

PERFORMANCE AUDIT STATUS UPDATE

Harrisburg City School District

Human Resources & IT Disaster Recovery Plan

April 2020



Commonwealth of Pennsylvania
Department of the Auditor General
Eugene A. DePasquale • Auditor General

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EUGENE A. DePASQUALE
AUDITOR GENERAL

April 8, 2020

Dr. Janet Samuels
Receiver
Harrisburg City School District
1601 State Street
Harrisburg, PA 17103

Mr. Chris Celmer
Acting Superintendent
Harrisburg City School District
1601 State Street
Harrisburg, PA 17103

Re: Status Update – Human Resources & IT Disaster Recovery Plan – Harrisburg City School District

Dear Dr. Samuels and Mr. Celmer:

This letter is to update you on the status of the Department of the Auditor General's performance audit of the Harrisburg City School District (District) pertaining to our review of the District's implementation of the Pennsylvania Department of Education's (PDE) recommendations related to its Human Resources Department and Information Technology Department. The audit covers the period from June 28, 2019, the date the PDE formally released its audit report of the District's finances and financial records, through the date of this letter and continuing until the end of our audit procedures. This audit is being conducted under the authority of Sections 402 and 403 of The Fiscal Code, 72 P.S. §§ 402 and 403. The audit is not being conducted in accordance with applicable generally accepted government auditing standards.

Our performance audit has two objectives, including to: (1) determine the effectiveness of the District's actions (by both the Board and Administration) in response to the results and recommendations of the PDE audit; and (2) determine whether the District complied with all of the provisions of the Sunshine Act, 65 Pa.C.S. § 701 *et seq.* This status update is **limited** to the **objective #1** of determining the effectiveness of the District's actions in response to the results and recommendations of the PDE audit from the beginning of the audit period through March 10, 2020.¹

¹ Please note that our department's Sunshine Act Update was issued in November 2019.

We found that although the District promptly implemented corrective actions in response to the PDE recommendations, it still must strengthen its policies and procedures in the Human Resources Department to ensure: (1) district employees are cleared, certified, and qualified for their positions in accordance with the PSC and other applicable laws and regulations, and (2) employee personnel files contain the requisite documentation to provide evidence of the District's compliance with relevant laws, regulations, and policies. We provide eight recommendations to the District, which, if implemented, will help improve the internal accounting control environment in its Human Resources Department.

The District is generally in agreement with nearly all of our recommendations related to the Human Resources Department. It did not, however, entirely agree with our recommendation No. 4, which recommends the maintenance of written justification from the District's HR department and/or legal counsel in the personnel file for any applicant/employee with one or more convictions on a background clearance concluding on whether the applicant/employee should be retained. See the District's management response on page 14 and our conclusion to the management response on page 17 of this report.

We also found the District adopted an IT Disaster Recovery Plan as recommended by the PDE.

In closing, I want to thank the District for its ongoing cooperation and assistance during the audit.

Sincerely,



Eugene A. DePasquale
Auditor General

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**Harrisburg City School District
Human Resources & IT Disaster Recovery Plan**

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Background

This status update pertains to our audit objective for determining the effectiveness of the District's actions in response to the results and recommendations of the Pennsylvania Department of Education's (PDE) audit of the Harrisburg School District (District), issued June 28, 2019.² The PDE audit report contained six findings and seven recommendations for the Human Resources Department (HR department). We recognize that the new administration, hired by the receiver during the summer of 2019, inherited an HR department that was in disarray. Early interviews with District management revealed that of the approximate 900 district employees, about 40 personnel files were missing altogether. Many more lacked the required documentation to determine whether employees were qualified and/or currently cleared to work at the District.

Because of the deficient condition of employee personnel files at the start of the 2019-2020 school year, District management stated that it focused on performing a review of background clearances and certifications for the District's existing employees. To ensure that each employee was cleared, certified, and qualified, the District planned to obtain other personnel file documentation, such as transcripts, applications, contact information, etc., after first ensuring all employees were properly cleared and, when applicable, certified for their job positions.

Before the start of the 2019-2020 school year, District management, after endeavoring to obtain and review existing employees' background clearances, also found employees who were not cleared to work in schools based on the criminal convictions presented on their clearances. It also found employees who were not certified for their positions. Consequently, a significant number of terminations, retirements, and resignations occurred between August and November 2019. This in turn led to a significant number of employees being hired by the new administration in the early months of the school year.³

Administration officials stated that new hires' personnel files contained a New Hire Checklist, implemented by the new HR director, to improve accountability for documents maintained in personnel files. The administration has also taken other corrective actions, including hiring new staff in the HR department. Other corrective actions will be discussed in the following sections along with results and recommendations.

Another area in the HR department that we reviewed involved separated employees' removal from insurance rosters. According to the PDE's June 2019 audit report, 82 former employees had improperly remained on the District's insurance rosters after separation from the District. The

² As noted in our cover letter, this update focuses on audit Objective #1, while our department's Sunshine Act Update relating to audit Objective #2 was issued in November 2019.

