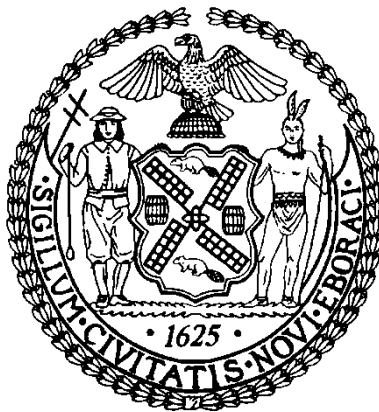


CITY OF NEW YORK OFFICE OF THE COMPTROLLER

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Audit Report on the Provision of Vision Screening Services to Elementary School Students in New York City Charter Schools

ME10-077A

June 30, 2010

<http://comptroller.nyc.gov>



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

John C. Liu
COMPTROLLER

June 30, 2010

To the Residents of the City of New York

My office has audited the Department of Education (DOE) to determine whether it adequately monitored the provision of vision screening services to chartered elementary school students and the Department of Health and Mental Hygiene (DOHMH) to determine whether it effectively provided vision screening services to kindergarten and first grade students in the charter schools. We audit programs such as this to determine whether City agencies effectively ensure the provision of required services and do so in accordance with applicable rules and regulations.

The audit found that DOE did not adequately oversee the provision of vision screening services to chartered elementary school students in the City. DOE initially argued that the charter schools did not need to provide vision screening services to its students and therefore DOE did not need to oversee the schools' practices in this regard. Despite DOE's lack of oversight, the audit nevertheless found evidence that most of the new students in the sampled charter schools received vision screening services as required by law. The audit also found that DOHMH appears to be consistently providing vision screening services to kindergarten and first grade students in the chartered elementary schools. However, there is a need for improvement in DOHMH's follow-up contacts with the parents of students who failed their vision screenings.

This audit makes three recommendations to DOE, including that it should ensure that DOE-authorized charter schools provide the required vision screening examinations to all new entrants within six months of admission. The audit makes two recommendations to DOHMH, including that it should directly, or through the charter schools, follow up with all parents who do not respond to notices indicating that their children failed their vision screening examinations.

The results of the audit have been discussed with DOE and DOHMH officials, and their comments have been considered in preparing this report. Their complete written responses are attached to this report.

If you have any questions concerning this report, please e-mail my audit bureau at audit@Comptroller.nyc.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "JCL", followed by the printed name "John C. Liu".

John C. Liu

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

**Audit Report on the Provision of Vision Screening
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ME10-077A

AUDIT REPORT IN BRIEF

This audit determined whether the New York City Department of Education (DOE) adequately monitored the provision of vision screening services to chartered elementary school students and whether the Department of Health and Mental Hygiene (DOHMH) effectively provided vision screening services to kindergarten and first grade students in the charter schools. The scope period covered by this audit was school years 2007-2008 and 2008-2009.

DOE provides primary and secondary education to more than one million pre-kindergarten to grade 12 students in over 1,500 schools. The Chancellor is responsible for ensuring that these schools meet relevant laws, regulations, and requirements. In 1998, the New York State Charter Schools Act allowed the creation of independent public schools that operate based on the terms of five-year performance contracts, or “charters.” The Chancellor, through DOE’s Office of Charter Schools, is one of the entities or authorizers empowered to award charters in New York City. During school year 2008-2009, there were 78 charter schools in the City serving over 23,000 elementary, middle and high school students. DOE’s Office of Charter Schools authorized 41 of the 78 charter schools.

Charter schools must ensure that their students receive required health assessments and immunizations, that health records are properly maintained, and that nursing or comparable health services are provided to students. State Education Law requires all schools in the State to provide vision screening services to all new entrants within six months of admission to the school. DOE works with DOHMH to provide vision screening services. Health services in the schools are provided through the Office of School Health (OSH), a joint program of DOE and DOHMH, whose mission is to provide health care and preventative services to City schoolchildren.

Audit Findings and Conclusions

DOE did not adequately oversee the provision of vision screening services to chartered elementary school students in the City to ensure that they were conducted in accordance with applicable laws and regulations. DOE initially argued that the charter schools did not need to

provide vision screening services to its students and therefore DOE did not need to oversee the schools' practices in this regard. However, State law clearly requires all schools to provide vision screening services to all new entrants within six months of admission to the school. Despite DOE's lack of oversight, we nevertheless found evidence that most of the new students in our sample of charter schools received vision screening services as required by law. For new entrants at the second grade or higher, we found that charter schools ensured that 92 percent of them received vision screenings.

DOHMH appears to be consistently providing vision screening services to kindergarten and first grade students in the chartered elementary schools. However, there is a need for improvement in DOHMH's follow-up contacts with the parents of the students who failed their vision screenings. Although follow-up contacts were made for sample students who had the most serious eye conditions, little follow-up was done for those sample students who failed their vision screenings but had less serious eye problems.

On a related matter, the audit also found that since charter schools are not obligated to follow the Chancellor's Regulations, students attending charter schools are not required to receive the same level of vision screening services as those attending public schools.

Audit Recommendations

To address these issues, the audit recommends, among other things, that DOE:

- Ensure that DOE-authorized charter schools provide the required vision screening examinations to all new entrants within six months of admission. Vision screening should also be provided to new entrants who transfer in from regular City public schools but have no record of receiving vision screening services.
- Consider requiring that the charter schools authorized by DOE or using DOE facilities follow the Chancellor's Regulations with regard to vision screening.

