



Wayland-Cohocton Central School District

Lead Testing and Reporting

2024M-118 | January 2025

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Report Highlights

Wayland-Cohocton CSD

Audit Objective

Determine whether Wayland-Cohocton Central School District (District) officials identified, reported and implemented needed remediation to reduce lead exposure in potable water outlets.

Key Findings

District officials did not properly identify, report or implement needed remediation to reduce lead exposure in potable water outlets as required by New York State (NYS) Public Health Law and Department of Health (DOH) regulations.

District officials did not sample and test or properly exempt 140 of the 379 (37 percent) water outlets in the District because they did not have a sampling plan to identify all potential outlets for sampling. District officials also did not have a remedial action plan that detailed which outlets were exempt from sampling and how they would be secured, and what remedial actions were planned or enacted.

Because there is no information on the lead levels of the untested outlets, we were unable to determine whether officials identified and remediated all outlets that would have required it.

The District's initial testing results identifying 29 of 181 (16 percent) sampled water outlets with actionable lead levels were never reported to the local health department, and officials did not notify staff, parents and/or guardians of these results in writing, as required.

Further, the results were not reported to DOH until 240 days after the required deadline, subsequent testing after remediation efforts was not reported, and officials did not post the testing results on the District's website until 48 weeks past the required deadline.

Recommendations

Before this report was finalized, we wrote District officials urging them to develop controls and sampling and remediation plans to ensure compliance with NYS Public Health Law and DOH regulations. This final report includes five recommendations to that effect. A copy of our letter to District officials is included in Appendix A. District officials generally agreed with our recommendations and indicated they plan to initiate corrective action.

Audit Period

July 1, 2019 – May 31, 2024

Background

The District serves the Towns of Conesus, Sparta, and Springwater in Livingston County, the Towns of Canadice and Naples in Ontario County, and the Towns of Avoca, Cohocton, Dansville, Fremont, Prattsburgh and Wayland in Steuben County.

The District is governed by an elected seven-member Board of Education (Board). The Board is responsible for managing and controlling the District's financial and educational affairs.

The Superintendent of Schools (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 of Facilities (Director) as the person responsible to coordinate and report all lead testing.

Quick Facts

2023-24 K Through 12 Enrollment 1,364

For the Testing Period Ending December 31, 2020^a

Water Outlets Sampled by District in February 2020 181

Water Outlets Identified by Audit Team During Field Work 379

a) The DOH extended the testing period to June 30, 2021, due to the COVID-19 pandemic.

Lead Testing and Reporting

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

In accordance with NYS Public Health Law section 1110 and DOH regulations² all public school districts and Boards of Cooperative Educational Services (BOCES) (together "schools"), must test potable (i.e., consumable) water outlets³ for lead contamination and to take remedial action if the contamination exceeds the lead action level. 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.

How Should Officials Conduct Potable Water Sampling, Testing and Reporting for Lead Contamination?

To comply with DOH regulations, school officials should develop a sampling plan that properly addresses potable water sampling, testing and reporting for lead contamination.

Sampling and Testing – Officials should identify all outlets to be sampled, their location, and the order in which to collect samples. Outlets may be located anywhere on school property including external outlets. According to DOH guidance,⁴ the school's superintendent or their designee have the responsibility to identify which outlets meet the regulation requirements for sampling. For any outlets determined to fall outside the scope of the regulation (outlets not used or potentially used for drinking or cooking), the school must have a remedial action plan that includes details on how those outlets will not be accessed and/or used for drinking or cooking purposes. All sampled outlets must be sent to a laboratory certified by the DOH Environmental Laboratory Approval Program (ELAP). When results from sampling of any fixture exceed the lead action level, it must be immediately taken out of service until remediation is performed to reduce the lead levels to below the action level. See Appendix C for DOH's detailed step-by-step sampling and testing criteria.

Reporting – School officials must report their testing and remedial action through DOH's Health Electronic Response Data System (HERDS) reporting program, which reports the results of all potable water testing for lead contamination to local county health departments, DOH and NYSED. Additionally, if the school receives test results that show lead contamination exceeds the lead action level, school officials must report the exceedances to the local health department, and notify all school staff, parents, and guardians in writing. Finally, schools must post the results of all testing, including information about remedial actions taken, on their website. See Appendix C for DOH's detailed step-by-step reporting criteria.

