New York State Comptroller
THOMAS P. DiNAPOLI

Tupper Lake Central School District

Lead Testing and Reporting

S9-25-14 | August 2025

Division of Local Government and School Accountability

Contents

Audit Results

Tupper Lake Central School District

Audit Objective	Audit Period
Did Tupper Lake 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 156 of the 310 (50 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. 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, 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 156 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 105 water outlets the District sampled for Cycle Two testing, 22 water outlets exceeded the lead action level. We determined that 14 of these 22 outlets (64 percent) with actionable lead levels were still in service without a test showing they were now below the lead action level or effective controls to prevent them from being used.

District officials did not ensure that the test results exceeding the lead action level were directly reported to the local health department within one business day. Instead, the District-contracted Jefferson-Lewis BOCES staff only reported these results through DOH's Health Electronic Response Data System (HERDS). Additionally, District officials did not notify staff, parents and/or guardians of the test results exceeding the lead action level in writing within 10 business days, as required. Finally, officials did not post the test results of all potable water outlet sampling and testing on the District's website.

This final report includes eight recommendations to that effect. District officials generally agreed with our findings and their response is included in Appendix C.

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 initial water sampling on October 28, 2020 for Cycle Two testing, collecting samples from 105 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 310 water outlets at select areas throughout the District, Civic Center, and Public Library to determine whether the District conducted required sampling of all water outlets at buildings owned by the District during Cycle Two.[5] Of the 310 water outlets we identified, 105 water outlets were sampled by the District for Cycle Two, and another 49 water outlets we observed as properly secured against use. Therefore, we determined that 156 of the 310 water outlets we identified were not exempted by the District and should have been sampled for testing (Figure 1).

FIGURE 1: District Water Outlets We Identified That Were Not Sampled or Secured Against Use

Water Outlets We Identified at Select Areas Throughout the District:	**310**
Less: Included in the District's Cycle Two Sampling:	**(105)**
Less: Observed as Properly Secured Against Use:	**(49)**
Total Water Outlets We Identified That Were Not Sampled or Secured Against Use:	**156**

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 D for detailed information on our selection criteria for the water outlets selected.

The current Superintendent of Schools (Superintendent) told us she was under the impression that the former Superintendent of Buildings and Grounds was responsible for overseeing the lead testing program for Cycle Two, including the work of a BOCES Health and Safety Coordinator (Coordinator) contracted through Jefferson-Lewis BOCES. Although the Coordinator collected samples for testing, the former Superintendent of Buildings and Grounds did not provide oversight to ensure the Coordinator sampled all required water outlets. Because District officials did not oversee the work performed by the Coordinator and did not have sampling and remediation plans identifying all water outlets, these 156 outlets were not sampled or properly secured against use.

The District properly secured 49 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 156 unsampled or unsecured water outlets we identified were below the lead action level of 15 ppb.

Finally, we reviewed the test results for all water outlets the District sampled to determine whether District officials took appropriate remedial actions for water outlets that exceeded the lead action level. Of the 105 water outlets that the District sampled and tested, 22 water outlets (21 percent) were above the lead action level of 15 ppb.

We determined that 14 of these 22 water outlets (64 percent) were in working order and did not have effective controls to prevent the outlets' use for consumption including a water fountain inside the Middle/High School girls' locker room and a sink faucet in the concessions at the Civic Center (Figure 2).

FIGURE 2: Civic Center Concessions Sink Without Controls In Place to Prevent Consumption[a]

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

Neither the current Superintendent nor the Senior Maintenance Worker, who is responsible for Cycle Three testing, were aware that these 14 water outlets exceeded the lead action level, and therefore required remedial actions. Additionally, the Senior Maintenance Worker was unable to find documentation that the former Superintendent of Buildings and Grounds performed any remedial actions. Therefore, we determined that District officials did not perform any remedial actions to reduce the lead level for these 14 outlets which were still operable and accessible.