In addition, the audit recommends, among other things, that DOHMH:

- Contact, or request that the schools contact, the parents of students for whom the E12S form¹ has not been returned.

¹An E12S form is given to a student who fails a vision screening examination. It is to be filled out by the student's doctor, after a full evaluation, and returned to DOHMH.

INTRODUCTION

Background

DOE provides primary and secondary education to more than one million pre-kindergarten to grade 12 students in over 1,500 schools. The Chancellor is responsible for ensuring that these schools meet relevant laws, regulations, and requirements.

In 1998, the New York State Charter Schools Act allowed the creation of independent public schools that operate based on the terms of five-year performance contracts, or “charters.” Charter schools are governed by not-for-profit Boards of Trustees and are held accountable for meeting specific student performance goals. If these goals are not met, the school’s charter can be revoked or not renewed. Charter schools are subject to oversight by their authorizers. The Chancellor, through DOE’s Office of Charter Schools, is one of the entities or authorizers empowered to award charters in New York City. (The New York State Board of Regents and the State University of New York Board of Trustees are the other entities empowered to award charters in New York City.) Each authorizing entity is responsible for ensuring that the charter schools they authorized are complying with applicable laws and regulations and are performing within the guidelines, standards, and goals set forth in their charter agreements.

During school year 2008-2009, there were 78 charter schools in the City serving over 23,000 elementary, middle and high school students. Fifty-eight of the 78 charter schools started at the elementary grade level; fifteen started at the middle school level; and five started at the high school level.

DOE’s Office of Charter Schools authorized 41 of the 78 charter schools. Additionally, the Office of Charter Schools is the financial conduit and operational liaison for all charter schools operating in the City.

Like all City public schools, charter schools must meet educational standards and requirements, as well as State laws and regulations governing health and safety, civil rights, and student assessment. Charter schools must ensure that their students receive required health assessments and immunizations, that health records are properly maintained, and that nursing or comparable health services are provided to students. State Education Law requires all schools in the State provide vision screening services to all new entrants within six months of admission to the school.

For the City public schools, student health services are the responsibility of DOE. DOE works with DOHMH to provide these services. DOHMH’s mission is to protect and promote the health and mental well-being of all City residents through the enforcement of health regulations and the provision of health services throughout the City, including the City schools. Health services in the schools are provided through the Office of School Health (OSH), a joint program of DOE and DOHMH, whose mission is to provide health care and preventative services to City schoolchildren. DOHMH’s goal is to conduct vision screenings for kindergarten and first grade students in public elementary schools and, upon request, in the charter schools.

For the charter schools, DOHMH assumes that the charter schools want this service and simply notifies the schools of the dates it plans to visit them to provide vision screening services to the kindergarten and first grade students. DOHMH follows up with the parents of the students who have the most serious eye conditions to ensure that the students receive evaluations from their own doctors. For the other grades, DOE, upon the request of the schools, provides vision screening training to the charter schools to screen their own students.

Objectives

The objectives of this audit were to determine whether DOE adequately monitored the provision of vision screening services to chartered elementary school students and whether DOHMH effectively provided vision screening services to kindergarten and first grade students in the charter schools.

Scope and Methodology

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives. This audit was conducted in accordance with the audit responsibilities of the City Comptroller as set forth in Chapter 5, §93, of the New York City Charter.

The scope period covered by this audit was school years 2007-2008 and 2008-2009.

To gain an understanding of the vision screening program, we interviewed officials of DOE's Office of Charter Schools and the joint Office of School Health.

To gain an understanding of the vision screening requirements and procedures, we reviewed applicable laws and regulations, including the New York State Education Law, Article 19, "Medical and Health Services"; the New York State Charter Schools Act of 1998, Article 56, "Charter Schools"; the Regulation of the Chancellor A-701, "School Health Services"; and the Office of School Health's *Vision Screening Manual*. In addition, we reviewed a report issued by the New York City Comptroller's Office in June 2008, entitled *Audit Report on the Adherence of the Department of Education and the Department of Health and Mental Hygiene to Student Vision and Hearing Screening Program Regulations*.

Since the Chancellor's Regulations primarily relate to the provision of vision screening services in elementary schools, we similarly decided to focus on chartered elementary schools. To review schools that had at least two or more full years of experience ensuring that their students received vision screening services, we selected schools that had been open since at least September 2007. To review charter schools for which DOE had the most oversight responsibility, we primarily selected charter schools that were authorized by DOE. We also selected one charter school that was not authorized by DOE.

Of the 58 chartered elementary schools, 44 had been open since at least September 2007. Of these 44 schools, 20 had been authorized by DOE.

We judgmentally selected two DOE-chartered elementary schools, Future Leaders Institute Charter School (Manhattan) and Manhattan Charter School (Manhattan), for a background and walkthrough visit and randomly selected for background, walkthrough, and review purposes 4 of the 20 DOE-authorized elementary schools that had been open since at least September 2007: Bronx Lighthouse Charter School (Bronx), South Bronx Classical Charter School (Bronx), Harlem Children's Zone Promise Academy I Charter School (Manhattan), and Achievement First Crown Heights Charter School (Brooklyn). We also judgmentally selected one chartered elementary school not authorized by DOE but open since at least September 2007: Girls Preparatory Charter School (Manhattan).

