



CITY OF NEW YORK
OFFICE OF THE COMPTROLLER
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DEPUTY COMPTROLLER FOR
AUDIT

BUREAU OF AUDIT

June 30, 2022

By Electronic Mail

Ashwin Vasan, MD, PhD
Commissioner
New York City Department of Health and Mental Hygiene
42-09 28th Street, 14th floor
Long Island City, NY 11101

Re: Final Special Letter Report on the New York City Department of Health and Mental Hygiene's Compliance with Section 23-702 of the New York City Administrative Code Regarding School Food Service Establishment Inspection Results (Manhattan) (# SZ21-096SL)

Dear Commissioner Vasan:

This Final Special Letter Report conveys the findings of our review of the New York City (City) Department of Health and Mental Hygiene's (DOHMH's) compliance with Section 23-702 of the New York City Administrative Code, which requires DOHMH to post on its website no fewer than three years of school cafeteria inspection results (beginning with any inspection after September 1, 2017) that must show the degree of compliance with the provisions of the City Health Code, the State Sanitary Code, and other applicable laws.¹ The objective of this review was to determine whether DOHMH complied with those requirements and focused on DOHMH's posting of school cafeteria inspection results on its website for 461 schools located in Manhattan for School Years 2018-2019 and 2021-2022. This review was performed in accordance with the responsibilities of the City Comptroller as set forth in Chapter 5, §93, of the New York City Charter.

Background

DOHMH has the jurisdiction to regulate all matters affecting health in the City and to perform all those functions and operations that relate to the health of the people of the City to protect and promote the health and well-being of all New Yorkers.² Among other things, DOHMH joins with communities to develop and implement public health programs, enforce health regulations, respond to public health emergencies, and promote limited direct public services.

¹ There are two sections of the City Administrative Code designated as § 23-702: (1) § 23-702 School food service establishment inspection results; and (2) § 23-702 School cafeteria and kitchen inspection data. The term "school food service establishment" means a cafeteria or kitchen in a school that is subject to the provisions of Article 81 of Title 24 of the New York City Health Code.

² Chapter 22, § 556, of the New York City Charter.

DOHMH also issues birth and death certificates, inspects restaurants and childcare centers, and protects public safety through immediate response to emergent public health threats.

Article 81 of the City Health Code regulates the operations of food preparation and food establishments. DOHMH, through its Bureau of Food Safety and Community Sanitation, inspects all food service establishments to ensure that they meet City Health Code requirements to help prevent foodborne illness and provides a Food Protection Course to train workers in food protection practices to ensure the safety of the food served in the City's food establishments.³ Federal regulations stipulate that schools are required to be inspected at least twice per year.⁴ DOHMH conducts unannounced inspections of all City public school cafeterias to review food handling operations and sanitary conditions to ensure that food is prepared, handled, and stored safely; and completes an inspection report for each inspection.

In 2017, the New York City Council amended Section 23-702 of the City Administrative Code regarding the results of inspections of food service establishments operated in schools.⁵ The amendment requires DOHMH to post on its website no fewer than three years of school cafeteria inspection results beginning with any inspection after September 1, 2017, and that the inspection results must show the degree of compliance with the provisions of the City Health Code, the State Sanitary Code, and other applicable laws.⁶

During an earlier audit of DOE regarding its compliance with health and safety requirements for school cafeterias in Manhattan (#SZ18-090A, issued on June 30, 2021), auditors visited 30 sampled schools in Manhattan during School Year 2018-2019 and found that the schools had posted DOHMH inspection reports on the cafeteria walls as required, indicating that inspections had been conducted in those schools. However, inspection reports for 24 of the schools had not been posted on either DOE's or DOHMH's website as required. This follow-up review focused on whether the inspection results for the 461 public schools located in

³ The course is required by the City Health Code for supervisors of food service establishments and non-retail food processing establishments who must take the course and pass an examination to receive a Food Protection Certificate. An individual with the certificate must be on the premises and supervise all food preparation activities during all hours of operation. Additionally, all food service establishments must have a current and valid permit issued by DOHMH.

⁴ Title 7 Code of Federal Regulations § 210.13 - Facilities management. (a) Health standards. The school food authority shall ensure that food storage, preparation and service is in accordance with the sanitation and health standards established under State and local law and regulations. (b) Food safety inspections. Schools shall obtain a minimum of two food safety inspections during each school year conducted by a State or local governmental agency responsible for food safety inspections.

⁵ The amendment to the City Administrative Code Section 23-702 is reflected in Local Law 112 of 2017 and in New York State Senate Bill S4173A (2017) which was signed by Governor Cuomo in September 2017. These enactments followed publication of a November 2016 report titled "School Lunch Flunks: An Investigation into the Dirtiest New York City School Cafeterias," which examined sanitary conditions in cafeterias across the City. According to the report, issued by the New York State Senate's Independent Democratic Conference, a local television station in May 2016 published data on health violations accumulated by New York City schools for the 2014-2015 school year, obtained from DOHMH through a Freedom of Information Law request. The data reportedly revealed evidence of mice in more than 400 schools visited by DOHMH, and other hazards, including live roaches, schools without soap and water, and schools lacking the proper thermostats to measure food temperature. Additionally, according to the report, parents expressed outrage for being left in the dark regarding inspection results.

