



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

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May 2017

# INDIAN AFFAIRS

## Further Actions Needed to Improve Oversight and Accountability for School Safety Inspections

# GAO Highlights

Highlights of [GAO-17-421](#), 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 about 41,000 Indian students at 185 BIE schools. In March 2016, GAO identified numerous weaknesses with BIA's school inspections. GAO was asked to review Interior's oversight of BIA's safety program and inspections of BIE schools.

Among other issues, GAO examined the extent to which Interior has taken actions to address weaknesses with BIA's safety program, and the extent to which Indian Affairs monitors BIE school safety inspection reports and uses timeliness information to evaluate employee performance. GAO reviewed Interior's internal evaluations; a nongeneralizable sample of 50 randomly selected fiscal year 2016 BIE school inspection reports covering the nine BIA regions with inspection responsibilities for schools; BIA regional documentation of employee appraisals; and performance management practices in four BIA regions selected for geographic diversity and a range of safety inspection results.

## What GAO Recommends

GAO is making six recommendations to Interior, including to take steps to address previously identified weaknesses in BIA's safety program; establish processes to monitor the quality and timeliness of BIE school inspection reports; and use timeliness information to better assess employee performance. Interior agreed with all six recommendations and noted several actions it plans to take to address them.

View [GAO-17-421](#). For more information, contact Melissa Emrey-Arras at (617) 788-0534 or [emreyarrasm@gao.gov](mailto:emreyarrasm@gao.gov).

May 2017

## INDIAN AFFAIRS

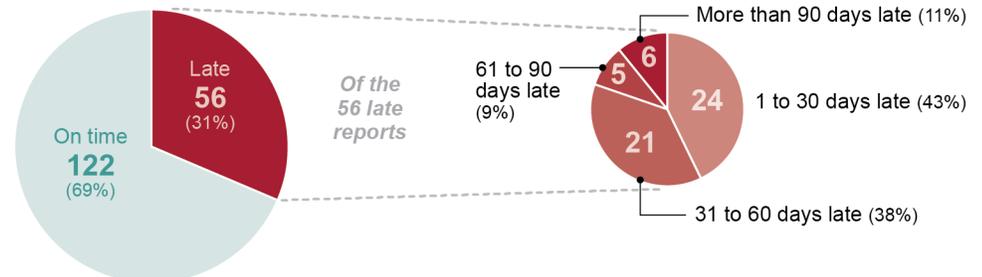
# Further Actions Needed to Improve Oversight and Accountability for School Safety Inspections

## What GAO Found

The Department of the Interior (Interior) and its Office of the Assistant Secretary-Indian Affairs (Indian Affairs) have not taken actions to address identified weaknesses in the Bureau of Indian Affairs' (BIA) safety program, despite internal evaluations that have consistently found it to be failing. Specifically, Interior's internal evaluations conducted since 2011 identified major deficiencies in all areas of BIA's safety program, including safety management and safety inspections, which include Bureau of Indian Education (BIE) schools. However, GAO found that Interior and Indian Affairs have not taken actions to address these evaluation findings, such as developing and implementing a corrective action plan. Federal standards for internal control state that federal managers should address weaknesses by ensuring that corrective actions are promptly planned and taken. Unless steps are taken to address previously identified safety program weaknesses, the safety and health of students and staff at BIE schools may be at risk.

No Indian Affairs office routinely monitors the quality or timeliness of inspection reports, and BIA employees were not held accountable for late reports despite a new employee performance standard on timely report submission. While BIA completed safety inspections at all BIE schools in fiscal year 2016, GAO found that 28 of 50 inspection reports reviewed were incomplete, inaccurate, or unclear. For example, GAO identified reports in which inspectors did not inspect buildings or incorrectly gave school officials a year to fix broken fire alarms instead of the required 24 hours. GAO also found BIA inspectors submitted nearly a third of all reports after Indian Affairs' required 30 days, but no employee with safety program responsibilities was rated "minimally successful" or "unsatisfactory" as required by BIA's performance standards. Federal standards for internal control state that monitoring should be ongoing and assess effectiveness and that managers should hold employees accountable for performance. Until Indian Affairs monitors the quality and timeliness of school inspection reports and uses timeliness information to better manage safety employees' performance, the agency cannot ensure that BIE school officials receive the information they need to provide safe and healthy environments for students and staff.

**Number of School Safety Inspection Reports Submitted to Indian Affairs' Safety Office within 30 Days of the Inspection, Fiscal Year 2016**



Source: GAO analysis of Indian Affairs data. | GAO-17-421

Note: There are 185 BIE schools located at 178 locations across the country. Some schools are co-located on the same campus, and Indian Affairs considers them a single location for inspection purposes.

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# Contents

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Letter		1
	Background	3
	Internal Evaluations Have Consistently Found the Bureau of Indian Affairs' Safety Program to Be Failing but Officials Responsible for Addressing These Weaknesses Have Taken No Actions	10
	BIA's Employee Performance Standards on Safety Inspections Were Not Consistently Incorporated by the Regions and Do Not Include Expectations for Quality	16
	Indian Affairs Does Not Routinely Monitor the Quality or Timeliness of School Inspection Reports or Hold Regional Staff Accountable for Late Reports	18
	Conclusions	26
	Recommendations for Executive Action	27
	Agency Comments and Our Evaluation	27
Appendix I	Comments from the Department of the Interior	30
Appendix II	GAO Contact and Staff Acknowledgments	35
Related GAO Products		36
Tables		
	Table 1: Department of the Interior's Performance Appraisal Rating Categories	9
	Table 2: Bureau of Indian Affairs' New Employee Performance Standards on Safety Inspections to Meet "Fully Successful" Level, Fiscal Year 2016	16
Figures		
	Figure 1: Department of the Interior Offices with Responsibilities for Managing or Overseeing the Bureau of Indian Affairs' Safety and Health Program	4
	Figure 2: Procedures Required by Indian Affairs to Complete Annual School Safety Inspections	8

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Figure 3: Number of Bureau of Indian Affairs (BIA) Regional Personnel That Completed All Required Safety Training by the End of Fiscal Year 2016	14
Figure 4: Number of Non-Executive Bureau of Indian Affairs Regional Safety Employee Appraisal Plans That Include New Employee Performance Standards on Safety Inspections, Fiscal Year 2016	17
Figure 5: Number of Non-Executive Bureau of Indian Affairs Regional Safety Staff Appraisal Plans That Include Each New Employee Performance Standard on Safety Inspections, Fiscal Year 2016	17
Figure 6: Department of the Interior's Risk Levels for Safety Deficiencies	20
Figure 7: Number of Safety Inspection Reports Submitted to Indian Affairs' Safety Office within 30 Days of On-Site Inspection, Fiscal Year 2016	24
Figure 8: Bureau of Indian Affairs Regional Safety Employees' Fiscal Year 2016 Appraisal Ratings on Safety Related Performance Standards	25

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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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May 24, 2017

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 about 41,000 Indian students at schools funded and overseen by the Bureau of Indian Education (BIE). Currently, there are 185 elementary and secondary schools on or near Indian reservations across the country.<sup>1</sup> In our March 2016 report, we found that about one in three BIE schools were not being annually inspected from fiscal years 2012 to 2015, although inspectors at Bureau of Indian Affairs (BIA) regional offices are required to conduct annual safety and health inspections at all BIE schools.<sup>2</sup> We also found weaknesses in BIA regions' inspection process, such as inconsistent inspection practices, which limited its ability to provide complete and accurate inspection information to the schools they inspect. As a result of these and other systemic problems, we added federal programs that serve tribes and their members—including Indian Affairs' management of Indian education—to our High Risk List in February 2017.<sup>3</sup> In light of this history, you asked us to review Interior's oversight of BIA's safety program and inspections of BIE schools.

For this report, we examined the extent to which (1) Interior has taken actions to address weaknesses with BIA's safety program, including inspections of BIE schools, (2) Indian Affairs has consistent employee

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<sup>1</sup>For this report, we counted each school individually, including those schools that were co-located on the same campus. Thus, the total number of BIE schools we present may appear differently than in Interior documents.

<sup>2</sup>GAO, *Indian Affairs: Key Actions Needed to Ensure Safety and Health at Indian School Facilities*, [GAO-16-313](#) (Washington, D.C.: Mar. 10, 2016). A complete list of related GAO products can be found at the end of this report.

<sup>3</sup>GAO, *High-Risk Series: Progress on Many High-Risk Areas, While Substantial Efforts Needed on Others*, [GAO-17-317](#) (Washington, D.C.: Feb. 15, 2017).

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performance standards on safety inspections that include expectations for report quality and timeliness, and (3) Indian Affairs monitors the quality and timeliness of school safety inspection reports and uses timeliness information to evaluate the performance of BIA regional staff.

To evaluate the extent to which Interior has taken actions to address weaknesses with BIA's safety program, we reviewed Interior's internal oversight evaluations and compared its practices to its policies and to federal internal control standards.<sup>4</sup> In addition, we analyzed Indian Affairs' training documents for BIA personnel with safety program responsibilities and compared the information against Indian Affairs' safety training requirements to determine the extent to which these personnel had completed the required training. We also interviewed Indian Affairs' officials about the extent to which they monitored compliance with the agency's training requirements.

To examine Indian Affairs' performance management practices for safety, we analyzed BIA's performance measures for personnel with safety program responsibilities as well as appraisal plans for all BIA regional employees with these responsibilities, including Regional Directors. In addition, we interviewed Regional Directors, supervisors, and inspectors at four BIA regions about performance management policies and procedures related to their safety personnel. Regions were selected for geographic diversity and a range of safety inspection results over the past 4 fiscal years.