To determine whether the students in kindergarten and first grade received vision screening services from DOHMH during school years 2007-2008 and 2008-2009, we selected a sample of 429 (63%) of the 685 kindergarten and first grade students at three charter schools and reviewed student files and vision screening logs at the schools and relevant data in the DOHMH Automated School Health Records (ASHR) system for the students in our sample. Vision screening logs, which list all kindergarten and first grade students scheduled to be screened, were available for three of the six years we reviewed (two school years at each of the three schools). Where there were vision screening logs, we reviewed the entire population of students in these grades. Where logs did not exist, we randomly selected students from the school rosters for these grades. We checked the reliability of ASHR data by comparing vision screening information at the schools to corresponding ASHR data for 40 randomly selected students.

Table I, below, shows the selection of students from kindergarten and first grade for both school years at the two DOE chartered elementary schools and the one non-DOE chartered elementary school that we included in this test.

Table I
Selection of Students from Kindergarten and First Grade

Charter School	# Selected from 2007-2008 School Year Roster		# Selected from 2008-2009 School Year Roster		Total Selected
	Kindergarten	1 st Grade	Kindergarten	1 st Grade	
Bronx Lighthouse	20	40	43	28	131
Girls Preparatory	20	20	20	20	80
South Bronx Classical	73	73	69	3*	218
Totals	113	133	132	51	429

*These 3 students were new entrants to the school. We also reviewed 56 first-grade students at the school in school year 2008-2009 who were among the 73 kindergarten students at the school in school year 2007-2008. Of the remaining 17 of the 73 students, 14 were discharged from the school and 3 were held back.

To determine whether the new entrants to the charter schools received the required screening, we identified all 76 of the new students in the second grade and above at the four DOE-authorized chartered elementary schools in our sample by comparing the rosters for the

2007-2008 school year to the rosters for the 2008-2009 school year. We then reviewed the screening information at DOHMH and at the charter schools to determine whether any of these new students received vision screenings. Table II, below, shows the number of new second grade and higher level students in the sampled schools.

Table II
Number of New Second Grade and Higher Level Students in Sampled Schools

Charter School	# of New Students					Totals
	2 nd Grade	3 rd Grade	4 th Grade	5 th Grade	6 th Grade	
Achievement First Crown Heights	7	6	2	0	0	15
Bronx Lighthouse	10	13	4	7	7	41
Harlem Children's Zone Promise Academy I	6	6	2	0	0	14
South Bronx Classical	3	3	0	0	0	6
Totals	26	28	8	7	7	76

We also reviewed the ASHR system for the students in our sample who failed the vision screening to determine whether the required follow-up contacts were made.

The results of the above tests, while not statistically projected to their respective populations, provide us with a reasonable basis to determine whether DOE and DOHMH provided vision screening to students in the New York City charter schools in accordance with applicable regulations.

Discussion of Audit Results

The matters covered in this report were discussed with DOE and DOHMH officials during and at the conclusion of this audit. A preliminary draft report was sent to DOE and DOHMH officials on May 11, 2010, and was discussed at an exit conference held on June 1, 2010. On June 10, 2010, we submitted a draft report to DOE and DOHMH officials with a request for comments. We received a written response from DOE officials dated June 23, 2010, and one from DOHMH officials dated June 24, 2010. In their responses, DOE officials agreed to implement two of the three recommendations addressed to them, while DOHMH officials agreed to implement one of the two recommendations addressed to them.

The full texts of the DOE and DOHMH responses are included as addenda to this report.

FINDINGS AND RECOMMENDATIONS

DOE did not adequately oversee the provision of vision screening services to chartered elementary school students in the City to ensure that they were conducted in accordance with applicable laws and regulations. We believe that a significant factor contributing to the lack of oversight was that DOE was not fully aware of its responsibilities to ensure that charter schools provide vision screening services to all new entrants at any grade level. DOE initially argued that the charter schools did not need to provide vision screening services to its students and therefore DOE did not need to oversee the schools' practices in this regard. However, State law clearly requires all schools to provide vision screening services to all new entrants within six months of admission to the school. Despite DOE's lack of oversight, we nevertheless found evidence that most of the new students in our sample of charter schools received vision screening services as required by law. For new entrants at the second grade or higher, we found that charter schools ensured that 92 percent of them received vision screenings.

DOHMH appears to be consistently providing vision screening services to kindergarten and first grade students in the chartered elementary schools. We concluded that all of the kindergarten and first grade students in our sample received at least one vision screening during the 2007-2008 and 2008-2009 school years. We also concluded that all of the required vision screenings² over the two years were conducted for the students in our sample.

However, there is a need for improvement in DOHMH's follow-up contacts with the parents of the students who failed their vision screenings. Although follow-up contacts were made for sample students who had the most serious eye conditions, little follow-up was done for those sample students who failed their vision screenings but had less serious eye problems. Such follow-up contacts would help ensure that corrective action is taken for all students with vision problems.

On a related matter, the audit also found that since charter schools are not obligated to follow the Chancellor's Regulations, students attending charter schools are not required to receive the same level of vision screening services as those attending public schools.

DOE Did Not Adequately Oversee Provision of Vision Screening Services at Charter Schools

DOE was not fully aware of its oversight responsibilities to ensure that charter schools provide vision screening services to all new entrants at any grade level. DOE officials initially maintained that they were obligated only (1) to ensure that DOHMH provides the screenings to kindergarten and first grade students and (2) to provide vision screening training, upon request, to the charter schools to enable the schools to render vision screening services to its students in higher grades.