⁶ These requirements also apply to DOE which provides primary and secondary education to over one million pre-kindergarten to grade 12 students. In connection with its educational mission, DOE provides meals free of charge throughout its 2,707 public school cafeterias, located within more than 1,800 public schools.

Manhattan were posted on DOHMH's website for School Years 2018-2019 and 2021-2022 in compliance with Section 23-702 of the City Administrative Code.

Findings and Recommendation

The auditors found that although DOHMH made genuine efforts to comply with the requirements of Section 23-702 of the City Administrative Code - by automating the process for posting all inspection results for all public schools as inspections are completed - the auditors were unable to locate such postings for many Manhattan schools for School Years 2018-2019 and 2021-2022.⁷ DOHMH asserts that this was due to naming conventions, the fact that more than one school used certain cafeterias, and other technical issues that impacted the usability of the website. However, this does not explain the results of audit testing.

The auditors used the same searching conventions when conducting tests in June 2019 and in February 2022, but inspection reports that could not be found in June 2019 were readily found for the later period, for the very same schools. This suggests that the reason inspection results could not be found in June 2019 was not due to searching methodology or the usability of the site, but the absence of posted inspection reports. Had they been posted, the searches that enabled the auditors to locate inspection reports in February 2022 should have enabled the auditors to locate inspection reports for the same schools in the earlier period. Moreover, it is difficult to accept that naming conventions and poor usability are sufficient to explain the very high rates of inspection reports that could not be found during the review.

During School Year 2018-2019, the City Administrative Code required DOHMH inspectors to inspect the 461 public schools in Manhattan at least twice, which would be expected to result in 922 sets of posted inspection results. The auditors did not locate any inspection results for 310 of the 461 (67%) schools. Of the remaining 151 schools for which DOHMH did post the inspection results on its website:

- Only one set of inspection results were located for 24 schools;
- Two sets of inspection results were found for 121 schools; and
- Three sets of inspection results were found for 6 schools.⁸

The inspection results for the 151 schools located on DOHMH's website show the date of the inspection and the degree of compliance, as required, including a description of the violation(s) and violation code(s), when applicable.⁹ However, the inability to locate the majority of DOHMH's inspection reports for the 461 schools on either DOE's or DOHMH's website raises concerns.

⁷ As of February 28, 2022.

⁸ DOHMH will conduct more than the required two inspections per school year if an issue warranting additional inspections is identified.

⁹ Inspection reports on DOHMH's website for schools that did not have violations state "No violations."

To determine whether DOHMH has been posting inspection reports for the 461 public school cafeterias during the current School Year (2021-2022), the auditors reviewed DOHMH's website as of February 28, 2022, and found that 204 of the 461 (44%) Manhattan schools had at least two inspections posted online as required. Inspection results for the remaining 257 schools (56%) could not be located online.

Section 23-702 of the City Administrative Code was established to ensure that there is a public means for parents and guardians to be informed of the conditions found in the kitchens and cafeterias of the schools that their children attend. Over a million students within the City school system rely on school cafeterias for their breakfasts or lunches every single school day. Parents expect these cafeterias to be sanitary and safe. Unfortunately, they have no way of knowing whether this is in fact the case because information about the outcome of inspections of cafeterias is not readily available to the public.

The auditors recommend that DOHMH ensure that all public school cafeteria inspection results are readily available on its website for the required number of years so that parents and guardians may be informed of the conditions found in the kitchens and cafeterias of the schools that their children attend.

DOHMH's Response: "DOHMH respectfully disagrees with the auditors' conclusion and findings that DOHMH 'did not post inspection results for all public schools in Manhattan for 2018-2019 and 2021-2022 school year.' The Local Law requires the Department to post results of inspections of food service establishments operated in schools, and the Department complies with this mandate. Nevertheless, DOHMH takes seriously the auditors' experience with our website, and is working to improve its usability."

Auditors' Comment: In its response, DOHMH asserts that all inspection results were posted online as required, and seems to base this, in part, on assumptions, including that: the automated system did not at any point fail to post results as it was designed to do; that the auditors' searches simply did not locate all posted results; and that only inspection reports for schools that occupied a single building and share a kitchen and cafeteria could not be found by the auditors. This, in fact, is not the case. For 2018-2019, 120 of the 310 schools for which the auditors did not find an inspection report on the website were schools that did not share a building with another school. For 2021-2022, 63 of the 257 schools did not share a building with another school. DOHMH also contends that it is only required to post school cafeteria inspection results for one school in the building. Therefore, schools that share a building and cafeteria have only one inspection result posted under one school, and inspection reports for other schools in the building are not posted. This is not consistent with the information provided on the website, and moreover, a school cafeteria inspection report can and should be posted for each school, as is the case with DOE's website where, when multiple schools are

located within the same building, a separate school cafeteria inspection report is posted under the name of each school within the building.¹⁰

After a careful review of the records and DOHMH's response, the auditors have concluded that changes to the findings are not warranted. DOHMH's efforts to improve the usability of the website are commendable, but in addition, the auditors urge DOHMH to conduct periodic, real-time testing of the automated system to verify that it is in fact working, and that all inspection results are being posted as expected. Given the very high error rate found on review and given the mandate to ensure inspections results are consistently posted, DOHMH should take steps to verify that the automated system consistently functions as it is expected to.

