



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

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December 8, 2020

Brian Krawiecki  
Audit Supervisor  
Office of the State Comptroller  
110 State Street, 11<sup>th</sup> Floor  
Albany, NY 12236

**Re: Audit Report 2019-S-13, Issued 06/10/2020**

Dear Mr. Krawiecki:

Thank you for the opportunity to respond to the Office of the State Comptroller's (OSC) above-referenced final audit report relating to Audit Report Number 2019-S-13 titled Oversight of Smart Schools Bond Act Funds. On behalf of the New York State Education Department (NYSED) and pursuant to Executive Law §170, I write to provide confirmatory information concerning NYSED's responses to OSC's two (2) recommendations detailed in the final audit report.

We generally agree with the audit findings. The time and degree of both the plan approval and claims processes has been significant at times, especially in the early years of the program. This was because of the need to ensure the accuracy and appropriateness of expenses. It was also related to the staff resources that were made available to complete the work that was required. As was noted in our initial agency comments, dated March 6, 2020, we have constantly strived to improve our processes throughout the program.

**Response to Recommendations:**

**OSC Recommendation (1): Re-evaluate the risk of not obtaining documentation to support district expenditures prior to reimbursement.**

NYSED Response: Limited staff resources within the Department for the Smart Schools Bond Act necessitated that those resources be used in the most highly efficient manner possible. This included the use of certain automated controls and the reliance upon certification of claims by school district superintendents. While NYSED performs detailed staff reviews of each request for reimbursement to confirm that it aligns with the project(s) and purposes contained in the associated approved plans, we rely upon school district superintendent certifications that the purchases for which reimbursement requests were submitted were made as reported. It is a long-standing requirement that school

district superintendents certify numerous essential reports submitted to NYSED. These include, but are not limited to, claims for State Aid, attendance reporting and Education Law §2053 attorney reporting. Smart Schools uses the same mechanism. Superintendents are aware that a false filing could result in the loss of their certification, upon which their employment is conditioned. As your review of Smart Schools expenditures demonstrated, the trust that is required of the superintendents has not been misplaced.

NYSED continues to review each claim for reimbursement in great detail and require school district superintendents to certify the accuracy and appropriateness of such claims.

**OSC Recommendation (2): Evaluate opportunities to streamline the application review process for both applicants and reviewers in an effort to shorten time to approval.**

NYSED Response: As was noted in our response, dated March 6, 2020, we want the review process to be quick, but we must also continue to fulfill our responsibility to the state's taxpayers to ensure that the reimbursement costs are bondable under the legislation.

As implementation issues have been resolved, SED has been able to reduce the amount of time from submission of plans to approval by the Smart Schools Review Board. Currently, staff can forward most plans (at least those which fully meet the program requirements and are consistent with the statute) to the Review Board in an average of 6-8 weeks after their submission to the Department. From that point, the time to full approval depends upon the timing of the Review Board's meetings. In 2020, depending on the timing of the submission relative to a Review Board meeting, plans have gotten through SED review and received Review Board approval in anywhere from 28 days to 6 months, both significantly less than during the period covered by the audit. We note that the timing of the meeting of the Review Board is determined by the Director of the Division of the Budget, who is the Chairman of the Review Board.

NYSED will continue to review each application as efficiently as possible, to ensure that it meets the requirements of the Smart Schools program. We share your desire to enable school districts to meet the needs identified by the legislature and Governor in their creation of the program. These needs have been starkly clear in recent months, as the COVID-19 pandemic has made the classroom devices supported by this program an essential component of instruction. We are proud that tens of thousands of students across the state were able to continue their education, even through closures, due to devices whose costs were supported by the Smart Schools Bond Act program. Our team has done excellent work – and we intend to carry on that work.

The Department appreciates this opportunity to provide a response to the final audit report. If you have any additional questions or need additional clarification, please contact Jay O'Connor at [James.OConnor@nysed.gov](mailto:James.OConnor@nysed.gov).

Yours truly,

A handwritten signature in black ink that reads "Sharon Cates-Williams". The script is cursive and fluid.

Sharon Cates-Williams

c: Christina Coughlin  
James O'Connor  
James Kampf