

York Central School District

Lead Testing and Reporting

S9-25-19 | July 2025

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Audit Results

York Central School District



Audit Objective

Audit Period

Did York 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 130 of the 223 (58 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 the water outlets would be secured against use and what remedial actions were planned or enacted. Because there is no information on the lead levels of the 130 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 74 water outlets the District sampled for Cycle Two testing, three water outlets exceeded the lead action level. We determined District Officials took appropriate remedial actions on the three outlets as a follow-up test of those water outlets showed lead levels were now below the lead action level.

District officials did not report any laboratory test results for Cycle Two, including the results showing three of the 74 water outlets were above the lead action level, to their local health department, to staff, parents and/or guardians, or through DOH's Health Electronic Response Data System (HERDS). In addition, District officials did not post the test results of their potable water outlet sampling on the District's website.

This final report includes seven 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. 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 October 17, 2020 for Cycle Two testing, collecting samples from 74 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 223 water outlets at select areas throughout the District to determine whether the District conducted required sampling of all water outlets for Cycle Two.⁵ Of the 223 outlets we identified, 61 water outlets were included in the 74 water outlets sampled by the District for Cycle Two, and another 32 water outlets we observed as properly secured against use. Therefore, we determined that 130 of the 223 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 D for detailed information on our selection criteria for the water outlets selected.

The Custodial Supervisor told us he was unaware sampling and remedial action plans were required and, because he oversaw the lead testing program, it would have been his responsibility to create them and perform remediation. Additionally, while the District contracted with a third-party vendor (Vendor) to identify and sample water outlets for testing, no one was overseeing or reviewing the Vendor's work.

Because District officials relied on the Custodial Supervisor to oversee the sampling and lead testing program without any supervision or review, and because the District did not have a sampling plan, District officials did not ensure the Vendor identified all water outlets required to be sampled for testing.

The District properly secured 32 water outlets against use by shutting off the outlets' water supply, signage (e.g., "Do Not Drink") combined with 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 130 unsampled or unsecured water outlets we identified were below the lead action level of 15 ppb.

For example, we observed bathroom sinks with hand washing water outlets (faucets) that were not sampled and without any controls (Figure 2). DOH guidance states that such faucets could be exempted from sampling by the District provided that the District lists the water outlets on the remedial action plan and puts appropriate controls in place (e.g., "Do Not Drink – Handwashing Only" or similar signage combined with continual education) reinforcing that the water outlets in bathrooms are not to be used for drinking or cooking.

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 74 water outlets that the District sampled and tested, three water outlets (4 percent) were above the lead action level of 15 ppb. The Custodial Supervisor told us the three water outlets were taken out of service, replaced and resampled for follow-up testing. We confirmed that follow-up sampling was done on January 13, 2021, with test results showing that the lead levels were now below the lead action level.

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

FIGURE 2: Bathroom Faucets Not Sampled and Without Controls^a



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

Recommendations

District officials should:

1. Develop sampling and remediation 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. Review all work related to the lead testing program for accuracy and completeness.
4. 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.

District officials did not report any laboratory test results for Cycle Two, including the results showing three of the 74 water outlets were above the lead action level, to all required parties or within the required time periods. Specifically:

- District officials did not notify the local health department or staff, parents, and guardians after receiving the results that three water outlets were above the lead action level, as required. For results exceeding the lead action level, schools must directly notify their local health department within one business day, and staff, parents and/or guardians in writing within 10 business days.
- District officials did not report any test results through HERDS, as required. Schools must report the results of all testing, regardless of whether the results exceeded the action level, through HERDS within 10 business days after results are received.
- District officials did not post the test results of all potable water outlet sampling on the District's website, as required. 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.

The Superintendent and the Custodial Supervisor told us they were unaware of the reporting and notification requirements, and as such had not assigned reporting duties to any officials for Cycle Two. 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:

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 Towns of Leicester and York in Livingston County, and the Town of Perry in Wyoming County. The District's school building (Elementary/Middle School/High School) is located in the Town of York.

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 Custodial Supervisor as the person responsible for the Cycle Two lead testing program, including creating the sampling and remedial action plans. The Vendor, contracted by the District, was responsible for sample collection, sending the samples to the laboratories for testing, and providing the District with the test results from the laboratories to District officials. No one at the District was designated with the responsibility to oversee the work of the Vendor, or with the responsibility for reporting the potable water testing results.