Scope and Methodology

The scope period for this review was School Years 2018-2019 and 2021-2022 as of February 28, 2022. The methodology for this review consisted of the following steps; specifically, the auditors:

- Reviewed applicable laws, rules, policies, and procedures to determine their criteria in accordance with Section 23-702 of the New York City Administrative Code.
- Reviewed DOHMH's Food Protection Training Manual and Food Protection Study Guide.
- Reviewed DOHMH's guide for food service operators titled "What to Expect When You're Inspected: A Guide for Food Service Operators" and DOHMH's Self-Inspection Worksheet for Food Service Establishments; and
- Analyzed and reviewed DOHMH's website to determine whether school cafeteria inspection results were posted online.

On April 13, 2022, the auditors submitted a Draft Special Letter Report to DOHMH officials with a request for written comments by April 29, 2022. DOHMH requested a meeting and an extension to respond to the draft. DOHMH submitted an initial written response on May 23, 2022, and a revised response on June 13, 2022.¹¹

In its response, as noted above, DOHMH disagreed with the review's findings but agreed with the review's recommendation, stating, "The Department agrees with this recommendation, already posts these inspection results, and will work to make the Website more user-friendly."

¹⁰ Following the issuance of the Draft Special Letter Report to DOHMH on April 13, 2022, DOHMH has adopted this change and revised its website as of June 22, 2022. Accordingly, school cafeteria inspection reports on DOHMH's website are now posted under the name of each school in the building when multiple schools are located within the same building and school cafeteria inspection reports are now posted under the official school name(s) as provided by DOE.

¹¹ DOHMH was granted the opportunity to revise its initial response.

Commissioner Vasan

June 30, 2022

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As of June 22, 2022, DOHMH has implemented the recommendation.

The full text of DOHMH's response is included as an addendum to this report.

Sincerely,

A handwritten signature in black ink, appearing to read "Maura Hayes-Chaffe", followed by a horizontal line extending to the right.

Maura Hayes-Chaffe

cc: Sara Packman, Assistant Commissioner, Audit Services, DOHMH
Adam Pitt, Senior Auditor, Audit Services, DOHMH
Daniel Steinberg, Director, Mayor's Office of Operations
Doug Giuliano, Associate Director, Programs, Mayor's Office of Operations



**NEW YORK CITY DEPARTMENT OF
HEALTH AND MENTAL HYGIENE**
Ashwin Vasana, MD, PhD
Commissioner

June 13, 2022

Maura Hayes-Chaffe
Deputy Comptroller for Audit
Office of the New York City Comptroller
1 Centre Street, Room 1100
New York, NY 10007-2341

Re: Draft Special Audit Letter Report on the New York City Department of Health and Mental Hygiene's Compliance with Section 23-702 of the New York City Administrative Code Regarding School Food Service Establishment Inspection Results (Manhattan) (SZ21-096SL)

Dear Deputy Comptroller Hayes-Chaffe:

The NYC Department of Health and Mental Hygiene (DOHMH) reviewed the Draft Special Audit Letter Report on DOHMH's Compliance with Section 23-702 of the New York City Administrative Code issued on 4/13/22. The objective of the audit was to determine whether DOHMH complies with the Local Law that requires DOHMH to post at least three years of inspection results of school cafeterias operated by NYC Department of Education.

DOHMH respectfully disagrees with the auditors' conclusion and findings that DOHMH "did not post inspection results for all public schools in Manhattan for 2018-2019 and 2021-2022 school year." The Local Law requires the Department to post results of inspections of food service establishments operated in schools, and the Department complies with this mandate. Nevertheless, DOHMH takes seriously the auditors' experience with our website, and is working to improve its usability.

DOHMH appreciates the opportunity to update our response following our meeting with you. DOHMH's updated response is attached. If you have any questions, please contact Sara Packman, Assistant Commissioner for Audit Services at (347) 396-6679.

Sincerely,

A handwritten signature in black ink, appearing to be "Ashwin Vasana", written over a light blue horizontal line.

Ashwin Vasana, MD, PhD

cc:

Emiko Otsubo, Chief Operating Office/Executive Deputy Commissioner, DOHMH
Corinne Schiff, Deputy Commissioner, Division of Environmental Health, DOHMH
Robert Edman, Assistant Commissioner, Bureau of Food Safety and Community Sanitation
Sara Packman, Assistant Commissioner, Audit Services, DOHMH

**DOHMH'S RESPONSE TO THE AUDITORS' DRAFT SPECIAL AUDIT LETTER
REPORT ON THE DOHMH'S COMPLIANCE WITH SECTION 23-702 OF THE NYC
ADMINISTRATIVE CODE REGARDING SCHOOL FOOD SERVICE
ESTABLISHMENT INSPECTION RESULTS (MANHATTAN)**

SZ21-096SL

Thank you for the opportunity to review the Draft Special Audit Letter Report (draft report) on the New York City Department of Health and Mental Hygiene's (DOHMH, Department) compliance with New York City Administrative Code Section 23-702. This Local Law requires the Department to post at least three years of results from our inspections of food services establishments in schools, colloquially called "cafeterias," operated by the New York City Department of Education (DOE). The Department takes seriously our obligation to conduct these food safety inspections and to make the results available to the public on our cafeteria inspection website (Website).