To assess the extent to which Indian Affairs monitors the quality of school safety inspection reports, we reviewed a nongeneralizable sample of 50 randomly selected safety inspection reports completed in fiscal year 2016 by BIA safety personnel in the nine BIA regions responsible for inspecting BIE schools. This sample included 3 randomly selected inspection reports per inspector, except for two inspectors who were responsible for inspecting three or fewer BIE schools; for these inspectors we included all of their reports in our sample. We reviewed these reports for accuracy, completeness, and clarity of descriptions of safety deficiencies and recommended corrections. We compared our findings to Interior and Indian Affairs policies and guidance on inspection reports and to federal internal control standards. To assess the timeliness of inspection reports

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<sup>4</sup>GAO, *Standards for Internal Control in the Federal Government*, [GAO-14-704G](#) (Washington, D.C.: Sept. 10, 2014).

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sent to BIE schools, we analyzed fiscal year 2016 Indian Affairs' data on 178 inspection reports to compare the number of days it took inspectors to submit school inspection reports against Indian Affairs' required timeframe of 30 days.<sup>5</sup> We assessed the reliability of these data by reviewing Indian Affairs' documentation on its data system, interviewing the head of Indian Affairs' safety office, conducting electronic testing, and matching dates in Indian Affairs' spreadsheet to corresponding dates in a sample of inspection reports. We found the data reliable for the purposes of our report. To assess the extent to which Indian Affairs uses information on timeliness to evaluate staff performance, we analyzed the fiscal year 2016 ratings for all 39 BIA regional employees with safety program responsibilities, including Regional Directors. We compared their ratings against BIA's performance criteria for conducting safety inspections.

We conducted this performance audit from May 2016 to May 2017 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

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 executive actions. 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.<sup>6</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.

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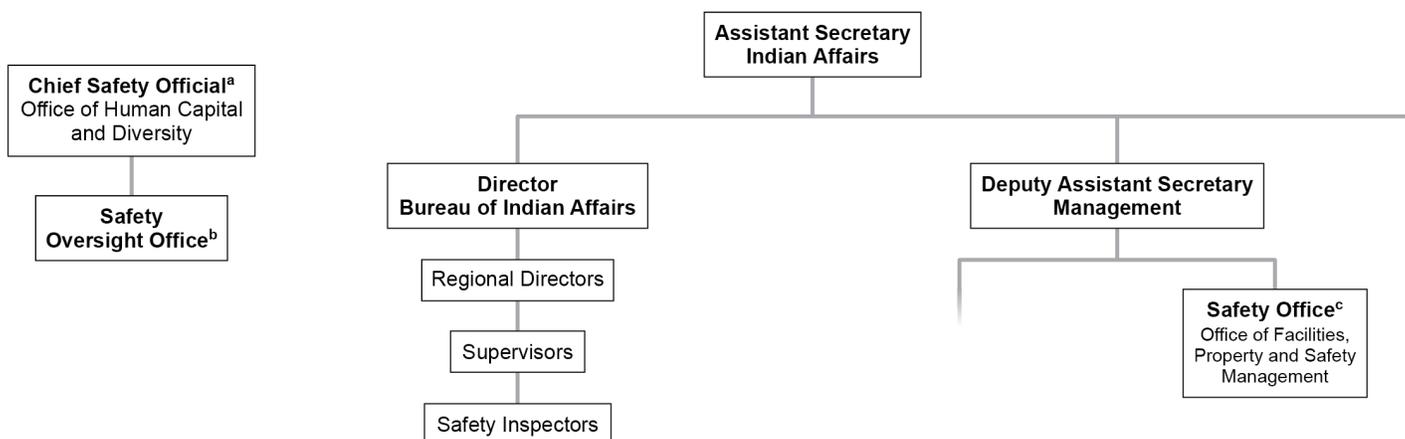
<sup>5</sup>According to Indian Affairs officials, the number of school locations decreased from 180 in fiscal year 2015 to 178 in fiscal year 2016 as the result of school consolidations.

<sup>6</sup>25 U.S.C. § 2000.

## Interior Bureaus and Offices with Responsibilities for Managing or Overseeing the Bureau of Indian Affairs' Safety and Health Program

Multiple Interior offices at the national and regional level are currently responsible for managing or overseeing BIA's safety and health program (see fig. 1).

**Figure 1: Department of the Interior Offices with Responsibilities for Managing or Overseeing the Bureau of Indian Affairs' Safety and Health Program**



Source: GAO analysis of U.S. Department of the Interior documentation. | GAO-17-421

<sup>a</sup>Chief safety official refers to Interior's Designated Agency Safety and Health Official.

<sup>b</sup>Safety oversight office refers to Interior's Office of Occupational Safety and Health.

<sup>c</sup>Safety office refers to Indian Affairs' Division of Safety and Risk Management.

In 2014, Interior approved a plan to restructure BIE to increase tribes' capacity to directly operate BIE schools and consolidate all administrative support functions for schools—including the responsibility for conducting annual safety inspections—under BIE. As of April 2017, however, BIE's restructuring was not fully implemented, and BIA continued to be responsible for conducting school inspections.

- **The Assistant Secretary-Indian Affairs** is responsible for ensuring that BIA's safety program complies with statutory, regulatory, and agency requirements. According to Interior policy, this individual must also demonstrate a personal commitment to the safety and health of

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department employees and BIE school students, among others who occupy or visit Interior facilities.

- **Bureau of Indian Affairs:**
  - **The BIA Director** is responsible for providing management direction and support necessary for the bureau to effectively implement its safety and health program. The Director's specific responsibilities include supplementing BIA's safety program with special directives, standards, requirements, and training to meet the needs of BIA regions and other offices.
  - **BIA Regional Directors** are responsible for overseeing their respective regional safety programs, including making sure their programs have sufficient resources and staff to effectively implement and administer the program. Of the 12 BIA Regional Directors, 9 are responsible for overseeing safety programs that include annual safety inspections of BIE schools.<sup>7</sup>
  - **BIA supervisors** are responsible for ensuring that safety and health inspections are performed by safety inspectors, among other safety program responsibilities.
  - **BIA safety inspectors** are responsible for conducting inspections of BIE schools, among other types of bureau-funded facilities. In eight of the nine BIA regions responsible for inspecting BIE school facilities, the employee who conducts inspections is also responsible for managing the region's safety program, including ensuring motor vehicle safety and processing employee injury compensation claims, among other administrative responsibilities.<sup>8</sup>
- **Indian Affairs' safety office**, within the Office of Facilities, Property and Safety Management, is responsible for developing and implementing Indian Affairs' policies and directives that support the implementation of BIA's safety program. Its specific responsibilities include developing safety program guidance and procedures that are consistent with the Department of Labor's Occupational Safety and Health Administration (OSHA) standards and conducting evaluations of all BIA regions' safety programs to ensure compliance with those

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<sup>7</sup>The Alaska Region does not have any BIE schools, while the responsibility for inspecting BIE schools in the Pacific and Eastern Oklahoma Regions is handled by the Western and Eastern Regions respectively.

<sup>8</sup>The Navajo Region has a safety manager who supervises several safety inspectors.

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standards. Evaluation reports are provided to the respective Regional Director.

- **Interior’s chief safety official** exercises the authority of the Secretary of the Interior to manage and oversee the department’s safety program. This individual’s key responsibilities include developing department-wide policy, directives, and standards for safety program implementation and ensuring that all Interior bureaus and offices have sufficient resources to effectively implement their safety programs.
- **Interior’s safety oversight office** supports the chief safety official and is responsible for providing safety and health guidance and technical assistance to bureaus and offices’ safety programs. This office also evaluates the performance of all bureaus and offices’ safety programs to ensure compliance with federal safety standards.

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## Key Safety and Health Program Requirements

BIA’s safety and occupational health program is responsible for ensuring that BIE school students and staff learn and work in healthy and safe environments that are free of hazards that may cause them injury, among other functions.<sup>9</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>10</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.<sup>11</sup> 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. Specific responsibilities for administering the safety program for schools, including conducting inspections, are detailed in a Service Level Agreement between BIA regions and BIE.

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<sup>9</sup>This program also covers safety and health at non-educational facilities, such as BIA juvenile detention centers, and other areas, including worker’s compensation and motor vehicle safety.

<sup>10</sup>Pub. L. No. 91-596, 84 Stat. 1590, codified at 29 U.S.C. §§ 651-678.

<sup>11</sup>See, 29 C.F.R. pt. 1960.

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## Annual Safety and Health Inspections

Annual safety and health inspections are a central component of BIA's safety and health program for BIE schools.<sup>12</sup> OSHA regulations require agencies to conduct inspections of each of their federal workplaces at least annually.<sup>13</sup> Indian Affairs' policy expands the application of these requirements to all BIE schools, including those operated by tribes and beyond the workplace to all student environments, including school classrooms and dormitories. The purpose of these inspections is to identify, document, and promptly provide BIE schools with a list of safety deficiencies and recommended corrective actions to address them. During inspections, inspectors are required to document deficiencies and assign each a risk assessment code based on its potential to endanger the safety and health of students and staff.<sup>14</sup> In exit meetings with schools, inspectors are expected to 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 system. Inspectors are required to submit draft inspection reports to Indian Affairs' safety office, which 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 the safety office. BIA safety inspectors are responsible for sending finalized inspection reports to schools no later than 30 days from the date of the on-site inspection. Interior requires that all annual inspections be completed by the end of each fiscal year (see fig. 2).

