



## Magnolia Public Schools

### Special Board Meeting

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#### **Date and Time**

Thursday September 7, 2017 at 7:00 PM

#### **Location**

Teleconference: Dial:1.844.572.5683 Code: 1948435

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Access to the Board Meeting: Any interested parties or community members from remote locations may attend the meeting at the following school sites or the addresses where the Board members are joining the meeting from:

Call In- Dial: 1.844.572.5683 Code: 1948435

- MPS Central Office: 250 E. 1st St. Ste 1500 Los Angeles, CA 90012 (Ms. Charlotte Brimmer, Dr. Saken Sherkhonov)
- MSA-2 17125 Victory Blvd. Lake Balboa (Ms. Sandra Covarrubias)
- MSA-SD 6525 Estrella Ave. San Diego, CA 92120 (Dr. Salih Dikbas)
- 5113 Babette Ave Los Angeles, CA 90066 (Ms. Diane Gonzalez)
- 940 Stewart Dr. Sunnyvale, CA 94085 (Dr. Umit Yapanel)
- 449 36th Street #2 Brooklyn, NY 11232 (Mr. Nguyen Huynh)
- 9715 Lockford St. LA, CA 90035 (Rabbi Haim Beliak)

In compliance with the Americans with Disabilities Act (ADA) and upon request, Magnolia Public Schools may furnish reasonable auxiliary aids and services to qualified individuals with disabilities. Individuals who require appropriate alternative modification of the agenda in order to participate in Board meetings are invited to contact the MPS central office. If you need special assistance to attend the meeting, please notify Barbara Torres at (213) 628-3634 x100 to make arrangements and accommodate your disability.

Any public records relating to an agenda item for an open session of the Board which are distributed to all, or a majority of all, of the Board members shall be available for public inspection at 250 East 1st Street Ste 1500 Los Angeles, CA 90012.

#### **Board Members:**

Dr. Saken Sherkhonov, Chair  
Dr. Umit Yapanel, Secretary  
Mr. Serdar Orazov, Treasurer  
Dr. Salih Dikbas  
Dr. Remzi Oten  
Ms. Diane Gonzalez  
Mr. Nguyen Huynh  
Mr. Haim Beliak  
Ms. Charlotte Brimmer  
Ms. Sandra Covarrubias

CEO & Superintendent:  
Dr. Caprice Young

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## Agenda

	Purpose	Presenter	Duration
<b>I. Opening Items</b>			
A. Call the Meeting to Order			
B. Record Attendance and Guests			
C. Public Comments			20
D. Approval of Agenda	Vote		1
<b>II. Action Items</b>			
A. Approval of 2017-18 Fiscal Policies and Procedures Manual	Vote	Nanie Montijo	10
B. Approval of MSA 4 and MSA 5 Petition Language	Vote	Caprice Young	10
C. Approval of Change Order for Whillock Contract for MSA SD	Vote	Nanie Montijo	5
<b>III. Information Items</b>			
A. MyOn Contract	Discuss	Kenya Jackson	5
<b>IV. Closing Items</b>			
A. Adjourn Meeting	Vote		

# Cover Sheet

## Approval of 2017-18 Fiscal Policies and Procedures Manual

**Section:** II. Action Items  
**Item:** A. Approval of 2017-18 Fiscal Policies and Procedures Manual  
**Purpose:** Vote  
**Submitted by:**  
**Related Material:** II A Updated Financial Policy Manual.pdf  
Updated 2017-18 Financial Policy Manual.pdf



Board Agenda Item #	Agenda # II A
Date:	9/7/2017
To:	Magnolia Board of Directors- Special Meeting
From:	Caprice Young, Ed.D., CEO & Superintendent
Staff Lead:	Nanie Montijo, Chief Financial Officer
RE:	Financial Policy Manual

### Proposed Board Recommendation

I move that the board approve the revisions on the Financial Policy Manual as presented.

