



Johnstown City School District

Lead Testing and Reporting

S9-25-15 | 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.. . . . 5
 - 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 Comment on the District’s Response 14**
- Appendix E: Audit Methodology and Standards. 15**

Audit Results

Johnstown City School District



Audit Objective

Audit Period

Did Johnstown City 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 95 of the 264 (36 percent) water outlets we identified at select areas, 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. Because there is no information on

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

the lead levels of the 95 water outlets not sampled for testing, we were unable to determine whether officials identified and remediated all water outlets that would have required it. This occurred because District officials did not have a complete sampling plan to identify all water outlets for sampling or exemption.

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.

Of the 273 water outlets the District sampled for Cycle Two testing, 12 water outlets exceeded the lead action level. We determined four of these 12 outlets with actionable lead levels were still in service, were not retested and effective controls were not implemented to prevent them from being used. Two of the water outlets were located in classrooms; one in a bathroom, and the other at a kitchen sink.

Although District officials notified the local health department about the lead action exceedances resulting from tests performed in Cycle Two, they did not notify staff, parents and/or guardians of these results in writing, as required. Further, while District officials reported all test results through DOH's Health Electronic Response Data System (HERDS), they only posted details on their website of the water outlets that tested above the lead action level and remedial action taken, not the full testing results as required.

This final report includes seven recommendations to that effect. District officials generally agreed with our findings and recommendations and indicated they have initiated or planned to initiate corrective action. Appendix D includes our comment on an issue raised in the District's response letter.

The Board of Education (Board) has the responsibility to initiate corrective. 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.

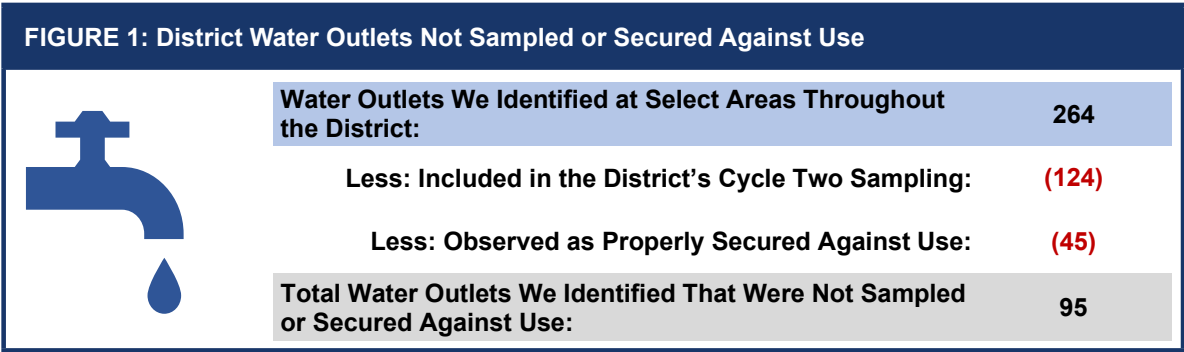
Lead Testing and Reporting: Findings and Recommendations

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 in November 2020 and January 2021, for Cycle Two testing, collecting samples from 273 of the District’s water outlets, which were then tested at a laboratory certified through the NYS Environmental Laboratory Approval Program (ELAP). The District had a sampling plan that included building maps with the starting point of testing, arrows showing the direction of testing, and lists showing the planned order of testing for each building, however the sampling plan was incomplete because it did not include all outlets. Additionally, the District did not have 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. The Director of Facilities II (Director) told us he was unaware that the District was supposed to have a remedial action plan.

We identified 264 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 264 water outlets we identified, 124 water outlets were included in the 273 water outlets sampled by the District for Cycle Two, and another 45 water outlets we observed as properly secured against use. Therefore, we determined that 95 of the 264 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.

Of these 95 water outlets not sampled or secured against use, the majority (74) were in bathrooms and kitchens, and the Director believed that signs alone were an effective control. However, 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 for cooking or drinking, or establishing and enforcing rules to prevent the water outlet's use. The remaining outlets were overlooked because the sampling plan was not complete and did not include all outlets.

The District properly secured 45 water outlets against use by shutting off the outlets' water supply, signage (e.g., "Do Not Drink") and other physical or supervisory controls. However, because District officials did not identify all outlets to be sampled for testing, we were unable to determine whether the 95 unsampled or unsecured water outlets we identified were below the lead action level of 15 ppb.

Finally, we reviewed the test results for all 273 water outlets the District sampled and determined whether District officials took appropriate remedial action for water outlets that exceeded the lead action level. Of the 273 water outlets that the District sampled and tested, 12 water outlets were above the lead action level of 15 ppb.

We confirmed that three of the 12 water outlets were sampled and retested below the lead action level, and five had effective controls to prevent them from being used for cooking or drinking, such as "not for drinking – hand washing only" signs along with teacher supervision, locked doors, and/or disabled or removed outlets. The four remaining water outlets did not have effective controls.

