



Subcommittee on Interior, Environment,  
and Related Agencies, Committee on  
Appropriations, House of  
Representatives

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March 2016

# INDIAN AFFAIRS

## Key Actions Needed to Ensure Safety and Health at Indian School Facilities

# GAO Highlights

Highlights of [GAO-16-313](#), a report to the Subcommittee on Interior, Environment, and Related Agencies, Committee on Appropriations, House of Representatives

## Why GAO Did This Study

Indian Affairs is responsible for ensuring safe and healthy learning environments for over 47,000 Indian students at 180 BIE school locations. About two-thirds of these schools are operated by tribes, primarily through federal grants, and about one-third are operated directly by BIE. Over a third of schools include dormitories. GAO was asked to examine the safety and health conditions at these schools.

GAO reviewed the extent to which Indian Affairs has (1) information on the safety and health conditions at BIE school facilities and (2) supported schools in addressing any safety and health deficiencies at school facilities. GAO analyzed agency data for fiscal years 2012 through 2015—the most recent data available—to determine the frequency of school safety and health inspections; visited 16 BIE schools, which were selected based on geographic diversity, condition, and other factors; examined Indian Affairs practices against its policies and safety standards; and interviewed agency officials.

## What GAO Recommends

GAO is making four recommendations, including that Indian Affairs conduct required annual inspections at all BIE schools and ensure it collects complete information on school safety and health conditions nationwide, and that it develop a plan to build schools' capacity to promptly address safety and health deficiencies. Interior agreed with all four recommendations and noted several actions it plans to take to address them.

View [GAO-16-313](#). For more information, contact Melissa Emrey-Arras at (617) 788-0534 or [emreyarrasm@gao.gov](mailto:emreyarrasm@gao.gov).

March 2016

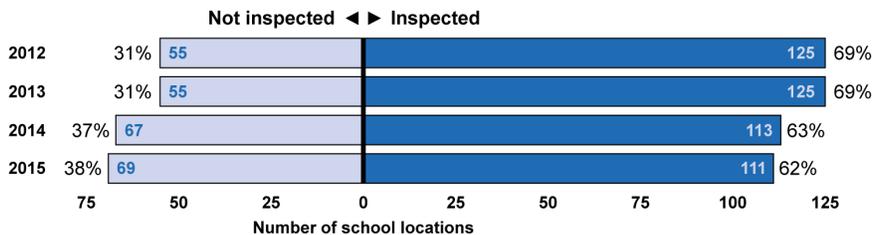
## INDIAN AFFAIRS

### Key Actions Needed to Ensure Safety and Health at Indian School Facilities

## What GAO Found

The Department of the Interior's (Interior) Office of the Assistant Secretary-Indian Affairs (Indian Affairs) lacks sound information on safety and health conditions of all Bureau of Indian Education (BIE) school facilities. Specifically, GAO found that Indian Affairs' national information on safety and health deficiencies at schools is not complete and accurate because of key weaknesses in its inspection program, which prevented GAO from conducting a broader analysis of schools' safety and health conditions. Indian Affairs' policy requires its regional safety inspectors to conduct inspections of all BIE schools annually to identify facility deficiencies that may pose a threat to the safety and health of students and staff. However, GAO found that 69 out of 180 BIE school locations were not inspected in fiscal year 2015, an increase from 55 locations in fiscal year 2012. Agency officials told GAO that vacancies among regional staff contributed to this trend. As a result, Indian Affairs lacks complete information on the frequency and severity of health and safety deficiencies at BIE schools nationwide and cannot be certain all school facilities are currently meeting safety requirements.

#### Number of Bureau of Indian Education School Locations That Were Inspected for Safety and Health, Fiscal Years 2012-2015



Source: GAO analysis of Indian Affairs data and documentation. | GAO-16-313

Indian Affairs is responsible for assisting schools on safety issues, but it is not taking needed steps to support schools in addressing safety and health deficiencies. While national information is not available, officials at several schools GAO visited said they faced significant difficulties addressing deficiencies identified in annual safety and health and boiler inspections. Inspection documents for two schools GAO visited showed numerous high-risk safety and health deficiencies—such as missing fire extinguishers—that were identified in the prior year's inspection report, but had not been addressed. At another school, four aging boilers in a dormitory failed inspection due to elevated levels of carbon monoxide, which can cause poisoning where there is exposure, and a natural gas leak, which can pose an explosion hazard. Interior's policy in this case calls for action within days of the inspection to protect students and staff, but the school continued to use the dormitory, and repairs were not made for about 8 months. Indian Affairs and school officials across several regions said that limited staff capacity, among other factors, impedes schools' ability to address safety deficiencies. Interior issued an order in 2014 that emphasizes building tribes' capacity to operate schools. However, it has not developed a plan to build BIE school staff capacity to promptly address deficiencies. Without Indian Affairs' support of BIE schools to address these deficiencies, unsafe conditions at schools will persist and may endanger students and staff.

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## Abbreviations

BIA	Bureau of Indian Affairs
BIE	Bureau of Indian Education
Indian Affairs	Office of the Assistant Secretary-Indian Affairs
Interior	Department of the Interior
OSHA	Occupational Safety and Health Administration

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March 10, 2016

The Honorable Ken Calvert  
Chairman  
The Honorable Betty McCollum  
Ranking Member  
Subcommittee on Interior, Environment, and Related Agencies  
Committee on Appropriations  
House of Representatives

The Department of the Interior's (Interior) Office of the Assistant Secretary-Indian Affairs (Indian Affairs) is responsible for ensuring safe and healthy learning environments for over 47,000 Indian students at schools funded and overseen by the Bureau of Indian Education (BIE).<sup>1</sup> Currently, there are 185 elementary and secondary schools at 180 locations on or near Indian reservations across the country.<sup>2</sup> Of these 185 schools, about two-thirds are operated by tribes (tribally operated), primarily through federal grants, and about one-third are operated directly by BIE (BIE-operated). Over a third of all BIE school locations, some in remote locations, include dormitories.

Past GAO reports and others have identified long-standing problems with the condition of BIE school facilities. Some of these reports have

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<sup>1</sup>This number reflects the total of students enrolled at a school for at least one day during the school year, and thus represents a maximum measure of BIE enrollment that is greater than the typical daily enrollment, according to BIE officials. Another measure is average daily membership, which is based on an average of enrollment during the entire year. For school year 2014-15, the average daily membership was about 41,000 students, according to information from BIE. Both amounts include about 1,200 public school students who reside in BIE-funded dormitories.

<sup>2</sup>For our analysis of BIE schools in this report, we used Indian Affairs data on 180 school locations, which counts schools that are co-located as one school location.

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highlighted safety and health hazards at certain BIE schools, with the potential to seriously injure or harm students.<sup>3</sup>

You asked us to review the actions Indian Affairs has taken to ensure the safety and health of students in BIE schools. For this report, we examined the extent to which Indian Affairs (1) has information on the safety and health conditions at BIE school facilities and (2) supported schools in addressing any safety and health deficiencies at school facilities and monitored whether schools have established required safety committees.

To determine the extent to which Indian Affairs has information on the safety and health of BIE school facilities, we compiled data on safety and health inspection dates for fiscal years 2012 through 2015—the most recent available—and analyzed the frequency of Indian Affairs’ inspections of schools over time.<sup>4</sup> To assess the accuracy of these data, we verified inspection dates with a non-probability sample of 25 BIE schools selected to reflect a mix of BIE-operated and tribally operated schools and geographic diversity. Based on our review of relevant documentation, interviews with Indian Affairs officials, and verification with schools, we determined that the data on safety and health inspection dates were sufficiently reliable for our reporting objectives. We were unable to analyze national data on facility deficiencies across all BIE schools for fiscal years 2012 through 2015 because Indian Affairs’ safety office stated that the data submitted by some regions were inconsistent and not reliable for such analysis. We discuss this issue more fully in our report findings. We also interviewed Indian Affairs officials within the

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<sup>3</sup>GAO, *Indian Affairs: Preliminary Results Show Continued Challenges to the Oversight and Support of Education Facilities*, [GAO-15-389T](#) (Washington, D.C.: Feb. 27, 2015); Department of the Interior, Office of Inspector General, *Condition of Bureau of Indian Affairs Facilities at the Pine Hill Board Boarding School*, Report No.:C-IS-BIE-0023-2014-A (Washington, D.C.: Jan. 11, 2016); U.S. Department of the Interior, Office of Inspector General, Bureau of Indian Affairs and Bureau of Indian Education: Schools in Need of Immediate Action, C-IN-BIA-0008-2007 (Washington, D.C.: May 31, 2007); No Child Left Behind School Facilities and Construction Negotiated Rulemaking Committee, *Broken Promises, Broken Schools* (Washington, D.C.; December 2011); GAO, *Bureau of Indian Affairs Schools: New Facilities Management Information System Promising, but Improved Data Accuracy Needed*, [GAO-03-692](#), (Washington, D.C.: July 31, 2003); and GAO, *School Facilities: Reported Condition and Costs to Repair Schools Funded by Bureau of Indian Affairs*, [GAO/HEHS-98-47](#), (Washington, D.C.: Dec. 31, 1997).