However, State Education Law, Article 19 §905 (4), states that "all students who enroll in a school of this state shall be tested for color perception, distance acuity and near vision within

² Some of the students in our sample were due to receive more than one vision screening during our review period.

six months of admission to the school.” In addition, the State Charter Schools Act of 1998, Article 56 §2583 (2), states that the charter school authorizer should ensure that the charter school complies with all applicable laws, regulations, and charter provisions. Therefore, in addition to ensuring that DOHMH renders screening services to kindergarten and first grade students in the charter schools and to providing vision screening training to charter schools upon request, DOE should ensure that all new students are vision screened within six months of admission to DOE-authorized charter schools.

DOE initially rejected but subsequently acknowledged that charter schools were required to provide vision screening services to new admissions. Upon acknowledgement of this position, DOE officials stated that the obligation to conduct vision screening of a student within six months of admission only applies to students at the time they first enter the City public school system, of which the City charter schools are a part.

Vision problems can sometimes be to blame for low grades and developmental difficulties. According to the Office of School Health, if treatable vision problems go undetected and untreated, a child’s ability to succeed in school may be compromised. It is important that DOE work closely with the charter schools to ensure that all students requiring vision screening services receive them.

Sampled Charter Schools Screened Most New Entrants

To determine whether charter schools ensured that new entrants received vision screening services, we randomly selected 4 of the 20 DOE-authorized chartered elementary schools that had been open from school year 2007-2008 or earlier. We identified all new second grade and higher level students at the four charter schools in school year 2008-2009.

There were 76 new students in school year 2008-2009 at the four charter schools who entered the school in the second grade or above. To determine whether these students were vision screened, we reviewed student files and vision screening logs at the charter schools and data in the DOHMH ASHR system, which maintains health information on all students. Table III, below, shows the number of second grade and higher level students who were new to the four charter schools and the number who received vision screenings.

Table III
Number of New Second Grade and Higher Level Students
In Sampled Schools Who Received Vision Screenings

Charter School	# of New Second Grade and Higher Level Students	# Who Did Receive Vision Screening	% of Students Who Did Receive Vision Screening	# Who Did Not Receive Vision Screening	% of Students Who Did Not Receive Vision Screening
Achievement First Crown Heights	15	14	93%	1	7%
Bronx Lighthouse	41	36	88%	5	12%
Harlem Children's Zone Promise Academy I	14	14	100%	0	0%
South Bronx Classical	6	6	100%	0	0%
Totals	76	70	92%	6	8%

As seen in Table III, based on our review of the student files and vision screening logs at the charter schools and data in the DOHMH ASHR system on these new students, the sampled charter schools generally ensured that most of the new entrants for the second grade or higher were screened. Overall, 92 percent of the sampled students were screened, including 100 percent of the new entrants at two schools, Harlem Children's Zone Promise Academy I and South Bronx Classical, and most of the students at Achievement First Crown Heights and Bronx Lighthouse.

Nevertheless, since DOE acknowledges that it did not monitor charter school compliance with this requirement, the degree to which a charter school ensured that new students received the required vision screening services was determined by the school itself with no oversight accountability. DOE monitoring would help ensure that all charter schools make sure that its new students receive required vision screenings.

DOE officials argued that four of the six new students that we determined did not receive vision screening services within six months of admission to the school actually transferred from a regular City public school. As a result, they argued, since the students were not new entrants to the City public school system, there was no legal requirement for the charter schools to provide vision screening services to these students. This is the case, they argued, even though the students did not receive vision screening services while they were regular City public school students.

DOE appears to be violating the spirit if not the letter of the State law that requires every school in the State to provide vision screening services to all new students within six months of admission to the school. In regular City public schools, vision screening services are to be

provided in accordance with the more stringent Chancellor's Regulations, which require that screenings be provided in kindergarten and in the first, third, and fifth grades. However, State law only mandates that vision screening services be provided to new students. Accordingly, by taking the position that charter schools are not required to provide vision screening services to students who transfer from regular City public schools, even if they did not receive these services in the City public schools, DOE is in effect penalizing students for its own failure to provide the mandated vision screenings while they attended public school.

Recommendation

1. DOE should ensure that DOE-authorized charter schools provide vision screening examinations to all new entrants within six months of admission. Vision screening should also be provided to new entrants who transfer in from regular City public schools but have no record of receiving vision screening services.

DOE Response: "The Department acknowledges that charter schools are not exempt from the law requiring all schools to vision screen new entrants within six months of enrollment, and the Department is required to oversee compliance. Accordingly, the Department's Office of Charter Schools, working with the Office of School Health and DOHMH, will design and implement a process whereby charter schools authorized by the Chancellor will be provided with information relative to each enrolled student's vision screening history. Charter schools will thereby be in a position to determine which, if any, students have not been screened by the Department or the DOHMH and conduct testing as appropriate. The Office of Charter Schools will test compliance in the regular course of its monitoring efforts."

Sampled Kindergarten and First Grade Charter School Students Received Vision Screenings

OSH provides health care and preventative services to students, including vision screenings, as mandated by public health and education regulations. The OSH vision screening program identifies vision problems in young children and takes steps to ensure that they are addressed. DOHMH teams perform vision screenings for kindergarten and first-grade students and follow up with parents when a vision deficit is detected, recommending that a full evaluation be conducted by the child's doctor or a specialist. DOHMH's goal is to conduct vision screenings for kindergarten and first grade students in public elementary schools and, upon request, in the charter schools. Commendably, DOHMH assumes that the charter schools want this service and simply notifies the schools of the dates it plans to visit them to provide vision screening services to the kindergarten and first grade students.

