, assault with serious physical injury, arson, kidnapping, assault with physical injury, and reckless endangerment) and 17 (weapons possession) must be reported regardless of whether the offender was identified, disciplined or referred to law enforcement, and are weighted in the calculation of a school's SVTI. Incidents in categories 14, 15, 18 and 19 (bomb threat, false alarm, drug offenses, alcohol offenses) are reportable regardless of the disciplinary response, but are *not included* in the SVTI calculation and thus do *not impact* the determination of whether a school is "persistently dangerous". Incidents in categories 9-13, 16 and 20 (minor altercations; harassment, intimidation

or bullying with no physical contact; burglary; criminal mischief; larceny; riot; and other disruptive incidents) are only reportable if they result in a disciplinary action or referral,<sup>1</sup> but are *not included* in the SVTI calculation unless they involve a weapon.

The Report veers off course when it establishes the term "serious incidents" and seeks to define that term with reference to the DOE's discipline code, rather than with reference to either the VADIR or SVTI standards established by the SED, as described above. As enumerated in the Appendix, the Report treats all incidents classified by the schools within 26 different infraction codes in Levels 3, 4 and 5 as "serious incidents", with a corresponding assumption that all such infractions must be included in the VADIR and an even more tenuous inference that all such infractions will impact a school's SVTI. However, of those 26 infraction codes, only nine correspond to Categories 1-8 and 17, that must always be included in the VADIR and that always weigh in a school's SVTI.<sup>2</sup>

In addition, five of the infraction codes being treated by the Report as "serious incidents" must always be included in the VADIR but would *never* weigh in a school's SVTI.<sup>3</sup> Four more would be reportable if they resulted in a disciplinary action (which in almost all cases they would under the DOE's own discipline code), but would only weigh in a school's SVTI if a weapon were used.<sup>4</sup> The remaining eight infraction codes might or might not impact a school's SVTI, depending on the specific nature of the incident, because they are broad enough to include a range of different VADIR-reporting categories with different SVTI treatments.<sup>5</sup>

For example, if a student were found to have made a gang-related verbal threat (B40), the incident would be considered by SED as an incident of intimidation, which would be VADIR-reportable only in some cases and would only impact a school's SVTI if a weapon were involved. Even many fights between students (B23 and B41), if they do not involve weapons and do not result in physical injuries, would fall into the SED category of "minor altercations" and thus would only be VADIR-reportable if they resulted in disciplinary action and would have no impact on the school's SVTI.

Because the DOE has not been afforded access to the work papers or spreadsheets demonstrating the audit team's classification of specific incidents in each of the tables included in the Report, we can only assume that all incidents within the 26 enumerated infraction codes are being counted as "serious incidents". We therefore assume that the "serious incident" counts in the Report include the following incidents delineated in the chart below, among many more within the Comptroller's audit sample, that were only reportable to the extent they resulted in student discipline and that would have had no impact on the school's SVTI.

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<sup>1</sup> By "disciplinary action or referral", here and elsewhere in this Response, we mean one of the disciplinary responses enumerated in the SED's guidelines for VADIR; all infractions of the DOE's disciplinary code can result in a disciplinary response, but not all disciplinary responses fall within the SED's reporting guidelines.

<sup>2</sup> B44, B45, B47, B50, B51, B53, B54, B55 and B56, five of which automatically impact SVTI because they involve possession or use of a weapon by definition (see Appendix to Report for description of infraction codes)

