



Fredonia Central School District

Lead Testing and Reporting

S9-25-6 | August 2025

Contents

Audit Results	1
Audit Summary	1
Lead Testing and Reporting: Findings and Recommendations	3
Finding 1 – District officials did not ensure all required potable water outlets were sampled and tested for lead contamination for Cycle Two.	3
Recommendations	5
Finding 2 – District officials did not report the results of the lead testing properly or in the required time periods for Cycle Two.	6
Recommendations	6
Appendix A: Profile, Criteria and Resources.	7
Appendix B: District Water Outlets	11
Appendix C: Response From District Officials.	12
Appendix D: OSC Comments on the District’s Response.	16
Appendix E: Audit Methodology and Standards.	17

Audit Results

Fredonia Central School District



Audit Objective

Audit Period

Did Fredonia Central School District (District) officials identify, report and implement needed remediation to reduce lead exposure in potable water outlets?

July 1, 2019 – September 30, 2024

Understanding the Program

Lead is a metal that was commonly used in plumbing and has since been identified as toxic to people, especially young children. Lead poisoning can cause neurological issues such as slowing children's growth, causing learning and behavioral issues or causing hearing and speech problems which can lead to greater difficulty performing well in school and beyond.¹ To aid in combating lead poisoning, New York State (NYS) requires all public school districts and Boards of Cooperative Educational Services (BOCES) to test potable (i.e., consumable) water for lead, report the results and implement necessary remediation. Testing and reporting for lead contamination began in 2016, and subsequent testing cycles have followed:

- Cycle One: September 6, 2016 to October 31, 2016.
- Cycle Two: January 1, 2020 to December 31, 2020 (extended to June 30, 2021 due to the COVID-19 pandemic).
- Cycle Three: January 1, 2023 to December 31, 2025.²

Audit Summary

District officials did not properly identify, report or implement needed remediation to reduce lead exposure in all potable water outlets as required by NYS Public Health Law and Department of Health (DOH) regulations.³ We determined 178 of the 665 (27 percent) water outlets we identified that students, staff and the public may have access to and could consume water from, were not sampled or properly exempted by District officials for Cycle Two. This occurred because District officials did not have a sampling plan to identify all water outlets for sampling or exemption.

¹ Lead Exposure Symptoms and Complications – <https://www.cdc.gov/lead-prevention/symptoms-complications/index.html>

² As of December 22, 2022, schools are now required to test for lead in the water every three years beginning January 1, 2023 for Cycle Three.

³ Public Health Law section 1110; 10 NYCRR subpart 67-4 – Lead Testing in School Drinking Water

District officials also did not have a remedial action plan that detailed which water outlets they exempted from sampling and how they would be secured against use, and what remedial actions were planned or enacted. Because there is no information on the lead levels of the 178 water outlets not sampled for testing, we were unable to determine whether officials identified and remediated all water outlets that would have required it.

Of the 363 water outlets that the District sampled and tested, 111 water outlets (31 percent) exceeded the lead action level. We reviewed 88 of the water outlets with actionable lead levels and determined District officials did not take appropriate remedial action for 85 (97 percent) of these water outlets.

District officials did not notify staff, parents and/or guardians of test results exceeding the lead action level, in writing, as required. In addition, District officials also could not provide supporting documentation to confirm they reported test results that exceeded the lead action level to the local health department within one business day, as required. District officials also did not properly report initial testing results to the DOH's Health Electronic Response Data System (HERDS) within 10 business days. Finally, officials did not post the test results of their potable water outlet sampling on the District's website.

This final report includes nine recommendations to that effect. District officials disagreed with certain aspects of our findings and recommendations but indicated they have initiated corrective action. Appendix D includes our comments on issues raised in the District's response letter.

The Board of Education (Board) has the responsibility to initiate corrective action. A written corrective action plan (CAP) that addresses the findings and recommendations in this report must be prepared and provided to our office within 90 days, pursuant to Section 35 of the New York State General Municipal Law, Section 2116-a (3)(c) of the New York State Education Law and Section 170.12 of the Regulations of the Commissioner of Education. To the extent practicable, implementation of the CAP must begin by the end of the next fiscal year. For more information on preparing and filing your CAP, please refer to our brochure, *Responding to an OSC Audit Report*, which you received with the draft audit report. The CAP should be posted on the District's website for public review.

