

THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

то:	The Honorable the Members of the Board of Regents Subcommittee on Audits/Budget and Finance
FROM:	Valerie Grey
SUBJECT:	Board of Regents Oversight – Financial Accountability
DATE:	December 2, 2010
STRATEGIC GOAL:	Goal 5

AUTHORIZATION(S):

### **SUMMARY**

### **Issues for Discussion**

The following topics will be discussed with the Members of the Subcommittee on Audits/Budget and Finance:

- 1. Office of State Comptroller (OSC) Presentation
- 2. Review of the Monthly Fiscal Report
- 3. Revised Regents Budget Priorities Reappropriation of the \$20.4 Million for Data (Attachment 1)
- 4. Budget Updates
- 5. Completed Audits (Attachment II)
- 6. Proposed Amendment to Establish Committee on Audits/Budget and Finance

# Reason(s) for Consideration

Update on Activities

### Proposed Handling

Discussion and Guidance

### Procedural History

The information is provided to assist the Subcommittee in carrying out its oversight responsibilities.

### Background Information

- 1. <u>Office of State Comptroller (OSC) Presentation</u> Staff from the Office of the State Comptroller will brief the Subcommittee Members on the role of the Comptroller in audits of school districts, BOCES, and other educational entities.
- 2. <u>Review of the Monthly Fiscal Report</u> The Subcommittee will be updated on the Department State Operations expenditure and revenue projections.
- Revised Regents Budget Priorities Staff will provide an update on the revised Regents Budget Priorities to include a Reappropriation of the \$20.4 Million State Longitudinal Data System (LDS) Capital Projects Appropriation (Attachment 1)
- 4. <u>Budget Updates</u>
- 5. <u>Completed Audits</u>

The Subcommittee is being presented with 21 audits this month. A summary of key audits is attached. (Attachment II)

Audits are provided as follows:

Office of Audit Services

Center Moriches Union Free School District ARRA Report Dunkirk City School District ARRA Report

### Office of the State Comptroller

Berlin Central School District Cairo-Durham Central School District Catskill Central School District East Irondequoit Central School District Elmsford Union Free School District Hancock Central School District Harpursville Central School District Hudson City School District Lewiston-Porter Central School District Long Island Business Institute TAP Audit Mahopac Central School District Morrisville-Eaton Central School District New York Institute of Technology TAP Audit Northeast Central School District Peekskill City School District Pine Plains Central School District Rhinebeck Central School District Sullivan West Central School District Wellsville Central School District

6. <u>Proposed Amendment to Establish Committee on Audits/Budget and Finance</u> The proposed amendment will be presented to the Subcommittee on Audits/Budget and Finance for recommendation and to the Full Board for adoption as an emergency action at the December 2010 Regents meeting.

#### Recommendation

For item six (Proposed Amendment to Establish Committee on Audits/Budget and Finance) discussion and recommendation to Full Board for adoption is sought. For item three (Revised Regents Budget Priorities) approval of the Subcommittee is sought. For item one (Office of State Comptroller (OSC) Presentation), two (Review of the Monthly Fiscal Report), four (Budget Updates), and five (Completed Audits) no further action is recommended.

#### Timetable for Implementation

N/A

The following materials are attached:

- Revised Regents Budget Priorities Reappropriation of the \$20.4 Million State Longitudinal Data System (LDS) Capital Projects Appropriation (Attachment I)
- Summary of Audit Findings Including Audit Abstracts (Attachment II)

### **Revised Regents Budget Priorities**

### P-12 2011-2012

### Data System Development:

<u>Budget Request</u> – Reappropriation of the \$20.4 Million State Longitudinal Data System (LDS) Capital Projects Appropriation

The 2010-11 State Budget includes a \$20.4 million capital projects appropriation for the development of a State longitudinal data system (LDS), which is an integral component of the State's Race to the Top application. This \$20.4 million appropriation will be used by the Department (\$10.7 million), SUNY (\$8.2 million) and CUNY (\$1.5 million) to:

- Provide increased hardware, software, and contract services necessary to support the collection and reporting of new data elements such as:
  - P-12 college- and career-readiness scores,
  - o P-12 student course and teacher information,
  - higher education enrollment and outcomes, and
  - early-warning predictors for at-risk students;
- Increase data system capacity at SUNY and CUNY to collect and report higher education data to the State LDS;
- Build a comprehensive unique student identifier system with necessary security and privacy protections;
- Develop an electronic student records exchange system; and
- Develop an Early Warning system to identify and provide support to at-risk students.