<sup>3</sup> B27, B28, B39, B48 and B52

<sup>4</sup> B31, B38, B42 and B46

<sup>5</sup> B23, B29, B30, B36, B37, B40, B41 and B43

<b>2004-2005 OORS Incident</b>	<b>Description of Incident from OORS</b>	<b>DOE Infraction Level 2004-2005</b>	<b>SED Category</b>	<b>SED Weight for SVTI</b>
B-27-Vandalism, damaging school property, etc.	School 2: Student entered the principal's office and proceeded to be very disruptive. She was rude and cursed the principal. She vandalized the principal's office by slamming and breaking the front door.	Level 3-Seriously Disruptive or Dangerous Behavior	12 wo - Criminal Mischief, no weapon	0
B 23 –Fighting/engaging in physically aggressive behavior.	School 8: A student was pushed by another student while going to class.	Level 3-Seriously Disruptive or Dangerous Behavior	9 wo - Minor Altercation, no weapon	0
B 23 –Fighting/engaging in physically aggressive behavior.	School 9: A fight between two students in the school was broken up by a school official.	Level 3-Seriously Disruptive or Dangerous Behavior	9 wo - Minor Altercation, no weapon	0
B 23 –Fighting/engaging in physically aggressive behavior.	School 2: Two male students, [name withheld] and [name withheld], were each issued a summons for disorderly conduct. They had a physical altercation. Suspensions are pending.	Level 3-Seriously Disruptive or Dangerous Behavior	9 wo - Minor Altercation, no weapon	0
B-38 –Intimidating and bullying behavior	School 9: Student was screaming and yelling in Room 338. Teacher asked that he leave. Student refused. Several deans had to be called to remove him. Student then threatened deans, "If I ever see you deans outside, watch out."	Level 3-Seriously Disruptive or Dangerous Behavior	10 wo - Intimidation, no weapon	0
B-36 Engaging in intimidation, coercion or extortion or threatening violence, injury or harm to another or others	School 1: Student allegedly intimidated the victim and threatened to hurt him	Level 4-Dangerous or Violent Behavior	10 wo - Intimidation, no weapon	0

Again, the DOE does not seek to minimize any of the incidents under review, nor does it seek to minimize the importance of accurately capturing those incidents in OORS and reporting them as required by law and regulation, in accordance with SED's guidance. However, the finer distinctions made by SED in calculating a school's SVTI and the case-by-case judgment afforded to school personnel in categorizing incidents and meting out discipline are whitewashed, in essence, within the Report, which treats all of these incidents as "serious", invites the general public to assign them all equal weight, and then invites an inference that they all speak equally to the relative safety or violence of a particular school.

#### **Analysis of and Response to the Data Reported in Tables**

In the following paragraphs, we offer our analysis of the data included by the Comptroller in the tables within the Report, to the best of our ability in view of our inability to review work papers or spreadsheets detailing the classifications of specific incidents as "serious" or clarifying which specific incidents are counted multiple times within Tables II through V. By comparing the incident totals listed in summary Table I with the sum of the incident totals listed in Tables II through V, it is clear that 632 incidents are reflected more than once within Tables II through V, but we do not have sufficient information to identify which incidents those are. We address the summary data in Table I last, as it is impacted by all of the matters discussed in our analysis of Tables II through V.

***Table II – Incidents Resulting in Superintendent or Principal Suspensions***

Although, as noted above, the Report errs in its attempt to define "serious incidents" for VADIR or SVTI purposes with reference to the DOE's discipline code categories, the greatest overlap during the audit year between classifications in OORS and mandated reporting categories for VADIR and SVTI does occur with respect to Level 4 and Level 5 infractions. In school year 2004-2005, under the discipline code, a superintendent's suspension was indicated for all Level 5 infractions, whereas either a superintendent's or a principal's suspension was indicated for all Level 4 infractions. Table II, therefore, is highly instructive in two ways. First, it demonstrates what we stated in our cover letter about the use of OORS in school year 2004-2005, namely, that the primary purpose of OORS in 2004-2005, as understood by school principals responsible for OORS data entry, was to complement and drive the DOE's student-discipline and suspension processes. Second, it demonstrates that the schools did a near-perfect job of capturing in OORS those incidents resulting in serious student discipline.

Of the 1,996 unique incidents identified by the audit team in Table 1 at the 10 audited schools, 1,454 (73%) resulted in a principal's or superintendent's suspension and are reflected in Table II. Of the 1,247 unique "serious incidents" identified by the audit team, 985 (79%) resulted in a principal's or superintendent's suspension. So the incidents in Table II reflect nearly two-thirds of the total incidents reviewed and nearly four-fifths of the serious incidents reviewed. For this lion's share of the audit sample, the school's capture of incidents in OORS was nearly perfect. Among "all incidents", 1,449 of 1,454 (99.7%) were captured in OORS, and among "serious incidents", 981 of 985 (99.6%) were captured in OORS. At 7 of the 10 schools, 100% of the incidents identified were entered in OORS.