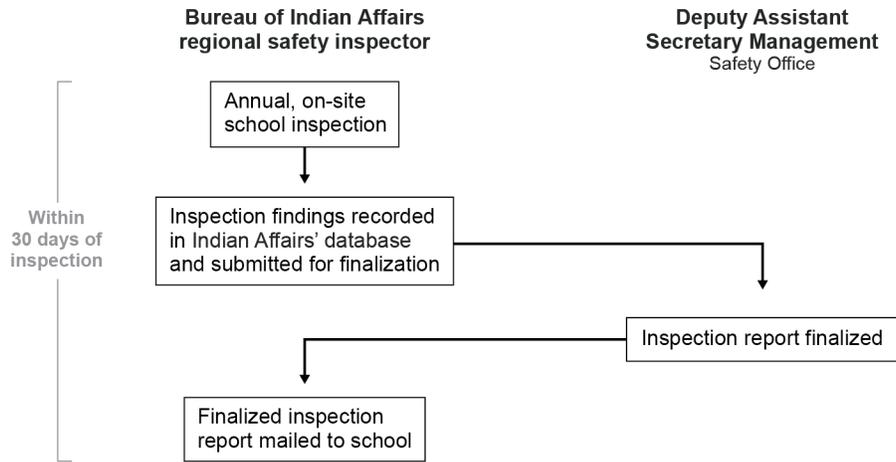
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<sup>12</sup>BIA is also responsible for ensuring that schools receive facility condition assessments and, where appropriate, boiler inspections and environmental inspections, which are separate from annual safety and health inspections and conducted by external contractors.

<sup>13</sup>29 C.F.R. § 1960.25(c).

<sup>14</sup>Risk assessment codes are a numerical expression of risk determined by assessing the severity and probability of a safety hazard. The codes rank risk using a five-point system, with 1 expressing the highest level of risk and 5 expressing the lowest level of risk.

**Figure 2: Procedures Required by Indian Affairs to Complete Annual School Safety Inspections**



Source: GAO analysis of Indian Affairs documentation. | GAO-17-421

Note: Indian Affairs refers to the Office of the Assistant Secretary-Indian Affairs, which oversees the Bureau of Indian Affairs.

### Safety Training Requirements

According to OSHA guidance, each federal agency is responsible for providing appropriate training to ensure that employees have the knowledge and skills necessary to fulfill their occupational safety and health responsibilities, including performing annual safety inspections. Indian Affairs requires that all regional personnel with safety program responsibilities—including Regional Directors, inspectors and their supervisors—complete various training courses related to hazard recognition and other safety and health topics. Indian Affairs' safety office is responsible for identifying required training for BIA regional employees. At the regional level, BIA supervisors are responsible for communicating with their staff about their training needs and ensuring they meet all training requirements.

### Performance Management of Employees with Safety Program Responsibilities

Interior's performance management practices include notifying employees of the standards included in their performance appraisal plans; establishing individualized plans for employee training and developmental opportunities; conducting a mid-point progress review; and preparing a final appraisal. The appraisal includes numerical ratings and may also contain summary narratives. Supervisors are responsible for rating employees according to Interior's performance rating system, which is based on the following categories (see table 1).

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**Table 1: Department of the Interior’s Performance Appraisal Rating Categories**

<b>Rating category</b>	<b>Description</b>
Exceptional	The employee demonstrates particularly excellent performance that is of such high quality that organizational goals have been achieved that would not have been otherwise.
Superior	The employee demonstrates unusually good performance that exceeds expectations in critical areas and exhibits sustained support of organizational goals.
Fully Successful	The employee demonstrates good, sound performance that meets organizational goals.
Minimally Successful	Performance shows serious deficiencies that require correction. Work is marginal and only meets the minimum requirements with close supervision.
Unsatisfactory	The quality and quantity of the employee’s work are not adequate for the position. Work products do not meet the minimum requirements expected.

Source: GAO analysis of U.S. Department of the Interior documentation. | GAO-17-421

According to Interior policy, employees’ performance appraisal plans must include between one and five critical performance elements. These elements—which describe specific work assignments and responsibilities that need to be accomplished during the appraisal period—are considered critical because they are of such importance to the position that unsatisfactory performance in one element alone would result in a determination that the employee’s overall performance is “unsatisfactory.” Interior provides guidance on developing and using employee appraisal plans to help ensure that performance management practices across the department support its goals.<sup>15</sup>

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<sup>15</sup>See U.S. Department of the Interior, Office of the Secretary, *Performance Appraisal Handbook: A Guide for Managers/Supervisors and Employees*, effective September 2010.

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Internal Evaluations  
Have Consistently  
Found the Bureau of  
Indian Affairs' Safety  
Program to Be Failing  
but Officials  
Responsible for  
Addressing These  
Weaknesses Have  
Taken No Actions

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Interior Evaluations  
Consistently Found That  
BIA Failed on Almost All  
the Department's  
Measures for Effective  
Safety Program  
Implementation

BIA-wide Safety Program  
Evaluations by Interior's Safety  
Oversight Office

Interior's safety oversight office conducted two evaluations of BIA's safety program since 2011, both of which found BIA's program to be failing and ranked it last among Interior's 10 bureaus that have safety programs. Its most recent April 2016 evaluation report examined the overall condition of BIA's safety program, including its process for inspecting BIE schools, and any program changes or improvements made since the 2011 evaluation.<sup>16</sup> The report found that BIA had made no progress toward improving its safety program since the 2011 evaluation and failed in all of

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<sup>16</sup>The findings and conclusions in Interior's April 2016 evaluation report on BIA's safety program were based information gathered from BIA, Indian Affairs' central offices, Indian Affairs' safety office, and a sample of regional offices selected by Indian Affairs' safety office, including the BIA Eastern Oklahoma Regional Office and the Southwest Regional Office, among others. According to the report, the results of the evaluation should be viewed from the perspective of the sample evaluated. See U.S. Department of the Interior, Safety and Occupational Health, *Program Evaluation: Bureau of Indian Affairs* (Washington, D.C.: Apr. 8, 2016).

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Interior's areas for safety program implementation. Key areas of safety program weaknesses in the report included:

- **Management and Accountability.** In its 2016 report, Interior found that, although Indian Affairs' policy defines responsibilities for BIA's safety program at all levels of the bureau, senior regional officials were not performing their safety responsibilities, including implementing many safety-related policies and requirements. For example, Interior found that senior and regional officials did not effectively ensure that BIA regions have sufficient resources to implement their safety programs and have qualified, full-time staff in place to manage the programs and conduct inspections. It also found that senior BIA officials had not developed goals and performance measures for the safety program, implemented necessary corrective actions in response to findings from internal safety program audits, or taken effective steps to communicate the importance of safety throughout the bureau. Interior's 2016 report stated that the BIA Director had not made safety an "organizational value," resulting in "significant shortcomings in the implementation of the program" and noted that "regional leadership dismisses safety as secondary and/or diverts safety resources and personnel from their intended purposes." The report also stated that BIA had not issued an annual safety commitment and value statement since 1995.
- **Safety Inspections.** In its 2016 report, Interior also found weaknesses in BIA's annual safety inspections, including the ability of regional inspectors to recognize and analyze safety hazards in Indian Affairs' facilities, assess the risks of these hazards, and develop complete reports that provide local facility managers with useful information to address unsafe or unhealthy conditions. Interior noted that BIA inspectors need to improve their ability to recognize and analyze safety hazards, assess risks, and create appropriate reports, among other things. In its prior evaluation in 2011, Interior also found similar weaknesses in BIA's safety inspections, including safety officials failing to identify important safety hazards. Incomplete BIA inspection reports for BIE schools could limit the information schools receive on high-risk safety hazards and endanger students and staff.

Interior's safety oversight office evaluation process includes a closing conference with Interior's chief safety official and the Assistant Secretary-Indian Affairs to discuss the findings of the evaluation. However, a senior Interior official told us that the two individuals who served as the Assistant Secretary-Indian Affairs at the time of the 2011 and 2016 evaluations both

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Regional Safety Program  
Evaluations by Indian Affairs'  
Safety Office

declined to attend the closing conferences to discuss the department's findings on BIA's safety program.

Indian Affairs' safety office has also found deficiencies in BIA's safety program when it has conducted regional evaluations. Its most recent regional evaluations found weaknesses in all nine regional safety programs. Specifically, the safety office reported issues with regional leadership and management on safety, a lack of safety training, and the thoroughness of safety inspections of facilities, which include inspections of BIE schools. For example, the safety office found that eight of the nine BIA regions had not put in place any OSHA-required written safety programs that specify safety goals and emergency procedures and include critical information, such as on how to handle hazardous materials. For four of the eight regions, this finding was unchanged from their previous evaluation reports. In addition, the safety office found weaknesses in safety program leadership and management in all of the BIA regions. For example, the evaluation report for one region stated that its safety program was not a regional priority and noted that regional leadership declined to meet and discuss the evaluation results with the safety office evaluator. The safety office also found issues with the thoroughness of safety inspections. For example, one region's report noted that safety inspectors had not identified basic safety hazards in their inspection reports, including fire alarms, sprinklers, and other fire protection systems in their inspections.

