

SUBJECT: DUTIES OF THE EXTERNAL (INDEPENDENT) AUDITOR

The responsibility for engaging a qualified and competent Certified Public Accountant (CPA) or Public Accountant (PA) to perform the annual audit of the District's financial statements resides with the Board. State laws and regulations require that the annual audit be "accepted" by a resolution of the Board. This resolution along with the audit report must be filed with State Education Department (SED) in a timely manner. In addition, the independence and objectivity of the auditor may be enhanced when the Board and Audit Committee perform an oversight role with respect to the hiring and performance of the auditor, as required by law.

The independent auditor must conduct the audit in accordance with Generally Accepted Government Auditing Standards (GAGAS) issued by the Comptroller General of the United States. Standards of GAGAS are organized as general, fieldwork, and reporting.

Below are some important considerations the District shall expect of the auditor in preparing the audit; however, they should not be considered all-inclusive or a substitute for the auditor's professional judgment.

- a) Independence: The auditor must document that he/she is independent of the District and free of personal and external impairments. The auditor must establish an internal quality control system to identify any personal and external impairment and assure compliance with GAGAS independence requirements.
- b) Internal Quality Control System: The auditor must document that his/her internal quality control processes adequately demonstrate compliance with government auditing standards. He/she must establish an organizational structure, policies and procedures to provide reasonable assurance of complying with applicable standards governing audits.
- c) Internal Controls: The auditor must obtain a sufficient understanding of the District's internal controls and document such understanding covering the five interrelated components: the control environment, risk assessment, control activities, information and communication, and monitoring.
- d) Planning and Supervision: The auditor's work is to be properly planned and supervised and consider materiality in order to provide reasonable assurance of detecting misstatements resulting from direct and material illegal acts and material irregularities to financial statements. The auditor should also be aware of the possibility that indirect illegal acts may have occurred.
- e) Audit documentation: In order to meet the GAGAS requirements, the audit documentation should provide a clear understanding of its purpose, the source, and the conclusions the auditor reached. It should be organized to provide a clear link to the findings, conclusions, and recommendations contained in the audit report.

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- f) Reporting on Internal Controls and Compliance: The auditor must report on and present the results of his/her testing of the District's compliance with laws and regulations and its internal controls over financial reports in light of irregularities, illegal acts, other material noncompliance, significant deficiencies, and material weaknesses in internal controls.

Generally Accepted Government Auditing Standards (GAGAS) Sections 3.50-3.54, 4.03, 4.19-4.24, and 5.07-5.20
Education Law Section 2116-a;
8 New York Code of Rules and Regulations (NYCRR) Sections 170.2, 170.3 and 170.12

Adoption Date: 06/21/2021

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SUBJECT: APPOINTMENT AND DUTIES OF THE CLAIMS AUDITOR

The Board may adopt a resolution establishing the appointment of a Claims Auditor who shall hold the position subject to the pleasure of the Board and report directly to the Board on the results of audits of claims. The Board may require that the Claims Auditor report to the Clerk of the District or the Board, or to the Superintendent for administrative matters such as workspace, time and attendance.

School Boards may, at their discretion, adopt a resolution establishing the office of Deputy Claims Auditor to act as the Claims Auditor in the absence of the Claims Auditor. A Board may, by resolution, abolish the position of Deputy Claims Auditor at any time. The same eligibility requirements/qualifications that apply to a Claims Auditor apply to the Deputy Claims Auditor.

Qualifications

The Claims Auditor must have the necessary knowledge and skills to effectively audit claims including experience with purchasing, bidding and claims. The Claims Auditor must be bonded prior to assuming his/her duties.

No person shall be eligible for appointment to the office of Claims Auditor who shall be:

- a) A member of the Board;
- b) The Clerk or Treasurer of the Board;
- c) The Superintendent or official of the District responsible for business management;
- d) The Purchasing Agent;
- e) Clerical or professional personnel directly involved in accounting and purchasing functions of the District or under the direct supervision of the Superintendent;
- f) The individual or entity responsible for the internal audit function (the Internal Auditor);
- g) The External (Independent) Auditor responsible for the external audit of the financial statements;
- h) A close or immediate family member of an employee, officer, or contractor providing services to the District. A "close family member" is defined as a parent, sibling or nondependent child; an "immediate family member" is a spouse, spouse equivalent, or dependent (whether or not related).