The Department is developing an expenditure plan for submission to DOB so the appropriation can be allocated and MOUs with SUNY and CUNY which stipulate the level of funding to be provided to SUNY and CUNY and the deliverables and reports to be produced by SUNY and CUNY.

Estimated expenditures for the current year are \$6.8 million for increased data collection and reporting capacity and SUNY and CUNY data system development. The Department is requesting that the full \$20.4 million appropriation be reappropriated in the 2011-12 State Fiscal Year.

	Procurement	Claims Processing	Payroll	Cash	Financial Reporting	Information Technology	Segregation of Duties	ivreurcaru Revenue Enhancement s	Program (TAP)	Other
Audit	ш						Ň	Ш		
Office of Audit Services										
* Center Moriches Union Free School District										
(footnote 2)										
* Dunkirk City School District (footnote 2)										$\checkmark$
Office of the Otote Community lies										
Office of the State Comptroller										
** Berlin Central School District		1		1		1				
Cairo-Durham Central School District	1			$\checkmark$		<u> </u>				
Catskill Central School District			,							
East Irondequoit Central School District										
Elmsford Union Free School District										
** Hancock Central School District										
Harpursville Central School District										
Hudson City School District								$\checkmark$		
Lewiston-Porter Central School District	$\checkmark$									
Long Island Business Institute										
Mahopac Central School District								$\checkmark$		
Morrisville-Eaton Central School District										
New York Institute of Technology										
Peekskill City School District				$\checkmark$		$\checkmark$	$\checkmark$			
Pine Plains Central School District								$\checkmark$		
Rhinebeck Central School District						$\checkmark$				
Sullivan West Central School District	$\checkmark$									

Audit	Procurement	Claims Processing	Payroll	Cash	Financial Reporting	Information Technology	Segregation of Duties	INTEGRICATION Revenue Enhancement s	Program (TAP)	Other
Webutuck Central School District										
* Wellsville Central School District (footnote 1)	$\checkmark$									$\checkmark$
December 2010	5	2	3	3	1	4	1	4	2	3

1. District Newsletter

2. American Recovery and Reinvestment Act (ARRA)

\*\* No recommendations

The Department's Internal Audit Workgroup met to review each of the audits being presented this month. The findings were considered of a routine nature and not of enough significance to bring to the Subcommittee. Letters will be sent to the auditees reminding them of the requirement to submit a corrective action plan.

	Office of Audit Services						
Audit	Major Finding(s)	Recommendation/Response					
Center Moriches Union	The District did not establish an appropriation for the ARRA-	5 recommendations					
Free School District	ESF accounts. Sincere there was no appropriation made,						
Use of American	budgets for the ARRA-ESF accounts were not tracked and	The report's recommendations					
Recovery and	available balances of the fund in the accounting system	focused on strengthening the					
Reinvestment Act	inaccurately appeared as negatives. The district also did not	policies and procedures regarding					
(ARRA) funds awarded	enter payroll expenditures as they occurred.	the use of ARRA funds.					
for the July 1, 2009 -							
June 30, 2010 school	Further, the District did not account for the full FTE of	The District agreed with the					
year.	employees being paid from both IDEA 611 and ESF funding.	recommendations and has					
ARRA-0510-16	In addition, payroll certifications were not prepared monthly	indicated that they are in the					
10th Judicial District	and did not coincide with payroll.	process of implementing corrective					
		action.					
	It could not be determined if the District exceeded the \$100						
	threshold for interest earned during 2009-10 because the	The audit identified the District's					
	District did not provide a daily account of revenue received	inability to calculate interest					
	and expenditures incurred for all federal funds despite	earned on federal funds. As a					
	numerous requests.	result, OAS has recommended					
		that the Department put the District on a reimbursement only					
		basis for receiving federal funds.					
Dunkirk City School	It was found that the District claimed more than 90 percent of	4 recommendations					
District	the approved budget for ARRA-IDEA 619 (preschool).						
Use of American		The recommendations focused on					
Recovery and	Further, it was found that the District had not posted or	strengthening the policies					
Reinvestment Act	directly charged the fringe benefits portion of the claim to the	regarding the use of ARRA funds.					
(ARRA) funds awarded	ARRA-ESF expenditure codes.						
for the July 1, 2009 -	1 <sup>2</sup>	The District agreed with the					
June 30, 2010	In the quarterly reporting period ending June 30, 2010, the	recommendations and have					
ARRA-0710-18	District reported 15 positions saved instead of 21.	already implemented corrective					