1 Lead Exposure Symptoms and Complications – <https://www.cdc.gov/lead-prevention/symptoms-complications/index.html>

2 10 NYCRR subpart 67-4 – Lead Testing in School Drinking Water

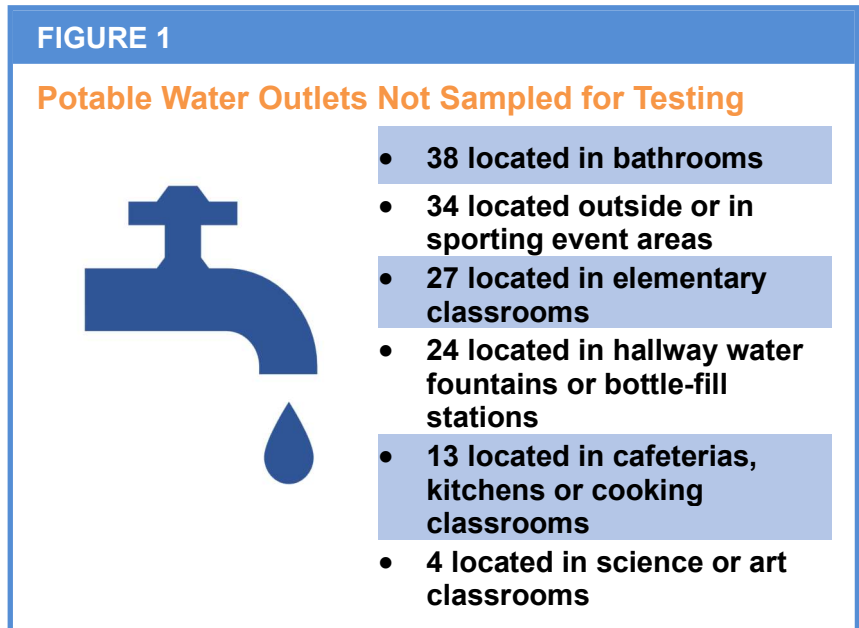
3 NYCRR subpart 67-4.2 (e) – Outlet means a potable water fixture currently or potentially used for drinking or cooking purposes, including but not limited to a bubbler, drinking fountain, or faucets.

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

Officials Did Not Ensure All Required Potable Water Outlets Were Tested for Lead Contamination

The Director conducted initial water sampling on February 19, 2020, collecting samples from 181 outlets, which were then tested at a certified ELAP laboratory. However, the District did not have a sampling plan that would identify all potential outlets for sampling or a remedial action plan that detailed which outlets were exempt from sampling and how they would be secured, and what remedial actions were planned or enacted.

Because the District did not have sampling or remedial action plans, we identified locations at the District with 379 outlets we considered to be high risk⁵ and compared them to samples taken by the District to determine whether the District conducted sampling of all outlets required to be tested. We determined 140 of the 379 (37 percent) water outlets were not sampled by the District or were not properly secured and were therefore not exempt and should have been tested (Figure 1).



Of the 181 outlets that were sampled by the District and tested, 29 outlets, or 16 percent, were above the lead action level.⁶ We confirmed that all 29 of these outlets were out of service or had follow-up sampling and testing done after remediation showing that the lead levels were now below the lead action level. However, because District officials did not identify all outlets to be sampled for testing, we were unable to determine whether the 140 additional outlets we identified were below the lead action level.

The Director told us he did not have sampling or remedial action plans because he relied on his memory and knowledge of the District's buildings and grounds to identify which outlets to test or designate as exempt and secure. However, relying on memory is not an effective way to ensure all outlets are tested.

⁵ See Appendix D - Audit Methodology and Standards for details on how we determined high risk areas and outlets.

⁶ We examined the testing period ending December 31, 2020, which had a lead action level of 15 parts per billion (ppb). As of December 22, 2022, schools are now required to test for lead in the water every three years beginning January 1, 2023, with the lead action level lowered to five ppb. Schools should be aware that 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 outlets that exceeded five ppb during the previous testing period.

For example, the outdoor areas were not sampled because samples were collected during the winter when the water at the outdoor areas was turned off. The Director forgot to sample them after the water was turned back on later in the year (Figure 2).

Additionally, the Director told us areas such as bathrooms and science classrooms were not tested because he posted signs stating the water was non-potable. However, we observed signs were not always present in those areas (Figure 3).