³ Based on our review of the board meeting minutes from August through November 2019, 73 employees resigned, retired, or were terminated during that time period. Additionally, according to HR department records, the District hired 84 employees between July 1, 2019, and November 18, 2019.

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PDE audit recommended that the District review its health insurance rosters on a monthly basis to confirm separated employees are removed timely from its insurance rosters.

The results and recommendations from our review of the HR department's corrective actions are divided into the following areas by employee type:

- **New Hires** – those employees hired after the new administration was put in place by the receiver in July 2019.
- **Existing Employees** – individuals employed during the audit review period who were hired prior to the start of the 2019-2020 school year.
- **Separated Employees** – employees who separated from employment with the District.

In addition to the HR department review, we also briefly discuss in a later section a corrective action taken by the district to address a recommendation made in the PDE audit report regarding the IT department's disaster recovery plan.

Results and Recommendations – New Hires

According to the District's payroll records, from July 1 through November 18, 2019, the District hired 84 employees, referred to hereafter as new hires. We reviewed 22 of the 84 personnel files to determine whether the following existed:⁴

- Each file contained a completed checklist of documents to be included in personnel files as recommended in the PDE audit report.
- Each file contained documentation that agreed with what was accounted for on the checklist.
- Each file contained evidence that all required background clearances and disclosure forms were obtained and reviewed prior to hiring in accordance with the Public School Code (PSC).
- Files of those new hires whose positions required them to be certified in accordance with the PSC contained the appropriate certifications, indicating the District conducted its due diligence to review certifications.

⁴ We reviewed a random selection of 9 of 84 employees hired between July 1, 2019 and November 18, 2019, referred to as new hires. We also selected the 13 most recent new hires.

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The following sections address the results of our review of new hire personnel files and corresponding recommendations.

Personnel Files

While the District has established a checklist to improve accountability of records maintained in the personnel files, including background clearances and certifications, it should refine its procedures and the checklist to improve the documentation process and reduce the risk of hiring prohibited or unqualified individuals.

In personnel files maintained for employees hired since the start of the 2019-2020 school year, the District maintains a checklist of documents, called a New Hire Checklist. The checklist serves as an important accountability control to provide confirmation that District verified employees are cleared and qualified for their positions.⁵ We reviewed the New Hire Checklist and found that it appropriately listed all the required clearances and medical forms among its required documentation for personnel files pursuant to PDE's audit recommendation.

To determine if the District was appropriately utilizing the New Hire Checklist, we reviewed 22 new hires' personnel files and found the following:

- 19 files contained the New Hire Checklist, and the checklist accurately accounted for the documents maintained in or missing from the files.
- 3 files did not contain the checklist: 2 employees who were hired on August 19, 2019 and 1 employee hired on October 21, 2019.

In response to these results, District management emphasized that in the early months of the 2019-2020 school year, while it was implementing new accountability controls such as the New Hire Checklist to improve the completeness of personnel files, the District was also experiencing significant transition and turnover. For instance, at the same time the District, through the work of its HR department, was reviewing employee personnel files and terminating employees who did not provide required clearances and certifications, the District was also hiring new appropriately qualified and cleared employees. During this period, District management asserts that the HR Director was closely monitoring all new hires to verify that they were properly cleared and qualified.

⁵ In addition to PSC-required clearances, the checklist requires disclosure and certification documents, the PDE audit report recommended for inclusion in personnel files, other documents including an application, transcripts, policy acknowledgment form, address/contact form, United States Citizenship and Immigration Services (USCIS) Form I-9, New Hire Recommendation form, Internal Revenue Service (IRS) Form W-4, Emergency Contact form etc.

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Although we found that the New Hire Checklist contained all the necessary personnel documents, we believe that the design of the checklist itself requires improvement and should include the following:

- The name of the employee to whom the checklist and corresponding personnel file pertains.
- Areas for HR staff initials and dates indicating who put the respective documentation into the file and when.
- Lines for the HR director's signature and date indicating review and approval for completeness of required documents for hiring. The checklist could possibly be divided into those documents required *prior* to hiring, those that can be acquired after hiring, and those requiring periodic updates.⁶

The following sections discuss other findings from our review of personnel files of 22 new hires. These sections address documentation related to legally mandated requirements of school districts.

Missing Tuberculosis Test Documentation

Seven of the 22 new hires whose personnel files we reviewed were missing documentary evidence of the PSC-mandated tuberculosis test.

We asked management why 7 of the 22 new hires were missing tuberculosis (TB) test records in their files. District management explained that district policy does not require employees to submit a TB test *prior* to receiving an offer of employment. The District allows employees the opportunity to obtain their physical and TB tests once their health insurance benefits begin. As of February 6, 2020, however, only two of the seven new hires who had not obtained the test did so since our December 18, 2019 inquiry, four still had not provided any TB test documentation, and one was no longer employed by the District.

While District policy may not explicitly require the TB test to be completed prior to hiring, the PSC and the Pennsylvania Department of Health's (DOH) website direct that the TB test should be conducted *prior* to an individual working in a school district. The PSC provides for the following related requirements:

All teachers, janitors, cooks and other cafeteria help and all others employed at schools shall be required to take a **pre-employment** medical examination, the results of which shall be recorded on forms prescribed by the Secretary of Health and shall be made available to the employing authorities Each teacher, any

⁶ Certain documents, such as state and federal background clearances, prior employment and arrest disclosure forms, certifications, and tuberculosis (TB) test forms are required by the PSC, as well as other related laws to be obtained and reviewed *prior* to hiring.