The Director told us that two classroom drinking fountains had their handles removed and water turned off after they tested above the lead action level. However, at some point over the past two years, an employee unknowingly replaced the handles and turned the water back on. Both outlets were again disabled by the Director in January 2025. A bathroom sink outlet had a sign as the only control.

Finally, a kitchen sink faucet was replaced after the initial Cycle Two test results were above the lead action level, and a sign was posted instructing kitchen staff to flush the faucet for five minutes every day before using it for food preparation. However, the faucet was never resampled and retested to determine whether it was below the lead action level, including with the flushing procedure. When we brought this to the attention of the Director, he replaced the sign with a different sign stating "Not For Drinking Hand Washing Only" and told us that kitchen staff were instructed to no longer use the faucet for cooking and drinking.

Had District officials developed a complete sampling plan and a remedial action plan and regularly updated them, District administrators could have quickly reviewed the work performed and overseen by the Director and determined whether all water outlets were sampled or exempt from sampling.

Recommendations

District officials should:

1. Develop a comprehensive/complete sampling plan and a remedial action plan 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 the controls to secure against use.
2. Sample all water outlets that could be used for drinking and cooking and properly secure any water outlets designated as exempt from sampling.
3. Remediate or implement effective long-term controls for all water outlets that exceed the lead action level.
4. Review all work related to the lead testing program for accuracy and completeness.

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

While District officials properly reported test results for Cycle Two to the local health department and in HERDS, they did not properly report the laboratory test results within the required time periods or to all other required parties. Specifically:

- District officials did not notify staff, parents and/or guardians in writing of water outlets that tested above the lead action level within 10 days, as required. The Director was not aware of the requirement to notify staff, parents and/or guardians in writing, and instead thought that posting test results on the District's website would be sufficient. However, the DOH guidance is specific that posting this information on the school's website does not constitute sufficient written notification.
- District officials posted testing results on their website within the required time period, however, the website posting did not include the full results, rather a summary of how many water outlets were tested, how many tested above the lead action level and remedial actions planned or implemented. The Director told us he was unaware that the full results should be posted on the website.

The Director thought that the website posting would be sufficient notice for staff, parents and/or guardians, and he was unaware that the full results should be posted on the website. Also, the District did not develop clear procedures identifying all officials involved with lead testing and their roles and responsibilities. Developing such procedures may reduce the risk that the District will miss reporting requirements during future testing cycles.

Recommendations

District officials should:

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

Appendix A: Profile, Criteria and Resources

Profile

The District serves the Cities of Gloversville and Johnstown and the Towns of Ephratah and Johnstown in Fulton County, and the Town of Palatine in Montgomery County. The District's five school buildings (Pleasant Avenue Elementary, Warren Street Elementary, Knox Middle School, Johnstown Junior-Senior High School, and the Glebe Street School [currently leased to Hamilton-Fulton-Montgomery BOCES]) are all located in the City of Johnstown.

The District is governed by the elected seven-member Board. The Board is 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 Superintendent designated the Director as the person responsible for coordinating and reporting all lead testing in both Cycle Two and Cycle Three. The Director is responsible for overseeing sample collection, (performed by an employee of the testing laboratory used by the District), reporting the testing results in HERDS, reporting to the local health department, reporting to staff, parents and guardians and providing the results to the District Clerk for posting on the District's website.

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*.⁶ 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),

⁶ <https://www.health.ny.gov/environmental/water/drinking/lead/docs/leadtestinginschoolsguidancedocument.pdf>

-
- Classroom sinks,
 - Food washing sinks,
 - 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.⁷ 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:

⁷ 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>

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.⁸

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>

⁸ See page 14 of DOH's Guidance Manual: <https://www.health.ny.gov/environmental/water/drinking/lead/docs/leadtestinginschoolsguidancedocument.pdf#page=16>

Appendix B: District Water Outlets

Figure 2: 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 That Were Not Sampled or Secured Against Use:
Hallways or Common Spaces	38	(23)	(2)	13
Bathroom	95	(23)	0	72
Classroom	43	(42)	(1)	0
Cafe/Kitchen/Food	41	(31)	(2)	8
Science or Art Room	44	(5)	(37)	2
Outside/Sports Areas	3	0	(3)	0
Totals	264	(124)	(45)	95

Appendix C: Response From District Officials



Pleasant Avenue Elementary • Warren Street Elementary • Knox Middle School • Johnstown High School

William T. Crankshaw, Ed.D.
Superintendent of Schools
Alicia D. Koster
Assistant Superintendent
Nicole Pantoni
Director of Curriculum & Instruction

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July 1, 2025



Division of Local Government and School Accountability, Statewide Audits Unit
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Re: Lead Testing and Reporting, Report of Examination S9-25-15

Dear [REDACTED]:

The District appreciates the time and communication that you and your staff provided to members of the District's administrative team during the audit. This provided the opportunity to immediately act to correct deficiencies while the audit was taking place.