<sup>4</sup>Environmental inspections, which are mandated by the Environmental Protection Agency for some BIE schools, were not included in the scope of our review because of the limited availability of relevant data.

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Division of Safety and Risk Management and the Bureau of Indian Affairs' Regional Offices. Our work was supported by a licensed engineer, having relevant experience in federal facilities construction and management. To gather schools' perspectives on facility-related issues, we conducted site visits, accompanied by the engineer, to 16 BIE-operated and tribally operated schools in five states: Arizona, New Mexico, Oklahoma, South Dakota, and Utah. These locations were selected to reflect a mix of BIE-operated and tribally operated schools, geographic diversity, and variation in school facility conditions. For the schools we visited, we reviewed relevant facility and inspection documents.<sup>5</sup>

To determine the extent to which Indian Affairs supports schools in addressing safety and health deficiencies and monitors schools in establishing safety committees, we gathered and analyzed Indian Affairs' information—including inspection documentation—on the schools we visited; interviewed school officials and officials with Indian Affairs' safety office and in several regional offices; and reviewed agency policy and guidance on requirements and procedures related to abating deficiencies and safety committees.

In addressing both objectives, we compared current Indian Affairs safety and health practices against agency requirements and federal standards for internal control. We also reviewed relevant federal laws and regulations.

We conducted this performance audit from June 2014 through March 2016 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

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## Background

The Department of the Interior's Indian education programs derive from the federal government's trust responsibility to Indian tribes, a responsibility established in federal statutes, treaties, court decisions, and

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<sup>5</sup>We did not independently verify the accuracy of the safety and health deficiencies identified in these inspection documents.

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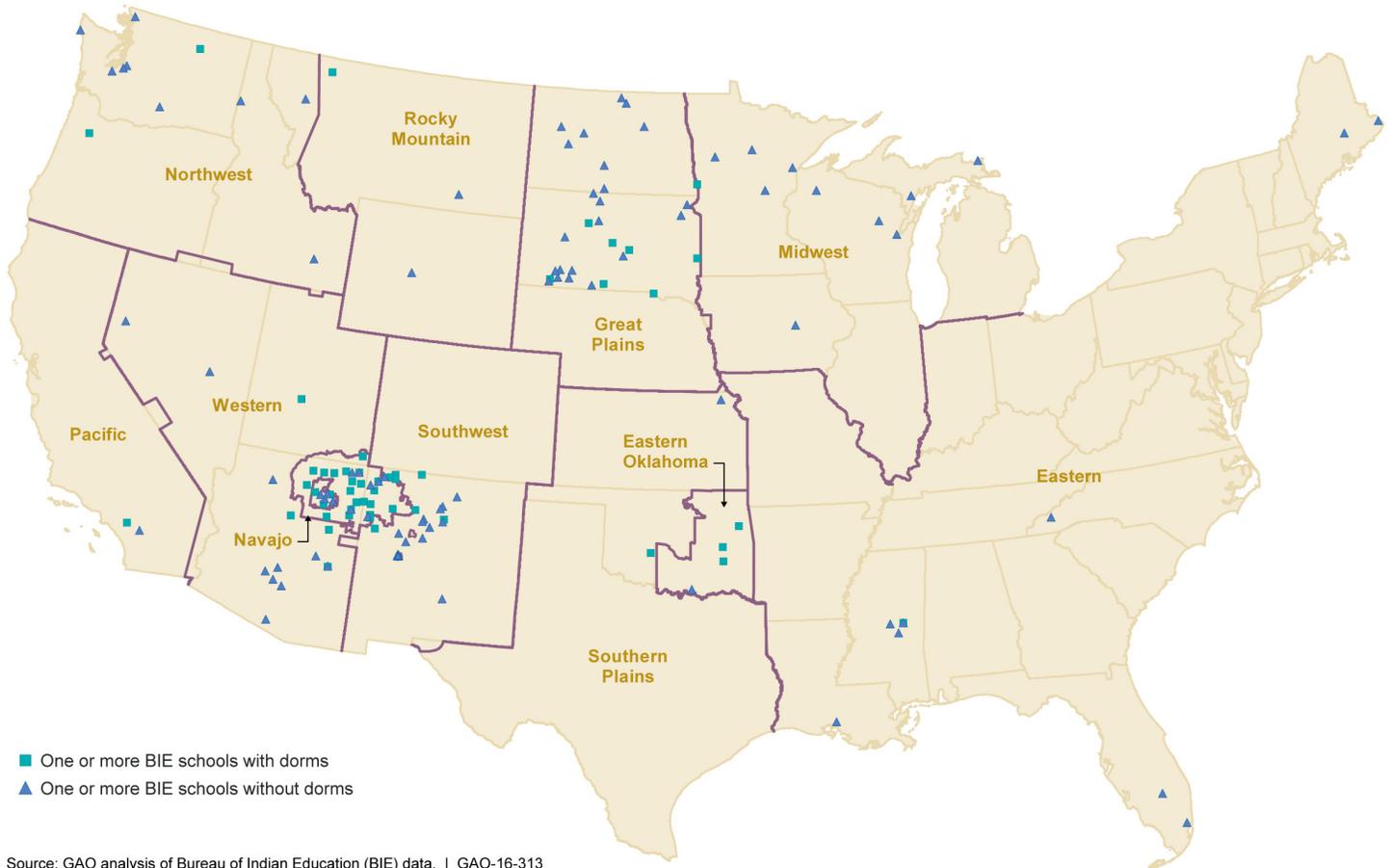
executive actions.<sup>6</sup> It is the policy of the United States to fulfill this trust responsibility for educating Indian children by working with tribes to ensure that education programs are of the highest quality, among other things.<sup>7</sup> In accordance with this trust responsibility, Interior is responsible for providing safe and healthy school environments for students. BIE schools are located primarily in rural areas and small towns and serve Indian children living on or near reservations in 23 states (see fig. 1).

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<sup>6</sup>The federal government recognizes Indian tribes as distinct, independent political communities that possess certain powers of self-government. Federal recognition confers specific legal status on a particular Native American group, establishes a government-to-government relationship between the United States and the tribe, imposes on the federal government a fiduciary trust relationship with the tribe and its members, and imposes specific obligations on the federal government to provide benefits and services to the tribe and its members.

<sup>7</sup>25 U.S.C. § 2000.

**Figure 1: Locations of Bureau of Indian Education Schools by Bureau of Indian Affairs Region**



Source: GAO analysis of Bureau of Indian Education (BIE) data. | GAO-16-313

Note: The points on the map were plotted using zip codes for BIE's 180 school locations. Individual schools that are co-located and/or reside in the same zip code were grouped together.

### Indian Affairs' Bureaus and Offices with Responsibilities for BIE School Safety and Health

Indian Affairs oversees multiple bureaus and offices at the national and regional level that play a key role in ensuring safe and healthy conditions at BIE school facilities:

- **The Division of Safety and Risk Management**, within the Office of the Deputy Assistant Secretary of Management, provides technical leadership and assistance at the national level in managing and

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administering Indian Affairs' safety and occupational health program, among other programs, that covers all facilities it funds, including BIE schools.<sup>8</sup> This program is designed to ensure that environments at BIE schools, among other Indian Affairs-funded locations, are free from conditions that pose a threat to the safety and health of students and staff. Specifically, the division develops and implements safety and health policies and procedures and provides guidance and technical assistance to Indian Affairs management, BIA regional offices, and tribal communities. In addition, the division is responsible for developing checklists and other safety inspection tools and tracking the completion of inspections on a monthly basis. Indian Affairs' safety office is also responsible for evaluating Bureau of Indian Affairs (BIA) regions' implementation of Indian Affairs' safety and occupational health program over a 3-year cycle. The evaluation generally includes a site visit to one BIE school in each region. The program evaluation examines and makes recommendations to BIA regional offices on various aspects of their implementation of Indian Affairs' safety and health program, including the identification and prevention of safety and health deficiencies, among other areas.

- **BIA regional offices** provide a wide range of administrative services with regard to safety and health at the regional level, including administering Indian Affairs' safety and health program. Specifically, pursuant to BIA policy, safety inspectors in each regional office are responsible for conducting annual inspections of BIE school facilities to ensure compliance with federal and Interior safety and health requirements. Safety inspectors report to safety managers, who in turn report to regional directors. Ten BIA regions are responsible for inspecting BIE school facilities.<sup>9</sup> BIA is also responsible for ensuring that schools receive facility condition assessments and, where appropriate, boiler inspections and environmental inspections, which are separate from annual safety and health inspections.
- **BIE** oversees various educational functions for schools. Multiple BIE education line offices work directly with schools to provide technical assistance, including on facility matters. In a few regions, these offices

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<sup>8</sup>For the purpose of this report, we refer to the Division of Safety and Risk Management as Indian Affairs' safety office.

<sup>9</sup>Of the two remaining BIA regions, the Alaska Region does not have any schools, and the Pacific Region's inspection responsibilities are handled by the Western Region.