Two of the more common eye problems among young children are myopia and amblyopia. Myopia, or nearsightedness, is a condition in which it is difficult to focus on objects at a distance. Amblyopia is a condition in which one eye works better than the other. If amblyopia is left untreated, the stronger eye dominates and the weaker eye can lose sight. Eye testing is often the only way to identify children at risk for amblyopia. Failure to detect and treat amblyopia by age seven may result in permanent loss of vision in the weaker eye.

To review the extent to which DOHMH is meeting its vision screening goals in chartered elementary schools, we selected three such schools: two authorized by DOE and one not authorized by DOE. DOHMH's goal to provide vision screening to kindergarten and first grade students applies to both DOE and non-DOE authorized charter schools.

We reviewed the student files and screening logs from the three charter schools and the ASHR database at DOHMH for the kindergarten and first grade students in our sample to determine whether these students received vision screening at least once in school years 2007-2008 and 2008-2009. We also used this information to determine the number of required screenings that should have been conducted for these students during the same period. For students for whom there were no records at the charter schools of their having been screened, we only reviewed ASHR at DOHMH.

Of the 397 students³ in our sample at Bronx Lighthouse, Girls Preparatory, and South Bronx Classical, we concluded that all of them had received vision screening services from DOHMH at least once during school years 2007-2008 and 2008-2009.

We also determined the total number of screenings that should have been conducted for these students during school years 2007-2008 or 2008-2009. DOHMH's goal is to conduct vision screenings for kindergarten and first grade students each year. Therefore, a student who was in kindergarten on September 2007 should have received two vision screenings during this period (one in school year 2007-2008 and another as a first grader in school year 2008-2009). However, a first grade student in September 2007 should have received one vision screening during this period (since the student was in the second grade during school year 2008-2009). Similarly, a student who was in kindergarten on September 2008 should have received one vision screening during this period (since the student was in the first grade during school year 2009-2010, which was beyond the scope of this test).

The 397 students in our sample at Bronx Lighthouse, Girls Preparatory, and South Bronx Classical required a total of 506 vision screenings during school years 2007-2008 and 2008-2009. We concluded that DOHMH conducted all of these vision screenings.

As previously noted, 14 of the students in our sample were absent on the day DOHMH provided vision screening services at their schools. Charter school officials informed us that they did not inform parents that their children had missed a DOHMH vision screening visit when they were absent on the day of the visit. They informed us that they relied on the fact that the parents had been informed about an upcoming DOHMH visit and that if their child did not attend school on that day, the parent should have realized that the child had missed the vision screening. DOHMH should request the charter schools to inform parents when their children miss scheduled vision screenings so the parents can arrange for their children to be screened by their own doctors.

³ An additional 14 students were absent on the day of the screening, and 18 had been discharged from the schools before the day of the screening.

Recommendation

2. DOHMH should request the charter schools inform parents when their children miss vision screenings so the parents can arrange for their children to be screened.

DOHMH Response: “DOHMH’s standard practice is for the vision screening teams to inform the principal of the names of the students who have been screened and those who were not screened at the conclusion of the screening. It is the principal’s responsibility to ensure that new entrants are screened.”

Auditor Comment: We continue to believe that parents would be more likely to arrange for their children to be screened by their own doctors if they were informed that their children missed their scheduled vision screening. Accordingly, we ask DOHMH to reconsider its response to this recommendation and that it, in addition to providing schools with the names of students that are not screened, specifically ask schools to inform the parents of those students.

Follow-up Efforts for Students Who Fail Vision Screenings Need Improvement

DOHMH’s follow-up contacts with the parents of the students who failed the vision screening need improvement. Although follow-up contacts were made for sample students who had the most serious eye conditions, little follow-up was done for those sample students who failed their vision screenings but had less serious eye problems. Such follow-up contacts would help ensure that corrective action is taken for all students with vision problems.

According to DOHMH, more than 20 percent of school-aged children in New York City fail their eye exams; when this happens, effective follow-up services are essential. OSH is responsible for following up on students who fail their vision screening examinations.

When a student fails the vision screening examination, a letter and an E12S form are given to the student by the DOHMH staff to take home to their parents. The E12S form is to be filled out by the student’s doctor and returned to DOHMH. However, if the E12S form is not returned, OSH officials told us that for those students who have 20/70 vision or worse in either eye, or have amblyopia, OSH staff attempt to contact the parents to ensure that the parents received the notifications and took the students to their own doctors for full evaluations. OSH staff attempt to reach the parents by telephone first but send letters if they are not able to speak with the parents. Of the 31 students in our sample who were determined to have 20/70 vision or worse in either eye or to have amblyopia and for whom the E12S form was not returned, there is evidence that OSH followed up with all of them.

OSH states that it does not follow up with the parents of students with less serious vision problems due to limited staff resources. However, even less serious vision problems are worthy of a follow-up effort. While the lack of staff might justifiably limit follow-up telephone calls to the parents of students who have more serious vision problems, the mailing of follow-up form letters to the parents of students with less serious vision problems should be considered.

Alternatively, OSH could notify the charter schools of those students whose parents did not return the E12S form and request the schools to follow up with the parents. The follow-up form letter to parents on the DOE website states that “it is very important that you take your child to an eye doctor as we all know that uncorrected vision problems can affect a child’s ability to learn.” This is a convincing argument that suggests that OSH should, directly or through the schools, contact the parents of students for whom the E12S form has not been returned.

Table IV, below, shows the number of sample students at each of the schools in our sample who failed vision screenings with less serious eye conditions and for whom the E12S form had not been returned, and the number of students who did not receive the follow-up contacts according to the follow-up information available in ASHR.