We are pleased that we had the opportunity to meet with the auditors after reviewing the draft report, and we thank the auditors for sharing supporting documents, including screenshots taken in school year 2021-2022 of their search results and the search parameters they used to search for the cafeteria inspection results on DOHMH's website.

The auditors conclude that the Department "did not post all inspection results for all *public schools* in Manhattan for school years 2018-2019 and 2021-2022." (Emphasis added.) We respectfully but strongly disagree with the auditors' conclusion. First, the Local Law mandates DOHMH to post "the results of inspections of *food service establishments operated in schools*."¹ (Emphasis added.) That is, the obligation is to post information about the food service establishment (the cafeterias), not for schools—a distinction we discuss below—and the Department has posted all results of its inspections of DOE cafeterias. The auditors' findings do not show otherwise.

Background

To promote high food safety standards in the City's public school cafeterias, DOE is required to file a food service establishment permit with the Health Department for each of its cafeterias, and the Department conducts inspections of the permitted cafeterias, using a hand-held computer, to check for compliance with the food safety requirements set out in the New York City Health Code. The system is programmed to automatically upload the inspection reports each night into the Department's food inspection database.

The Department's permit application allows the owner of an establishment to enter a single "entity name," a single "Doing Business As" (DBA) name, and a single address. In the case of DOE cafeterias, the "entity name" for all DOE cafeterias is the NYC Department of Education, because DOE is the owner. DOE then decides what to enter as the DBA. In some cases, it is clear what to enter in this field because there is only

¹ The auditors correctly state this mandate in the background section of their draft letter report.

one school in the building. In many cases, however, multiple “schools” occupy the building, typically sharing large spaces such as the cafeteria, auditorium, and gymnasium. Where multiple “schools” occupy a single building using a single cafeteria, DOE decides which of those “schools” to enter as the DBA for the permit. Similarly, some buildings have multiple entrances, and—in a building with multiple schools—students from different schools may use different entrances, and each school may therefore have a different address. DOE decides which one of the “addresses” to enter in the permit application. The Department is indifferent to this information; we need only to know that there is a DOE cafeteria in the building so that we can inspect it. Whatever text DOE enters is what is uploaded into our food inspection database.

Under the Local Law, the results of these DOE cafeteria inspections are made available to the public on the Department’s website (Website), enabling caregivers to check how well their student’s cafeteria is meeting food safety standards. The Website imports the inspection information from the food inspection database, including the DBA and address from the permit, and results from our inspection. Because there is only one DBA and address, if a cafeteria in a single DOE building is used by multiple “schools,” only the school name provided by DOE will be listed; likewise, only the one address provided by DOE will appear.

These system functions create a website usability issue that the Comptroller has identified in the draft letter: the auditors were frequently unable to find the cafeteria inspection results they were looking for. The Department is disappointed that the auditors had trouble using the site. Our goal is that the Website provide caregivers and the general public with information about our DOE cafeteria inspection results. We are committed to improving usability and have already started working to make the Website better.

Posting Cafeteria Inspection Results on the Website

The auditors contend that the Department did not post all results of its cafeteria inspections conducted in 2018-2019 and 2021-2022. Unfortunately, the auditors did not reveal this finding to the Department until April 2022, and because results of the past three years are refreshed nightly, we can no longer look back to 2018 and most of 2019 to show that the results were there. The auditors did not provide screen shots of their searches and results from 2018-2019, so we also cannot see what they saw. Instead, to address the findings, the Department can only (a) explain the nightly, automated process for posting inspection results; (b) determine whether there might have been any failure in that automated process; (c) show that the back-end coding that feeds the Website is the same as what is in our inspection database, and we were able to use that same coding to pull the information showing the inspection results; and (d) review why what the auditors did in their search did not produce the results they expected.

The Website Is Automatically Updated Nightly

DOHMH’s School Cafeteria Inspection Website is automatically updated nightly. The automated job/script that extracted the 2018-2019 inspection data and 2021-2022 school

year has not changed since it was implemented in early 2018 following enactment of Local Law. The extracted data includes the DOE school name, school address, zip code, and inspection results for the prior three years from the current date. This dataset is used to feed the DOHMH cafeteria inspection Website.

The Department Found No Evidence of Failures in the Automated Process

If the nightly automated process fails to run, the data of the prior successful run continues to be displayed on the Website, and an alert is sent to the IT support team mail box and to four people on the IT support team so they can work to resolve the cause of the failure. “Fail alerts” are saved for 90 days. The support team did not remember, and could not find evidence, of any alert having been issued.