***Table III – Incidents from Disciplinary Records***

We note at the outset with regard to Table III that the Report states that the audit team "limited [its] analysis to 25 incidents (or fewer) for each school and chose only those incidents that involved fighting or weapons." While the Report jumps from this concession to an inference that "it is probable that there were other serious incidents that were not entered in OORS and subsequently not entered in VADIR," the more logical inference is that the audit team's decision to choose only incidents that involved fighting or weapons skewed this particular table toward what the Report defines as "serious incidents". The table also returns us to the point raised above, that many fighting incidents included in the sample are reasonably classified as "minor altercations" not involving weapons and not resulting in injury, and thus would not be considered by SED in measuring the SVTI.

Because the number of incidents reviewed at each school was so small, the Report's use of percentages is somewhat misleading. The 40% error rate (not entered in OORS) at School 9, for example, resulted from a review of only five incidents, two of which were not in OORS, and the 25% error rate at School 1 was the result of only six incidents not found in OORS. That said, the school year 2004-2005 data in Table III reflected a need for training and intervention at School 3 (16 of 25 incidents not in OORS) and School 10 (25 of 25 incidents not in OORS).

Acknowledging that Schools 3 and 10 were not satisfactorily meeting their OORS reporting obligations in school year 2004-2005, a condition the DOE, having self-identified them as data outliers, had since addressed with those schools, we note that the combined data for the remaining eight schools shows only 14 out of 139 incidents missing from OORS. Seven out of those eight had two or fewer incidents not found in OORS. Because Schools 3 and 10 are statistical outliers and were judgmentally selected for audit, presumably based on the audit team's own analysis of the data that showed them to be outliers, we do not believe it is reasonable to draw any inferences about all New York City public high schools based on the outlier data.

**Tables IV and V – Incidents from NYPD Records (CIR Summaries and SSA Logs)**

School Safety Agents (SSAs) are uniformed civilian employees of the NYPD's School Safety Division. Tables IV and V purport to reflect incidents identified from CIR summaries of incidents maintained by the School Safety Division and from the written notes or logs of SSAs assigned at the 10 schools. Combined, the incidents identified from these NYPD records account for 378 of the 414 incidents not entered into OORS for the entire audit sample, as reflected in summary Table I. In other words, these two tables account for 91% of the deficiencies cited in the Report. They are also the only two tables where the "not in OORS" percentages appeared high in all of the 10 schools, as opposed to skewed up by a few outliers as in Table III.

Of the 378 incidents within the two tables not found in OORS, we have determined that 110 were for "disorderly conduct", and would not have been weighted in the schools' SVTI. Another 55 incidents not found in OORS were for "harassment", which would not have been weighted in the schools' SVTI unless a weapon was used. An additional 99 incidents (including 81 at School 3 alone) involved an SSA removing a student from a class,<sup>6</sup> primarily based on an SSA's informal logbook notes, which in very many cases included no student name or even a reason for the student's removal from a classroom.<sup>7</sup> In these cases, there is not enough information to determine whether the incidents were even required to be entered in OORS, let alone in the VADIR. Those three categories account for 264 of the 378 incidents (70%) not found in OORS for Tables IV and V.<sup>8</sup>

Tables IV and V also further illustrate what we discussed in our cover letter, namely, that during the audit year of 2004-2005, school-based personnel, including the SSAs employed by NYPD's School Safety Division, understood that the source of reporting would be NYPD data, not OORS data. In that context, it is not hard to understand that principals and their designees would be less attuned to reporting in OORS incidents that were being handled by the NYPD and its agents, particularly with regard to such penal-law-focused infractions as loitering and disorderly conduct. Once it became clear to the DOE in summer 2005 that all future VADIR submissions would be driven by OORS data, training to schools was enhanced to ensure that principals, as well as the