We made the current Superintendent and Senior Maintenance Worker aware that these water outlets should be removed from service until remediated according to DOH guidance. As of the conclusion of our fieldwork on April 4, 2025, officials had not addressed these outlets.

Had District officials developed detailed sampling and remedial action plans, District officials could have quickly reviewed the work performed by the former Superintendent of Buildings and Grounds and Coordinator and determined whether all water outlets were sampled, the controls implemented were still in place and effective, and that all outlets above the lead action level were properly remediated or secured.

Recommendations

District officials should:

1. 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.
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.
5. Keep accurate records of all remediation efforts, including actions taken and dates performed.

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

Neither District officials nor the contracted Jefferson-Lewis BOCES staff reported all laboratory test results, including the sampling results showing 22 water outlets were above the lead action level, to all required parties or within the required time periods. Specifically:

- The Coordinator, whose responsibilities included reporting results to the local health department, did not notify the local health department of the results exceeding the lead action level within one business day, as required. Although the Coordinator reported these results through HERDS one day later, test results exceeding the lead action level must be reported directly to the local health department within one business day.
- Current District officials did not believe, and could not provide us with documentation to show, that the former Superintendent notified staff, parents and/or guardians of the test results exceeding the lead action level in writing. Schools must notify staff, parents and guardians in writing within 10 business days.

- District officials did not post the test results of all potable water outlet sampling on the District's website, as required. Schools must post the results of all testing, including information about remedial actions taken, on their website within six weeks.

District officials, specifically those charged with overseeing the lead testing program, are responsible for ensuring accurate and timely reporting, even if a third-party vendor reports test results on the District's behalf. District officials did not develop procedures that identified all individuals involved in reporting the results of the lead testing program, and their roles and responsibilities. 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:

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

Appendix A: Profile, Criteria and Resources

Profile

The District serves the Town of Tupper Lake in Franklin County and the Towns of Colton and Piercefield in St. Lawrence County. The District's buildings (Elementary/District Office and Middle/High School) are located on campuses in the Village of Tupper Lake. The Tupper Lake Civic Center and Public Library are owned and maintained by the District and located within the Village of Tupper Lake.

The District is governed by the elected five-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. During our audit period there were two individuals who served as Superintendent: the former Superintendent who retired as of June 30, 2024 and the current Superintendent who started August 1, 2024.

For Cycle Two, the District utilized the services of Jefferson-Lewis BOCES to assist with its lead testing program. The BOCES Health & Safety Coordinator was responsible for sample collection, sending the samples to the lab, reporting results to the local health department, entering results into HERDS and providing the District with the results from the laboratories. The former Superintendent designated the former Superintendent of Buildings and Grounds, who retired as of November 30, 2024, as the person responsible for overseeing the Cycle Two lead testing program, including the oversight of the sampling and for creating and maintaining a remedial action plan.

The current Superintendent designated the Senior Maintenance Worker as the person responsible for coordinating and reporting all lead testing for Cycle Three. The Senior Maintenance Worker has not completed the sampling or testing for reporting Cycle Three as of the end of our audit fieldwork on April 4, 2025.

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?

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

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,
- 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

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

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.[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 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 That Were Not Sampled or Secured Against Use:
Hallways or Common Spaces	24	(4)	(3)	17
Bathroom	54	(27)	0	27
Elementary Classroom	39	(33)	(5)	1
Cafe/Kitchen/Food	43	(30)	(1)	12
Science or Art Room	54	(7)	(11)	36
Outside/Sports Areas	96	(4)	(29)	63
Totals	**310**	**(105)**	**(49)**	**156**

Appendix C: Response From District Officials

TUPPER LAKE CENTRAL SCHOOL DISTRICT

...Where excellence is no accident

Tupper Lake, NY 12986
www.tupperlakecsd.net

District Offices
294 Hosley Avenue
518-359-3371 ext. 1000
518-359-7862 (fax)

Middle/High School
25 Chaney Avenue
518-359-3322 ext. 2000
518-359-9636 (fax)

LP Quinn Elementary School
294 Hosley Avenue
518-359-2981 ext. 1004
518-359-3415 (fax)

July 21, 2025

Statewide Audits Unit,

We are writing this letter in response to the preliminary draft findings of our recent lead testing and reporting audit.