Even if there had been a failure in the automation, the following night the data is refreshed again. That is, any error is short-lived, so would have had to occur on the very day the auditors were looking at the Website for that to explain the “missing data.”

The fact that the Website postings are automated, and there is no evidence that the automation failed strongly suggests that the inspection results were indeed posted.

Department Analysts Used the Same Coding that Feeds the Website to Pull the Inspection Data to Respond to the Draft Report

To analyze the auditors’ finding, DOHMH data analysts used the same code/script to extract the school year 2018-2019 inspections that is used to feed the Website. The script returned all inspection results, without exception. Thus, we say with confidence that the Website had all the inspections results posted for the school cafeterias listed in the file the auditors provided.

There are Reasons Why the Auditors’ Search Did Not Pull Up the Results

The draft report states that of the 30 sampled schools, 24 did not have inspection results posted on DOHMH’s website during school year 2018-2019. The report also states that there were no results posted for 310 schools of the 461 DOE schools in Manhattan².

The Department has identified seven reasons that explain why the auditors’ searches did not yield the results they were expecting: (a) the school name or address that the auditors expected to see is not the school name associated with the cafeteria. As explained above, the cafeteria inspection results are reported only for a single “school” and “address” even if multiple “schools” use the cafeteria and the “schools” have different “addresses”; (b) inspection results for schools that have closed or moved are removed from the Website; (c) inspection results are refreshed nightly to show a three-year to the day lookback of data, with older results being removed; (d) the timeline for inspections depends on when

² The auditors’ list of 461 DOE schools in Manhattan included 457 schools, with four schools being exact duplicates: SF Codes 02507, 02909, 03247, 03580. An additional school is a possible duplicate, as the school’s name appears incomplete: SF Code 06348 – “Washington Heights Expeditionary Lea”. This seems to be an incorrect duplicate of SF Code 06849 – “Washington Heights Expeditionary Learning School Annex”. If SF Code 06348 were excluded, the total number of schools would drop to 456.

the cafeteria is permitted or is operating; (e) we cannot explain why the auditors did not see perfect matches; (f) some of the facilities on the auditors’ list are not DOE cafeterias; and (g) the website currently requires an exact match of the search term; results are easy to see nonetheless when searching by zip code.

The details and examples for each of these explanations for school year 2018-2019 is below; the root cause applies to the current school year 2021-2022 as well. The images are the screen shots the auditors provided to the Department to show their search terms and results.

(a) Multiple “Schools” That Occupy a Single Building Can Share the Cafeteria; the Website Lists Only One “School” Name and Address

Some school buildings house multiple schools that share a single cafeteria. The Department shows inspection results for the single cafeteria, using the school name provided by DOE (and occasionally updated by the inspector). In several searches, the auditors used a school name that was not the name on the Website. For example,

- Paula Hedbavny School shares a building and cafeteria with P.S. 18. The auditors’ screenshots show that results are available for P.S. 18.

P.S. 18 MANHATTAN		4124 9 Avenue, New York, NY 10034	12/07/2020 ▼
Inspection History			
+	Inspection Date: 12/07/2020	Permittee: New York City Department Of Education	
+	Inspection Date: 01/28/2020	Permittee: New York City Department Of Education	
+	Inspection Date: 07/17/2019	Permittee: New York City Department Of Education	
+	Inspection Date: 04/05/2019	Permittee: New York City Department Of Education	

- WHIN Community Carter School and M.S. 328 - Manhattan Middle School for Scientific share a building and cafeteria with I.S. 164. The auditors’ screenshots show results for I.S. 64.

I.S. 164 MANHATTAN		401 West 164 Street, New York, NY 10032	01/14/2022 ▼
Inspection History			
+	Inspection Date: 01/14/2022	Permittee: New York City Department Of Education	
+	Inspection Date: 01/11/2021	Permittee: New York City Department Of Education	
+	Inspection Date: 01/17/2020	Permittee: New York City Department Of Education	
+	Inspection Date: 05/09/2019	Permittee: New York City Department Of Education	

- Similarly, four schools share a building at 610 East 12 street and use a single cafeteria. The inspection results can be seen under “P.S. 61 Manhattan”³.

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P.S. 61 MANHATTAN		610 East 12 Street, New York, NY 10009	01/05/2022
Inspection History			
+	Inspection Date: 01/05/2022	Permittee: New York City Department Of Education	
+	Inspection Date: 12/03/2020	Permittee: New York City Department Of Education	
+	Inspection Date: 02/14/2020	Permittee: New York City Department Of Education	
+	Inspection Date: 08/01/2019	Permittee: New York City Department Of Education	
+	Inspection Date: 04/30/2019	Permittee: New York City Department Of Education	

- P811M @ PS 149M and P.S. 149 Sojourner Truth (two separate schools on DOE’s list) are co-located and the cafeteria results can be seen in the auditors’ screenshots.