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other school employe[e] and any person providing services for school children under contract shall be given tests for tuberculosis in accordance with rules and regulations adopted by the Advisory Health Board....⁷ [Emphasis added].

The DOH website more explicitly requires the TB test to be conducted prior to hiring by stating, “[t]he Pennsylvania Public School Code, Section 1418(b) requires that school personnel be tested for TB . . . ‘prior to working for the school.’”⁸ By not requiring the TB test to be obtained and reviewed prior to hiring, the District failed to comply with the PSC and the requirements of the DOH and, therefore, could increase the risk of TB exposure to students and other members of the district community. The District should revise not only its procedures but also its board policy to bring the District into compliance with pre-employment TB test legal mandates.

Background Clearances

Although the District took corrective actions to ensure new hires were properly cleared, we found no evidence in personnel files documenting that the District conducted a required review of clearances and other disclosure reports.

We reviewed the personnel files for 22 new hires to determine whether the required background clearances were conducted and that the disclosure forms were provided, including the following:

- PA Child Abuse History Clearance⁹
- Pennsylvania State Police (PSP) Criminal Background Clearance¹⁰
- FBI Criminal Background Clearance¹¹
- PDE Arrest/Conviction Form (Act 24 of 2011 & Act 82 of 2012)¹²
- Sexual Misconduct/Abuse Disclosure Release (Act 168 of 2014)¹³

⁷ 24 P.S. § 14-1418(a)-(b). Although one of the other provisions (Subsection (d)) of PSC Section 1418 was amended by Acts 104 and 123 of 2010, Subsection (a) has never been amended since Section 1418 was enacted by Act 404 of 1957 and Subsection (b) has never been amended since Act 47 of 1971.

⁸ <https://www.health.pa.gov/topics/school/Pages/Tuberculosis.aspx> (accessed January 13, 2020).

⁹ 23 Pa.C.S. § 6344(a.1)(1) and (c)(1).

¹⁰ 24 P.S. § 1-111(b).

¹¹ 24 P.S. § 1-111(c.1).

¹² Act 24 of 2011 and Act 82 of 2012 amended the PSC to require all prospective employees to complete an Arrest/Conviction Form, also known as the PDE-6004 form, indicating whether or not they have been convicted of a disqualifying offense. See 24 P.S. § 1-111(e) or (f.1) lists the reportable offenses.

<https://www.education.pa.gov/Documents/Teachers-Administrators/Background%20Checks/Arrest%20or%20Conviction%20form.pdf> (accessed March 3, 2020).

¹³ 24 P.S. § 1-111.1 (relating to Employment History Review). Please note that this section was recently amended by Act 76 of 2019, effective December 31, 2019, which only changed the reference to “vocational technical” school to “career and technical” school.

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The first three forms listed above are clearances initiated by the applicant but completed by the applicable state or federal agency. The last two forms listed above are legally mandated disclosure forms required to be completed or initiated by an applicant *prior* to hiring. All are discussed further in this section. Based on our review of the 22 personnel files, we found the following:

- All 22 files contained the required PA Child Abuse History Clearance, PSP Clearance, the FBI Clearance, and the Acts 24 & 82 form.
- A total of 20 were missing the required Act 168 form.
- None of the 22 files contained any documentary evidence showing whether the HR department or the District's legal counsel reviewed the clearances to determine whether the applicant's records were considered to be cleared or whether or not any convictions were disqualifying.¹⁴

Failure to Comply with Act 168

Act 168 of 2014 added a provision to the PSC to require all prospective school district employees to complete a Sexual Misconduct/Abuse Disclosure Release form *prior* to receiving an offer of employment.¹⁵ According to the PDE:

As of December 22, 2014, a school entity or an independent contractor (collectively referred to herein as "hiring entity") may not hire any applicant for a position in which the employee will have direct contact with children until the school entity has complied with the employment history review process delineated in Act 168. See (24 P.S. § 1-111.1).¹⁶

Further, PDE requires each applicant to fill out a separate Sexual Misconduct/Abuse Disclosure Release form for each employer that falls within three specific categories of current and former employers, including school entities and positions where the applicant had direct contact with children. The applicant is required to respond affirmatively or negatively to an array of questions about whether or not he or she, at previous employers, was the subject of an abuse or sexual misconduct investigation, resigned, or was terminated for such abuse or misconduct.

¹⁴ The PSC Section 111(c.1), (c.3), and (c.4) place certain duties on administrators with regard to background clearances. Subsection (c.1) provides for duties applicable to prospective employees. Further, Subsections (c.3) and (c.4) provide for similarly worded language with regard to current employees: "[t]he administrator shall review the reports and determine if the reports disclose information that may require further action. The administrator shall maintain a copy of the required reports." Finally, Subsections (c.3) and (c.4) provide that administrators shall require employees to submit PSP and FBI Criminal Background clearances every 60 months. See 24 P.S. § 1-111(c.3)-(c.4).