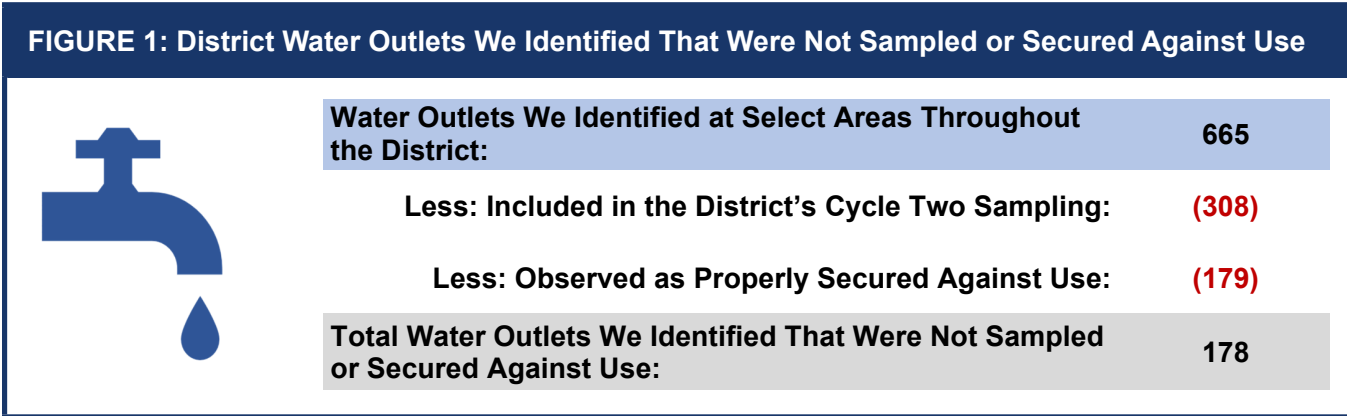
Lead Testing and Reporting: Findings and Recommendations

In accordance with NYS Public Health Law section 1110 and 10 NYCRR subpart 67-4 (regulations), all public school districts and BOCES (together “schools”), must test potable water outlets for lead contamination and take remedial action if the contamination exceeds the lead action level.⁴ The regulations also established requirements for how and when schools must report their test results to local health departments, school staff, students’ parents and/or guardians, DOH and NYS Education Department (NYSED), as well as the public. More details on the water outlet sampling, testing and reporting criteria used in this report, including testing cycles and DOH guidance, are included in Appendix A.

Finding 1 – District officials did not ensure all required potable water outlets were sampled and tested for lead contamination for Cycle Two.

The District conducted water sampling on March 15, 2021 for Cycle Two testing, collecting samples from 363 of the District’s water outlets, which were then tested at a laboratory certified through the NYS Environmental Laboratory Approval Program (ELAP). However, the District did not have a sampling plan to identify all water outlets for sampling or a remedial action plan that detailed which water outlets they exempted from sampling, how they would be secured against use, and what remedial actions were planned or enacted.

We identified 665 water outlets at select areas throughout the District to determine whether the District conducted required sampling of all water outlets during Cycle Two.⁵ Of the 665 outlets we identified, 308 water outlets were included in the 363 water outlets sampled by the District for Cycle Two, and another 179 water outlets we observed as properly secured against use. Therefore, we determined that 178 of the 665 water outlets we identified were not exempted by the District and should have been sampled for testing (Figure 1).



4 We examined the Cycle Two testing period ending June 30, 2021, which had a lead action level of 15 parts per billion (ppb). Starting in Cycle Three the lead action level was lowered to five ppb. Schools should be aware that water outlets that were acceptable under the previous regulations could exceed the new lead action level and require remediation. Schools should account for this change in their sampling process and remediation efforts by prioritizing sampling water outlets that exceeded five ppb during the previous testing period.

5 See Appendix B for a complete list of water outlets we identified and their locations. See Appendix E for detailed information on our selection criteria for the water outlets selected.

The Business Administrator used a third-party vendor (Vendor) to perform his lead testing program duties to develop the sampling and remedial action plans, and select the water outlets for sampling without any oversight. We determined 31 of the 178 water outlets not sampled or secured against use were water fountains and bottle fillers in hallways, common areas or elementary classrooms. According to the DOH guidance, outlets that have a combination of a sink or bottle fill station and a drinking fountain must have samples collected from both fixtures, with the most frequently-used fixture being sampled first. Because the Business Administrator did not identify all water outlets to be sampled for testing and relied on, but did not thoroughly review, the Vendor's work, we were unable to determine whether the 178 water outlets we identified were below the lead action level.