P.S. 149 MANHATTAN WITH M207		34 West 118 Street, New York, NY 10026	07/23/2021
Inspection History			
+	Inspection Date: 07/23/2021	Permittee: New York City Department Of Education	
+	Inspection Date: 11/20/2020	Permittee: New York City Department Of Education	
+	Inspection Date: 02/07/2020	Permittee: New York City Department Of Education	
+	Inspection Date: 10/11/2019	Permittee: New York City Department Of Education	
+	Inspection Date: 08/02/2019	Permittee: New York City Department Of Education	
+	Inspection Date: 04/02/2019	Permittee: New York City Department Of Education	

(b) Inspection Results for Schools that Have Closed or Moved are Removed from the Website

When a school closes or moves, the permit is no longer “active.” All data for schools without an active permit is removed from the Website, and for schools that move, DOE submits a new permit application for the new location. As such, if a school was inspected twice in 2019, and then closed in January 2020, the auditors would not have seen the inspection information if they looked during or after February 2020. The auditors

³ Page 17 of the auditors’ screenshots

confronted this issue in multiple searches; they may have been using an out-of-date school list. For example,

- The auditors searched for the City Knoll Middle School, located at 425 West 33rd St. This cafeteria was inspected twice during school year 2018-2019, on 9/27/18 and 5/3/19. The 9/27/18 inspection report listed “MS 933 CITY KNOLL MIDDLE SCHOOL” as the school’s name. However, the 5/3/19 inspection report noted that the school was now operating under “M.S 260 THE CLINTON SCHOOL FOR ARTIST AND WRITERS”, located at the same address. As such, the name on the Website was changed to reflect the new name at this time. According to an inspection report from 1/23/2020, the Clinton School had been closed at that location for 2 months, and consequently, results of inspections performed at the prior location were removed. New inspection results are posted to the Website for the Clinton School’s new location (10 East 15th Street) and are in the auditors’ screenshots.⁴ According to DOE’s website, City Knoll Middle school is now located at 440 West 53 Street. This cafeteria is shared with P.S. 111 Manhattan, whose inspection results are on the Website and in the auditors’ screenshots.⁵

MS 260 CLINTON SCHOOL WRITERS & ARTIST		10 East 15 Street, New York, NY 10003	02/09/2022 ▼
Inspection History			
+	Inspection Date: 02/09/2022	Permittee: New York City Department Of Education	
+	Inspection Date: 07/08/2021	Permittee: New York City Department Of Education	
+	Inspection Date: 10/29/2020	Permittee: New York City Department Of Education	
+	Inspection Date: 02/27/2020	Permittee: New York City Department Of Education	
+	Inspection Date: 09/11/2019	Permittee: New York City Department Of Education	
P.S. 111 MANHATTAN		440 West 53 Street, New York, NY 10019	03/05/2020 ▼
Inspection History			
+	Inspection Date: 03/05/2020	Permittee: New York City Department Of Education	
+	Inspection Date: 09/20/2019	Permittee: New York City Department Of Education	
+	Inspection Date: 03/07/2019	Permittee: New York City Department Of Education	

- The school information being outdated is seen in SF Code 02692, located at 590 6th Ave. The auditors’ list has the school’s name as “Pre-K Center

⁴ Ibid, Page 9
⁵ Ibid, Page 28

at 590 Sixth Avenue.” However, both DOE’s and DOHMH’s website has the school’s name as “Sixth Avenue Elementary School”.⁶

Auditor’s screenshot:

SIXTH AVENUE ELEMENTARY SCHOOL		590 6 Avenue, New York, NY 10011	09/20/2021
Inspection History			
+	Inspection Date: 09/20/2021	Permittee: New York City Department Of Education	
+	Inspection Date: 11/24/2020	Permittee: New York City Department Of Education	
+	Inspection Date: 01/28/2020	Permittee: New York City Department Of Education	
+	Inspection Date: 07/30/2019	Permittee: New York City Department Of Education	
+	Inspection Date: 03/14/2019	Permittee: New York City Department Of Education	

Screenshot of DOE website on 5/18/2022:

The screenshot shows the 'Find a School' page on the DOE website. The search bar is populated with 'Sixth Avenue Elementary School' and the grade dropdown is set to 'All'. Below the search bar, there is a map of Manhattan with a red dot indicating the school's address at 590 Sixth Avenue. A yellow circle on the map represents zoned schools within a 1-mile radius. A sidebar on the left provides details for 'Sixth Avenue Elementary School - M340', including the address (590 SIXTH AVENUE, Manhattan, 10011), phone number (917-305-1000), grades (PK,OK,01,02,03,04,05,SE), and district (02).

(c) Inspection Results Are Removed After Three Years

The Website refreshes nightly results to show a three-year lookback—to the day—of inspection results. Results older than exactly three years are removed each night. Depending on when the auditors checked the Website, some results may not have been available if the inspections had occurred more than 3 years before. Because the auditors did not provide the search dates for school year 2018-2019 samples but only the search year 2019, we cannot confirm this explanation but expect it likely addresses some of the root cause.

⁶ Ibid, Page 22

(d) The Timeline for Inspections Depends on When the Cafeteria is Permitted or is Operating

If a school is newly permitted its inspections might be conducted on a different timeline, and so results may not have been available. For example,

- Three of the schools that the auditors stated did not have inspections for school year 2018-2019 because they did not apply for their cafeteria permits until after July 31, 2019, so they were not eligible for inspection during school year 2018-2019. These schools are SF Codes 02568, 02908, and 06430.