¹⁵ 24 P.S. § 1-111.1(b).

¹⁶ The PDE website addresses Act 168 of 2014 procedures and forms. <https://www.education.pa.gov/Policy-Funding/BECS/Purdons/Pages/Act168ProceduresForms.aspx> (accessed February 4, 2020).

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Of the 22 personnel files for new hires, only 2 had the requisite Act 168 disclosure forms on file. Management allowed us to observe the Act 168 disclosure forms online for 16 of the 20 new hires whose forms were missing from their respective personnel files. As a result, we found that 15 of the 16 forms had a “created” date *after* the employee’s hire date, and 9 of the 15 were created *after* Department auditors inquired about the missing forms. Therefore, management could not provide any documentary evidence that it had complied with Act 168 for the 16 employees whose forms were missing even though we were able to confirm the process was initiated *after* hiring.

In addition, management stated that three of the four remaining employees who were missing forms were no longer employed by the District and acknowledged the Act 168 process had not been initiated for these three employees. Finally, the District stated that the final new hire who was missing an Act 168 form was a long-term substitute originally hired by the previous administration; therefore, the Act 168 disclosure process should have been completed by the prior administration, but it was not. Management should have ensured the documentation for this new full-time employee, despite being hired by the prior administration as a substitute, was on file *prior* to hiring the individual as a permanent employee.

Act 168 disclosure is not only required by law but also has the potential to bring to light issues that may not be found on background clearances, such as pending investigations or inappropriate behaviors that may have occurred while the applicant was employed at other organizations. According to the PSC, school districts must review the information provided on Act 168 forms and can use this information to evaluate an applicant’s fitness for hiring.¹⁷

Management acknowledged that Act 168 compliance will be a priority for the HR department moving forward. The HR department has recently obtained approval from the receiver to hire more staff to assist with all hiring compliance requirements and other HR duties.

Lack of Evidence of Required Review of Clearances

According to District management, if a prospective employee has a conviction on a background clearance, the matter may be referred to legal counsel and a determination is made by counsel prior to hiring. District management attested that legal counsel’s determination or “justification” for hiring the employee is maintained alongside the background clearance in the personnel file. We found no evidence, however, of any review of clearances in the personnel files or any documentation for justification of hiring employees with convictions on their records. Two of the 22 new hires had convictions on their records and district officials did not provide an explanation for the lack of justification in those files.

Section 111 of the PSC addresses criminal history review requirements of employees and prospective employees of school districts. It specifically requires school districts to review

¹⁷ 24 P.S. § 111.1.

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clearances when it states, “[t]he administrator shall review the reports and determine if the reports disclose information that may require further action and shall maintain a copy of the required reports.”¹⁸ In other words, obtaining clearances is not enough. The District should review them and document its review to provide evidence of compliance with the PSC.

We therefore asked our own Office of Chief Counsel (OCC) to review the convictions reported on the two employees’ background clearances. Based on OCC’s close review, both clearances had no convictions enumerated by the PSC as disqualifying.¹⁹ The District, however, should have conducted such a review itself and documented its own legal counsel’s justification for hiring these employees in the personnel files. Without the justification in the file, there is no evidence that the background clearance was reviewed by the HR department and the District’s legal counsel. If the District is not reviewing background clearances and disclosure forms, then it may be at risk of hiring or retaining prohibited persons and putting its students and others at risk of harm.

Certifications

Of the 22 new hires reviewed whose job position required them to be certified, all had the required certification in the personnel file without exception.

Of the 22 new hires whose personnel files we reviewed, 13 required certification to work in their respective job positions. We found all 13 had the required certification in their personnel files without exception.

Conclusion

Overall, the District has taken a number of corrective actions to improve its internal controls governing clearances, certifications, and other records required to be obtained and reviewed *prior* to hiring. The District has also demonstrated, however, that more work must be done to ensure all district employees are properly cleared and qualified to work in the District and all personnel files are complete. The District should not only update its hiring policies and other relevant employment policies, but also adopt standard written procedures for its HR department to follow so that the District can comply with its policies, the PSC, and other laws. These policies and procedures should integrate documented routine review procedures and reporting to senior administration officials and the Board.

¹⁸ Please see 24 P.S. § 1-111(c.1) and *see* similarly worded language in 24 P.S. § 1-111(c.3)-(c.4).

¹⁹ 24 P.S. § 1-111(e) and (f.1).