Table IV
Follow-Up of Students Who Failed Vision Screenings
With Less Serious Eye Conditions

Charter School	# of Students Needing Follow-up (E12S Not Returned)	# of Follow-ups Made	% of Follow-ups Made	# of Students Not Receiving Follow-up	% of Students Not Receiving Follow-up
Bronx Lighthouse	19	1	5%	18	95%
Girls Preparatory	16	1	6%	15	94%
South Bronx Classical	30	1	3%	29	97%
Totals	65	3	5%	62	95%

As can be seen in Table IV, there was no evidence that follow-up contacts were made for 62 (95%) of the 65 students who failed vision screenings with less serious eye conditions and for whom the E12S form had not been returned. Identifying students with vision problems is only the first step in helping students with problems. An effective system of follow-up is also essential to help ensure that corrective action is taken for all students with vision problems. Accordingly, follow-up with the parents is critical because it helps ensure that parents are aware that a problem exists and reminds them to the importance of taking the child to a doctor for a full evaluation.

Recommendation

3. DOHMH should contact, or request that the schools contact, the parents of students for whom the E12S form has not been returned.

DOHMH Response: “DOHMH’s Office of School Health does not currently have the capacity to provide this service. However, DOHMH will look into the feasibility of implementing an alternative strategy of providing principals of each school with a list of students who did not return an E12S.”

No Records of Charter School Requests for Training Or of Training Sessions Conducted

DOE officials stated that one of their obligations is to provide vision screening training, upon request, to the charter schools to enable the schools to render vision screening services to their students in the second grade and above. The *OSH Vision Screening Manual* is used to train charter school staff. However, DOE does not keep track of charter school requests for vision screening training or of the training sessions that are conducted at the charter schools. Therefore, there is no evidence that DOE provided vision screening training to the charter schools when it was requested.

Recommendation

4. DOE should maintain records of charter school requests for vision screening training and of the training sessions that are conducted at these charter schools.

DOE Response: “Upon learning of the recommendation, the Office of School Health advised its training unit to maintain records of requests for and provision of vision screening training.”

Other Matter

Charter School Students Not Required to Receive the Same Level of Vision Screening Services as Those in Public Schools

Charter schools in the City are not required to follow the Chancellor’s Regulations. However, DOE should consider requiring all charter schools in the City, especially those authorized by DOE and those not authorized by DOE but using DOE facilities, to follow the Chancellor’s Regulations concerning vision screening. In addition to requiring that all new entrants be screened within six months of entry (as mandated by State law), the regulations state that kindergarten, first, third, and fifth grade students in the public schools must also be screened. The charter schools, however, are not required to provide the same level of vision screening services as those attending public schools, especially with respect to the provision of vision screening services in the third and fifth grades. State law gives charter schools considerable discretion with regard to services they provide. Nevertheless, in light of the importance of vision screening to student health and development, DOE should consider asking the charter schools to expand the level of vision screening services they offer.

DOE Response: “The law neither requires the charter school to make a request for service nor imposes upon it an obligation to vision screen students by particular grade or follow the regulations – in this case the Chancellor’s Regulations – of the geographic school district in which the charter school is situated.

“We offer that example to inform the public’s understanding of the balance the charter schools’ authorizing agency must maintain between imposing rules not contemplated by

the legislature and respecting the charter school's autonomy; it is within that context and upon our careful consideration that the Department declines the Comptroller's invitation that the Department seek to impose on charter schools vision screening requirements that deliberately have not been mandated by law."

Auditor Comment: We respect DOE's legal argument on this matter but believe that asking charter schools to provide the same vision screening services to third and fifth grade students as do the City public schools would not impose an unwarranted limitation on charter school autonomy.

Recommendation

5. DOE should consider requiring that the charter schools authorized by DOE or using DOE facilities follow the Chancellor's Regulations with regard to vision screening.

DOE Response: "For the reasons stated in the attached cover letter, upon the Department's consideration of the recommendation, the decision has been made not to require the charter schools to follow the Chancellor's Regulation with regard to vision screening. Rather, charter schools are required to comply with applicable state law."

Auditor Comment: We continue to believe that the provision of vision screenings is such an important service for students that DOE should reconsider its decision not to ask the charter schools, especially those authorized by DOE or using DOE facilities, to provide the same level of screening services as do the City public schools.



Department of
Education

Marc Sternberg
Deputy Chancellor
Division of Portfolio Planning

52 Chambers Street
New York, NY 10007

H. Tina Kim
Deputy Comptroller
The City of New York
Office of the Comptroller
One Centre Street
New York, NY 10007-2341

Re: Audit Report on the Provision of Vision Screening Services to Elementary School Students in New York City Charter Schools (ME10-077A)

Dear Ms. Kim:

This letter submitted on behalf of the New York City Department of Education (“Department”), with the attached detailed response to relevant findings and recommendations (“Response”), constitutes this agency’s formal response to the City of New York Office of the Comptroller’s (“Comptroller”) draft audit report titled *Audit Report on the Provision of Vision Screening Services to Elementary School Students in New York City Charter Schools*. (“Report”).¹

While the Department does not dispute the findings on the whole, certain of the apparent working assumptions and implications about the nature of charter schools and their relationship to the Department merit explication as follows. Charter schools are public, nonsectarian schools that are sanctioned by law and operate as educational corporations under the terms of five-year performance contracts known as charters. They find their philosophical underpinnings in the concept that independence from constraints imposed by laws and regulations dictating organizational structure encourages exploration of innovative methods for promoting excellence and improving student achievement by bringing new leaders, resources, and ideas into public education.