Furthermore, the DOH guidance is explicit that signs need to be combined with other controls, such as educating students and employees that the outlet is not to be used or establishing and enforcing rules to prevent the outlet's use, to be considered an effective long-term control.

The Director also told us that he had hired a contractor to perform the sampling. However, because the Director did not have detailed sampling and remedial action plans to guide the contractor, not all outlets were sampled as required and officials were unaware that outlets were missed. Had District officials developed sampling and remedial action plans, officials

could have quickly reviewed the work performed by the contractor and determined whether all outlets were sampled or exempt from sampling. After sharing the results of our audit work, the Director began working with the District's BOCES to help develop the District's sampling and remedial action plans.

FIGURE 2

Outdoor Water Outlets Not Sampled



Photos taken by OSC auditors with permission from District officials.

FIGURE 3

Non-Potable Water Sink Without Sign



Photo taken by OSC auditors with permission from District officials.

Officials Did Not Report the Results of the Lead Testing Properly or in the Required Time Periods

District officials did not report all laboratory results, including the initial sampling results showing 29 water outlets were above the lead action level, within the required time periods or to all required parties.

Specifically:

- District officials did not notify their local health department within one business day of receiving initial sampling results showing outlets were above lead action levels, as required. The District reported the results late through the HERDS reporting system, never directly to the local health department.
- District officials did not notify staff, parents and/or guardians in writing within 10 business days after the initial results were received or at all thereafter. Instead, the Superintendent had the results posted on the District's website. Although the DOH regulations separately required the District to post the results on their website, posting results on the website does not qualify as sufficient notification when notifying staff, parents and/or guardians, in part because the regulation allows a school up to six weeks to post the results. Furthermore, in this case the District did not post the laboratory results on the website until 48 weeks after they were required to, and 263 business days past the deadline for required written notification to staff, parents and/or guardians.
- The Director did not report the results of the initial sampling through the HERDS reporting system within 10 business days. Results were not reported until 240 business days⁷ after they were required to be, and subsequent results after remediation efforts were not reported.

We asked the Superintendent and the Director why all parties were not notified or notified within the required timeframes and they told us they were unfamiliar with the reporting requirements and the deadlines. The Director also told us that the COVID-19 pandemic shifted his focus to other priorities related to the District's closure, delaying some of his reporting. Additionally, the Superintendent and the Director told us that when the former Director of Business, Finance, and Facilities left employment with the District, his responsibilities in reporting lead testing results and how he completed them were not communicated to the remaining District staff.

Results were not reported properly to all required parties because District officials were not familiar with all of the testing and reporting requirements, and did not develop a sampling plan that properly addressed potable water sampling, testing and reporting for lead contamination. Developing clear procedures identifying all officials involved and what their roles and responsibilities are will lower the risk that the District will miss reporting deadlines during future testing periods.

⁷ Our calculation accounts for the pause in required testing instituted by DOH while schools were closed in response to the COVID-19 pandemic.

What Do We Recommend?

The Director should:

1. Develop sampling and remediation plans for all District water outlets that could be used for drinking and cooking.
2. Sample all outlets that could be used for drinking and cooking and properly secure any outlets designated as exempt.
3. Review all work performed by third parties for accuracy and completeness.

District officials should:

4. Develop procedures for all individuals involved in lead testing and their roles and responsibilities to meet the requirements.
5. Notify all required parties timely after lead testing results are received.

Appendix A: Our Letter to District Officials



THOMAS P. DINAPOLI
STATE COMPTROLLER

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OFFICE OF THE STATE COMPTROLLER
110 STATE STREET
ALBANY, NEW YORK 12236

ROBIN L. LOIS, CPA
DEPUTY COMPTROLLER
DIVISION OF LOCAL GOVERNMENT
AND SCHOOL ACCOUNTABILITY
Tel: (518) 474-4037 Fax: (518) 486-6479

November 6, 2024

Superintendent Eileen Feinman
Superintendent of Schools
Wayland-Cohocton Central School District
2350 Route 63 N
Wayland, NY 14572

Dear Superintendent Feinman:

We recently conducted an audit of the Wayland-Cohocton Central School District's (District) Lead Testing and Reporting processes in connection with the District's 2020 testing cycle. We met with District officials on August 15, 2024 to discuss all of our preliminary findings and recommendations, and you will receive these in a formal draft audit report to review soon.