Finally, we reviewed the test results for all 363 water outlets the District sampled to determine whether the Business Administrator took appropriate remedial actions for water outlets that exceeded the lead action level. Of the 363 water outlets that the District sampled and tested, 111 water outlets (31 percent) were above the lead action level of 15 ppb. We reviewed 88 of these 111 water outlets to determine whether the Business Administrator took appropriate remedial action.

We determined that the District did not take any remedial action to prevent students or staff from consuming water from 85 of the 88 water outlets that tested above the lead action level of 15 ppb.

The three water outlets the Business Administrator remediated were in elementary classrooms; officials covered these water outlets with tape and the teacher and aides were present to supervise students. The 85 outlets the Business Administrator had not remediated included sinks in locker rooms, primary school classrooms and staff kitchenettes; one was a drinking fountain outside the District's special education office (Figure 2).

DOH guidance is clear that after receiving testing results that an outlet exceeds the lead action level, officials should take immediate action to prevent the use of the water outlet (i.e., take out of service or turn off the outlet's water supply) until remedial action is taken. However, because District officials failed to act accordingly, these 85 water outlets were still in use during our field work in March 2025; almost 46 months after officials received the test results in May 2021 showing these outlets exceeded the lead action level.

When we brought this issue to the attention of the Superintendent of Schools (Superintendent) and Business Administrator, they shut off the special education office's water fountain and started placing "Do Not Drink" signs at the remaining 84 locations. However, as stated above, when a lead test result for an outlet exceeds the action level, the school must

FIGURE 2: Drinking Fountain Not Yet Remediated Located Outside the District's Special Education Office^a



a) Photo taken by OSC auditors in March 2025 with permission from District officials.

prohibit the use of the outlet until a remedial action plan is implemented to mitigate the lead level at the outlet.

While signs can be used as a short-term control, the DOH guidance is explicit that to be considered an effective long-term control, signs need to be combined with other controls, such as continual education reinforcing to students and employees that the water outlet is not to be used or establishing and enforcing rules to prevent the water outlet's use. Additionally, only water outlets that are not going to be used for drinking or cooking can be designated as exempt from sampling and be secured against use.⁶ We informed the Superintendent and Business Administrator during fieldwork that only placing signs at the water outlets is insufficient and directed them to the DOH guidance for additional options.

The Superintendent told us that he was unaware of the water outlet sampling and testing requirements because he was new to the District and was not clear on who was responsible for the lead testing program, for either the ended Cycle Two testing period or the active Cycle Three testing period, or what the responsibilities were for the individuals involved.

Had District officials developed detailed sampling and remedial action plans, District officials could have quickly reviewed the work performed by the Business Administrator and the Vendor and determined whether all water outlets were sampled and if the controls implemented were still in place and effective.

Recommendations

District officials should:

1. Identify which water outlets exceeded the lead action level and remove them from service until it is confirmed they are below the lead action level or secured against use with proper controls.
2. Develop procedures identifying all individuals involved in lead sampling and testing and their roles and responsibilities.
3. Develop sampling and remedial action plans for all District water outlets that could be used for drinking and cooking, including details on which water outlets will be considered exempt from sampling and their controls to secure against use.
4. Sample all water outlets that could be used for drinking and cooking and properly secure any water outlets designated as exempt from sampling.
5. Remediate or implement effective long-term controls for all water outlets that exceed the lead action level.
6. Review all work related to the lead testing program for accuracy and completeness.

⁶ See *Identifying Sampling Locations* section of the DoH guidance manual on page 5 <https://www.health.ny.gov/environmental/water/drinking/lead/docs/leadtestinginschoolsguidancedocument.pdf#page=7>

Finding 2 – District officials did not report the results of the lead testing properly or in the required time periods for Cycle Two.

District officials did not properly report all laboratory test results, including the sampling results showing 111 of the 363 water outlets were above the lead action level, to all required parties or within the required time periods. Specifically:

- District officials could not provide supporting documentation to confirm they reported test results that exceeded the lead action level to the local health department within one business day, as required. The water testing results letter from the Vendor was dated May 22, 2021. However, the Chautauqua County Health Department confirmed that they received the testing results for outlets exceeding the lead action level from the District on May 28, 2021.
- District officials did not report the initial test results in HERDS within 10 business days, as required. Although the date the District received the testing results is unclear, the water testing results letter from the Vendor was dated May 22, 2021, and District officials reported the results in HERDS on June 24, 2021.
- District officials never notified staff, parents and/or guardians of the 111 water outlets that exceeded the lead action level in writing, as required. Schools must notify staff, parents and guardians in writing within 10 business days of testing results exceeding the lead action level.
- District officials did not post the test results of their potable water outlet sampling on the District's website. School officials must post the results of all their testing, including any remediation efforts performed or planned, within six weeks of receiving results.