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have their own facility managers and staff. Many schools—both BIE-operated and tribally operated—also have their own facility managers or other staff who perform routine maintenance and repairs.<sup>10</sup>

Interior has proposed that BIE assume key responsibilities from other Indian Affairs' offices for school facilities as part of BIE's ongoing restructuring initiative. Currently, it is not clear specifically when and how such a transfer of responsibilities would take place.<sup>11</sup>

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## Key Safety and Health Requirements and Procedures

Indian Affairs' safety and occupational health program is designed to ensure that BIE students and school staff learn and work in safe and healthy environments that are free of hazards that may cause them injury, among other purposes.<sup>12</sup> The program incorporates both federal requirements and national standards, including those established by the Occupational Safety and Health Act of 1970, as amended,<sup>13</sup> and the National Fire Protection Association, among others. Occupational Safety and Health Administration (OSHA) regulations establish the basic elements of federal agencies' occupational safety and health programs. Indian Affairs' policy applies OSHA standards to all BIE schools, including tribally operated schools. The National Fire Protection Association establishes national standards that are designed to establish a reasonable level of life safety and property protection from fire and explosion. Indian Affairs' safety program for schools includes specific safety and occupational health requirements and procedures set forth in Interior's Departmental Manual, Indian Affairs' Manual, and BIA's Safety and Health Handbook for Field Operations. In particular, BIA's Handbook lays the foundation for incorporating safety and occupational health into

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<sup>10</sup>According to Interior's current plan for reorganizing BIE, education line offices would be renamed "education resource centers." These centers are designed to move support services closer to BIE schools in order to meet their specific needs, including instruction and facilities.

<sup>11</sup>In June 2014, the Secretary of the Interior issued an order restructuring BIE to focus its efforts on providing resources, direction and services to tribes to increase their capacity to directly operate BIE schools, among other things. To date, BIE's restructuring effort has not been fully implemented.

<sup>12</sup>This program also covers safety and health at non-educational facilities, such as juvenile detention centers that are funded by Indian Affairs, as well as other areas, such as worker's compensation and motor vehicle safety.

<sup>13</sup>Pub. L. No. 91-596, 84 Stat. 1590, codified at 29 U.S.C. §§ 651-678.

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the planning of all BIA work projects and tasks, including those related to schools.<sup>14</sup> Specific responsibilities for administering the safety program for schools—including conducting inspections and ensuring that all schools have safety committees—are detailed in a Service Level Agreement between BIA Regions and the BIE.<sup>15</sup> BIA safety officers, BIE education line offices, and school administrators and staff are responsible for implementing the safety program as part of schools’ day-to-day operations.<sup>16</sup> The program includes several key safety and health requirements and procedures, including the following:

- **Annual safety and health inspections** are a central component of Indian Affairs’ safety and health program for schools. OSHA regulations require agencies to conduct inspections of each federal workplace at least annually,<sup>17</sup> which Indian Affairs officials said includes BIE-operated schools. Indian Affairs’ policy expands the application of this requirement beyond the workplace to all student environments, including classrooms and dormitories, and to all BIE schools, including those operated by tribes. Safety inspectors located in BIA’s regional offices are responsible for conducting annual inspections, and they are required to be trained in hazard recognition and safety and occupational health inspection procedures. During inspections, inspectors document deficiencies and assign each a risk assessment code based on its potential to endanger the safety and health of students and staff. BIA’s Safety and Health Handbook encourages the use of checklists to help guide inspections and provides a sample checklist. In exit meetings with schools, inspectors discuss their preliminary findings and recommend abatement measures and actions to protect students and staff from any identified hazards. Inspectors are responsible for drafting an inspection report by entering their inspection findings into Indian Affairs’ safety data

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<sup>14</sup>The Handbook also provides guidance on providing safe environments for students at all BIE-funded schools.

<sup>15</sup>A Service Level Agreement is a contractually specified set of service performance expectations. The most recent Service Level Agreement between BIA and BIE expired on September 30, 2015, but according to Indian Affairs, BIA regional offices continue to honor its terms, and a new agreement for 2016 will be negotiated along the same lines as the 2015 agreement.

<sup>16</sup>Under BIE’s restructuring plan, some education line offices—to be re-named “education resource centers”—will specialize in providing schools with facility support.

<sup>17</sup>29 C.F.R. § 1960.25(c).

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system.<sup>18</sup> Inspectors submit draft inspection reports to Indian Affairs' safety office, which reviews and finalizes them or sends them back to the safety inspector for corrections. Indian Affairs does not consider an inspection complete until inspection findings have been entered into Indian Affairs' safety data system and finalized by its safety office. BIA safety inspectors are responsible for mailing finalized inspection reports to schools no later than 30 days from the date of the on-site inspection (see fig. 2).

- **Abatement of safety and health deficiencies** identified by safety inspectors is the responsibility of schools. According to Interior policy, the school has different time frames to address deficiencies based on their risk to the safety and health of students. If safety inspectors identify safety and health deficiencies that pose a high- risk to the safety and health of students and staff, the school is required to post a notice of the specific hazards and take prompt actions to correct them. For hazards that pose an immediate threat to safety, schools are required to correct them within 1 day. For hazards that are serious but not an immediate threat to safety, schools have up to 15 days to correct them. The school is required to correct other less serious deficiencies within 30 days of the inspection. If the school cannot correct identified hazards in this time frame, it is responsible for developing and implementing a plan of abatement, which describes the reasons for the delay in corrections and how the school will protect students and staff from potential injury in the interim, among other things. In general, such plans should be finalized and approved by school officials in Indian Affairs' facility data system before schools implement them.<sup>19</sup> (See fig. 2.)

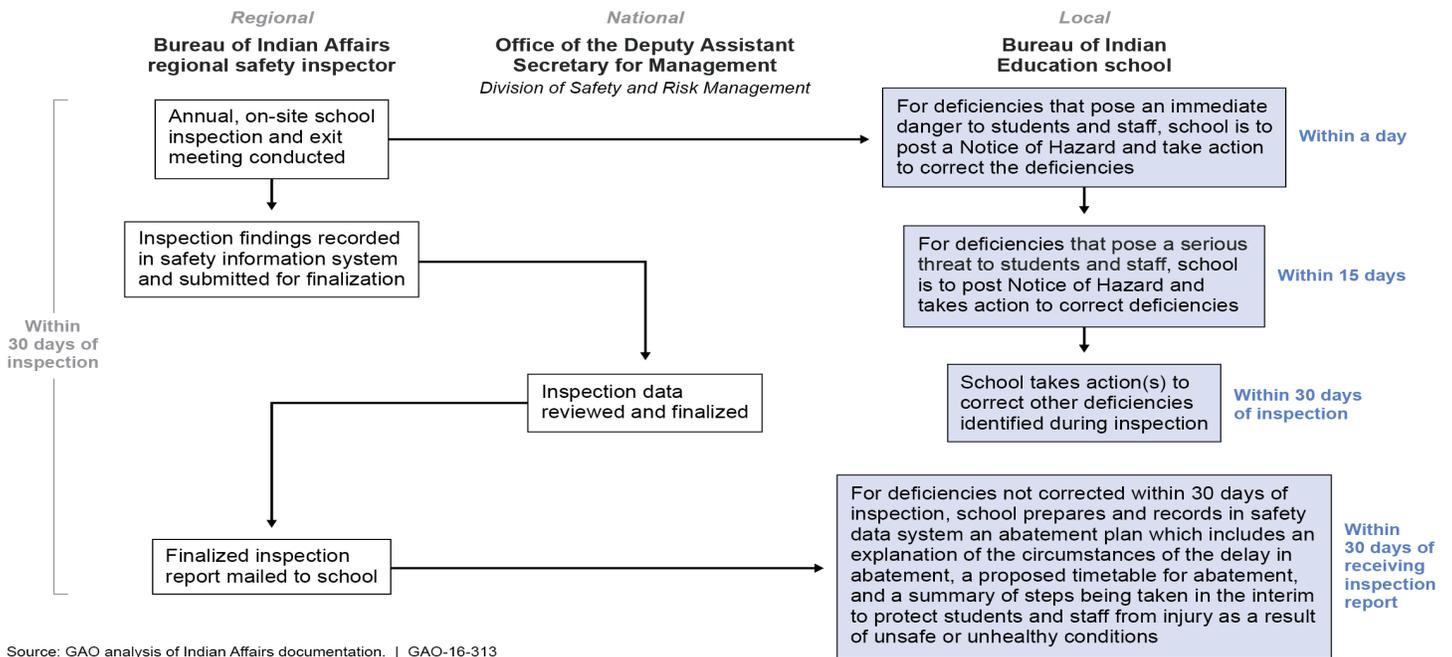
Indian Affairs offers several funding streams for schools that they may use to abate deficiencies. Generally, schools receive an annual allocation for facility maintenance that can be used for repairs and maintenance under \$2,500. Other funding streams exist for facility projects that cost over \$2,500. Additionally, Indian Affairs provides funding under specific facility categories, including fire safety and emergencies.

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<sup>18</sup>Indian Affairs recently transitioned to a new facility management data system, which includes a safety data module called the Safety and Condition Assessment Portal.

<sup>19</sup>Indian Affairs regards abatement plans that are finalized and approved by schools to be "in place" and ready to be implemented.

**Figure 2: Procedures Required by Indian Affairs to Complete Annual School Safety and Health Inspections and Abate Identified Deficiencies**



Source: GAO analysis of Indian Affairs documentation. | GAO-16-313

Note: Indian Affairs does not consider an annual safety and health inspection complete until inspection findings are recorded in Indian Affairs' safety data system and finalized by its safety office.