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),
- Classroom sinks,
- Food washing sinks,

⁶ <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.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:

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

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>

⁸ 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	27	(9)	0	18
Bathroom	46	0	0	46
Elementary Classroom	42	(35)	(3)	4
Cafe/Kitchen/Food	21	(12)	0	9
Science or Art Room	37	(3)	(20)	14
Outside/Sports Areas	50	(2)	(9)	39
Totals	223	(61)	(32)	130

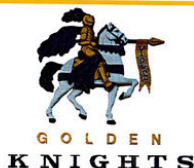
Appendix C: Response From District Officials

York Central School

David M. Furletti, *Superintendent*

Michael D. Bastian, *Interim School Business Administrator*

Aubrey L. Krenzer, *Director of Curriculum & Instruction*



Charles J. Passarelli, *Middle/High School Principal*

Heather M. Kent, *Elementary School Principal*

Megan C. Logsdon, *Committee on Special Education Chairperson*

July 8, 2025

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

Office of the State Comptroller,

On behalf of the York Central School District, thank you for the time and effort of your office in reviewing our compliance with New York State Public Health Law and Department of Health regulations regarding lead testing and reporting. We recognize the importance and value your diligence in conducting a thorough and objective audit.

The District concurs that the findings in the final report are fair and accurate. While not all of the potable water outlets were tested in the 2020 testing cycle, we have taken the concern seriously and have ensured that this does not occur again and either tested or correctly labeled. We have also taken steps to ensure that all results and remediation are reported and shared within the required time periods. Since the audit, we have reviewed our current processes and procedures; incorporating your recommendations and building a better more comprehensive plan. We ensured that the recommendations were followed for the current cycle of testing and will continue to be of the utmost importance going forward.

Sincerely,

David Furletti
Superintendent of Schools

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The York Central School District rises to the challenges and provides opportunities for empowerment, exploration, growth and success.

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 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 the Cycle Two testing cycle 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 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 223 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. We observed the controls present at each water outlet and whether they had been sampled for lead testing.

- For the 74 water outlets sampled for testing by the District in Cycle Two, we identified three 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 phone correspondence with Livingston County Department of Health.

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.

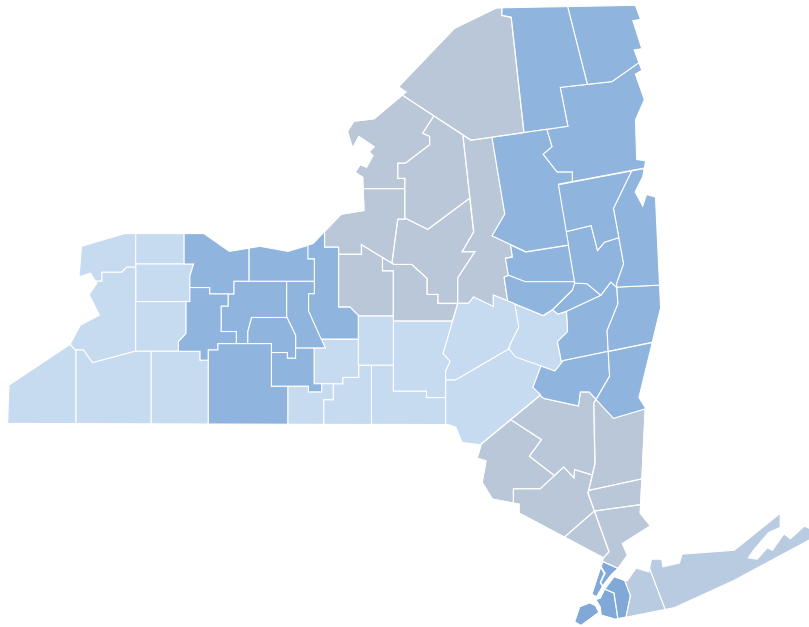
Unless otherwise indicated in this report, samples for testing were selected based on professional judgment, as it was not the intent to project the results onto the entire population. Where applicable, information is presented concerning the value and/or size of the relevant population and the sample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

Contact

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