The Superintendent was not aware that it was his responsibility to notify the public by ensuring all the lead water testing results were posted on the District's website or that staff, parents, and/or guardians must be notified in writing of any results that exceeded the lead action level. Additionally, the District did not report their results within the required time periods to the local health department or in HERDS because the Business Administrator was not aware that there were timing restrictions when reporting results. Developing clear procedures identifying all officials involved and their roles and responsibilities may lower the risk that the District will miss reporting deadlines during future testing cycles.

Recommendations

District officials should:

7. Develop procedures for all individuals involved in lead testing and reporting and their roles and responsibilities.
8. Notify all required parties in the required time periods after lead testing results are received.
9. Keep accurate records of all notification efforts performed.

Appendix A: Profile, Criteria and Resources

Profile

The District serves the Towns of Arkwright, Dunkirk, Pomfret, Portland and Sheridan in Chautauqua County. The District has two school buildings, one Primary school building and one Intermediate-Middle-High school building.

The District is governed by the elected seven-member Board responsible for managing and controlling the District's financial and educational affairs. The Superintendent is responsible, along with other administrative staff, for managing the District's day-to-day operations under the Board's direction.

The Business Administrator is responsible for sample collection, sending the samples to the laboratories and providing the laboratory results to the Superintendent. The Business Administrator used the Vendor to perform these duties on his behalf for Cycle Two and for Cycle Three testing, which began at the conclusion of our field work. The Business Administrator is also responsible for reporting results to the local health department and through HERDS. The Superintendent is responsible for notifying staff, parents and/or guardians when the District receives lead testing results that exceed the lead action level.

Criteria – Lead Testing and Reporting

To comply with DOH regulations, school officials should develop a sampling plan that properly addresses potable water outlet sampling, testing and reporting for lead contamination. Pursuant to Chapter 296 of the Laws of 2016, the first cycle of testing and reporting for lead contamination began in 2016, and subsequent testing cycles have followed:

- Cycle One: September 6, 2016 to October 31, 2016.
- Cycle Two: January 1, 2020 to December 31, 2020 (extended to June 30, 2021 due to the COVID-19 pandemic).
- Cycle Three: January 1, 2023 to December 31, 2025.

Sampling and Testing – Officials should identify all water outlets to be sampled, their location, and the order in which to collect samples. Water outlets may be located anywhere on school property including external water outlets. According to DOH guidance, the school's superintendent or their designee have the responsibility to identify which water outlets meet the regulation requirements for sampling. For any water outlets determined to fall outside the scope of the regulation, the school must have a remedial action plan that includes details on how those water outlets will not be accessed and/or used for drinking or cooking purposes and should be updated anytime conditions change. All samples must be sent to a laboratory certified by ELAP. When results from sampling of any fixture exceed the lead action level, the water outlet must be immediately taken out of service until remediation is performed to reduce the lead levels to below the action level.

Reporting – School officials must report their testing and remedial action through DOH’s HERDS reporting program, which reports the results of all potable water testing for lead contamination to local county health departments, DOH and NYSED. Importantly, if the school receives test results that show lead contamination exceeds the lead action level, school officials must report the exceedances directly to the local health department within one business day, and notify all school staff, parents, and guardians in writing within 10 days. School officials should coordinate with local health department officials ahead of the sampling and testing to confirm the health department’s preferred method of reporting (e.g., email, an email and phone call, etc.) for test results that show lead contamination exceeds the lead action level. Finally, schools must post the results of all testing, including information about remedial actions taken, on their website.

To assist schools in their compliance with the regulations, the DOH developed the *Lead Testing in School Drinking Water Guidance Manual*.⁷ The manual describes in detail how schools should develop and implement their lead testing program, including templates on assigning roles, staff, parent and/or guardian letters, posting results on school websites, as well as documenting and tracking remedial actions.

To ensure a school’s lead testing program is successful, the school should identify and document which individuals will be responsible for the following:

- Who will be the main contact for the program?
- Who will create the sampling plan?
- Who will collect the samples?
- Who will coordinate with the laboratory and manage the test results?
- Who will perform remediation?
- Who will communicate the results to the public?
- Who will report the data and information to the local health department and enter it into the NYS DOH reporting application (HERDS)?
- Who will keep records?