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<sup>6</sup> As we discussed with the Comptroller's audit team, one cannot equate a logbook note that an SSA removed a student from a classroom with the disciplinary measure of "teacher removal" as defined by the SED and understood by the DOE and its school personnel. For purposes of VADIR reporting, a "teacher removal" means "the removal of a disruptive pupil from the teacher's classroom pursuant to the provisions of subdivision 3-a of section 3214 of the Education Law. Routine referrals of a student to a principal or assistant principal for possible disciplinary action should not be counted as a teacher removal." (See "Glossary of Terms Used in Reporting Violent and Disruptive Incidents" at <http://www.emsc.nysed.gov/irts/violence-data/home.shtml>.) We were not afforded an opportunity to see whether each specific incident of a student being removed from a classroom was classified as a "serious incident" or not within the Report, or an opportunity to see whether those "removals" overlapped with incidents counted in other tables within the Report, but in many cases we do not believe there is enough information to determine whether or not these "incidents" would even have been subject to the DOE's OORS reporting requirements, let alone subject to VADIR reporting.

<sup>7</sup> As acknowledged in the Report, there was no standard log or record that SSAs were required to keep of their activities during the 2004-2005 school year, and at two of the high schools subject to this audit, the SSAs did not maintain such written logs or records at all. Those records that were found at some schools are so informal and in most cases so sparse that it is unclear what information can really be drawn from them and effectively cross-checked against incident reports in OORS, assuming the "incidents" sparsely described therein were even required to be reported in OORS under the DOE's own standards.

<sup>8</sup> Moreover, it appears from our review, although we cannot be certain how specific incidents were classified within the Report by the Comptroller, that 33 of the incidents being attributed to the schools were in fact reported directly to the NYPD precinct by students, parents or witnesses, with no indication that the incident was ever reported to any school-based personnel. In such a case, the school would have no information upon which to enter details of an incident into OORS.

SSAs assigned to their schools, clearly understood that the school had to report in OORS all incidents, including those that were identified by and handled by SSAs or other on-scene NYPD officers and thus presumably would be reflected in the NYPD's own data and records.

**Table I – Total Incidents Entered and Not Entered in OORS**

As noted in the paragraphs above, 91% of the deficiencies cited in the Report derive from NYPD records for an audit year in which the DOE and the NYPD understood NYPD data to be the official source for the VADIR submission to the SED. The DOE has engaged in significant training and intervention since the audit year to ensure that schools understand that all incidents must be reported in OORS, even if they have been handled by SSAs or other officers employed by the NYPD and did not call for or result in formal discipline of a student pursuant to the DOE's disciplinary code.<sup>9</sup> Moreover, as discussed in the above analysis of Table III, the overall numbers were driven up by a few outlier schools, which we believe were judgmentally selected by the audit team because their 2004-2005 data reflected that they were outliers. The data for those outliers demonstrates that there was a need for enhanced training and intervention on incident reporting and OORS data entry at those schools, but we do not believe it can reasonably be projected or extrapolated so as to draw inferences about all New York public high schools. Seven of the 10 schools in the audit captured in OORS over 80% of the incidents identified from various sources, and 6 of the 10 schools captured in OORS over 90% of the "serious incidents" identified. An examination of the data without the three outliers (School 1, School 3 and School 10) shows that seven of the schools collectively had nearly 90% of "all incidents" identified by the auditors captured in OORS.

As for the three outliers, analysis of the data for School 1 reveals that 53 of the incidents "not in OORS" were captured by NYPD in CIR summaries and 29 of those were for disorderly conduct. At School 3, 101 of the 229 incidents "not in OORS" were identified from informal SSA notes. Of the 101 incidents so identified, 88 were preliminary and un-audited, were not criminal in nature, and did not include the name of a student; 81 indicated that an SSA had removed a student from a class, in many cases with no reason provided. As discussed in Note 6, supra, routine referrals of a student to a principal or assistant principal for possible disciplinary action do not constitute "teacher removals" for purposes of VADIR. At School 10, the total number of incidents identified was low, only 55, so while the percentage of incidents "not in OORS" is certainly too high, it does not reflect large numbers of incidents. The Office of School Intervention and Development had identified the incident reporting deficiency at School 10 well before the Comptroller announced this audit, and has been working actively with School 10 to address the deficiency.