### Background

Major changes include:

- Changing “EdTec” to “Back-office”
- Addition of Investment policy
- Addition of Payroll Desk Procedure
- Revisions on the Inventory Asset Management Policy

### Budget Implications

None

### Name of Staff Originator:

Nanie Montijo, Chief Financial Officer

### Exhibits (attachments):

MPS Financial Policy Manual (redline)



# FINANCIAL POLICIES AND PROCEDURES MANUAL

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*Revised August 30, 2017.*

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MPS Financial Policies & Procedural Manual

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**List of Referenced Procedures**

General & Administrative

1. G&A101 Chart Of Accounts
2. G&A102 Files And Records Management
3. G&A103 Travel And Entertainment
4. G&A104 Management Reports
5. G&A105 Period-End Review & Closing
6. G&A106 Controlling Legal Costs
7. G&A107 Taxes And Insurance
8. G&A108 Property Tax Assessments
9. G&A109 Confidential Information Release
10. G&A110 Document Control
11. G&A111 Fax and E-mail Signatures Accepted
12. G&A112 Maintenance Requests
13. G&A113 Electronic Backup of Accounting Information
14. G&A114 Political Intervention
15. G&A115 Accrued Liabilities
16. G&A116 Notes Payable
17. G&A117 Financial and Tax Reporting
18. G&A118 Budgeting
19. G&A119 Insurance
20. G&A120 Supplies
21. G&A121 School Site Accounting
22. G&A122 Fraud Reporting & Whistleblower
23. G&A123 Conflict of Interest

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Cash

24. CSH101 Cash Boxes
25. CSH102 Cash Receipts And Deposits
26. CSH103 Problem Checks
27. CSH104 Wire Transfers
28. CSH105 Check Signing Authority
29. CSH106 Check Matters
30. CSH107 Bank Account Reconciliations
31. CSH108 Inter-Account Bank Transfers
32. CSH109 Journal Entries and Reclassification Entries
33. CSH110 Petty Cash Purchases
34. CSH111 Credit Cards and Debit Cards
35. CSH112 Intercompany Receivables and Payables (Due To/Due From)
36. CSH113 Financial Reserves

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Payroll

37. PAY101 Payroll Desk Policy

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Fixed Assets

38. INV101 Fixed Asset Control and Leases
39. INV102 Fixed Asset Capitalization & Depreciation

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Investments

40. IVT101 Investments

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Policies, Procedures and Forms

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Revenue

- 41. REV101 Sales Receipt Processing
- 42. REV102 Invoicing And Accounts Receivable
- 43. REV103 Progress Billing
- 44. REV104 Account Collections
- 45. REV105 Revenue Recognition – Grants and Contributions
- 46. REV106 Gifts-In-Kind
- 47. REV107 Restricted Funds

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Payroll

- 48. PAY101 Payroll Desk Policy

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Purchasing

- 49. PUR101 Vendor Selection
- 50. PUR102 General Purchasing
- 51. PUR103 Receiving And Inspection
- 52. PUR104 Accounts Payable And Cash Disbursements
- 53. PUR105 Prepaid Expenses
- 54. PUR106 Reimbursements
- 55. PUR107 Bidding Requirements

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Accounting Policies, Procedures and Forms

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SOP # G&A101 Revision: 1  
Effective Date: 9/5/2017

Prepared by: Central Office  
Approved by: BOD

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Title: G&A101 CHART OF ACCOUNTS

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Policy: To facilitate the record keeping process for accounting, all ledger accounts should be assigned a descriptive account title and account number.

Purpose: To provide the method for assignment and maintenance of the company's chart of accounts in order to produce meaningful financial data for the Organization.

Scope: This procedure applies to all general ledger accounts.

Responsibilities: The Chief Financial Officer is responsible for monitoring and approving changes to the company's Chart of Accounts.

Definition: Chart of Accounts – A categorized listing of all account titles and numbers being used by an organization to track income, expenses, assets, equity, and liabilities is called a Chart of Accounts.

Procedure:

1.0 DESIGN OF ACCOUNTS

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1.1 Accounts should have titles and numbers that indicate specific ledger accounts such as Cash in Checking, Furniture and Fixtures, Accounts Payable, etc.

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1.2 In general, the Standardized Account Code Structure (SACS) is followed for the major code segments, including resource function (after 6/30/17), object and location.