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Recommendations

The Department of the Auditor General recommends that the Harrisburg School District implement the following recommendations:

1. At a minimum, the New Hire Checklist should be revised to include the following:
 - a. The name of the employee to whom the checklist refers.
 - b. Attestation, including initials and date, by the HR staff responsible for ensuring completion of all documentation required *prior* to hiring.
 - c. Attestation, including initials and date, by HR staff as documentation is updated.
 - d. Attestation by the HR director indicating evidence of periodic review of files.
2. Update relevant employment and hiring policies to require all prospective employees to complete a TB Test Form *prior* to hiring and in accordance with the PSC. The procedures developed to support this policy should include required and documented review by the HR department.
3. Develop standard written procedures establishing the legally-mandated documents required to be obtained *and* reviewed by the District *prior* to hiring to ensure compliance with all relevant laws governing clearances and qualifications. These procedures should include documentation of when documents were obtained and who reviewed them, including legal counsel review of clearances, when applicable. These procedures should also define what types of convictions should be referred to counsel for review.
4. Maintain in the personnel file for any applicant/employee with one or more convictions on a background clearance a written justification from the District's HR department and/or legal counsel concluding on whether the applicant/employee should be retained.
5. Update all HR policies to require compliance with all relevant laws and best practices.

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Results and Recommendations – Existing Employees

Background Clearances & Certifications

Although 9 personnel files for existing employees were initially missing either clearance or certification documents, all 60 employees reviewed had valid clearances and the 30 requiring certification had valid certifications.

As stated previously, the District made a concerted effort before the start of the 2019-2020 school year to ensure that all of its approximately 900 employees were qualified and cleared. For those existing employees as of July 1, 2019, the District established a priority to obtain the following documentation:

- PA Child Abuse History Clearance
- Pennsylvania State Police (PSP) Criminal Background Clearance
- FBI Criminal Background Clearance
- Certifications, if applicable

We reviewed a random selection of 60 of the existing employees' personnel files to determine whether the clearances and certifications were obtained. We found the following:

- All 60 personnel files contained a valid PA child abuse clearance and PSP clearance without exception.
- Two of the 60 personnel files were missing the FBI clearance; however, after we inquired about them, the HR department was readily able to provide a valid, previously conducted background clearance for each of these two employees.
- Of the 60 employees, 30 required certifications for their job positions. Of the 30 requiring certification, 23 of the files contained the required certifications, 6 were missing and 1 contained a certification for a different position. After we inquired, however, the HR department provided the 7 certifications. Therefore, all 30 employees requiring certification were actually properly certified.

We also asked District management whether it obtained or verified the existence of the required Acts 24/82 and Act 168 disclosure forms and the TB test documentation for its existing employees. Management stated that because of time constraints and the poor condition of the personnel files, it did not include those required documents as part of its initial efforts to obtain clearances and certifications.

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Conclusion

While the District obtained valid background clearances and certifications for its existing employees, it still must improve its recordkeeping procedures to ensure personnel files include valid clearances and certifications. It should also have made a concerted effort to obtain the required child abuse and criminal disclosure forms as well as TB test documentation for all existing employees.

Recommendations

The Department of the Auditor General recommends that the Harrisburg School District do the following to ensure all employees are certified for their positions:

6. Perform a review of *all* current employee personnel files for all required clearances and disclosures, including Acts 24/82 and Act 168 disclosure forms, as well as TB test documentation. Management should report to the receiver/Board on the status of compliance with the PSC as it relates to clearances, disclosures, and TB test documentation *before* the start of the 2020-2021 school year.
7. Perform a review of *all* personnel files for employees requiring certification *before* the start of the 2020-2021 school year and determine whether certifications match job positions and classroom assignments. The results of this review should be reported to the receiver.
8. Develop standard written procedures for tracking employee certifications to ensure that all employees' certifications, including temporary certifications, remain current and relevant to respective job positions.

Results and Recommendations – Separated Employees

Removal from Insurance Rosters

The District took prompt corrective actions to ensure separated employees were timely removed from insurance rosters.

According to the PDE audit, 82 former employees had improperly remained on the District's insurance rosters after separation from the District. The PDE audit recommended that the District review its health insurance rosters on a monthly basis to ensure separated employees are removed timely from insurance rosters. The District's new management team promptly discovered that the District's insurance broker did not provide itemized benefits statements each month. Without itemized statements, the District was unable to readily verify exactly who was receiving benefits.

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We reviewed a random selection of 9 of the 82 separated employees identified by the PDE audit report and verified that 8 of them had been removed from insurance rosters shortly after the new administration assumed management of the District. Management also provided documentation demonstrating that the 9th employee had not been enrolled in any insurance programs in the first place.

We also reviewed a random selection of 12 employees from the 73 employees who separated from the District between July 1, 2019, and November 18, 2019. We obtained documentation indicating that all 12 separated employees were timely removed from insurance rosters.

Additionally, in order to obtain necessary itemized benefits statements, the District in October 2019 solicited proposals from eight insurance brokers that it considered to be reputable and, in late January 2020, hired a new insurance broker. This corrective action, along with the appointment of a Benefits Coordinator, should also help the District to monitor benefits and timely remove separated employees.

Results – Information Technology

Technology Disaster Recovery Plan

As recommended by PDE, the District developed and implemented a formal, written Technology Disaster Recovery Plan (TDRP) that would provide for the restoration of the District's technology in the event of a disaster.

The PDE audit report recommended the District's Information Technology Department develop and implement a formal, written Disaster Recovery Plan. It noted that while the District has developed and implemented a digital off-site solution in case of a disaster, it lacked a written plan containing specific directions and procedures that would provide for the restoration of the District's technology infrastructure.

