



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

DEPUTY COMMISSIONER  
Office of Performance Improvement and Management Services  
O: 518.473-4706  
F: 518.474-5392

**RECEIVED**  
EXECUTIVE CORRESPONDENCE

March 14, 2018

MAR 19 2018

OFFICE OF THE STATE COMPTROLLER  
THOMAS P. DINAPOLI  
COMPTROLLER

Hon. Thomas P. DiNapoli  
New York State Comptroller  
110 State Street, 15<sup>th</sup> Floor  
Albany, NY 12236

Dear Comptroller DiNapoli:

In accordance with the provisions of Section 170 of the Executive Law, the following are actions that the State Education Department (Department) has taken, or will be taking, to implement the recommendations contained in the Office of the State Comptroller's (OSC) Final Audit Report (2016-S-74) Compliance with the Reimbursable Cost Manual: Birch Family Services, Inc. (Birch).

Recommendation 1: Review the recommended disallowances resulting from our audit and make the appropriate adjustments to Birch's CFRs and reimbursement rates, as warranted.

The Department is currently in the process of reviewing the Consolidated Fiscal Report (CFR) and OSC audit work papers and will make necessary adjustments and recover any overpayments as appropriate by recalculating tuition rates.

Recommendation 2: Work with Birch officials to help ensure their compliance with SED's reimbursement requirements.

The Department will continue to provide technical assistance whenever requested and will strongly recommend the Birch officials take advantage of our availability to help them better understand the standards for reimbursement as presented in Regulation and the Reimbursable Cost Manual (RCM). Furthermore, CFR training is available online on the Department's webpage. The Department recommends that all individuals signing the CFR certification statements, namely Executive Directors and Certified Public Accountants, complete this training. This training is a requirement for preschool special education providers upon approval and reapproval.

Furthermore, the Department will require Birch to identify the actions it has taken to cure and correct the deficiencies and/or violations identified in the audit. Birch's submission to the Department must be certified by its Chief Executive Officer, with an attestation from each director, officer, trustee, and shareholder, and must contain all relevant information describing how policies, procedures and practices have been revised to address the specific findings of the audit, and how systemic changes to the internal controls and financial oversight have been implemented.

Recommendation 3: Investigate the \$284,063 in compensation costs in the Other Matters section of this report and determine if a disallowance is warranted.

When establishing the tuition rate based on audit, SED will reclassify the expenses associated with the seven administrative positions as non-direct care expenses and calculate whether this reclassification results in a non-direct care cost screen of all or a portion of these expenses.

If you have any questions regarding this response, please contact Suzanne Bolling, Director of Special Education Fiscal Policy at 518-474-3227.

Yours truly,

A handwritten signature in blue ink that reads "Sharon Cates-Williams". The signature is fluid and cursive, with the first name "Sharon" being the most prominent.

Sharon Cates-Williams  
Deputy Commissioner

cc: Christopher Suriano  
Suzanne Bolling