8th Judicial District	Documentation at the District also supports 21 jobs saved.	action.					
Office of the State Comptroller							
Audit	Major Finding(s)	Recommendation/Response					
Berlin Central School District Internal Controls Over Purchasing 2010M-117 3rd Judicial District	The District has established comprehensive purchasing policies and procedures that provide appropriate guidance for competitive bidding. Forty claims (totaling \$230,442) were examined, and only minor deficiencies were found, which have since been discussed with District officials. It was determined that the District's internal controls over purchasing were effective.	There were no recommendations.					
Cairo-Durham Central School District Internal Controls Over Information Technology and Cash Disbursements 2010M-127 3rd Judicial District	The District has not developed a formal security plan or written policies and procedures to effectively safeguard information technology (IT) resources. Further, the Treasurer and the Business Manager both have system administrator rights to the District's financial software, while other employees have access to areas of the software that are inconsistent with their job responsibilities. District financial data backup are also not stored at a secure offsite location, and are not periodically restored or tested by District personnel. The District's financial data backups are also not encrypted. District computers also have the ability to install software onto District computers because certain users have local administrative rights. The Board also has not developed a disaster recovery plan.	<b>9 recommendations</b> The report's recommendations focused on strengthening the policies and procedures regarding the safeguarding of information technology, financial software, financial backups, a formal disaster recovery plan, and properly segregated duties over the cash disbursements and claims processes. <i>The District agreed with the</i> <i>recommendations and has</i> <i>indicated that they plan to</i> <i>implement corrective action.</i>					

Catskill Central School District Internal Controls Over Purchasing and Information Technology 2010M-139 3rd Judicial District	disbursements process, and the appointed claims auditor was authorizing payments for purchases she had initiated or processed as part of her other duties. The District did not comply with and enforce the District's purchasing policies for the procurement of goods and services when competitive bidding was not required by law. It was found that \$53,482 in purchases were made without the benefit of price comparisons. Procedures were not in place to monitor compliance with the District's procurement policy and instances of noncompliance were not reported to the Board. District officials do not monitor backups of critical financial electronic data and have not developed a disaster recovery plan. Further, the District does not have procedures to prevent employees and students from downloading and installing	7 recommendations The recommendations focused on strengthening the policies and procedures regarding competitive bidding and computer access controls. The District agreed with all recommendations except for the two pertaining to secure software storage procedures. They have indicated that they will implement corrective action.
East Irondequoit Central School District Health Insurance Buyout Program for Retirees 2010M-135 7th Judicial District	potentially malicious software onto their computers. It was determined that the District could save money if they offered the same health insurance buyout plan to its retirees that it offers to its active employees. It was estimated that if the District allowed current retirees to participate in the plan, they would save approximately \$400,000 over a ten-year time frame.	<b>1 recommendation</b> It is recommended that the district consider offering an annual payment to eligible retirees to forego health plan coverage. The District agreed with the recommendation and has indicated that they plan to implement corrective action.