At the January 21, 2020 board meeting, the receiver approved a formal, written Technology Disaster Recovery Plan (TDRP). Prior to the implementation of this plan, the District did not have a formal Disaster Recovery Plan. The TDRP provides the District's procedures for technology disaster recovery as well as "process-level plans for recovering critical technology platforms and telecommunications infrastructure." The TDRP defines what events constitute a disaster as well as what events can result in a disaster, requiring the document to be activated.

The TDRP names a Disaster Management Team responsible for overseeing the entire TDRP process and is the first team required to take action in the event of a disaster. This section provides contact information for these individuals as well as a "notification calling tree" for the individual reporting the incident.

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The Plan Overview section lays out specific sections of the plan, including plan updating, plan documentation storage, backup strategy, and risk management. The Emergency Response section of the plan identifies key trigger issues that would activate the TDRP, assembly points, and the role of the Emergency Response Team. The plan further identifies the plan for coordination with first responders as well as communication with the media. Finally, the TDRP provides that it will be updated annually or any time a major system upgrade or update is performed. In addition, the TDRP states that it will be tested annually through (1) TDRP rehearsal, (2) failover testing, and (3) live failover testing.

Based on our review of the District's TDRP, we have determined that the District has developed and implemented, as recommended by PDE, a formal written Disaster Recovery Plan that provides specific directions and procedures for the restoration of the District's technology infrastructure in the event of a disaster.

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Management Response and Auditor's Conclusion

We provided copies of our draft status update to the Harrisburg City School District (District) for its review. On the pages that follow, we included the District's response in its entirety. Following the District's response is our auditor's conclusion.

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Management Response from the Harrisburg City School District

April 1, 2020

Mr. Eugene A. DePasquale, Auditor General
Commonwealth of Pennsylvania
615 North Street, Room 229
Harrisburg, PA 17101

Dear Mr. DePasquale:

It has been a pleasure meeting with the staff of the Auditor General's Office. While we are always striving to do our best and appreciate the recommendations as reported, please find my responses below regarding the Confidential Draft of the Performance Audit Status Update for the Harrisburg School District, Human Resources Department.

Upon commencing employment at the Harrisburg School District on 7/15/20, Ms. Lori Lillis was tasked with responding to the results and recommendations of the Pennsylvania Department of Education's (PDE) audit of the Harrisburg School District, issued on June 28, 2019. This report contained six findings and seven recommendations for the Human Resources Department.

Among the findings included incomplete or missing Act 34, Act 151 and Act 114 clearances and the lack of certification information for some professional staff. While busy hiring and onboarding new employees for the very first day of school, within a few days of arrival to Harrisburg, Ms. Lillis discovered some of the staff were not trained for many of the responsibilities expected of those employed in a school district Human Resources Office. For example, volunteer clearances were accepted for employment purposes, clearances that could be obtained from the internet for \$24.99 were accepted, and CSPGs were not necessarily followed for teaching assignments.

Ms. Lillis shifted her focus to the most basic of school district HR needs; that of correcting the clearances and certification practices within the District. There were approximately 30 employees who could not begin work on the first student day due to not having produced all clearances, and additional staff whose clearances rendered them unable to work in a public school district in Pennsylvania were processed as terminations. Similarly, we had a number of 'teachers' lacking the appropriate certification, and those individuals were offered non-certificated positions within the district, hence creating more teacher vacancies in the few weeks/days prior to the start of school.

The district worked diligently to improve many HR practices, including the use of an expanded New Hire Onboarding Checklist.

The Checklist evolved two times over the course of the Fall 2019 as we refined some of our practices, and is an internal/in-file document that will continue to change as needed in the future. The recommendations from the Audit include:

- The name of the employee to whom the checklist pertains;
- Areas for HR staff initials and dates indicating who put the respective documentation in the file and when; and

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- Lines for the HR Director's signature and date indicating review and approval for completeness of required document for hiring.

These recommendations have been added to the Checklist and future Onboarding process.

Tuberculosis Test Documentation is another area highlighted in the Audit. The District will immediately cease the Harrisburg School District past practice and commence with requiring staff to provide evidence of Tuberculosis Test Documentation. Past practice at Harrisburg SD - as well as many other districts throughout the state - allows new employees to commence employment and provide the documentation of the TB test at a later date as it is sometimes difficult to schedule a physical/TB test within a few days/weeks and/or prior to qualifying for medical benefits.

Although the Audit noted the District's corrective actions to ensure new hires were properly cleared through the Act 34, Act 151, and 114 clearances, a statement finding 'no evidence in personnel files documenting the District conducted a required review of clearances and other disclosure reports' must be addressed. Where questions of clearance qualification to be employed in a public school in Pennsylvania arose, in addition to viewing State Code on same, the District's solicitor was consulted. Those justifications/communications are contained in a separate HR file, not in the employee's personnel file, for confidentiality purposes.

The District's has been transitioning to an on-line system for ACT 168 checks. We continue to refine our Onboarding practice, and we added an experienced HR Generalist, commencing employment on 8/16/20, which will improve the process moving forward.

And finally, the recommended updated policies will be included for adoption by the Receiver at the April 2020 meeting.