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Interior and Indian Affairs  
Officials Have Taken No  
Actions to Address  
Identified Safety Program  
Weaknesses

Despite internal findings of major weaknesses with BIA's safety program since 2011, officials from Interior and Indian Affairs have taken no actions to correct them. Federal standards for internal control state that federal managers should remediate any identified weaknesses by completing and documenting corrective actions, including those related to evaluation findings.<sup>17</sup> However, agency officials could not provide us with documentation that they had developed a corrective action plan to address Interior's findings, in response to our request. Further, agency officials could not identify for us which office or official, if any, was responsible for developing and implementing such a plan.

Interior's policy states that the chief safety official exercises the authority of the Secretary to manage and administer the department-wide

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<sup>17</sup> [GAO-14-704G](#).

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occupational safety and health program.<sup>18</sup> Further, officials in Interior’s safety oversight office stated that if there was a need to direct Indian Affairs to take corrective actions to address safety program weaknesses, the chief safety official can request that the bureau director take such actions. However, when we asked the chief safety official what steps, if any, were taken to address identified weaknesses with BIA’s safety program, the official did not provide any examples.

Unless Interior takes steps to address weaknesses it has identified with BIA’s safety program, the weaknesses will continue and remain unaddressed, further jeopardizing safety and health in BIE school facilities.

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### Interior Does Not Effectively Oversee BIA Regional Employees to Ensure They Complete Required Safety Training

We found that most BIA regional employees with safety program responsibilities did not complete all their required safety training by the end of fiscal year 2016. Based on our review of Indian Affairs’ employee training records, we determined that 33 out of the 39 employees with responsibilities related to safety in nine regions, including Regional Directors, supervisors, and inspectors had not completed all required safety training by the end of fiscal year 2016.<sup>19</sup> Specifically, none of the Regional Directors in the nine regions with safety inspection responsibilities for BIE schools completed all required safety training; and 11 of 12 regional safety inspectors and 13 of 18 supervisors in these regions also did not complete all required training (see fig. 3).

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<sup>18</sup>U.S. Department of the Interior, “Safety Management: Safety and Occupational Health Program Responsibilities,” *Departmental Manual*, Part 485 Chapter 2 (Washington, D.C.: Nov. 10, 2015).

<sup>19</sup>Indian Affairs officials told us that they had verified the accuracy of the employee training records with the nine BIA regional offices.

**Figure 3: Number of Bureau of Indian Affairs (BIA) Regional Personnel That Completed All Required Safety Training by the End of Fiscal Year 2016**



Source: GAO analysis of Bureau of Indian Affairs (BIA) documentation. | GAO-17-421

Note: Supervisors include employees responsible for directly supervising safety inspectors as well as other non-executive employees responsible for overseeing the implementation of the safety program.

Moreover, in six of the nine regions, we found that no employees with safety responsibilities completed all the required training by the end of fiscal year 2016, including the Navajo, Northwest, Rocky Mountain, Southern Plains, Southwest, and Western regions. According to one region, its safety inspector—who began inspecting BIE schools for the region in fiscal year 2016—had not completed 26 required safety training courses. Safety office officials told us this individual had no formal safety background. Further, many BIA regional staff with safety program responsibilities did not complete basic required safety courses provided through DOI Learn, the department’s online training portal.<sup>20</sup> For example, although Interior requires all employees to complete the online safety course—*Safety: DOI Safety and Occupational Health Overview*—we found that eight of the nine Regional Directors and 7 of the 12 safety inspectors did not complete the course. Regional Directors and supervisors are also required to take online courses on authorities, roles, and responsibilities for occupational safety. However, six of the nine Regional Directors and more than half (12 out of 18) of supervisors had not completed these courses.

Some regional employees told us that limited funds made it difficult for them to complete required training. However, one regional director in a region where no staff completed all their required training told us that no one informed regional office management that any staff were unable to

<sup>20</sup>DOI Learn is the U.S. Department of the Interior’s online learning management system that allows employees to take required online training, enroll in elective online and instructor-led courses and submit external training requests. For more information, see <https://www.doi.gov/doilearn>.

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complete their training due to budget restrictions. Further, some required safety training, such as the courses referred to above, can be completed through Interior's website and therefore do not require travel.

We also found that Interior had not taken steps to monitor BIA safety employees' compliance with training requirements. OSHA guidance states that federal agencies are responsible for assessing the safety training needs of personnel, including identifying training gaps, if any, between employees' skill level and the skills needed to perform their work.<sup>21</sup> Neither Interior nor Indian Affairs officials were able to provide us with documentation that they had conducted such a training needs assessment. Further, Indian Affairs' policy manual does not assign responsibility to an office or officials for overseeing BIA's compliance with safety training, and senior Indian Affairs officials we interviewed could not identify which office is responsible for conducting such oversight. Moreover, one BIA regional employee we interviewed said there were no consequences for failing to complete their required training.

In addition, we found that Indian Affairs did not have a safety training plan, and Indian Affairs officials were not certain which office is responsible for developing and overseeing implementation of such a plan. According to Interior policy, bureaus are required to develop and implement an annual safety and health training plan to specify the minimum safety program standards for safety employees and determine the need for training to provide them with skills and knowledge to respond to emergencies, such as fires, injuries, or accidents.<sup>22</sup> However, Indian Affairs officials were not able to provide us with a copy of such a plan.

Until Interior assigns responsibility to a specific office or official to oversee and monitor employees' compliance with Indian Affairs' safety training requirements and develops a safety training plan, gaps in required training that can help build needed knowledge and skills of BIA safety staff are likely to persist. Without completing all required training, staff may not have the skills to identify safety hazards during school inspections, which could deprive BIE schools of vital information on safety hazards and potentially endanger students and staff.

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<sup>21</sup>U.S. Department of Labor, *Office of Safety and Health Training Guidelines for Federal Agencies* (Washington, D.C.: Apr. 22, 2014).

<sup>22</sup>U.S. Department of the Interior, "Safety and Health Training," *Departmental Manual*, Part 485 Chapter 13 (Washington, D.C.: Nov. 10, 2015).

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## BIA's Employee Performance Standards on Safety Inspections Were Not Consistently Incorporated by the Regions and Do Not Include Expectations for Quality

BIA senior management developed new employee performance standards on safety inspections in response to our March 2016 report.<sup>23</sup> Specifically, in our March 2016 report we found that nearly 40 percent of all BIE school locations were not inspected in fiscal year 2015 as required, and we recommended that Indian Affairs ensure that all BIE schools receive annual safety inspections, among other things. BIA's new standards include expectations for employees with safety program responsibilities to complete annual safety inspections at all BIE schools and submit reports within 30 days of the on-site inspection (see table 2). Employees who do not meet or exceed these standards are to receive a "minimally successful" or "unsatisfactory" appraisal rating.

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**Table 2: Bureau of Indian Affairs' New Employee Performance Standards on Safety Inspections to Meet "Fully Successful" Level, Fiscal Year 2016**

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Employee performance standards
1) Complete safety inspections at all Bureau of Indian Education (BIE) school facilities by August 31, 2016.
2) Enter all inspection findings and submit reports to Indian Affairs' safety office via Indian Affairs' inspection database <sup>a</sup>
3) Provide final inspection reports to all BIE schools within 30 days of on-site inspection dates.

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Source: GAO analysis of Bureau of Indian Affairs' documentation. | GAO-17-421

<sup>a</sup>Indian Affairs refers to the Office of the Assistant Secretary-Indian Affairs, which oversees the Bureau of Indian Affairs.

In May 2016, senior management sent a directive to all Regional Directors to incorporate the new performance standards into the fiscal year 2016 appraisal plans for non-executive staff with related safety duties. Likewise, all nine Regional Directors signed a notice acknowledging that the new standards would be incorporated in their own appraisal plans. The new standards were intended to hold all regional staff in the safety program chain of command equally accountable for conducting safety inspections at BIE schools. However, we found wide variation in the extent to which regional offices incorporated the new performance standards into the appraisal plans of non-executive employees across the BIA regional offices.<sup>24</sup> For example, while 11 of the 30 safety supervisors and inspectors had appraisal plans that incorporated all three new performance standards for conducting safety

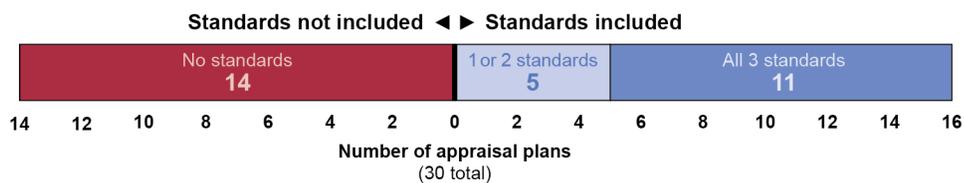
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<sup>23</sup>[GAO-16-313](#).

<sup>24</sup>Regional Directors are the only senior executive employees at the BIA regional level.

inspections at BIE schools, 14 employees had appraisal plans that included none (see fig. 4).

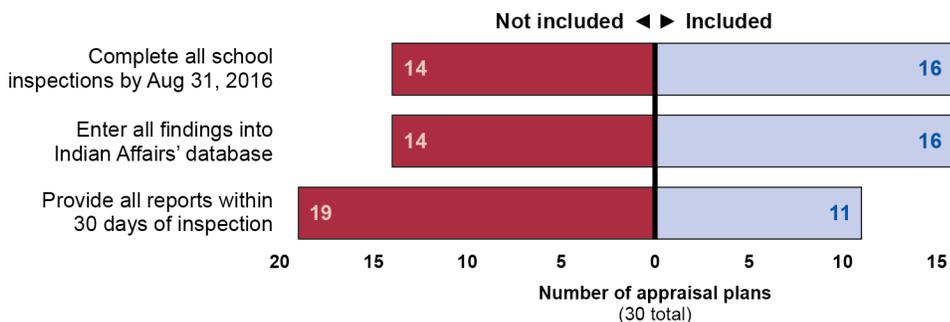
**Figure 4: Number of Non-Executive Bureau of Indian Affairs Regional Safety Employee Appraisal Plans That Include New Employee Performance Standards on Safety Inspections, Fiscal Year 2016**



Source: GAO analysis of Bureau of Indian Affairs documentation. | GAO-17-421

Moreover, 19 of the 30 employees did not have appraisal plans that included the standard that required inspectors to provide schools a final copy of their inspection reports within 30 days of the inspection (see fig. 5).