The Report of Examination regarding the audit conducted on Lead Testing and Reporting has been reviewed by key district officials, and the District is in general agreement with both findings noted in the report.

Reading through the document provided the District with more detail about the net number of water outlets found to be out of compliance, along with the reasons for non-compliance.

Finding 1

Out of 264 water outlets sampled during Cycle Two, 124 were included in the sampling and another 45 outlets were observed as properly secured against use. This left 95 remaining water outlets, 74 of which were located in bathrooms and kitchens with proper signage to avoid use for drinking; resulting in the net amount of 12 outlets.

From those 12 outlets, 5 had effective controls and 3 were retested and shown to be below the lead action level. Finally, the 4 remaining water outlets out of 264 either had been disabled or signage was posted to secure against use.

The District does acknowledge that in order to fully comply with NYS Public Health Law section 1110 and 10 NYCRR subpart 67-4, Department of Health Guidance, long term effective control will consist of continual education for staff, students, and parents/guardians in addition to proper signage.

See
Note 1
Page 14

Page Two of Two
Re: Lead Testing and Reporting
July 1, 2025

Finding 2

The District acknowledges that while our testing results were properly reported to the local health department and in the HERDS system, it did not properly notify staff, students, and parents/guardians of water outlets that tested above the lead action level within 10 days.

It is also acknowledged that the District did not publish the full test results on the website rather than a summary of those results. The Corrective Action Plan will address this finding in detail.

The District takes the safety and well-being of our students and staff very seriously and, therefore, acted immediately to address District procedures, and respond to deficiencies within our lead in the school drinking water plan.

I appreciate the opportunity to provide more detail of the corrective steps and implementation in the District's Corrective Action Plan.

Sincerely,

Dr. William T. Crankshaw
Superintendent of Schools

Cf: Board of Education
Ms. Alicia D. Koster, Assistant Superintendent

Appendix D: OSC Comment on the District's Response

Note 1

Of the remaining four outlets officials noted, two were operational and were disabled in January 2025 when we brought them to District officials' attention whereas the other two had signs as the only control.

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 which closed June 30, 2021, including District maps, laboratory result reports, and ELAP certifications. We supplemented this with our own observations of the District's current water outlets at each building. We identified the following as high-risk areas/outlets based on the DOH guidance:
 - Hallway drinking fountains and bottle-filling stations, outside 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 individuals 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 264 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.⁹ We observed the controls present at each water outlet and whether they had been sampled for lead testing.

- For the 273 water outlets sampled for testing by the District, we identified 12 tested samples with results that exceeded the lead action level 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 HERDS reporting and District email correspondences with the local county Department of Health.

⁹ <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.

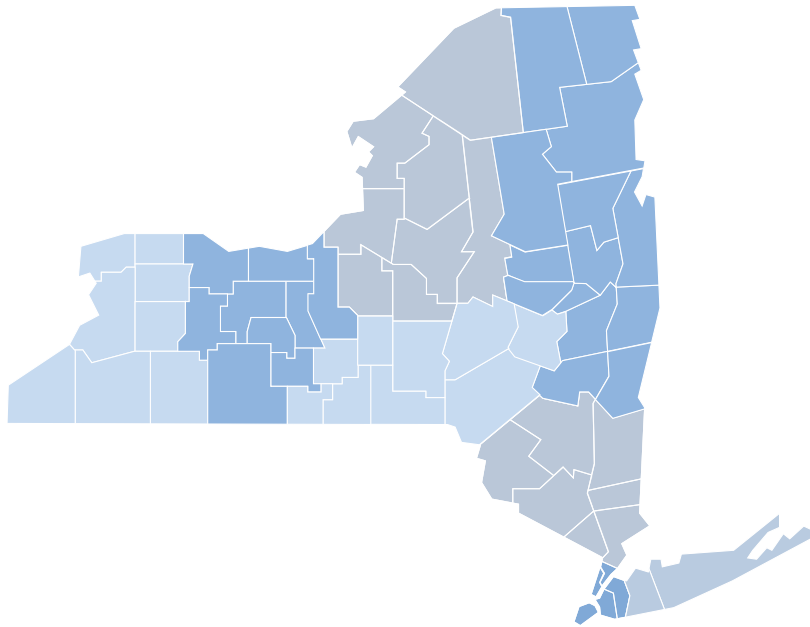
Unless otherwise indicated in this report, samples for testing were selected based on professional judgment, as it was not the intent to project the results onto the entire population. Where applicable, information is presented concerning the value and/or size of the relevant population and the sample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

Contact

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