It is within that perspective that the legislature carved out from the New York State Education Law (“Education Law”) the New York State Charter Schools Act of 1998 (“Act”), citing that its purpose is “to authorize a system of charter schools to provide opportunities for teachers, parents, and community members to establish and maintain schools that *operate independently of existing schools and school districts . . .*”² (Emphasis added). Thus, while a charter school is by its terms a public school, it is not treated as such for all purposes. By way of relevant example, the Act deems a charter school a “nonpublic” school for

¹ Findings and recommendations pertaining to the New York City Department of Health and Mental Hygiene are addressed under separate cover by that agency.

² Education Law § 2850 (2).

H. Tina Kim
June 23, 2010
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purposes of applying Education Law § 912, which requires the school district to provide to the nonpublic schools the health and welfare services provided to students in public schools upon request. The law neither requires the charter school to make a request for service nor imposes upon it an obligation to vision screen students by particular grade or follow the regulations - in this case the Chancellor's Regulations - of the geographic school district in which the charter school is situated.

We offer that example to inform the public's understanding of the balance the charter schools' authorizing agency must maintain between imposing rules not contemplated by the legislature and respecting the charter school's autonomy; it is within that context and upon our careful consideration that the Department declines the Comptroller's invitation that the Department seek to impose on charter schools vision screening requirements that deliberately have not been mandated by law.

We do acknowledge, however, that it is a legal mandate and, therefore, our obligation to oversee the charter schools we authorize in a manner "sufficient to ensure that the charter school is in compliance with all applicable laws, regulations and charter provisions."³ And, in that regard, we note and accept that insofar as charter schools are required by law applicable to all schools to vision screen "all students who enroll in a school of this state . . . within six months of admission to the school,"⁴ the Department's obligation extends to overseeing compliance. The Department intends to fulfill that obligation.

We thank the Comptroller and the audit team for the opportunities that were extended to Department managers to engage in constructive dialogue with the auditors during the audit implementation and to provide records that assisted in clarification of findings.

Sincerely,



Marc Sternberg

Deputy Chancellor for Portfolio Planning

CC. Kathleen Grimm
Michael Best
Stephanie Keating
Michael Duffy
Roger Platt
Brian Fleischer
Judy Nathan
Rana Khan
Marlene Malamy
Andrea Breland-Turner

³ Education Law § 2853 (2).

⁴ Education Law § 905 (4).

AUDIT REPORT ON THE PROVISION OF VISION SCREENING SERVICES TO ELEMENTARY SCHOOL STUDENTS IN NEW YORK CITY CHARTER SCHOOLS (Report ME10-077A): NEW YORK CITY DEPARTMENT OF EDUCATION RESPONSE TO FINDINGS AND RECOMMENDATIONS

The following, with the attached cover letter of New York City Department of Education (“Department”) Deputy Chancellor Marc Sternberg, comprises this agency’s response to the State of New York Office of the Comptroller’s (“Comptroller”) draft audit report titled *Audit Report on the Provision of Vision Screening Services to Elementary School Students in New York City Charter Schools*. (“Report”). We note here that the scope of audit covered screening activity performed by the New York City Department of Health and Mental Hygiene (“DOHMH”) and that certain recommendations are directed at the DOHMH. With the understanding that the DOHMH is submitting a response on its own behalf, we limit our response to recommendations that pertain only to the Department.

Recommendation 1. *DOE should ensure that DOE-authorized charter schools provide vision screening examinations to all new entrants within six months of admission. Vision screening should also be provided to new entrants who transfer in from regular City public schools but have no record of receiving vision screening services.*

Response to Recommendation. The Department acknowledges that charter schools are not exempt from the law requiring all schools to vision screen new entrants within six months of enrollment, and the Department is required to oversee compliance. Accordingly, the Department’s Office of Charter Schools, working with the Office of School Health and DOHMH, will design and implement a process whereby charter schools authorized by the Chancellor will be provided with information relative to each enrolled student’s vision screening history. Charter schools will thereby be in a position to determine which, if any, students have not been screened by the Department or the DOHMH and conduct testing as appropriate. The Office of Charter Schools will test compliance in the regular course of its monitoring efforts.

Recommendations 2 and 3 apply to the DOHMH.

Recommendation 4. *DOE should maintain records of charter school requests for vision screening training and of the training sessions that are conducted at these charter schools.*

Response to Recommendation. Upon learning of the recommendation, the Office of School Health advised its training unit to maintain records of requests for and provision of vision screening training.

Recommendation 5. *DOE should consider requiring that the charter schools authorized by DOE or using DOE facilities follow the Chancellor's Regulations with regard to vision screening.*

Response to Recommendation. For the reasons stated in the attached cover letter, upon the Department's consideration of the recommendation, the decision has been made not to require the charter schools to follow the Chancellor's Regulation with regard to vision screening. Rather, charter schools are required to comply with applicable state law.



NEW YORK CITY DEPARTMENT OF
HEALTH AND MENTAL HYGIENE
Thomas Farley, M.D., M.P.H.
Commissioner

June 24, 2010

H. Tina Kim
Deputy Comptroller for Audits
New York City Office of the Comptroller
1 Centre Street Room 1100
New York, NY 10007-2341

Re: Audit Report on the Provision of
Vision Screening Services to
Elementary School Students in New
York City Charter Schools
ME10-077A . .