**Figure 5: Number of Non-Executive Bureau of Indian Affairs Regional Safety Staff Appraisal Plans That Include Each New Employee Performance Standard on Safety Inspections, Fiscal Year 2016**



Source: GAO analysis of Bureau of Indian Affairs documentation. | GAO-17-421

We also found that only one BIA region—the Western region—incorporated all three new inspection standards in the appraisal plans for all its safety supervisors and inspectors. In contrast, another region—Great Plains—did not incorporate any of the new performance standards for these employees.

BIA senior management was not aware that some regions did not incorporate the new standards as they were directed and that other regions did so inconsistently. According to Interior policy, senior

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management is responsible for issuing special directives to meet safety program needs.<sup>25</sup> However, we found that BIA senior management did not take steps to ensure Regional Directors consistently incorporated the new standards in appraisal plans for their employees with safety responsibilities. Further, in one region neither the Regional Director nor a supervisor could verify that their employees' appraisal plans included the new standards when we asked. Without consistently implemented inspection performance standards, BIA cannot hold all Regional Directors and employees with safety program responsibilities fully accountable for their performance.

In addition, Interior's policy on employee performance appraisals states that performance standards must be focused on results and specific, measurable criteria such as quality.<sup>26</sup> However, we found that the new performance standards do not address issues of quality for the inspections or associated reports. Without including a quality dimension into the safety inspection performance standards, BIA cannot ensure that employees focus their efforts on providing schools with high quality reports.

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## Indian Affairs Does Not Routinely Monitor the Quality or Timeliness of School Inspection Reports or Hold Regional Staff Accountable for Late Reports

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<sup>25</sup>U.S. Department of the Interior, Office of Occupational Health and Safety, *Safety Management: Safety and Occupational Health Program Responsibilities*, 485 Departmental Manual 2 (Washington, D.C.: Nov. 10, 2015).

<sup>26</sup>U.S. Department of the Interior, Office of Human Resources, *Performance Appraisal Handbook: A Guide for Managers/Supervisors and Employees*, 370 Departmental Manual 430 (Washington, D.C.: Sep. 30, 2010).

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Indian Affairs Does Not Routinely Monitor the Quality of Safety Inspection Reports, Which Varied Widely by Inspector

We found BIA Regional Directors and supervisors do not routinely monitor the quality of inspection reports. Interior policy states that bureaus are responsible for the oversight of safety inspections and ensuring that offices and regions have an effective process in place for identifying and evaluating safety hazards.<sup>27</sup> Further, federal internal control standards state that internal control monitoring should be ongoing and assess program performance, among other aspects of agency operations.<sup>28</sup> However, Indian Affairs does not have a policy that assigns specific responsibilities to relevant offices for routinely monitoring inspection report quality.

Currently, there is disagreement between BIA regions and Indian Affairs' safety office regarding who is responsible for providing quality reviews. The head of the safety office told us his office is responsible for finalizing all inspection reports before inspectors can send them to schools; however he stated that the safety office does not review reports for quality. Specifically, he described the safety office's review as "cursory" because its staff do not have sufficient time or knowledge of specific facilities to provide a comprehensive review of reports. By contrast, the regional safety employees we interviewed, including Regional Directors, told us they believe the safety office provides a quality control review of all inspection reports. While we found that some report review takes place in the regions, regional safety employees told us that inspection reports are generally not reviewed by supervisors. As a result, reports are not routinely reviewed for accuracy, completeness, or clarity by any regional employee before being sent to BIE schools.

The absence of ongoing monitoring, in addition to the lack of employee performance standards on inspection quality we noted earlier, may result in inspection reports that are not accurate, complete, or clearly written. In our review of a random sample of 50 of 178 safety inspection reports across nine regions and 16 inspectors for fiscal year 2016, we identified issues with report quality in 28 reports.<sup>29</sup>

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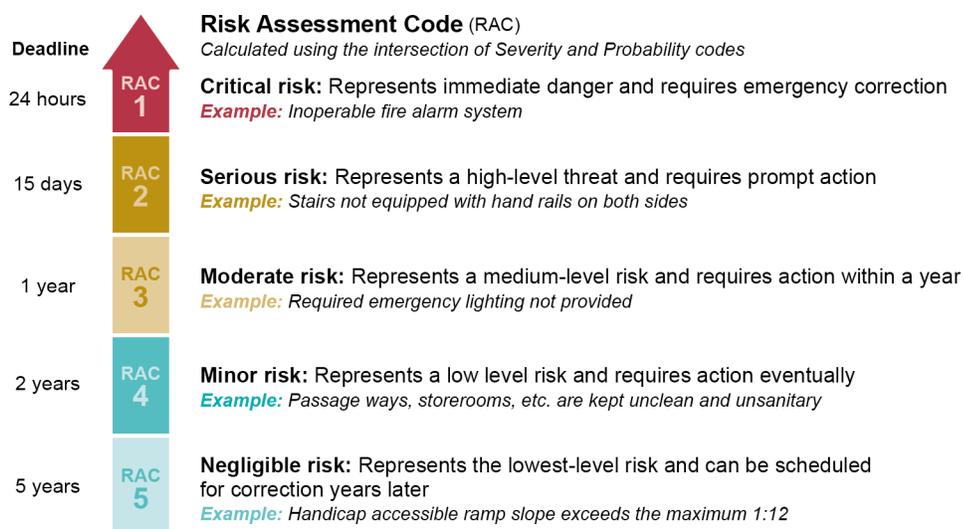
<sup>27</sup>U.S. Department of the Interior, Office of Occupational Health and Safety, *Safety Management: Safety and Occupational Health Program - Inspections and Abatement*, 485 Departmental Manual 6 (Washington, D.C.: Dec. 22, 2009).

<sup>28</sup>[GAO-14-704G](#).

<sup>29</sup>Four regional inspectors were contracted by BIA.

- Accuracy of risk levels and abatement timeframes assigned to safety deficiencies.** As explained more fully below, we found problems with 11 reports in which inspectors assigned incorrect or inconsistent risk assessment codes, which identify the risk level associated with specific safety deficiencies and associated timeframes to address identified safety issues (see fig. 6).<sup>30</sup>

**Figure 6: Department of the Interior’s Risk Levels for Safety Deficiencies**



Source: GAO analysis of U.S. Department of the Interior documentation. | GAO-17-421

Note: Each risk level has an associated timeframe in which school officials are required to address deficiencies. Safety inspectors are responsible for using their professional judgment to assign appropriate timeframes for recommended corrections.

- Non-working fire alarms.** We found three school inspection reports from two inspectors in which the inspectors categorized non-working fire alarms as moderate risks, although the head of the safety office said inspectors should always categorize this type of deficiency as a critical risk. For a deficiency categorized as a moderate risk, schools are allowed up to 1 year to address the issue whereas a critical risk requires schools address the issue within 24 hours. In one report, we found 11 separate instances of non-working fire alarms that were miscategorized as moderate risks and given a deadline of 1 year to resolve. Seven of these

<sup>30</sup>Interior policy requires safety inspectors to use risk assessment codes to categorize risk levels during inspections.

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deficiencies were in school buildings, which were occupied by students throughout the academic year.

- **Missing emergency lighting.** We found five inspection reports by five inspectors in which they assigned risk levels ranging from a serious risk to a negligible risk for missing or non-working emergency lighting. Specifically, we found missing emergency lighting categorized as a serious risk in a classroom in one report, and as a minor risk for a dormitory and a negligible risk for a school office in a second report. For a deficiency categorized as a serious risk, schools are required to address the issue within 15 days whereas a negligible risk allows schools up to 5 years to address the issue.
- **Missing or empty portable fire extinguishers.** We also found five inspection reports prepared by five inspectors in which they categorized missing or empty portable fire extinguishers risk levels that ranged from serious to negligible. Specifically, we found one report in which an inspector categorized this deficiency as a serious risk in a library with an abatement period of no later than 15 days and another report by a different inspector which categorized it as a negligible risk in a dormitory with an abatement period of up to 5 years.

With the exception of non-working fire alarms, the head of the safety office told us that the assignment of risk levels requires evaluating the context of specific deficiencies and using professional judgment. However, the variation described above raises questions about the accuracy of risk levels and abatement timeframes inspectors assign to deficiencies. For cases in which an inspector assigns a deficiency a lower risk level and a longer than appropriate timeframe to make corrections, school officials may delay urgent repairs, which could endanger the safety and health of students and staff.