The Claims Auditor is not required to be a resident of the District and shall be classified in the civil service exempt class.

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SUBJECT: APPOINTMENT AND DUTIES OF THE CLAIMS AUDITOR

The Board may delegate this claims audit function by using inter-municipal cooperative agreements, shared services through a Board of Cooperative Educational Services, or independent contractors, providing that the individual or organization serving as independent contractor meets the following standards for independence between the Claims Auditor and the District:

- a) Has no other responsibilities related to the business operations of the District;
- b) Has no interest in any other contracts with, and does not provide any goods or services to, the District; and
- c) Is not a close or immediate family member of anyone who has responsibilities related to business operations of the District, or has an interest in any other contracts with the District. A "close family member" is defined as a parent, sibling or nondependent child; an "immediate family member" is a spouse, spouse equivalent, or dependent (whether or not related).

If the District delegates the claims audit function using an inter-municipal cooperative agreement, shared service or an independent contractor, the Board remains responsible for auditing all claims for services from the entity providing the delegated Claims Auditor, either directly or through a delegation to a different independent entity.

Valid claims against the District shall be paid by the Treasurer only upon the approval of the Claims Auditor. The Claims Auditor shall certify that each claim listed on the warrant was audited and payment was authorized. He/she shall:

- a) Examine all claim forms with respect to the availability of funds within the appropriate codes and adequacy of evidence to support the District's expenditure;
- b) Meet such other requirements as may be established by the Regulations of the Commissioner of Education and/or the Comptroller of the State of New York.

Education Law Sections 1604(35), 1709(20-a), 2526 and 2554(2)
8 New York Code of Rules and Regulations (NYCRR)Section 170.12(c)

Adoption Date: 06/21/2021

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SUBJECT: DUTIES OF THE EXTRACLASSROOM ACTIVITY FUND CENTRAL TREASURERS

Extraclassroom Activity (ECA) Central Treasurers

The ECA Central Treasurers are appointed by the Board and has custody of all ECA funds. The ECA Central Treasurers' duties include, but are not limited to:

- a) Disbursing ECA funds by means of prenumbered check forms upon receipt of a payment order signed by the student activity treasurer and faculty advisor of the ECA, provided that there are sufficient funds in the account;
- b) Signing all checks disbursing ECA funds;
- c) Providing completed checks disbursing ECA funds to the student activity treasurer of the ECA;
- d) Signing a receipt for all ECA funds placed into his or her custody and depositing those funds promptly into a bank designated by the Board;
- e) Maintaining a record of the receipts and disbursements of each individual ECA account and of all the ECA accounts combined;
- f) Verifying bank statements and preparing a reconciliation of cash balances and ECA accounts to be forwarded to the Faculty Auditor monthly;
- g) Submitting to the Board a financial report relating to the receipts and expenditures for all ECA accounts on a quarterly basis; and
- h) Reporting to the Board or its designee regularly and independently of the Faculty Auditor.

8 NYCRR Part 172
NYSED Finance Pamphlet, The Safeguarding, Accounting,
and Auditing of Extraclassroom Activity Funds, Revised 2019

NOTE: Refer also to Policy: #5520 Extra Classroom Activity Fund

Adoption Date: 06/21/2021

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SUBJECT: DUTIES OF THE SCHOOL ATTORNEY

Qualifications

- a) Must be admitted to practice before the Courts of the State of New York.
- b) Must be cognizant of Education Law, Civil Service Law, the New York Commissioner of Education's regulations and other legal matters pertinent to the legal operation of the Lewiston-Porter District.

General Duties and Responsibilities

The Board of Education may appoint one or more attorneys as legal counsel to the School District. A School Attorney shall perform as directed by the Board of Education and/or the Superintendent of Schools in the areas of routine legal services of a public School District, counseling to the Board of Education and the Superintendent, legal preparation as regards litigation, collective bargaining, labor relations and other matters as so directed.

School Attorneys are selected on the basis of their professional qualifications. The Board of Education prohibits discrimination in employment in accordance with all applicable federal and state laws and regulations. The Board of Education may conduct an annual performance review with its attorney(s) in order to enhance communications and to maintain the highest level of legal services for the School District. Compensation for the school attorney and special counsel shall be negotiated annually for each in the Board's employ.