Dear Ms. Kim:

We have reviewed your draft audit report on the "Provision of Vision Screening Services to Elementary School Students in New York City Charter Schools." The Department of Health and Mental Hygiene (DOHMH) appreciates that the audit recognizes that the DOHMH Office of School Health:

- Consistently provided vision screening services to kindergarten and first grade students in the chartered elementary schools.
- Conducted the vision screening for all 397 students in the auditors' sample of students for school years 2007-08 and 2008-09.
- Followed up with parents of students who failed a vision screening by sending home to the parents an E12S form to be filled out by the student's doctor after a full evaluation, and returned to DOHMH.
- Followed up on all 31 students in the auditor's sample that had 20/70 vision or worse in either eye, or had indications of amblyopia by contacting the parents by phone or letter and advising parents of their child's visual deficiency.

The auditors recommend that DOHMH request charter schools inform parents when their children miss vision screenings so parents can arrange for their children to be examined by their doctor. DOHMH screening teams provide principals of schools with the names of children who were not screened and the names of children who were screened, so the principals are made aware of students that were not screened. It is the principal's responsibility to ensure that new entrants are screened.

The auditors noted that DOHMH does not provide additional follow-up, other than sending home the E12S form for students who fail a vision screening test, unless

H. Tina Kim, Deputy Comptroller

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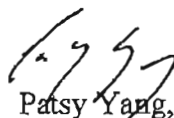
June 24, 2010

visual acuity is 20/70 or less or the student is at risk for amblyopia. For those students whose visual acuity is 20/70 or less or at risk for amblyopia, DOHMH actively follows up on each student if an E12S has not been returned. For students with visual acuity less than 20/20 but better than 20/70, DOHMH expects parents to take the child to the doctor and return the E12S completed by the doctor to DOHMH. The auditors recommend that DOHMH should contact, or request that the schools contact, the parents of students for whom the E12S form has not been returned to DOHMH. DOHMH's Office of School Health does not currently have the capacity to follow up and get the form back for each and every student with less than 20/70 visual acuity who's E12S has not been returned. However, DOHMH will look into the feasibility of implementing an alternative strategy of providing principals of each school with a list of students who did not return an E12S.

Please see our detailed attached response to the draft audit report.

We appreciate the courtesy and professionalism of your staff in the performance of this audit. If you have any questions or need further information, please contact Sara Packman, Assistant Commissioner, Audit Services, at (212) 219-5273.

Sincerely,



Patsy Yang, DrPH
Executive Deputy Commissioner &
Chief Operating Officer

PY/sp

cc: Thomas A. Farley, MD., MPH
Andrew Goodman, MD
Roger Platt, MD
Elizabeth Bogen
Brian Fleischer
Marlene Malamy
Sara Packman

**DOHMH Response to the Draft Report
on the Provision of Vision Screening Services to Elementary
School Students in New York City Charter Schools
ME10-077A
June 24, 2010**

The following is submitted in response to the draft audit findings of the Department of Health and Mental Hygiene (DOHMH) Office of School Health's (OSH) monitoring of vision screening services to chartered elementary school students and if OSH provided vision screening services to kindergarten and first grade students in the charter schools.

We have reviewed your draft audit report on the "Provision of Vision Screening Services to Elementary School Students in New York City Charter Schools." The Department of Health and Mental Hygiene (DOHMH) appreciates that the audit recognizes that the DOHMH Office of School Health:

- Consistently provided vision screening services to kindergarten and first grade students in the chartered elementary schools.
- Conducted the vision screening for all 397 students in the auditors' sample of students for school years 2007-08 and 2008-09.
- Followed up with parents of students who failed a vision screening by sending home to the parents an E12S form to be filled out by the student's doctor after a full evaluation, and returned to DOHMH.
- Followed up on all 31 students in the auditor's sample that had 20/70 vision or worse in either eye, or had indications of amblyopia by contacting the parents by phone or letter and advising parents of their child's visual deficiency.

The auditors recommend that DOHMH request charter schools inform parents when their children miss vision screenings so parents can arrange for their children to be examined by their doctor. DOHMH screening teams provide principals of schools with the names of children who were not screened and the names of children who were screened, so the principals are made aware of students that were not screened. It is the principal's responsibility to ensure that new entrants are screened.

The auditors noted that DOHMH does not provide additional follow-up, other than sending home the E12S form for students who fail a vision screening test, unless visual acuity is 20/70 or less or the student is at risk for amblyopia. For those students whose visual acuity is 20/70 or less or at risk for amblyopia, DOHMH actively follows up on each student if an E12S has not been returned. For students with visual acuity less than 20/20 but better than 20/70, DOHMH expects parents to take the child to the doctor and return the E12S completed by the doctor to DOHMH. The auditors recommend that DOHMH should contact, or request that the schools contact, the parents of students for whom the E12S form has not been returned to DOHMH. DOHMH's Office of School

Health does not currently have the capacity to follow up and get the form back for each and every student with less than 20/70 visual acuity who's E12S has not been returned. However, DOHMH will look into the feasibility of implementing an alternative strategy of providing principals of each school with a list of students who did not return an E12S.

Response to recommendations:

- 2) *DOHMH should request the charter schools inform parents when their children miss vision screenings so the parents can arrange for their children to be screened.*

DOHMH's standard practice is for the vision screening teams to inform the principal of the names of the students who have been screened and those who were not screened at the conclusion of the screening. It is the principal's responsibility to ensure that new entrants are screened.

- 3) *DOHMH should contact, or request that the schools contact, the parents of students for whom the E12S form has not been returned.*

DOHMH's Office of School Health does not currently have the capacity to provide this service. However, DOHMH will look into the feasibility of implementing an alternative strategy of providing principals of each school with a list of students who did not return an E12S.