- **Extent to which inspections included all school buildings.** The head of the safety office told us that safety inspectors should enter and inspect all buildings on a school campus, but we found at least 18 inspection reports by 10 inspectors in which they stated they had not inspected all the schools' buildings. For example, in one report, an inspector noted he was unable to inspect one building on the school's inventory because he was unable to identify and locate the building. In another report, an inspector noted that he did not inspect a dormitory because he did not have the key. The head of the safety office told us that these are not valid reasons for not inspecting buildings. In one report, we found a facility was not inspected because the inspector

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noted that it was too dangerous to enter. In another report, an inspector noted seven buildings that were not in use yet posed a hazard to students and staff. However, in both cases, the inspectors identified no deficiencies in these buildings. Until inspectors provide thorough and complete information on the safety deficiencies at school campuses, school officials may not be fully aware of all potential hazards so they can take the necessary actions to protect students and staff.

- **Clarity of safety deficiency descriptions and recommended corrections.** Interior policy requires inspectors to describe, at a minimum, the nature and extent of safety hazards. It also requires a description of recommended corrective actions to address identified hazards.<sup>31</sup> However, we found at least 16 inspection reports by 8 inspectors in which they did not clearly describe the nature and extent of safety deficiencies. For example, one report referenced “Fire Alarm Control Panel” with no additional detail on the nature and extent of the safety hazard. We also found that reports provided unclear recommended corrections, which could pose difficulties for school staff responsible for taking the recommended actions. For example, we found one report in which nearly all the corrections recommended by the inspector were to evaluate deficiencies for corrective actions without any detail on the specific actions that should be taken. Inspection reports that are not written clearly may pose difficulties to BIE school staff. We have previously reported that some BIE school staff lack technical expertise, which may hinder their ability to understand inspection reports that are unclear and do not provide sufficient detail.<sup>32</sup>

Poor quality reports could misinform school officials about the severity of safety deficiencies. Examples of inaccurate, incomplete, and unclear school inspection reports across BIA inspectors indicate a need for routine monitoring of report quality. Until such monitoring is put in place, some inspectors may continue to produce reports that do not enable school officials to address potential safety issues in the buildings where students are housed and educated.

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<sup>31</sup>U.S. Department of the Interior, Office of Occupational Health and Safety, *Safety Management: Safety and Occupational Health Program - Inspections and Abatement*, 485 Departmental Manual 6 (Washington, D.C.: Dec. 22, 2009).

<sup>32</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).

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**BIA Regions Completed All BIE School Inspections in Fiscal Year 2016, but Indian Affairs Did Not Routinely Monitor Reports to Ensure Schools Received Them within the Required 30 Days**

BIA regional offices completed all annually required BIE safety inspections in fiscal year 2016. According to high-level Indian Affairs officials, fiscal year 2016 was the first time in at least 15 years that all BIE school locations received an annual safety inspection. In response to our March 2016 report, as previously noted, a senior BIA official stated the bureau developed and directed regions to implement new employee performance standards for safety inspections that included a standard for completing all annual school safety inspections by August 31, 2016. Additionally, senior Indian Affairs officials said completing inspections at all BIE schools was a high priority for BIA in fiscal year 2016 and that senior leadership received regular status updates toward that goal.

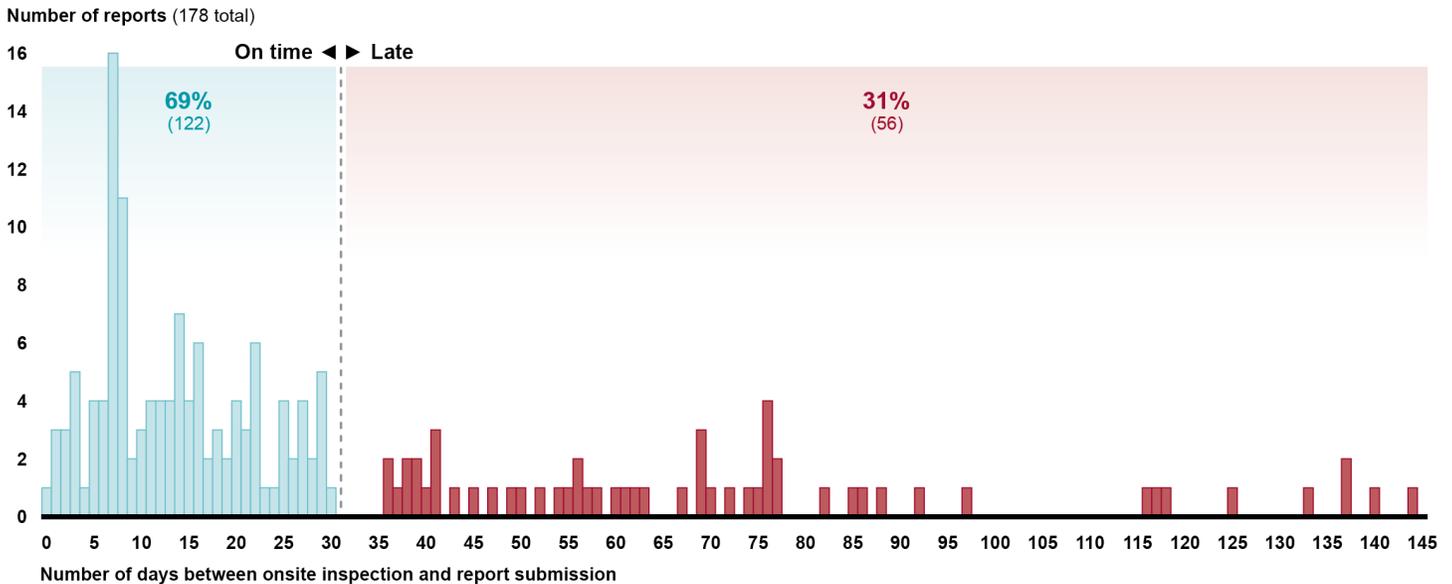
However, we found that Indian Affairs did not routinely monitor inspection reports to ensure schools received them within the required 30 days because the agency does not have a process to monitor the timeliness of reports. According to Interior policy, bureau heads are responsible for overseeing the inspection process to ensure it is effective. Federal internal control standards also state that supervisors should conduct ongoing monitoring and evaluation of results to assess effectiveness.<sup>33</sup> However, the BIA regions do not routinely monitor whether inspection reports are provided to BIE school officials within 30 days of inspections. In addition, the head of Indian Affairs' safety office told us his office does not monitor inspection reports to verify whether they meet the 30-day standard and that it is not his office's responsibility to provide regions with information about the status of late inspection reports.

Further, in our analysis, we found that 12 of 16 inspectors—and six of nine regions—did not complete all fiscal year 2016 safety inspection reports within the 30-day timeframe. BIA requires inspectors to submit draft reports to Indian Affairs' safety office to be finalized before inspectors send reports to schools. Based on our analysis of Indian Affairs data, we found that 56—or about a third—of the 178 safety inspection reports that inspectors completed in fiscal year 2016 were submitted to the safety office after the required 30-day timeframe for providing reports to BIE schools (see fig. 7). These late reports included 6 reports that were submitted more than 120 days—or 4 months—after the inspection.

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<sup>33</sup>[GAO-14-704G](#).

**Figure 7: Number of Safety Inspection Reports Submitted to Indian Affairs' Safety Office within 30 Days of On-Site Inspection, Fiscal Year 2016**



Source: GAO analysis of Indian Affairs data. | GAO-17-421

Note: Indian Affairs refers to the Office of the Assistant Secretary-Indian Affairs, which oversees the Bureau of Indian Affairs.

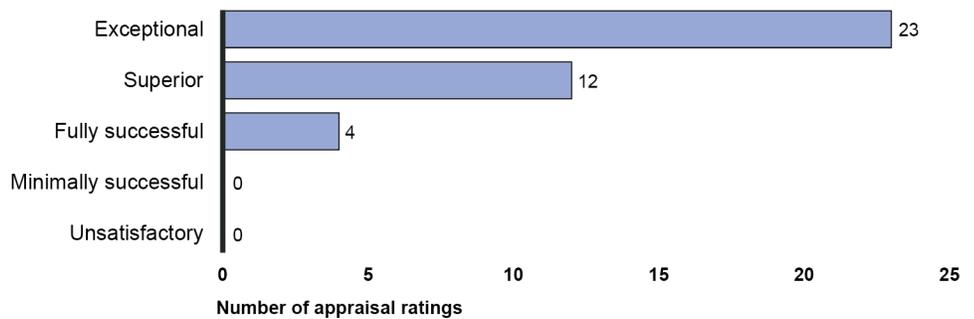
In addition to the time to submit reports to the safety office, Indian Affairs' inspection report process also includes time for the safety office to finalize reports before inspectors send them to schools. As a result, the number of late inspection reports submitted to the safety office is likely an underestimate of the total number of late reports sent to schools in fiscal year 2016. The exact number of late reports cannot be determined based on available Indian Affairs data because, according to the head of the safety office, the agency does not require inspectors to document when they send reports to schools. Federal standards for internal control state that agencies should gather complete and accurate information and use the information to evaluate performance and achieve goals.<sup>34</sup> Unless Indian Affairs requires inspectors to document when inspection reports are sent to schools, and establishes a process to monitor the timeliness of reports against its required 30-day timeframe, some schools may continue to receive late reports and lack timely information on safety hazards.

<sup>34</sup>[GAO-14-704G](#).