Elmsford Union Free School District Internal Controls Over Tax Certiorari Reserves 2010M-104 9th Judicial District	In 2007, the Comptroller's Office performed an audit of the District and found that the District had improperly encumbered funds for tax certiorari judgments. It was recommended that the District establish a tax certiorari reserve to meet anticipated judgments and claims in the future. In response, the Board established a tax certiorari reserve fund in September 2007 in the amount of \$8,754,000 as of June 30, 2007. The Board increased the reserve by \$792,000 to a total of \$9,546,000 to fund settlements of tax certiorari cases. Later, the Board allocated the \$9,546,000 along fiscal years 2004-05, 2005-06, 2006-07 and 2007-08.	2 recommendations The report's recommendations focused on strengthening the policies and procedures regarding monies deposited into reserve funds. The District agreed with the findings but disagreed with both recommendations.
	reserve funds in 2007-08 retroactively for fiscal years 2004- 05, 2005-06, and 2006-07. The 2007-08 tax certiorari was also improperly established because it was established after the 2007-08 tax levy was set.	
	Further, the Board cumulatively overfunded the tax certiorari reserve funds by about \$8.9 million. However, upon counsel's recommendation, the Board reduced the 2007-08 tax certiorari reserve fund by \$1.7 million and returned it to the general fund.	
Hancock Central School District Internal Controls Over Payroll 2010M-122 6th Judicial District	It was determined that controls over payroll were adequately designed and operating effectively. There were no significant deficiencies in the payrolls that were examined.	There were no recommendations.

Hereway ille Control	It was found that significant appartunities swith for the District	1 recommendation
Harpursville Central	It was found that significant opportunities exist for the District	1 recommendation
School District	and the Town to save money by building and operating a joint	
Joint Transportation	transportation facility. Due to the age and condition of the	It was recommended that the
Facility	District's existing transportation facility and the Town's	District further pursue constructing
2010M-109	highway building, both local governments would benefit by	a joint transportation facility.
6th Judicial District	replacing their buildings with a joint facility. It was found that	
	the District and Town could save local taxpayers between	The District agreed with the
	\$2.8 million and \$4.2 million if they jointly built one new	recommendations and have
	facility. Further, a joint facility could save local taxpayers more	indicated that they plan to
	than \$13,000 in annual heating and electricity costs.	implement corrective action.
Hudson City School	The contractor processed claims for only 122 of the District's	3 recommendations
District	307 Medicaid-eligible students. It was estimated that the	
Medicaid Revenue	District did not claim eligible services totaling at least	The report's recommendations
Enhancements	\$460,256 which would have resulted in the District receiving	focused on strengthening the
2010M-142	about \$115,064 and New York State received \$115,064 in	policies and procedures regarding
3rd Judicial District	potential Medicaid reimbursement revenue.	Medicaid reimbursement
		documentation and procedures.
	Further, based on the student sample tested, it was	•
	determined that the District's unclaimed revenue amounted to	The District agreed with the
	\$33,966 and, based on estimated projections, the District also	recommendations and had
	missed at least an additional \$81,098 of Medicaid	indicated that it plans to implement
	reimbursement revenue.	corrective action.
	The District's classified student eligibility list was also not	
	complete. Twenty-five students were identified who were	
	Medicaid eligible but were not included on the District's	
	eligibility list and 18 of those students received services that	
	could have resulted in the District receiving \$5,170 in	
	Medicaid reimbursement.	
	Additionally, during the 2008-09 school year, parental consent	

	forms were completed for only 129 of 307 Medicaid-eligible special education students. Due to this documentation deficiency, the District did not claim \$29,159 (25 percent District share) in reimbursement.	
	The District also did not claim for all services it was entitled to. As a result, it received \$1,019 less than it was entitled to.	
Lewiston-Porter Central School District	District officials did not sufficiently monitor the benefit payment and reimbursement process for two benefit trusts,	9 recommendations
Benefit Trusts and Student Transportation Operations	and as a result, \$52,865 of the \$214,659 in payments made on behalf of the trusts from July 1, 2007 to May 7, 2010, had not been reimbursed.	The report's recommendations focused on strengthening the policies and procedures pertaining
2010M-92 8th Judicial District	It was determined that the District could also potentially save over \$210,000 in student transportation costs by operating at between 76-85 percent of bus capacity and by more sufficiently monitoring fuel charges from the transportation vendor. Fuel reconciliations provided by the transportation	to the review and approval of benefit payments, the reimbursements process, the segregation of duties, bus capacity, fuel purchasing and inventory.
	vendor from 2007-2009 showed that the District was billed for more fuel than the District actually used by a total of 10,828 gallons, which is equivalent to \$23,388.	The District agreed with the recommendations and has indicated that they will implement corrective action.
Long Island Business Institute Tuition Assistance Program (TAP) Requirements 2009-T-6	It was determined that the Long Island Business Institute (LIBI) was overpaid \$7,500 because school officials incorrectly certified three students as eligible for four TAP awards. These students were incorrectly certified because they were not matriculated, as required by TAP eligibility requirements.	2 recommendations It is recommended to the Higher Services Corporation to recover the \$7,500 plus interest from LIBI for its incorrect TAP certifications.
	LIBI received \$10.3 million in TAP for the three years that ended June 30, 2008.	It is recommended to the Department to ensure that LIBI