**Response to Audit Recommendations**

The DOE is committed to doing all that it can to ensure that all NYC public schools provide a safe and orderly environment for students and staff. This commitment requires continuous vigilance and regular enhancements, and the DOE will continue to refine its systems to increase its capacity to effectively monitor school safety. Accurate, complete and timely reporting of all school-based incidents as required by the Chancellor is expected. The DOE will continue to hold principals accountable for fulfilling this expectation.

Because of the audit's focus on a transitional school year for which the DOE was asked to change the data source for its reporting after the fact, we believe the findings are not reflective of current conditions and controls, as we are now two full school years after the audit period. Since learning in summer 2005 that all future VADIR submissions would be driven by OORS data, the DOE has materially updated and enhanced OORS to better track incidents for VADIR and to

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<sup>9</sup> Some examples of incidents that would be handled and reported by the NYPD but that might not result in discipline under the disciplinary code would include loitering on school grounds after the end of the school day, certain disorderly conduct offenses, or incidents of theft or vandalism where the offender could not be identified.

permit more effective monitoring and auditing of the schools' OORS data entry. Even before the Comptroller's audit was announced, very many of the findings noted in this Report had been addressed, and very many of the recommendations made in this Report had been implemented.

***Recommendation 1: Exercise more oversight of data entry in OORS by all schools to ensure that incidents are reported in accordance with DOE regulations. Such oversight should include visiting schools and performing testing of data entry and reporting process used at the schools.***

In the last two years, the DOE has implemented a range of updates to OORS, including an audit tool in use since July 2006 that enables both Borough and Central DOE personnel to monitor the reporting of school-based incidents. The increasingly sophisticated OORS system will continue to be refined, updated and linked to other key DOE data systems. Over the past two years, the Office of School Intervention and Development (OSID), working with Regional/Borough Safety Administrators, has and will continue to monitor reported data and to identify schools in need of intervention, additional support and/or staff training. Both Central OSID staff and Regional/Borough Safety Administrators periodically review school safety data for trends and indicators that suggest a risk of incomplete or inaccurate reporting. Those reviews trigger school visit "spot checks" and follow-up training, intervention and support as needed.

Additionally, the DOE meets regularly with officials from NYPD's School Safety Division to ensure and enhance effective communication and collaboration among personnel of both agencies regarding the response to and reporting of school-based incidents. The DOE has shared and discussed this Report with NYPD officials and we have agreed to expand and enhance the exchange of data and other information that would aid the DOE in its oversight of incident reporting.

***Recommendation 2: Take corrective actions at schools that fail to enter incidents in OORS in accordance with DOE regulations.***

Applicable interventions have been implemented at schools requiring additional support to meet the DOE's expectations for full and accurate reporting. Substantial training has been provided to school personnel across the city to ensure that principals and their school teams understand and fulfill reporting requirements. Coaching for principals and their designees and additional school-specific training have been and will continue to be provided at schools identified as in need of intervention based on data review and/or school visits.

Both Central teams and borough based Safety Administrators have made periodic safety visits to schools across the city to ensure that effective safety and security processes and protocols are in place. An analysis of a school's OORS incidents is made prior to each visit and an in-depth discussion of the school's OORS data is an integral component of each site visit.

In addition, during the last two years the department has conducted, and will continue to conduct, periodic central audits of school data to identify and follow-up with schools that appear to have low numbers of incidents in relation to the number of students the school serves.

***Recommendation 3: Provide additional training to school administrators regarding how incidents are to be categorized and subsequently reported in OORS to help ensure that the recording of incidents is consistent from school to school.***

During the past two years, the DOE has conducted training for school leaders, deans of discipline, and other school personnel who enter incidents into OORS to ensure that they have the knowledge and skills needed for complete and accurate compliance with the DOE's incident-reporting requirements. Training topics have included: understanding the discipline code and the ramifications of accurate and timely reporting; understanding and implementing the suspension process; categorizing incidents and writing incident reports; and entering incidents into OORS.

School-based training will continue and training for Integrated Service Center staff and School Support Organizations will be added to ensure that all DOE offices and all agencies that support schools understand and provide support to schools to implement all DOE safety and security mandates and initiatives, including those relating to reporting.