Some cafeterias stop operating at different times (i.e., go “out of business”). For example,

- SF Code 04310’s cafeteria was marked as out of business on 1/4/2018. The permit was not reinstated on 10/25/2019, so the cafeteria was not eligible for inspection during school year 2018-2019. The cafeteria can be seen under the school’s name “Judith Kaye High School.”⁷

(e) Some of the Facilities on the Auditors’ List Are Not DOE Cafeterias

Some of the facilities the auditors apparently looked for are listed in the Department’s database as something other than a DOE cafeteria. For example,

- Three facilities on the auditors’ list were not in our database as a DOE cafeteria or did not require “DOE inspection.” These are:
 - SF 2909 – YAI/New York League
 - SF 3902 – United Cerebral Palsy
 - SF 3961 – Jewish Guild for Blind

(f) We Cannot Explain Why the Auditors Did Not See These Perfect Matches

There are 10 schools that had a perfect match with the auditors’ search term (i.e., the school name), and we cannot explain why the auditors missed the results. For example,

- The auditors say they searched for Manhattan Bridges High School. We searched using that name and found the list of inspections.⁸

⁷ Page 79 of the auditors’ screenshots

⁸ Ibid, Page 28

MANHATTAN BRIDGES HIGH SCHOOL		525 West 50 Street, New York, NY 10019	01/05/2022 ▼
Inspection History			
+	Inspection Date: 01/05/2022	Permittee: New York City Department Of Education	
+	Inspection Date: 07/12/2021	Permittee: New York City Department Of Education	
+	Inspection Date: 12/08/2020	Permittee: New York City Department Of Education	
+	Inspection Date: 02/14/2020	Permittee: New York City Department Of Education	
+	Inspection Date: 07/02/2019	Permittee: New York City Department Of Education	
+	Inspection Date: 03/01/2019	Permittee: New York City Department Of Education	

- The other 9 school names that appear in the auditors' screenshots are: Art and Design High School, West End Secondary School, Re-Start @ Cares @ Roosevelt Hospital Center Antenucci, Teachers College Community School, Tag Young Scholars, Alternate Learning Center @ Cloisters, Professor Juan Bosch Public School, Manhattan Christian Academy.

ART AND DESIGN HIGH SCHOOL		231-249 E 56th St, New York, NY 10022	01/26/2022 ▼
Inspection History			
+	Inspection Date: 01/26/2022	Permittee: New York City Department Of Education	
+	Inspection Date: 12/08/2020	Permittee: New York City Department Of Education	
+	Inspection Date: 02/14/2020	Permittee: New York City Department Of Education	
+	Inspection Date: 07/15/2019	Permittee: New York City Department Of Education	
+	Inspection Date: 03/26/2019	Permittee: New York City Department Of Education	

WEST END SECONDARY SCHOOL		227 West 61 Street, New York, NY 10023	07/26/2021 ▼
Inspection History			
+	Inspection Date: 07/26/2021	Permittee: New York City Department Of Education	
+	Inspection Date: 12/02/2020	Permittee: New York City Department Of Education	
+	Inspection Date: 10/04/2019	Permittee: New York City Department Of Education	
+	Inspection Date: 03/15/2019	Permittee: New York City Department Of Education	

RE-START @ CARES @ ROOSEVELT HOSPITAL CENTER ANTENUCCI 411 West 114 Street, New York, NY 10029 02/18/2022 **Page 38 of 83** ▼

Inspection History

+ Inspection Date: 02/18/2022	Permittee: New York City Department Of Education
+ Inspection Date: 11/25/2019	Permittee: New York City Department Of Education
+ Inspection Date: 06/11/2019	Permittee: New York City Department Of Education

TEACHERS COLLEGE COMMUNITY SCHOOL 168 Morningside Avenue, New York, NY 10027 01/06/2022 ▼

Inspection History

+ Inspection Date: 01/06/2022	Permittee: New York City Department Of Education
+ Inspection Date: 01/04/2021	Permittee: New York City Department Of Education
+ Inspection Date: 02/26/2020	Permittee: New York City Department Of Education
+ Inspection Date: 09/18/2019	Permittee: New York City Department Of Education
+ Inspection Date: 03/26/2019	Permittee: New York City Department Of Education

TAG YOUNG SCHOLARS 240 East 109 Street, New York, NY 10029 08/10/2021 **Page 53 of 83** ▼

Inspection History

+ Inspection Date: 08/10/2021	Permittee: New York City Department Of Education
+ Inspection Date: 12/22/2020	Permittee: New York City Department Of Education
+ Inspection Date: 02/13/2020	Permittee: New York City Department Of Education
+ Inspection Date: 08/09/2019	Permittee: New York City Department Of Education

ALTERNATE LEARNING CENTER @ CLOISTERS 601 West 183 Street, New York, NY 10033 01/17/2020 ▼