		officials comply with Department requirements in relation to matriculation and good academic standing. A response has not yet been received from HESC or the
		Department regarding these recommendations.
Mahopac Central School District	The District has not received any Medicaid reimbursement for special education services. The District did not monitor the	2 recommendations
Internal Controls Over Medicaid Reimbursement 2010M-128 9th Judicial District	contractor to ensure that the contractor submitted all claims to the Department of Health (DOH) and did not monitor Medicaid reimbursement claims to ensure that the District received all Medicaid aid to which it is entitled.	The report's recommendations focused on strengthening the Medicaid documentation and reimbursement policies.
	As a result of inadequate monitoring, the District and State each lost approximately \$39,000 in Medicaid reimbursements for the period July 1, 2008 through June 30, 2009.	The District agreed with the recommendations and has indicated that they will implement corrective action as soon as possible.
Morrisville-Eaton Central School District	The District claims auditor is not reporting directly to the Board, as required by law, and instead is reporting to the	1 recommendation
Internal Controls Over Selected Financial Activities	Board-designated audit committee. Aside from this finding, no other deficiencies were found.	It is recommended that the Board instruct the claims auditor to report directly to the Board as required by
2010M-141 6th Judicial District	The District's cash disbursement duties are properly segregated, disbursements are audited and approved prior to	law.
	payment, and the procurement of goods and services are made in accordance with General Municipal Law and the Board's policies.	The District agreed with the recommendations and has indicated that they will implement

		corrective action to address the finding.
New York Institute of Technology Tuition Assistance Program (TAP) Requirements 2009-T-5	It was determined that New York Institute of Technology (NYIT) was overpaid \$114,830 because school officials incorrectly certified 8 students as eligible for 10 TAP awards. NYIT received \$15.4 million in TAP awards for the three academic years ending June 30, 2008.	3 recommendations It is recommended that the Higher Education Services Corporation (HESC) recover the \$114,830 plus interest from NYIT for its incorrect TAP certifications, and to ensure that NYIT officials comply with the Higher Education Services Corporation requirements relating to crediting TAP students' accounts. It is recommended to the Department to ensure that New York Institute of Technology officials comply with Department requirements relating to full-time attendance and good academic standing. A response has not yet been received from HESC or the
Northeast Central School District Increasing Medicaid Revenue	District staff did not submit claims for reimbursement for most of their IEP-related services during the school year because District officials did not effectively monitor the Medicaid claims process to ensure that all related eligible services were	Department.3 recommendationsThe report's recommendationsfocused on strengthening the