All potable water outlets at a school that could be used for cooking or drinking should be tested for lead. Examples include:

- Combination bottle fill stations and drinking fountains (both the fountain and bottle fill nozzles should be tested),
- Classroom sinks,
- Food washing sinks,

⁷ <https://www.health.ny.gov/environmental/water/drinking/lead/docs/leadtestinginschoolsguidancedocument.pdf>

-
- Kitchen kettle filler outlets,
 - Ice machines,
 - Hand washing outlets, including those in bathrooms, and
 - Athletic field outlets and any other sink known to be or potentially used for consumption.

Water outlets that are not going to be tested need to be listed on the remedial action plan and actions must be taken to properly secure them to prevent them from being used for cooking or drinking. Actions such as turning the water off at the outlet not only prevent access but also prevent the water outlet from being used at all. If a water outlet still needs to be used, the following are examples of controls that should be combined with each other to prevent use:

- Using physical controls such as locks or requiring special tools that prevent physical access to the water outlet,
- Regularly informing students and staff which water outlets are not to be used,
- Placing signs that say “Do not Drink, Non-Potable Water” or similar.⁸ Signs must be clearly visible and in close proximity to the affected outlets. Placing a sign at a room entrance (i.e. lavatory entrance) is not acceptable.
- Establishing, and consistently enforcing, rules such as “No Eating or Drinking in the Science Lab.”

These controls are only considered effective if they are used together. For example, signs can be removed due to vandalism or accidents, but if students and staff are regularly told that bathrooms are not to be used for drinking it would reduce the risk that someone may use a bathroom sink. The remedial action plan should be updated whenever there is a change, including when new water outlets are designated, or old ones are removed, new test results become available, additional remediation is planned or completed, or controls are added or removed. Additionally, a maintenance and monitoring schedule should help ensure remediation efforts are still operating effectively.

Schools must report the results of their lead testing to NYS agencies, their local county health department, staff, parents and/or guardians, as well as posting their results and remediation actions on their website. Timing always starts once the school receives the results and there are different notification and timing requirements if any results exceed the lead action level. The reporting requirements are as follows:

Results Exceed the Lead Action Level – The school must notify their local health department within one business day, and staff, parents and guardians in writing within 10 business days. Importantly, posting this information on the school’s website or through social media does not qualify as notification in this case.⁹

8 For examples of signage, see page 12 of the DOH’s Guidance Manual: <https://www.health.ny.gov/environmental/water/drinking/lead/docs/leadtestinginschoolsguidancedocument.pdf#page=14>

9 See page 14 of DOH’s Guidance Manual: <https://www.health.ny.gov/environmental/water/drinking/lead/docs/leadtestinginschoolsguidancedocument.pdf#page=16>

After Any Testing is Done (Regardless of Whether Results Exceed the Lead Action Level) – The school must notify the DOH, NYSED, and their local county health department. Reporting is done through the HERDS system and must be done within 10 business days after results are received. School officials must post on their website the results of all their testing, including any remediation efforts performed or planned, within six weeks of receiving results.

Schools should keep all records related to their lead testing program for at least 10 years after document creation, and it is recommended that all such records be kept on-site in a centrally accessible repository.

Additional DOH resources, guidance and publications on lead in drinking water can be found at:

<https://health.ny.gov/environmental/water/drinking/lead/>

In addition, our website can be used to search for other Lead Testing and Reporting audits: <https://www.osc.ny.gov/local-government/audits>

Appendix B: District Water Outlets

Figure 3: District Water Outlets We Identified That Were Not Sampled or Secured Against Use for Cycle Two by Location

Location	Water Outlets We Identified at Select Areas Throughout the District	Less: Included in the District's Cycle Two Sampling	Less: Observed as Properly Secured Against Use	Total Water Outlets We Identified Not Sampled or Secured Against Use
Hallways or Common Spaces	39	(18)	(1)	20
Bathroom	261	(131)	(29)	101
Classroom	108	(75)	(22)	11
Cafe/Kitchen/Food	85	(63)	(2)	20
Science or Art Room	129	(21)	(85)	23
Outside/Sports Areas	43	0	(40)	3
Totals	665	(308)	(179)	178

