

# STATE OF NEW YORK

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3901

2019-2020 Regular Sessions

## IN SENATE

February 21, 2019

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Introduced by Sens. RANZENHOFER, FUNKE, GALLIVAN, SEWARD -- read twice  
and ordered printed, and when printed to be committed to the Committee  
on Education

AN ACT to amend the education law, in relation to making internal audit  
functions optional by school districts unless an audit by the comp-  
troller reveals deficiencies

The People of the State of New York, represented in Senate and Assem-  
bly, do enact as follows:

1 Section 1. Subdivisions 1, 2 and 7 of section 2116-b of the education  
2 law, subdivisions 1 and 7 as added by chapter 263 of the laws of 2005,  
3 and subdivision 2 as amended by section 4 of part A of chapter 57 of the  
4 laws of 2013, are amended and a new subdivision 8 is added to read as  
5 follows:

6 1. No later than July first, two thousand six, each school district  
7 shall establish an internal audit function to be in operation no later  
8 than the following December thirty-first. Such function shall include:

9 (a) development of a risk assessment of district operations, including  
10 but not limited to, a review of financial policies and procedures and  
11 the testing and evaluation of district internal controls; (b) [~~an annu-~~  
12 ~~al~~] a review and update of such risk assessment; and (c) preparation of  
13 reports[~~, at least annually or more frequently as the trustees or board~~  
14 ~~of education may direct,~~] which analyze significant risk assessment  
15 findings, recommend changes for strengthening controls and reducing  
16 identified risks, and specify timeframes for implementation of such  
17 recommendations.

18 2. School districts of less than eight teachers, school districts with  
19 actual general fund expenditures totaling less than five million dollars  
20 in the previous school year, or school districts with actual enrollment  
21 of less than one thousand five hundred students in the previous school  
22 year shall be exempt from this requirement. Any school district claiming

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[~~-~~] is old law to be omitted.

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1 such exemption shall [~~annually~~] certify to the commissioner that such  
2 school district meets the requirements set forth in this subdivision.

3 7. Nothing in this section shall be construed as requiring a school  
4 district in any city with a population of one hundred twenty-five thou-  
5 sand or more to replace or modify an existing internal audit function  
6 where such function already exists by special or local law, so long as  
7 the superintendent of the district [~~annually~~] certifies to the commis-  
8 sioner that the existing internal audit function meets or exceeds the  
9 requirements of this section.

10 8. Notwithstanding any other provision of law to the contrary, the  
11 internal audit function established pursuant to this section shall be  
12 optional by all school districts unless the comptroller finds deficien-  
13 cies in the audit performed pursuant to section thirty-three of the  
14 general municipal law. If deficiencies are found by the comptroller,  
15 school districts shall perform biennial internal audits until the comp-  
16 troller conducts another audit of such school district.

17 § 2. This act shall take effect on the first of July next succeeding  
18 the date on which it shall have become a law.