- Boiler inspections** by certified inspectors are required by Indian Affairs at all BIE schools that have boilers or related pressure vessel systems.<sup>20</sup> BIA regional offices are generally responsible for establishing and administering boiler inspection programs.<sup>21</sup> Indian Affairs is responsible for funding regions' boiler inspection programs and ensuring that they conform to the American Society of Mechanical Engineers code, among other national codes and standards. Indian Affairs policy requires that both new and repaired boilers be inspected by a certified inspector prior to operation. Inspection findings must be entered into the Indian Affairs' facility data system and a boiler

<sup>20</sup>Boiler inspections are conducted separately from annual safety and health inspections because of the specialized knowledge, skills, and certification required to conduct such inspections. In some regions, boiler inspections may be conducted by contractors where appropriate Indian Affairs staff are not available.

<sup>21</sup>In the Navajo Region, the boiler inspection program is administered by BIE.

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inspection report provided to schools. Boiler inspectors apply the same risk assessment categories and respective abatement time frames as safety and health inspectors when documenting boiler deficiencies and determining the risk to the safety and health of students and school staff. Facility managers at regional offices are responsible for reviewing and approving boiler inspection reports and monitoring the status of schools' boiler repairs. Schools are required to outline steps for addressing any boiler deficiencies not immediately fixed in boiler abatement plans, which are separate from abatement plans schools develop to address general safety and health deficiencies.

- **Fire protection for schools**, which includes fire alarms and sprinkler systems, among other areas, is defined by Indian Affairs' Structural Fire Protection Program, which operates under various federal statutes and National Fire Protection Association standards. Indian Affairs' fire protection policy assigns school facilities the highest priority and states that all BIE schools must be provided with working fire alarms and that dormitories must be equipped with automatic sprinkler systems. The program also covers requirements and priorities for fire trucks and stations, where appropriate.<sup>22</sup>
- **Safety committees** are required of all BIE schools by Service Level Agreement between BIA Regions and the BIE and are vital to the effectiveness of its safety and health program in preventing injuries and eliminating hazards, according to Indian Affairs guidance.<sup>23</sup> This guidance states that such committees can provide numerous benefits regarding workplace safety, such as fostering local awareness of and commitment to safety issues, as well as problem-solving on an ongoing, daily basis with participation by employees, school administrators, and students. To realize these benefits, examples of committee activities may include meeting regularly, reviewing inspection reports or identifying problems, and making recommendations to abate unhealthy or unsafe conditions and thus

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<sup>22</sup>Pursuant to Indian Affairs' policy, those school locations where no fire truck or station exists and response by another fire department is 10 minutes or more away in travel time, among other factors, are prioritized in considering requests from schools for new or repairs to existing fire trucks or stations.

<sup>23</sup>This requirement applies to school locations with 15 or more employees, which Indian Affairs confirmed includes all BIE schools.

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avoid or reduce accidents. BIA regions are responsible for ensuring that all BIE schools establish safety committees.

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### Indian Affairs' Guidance and Assistance to Schools on Safety and Health

Indian Affairs is responsible for providing guidance and assistance to schools on safety and health. In addition to BIA's Safety and Health Handbook for Field Operations, Indian Affairs conducts an ongoing webinar series on covering safety topics relevant to schools, with recent topics including safety awareness in vocational shops and laboratories, developing emergency action and continuity plans for schools, conducting fire drills, and establishing and using safety committees.

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### Indian Affairs Does Not Have Complete and Accurate Information on School Safety and Health

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#### Indian Affairs Does Not Inspect All BIE Schools Annually As Required, Limiting Information on School Safety and Health

Indian Affairs does not have complete and accurate information on BIE school safety and health conditions at all BIE schools because of key weaknesses in its inspection program, which prevented us from conducting a broader analysis of school safety and health. As we previously reported, agency managers must have accurate and reliable performance information to monitor and track the progress they are making on achieving their goals.<sup>24</sup> However, Indian Affairs does not have complete and accurate information because it has not inspected all schools annually as required.<sup>25</sup> According to Indian Affairs' policy, BIA regional safety inspectors are required to conduct annual inspections at all BIE schools. These inspections provide key information on potential hazards that may pose a threat to students and staff. Nevertheless, we found that 69 out of 180 BIE school locations were not inspected in fiscal

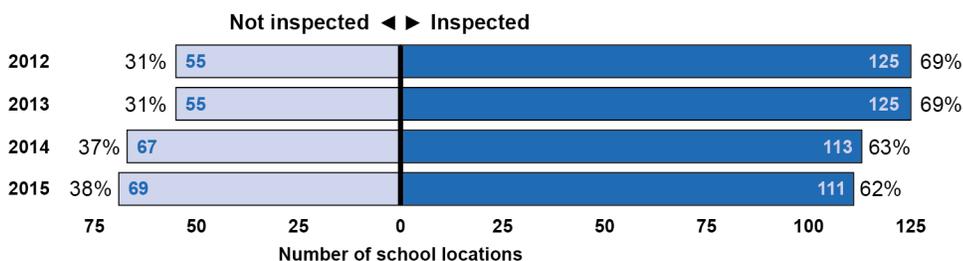
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<sup>24</sup>GAO, *Managing for Results: Greater Transparency Needed in Public Reporting on the Quality of Performance Information for Selected Agencies' Priority Goals*, [GAO-15-788](#), (Washington, D.C.: Sept. 10, 2015).

<sup>25</sup>Annual safety and health inspections are conducted separately from boiler inspections.

year 2015, an increase from 55 locations in fiscal year 2012 (see fig.3). Further, we determined that 54 school locations received no inspections during the past 4 fiscal years.

**Figure 3: Number of Bureau of Indian Education School Locations Inspected Annually by Indian Affairs for Safety and Health, Fiscal Years 2012-2015**

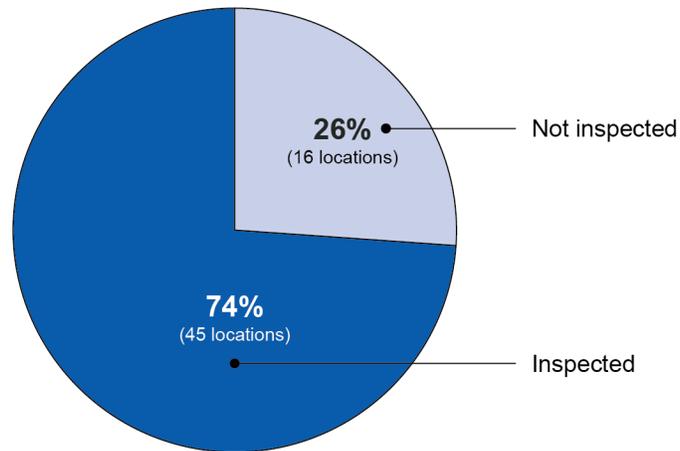


Source: GAO analysis of Indian Affairs data and documentation. | GAO-16-313

Note: There were 180 school locations in fiscal years 2012 through 2015.

Moreover, for the 61 BIE school locations with dormitories, Indian Affairs did not conduct inspections for over a quarter of them in fiscal year 2015 (see fig. 4). In particular, we found that one of the largest BIE boarding schools—which enrolled about 630 students in 2015—had not been inspected by Indian Affairs since fiscal year 2011. Most students, including those starting fourth grade, are housed in nine dormitories. Inspections are particularly important at BIE schools with dormitories because students generally live and sleep on campus throughout the academic year. Further, according to Indian Affairs data, 15 BIE schools with dormitories are located in remote areas where the nearest fire station is an average of 35 miles away, which could delay emergency response time to these schools.

**Figure 4: Number of Annual Safety and Health Inspections at Bureau of Indian Education School Locations with Dormitories, Fiscal Year 2015**