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1.3 Sub-divisions should be used to provide additional clarification, as needed. A sub-division among the balance sheet accounts should be designated short term to long term, (i.e. current assets should precede long term assets and current debt should precede long-term debt).

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Unassigned number sequences should be left open within each group of accounts to provide for additional accounts, which may be added later.

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1.4 Accounts may be numbered using the SACS format.

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1.5 See Appendix A for guidance regarding SACS format.

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2.1 DESCRIPTION OF ACCOUNTS

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2.2 Each account should be given a short title description that is brief but will allow the reader to quickly ascertain the purpose of the account.

2.3 For training and consistent transaction coding, as well as to help other non-accounting managers understand why something is recorded as it is, each account should be defined. Definitions should be concise and meaningful. The account name should clearly identify what the account is to be used for.

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An example of definitions follows:

**ASSETS**

9121 – Main Operating Account

Includes all cash held in the operating bank account. All withdrawals and deposits are recorded here. The reported balances are supported by a bank reconciliation prepared monthly.

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**Revision History:**

Revision	Date	Description of changes	Requested By
0	2/14/13	Initial Release	
1	9/5/17	Revisions	

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**APPENDIX A**

A copy of the California School Accounting Manual (CSAM) can be found at <http://www.cde.ca.gov/fg/ac/sa/> for guidance regarding SACS format.

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Accounting Policies, Procedures and Forms

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G&A101 Chart of Accounts

page 4 of 4

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SOP # G&A102 Revision: 1  
Effective Date: 9/5/2017

Prepared by: Central Office  
Approved by: BOD

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Title: **G&A102 FILES AND RECORDS MANAGEMENT**

**Policy:** The Organization will retain records in an orderly fashion for time periods that comply with legal and governmental requirements and as needed for general business requirements.

**Purpose:** To outline the methods for filing, retaining and disposing of business records.

**Scope:** This procedure applies to all business documentation generated by the Organization. However, this does not necessarily cover internal or certain day-to-day business correspondence.

**Responsibilities:**

The Finance Staff will be responsible for categorizing and maintaining a listing of records maintained and the location (i.e. by wall unit and shelf row number).

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The Chief Financial Officer is responsible for overseeing the execution of Organization policy for Record Retention, Storage and Destruction of obsolete Organization records.

**Procedure:**

**1.1 FILING SYSTEM**

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**1.2** To ensure efficient access, filing centers will be established in each department. To reduce the amount of duplicate and unnecessary record retention, individual desk files should be avoided unless they are used in daily operations. All other departmental or Organization records should be filed in the departmental central filing areas.

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**1.3** Unless necessary, records should usually only be kept by the originator or sender and not by the receiver to avoid duplicate filing systems.

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**1.4** The following filing guidelines should be adhered to optimize filing efficiency and records access:

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- All file cabinets and files should follow recognized rules of order, such as Left to Right, Top to Bottom, Front to Back and in the case of chronological records, newest to oldest.
- File markers or label headings should always be placed at the beginning or front of a file or group of files.
- Alphabetical files should always be filed under broad topical categories. Files should never be filed under individual employee names (except Human Resources records) to avoid confusion and re-filing in the event of turnover.

Files should always be filed under the "proper" or Organization names whenever appropriate. In the case of individuals, files should be maintained according to the persons "Last name" then First name and Middle initial.

- Extra care should be used for sensitive or private information. Organization financial data or personnel records that contain performance reviews, salary information, and any health related information should be kept in a secure area with limited access to only those that have a "need to know" such as the Office Manager or the Chief Financial Officer.

**2.0 RECORD RETENTION AND LONG-TERM STORAGE**

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2.1 Storage of archived records will be maintained in the locked storage area of the building. Access to this area will be limited to the Chief Financial Officer, officers of the Organization and the Office Manager.

2.2 Non-permanent files will be stored in cardboard file boxes. Each file box will be labeled on the front with the contents, dates covered, and destruction date if applicable. Permanent records will be filed electronically.