Respectfully Submitted,

Chris Celmer

Chris Celmer
Acting Superintendent
Harrisburg School District

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Auditor's Conclusion to the Harrisburg City School District's Response

We appreciate the District's agreement to implement nearly all of our recommendations. With regard to management's response to recommendation No. 4, however, we are concerned about the District's claim that it maintains the legal justifications for background clearances in a separate legal file for confidentiality purposes. While we reviewed that separate legal file, we found (1) no evidence that the clearances of individuals selected for testing were reviewed by legal counsel to ensure the background clearances disclosed no disqualifying convictions, and (2) no evidence legal counsel had concluded and documented whether the respective individuals were cleared to be employed.

We therefore reiterate our recommendation that the District maintain for any applicant/employee with one or more convictions on a background clearance, a written justification from the District's HR department and/or legal counsel concluding on whether the applicant/employee should be retained.

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Appendix A

Methodology²⁰

To achieve our objective of reviewing the PDE recommendations implemented by the District thus far, we performed the following procedures:

- Conducted numerous interviews with senior management as well as staff in the HR department.
- Attended regular meetings of the board of directors/receiver each month from September through December 2019 and in January and February 2020.
- Reviewed minutes of regular meetings of the board of directors/receiver for all meetings held from the beginning of the 2019-2020 school year, from July 24, 2019, through February 18, 2020.
- Reviewed the Public School Code, other relevant laws, and district policies.
- Reviewed a random selection of 9 of 84 employees hired after July 1, 2019, and up to November 18, 2019, referred to as new hires. We also selected an additional 13 newest hires during the same period in reverse chronological order. We reviewed the 22 employees' personnel files for the completion of a documentation checklist and for the following completed documents:
 1. Three required state and federal background clearances
 2. Two required state employment disclosure forms
 3. Certifications, if applicable
 4. Evidence of a tuberculosis test
 5. Application
 6. Transcript(s)
 7. Recommendation form
 8. I-9 and W-4 forms
 9. District Policy Acknowledgement form
 10. Contact Information

Items 1 – 4 above are mandated by the PSC to be completed prior to hiring. Therefore, we reviewed document dates to determine whether the district obtained these required forms prior to hiring.

²⁰ The audit objectives and scope are discussed in the cover letter preceding this report.

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- Reviewed a random selection of 60 out of approximately 900 existing employees hired at any time prior to the start of the 2020 fiscal year. Since the District acknowledged the personnel files of the approximately 900 existing employees were in various states of completion, and in some cases altogether missing, we limited our review to clearances and certifications since the new administration sought to ensure *all* employees were cleared and, if applicable, certified by the start of the 2019-2020 school year.
- To assess the completeness and accuracy of the District's record of new hires and existing employees, we reconciled a Position Control Listing of 891 district employees as of November 18, 2019, with its Payroll Journal as of November 1, 2019, and verified that the small number of differences were reasonable and related to timing differences. The Position Control Listing contained hire date information which we were able to verify as part of our review of personnel records for the 22 new hires.
- Reviewed a random selection of 12 of 74 employees who separated during the months of August, September, October, and November 2019. Obtained documentation to support these former employees' timely removal from District insurance.
- To determine the population of employees separated from the District, we compiled a list of employees whose separations were approved per the September through November 2019 board minutes. We then reconciled that list with the Position Control Listing dated November 18, 2019 and the Payroll Journal as of November 1, 2019. We verified the differences were related to timing.
- Reviewed a random selection of 9 of the 82 employees who were identified in the PDE audit as not having been removed timely from the District's insurance. Obtained documentation to support these former employees' timely removal from insurance.
- Reviewed the IT Disaster Recovery Plan document approved by the receiver at the January 21, 2020 board meeting to verify the District implemented the recommendation made in the PDE audit report.

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Appendix B

Criteria

In its June 28, 2019 audit report, the PDE made seven recommendations to Harrisburg School District as part of its audit of the District’s HR department.²¹ Our audit of the HR department’s implementation of PDE’s recommendations focused on recommendations that personnel files be maintained for all employees and include relevant and required documents as discussed previously in this audit report. We also addressed the District’s procedures for reviewing health insurance rosters and the timely removal of separated employees from such rosters.²²

In addition to the recommendations provided for in the PDE report serving as criteria for this audit, the following sections of the Public School Code (PSC), other laws, and certain District policies provided criteria for our audit of the District’s HR department:

The Public School Code of 1949 and the Child Protection Services Law

Section 111 of the PSC requires state and federal criminal background Clearances, and Section 6344(a.1)(1) of the Child Protection Services Law (CPSL) requires a child abuse clearance. *See 24 P.S. §§ 1-111 and 23 Pa.C.S. § 6344(a.1), as amended.*

With regard to criminal background clearances, Sections 111 (b) and (c.1) of the PSC require prospective school employees who have direct contract with children, including independent contractors and their employees, to submit a report of criminal history record information obtained from the Pennsylvania State Police (PSP), as well as a report of Federal criminal history record information (CHRI) records obtained from the Federal Bureau of Investigations. *See 24 P.S. § 1-111(b) and (c.1).*