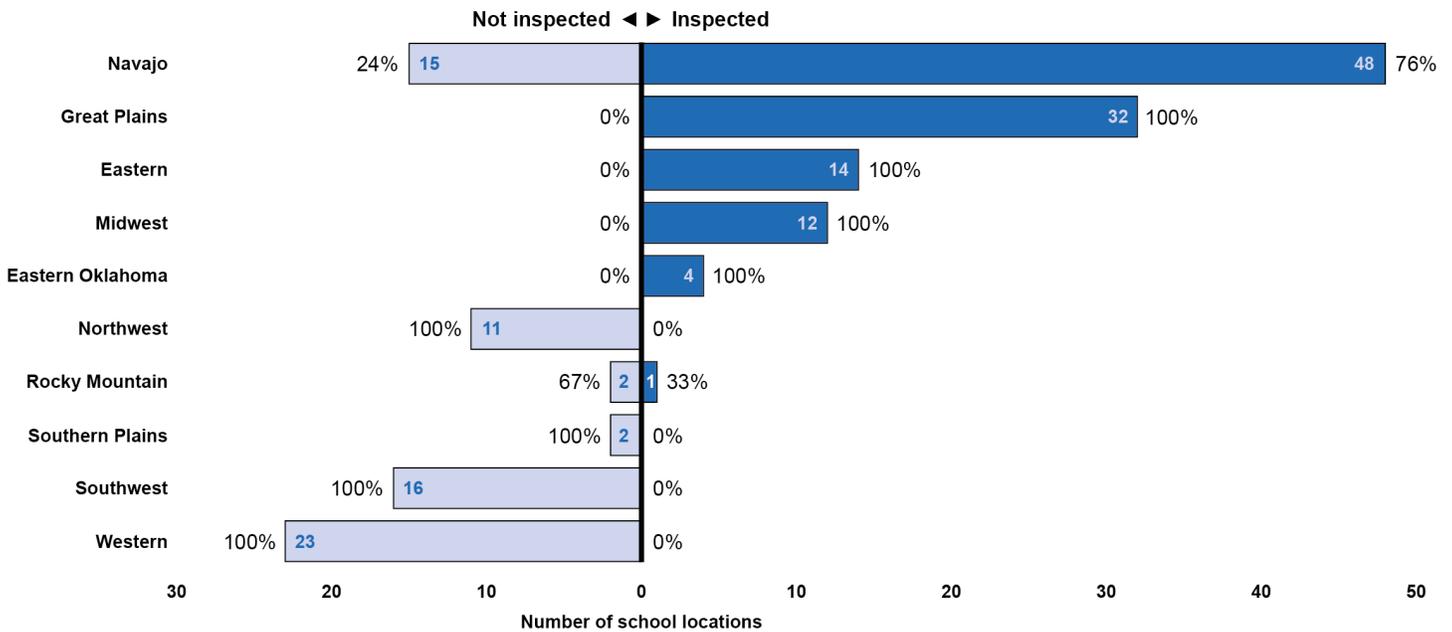


Source: GAO analysis of Indian Affairs data and documentation. | GAO-16-313

Note: Indian Affairs does not consider an annual safety and health inspection complete until inspection findings are recorded in Indian Affairs' safety data system and finalized by its safety office.

At the regional level, Indian Affairs did not conduct any annual school safety and health inspections in 4 of BIA's 10 regions with school facility responsibilities—the Northwest, Southern Plains, Southwest, and Western regions—in fiscal year 2015, accounting for 52 of the 180 school locations (see fig. 5). Further, the same 4 regions did not conduct any school inspections during the previous 3 fiscal years. Indian Affairs' safety office considers this lack of inspections a key risk to its safety and health program.

**Figure 5: Number of Annual Safety and Health Inspections of Bureau of Indian Education School Locations by Bureau of Indian Affairs Region, Fiscal Year 2015**



Source: GAO analysis of Indian Affairs data and documentation. | GAO-16-313

Note: There were 180 school locations in fiscal year 2015. Indian Affairs does not consider an annual safety and health inspection complete until inspection findings are recorded in Indian Affairs' safety data system and finalized by its safety office.

In the Western region, where none of its 23 schools were inspected in fiscal year 2015, we found that 3 schools had not been inspected since fiscal year 2008 and 3 schools had not been inspected since fiscal year 2009. One of the 3 schools that had not been inspected since fiscal year 2008 had an enrollment of about 150 students and included a dormitory for students. Additionally, for another school not inspected since 2008, a tribal organization reported that the school had several facility-related issues that needed to be addressed, including an inadequate fire alarm system, buildings containing asbestos, and a sewer system that frequently overflowed due to the school's location in a flood plain.

Some BIA regional safety officials we spoke with said that three key factors affected their ability to conduct required annual safety and health inspections. First, officials said that extended vacancies among BIA regional safety staff have prevented them from conducting all school inspections. Officials told us one BIA region's only safety position was vacant for about 10 years due to funding constraints. Three other regions

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had vacancies for at least 5 years.<sup>26</sup> Second, BIA regional safety officials told us that the workload among the BIA regions has been unevenly distributed. For example, one region has two schools with one safety inspector position, while another region has 32 schools with one safety inspector position. In our previous work and other studies, BIA staffing levels have been cited as a longstanding challenge for Indian Affairs.<sup>27</sup> Specifically, in 2013 we reported that staffing levels at BIA regional offices were not adjusted to meet the needs of BIE schools in regions with varying numbers of schools, ranging from 2 to 65.<sup>28</sup> Consequently, we recommended that Indian Affairs revise its strategic workforce plan to ensure that its employees providing administrative support to BIE are placed in the appropriate offices to ensure that regions with a large number of schools have sufficient support. Although Indian Affairs agreed with this recommendation, it has not yet implemented it. Finally, officials told us that they were unable to complete inspections because their limited travel budgets hindered their ability to travel to schools, particularly those in remote locations.

Without annual safety and health inspections, unsafe conditions at schools may not be addressed and may endanger students and staff. For example, one school with a dormitory—last inspected in fiscal year 2011—had serious safety and health hazards that required the school’s immediate attention, according to a January 2016 Interior Inspector General report.<sup>29</sup> Specifically, the Inspector General found inoperable fire alarm and sprinkler systems, exposed electrical wires, broken windows, and exterior doors that did not close properly. The school’s inoperable fire alarms and sprinklers may pose an especially high-risk to students and

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<sup>26</sup>The total number of safety positions varies from one to five across BIA regions.

<sup>27</sup>GAO, *Indian Affairs: Better Management and Accountability Needed to Improve Indian Education*, [GAO-13-774](#) (Washington, D.C.: Sept. 24, 2013); *Indian Affairs: Management Challenges Continue to Hinder Efforts to Improve Indian Education*, [GAO-13-342T](#) (Washington, D.C.: Feb. 27, 2013); *Bureau of Indian Affairs Schools: New Facilities Management Information System Promising, but Improved Data Accuracy Needed*, [GAO-03-692](#) (Washington, D.C.: July 31, 2003); and National Academy of Public Administration, *A Study of Management and Administration: The Bureau of Indian Affairs* (Washington, D.C.: Aug. 1999).

<sup>28</sup>[GAO-13-774](#).

<sup>29</sup>Department of the Interior, Office of Inspector General, Report No. C-IS-BIE-0023-2014-A.

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staff because this school is located more than 20 miles from the nearest fire station, according to Indian Affairs data.

Currently, Indian Affairs has not taken actions to ensure all schools are annually inspected. While Indian Affairs' safety office indicated that it plans to develop processes and produce internal status reports on school inspections, it did not provide time frames for when it plans to do so. Without conducting annual inspections at all school locations, Indian Affairs does not have complete information on the frequency and severity of safety and health deficiencies at all BIE school locations and cannot ensure these facilities are safe for students and staff and currently meet safety and health requirements.

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**Lack of Updated and Comprehensive Inspection Guidance and Inconsistent Inspection Practices Hinder Indian Affairs' Ability to Collect Complete and Accurate Information on Inspected Schools**

Indian Affairs does not have complete and accurate information for the two-thirds of BIE schools it inspected in fiscal year 2015 because it does not have updated and comprehensive guidance. BIA's Safety and Health Handbook provides an overview of the safety and health inspection program and includes a facilities safety inspection checklist that BIA regional safety inspectors can use to identify school safety and health issues. A senior official in Indian Affairs' safety office said that inspectors are encouraged to use the checklist as a tool for conducting school inspections, but they are not required to do so. According to Indian Affairs' safety office, the current checklist is not comprehensive, nor does it reflect a minimum set of safety and health items to support school inspections. For example, a senior safety official said that the checklist includes items related to OSHA requirements but does not cover standards from the National Fire Protection Association or other safety and health requirements, which are crucial to minimizing the risk of hazards created by fire, explosion and dangerous conditions at BIE schools.

Moreover, we found that the handbook lacks comprehensive procedures on how school inspections should be conducted, which Indian Affairs' safety office acknowledged. Further, according to some regional safety staff, Indian Affairs does not compile and provide inspectors with a reference guide for all of the relevant current safety and health standards to aid in conducting inspections and drafting inspection reports. Some safety and health standards are updated cyclically. For example, all National Fire Protection Association standards are revised and updated

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every 3 to 5 years.<sup>30</sup> However, Indian Affairs' inspection guidance has not been updated since 2004. Some newly hired regional safety inspectors and others told us that having comprehensive, up-to-date guidance and tools, such as an inspection checklist, step-by-step procedures for conducting inspections, and a reference guide of current safety and health standards, would help new staff in learning and remaining current on the requirements and process for conducting school inspections. Also, if Indian Affairs takes steps to fill current regional safety officer vacancies, newly hired staff will need detailed guidance on the school inspection requirements and process. According to federal internal control standards, internal control activities help ensure that agency management directives are carried out. Specifically, agencies should ensure that their written guidance and procedures are routinely updated.<sup>31</sup> Further, pertinent information should be distributed in sufficient detail to enable staff to carry out their duties and responsibilities efficiently and effectively. Without up-to-date inspection guidance and tools, such as a comprehensive inspection checklist or a reference of current standards, safety inspectors lack the direction needed to conduct thorough inspections.

At the same time, BIA inspectors use inconsistent inspection practices, which may limit the completeness and accuracy of Indian Affairs' information on school safety and health. For example, at one school we visited in one region, school officials told us the regional safety officer conducted a thorough inspection, which included a complete walkthrough of the school's facilities and grounds to identify potential safety and health hazards. Conversely, at a school we visited in another region, school officials told us that the regional safety inspector conducted an inspection of the school in 2011—the schools' most recent Indian Affairs inspection—from his car and did not inspect the interior of the school's facilities, which include 34 buildings. The inspector's report comprised a

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<sup>30</sup>As previously noted, the National Fire Protection Association is an organization that is responsible for setting national standards designed to minimize the risk of hazards created by fire, explosion and dangerous conditions in buildings.