Inspection History

+ Inspection Date: 01/17/2020	Permittee: New York City Department Of Education
+ Inspection Date: 06/03/2019	Permittee: New York City Department Of Education

PROFESSOR JUAN BOSCH PUBLIC SCHOOL		12 Ellwood Street, New York, NY 10040	01/11/2022 ▼
Inspection History			
+	Inspection Date: 01/11/2022	Permittee: New York City Department Of Education	
+	Inspection Date: 01/14/2021	Permittee: New York City Department Of Education	
+	Inspection Date: 11/27/2019	Permittee: New York City Department Of Education	
+	Inspection Date: 06/17/2019	Permittee: New York City Department Of Education	

Manhattan Christian Academy
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Showing 1 - 1 of 1

School Name	Address	Recent Inspection
MANHATTAN CHRISTIAN ACADEMY	401 West 205 Street, New York, NY 10034	02/02/2022 ▼
Inspection History		
+	Inspection Date: 02/02/2022	Permittee: Manhattan Christian Academy

(g) The Website Currently Requires an Exact Match of the Search Term But Results Can Nonetheless Be Seen Easily

Many of the schools that the auditors could not find had only minor school name differences. For example,

- The auditors state the DOHMH did not post cafeteria inspection results for P226M @ “Stuyvesant H.S.” These cafeteria inspection results can be seen under the name “Stuyvesant High School” on page 83 of the auditors’ screenshots.

STUYVESANT HIGH SCHOOL		345 Chambers Street, New York, NY 10282	01/19/2022
Inspection History			
+	Inspection Date: 01/19/2022	Permittee: New York City Department Of Education	
+	Inspection Date: 08/11/2021	Permittee: New York City Department Of Education	
+	Inspection Date: 12/04/2020	Permittee: New York City Department Of Education	
+	Inspection Date: 10/17/2019	Permittee: New York City Department Of Education	
+	Inspection Date: 07/02/2019	Permittee: New York City Department Of Education	
+	Inspection Date: 04/12/2019	Permittee: New York City Department Of Education	

- The auditor searched for “The High School of Fashion Industries”, “P751M @ Fashion Industries HS”, and “Washington Irving Yabc” and said they did not see results. All of these are located at the same address. This school cafeteria is listed as “HIGH SCHOOL OF FASHION INDUSTRIES” on the DOHMH website and can be seen on page 20 of the auditors’ screenshots.

HIGH SCHOOL OF FASHION INDUSTRIES		225 West 24 Street, New York, NY 10011	01/25/2022
Inspection History			
+	Inspection Date: 01/25/2022	Permittee: New York City Department Of Education	
+	Inspection Date: 12/16/2020	Permittee: New York City Department Of Education	
+	Inspection Date: 02/26/2020	Permittee: New York City Department Of Education	
+	Inspection Date: 09/10/2019	Permittee: New York City Department Of Education	
+	Inspection Date: 03/29/2019	Permittee: New York City Department Of Education	

- The auditors stated they could not find “Pre-K Center @ 425 East 35 Street” or “P094M @ The River School,” located at the same address. DOHMH website has the school’s name as “The River School”⁹

⁹ Page 26 of the auditors’ screenshots.

THE RIVER SCHOOL		425 East 35 Street, New York, NY 10016	01/07/2022
Inspection History			
+	Inspection Date: 01/07/2022	Permittee: New York City Department Of Education	
+	Inspection Date: 12/21/2020	Permittee: New York City Department Of Education	
+	Inspection Date: 02/24/2020	Permittee: New York City Department Of Education	
+	Inspection Date: 09/16/2019	Permittee: New York City Department Of Education	
+	Inspection Date: 03/14/2019	Permittee: New York City Department Of Education	

Inspections Were Timely Conducted

The auditors’ review identified 10 SF Codes (DOE’s unique school identifier code) and concluded that the Department had not inspected these cafeterias at least twice during the 2018-2019 school year (the Department’s timeline is the fiscal year but the time periods largely overlap) as is our practice. But the Department has provided detailed explanations that show why the auditors’ conclusion is wrong. Those reasons are:

- 1 school name was wrong, and a partial duplicate of another SF Code
- 3 schools only applied for their permit after July 1, 2019, so were ineligible for inspection during school year 2018-2019
- 3 SF Codes were confirmed as not being schools
- 3 schools were “out of business”—that is, closed—for at least part of school year 2018-2019, making them ineligible for two inspections

Conclusion

The Department’s goal is to have a user-friendly Website displaying the DOE cafeteria inspection results. We take seriously that the auditors had trouble with the Website functionality and appreciate their feedback. We are working to improve the Website, including consulting with DOE.

Because the auditors’ findings show only that the Website is not user-friendly, we respectfully ask the Comptroller Office to revise the final Special audit letter report so that it clearly describes the finding and does not state that the Department did not post inspection results as required by Local Law.

The auditors recommend that the Department ensure that all public school cafeteria inspection results are readily available for the required number of years. The Department agrees with this recommendation, already posts these inspection results, and will work to make the Website more user-friendly.

Attachment
SY 2018-2019 Inspections for 457 Manhattan Schools