004011 440	an and the second second second in the second second in the second secon	
2010M-140	promptly submitted for reimbursement. Medicaid is also	policies and procedures regarding
9th Judicial District	withholding reimbursements to recover \$29,404 that the District has improperly claimed and received in the prior year.	compliance with new Medicaid requirements, and the timely submission of claims.
	District officials did not develop written policies and	
	procedures for processing claims. As a result, District staff did	District officials agreed with the
	not submit claims for reimbursement for most of the IEP services provided to students during the 2008-09 school year.	recommendations and have indicated that they will implement corrective action.
	Further, upon review, it was determined that the District had not submitted claims totaling \$53,299 for IEP-related services	
	provided to the students. As a result, the District could realize additional revenue of approximately \$13,325 in Medicaid	
	reimbursements for IEP services by submitting claims for	
	these services.	
Peekskill City School District	There is a lack of segregation of duties in the wire transfer process. The District also does not have a comprehensive	6 recommendations
Internal Controls Over	agreement with each bank or investment company that	The report's recommendations
Wire Transfers and	addresses electronic or wire transfers.	focused on strengthening the
Computer Security		policies and procedures regarding
2010M-108	The Board has not adopted policies and procedures for	
9th Judicial District	granting employees access rights to the District's	transfers, access rights to
	computerized data. The Assistant Superintendent for	computerized data, and the
	Business and three other employees in the Business Office	adoption of required policies.
	have excessive access rights that are not consistent with their	The District agreed with the
	job duties.	The District agreed with the recommendations and has
	Finally, the Board has not adopted a Breach Notification	indicated that they will implement
	Policy, as required by law.	corrective action.

Pine Plains Central School District Medicaid Revenue Enhancements 2010M-118 9th Judicial District	District officials have not developed written policies to define the responsibilities for collecting Medicaid data and documentation, submitting and reconciling claims, and monitoring reimbursement. The District did not submit claims for \$142,350 for IEP-related services and targeted case management for Medicaid-eligible students, and therefore did not receive its 25 percent potential Medicaid reimbursement of \$35,600.	<b>3 recommendations</b> The report's recommendations focused on strengthening policies regarding Medicaid Revenue Enhancements. <i>The District agreed with the</i> <i>recommendations and have</i> <i>indicated that they will implement</i> <i>corrective action as soon as</i> <i>possible.</i>
Rhinebeck Central School District Internal Controls Over Selected Financial Operations 2010M-133 9th Judicial District	The Treasurer disbursed \$58.5 million of electronic funds transfers during the audit period. These transfers included both online transfers between accounts at the same bank, and wire transfers of monies from one bank to another. The Treasurer performed these transactions without prior approval, timely review by someone independent of the transaction, or a confirmation from bank personnel. Internal controls over the District's payroll processing are not appropriately designed because the payroll clerk performs virtually every phase of the payroll process, and the Board has not exercised appropriate oversight. Finally, the District did not have adequate internal controls in place for information technology, to include procedures for the assignment of user rights and a disaster recovery plan.	6 recommendations The report's recommendations focused on strengthening the policies and procedures regarding electronic fund transfers, payroll controls, and internal controls over information technology. The District agreed with the recommendations and has indicated that they will implement corrective action as soon as possible.

Cullinger West Control	There are no physical first investaries taken at the taxes	2 ve e e ve ve detiene
Sullivan West Central	There are no physical fuel inventories taken at the town	3 recommendations
School District	garage or the maintenance shed. The District also has no	<b>-</b>
Internal Controls Over	records for maintenance shed usage because the fueler does	The reports' recommendations
Fuel Inventory	not work at that location. Therefore the District does not have	focused on physical inventories,
2010M-110	adequate information to reconciled fuel inventories at these	delivery records and inventory logs,
3rd Judicial District	two locations.	and the periodic review of routing
		assignments and odometer
	Further, District officials do not compare the mileage recorded	readings.
	on the fuel usage logs for each bus to route assignments to	
	verify that the amount of fuel used is within the limits set by	The District agreed with the
	the contract. If this procedure was regularly done, it would be	recommendations and has
	known that District fuel was appropriately being utilized.	indicated that they will implement
		corrective action.
Wellsville Central	The District could save up to \$188,000 over a three year	7 recommendations
School District	period by providing its newsletter in an electronic format and	r recommendations
Cost Savings	self-funding for student accident costs.	The recommendations focused on
Opportunities and		
Internal Controls Over	Additionally, the District also noted a consultant \$00.050 to	strengthening the policies and
	Additionally, the District also paid a consultant \$99,959 to	procedures pertaining to the District
Financial Consultant	provide financial services without soliciting proposals or	newsletter and student accident
Services	entering into a written contract to indicate the scope of	insurance, and financial consulting.
2010M-107	services or basis for compensation.	
8th Judicial District		The District agreed with the
		recommendations and has
		indicated that they will implement
		corrective action.