<sup>31</sup>GAO, *Standards for Internal Control in the Federal Government*, [GAO/AIMD-00-21.3.1](#) (Washington, D.C.: November 1999) and *Internal Control Standards: Internal Control Management and Evaluation Tool*, [GAO-01-1008G](#) (Washington, D.C.: August 2001). These standards have since been revised and include a similar standard that written procedures be routinely updated. Agencies are required to follow the revised standards starting in fiscal year 2016. GAO, *Standards for Internal Control in the Federal Government*, [GAO-14-704G](#) (Washington, D.C.: September 2014).

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single page and identified no deficiencies inside buildings. Concerned about the lack of completeness of the safety inspector's 2011 inspection, school officials said they arranged with the Indian Health Service within the Department of Health and Human Services to inspect their facilities. The Indian Health Service's inspection report identified multiple serious safety and health problems, including electrical shock hazards—such as exposed wires, electrical appliances near water sources, and broken electrical receptacles—emergency lighting and fire alarms that did not work, and fire doors that were difficult to open or close.

At another school we visited we found that the most recent inspection report by an experienced inspector lacked information on the school's fire station, which BIE began renovating several years ago but did not complete. We observed that the station had a number of problems—such as holes in the roof and lack of heat—and thus could not be used to protect the school's fire truck. According to Indian Affairs' fire protection program, fire stations must be designed to protect fire trucks from the weather and ensure their continued operation. Safety officials with the BIA regional office did not appear to be familiar with the issues related to the school's fire station when we asked about it. Without consistent inspection practices, BIA inspectors may continue to miss important deficiencies, such as a fire station that cannot be used. As a result, Indian Affairs will not have complete and accurate information on the frequency and severity of safety and health deficiencies at BIE schools.

Further, safety inspectors do not consistently collect required information on important areas, according to Indian Affairs safety officials. Such areas include whether schools have working fire alarms, which are required and are critical to student and staff safety.<sup>32</sup> Officials stated that safety inspectors are not responsible for testing fire alarms and systems but are required to check relevant documentation, such as inspection tags, to

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<sup>32</sup>It is Indian Affairs' policy to provide all funded Bureau facilities, including schools, with structural fire protection and to ensure all Bureau-funded facilities are fire safe, with working fire alarm systems and sleeping areas protected by automatic sprinkler systems. (Structural Fire Protection Program Policies and Procedures, Bureau of Indian Affairs, Office of Facilities Management and Construction. October 1, 2008.) Also, national fire protection codes and international building code requirements call for entities to establish a reasonable level of life and fire safety and property protection from fire and explosion.

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ensure an annual test was performed.<sup>33</sup> Because information on schools' fire alarm and sprinkler systems are not consistently collected through inspections across regions, officials with Indian Affairs' safety office said that they consider inspection information at the national and regional levels to be incomplete. To try to obtain national school fire safety information, in April 2013 Indian Affairs' safety office reached out to regional safety staff to collect information on the status of schools' fire alarm and sprinkler systems. In March 2015, a senior official in Indian Affairs' safety office said another data request was sent to regional staff because they submitted inaccurate or incomplete information. As of November 2015, officials said they had only received 86 responses, representing about 48 percent of school locations in 6 of BIA's 10 regions. Schools in the remaining 4 regions did not provide responses.<sup>34</sup> Further, officials said that for the responses they received, the quality of the information was limited because schools did not report complete information on the status of their fire alarm and sprinkler systems. Officials also told us that they did not design the survey instrument to collect specific information on each building in schools' inventory. As a result, Indian Affairs continues to lack complete information on the schools without working fire alarm and sprinkler systems in place to protect students and staff from potential fires.

Currently, Indian Affairs does not systematically evaluate the thoroughness of school safety and health inspections and monitor the extent to which inspection procedures vary within and across regions. According to federal internal control standards, internal control monitoring should be ongoing and assess program performance, among other aspects of an agency's operations.<sup>35</sup> Without monitoring whether safety inspectors across BIA regions are consistently following inspection procedures and guidance, inspections in different regions may continue to vary in completeness and miss important safety and health deficiencies at schools that could pose dangers to students and staff.

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<sup>33</sup>According to Indian Affairs' safety office, schools are generally responsible for routinely inspecting and testing fire extinguishers and alarms. In some cases, they may hire a contractor to do so.

<sup>34</sup>Schools in three of these regions were not inspected in the past 4 fiscal years.

<sup>35</sup>[GAO/AIMD-00-21.3.1](#) and [GAO-01-1008G](#).

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## Indian Affairs Is Not Providing Schools with Needed Support in Addressing Deficiencies or Consistently Monitoring Whether They Have Established Safety Committees

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### Indian Affairs Is Not Taking Needed Steps to Build the Capacity of BIE Schools to Promptly Address Deficiencies

According to Indian Affairs information, one-third or less of the 113 schools that were inspected in fiscal year 2014 had abatement plans in place, as of June 2015.<sup>36</sup> Interior requires that schools put such plans in place where inspectors identify deficiencies.<sup>37</sup> According to Indian Affairs officials in the safety office and BIA regions, schools generally need to put in place an abatement plan since annual safety and health inspections typically identify one or more deficiencies—even with new school facilities—that require abatement. Such plans are an initial step in how schools will address deficiencies identified in both annual safety and health and boiler inspection reports since the plans are required to include time frames, steps, and priorities for abatement. Given the lack of abatement plans, BIE schools are often not positioned to effectively address safety and health deficiencies or determine and request the funds necessary to correct them. In addition, the third of schools that

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<sup>36</sup>In July 2015, the transition to a new facility management system affected the ability of schools to put abatement plans in place, especially for inspections in fiscal year 2015, according to Indian Affairs' safety office. The number of schools with final abatement plans in place could increase slightly over time as some schools may put plans in place after the fiscal year in which the school was inspected. Thus, the number of abatement plans in place as of June 2015 may differ from numbers that are covered by different time periods, according to Indian Affairs' safety office.

<sup>37</sup>As noted previously, Indian Affairs regards abatement plans that are finalized and approved by schools to be "in place" and ready to be implemented.

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were not inspected were not able to put in place an abatement plan because an inspection identifies deficiencies for them to address.

Although Indian Affairs tracks the number of schools with abatement plans in place, it cannot track schools' progress in abating deficiencies nationwide because it does not have complete and accurate national information on safety and health deficiencies, as noted previously. The lack of complete and accurate information on BIE school facility deficiencies is mainly because about a third of schools have not been inspected in recent years, and the quality of inspections has varied. Because of these limitations, we reviewed inspection information for individual schools we visited, particularly their abatement of high-risk deficiencies.

Among the 16 schools we visited, some inspection reports and documents indicate that several schools had not abated high-risk deficiencies within the time frames required by Indian Affairs.<sup>38</sup> Without schools' prompt abatement of deficiencies, problems will persist and can pose a threat to the safety and health of students and school staff. Even though Indian Affairs requires schools to abate high-risk deficiencies within 1 to 15 days, we found that inspections of some schools we visited identified serious unabated deficiencies that recurred, or repeated, from one year to the next year. For example, we reviewed inspection documents Indian Affairs provided us for two schools with dormitories we visited in one region and found numerous examples of serious "repeat" deficiencies—those that were identified in the prior year's inspection and should have been corrected soon afterward but were not. For example, one school's report identified 12 repeat deficiencies that were assigned Indian Affairs' highest risk assessment category, which represents an immediate threat to students' and staff safety and health and require correction within a day. The most common such deficiencies listed in these reports related to fire safety and emergency access and egress. Examples include:

- fire doors that did not close properly;
- fire alarm systems that were turned off; and

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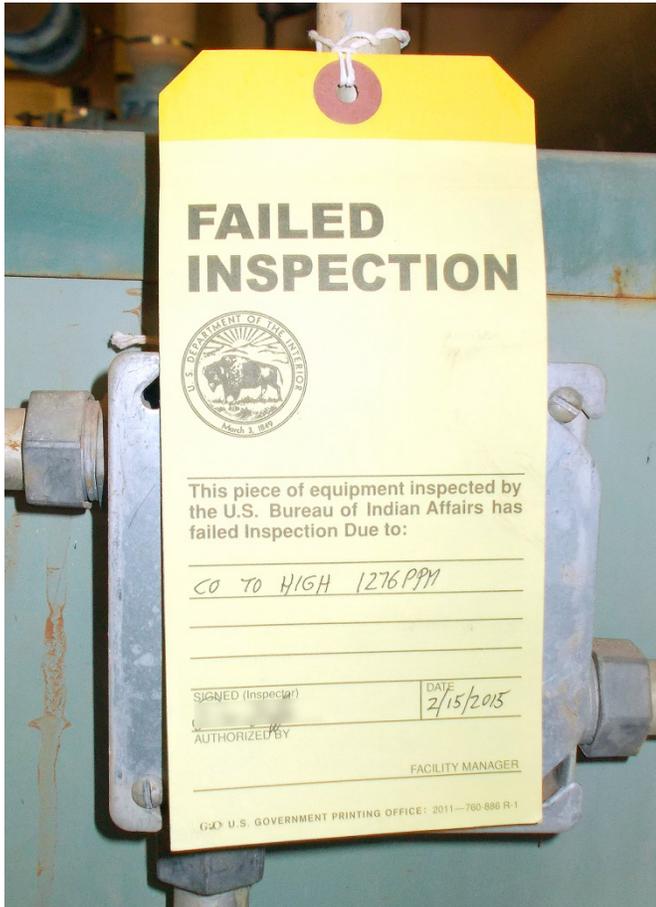
<sup>38</sup>We were unable to assess the abatement of deficiencies for all schools we visited. Of the 16 schools we visited, 5 did not have safety and health inspections performed by Indian Affairs since fiscal year 2011. Among the 11 schools we visited that Indian Affairs inspected in the past four fiscal years, the quality of those inspections varied.