## BIA Did Not Hold Regional Staff Accountable for Late Inspection Reports Sent to BIE Schools

As previously noted, BIA’s new employee performance standards include expectations that schools receive inspection reports within 30 days of an on-site inspection, but BIA did not hold employees accountable when they did not meet this timeliness standard. As our prior work has found, effective performance management creates a clear linkage between individual performance and agency goals through key practices, such as making meaningful distinctions among “unacceptable,” “satisfactory,” and “outstanding” levels of employee performance.<sup>35</sup> However, none of the 39 BIA employees with safety program responsibilities, including Regional Directors, received a rating of less than “fully successful” when they did not meet BIA’s new employee performance standards (see fig. 8).<sup>36</sup>

**Figure 8: Bureau of Indian Affairs Regional Safety Employees’ Fiscal Year 2016 Appraisal Ratings on Safety Related Performance Standards**



Source: GAO analysis of Bureau of Indian Affairs documentation. | GAO-17-421

Even when safety employees’ appraisal plans included the 30-day requirement, BIA did not hold them accountable when they did not meet this requirement for all reports. BIA’s new employee performance standards on inspections require that personnel who do not submit all reports within 30 days receive a “minimally successful” or “unsatisfactory” appraisal rating, as noted previously. We found 20 employees had the 30-day requirement in their appraisal plans, and 13 of them—including six Regional Directors—were responsible for late reports. However, this

<sup>35</sup>GAO, *Results-Oriented Cultures: Creating a Clear Linkage between Individual Performance and Organizational Success*, [GAO-03-488](#) (Washington, D.C.: Mar. 14, 2003).

<sup>36</sup>Fourteen of the 39 employees’ appraisal plans did not incorporate any of BIA’s new performance standards on safety inspections. In these cases, GAO used the rating the employee received on performance standards related to safety and health obligations.

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group of employees received six “exceptional,” five “superior,” and two “fully successful” ratings on the new performance standards.

Moreover, we found narratives in final appraisals for safety employees that incorrectly stated all their inspection reports met the 30-day requirement. For example, three of the six Regional Directors who did not meet the requirement noted in their self-assessments that all BIE schools in their regions received inspection reports by the required deadline. Also, a supervisor in one region acknowledged in an inspector’s final appraisal that the inspector submitted some reports months late, yet the supervisor rated the employee as “fully successful.”

Federal standards for internal control state that monitoring should be ongoing and assess effectiveness, and that managers should hold employees accountable for performance.<sup>37</sup> Unless the timeliness of reports is monitored and BIA employees’ performance is held to performance standards, regional staff with safety program responsibilities may not be held fully accountable for late inspection reports. If schools receive reports well after the required time to address any identified deficiencies, they will be unable to expeditiously take corrective actions.

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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, Interior and Indian Affairs have not taken actions to address major weaknesses with BIA’s safety program identified in Interior’s own evaluations. As a result, these weaknesses will persist, potentially jeopardizing the safety and health of students and staff in BIE school facilities. In addition, Indian Affairs has not ensured that all relevant BIA regional employees have completed required safety training or that their appraisal plans include all of BIA’s inspection performance standards. Further, the agency does not have a performance standard on inspection report quality or a process to routinely monitor report quality. Moreover, safety inspectors are not required to document when they send inspection reports to schools, and the agency lacks a process to monitor whether the reports are provided to schools within the required 30-day timeframe. Therefore, BIA does not have information on the timeliness of school inspection reports and does not hold staff accountable when they

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<sup>37</sup> [GAO-14-704G](#).

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send late reports to schools. Unless steps are taken to improve oversight and accountability for school safety inspection reports, Interior cannot ensure that schools receive the information they need to address identified safety deficiencies that could potentially endanger students and school staff.

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## Recommendations for Executive Action

We recommend that the Secretary of the Interior direct the Assistant Secretary-Indian Affairs to take the following six actions:

- Develop and take corrective actions, in consultation with Interior's Designated Agency Safety and Health Official, to address BIA safety program weaknesses identified in prior Interior evaluations.
- Assign responsibility to a specific office or official to develop and implement a plan to assess employees' safety training needs and monitor employees' compliance with Indian Affairs' safety training requirements.
- Ensure that BIA's employee performance standards on inspections are consistently incorporated into the appraisal plans of all BIA personnel with safety program responsibilities.
- Develop a performance standard on inspection report quality and establish a process to routinely monitor the quality of inspection reports. Monitoring could include, but not be limited to, the following areas: accuracy of risk levels and abatement timeframes assigned to deficiencies and clarity of language to describe safety hazards and recommended corrections.
- Require safety inspectors to document when inspection reports are sent to schools and establish a process to routinely monitor the timeliness of reports against Indian Affairs' required 30-day timeframe.
- Use information gathered from monitoring the timeliness of school safety inspection reports to assess the performance of employees with safety program responsibilities and hold them accountable.

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## Agency Comments and Our Evaluation

We provided a draft of our report to the Department of the Interior for review and comment. In its comments, which are reproduced in appendix I, Interior agreed with all six of our recommendations. Interior also provided technical comments, which we incorporated as appropriate.

Interior concurred with the premise of our recommendation on the need to develop and take corrective action to address BIA safety program

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weaknesses identified in prior Interior evaluations. However, instead of addressing this recommendation to the Designated Agency Safety and Health Official (DASHO), as we originally recommended, Interior suggested making this recommendation to the Assistant Secretary-Indian Affairs to develop a plan for corrective action with support from the DASHO, in order to more appropriately align with Interior's organizational structure. We revised our recommendation accordingly. Interior also stated that the DASHO is currently working with the Indian Affairs' safety office and BIA regional leadership to discuss the current state of BIA's safety program and develop a corrective action plan to address identified safety program weaknesses.

Interior concurred with our recommendation to assign responsibility to develop and implement a plan for assessing employees' safety training needs and monitor their compliance with Indian Affairs' safety training requirements. Interior indicated that Indian Affairs is developing a safety training plan, which will establish program responsibilities and compliance requirements for safety training across BIA, among other areas. Interior also noted that line offices will track the implementation of the training plan and individuals' compliance with training requirements.

Interior concurred with our recommendation to ensure that BIA's employee performance standards on inspections are consistently incorporated into all BIA employee appraisal plans. Interior commented that the appraisal plans of BIA regional directors had been updated to include BIA's new performance standards on inspections, which we noted in our report. Interior also stated that Indian Affairs' work in addressing this recommendation was primarily completed. However, Interior did not provide us with evidence that the appraisal plans of all BIA staff with safety program responsibilities included all of the bureau's new performance standards on safety inspections. We continue to believe that it is important that BIA's employee performance standards on inspections are consistently incorporated in all BIA employee appraisal plans.

Interior concurred with our recommendation to develop a performance standard on inspection report quality and establish a process to routinely monitor report quality. Interior noted that Indian Affairs is developing written policies and procedures for safety inspections at BIE schools, which it says will address issues with report clarity and accuracy, among other areas. However, Interior did not provide us with information about whether it will establish a performance standard for report quality and a process for monitoring inspection quality, which are the two key actions we recommended. We maintain that these steps are needed to ensure

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that that BIE schools receive thorough and accurate safety inspection reports.

Interior concurred with our recommendation to require safety inspectors to document when inspection reports are sent to schools and establish a process to routinely monitor the timeliness of reports against Indian Affairs' required 30-day time frame. Interior stated that Indian Affairs will require inspectors to certify and report the dates on which inspectors send reports to schools. Further, Interior noted that Indian Affairs' safety office will monitor the timeliness of inspection reports sent to schools and report the results of its monitoring to Indian Affairs' senior leadership.

Finally, Interior concurred with our recommendation to use information from monitoring the timeliness of school safety inspection reports to assess the performance of employees with safety program responsibilities and hold them accountable. In its comments, Interior stated that supervisors will ensure that responsible employees are held accountable for complying with its performance standards on safety inspections. We continue to believe it is important that Indian Affairs use information from monitoring inspection report timeliness to assess employee performance.

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We are sending copies of this report to the appropriate congressional committees, the Secretary of the Interior, and other interested parties. 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

MAY 12 2017

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: Further Actions Needed to Improve Oversight and Accountability for School Safety Inspections* (GAO-17-421). We appreciate GAO's review of the actions the Department has taken to address weaknesses with the Bureau of Indian Affairs' (BIA) safety program and the extent to which Indian Affairs monitors Bureau of Indian Education (BIE) school safety inspection reports.

The GAO issued six recommendations to the Department to address its findings. Below is a summary of actions planned or taken to address the implementation of the recommendations.

**Recommendation 1: We recommend that the Secretary of the Interior direct the Designated Safety and Health Official (DASHO) to develop and take corrective action to address BIA safety program weaknesses identified in prior Interior evaluations.**

**Response:** The Department's DASHO concurs with the premise of this recommendation but suggests rewording the recommendation to state that the Secretary direct the Assistant Secretary Indian Affairs (AS-IA) to develop a corrective action plan and take action to address the safety program weaknesses identified in prior internal evaluations with support from the DASHO. Neither 29 CFR (1960.6(a)) nor DOI policy (DM Part 485 Chapter 2) provide the Agency DASHO the authority to assume the responsibility delegated to the Heads of Bureaus and Offices to develop and manage an effective safety program and hold managers and supervisors accountable for effectively fulfilling their safety responsibilities that include: correction of identified unsafe or unhealthful conditions within their scope of authority, and knowing and following safe and healthful work rules and practices in compliance with statutory and regulatory requirements. However, the DASHO does have "sufficient authority to effectively represent the interest and support of the Secretary in the management and administration of the Program. Given this shared governance role, but notwithstanding the direct responsibility of the

AS-IA, the Department believes this revised language more appropriately aligns with the Department's organizational structure.