Specific Duties and Responsibilities

- a) Prepares and conducts litigation and legal hearings, including those related to negotiated master agreements, as directed by the Superintendent of Schools or as authorized by the Board of Education. Performs all matters related thereto on behalf of the School District, including, but not limited to, the preparation of all pleadings, trial and hearings at the level of original jurisdiction or on appeal, and all other court or hearing appearances in order to represent most effectively the interests of the Lewiston-Porter Central School.
- b) Prepares and renders legal opinions and advice upon request of the Board of Education or the Superintendent of Schools.
- c) Attends and provides legal advice at meetings of the Board of Education and such other meetings as the Board of Education or the Superintendent of Schools might direct.
- d) Prepares, with the Board Clerk, all documents incident to the noticing, calling and conducting of the annual school election, school tax rate elections and school bond elections.
- e) Provides legal assistance in the drafting of bids, contracts and other legal documents, rules and regulations, resolutions, applications of diverse kinds and all other legal or quasi-legal papers upon request of the Board of Education or the Superintendent of Schools.

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- f) Provides assistance in the drafting of legislation proposed by the Lewiston-Porter Central School for presentation to local municipal and State legislative bodies.
- g) Advises the Board on legislation in existence or being proposed, and interprets to the Board and the Superintendent the impact of such legislation on the interests of the Lewiston-Porter Central School.
- h) Conducts official legal correspondence for the Board and the Superintendent, and responds to informational inquiries from members of the Board, the Superintendent and the Superintendent's designee.
- i) Maintains files on Board policy, rules and regulations, and master agreements with employee groups, and assists in the legal interpretation of these documents when so directed by the Board or the Superintendent.
- j) Performs other duties as assigned by the Board and/or the Superintendent.

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SUBJECT: DUTIES OF THE SCHOOL PHYSICIAN/NURSE PRACTITIONER

The school physician/nurse practitioner shall be appointed by the Board. The duties of the school physician/nurse practitioner shall include, but are not limited to, the following:

- a) Performs professional medical services in the examination and care of school children;
- b) Performs routine examinations of school children to detect the presence of contagious diseases and physical defects;
- c) Serves as an on call member on the Committee on Special Education;
- d) Reports to the Board on school health services;
- e) Coordinates scheduling for physical examinations to all students participating in interscholastic athletics;
- f) Provides final medical clearance for a return to extra class athletic activities for all students who have or are believed to have sustained a mild traumatic brain injury (concussion);
- g) Develops the program of health service in accordance with policies approved by the Board and as directed by the Superintendent of Schools;
- h) Conducts physical exams for all bus drivers and substitutes prior to employment and annually thereafter;
- i) Conducts physical exams for all new employees (instructional and non-instructional);
- j) Conducts a medical evaluation on any employee at the request of the Board of Education.

8 NYCRR Section 136.5
Education Law Sections 902, 913 and 6902

Adoption Date: 06/21/2021

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SUBJECT: DUTIES OF THE INTERNAL AUDITOR

The Internal Auditor reports directly to the Board.

The District may use its employees, inter-municipal cooperative agreements, shared services to the extent authorized by Education Law Section 1950, or independent contractors as the person/entity serving as Internal Auditor. The person or entity serving as Internal Auditor must follow generally accepted auditing standards, be independent of District business operations, and have the requisite knowledge and skills to complete the work.

The Internal Auditor is responsible for performing the internal audit function for the Board of Education which includes at a minimum:

- a) Development of a risk assessment of District operations, including but not limited to, a review of financial policies, procedures and practices;
- b) An annual review and update of such risk assessment;
- c) Annual testing and evaluation of one or more areas of the District's internal controls, taking into account risk, control weakness, size, and complexity of operations;
- d) Preparation of reports, at least annually or more frequently as the Board may direct, which:
 - 1. Analyze significant risk assessment findings;
 - 2. Recommend changes for strengthening controls and reducing identified risks; and
 - 3. Specify timeframes for implementation of such recommendations.

The position of Internal Auditor is a part time position, payable by stipend, the amount of which shall be determined annually at the District's Reorganizational Meeting.

Education Law Sections 1950, 2116-b and 2116-c
8 New York Code of Rules and Regulations (NYCRR) Section 170.12(d)

NOTE: Refer also to Policy #5573 - Internal Audit Function

Adoption Date: 06/21/2021