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2.3 Files should be stored only in boxes with similar items, dates and retention periods. This will allow easier access and purging of records. A general rule to keep in mind is that it is better to only half-fill a file box than to file dissimilar types of files in the same box.

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2.4 The Office Manager will be responsible for categorizing and maintaining a listing of records maintained and the location (i.e. by wall unit and shelf row number).

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2.5 Maintain all files for as long as is necessary but only to the extent they serve a useful purpose or satisfy business or legal requirements. G&A102 Ex1 RECORDS RETENTION PERIODS, provides a guide to the typical business life of various documents. The retention periods provided are suggested with federal requirements in mind. Be sure to check with local and state authorities for specific record retention requirements.

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2.6 Copies of critical records that are vital to the daily operations of the Organization should be kept off site in case of possible disasters. This may include information needed to file insurance claims (assets lists, insurance contacts, policy numbers), financial data for tax purposes (wages paid, income and expenses), contacts lists to inform or restart the business (vendors, customers, investors and employees), and other data that would assist in rebuilding the business (business plans, intellectual property, or proprietary information).

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**3.1 RECORD DESTRUCTION**

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3.2 Three to six months after each year-end, the Office Manager will proceed with destruction of all files that have exceeded their recognized holding period.

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## Accounting Policies, Procedures and Forms

- 3.3 A listing of file categories to be destroyed will be circulated to all managers thirty days prior to destruction for review and comment. The actual listing of records destroyed will be maintained permanently for future reference.
- 3.4 Destruction of the files will be performed by an independent, outside service for shredding and disposal. Disposal of records into the Organization's general trash service is not allowed.

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**References:****A. HEALTH INSURANCE PORTABILITY ACCOUNTABILITY ACT (HIPAA)**

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The Standards for Privacy of Individually Identifiable Health Information (the Privacy Rule) creates national standards to protect individuals' personal health information and gives patients increased access to their medical records. As required by the Health Insurance Portability and Accountability Act of 1996 (HIPAA), the Privacy Rule covers health plans, health care clearinghouses, and those health care providers who conduct certain financial and administrative transactions electronically. Most covered entities (certain health care providers, health plans, and health care clearinghouses) must comply with the Privacy Rule by April 14, 2003. Small health plans have until April 14, 2004 to comply with the Rule.

Note: Employment records maintained by a covered entity in its capacity as an employer are excluded from the definition of protected health information. The modifications do not change the fact that individually identifiable health information created, received, or maintained by a covered entity in its health care capacity is protected health information.

**B. AGE DISCRIMINATION IN EMPLOYMENT ACT (ADEA)**

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ADEA applies to employers with 20 or more employees. If an EEOC charge or lawsuit is filed, keep records until final disposition of the charge or lawsuit. Otherwise, ADEA compliance suggests keeping basic employee files from one to three years as listed:

- Payrolls or other records (for temporary and permanent positions) for three years.
- Basic employee information such as employees' names, addresses, birth dates, occupations, rates of pay, and weekly compensation for three years.
- Applications and personnel records relating to promotion, demotion, transfer, selection for training, layoff, recall or discharge for one year.
- Job advertisements and postings for three years.
- Copies of employee benefit plans, seniority and merit systems must keep on file for the full period the plan or system is in effect and for at least one year after its termination

**C. AMERICANS WITH DISABILITIES ACT (ADA)**

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ADA applies to employers with 15 or more employees. If an EEOC charge or lawsuit is filed, keep records until final disposition of the charge or lawsuit. Otherwise, ADA compliance suggests keeping employment applications and other personnel records including promotions, transfers, demotions, layoffs, and termination or requests for reasonable accommodation for at least 1 year from the making of the record or the personnel action.

**D. CIVIL RIGHTS ACT OF 1964**

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Applies to employers with 15 or more employees. If an EEOC charge or lawsuit is filed, keep records until final disposition of the charge or lawsuit. Otherwise, basic non-discrimination compliance suggests keeping employment applications and other personnel records including promotions, transfers, demotions, layoffs, and termination or any EEO-1 Reports for at least one year from the making of the record or the personnel action. If an employee is involuntarily terminated, his/her personnel records must be retained for one year from the date of termination.