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- obstructions, such as storage items, that hindered access/egress to building corridors, exits, and elevators.

Further, these schools' inspection documents show that they did not correct many serious hazards that pose less immediate dangers that safety inspectors assigned the second highest risk assessment category, which require correction within 15 days of an inspection. For example, one school we visited had over 160 such deficiencies, representing about three quarters of all repeat deficiencies. The most common such deficiencies also related to fire safety, emergency access and egress, and electrical hazards. Examples include:

- missing fire extinguishers;
- exit signs and emergency lights that did not work; and
- no documentation that fire extinguishers and fire alarms were routinely inspected.

Besides repeat deficiencies that recur from one year to the next, we also found that some schools we visited have abated high-risk deficiencies well beyond Indian Affairs' required time frames. The example below highlights the case of delayed repairs to seven boilers that failed a boiler inspection at one BIE school we visited. As outlined below, boilers in a student dormitory and classroom buildings failed inspection because of multiple high-risk safety deficiencies. Despite the serious risks to students and staff, most repairs were not completed for about 8 months after the boiler inspection.



Source: GAO. | GAO-16-313

**A boiler in a BIE classroom building failed inspection because of elevated levels of carbon monoxide gas.**

**Failed Inspection and Significant Delays in Repair of Boilers Endangered Students and Staff at a BIE School**

- At one school we visited, 7 of a school's 11 boilers failed inspection in 2015 due to various high- risk deficiencies, including elevated levels of carbon monoxide and a natural gas leak. Four of the boilers are located in a student dormitory, and 3 are located in classroom buildings. All but one of the boilers are about 50 years old.
- The inspection report designated most of these boiler deficiencies as critical hazards that posed an imminent danger to life and health, which required the school to address them within a day. The report also identified a gas leak affecting one of the dormitory boilers, which required the school to respond within 15 days. Several of these deficiencies were repeat items that had not been abated since the prior year's inspection.
- Carbon monoxide is a poisonous gas, which can cause poisoning where there is exposure. According to Indian Affairs officials, it is typically measured in the exhaust stack of the boiler. Natural gas is the fuel supply for the boiler, and a leak in the supply line can present an explosion hazard.
- School officials told us they continued to operate the boilers and use the dormitory after the inspection because there was no backup system to substitute for the boilers or other building available to house the students. About 6 months after Indian Affairs' boiler inspection, the school contacted a tribal utility authority to examine the boilers. The utility authority identified multiple gas leaks in the dorm and considered them dangerous to students and staff. As a result, the boilers were shut down, and the school evacuated the students and closed the dormitory for about 2 to 3 weeks to conduct emergency repairs of the gas leaks.
- Most of the boiler repairs were not completed for about 8 months following Indian Affairs' inspection. Significant delays in boiler repairs prolonged the safety and health risks to students and staff. Indian Affairs and school officials could not provide us with an explanation for why repairs took significantly longer than Indian Affairs' required time frames. Further, according to the most recent information agency officials provided us in December 2015, none of the repaired boilers had been inspected by a certified boiler inspector, as required by Indian Affairs.

Source: GAO analysis of Indian Affairs information and documentation. | GAO-16-313

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Several factors have hindered schools' putting in place and implementing abatement plans for safety and health deficiencies, according to officials at schools we visited as well as at BIA regional offices and the Indian Affairs' safety office. Factors they cited include:

- **Limited staff capacity.** Staff in some schools may not know how or have time to put plans in place and abate specific deficiencies, according to several school and Indian Affairs officials we interviewed. We previously reported on the limited capacity of facility staff at BIE schools, including turnover, declines in levels of facility maintenance staff, gaps in technical expertise, and limited institutional knowledge or awareness.<sup>39</sup> Reduced staffing levels or turnover among facility or other school personnel can hinder putting in place and implementing abatement plans. At one BIE-operated school we visited, school officials said that the school's only full-time facility maintenance employee was fairly new, held many competing responsibilities, and was not aware that he needed to complete an abatement plan following an inspection. In another region, a BIA regional inspector noted that many "repeat" deficiencies found in safety and health inspections have related to the limited capacity of school staff, leading to inadequate ongoing maintenance of building systems.
- **Challenges recording abatement information in the data system.** Schools can also face difficulties gaining or maintaining access to Indian Affairs' facility management data system, as we recently reported.<sup>40</sup> For example, officials with one tribally operated school told us they encountered persistent problems with connecting and maintaining access to the system. As a result, the school faced difficulties using the system to complete abatement plans. As Indian Affairs and BIE schools implement a new facility management system, Indian Affairs and school officials noted that technology challenges have continued, such as some staff not obtaining training or gaining access to the new system to enter abatement plans.
- **Funding availability.** According to school and Indian Affairs officials, limited funding has been available for maintenance items under \$2,500 as well as for repairs, improvements, or new construction over

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<sup>39</sup>GAO, *Indian Affairs: Preliminary Results Show Continued Challenges to the Oversight and Support of Education Facilities*, [GAO-15-389T](#) (Washington, D.C.: Feb. 27, 2015).

<sup>40</sup>[GAO-15-389T](#).

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\$2,500. For maintenance items under \$2,500, we recently reported that shortfalls in operations funds can require a school to draw from its maintenance funds to keep the lights on and buildings warm in the winter, leaving less money for building maintenance.<sup>41</sup> For example, one school official told us that facility operations were funded at about 50 percent of the school's need. Meanwhile, for repairs over \$2,500, improvements, or new construction, Indian Affairs officials said that schools may submit requests for funding—such as for new fire stations—but may not receive funding in the short-run or at all.

Indian Affairs has not taken needed steps at the national or regional level to build the capacity of school staff to address the challenges schools face in abating safety and health deficiencies. For example, in recent years Indian Affairs has not reached out to assist schools in abating these deficiencies, such as by offering basic training for staff in how to maintain and conduct repairs to school facilities. According to regional facility managers in two regions, Indian Affairs used to provide school facility staff with training on specific facility issues, including boiler maintenance and electrical repairs. They noted that this training program was discontinued about a decade ago and that school facility staff have asked for this type of training in recent years. An Indian Affairs official noted that the program was discontinued due to funding constraints and hands-on training for school facility staff has been very limited.

In addition, Interior's Indian Education Study Group found in 2014 that Indian Affairs has not always been responsive to BIE schools' requests for assistance regarding facility repairs.<sup>42</sup> While some regional officials told us that they may provide limited assistance to schools when asked—such as answering questions about accessing Indian Affairs' facility data system—such ad hoc assistance is not likely to build schools' capacity to abate deficiencies because it does not address the larger challenges noted above. Several officials at Indian Affairs' safety office and BIA

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<sup>41</sup>[GAO-15-389T](#).

<sup>42</sup>In 2013, the Secretaries of the Interior and Education convened an American Indian Education Study Group to examine the challenges facing BIE and to propose a plan for reform to ensure all students attending BIE schools receive a high-quality education, according to documents from Interior. For more information, see *Findings and Recommendations Prepared by the Bureau of Indian Education Study Group* Submitted to the Secretaries of the Departments of the Interior and Education (June, 2014).

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regional offices acknowledged that they do not have a plan to build schools' capacity to address safety and health deficiencies.

As noted previously, the Secretary of the Interior's 2014 order to restructure BIE stated that Indian Affairs should focus on providing resources and services to tribes—including those related to school facilities—to build their capacity to operate schools. Further, Indian Affairs is responsible for providing schools with assistance on safety issues. Absent a plan to strengthen their ability to promptly address safety and health deficiencies, schools will continue to face difficulties in addressing unsafe and unhealthy conditions in school buildings.

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### Indian Affairs Is Not Consistently Monitoring Whether Schools Have Established Required Safety Committees

Indian Affairs has not consistently monitored whether schools have established required safety committees. Starting in fiscal year 2014, Service Level Agreements between BIA regions and BIE have required regions to ensure that all BIE schools establish a safety committee. According to Indian Affairs guidance, safety committees can help with communication about and improvement in safety and health. In addition, a senior official with the safety office stated that safety committees can provide schools with a vital focus in abating safety and health deficiencies identified in inspection reports. Further, a few schools we visited cited various benefits, such as raising awareness of safety issues among students and school staff. However, BIA safety officials that we interviewed in three regions estimated that about half or fewer of BIE schools had created safety committees in their respective regions, but they were unable to confirm this because they do not actively monitor whether schools have created such committees. In addition, Indian Affairs' safety office raised concerns about the limited number of safety committees in its periodic evaluations of BIA regional offices' implementation of Indian Affairs' safety and health program.