We highlighted that District officials did not notify staff, parents or guardians in writing of the test results showing actionable lead levels in 29 water outlets and it is our understanding that District officials completed remediation of the 29 outlets that were found to have actionable lead levels. However, another 140 outlets were not tested or properly exempted.

While our draft audit report is being finalized, we write to urge District officials to develop controls and sampling and remediation plans to ensure compliance with Public Health Law §1110, 10 NYCRR subpart 67-4 and guidance from the New York State Department of Health (DOH), so that all outlets that require testing are tested and that notifications of the test results are made, as required.

Sincerely,

Dina M.L. Thompson, CPA
Chief of Municipal Audits
Statewide Audits Unit

cc: Dr. James V. McDonald, M.D., M.P.H., Commissioner, NYS DOH
Ms. Sara Madison, Coordinator, NYSED – Office of Facilities Planning
Ms. Darlene Smith, Public Health Director, Steuben County DOH

Appendix B: Response From District Officials

WAYLAND-COHOCTON CENTRAL SCHOOL

Jennifer A. Billotte High School Principal
Wendi L. Snyder Middle School Principal
Theresa A. Carhart Elementary School Principal
Cindy A. Flowers Director of Business, Finance & Facilities
Rebecca L. Wager Director of Curriculum & Instruction
Katherine A. Wolcott Director of Pupil Personnel & Special Services

January 3, 2025

Rich Rizzieri
President, Board of Education

Eileen M. Feinman Ed.D.
Superintendent

Superintendent's Office
213-4303

Business Office
728-2212

Bus Garage
728-2213

Counseling Office
728-2214

Curriculum & Instruction Office
728-2211

CSE/CPSE Office
728-9547

High School Office
728-2366

High School Nurse
728-2796

Middle School Office
728-2551

Middle School Nurse
728-3006

Elementary Office
728-3547

Elementary Nurse
728-2091

Prekindergarten Office
384-5234

To Whom It May Concern,

The Wayland-Cohocton Central School District appreciates the opportunity to review the Office of the State Comptroller (OSC) draft audit report and provide our response. We take the findings and recommendations outlined in the report seriously, as they highlight critical areas where we can enhance the safety and well-being of our students, staff, and community.

We acknowledge the audit findings, including the identification of deficiencies in our lead testing protocols, reporting, and communication practices. Specifically:

1. Sampling Plan Development:

- We recognize that the absence of a detailed sampling plan led to incomplete identification and testing of water outlets. Moving forward, we are committed to addressing this gap to ensure all potential drinking and cooking outlets are included in our testing protocols.

2. Remedial Action Plan:

- We agree with the recommendation to establish a comprehensive remedial action plan. Such a plan will detail actions for outlets exceeding the lead action level and ensure proper documentation and securing of exempt outlets.

3. Reporting and Communication:

- The audit highlights areas where our reporting and notification processes fell short. We acknowledge these delays and the need for timely communication with all stakeholders, including parents, staff, and regulatory agencies.

We would also like to provide additional context regarding the timeline and circumstances surrounding the audit findings. The OSC audited the collection of water sampling on February 19, 2020. By March 13, 2020, the school district was closed due to the COVID-19 pandemic. The pandemic forced the District to focus on the immediate health and safety of our students and staff, diverting attention away from the audit's findings. However, since the draft report, we have taken significant steps to address the identified issues. Specifically:

- The 29 outlets identified in the audit have been labeled as non-potable, remediated, and either retested to confirm compliance or removed from service.

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www.wccsk12.org

WAYLAND-COHOCTON CENTRAL SCHOOL

Jennifer A. Billotte High School Principal
Wendi L. Snyder Middle School Principal
Theresa A. Carhart Elementary School Principal
Cindy A. Flowers Director of Business, Finance & Facilities
Rebecca L. Wager Director of Curriculum & Instruction
Katherine A. Wolcott Director of Pupil Personnel & Special Services

- Since May 2021, the District has complied with all water sampling requirements and reported results to the Department of Health (DOH) and through the HERDS system. We have also adhered to all other notification requirements.