While we are not pleased with the findings of this preliminary draft report, we agree with the facts presented. There have been significant changes in Tupper Lake Central School District's leadership from the date range of Cycle Two (1/1/20-12/31/20). Cycle Two also took place during an unprecedented global pandemic.

Throughout the process of the field work of this audit, we have learned much about lead testing, reporting and needed remediation from the site-specific auditors and look forward to moving forward with quality practices and procedures.

Since the audit, Tupper Lake Central School District has completed the following:

(1) Conducted our Cycle Three initial water sampling
(2) Posted potable water signage throughout the school district
(3) Educated staff on potable water
(4) Educated students on potable water
(5) Engaged in active troubleshooting on areas of high lead with architect and construction managers
(6) Established consistent communication with our BOCES regional safety coordinator
(7) Posted lead testing results (cycle three) on the district webpage
(8) Communicated to parents on lead testing results (cycle three) and remediation efforts

We appreciate the collaboration that has resulted from this audit, and we look forward to future opportunities to solidify quality practices and procedures surrounding lead testing, reporting and remediation.

Your partner in education,

Jaycee Welsh
Superintendent of Schools

CC: J. Whitmore (Board of Education President) & S. Auclair (Senior Maintenance Worker)

Jaycee Welsh	**Elizabeth Littlefield**	**Christopher Savage**	**Trish Wickwire**	**Noelle Short**
Superintendent	Principal	Principal	Dir. of Special Programs	Dir. for School Business Operations
District Office	*LP Quinn Elementary School*	*Middle/High School*	*District-Wide*	*District Office*

Appendix D: 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 Jefferson-Lewis BOCES 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 Cycle Two 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 the District buildings 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 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 310 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 105 District-tested water outlets in Cycle Two, we identified 22 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 the former Superintendent of Buildings and Grounds' email receipts that he received the lab results, HERDS reporting, and uploads to the District's website as well as interviewing DOH and Franklin County Department of Public Health employees.

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.

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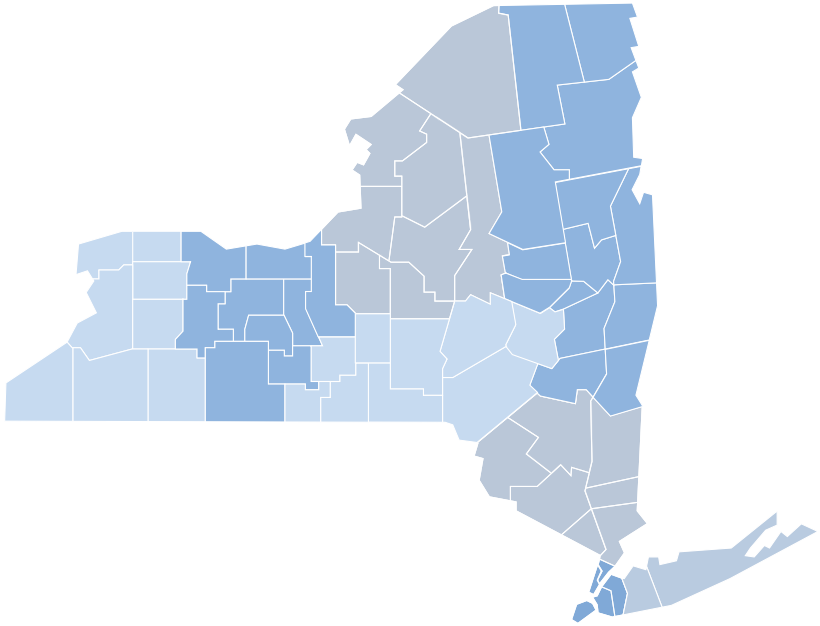

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