Appendix C: Response From District Officials

Brad Zilliox, Ed. D.
Superintendent

John A. Forbes
Business Administrator

Margie Wright, Ed. D.
Chief Officer for Curriculum
& Human Resources

Kristen L. Ferro
Director of Special Education

Fredonia Central School District
425 East Main Street • Fredonia, New York 14063 • Phone (716) 679-1581



Amy S. Piper
Early Childhood Center Principal

Mark H. Drollinger
Elementary Principal

Jamie Polhamus
Middle School Principal

Darrin B. Paschke
High School Principal

July 23, 2025

[REDACTED]
Auditor 3

Division of Local Government and School Accountability
Statewide Audits

[REDACTED],

The Fredonia Central School District appreciates your time in providing the District with an opportunity to discuss the Office of the State Comptroller (OSC) draft report and provide our response. We take the findings and recommendations outlined in the report seriously, as we value and prioritize the safety and well-being of our students, staff, and community.

To begin, the District would like to provide additional context regarding the timeline and circumstances surrounding the audit findings. They include the following:

- The OSC audited a collection of water samples on March 15, 2021. As the OSC knows, this testing occurred during the height of the COVID-19 pandemic. At the time, our District was in the process of returning all students to full-time in-person instruction. All drinking fountains were turned off or blocked off and not accessible to students, adults, or visitors. Many were not returned to service until well into the 2022-23 or 2023-24 school years.
- Please note that any email communications sent from the OSC during this time regarding water testing were addressed to the prior superintendent, as opposed to the current superintendent.

See
Note 1
Page 16

"A place of learning and exploring where individuals become their greatest selves"

Business Office
Fax (716) 673-9449

Elementary School
Fax (716) 679-9043

Middle School
Fax (716) 672-2686

High School
Fax (716) 672-8687

District Office
Fax (716) 679-1555

Brad Zilliox, Ed. D.
Superintendent

John A. Forbes
Business Administrator

Margie Wright, Ed. D.
Chief Officer for Curriculum
& Human Resources

Kristen L. Ferro
Director of Special Education

Fredonia Central School District
425 East Main Street • Fredonia, New York 14063 • Phone (716) 679-1581



Amy S. Piper
Early Childhood Center Principal

Mark H. Drollinger
Elementary Principal

Jamie Polhamus
Middle School Principal

Darrin B. Paschke
High School Principal

- The District rejects the idea that the Business Official did not thoroughly review the report from the third-party vendor. Rather, the report was thoroughly reviewed while relying on the expertise of the vendor.
- Of the 85 water outlets identified with actionable lead levels, 4 were designated drinking devices, while the remaining outlets included sinks and/or other fixtures.
- The District notified parents in the Spring of 2021 concerning water testing. This was confirmed by our former District Clerk, who explicitly recalls facilitating these communications through our mass communication system at the time, School Messenger. This individual has since left the District for another position. We switched from [REDACTED] as our District communication tool in the summer of 2022. We attempted to retrieve the original messages from [REDACTED] but this information no longer exists since we left the service.
- The District also posted the results on our website at the time, but this item, as well as others, did not transfer over when we switched website host services from [REDACTED] in the summer of 2022. Currently, results from 2016, 2021, and 2025 are posted on our website.
- The OSC draft report further states that the District did not take appropriate remedial action for 85 of these water outlets. Although Not Potable Drinking Water/Do Not Drink signs were posted on all outlets, the District recognizes full remediation requires the posting of these signs as well as other methods of control. Currently, for the 2025 testing cycle, signs were posted, and all of these outlets are turned off or blocked off. Additionally, as an educational component, we sent mass email communication to all teachers asking them to review the signage with students and the reasoning behind the need for signage. We also included the health concerns related to lead in water and reminded students directly not to drink or use the water for food preparation. We are also in the process of replacing fixtures where appropriate.

See
Note 2
Page 16

See
Note 3
Page 16

"A place of learning and exploring where individuals become their greatest selves"

Business Office
Fax (716) 673-9449

Elementary School
Fax (716) 679-9043

Middle School
Fax (716) 672-2686

High School
Fax (716) 672-8687

District Office
Fax (716) 679-1555

Brad Zilliox, Ed. D.
Superintendent

John A. Forbes
Business Administrator

Margie Wright, Ed. D.
Chief Officer for Curriculum
& Human Resources

Kristen L. Ferro
Director of Special Education

Fredonia Central School District

425 East Main Street • Fredonia, New York 14063 • Phone (716) 679-1581



Amy S. Piper
Early Childhood Center Principal

Mark H. Drollinger
Elementary Principal

Jamie Polhamus
Middle School Principal

Darrin B. Paschke
High School Principal

- The District rejects the idea that the current Superintendent was not aware of his responsibilities for testing or communication. Rather, at the time of questioning, the Superintendent was unsure of the details related to what had occurred.
- The District has engaged [REDACTED] as a neutral third-party environmental professional expert in this field to increase understanding and offer recommendations, and undertake corrective actions to the extent necessary. We look forward to their input, perspective, and suggestions.
- Notably, the District's regularly scheduled water testing for the 2016 and 2025 testing cycles was conducted following and in accordance with the regulations outlined by the OSC.