The DASHO is responsible for developing policy for implementing an effective safety program and providing management direction and support necessary for the Department to effectively fulfill its policy commitments. The DASHO and the Office of Occupational Safety and Health (OSH) are currently working with the BIA Safety Program Office and the AS-IA and Bureau Regional leadership to discuss the current state of the Bureau's safety program and develop an accountable corrective action plan to address the safety program weaknesses identified in the latest program evaluation. The OSH has also committed to conduct an unscheduled program evaluation in Fiscal Year (FY) 2018 to specifically identify the progress of that plan to address the existing program deficiencies. The OSH is also currently assisting BIA with their internal safety program evaluations that are scheduled to conclude in FY 2017.

**Recommendation 2: We recommend that the Assistant Secretary- Indian Affairs, assign responsibility to a specific office or official to develop and implement a plan to assess employees' safety training needs and monitor employees' compliance with Indian Affairs' safety training requirements.**

**Response:** Indian Affairs concurs. In its oversight role, the Division of Safety and Risk Management (DSRM) in collaboration with its service contractor, is developing an Indian Affairs Safety and Occupational Health Training Plan within the Indian Affairs Safety Management System also known as "IA Safety Connect" Portal. The plan will establish Indian Affairs responsibilities, implementation, training resources, record keeping, and compliance requirements.

The training plan developed by DSRM will provide the general guidance and requirements for safety training across BIA and BIE. Implementation of the training plan and assuring specific individual requirements are tracked by the appropriate line offices.

**Recommendation 3: Ensure that BIA's employee performance standards on inspections are consistently incorporated into the appraisal plans of all BIA personnel with safety program responsibilities.**

**Response:** Indian Affairs concurs. This work is primarily completed. The Employee Performance Appraisal Plans for all assigned Safety Officers were amended to add performance standards for the completion of all Safety Inspections for BIE and the Office of Justice Services (OJS) facilities for the Safety and Occupational Health Obligations Performance Standards. The Senior Executive Series (SES) Performance Management System for the Department of the Interior Executive Performance Agreements was amended for all the Regional Directors. Critical Element 1, Leading Change, as an Agency-Specific Performance Standard, was amended to include Performance Standards for completion of Safety Inspections and input into the Safety and Condition Assessment Portal (S&CAP) for BIE and OJS. The changes to the SES Regional Director's Performance Plan consisted of the following:

- Conduct 100 percent of the Safety Inspections for OJS and BIE facilities as outlined in the FY 2016 Annual Workplace Inspection Schedule.
- Enter Inspection Findings in the S&CAP 100 percent of the time in the IA-FMS to document the results of the Inspections.
- Provide signed and dated copies of the Transmittal Memorandum no later than 30 calendar days of completed inspections to the Official-in-Charge of the workplace location 100 percent of the time.
- Develop a Plan of Action based on the Inspection Report to improve conditions for compliance of findings and input the accomplishment of findings into the S&CAP within 30 days of Inspection Report 100 percent of the time.
- If required, Official-in-Charge of the workplace will promptly prepare an abatement/correction plan when the abatement of an unsafe or unhealthful working condition will not be possible within 30 calendar days. The abatement/correction plan shall be completed in the S&CAP within 30 days of receipt of report 100 percent of the time.

The Performance Standards developed for the BIA staff were shared with BIE for consideration and implementation within that organization. The BIE will work in close cooperation with BIA as it on-boards its safety staff and will work to formalize policy and procedures with BIA to ensure performance standards are formally adopted for BIE personnel. The BIE will similarly ensure best practices in its employee performance standards are uniformly adopted as BIE's internal safety office is brought online.

**Recommendation 4: Develop a performance standard on inspection report quality and establish a process to routinely monitor the quality of the inspection reports. Monitoring could include, but not limited to, the following areas: accuracy of risk levels and abatement timeframes assigned to deficiencies and clarity of language to describe safety hazards and recommendations corrections.**

**Response:** Indian Affairs concurs. In its oversight role, the DSRM has provided S&CAP training to BIA and BIE inspectors for inspection processes and procedures, including Risk Assessment Codes (RACs), deficiency category and rank codes, and has developed and disseminated guidance for assigning RACs. In addition, the DSRM has updated the "Common Found Deficiencies" list with current code/standard for inclusion into S&CAP.

As noted in our response to the third recommendation, BIA has developed performance standards to address oversight and monitoring of reporting deficiencies, abatement timeframes, and other areas.

Moreover, Indian Affairs has established a Safety Workgroup which is developing (1) written policies and procedures for safety inspections at BIE schools, (2) required elements for each safety inspection and report, (3) auditing inspection reports and reported risk levels, (4)

compliance with abatement timeframes, (5) clarity of language contained in reports and appropriateness, and (6) accuracy of recommended corrective actions. The Safety Workgroup consists of subject matter experts and managers from BIA, BIE, DSRM, Office of Facilities, Property, and Safety Management, and the Office of the Assistant Secretary – Indian Affairs.

**Recommendation No. 5: Require safety inspectors to document when inspection reports are sent to schools and establish a process to routinely monitor the timeliness of reports against Indian Affairs' required 30-day time frame.**

**Response:** Indian Affairs concurs. In its oversight role, DSRM developed comprehensive *Indian Affairs Safety, Health and Accessibility Inspection/Evaluation Guidelines*. These guidelines establish Indian Affairs' internal operating procedures and requirements to be used consistently by inspectors performing mandatory workplace inspections/evaluations throughout Indian Affairs. Included in these guidelines are appendices (checklists) to be utilized for identifying unsafe, unhealthful, and noncompliant items/conditions needing correction and a "Inspector's Certification" Form.

The DSRM will monitor compliance with the Indian Affairs safety and health inspection and reporting processes. To accomplish this, a completed Inspector's Certification and a copy of the signed and dated inspection report transmittal memorandum will be submitted to DSRM within five calendar days of an inspection's closeout for each site inspected for inclusion into the "*Workplace Inspection and Certification Notification Status Report*" with results provided to Indian Affairs senior leadership.

A memorandum communicating the implementation and mandatory use of these guidelines is currently being finalized. Implementation and enforcement of these reporting requirements is the responsibility of both BIA and BIE. The head of the Safety Office will include an element into performance plans mandating reports be prepared and approved within 21 days of inspection, and transmitted to the schools within 30 days.

In addition, as stated in its response to the third recommendation, the SES Performance Management System for the Department of the Interior Executive Performance Agreements was amended for all the Regional Directors.

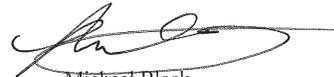
**Recommendation 6: Use information gathered from monitoring the timeliness of school safety inspection reports to assess the performance of employees with safety program responsibilities and hold them accountable.**

**Response:** Indian Affairs concurs. The DSRM has established policies and procedures in alignment with OSHA reporting requirements and works with BIA and BIE safety inspectors to develop their yearly plan for inspections at the beginning of each fiscal year. The DSRM monitors progress of BIA and BIE safety inspectors against their plan and provides a weekly summary and monthly detailed report to Indian Affairs' senior leadership for their notification and action as required. The DSRM will continue to monitor the timeliness of school safety inspection reports with results provided to Indian Affairs senior leadership. Implementation and enforcement of these reporting requirements is the responsibility of the BIA and BIE.

As outlined in the responses to the third and fifth recommendation, BIA has developed performance standards to ensure that timelines are met for inspection reports, as well as abatement plans and notifications. Supervisors will ensure that responsible employees are held accountable for compliance with performance standards.

The enclosure contains technical comments for your consideration. If you have any questions about this response, please contact Michael Oliva, Director, Division of Internal Evaluation and Assessment at (703) 390-6537.

Sincerely,



Michael Black  
Acting Assistant Secretary  
for Indian Affairs

Enclosure

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# Appendix II: GAO Contact and Staff Acknowledgments

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## GAO Contact

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

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## Staff Acknowledgments

In addition to the contact named above, Elizabeth Sirois (Assistant Director), Edward Bodine (Analyst-in-Charge), Ralanda Winborn, Ellie Klein, and Jon Melhus made key contributions to this report. In addition, support was provided by Susan Baker, James Bennett, Deborah Bland, David Chrisinger, Jeff Malcolm, Sheila McCoy, Jean McSween, David Perkins, James Rebbe, and David Reed.

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# Related GAO Products

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*High-Risk Series: Progress on Many High-Risk Areas, While Substantial Efforts Needed on Others.* [GAO-17-317](#), Washington, D.C.: Feb. 15, 2017.

*Indian Affairs: Key Actions Needed to Ensure Safety and Health at Indian School Facilities.* [GAO-16-391T](#). Washington, D.C.: March 16, 2016.

*Indian Affairs: Key Actions Needed to Ensure Safety and Health at Indian School Facilities.* [GAO-16-313](#). Washington, D.C.: March 10, 2016.

*Indian Affairs: Further Actions on GAO Recommendations Needed to Address Systemic Management Challenges with Indian Education.* [GAO-15-597T](#). Washington, D.C.: May 13, 2015.

*Indian Affairs: Further Actions on GAO Recommendations Needed to Address Systemic Management Challenges with Indian Education.* [GAO-15-539T](#). Washington, D.C.: April 22, 2015.

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

*Indian Affairs: Bureau of Indian Education Needs to Improve Oversight of School Spending.* [GAO-15-121](#). Washington, D.C.: November 13, 2014.

*Indian Affairs: Better Management and Accountability Needed to Improve Indian Education.* [GAO-13-774](#). Washington, D.C.: September 24, 2013.

*Indian Affairs: Management Challenges Continue to Hinder Efforts to Improve Indian Education.* [GAO-13-342T](#). Washington, D.C.: February 27, 2013.

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