

NEW YORK MILLS UNION FREE SCHOOL DISTRICT

**Communication of Management Letter Comments
For the Year Ended June 30, 2019**

Bonadio & Co., LLP
Certified Public Accountants

October 1, 2019

To the Board of Education and Superintendent of
New York Mills Union Free School District

In planning and performing our audit of the financial statements of the New York Mills Union Free School District (the District) as of and for the year ended June 30, 2019, in accordance with auditing standards generally accepted in the United States of America, we considered the District's internal control over financial reporting (internal control) as a basis for designing our auditing procedures for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the District's internal control. Accordingly, we do not express an opinion on the effectiveness of the District's internal control.

However, during our audit, we became aware of several matters that are opportunities for strengthening internal controls and operating efficiency. The list that accompanies this letter summarizes our comments and suggestions regarding those matters. This letter does not affect our report dated October 1, 2019, on the financial statements of the New York Mills Union Free School District.

We will review the status of these comments during our next audit engagement. We have already discussed these comments and suggestions with various District personnel, and we will be pleased to discuss these comments in further detail at your convenience, to perform any additional study of these matters, or to assist you in implementing the recommendations.

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NEW YORK MILLS UNION FREE SCHOOL DISTRICT

COMMUNICATION OF MANAGEMENT LETTER COMMENTS

1) Observation:

The District maintains a Debt Service Fund with restricted cash balances of approximately \$1,300,000. Currently, principal and interest payments are made from the General Fund.

Recommendation:

The Government Accounting Standards Board recommends that debt service funds are used to account for and report financial resources restricted, committed, or assigned to pay general long-term debt principal and interest. Since funds are accumulated for the payment of long-term debt in the debt service fund, we recommend that the payments be made from the debt service fund.

2) Observation:

Active cyber threats on school districts continue to evolve and grow. In response, New York State has developed regulatory requirements (Ed Law 2d, SHIED Act, NYSED NIST Cybersecurity Requirements, etc.) which the District should be prepared to comply.

Recommendation:

We recommend the following items be considered to protect the District's data and assets.

1. Have a full and accurate data inventory completed so you can accurately document and assess the:
 - a. Data types
 - b. Uses
 - c. Locations (internal and external)
 - d. Compliance requirements
 - e. Retention requirements
 - f. Destruction requirements
2. Perform a new risk assessment based on the data sets found including:
 - a. Internal and external technical, administrative and physical vulnerability assessments
 - b. Perform Red Team Penetration testing (just like a real hacker would attack you)
 - c. Measure cybersecurity regulatory and legal compliance levels per data type
3. Build a risk management portfolio based on your unique risk mitigation expectations
4. Train all personnel on their roles and responsibilities for cybersecurity and privacy protection
5. Test your Computer Security Incident Response Plan
6. Assess your cyber liability policy to ensure that the District has the appropriate coverage for an advanced attack.
7. Actively work the risk portfolio

As noted above, one of the critical steps is to perform the required accurate and thorough risk analysis. It is mandatory for all entities in New York to meet the new New York SHIELD Act, Ed Law 2d and the NIST Cybersecurity compliance. Without this analysis, the District is at an

increased risk of negative outcomes in the event of a ransomware attack or other breach and the possibility of the subsequent regulatory audit.

3) Observation

In 2017, the Governmental Accounting Standards Board (GASB) issued Statement Number 84 – Fiduciary Activities to address the inconsistencies in reporting of fiduciary activities by governments which was effective for fiscal years beginning January 1, 2019 and after. The standard establishes criteria for identifying these fiduciary activities (formerly called Trust & Agency activities) which focus on a) whether a government is controlling the assets of the fiduciary activity, and b) the beneficiaries with whom a fiduciary relationship exists. Any activity meeting this criteria should be reported in a fiduciary fund in the basic financial statements. The standard establishes four types of fiduciary funds that should be reported, if applicable – 1) pension (and other employee benefit) trust funds, 2) investment trust funds, 3) private-purpose trust funds, and 4) custodial funds.

The application of this statement will most likely result in a change to accounting for certain activities that may have been reported as agency activities (such as payroll withholdings, bid deposits and guarantees, etc.). Furthermore, it is possible that activities which were not trust and agency transactions may qualify as fiduciary activities under the new standard.

In addition, changes may need to be made to your accounting system to accommodate the new reporting and recordkeeping. Under the new standard, all fiduciary activity must be reported on a Statement of Net Position and a Statement of Changes in Net Position which means that even custodial activity would be required to report additions and deductions, and no longer just as cash and a liability.

Recommendation

The standard is currently effective, so action should be taken right away to begin determining applicability to your organization. We recommend that you review the activity currently being recorded in your trust and agency (TA and TE) accounts and apply the criteria laid out in the standard to determine the proper accounting. Additionally, you should review activity currently recognized in your governmental funds to determine if that activity would be more appropriately recorded as a fiduciary activity under the new standard. One of the key criteria is determining whether the government controls the assets, and based on the guidance coming out of the GASB, funds being held in a bank under the tax identification number of the government would be construed as control, regardless of the designated custodian (whether an employee or an elected official). Therefore, it is important to begin reviewing the activities and having discussion with your auditor as appropriate.

4) Observation

Recent amendments to General Municipal Law §6-r now allow a board of education to expend monies to fund payments to the NYS Teachers' Retirement System (TRS). The amendment authorizes the establishment of a sub-fund within a Retirement Contribution Reserve Fund, if so established under existing regulations, to finance retirement contributions to TRS. This sub-fund must be administered separately from other funds of the District (consistent with GML §6-r) subject to certain funding limitations. Annual contributions cannot exceed 2% of total

compensation or salaries of teachers employed by the District who are TRS members and paid during the immediately preceding fiscal year (i.e. 6/30/20 contributions based on 6/30/19 salaries x 2%). Furthermore, the cumulative balance in the reserve cannot exceed 10% of total compensation or salaries of teachers employed by the District who are TRS members and paid during the immediately preceding fiscal year (i.e. 6/30/20 contributions based on 6/30/19 salaries x 10%).

Recommendation

If the District is considering the use of this reserve, it must first establish the Retirement Contribution Reserve Fund (if not already done) and then authorization of the sub-fund can be made through resolution of the board of education or trustees of the District. The sub-fund can then be funded through additional contributions, or via transfer from another established reserve, subject to the appropriate resolutions and limitations. Going forward, we also recommend the District establish a mechanism to ensure the funding and cumulative balances remain within the 2% and 10% limitations as established under GML.