While we agree with the findings, we would like to note that certain challenges contributed to the deficiencies outlined in the report. For example, reliance on manual processes and memory in identifying outlets was a significant shortfall. Additionally, timing constraints and seasonal factors, such as outdoor water systems being turned off during testing periods, added complexity to the process.

We value the recommendations provided by the OSC and agree they will significantly enhance our compliance with New York State Public Health Law and Department of Health regulations. As we work to develop a formal Corrective Action Plan (CAP), we are actively taking steps to address the identified issues. These include:

- Collaborating with external experts to develop a detailed sampling and remedial action plan.
- Enhancing oversight of contractors to ensure thorough and accurate testing.
- Establishing clear procedures for timely reporting and stakeholder notification.

The Wayland-Cohocton Central School District is committed to ongoing improvement and transparency in our water safety practices. We appreciate the OSC's thorough review and recommendations and look forward to implementing meaningful changes to safeguard our community's health and safety.

Thank you for your attention to this matter. Please feel free to contact Cindy Flowers, Director of Business, Finance and Facilities for any additional information or clarification.

Sincerely,



Dr. Eileen Feinman

Superintendent of Schools

2350 Route 63, Wayland, NY 14572-9404
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Appendix C: DOH Potable Water Outlet Sampling, Testing and Reporting Criteria for Schools

To assist schools in their compliance with the regulations, the DOH developed the *Lead Testing in School Drinking Water Guidance Manual*.⁸ 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 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 station and drinking fountain (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.

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 prevents access but prevents the outlet from being used at all. If an outlet still needs to be used, the following are examples of controls that should be combined with each other to prevent use:

⁸ <https://www.health.ny.gov/environmental/water/drinking/lead/docs/leadtestinginschoolsguidancedocument.pdf>

-
- Using physical controls such as locks or requiring special tools that prevent physical access to the outlet,
 - Regularly informing students and staff which outlets are not to be used,
 - Placing signs that say “Do not Drink, Non-Potable Water” or similar.⁹ Signs should be placed directly by each outlet in an area.
 - 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 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.

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.¹⁰

After Any Testing is Done (Regardless if any 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. The school must post on their website the results of all their testing, including any remediation efforts performed or planned, within six weeks of receiving results.

9 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>

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

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 during the period that closed June 30, 2021.
- We reviewed all available documentation that the District had for sampling and testing during the 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 each building and the surrounding sport and event fields. Using this information, we selected a biased-judgmental sample of all 379 outlets in areas that we determined could have a high-risk of affecting individuals at the District based on the DOH guidance.¹¹ We observed the controls present at each outlet and whether they had been sampled for lead testing. We identified the following to be 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.
- For the 181 District tested outlets, we identified 29 samples with results that exceeded the lead action level and determined whether they were removed from service 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 Director's email receipts that he received the lab results, HERDS reporting, and uploads to the District's website as well as interviewing DOH and Steuben County Department of Health employees.

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,

¹¹ <https://www.health.ny.gov/environmental/water/drinking/lead/docs/leadtestinginschoolsguidancedocument.pdf>

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.

The 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 General Municipal Law, Section 2116-a (3)(c) of 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.

Appendix E: Resources and Services

Regional Office Directory

www.osc.ny.gov/files/local-government/pdf/regional-directory.pdf

Cost-Saving Ideas – Resources, advice and assistance on cost-saving ideas

www.osc.ny.gov/local-government/publications

Fiscal Stress Monitoring – Resources for local government officials experiencing fiscal problems

www.osc.ny.gov/local-government/fiscal-monitoring

Local Government Management Guides – Series of publications that include technical information and suggested practices for local government management

www.osc.ny.gov/local-government/publications

Planning and Budgeting Guides – Resources for developing multiyear financial, capital, strategic and other plans

www.osc.ny.gov/local-government/resources/planning-resources

Protecting Sensitive Data and Other Local Government Assets – A non-technical cybersecurity guide for local government leaders

www.osc.ny.gov/files/local-government/publications/pdf/cyber-security-guide.pdf

Required Reporting – Information and resources for reports and forms that are filed with the Office of the State Comptroller

www.osc.ny.gov/local-government/required-reporting

Research Reports/Publications – Reports on major policy issues facing local governments and State policy-makers

www.osc.ny.gov/local-government/publications

Training – Resources for local government officials on in-person and online training opportunities on a wide range of topics

www.osc.ny.gov/local-government/academy

Contact

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