See
Note 4
Page 16

We value the recommendations provided by the OSC and are committed to moving forward in compliance with the regulations. We appreciate the opportunity to provide additional information. Work on our Corrective Action Plan (CAP) has already begun and will be completed within the required 90-day time frame, including:

- Collaborate with outside experts to develop a detailed sampling and remedial action plan.
- Enhance oversight of contractors to ensure thorough and accurate testing.
- Review procedures for timely reporting and stakeholder notification.

In addition, the District acknowledges the audit findings, including the identification of concerns in our protocols. Specifically:

1. Sampling Plan Development
 - a. We recognize the need for a more detailed sampling plan to identify and test our water outlets.

"A place of learning and exploring where individuals become their greatest selves"

Business Office Fax (716) 673-9449	Elementary School Fax (716) 679-9043	Middle School Fax (716) 672-2686	High School Fax (716) 672-8687	District Office Fax (716) 679-1555
---------------------------------------	---	-------------------------------------	-----------------------------------	---------------------------------------

Brad Zilliox, Ed. D.
Superintendent

John A. Forbes
Business Administrator

Margie Wright, Ed. D.
Chief Officer for Curriculum
& Human Resources

Kristen L. Ferro
Director of Special Education

Fredonia Central School District
425 East Main Street • Fredonia, New York 14063 • Phone (716) 679-1581



Amy S. Piper
Early Childhood Center Principal

Mark H. Drollinger
Elementary Principal

Jamie Polhamus
Middle School Principal

Darrin B. Paschke
High School Principal

2. Remedial Action Plan

- a. We recognize the need to establish a comprehensive remedial action plan. This plan will detail actions for outlets exceeding the actionable lead levels and ensure proper documentation.

3. Reporting and Communication

- a. We recognize that timely communication with all stakeholders, including parents, staff, and regulatory agencies, is a priority.

The District is committed to the ongoing improvement and transparency in our water safety practices. We appreciate the review, input, and recommendation from the OSC, which will positively contribute to this effort.

Thank you for your attention to this matter. Please contact me directly for any additional information or clarification.

Respectfully,

Brad Zilliox
Superintendent
Fredonia CSD

"A place of learning and exploring where individuals become their greatest selves"

Business Office Fax (716) 673-9449	Elementary School Fax (716) 679-9043	Middle School Fax (716) 672-2686	High School Fax (716) 672-8687	District Office Fax (716) 679-1555
---------------------------------------	---	-------------------------------------	-----------------------------------	---------------------------------------

Appendix D: OSC Comments on the District's Response

Note 1:

District officials did not provide any documentation during the audit or with the District's response to support that drinking fountains were turned off during Cycle Two.

Note 2:

The Business Administrator did not complete a thorough review of the vendor's work to ensure sampling was complete and all remedial actions were taken – he did not notice that 178 water outlets were not sampled for testing or exempted, and that remedial actions were not taken for 85 water outlets above the lead action level.

Note 3

District officials did not have signs posted on all applicable outlets until we brought it to officials' attention on March 10, 2025.

Note 4

We did not review the District's 2016 or 2025 testing for compliance. Therefore, we cannot comment on whether the District's assertions are correct. School drinking water testing requirements are established by DOH under 10 NYCRR Subpart 67-4.