Section 6344(b)(3) of the CPSL requires, in part, that, “The applicant shall submit a full set of fingerprints to the PSP for the purpose of a records check . . .” (Act 153 of 2014). Further, Section 6344.4 of the CPSL now requires recertification of the required state and federal background clearances and the child abuse clearance every 60 months. *See 23 Pa.C.S. §§ 6344(b)(3) and 6344.4.*

Section 111(e) of the PSC lists convictions for certain criminal offenses that require an absolute ban to employment. Section 111(f.1) of the PSC requires a ten-, five-, or three-year *look-back*

²¹ Wessel & Company, Certified Public Accountants, letter and “Agreed-Upon Procedures and Technical Consulting Report,” addressed to Pedro A. Rivera, Secretary of Education, Pennsylvania Department of Education, June 28, 2019. Recommendations for the HR department are listed on page 66 of the report.

²² PDE recommendations 2, 5, and 6 for the Human Resources Department actually relate to payroll accounting procedures and will be addressed at a later audit of the Payroll Department. Recommendation 7 relates to the establishment of a fraud hotline, which the Auditor General addressed in its previous Status Update Report issued in November 2019. Therefore, our audit focused on the District’s implementation of PDE’s HR recommendations 1, 3, and 4.

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period for certain convictions before an individual is eligible for employment. *See 24 P.S. § 1-111(e) and (f.1).*

Section 111(c.4) of the PSC further requires administrators to review the reports and determine whether the reports disclose information that may require further action. *See 24 P.S. § 1-111 (c.4).*

Administrators are also required to review the required documentation, according to Section 111 (g)(1) of the PSC. This section provides that an administrator, or other person responsible for employment decisions in a school or institution who willfully fails to comply with the provisions of this section commits a violation of this act, subject to a hearing conducted by PDE, and shall be subject to a civil penalty up to \$2,500. *See 24 P.S. § 1-111(g)(1).*

Act 24 of 2011 and Act 82 of 2012 amended the PSC and requires all current school employees to submit an “Arrest/Conviction Report and Certification Form” (PDE-6004 Form) to their administrator indicating whether or not they have ever been arrested or convicted of any Section 111 (e) or (f.1) criminal offenses. *See 24 P.S. § 1-111(j)(2).*

Act 168 of 2014 amended the PSC and requires an applicant who would be employed by a school entity in a position having direct contact with children, to disclose the applicant’s current and former employers. Act 168 requires the applicant to complete one form for the applicant’s current employer(s) and one for each of the applicant’s former employers that were school entities or where the applicant was employed in a position having direct contact with children. Upon completion of the required Act 168 forms by the applicant, the hiring school entity or independent contractor shall submit the form to the applicant’s current and former employers to review and verify. A school entity or independent contractor may not hire an applicant who does not provide the required information for a position involving direct contact with children. *See 24 P.S. § 1-111.1(b).*

Board Policies of Harrisburg School District

District Policy 304 – Employment of District Staff

This policy was adopted on November 19, 2012 and has not been updated since then. Among other hiring procedural requirements, the policy states the District shall not recommend a candidate for employment without evidence of his/her certification when such certification is required. The Policy further states that a “candidate shall not be employed until s/he has complied with the mandatory background check requirements for criminal history and child abuse and the district has evaluated the results of that screening process.” Finally, the Policy requires a candidate to complete an Acts 24/82 Arrest/Conviction Report (PDE-6004 Form). It has not been updated to include the requirements of Act 168, which was added to the PSC.

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District Policy 308 – Employment Contract – Board Resolution

This policy was adopted on November 19, 2012 and has not been updated since then. It provides the Board with “the authority under law to prescribe employment conditions for district personnel.” This policy requires certified and tenured employees to sign an employment contract. The policy directs that temporary professional employees shall sign a contract for employment upon gaining tenure status. Finally, it provides for dismissal of any employee who willfully “misrepresents facts material to employment and determination of salary.”

District Policy 324 – Personnel Files

This policy was adopted on November 19, 2012 and has not been updated since then. It requires the District to maintain a personnel record for each employee. The Policy requires that “sufficient records be maintained to ensure an employee's qualifications for the job held; compliance with federal and state requirements and local benefit programs; conformance with Board policies, administrative regulations, rules and procedures; and evidence of completed evaluations.” In addition to other laws, regulations and board policies, this policy cites all the relevant sections of the PSC and CPSL referred to in this audit report.

District Policy 806 – Child/Student Abuse

This policy was last revised and adopted by the Board on April 15, 2019. The policy requires employees, independent contractors and volunteers to comply with identification and reporting requirements, as well as training, as stipulated in the PSC and the CPSL. In addition, “the superintendent or designee shall require each candidate for employment to submit an official child abuse clearance statement and state and federal criminal history background checks (certifications) as required by law.” The policy also requires current employees to obtain and submit new clearances every 60 months.

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Appendix C

Distribution List

This report was distributed to the following officials:

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The Honorable Pedro A. Rivera
Secretary
Pennsylvania Department of Education

The Honorable Chris Celmer
Acting Superintendent
Harrisburg City School District

The Honorable John DiSanto
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