Indian Affairs does not know which schools have established safety committees nationally because BIA regions have not consistently tracked this information. For example, the safety officer for one region could not provide us with documentation on which schools had committees. A safety officer from another region said the region was not actively monitoring whether schools had safety committees.

Officials in some BIA regions cited various factors, such as staff vacancies or competing administrative priorities, limiting their ability to monitor whether schools have created safety committees. As we previously noted, we have recommended that Indian Affairs revise its

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strategic workforce plan to ensure that its employees providing administrative support to BIE schools are placed in the appropriate offices. According to federal internal control standards, internal control monitoring should be ongoing and assess program performance, among other aspects of an agency's operations.<sup>43</sup> Without more systemic monitoring of school safety committees, Indian Affairs is not in a position to know whether schools have fulfilled this important requirement. Furthermore, Indian Affairs cannot ensure that all BIE schools will establish and use this important mechanism to communicate about and improve school safety and health.

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## Conclusions

The federal government, through the Department of the Interior, has a trust responsibility for the education of Indian students, which includes ensuring that school facilities provide safe and healthy environments for students. However, because Indian Affairs neither conducted required annual inspections for BIE schools nationwide nor provided updated guidance and tools to its inspectors, it lacks complete and accurate safety and health information on school facilities. As a result, Indian Affairs cannot effectively determine the magnitude and severity of safety and health deficiencies at schools and is thus unable to prioritize deficiencies that pose the greatest danger to students and staff. Further, Indian Affairs has not developed a plan to build schools' capacity to promptly address deficiencies or consistently monitored whether schools have established required safety committees. Without taking steps to improve oversight and support for BIE schools in these key areas, Indian Affairs cannot ensure that the learning and work environments at BIE schools are safe, and it risks causing harm to the very children that it is supposed to educate and protect.

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## Recommendations for Executive Action

To support the collection of complete and accurate safety and health information on the condition of BIE school facilities nationally, we recommend that the Secretary of the Interior direct the Assistant Secretary-Indian Affairs to take the following two actions:

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<sup>43</sup> [GAO/AIMD-00-21.3.1](#) and [GAO-01-1008G](#).

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1. Ensure that all BIE schools are annually inspected for safety and health, as required by its policy, and that inspection information is complete and accurate. This could include:
    - Analyzing the key challenges to ensuring that all BIE schools are inspected, as well as implementing a plan to mitigate those challenges.
    - In the interim, prioritizing inspections at schools where facility conditions may pose a greater risk to students—such as schools with dormitories or those that have not been recently inspected.
  2. Revise its inspection guidance and tools to ensure that they are comprehensive and up-to-date; require that regional safety inspectors use them to ensure all vital areas are covered, such as school fire protection; and monitor safety inspectors' use of procedures and tools across regions to ensure they are consistently adopted.

To ensure that all BIE schools are positioned to address safety and health problems with their facilities and provide student environments that are free from hazards, we recommend that the Secretary of the Interior direct the Assistant Secretary-Indian Affairs to take the following two actions:

3. Develop a plan to build schools' capacity to promptly address safety and health problems with facilities. Such a plan could prioritize assistance to schools to improve the expertise of facility staff to maintain and repair school buildings.
4. Consistently monitor whether schools have established required safety committees.

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## Agency Comments and Our Evaluation

We provided a draft of this report to Interior for review and comment. In its written comments, reproduced in appendix I, Interior agreed with all four of our recommendations. Overall, Interior commented that our report's findings and recommendations will benefit the Department as it moves forward with the implementation of improvements to ensure safety and health at BIE school facilities.

To address our recommendation to ensure that all BIE schools are annually inspected for safety and health as required, Interior commented that Indian Affairs plans to improve its oversight by developing a tracking and reporting mechanism in its safety data system to allow Indian Affairs' leadership, BIA, and BIE to track the progress made in meeting the annual school inspection requirement. In addition, Interior said that Indian

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Affairs plans to involve BIA Regional Directors, BIE Associate Deputy Directors, and school superintendents in its efforts to track the status of school safety and health inspections and related corrective actions.

Regarding our recommendation to revise Indian Affairs' inspection guidance and tools, Interior stated that Indian Affairs' safety office plans to update and develop comprehensive inspection guidelines that will include detailed inspection requirements and procedures. Interior also said that Indian Affairs' safety office plans to develop a mechanism to monitor safety inspectors' use of its guidelines and work to standardize bureau-wide processes to ensure that its data are current and reliable.

Further, while Interior agreed with our recommendation to develop a plan to build schools' capacity to promptly address safety and health problems at their facilities, it did not indicate how it plans to address this recommendation. Ensuring that schools have the capacity to abate unsafe and unhealthy conditions at their facilities is critical in protecting students and staff from potential injury or harm. We encourage Interior to take action to develop a plan consistent with this recommendation, which could include prioritizing assistance to help schools improve the expertise of their facility staff.

Finally, in response to our recommendation to monitor BIE schools' efforts to establish required safety committees, Interior indicated that Indian Affairs' safety office is working with a service contractor to customize a component of its safety data system to provide information on safety committees. While we believe this could serve as a useful resource, it is unclear how this action will support Indian Affairs in monitoring whether schools have established required safety committees. We encourage Indian Affairs to outline the specific steps it will take to conduct such monitoring. We continue to believe that more consistent monitoring of whether schools have safety committees will allow Indian Affairs to determine whether schools are meeting this important safety requirement and will better position schools to address safety issues at their facilities.

As Interior takes these and any other steps to implement our recommendations, we encourage it to establish clear timeframes for specific actions and communicate its progress to Congress, tribes, and school communities.

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We are sending copies of this report to the appropriate congressional committees and to the Secretary of the Interior. In addition, the report is available at no charge on GAO's website at <http://www.gao.gov>.

If you or your staff have any questions about this report, please contact me at (617) 788-0534 or [emreyarrasm@gao.gov](mailto:emreyarrasm@gao.gov). Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. GAO staff who made key contributions to this report are listed in appendix II.

*Melissa Emrey-Arras*

Melissa Emrey-Arras, Director  
Education, Workforce, and Income Security Issues

# Appendix I: Comments from the Department of the Interior



## United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, DC 20240

FEB 29 2016

Ms. Melissa Emrey-Arras  
Director, Education, Workforce, and  
Income Security Issues  
U.S. Government Accountability Office  
441 G Street, NW  
Washington, DC 20548

Dear Ms. Emrey-Arras:

Thank you for providing the Department of the Interior (Department) the opportunity to review and comment on the draft Government Accountability Office (GAO) report entitled *Indian Affairs: Key Actions Needed to Ensure Safety and Health at Indian School Facilities* (GAO-16-313). We appreciate GAO's efforts in reviewing and analyzing the safety and health conditions at Bureau of Indian Education (BIE) school facilities.

The GAO issued four recommendations to the Department in response to its overall findings. These findings and recommendations will benefit the Department as it moves forward with the implementation of improvements ensuring safety and health at Indian school facilities and at schools within Indian Country. A majority of the actions taken or planned to be taken will be the result of a collaborative effort between the Bureau of Indian Affairs (BIA) and BIE. We generally agree with the findings and concur with the recommendations and offer the following responses.

Through its increased proactive oversight, the Indian Affairs' (IA) Division of Safety and Risk Management (DSRM) will develop a safety and health inspection tracking and reporting mechanism in the Indian Affairs-Facilities Management System's (IA-FMS) Safety and Condition Assessment Portal. This will keep BIA, BIE, and IA leadership abreast of the progress made on required inspections leading to the completion of 100 percent inspections. The BIA Regional Directors, Associate Deputy Directors, and Superintendents of schools will be actively involved in the process of notifying their respective BIA Region or the Office of Facilities, Property, and Safety Management on the status of their safety inspections and associated corrective actions.

The DSRM will also update and develop comprehensive workplace inspection guidelines that include detailed requirements and procedures for conducting annual workplace inspections (evaluations). The DSRM will develop a mechanism to monitor the safety inspectors' consistent use of the guidelines throughout IA. The newly implemented IA-FMS will ensure accurate and up-to-date information on the condition of school facilities as a means to support program management and project prioritization. The IA is standardizing bureau-wide business processes to ensure that the asset portfolio data is current and to consistently identify work required to bring the portfolio up to acceptable condition and properly sustain it over time.

To develop and enhance the value of safety committees, DSRM is working through a service contractor to customize the current IA Safety Management System SharePoint site and include a Safety Committee Program Portal.

If you have any questions or need additional information, please contact Mr. Michael Oliva, Director, IA Division of Internal Evaluation and Assessment, at (703) 390-6537.

Sincerely,



Lawrence S. Roberts  
Acting Assistant Secretary – Indian Affairs

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# Appendix II: GAO Contact and Staff Acknowledgments

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## GAO Contact

Melissa Emrey-Arras, Director, (617) 788-0534 or [emreyarrasm@gao.gov](mailto:emreyarrasm@gao.gov)

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## Staff Acknowledgments

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