Appendix E: Audit Methodology and Standards

We conducted this audit pursuant to Article V, Section 1 of the State Constitution and the State Comptroller's authority as set forth in Article 3 of the New York State General Municipal Law. We obtained an understanding of internal controls that we deemed significant within the context of the audit objective and assessed those controls. Information related to the scope of our work on internal controls, as well as the work performed in our audit procedures to achieve the audit objective and obtain valid audit evidence, included the following:

- We interviewed District officials and reviewed various records and reports to gain an understanding of the roles and responsibilities of the individuals involved in the process, and how individuals performed their duties for the Cycle Two period that closed June 30, 2021, and for Cycle Three which is still ongoing until December 31, 2025.
- We reviewed all available documentation that the District had for sampling and testing for Cycle Two that closed June 30, 2021, including District maps, laboratory chain of custody and result reports, and ELAP certifications. We supplemented this with our own observations of the District's current water outlets at each building and the surrounding sport and event fields. We identified the following as high-risk areas/outlets based on the DOH guidance:
 - Hallway drinking fountains and bottle-filling stations, outside and sporting event areas, kitchens, cafeterias, and cooking classrooms, as they could affect large numbers of individuals at the District, including visitors.
 - Elementary classrooms, as they could affect young students who are particularly vulnerable to lead exposure.
 - Bathrooms, or other areas where children would be unsupervised and able to access water from faucets.
 - Art and Science classrooms, as they were specifically mentioned in DOH's guidance.

Using this information, we selected 665 water outlets, including all water outlets located in areas that we determined could have a high-risk of affecting individuals at the District based on the DOH guidance.¹⁰ We observed the controls present at each water outlet and whether they had been sampled for lead testing.

- For the 363 District tested water outlets for Cycle Two, we identified 111 samples with results that exceeded the lead action level. We selected a judgmental sample of 88 of these outlets that were in the same high-risk areas as described above and determined whether District officials took appropriate remedial actions or had a test result after the initial exceedance that was below the lead action level.
- We reviewed all available documentation that the District had for reporting the laboratory results including the Vendor's testing result dates, the HERDS testing reporting, and uploads to the District's website as well as interviewing the Public Health Sanitarian overseeing Chautauqua County school water testing.

¹⁰ <https://www.health.ny.gov/environmental/water/drinking/lead/docs/leadtestinginschoolsguidancedocument.pdf>

We conducted this performance audit in accordance with generally accepted government auditing standards (GAGAS). 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 objective. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objective.

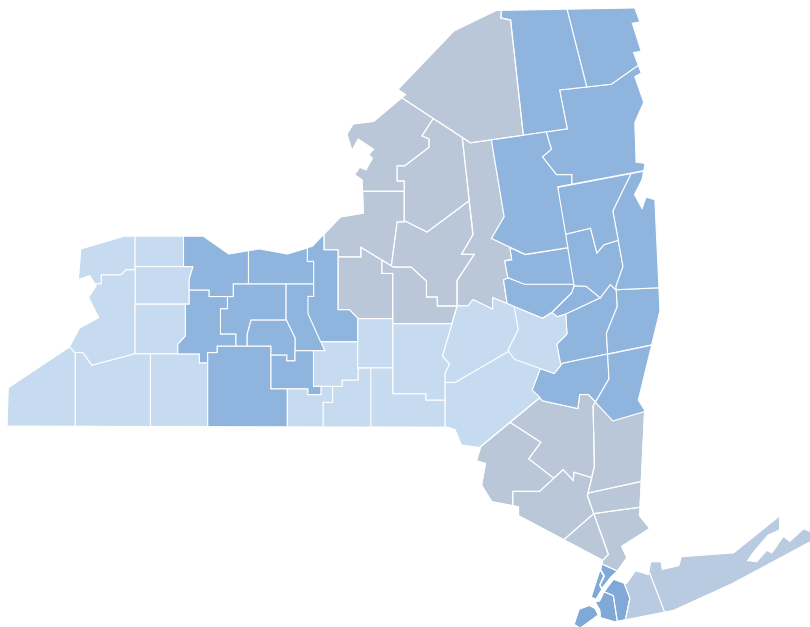
Unless otherwise indicated in this report, samples for testing were selected based on professional judgment, as it was not the intent to project the results onto the entire population. Where applicable, information is presented concerning the value and/or size of the relevant population and the sample selected for examination.

Contact

STATEWIDE AUDITS – Nicole A. Tomsen, Chief of Municipal Audits

295 Main Street, Suite 1032 • Buffalo, New York 14203-2510

Tel (716) 847-3647 • Fax (716) 847-3643 • Email: Muni-Statewide@osc.ny.gov



Office of the New York State Comptroller
Division of Local Government and School Accountability
110 State Street, 12th Floor, Albany, New York 12236

Tel: (518) 474-4037 • Fax: (518) 486-6479 • Email: localgov@osc.ny.gov

<https://www.osc.ny.gov/local-government>

Local Government and School Accountability Help Line: (866) 321-8503