**E. EMPLOYEE RETIREMENT INCOME SECURITY ACT (ERISA)**

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The ERISA reporting and disclosure obligations apply to all pension and welfare plans including summary plan descriptions, annual reports, reportable events, and plan termination, unless the Organization plan is exempt under ERISA. ERISA suggests the Organization should maintain all reports, documents, information, and materials for a minimum of six years in order to disclose and or support all transactions to participants and beneficiaries (and report to certain governmental agencies), as requested or needed.

**F. EMPLOYEE POLYGRAPH PROTECTION ACT**

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All polygraph test results and reasons for administering the test should be kept for three years.

**G. EQUAL PAY ACT**

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Payroll records including time cards, wage rates, deductions from wages, and records explaining the difference in wage rates between men and women in similar positions should be kept for three years.

**H. EXECUTIVE ORDER 11246**

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Applies to federal contractors and requires the preparation of affirmative action plans. Affirmative action plans must be updated annually and retained for two years along with all applications and other personnel records that form the basis of the Organization's employment decisions. Generally, personnel and employment records must be retained for two years.

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**I. FAIR LABOR STANDARDS ACT (FLSA)**

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FLSA applies to employers engaged in or employees who work in interstate commerce and suggests the following records are retained for three years:

- Payroll and other records containing employee's name, birth date, gender, and occupation.
- Employee's beginning of workweek and time employee begins work.
- Regular rate of pay or other basis of payment.
- Hours worked per day and for workweek.
- Daily and weekly straight time earnings.
- Deduction from wages.
- Total wages per pay period.
- Date of payment and the pay period covered.
- For exempt professional, executive and administrative employees, and those employed in outside sales, the employer must maintain records that reflect basis on which wages are paid to permit calculations of the employee's total remuneration.
- In addition, employers must keep for at least two years all records (including wage rates, job evaluations, seniority and merit systems, and collective bargaining agreements) that explain the basis for paying different wages to employees of opposite sexes in the same establishment.

**J. FAMILY AND MEDICAL LEAVE ACT (FMLA)**

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FMLA applies to employers with 50 or more employees within a 75 mile radius and whose employee must have worked for at least one year and accumulated at least 1,250 hours of service with the employer during the previous year. FMLA suggests the following records are retained for 3 years

- Basic employee data including name, address, occupation, rate of pay, terms of compensation, daily and weekly hours worked per pay period, deductions from wages, and total compensation.
- Dates of leave taken by eligible employees.
- For intermittent leave, the hours of leave.
- A copy of employee notices and documents describing policies and practices regarding leave.
- Records of any dispute regarding the designation of leave.



**K. IMMIGRATION REFORM & CONTROL ACT (IRCA)**

IRCA applies to all employers and requires a signed Form I-9 is retained for three years after the date of hire and at least one year after termination.

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**L. OCCUPATIONAL SAFETY & HEALTH ACT (OSHA)**

OSHA applies to employers with 10 or more employees and suggest that the log of occupational injuries and illnesses is retained for five years. All other records should be retained for at least 30 years after employee separation. Other records include:

- Occupational injuries and illnesses.
- The annual summary of injuries and illnesses.
- Medical records and records of exposure to toxic substances.

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**M. REHABILITATION ACT OF 1973**

Applies to federal contractors. If a charge or lawsuit is filed, keep records until final disposition of the charge or lawsuit. Otherwise, basic compliance suggests keeping personnel and employment records including requests for accommodation, physical exams, job advertisements and postings, applications, resumes and records regarding hiring, assignments, promotions, demotions, transfers, layoffs, terminations, rates of pay and selection for training for two years (only 1 year if contractor has less than 150 employees or a federal contract of \$150,000 or less). Note: Affirmative action plans also may have to be maintained by the employer

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**N. RIGHT TO FINANCIAL PRIVACY ACT**

The act establishes specific procedures and exceptions concerning the release of customer financial records to the federal government. It provides customers of financial institutions with a right to expect that their financial activities will have a reasonable amount of privacy from federal government scrutiny.

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**O. GUIDE TO RECORD RETENTION REQUIREMENTS**

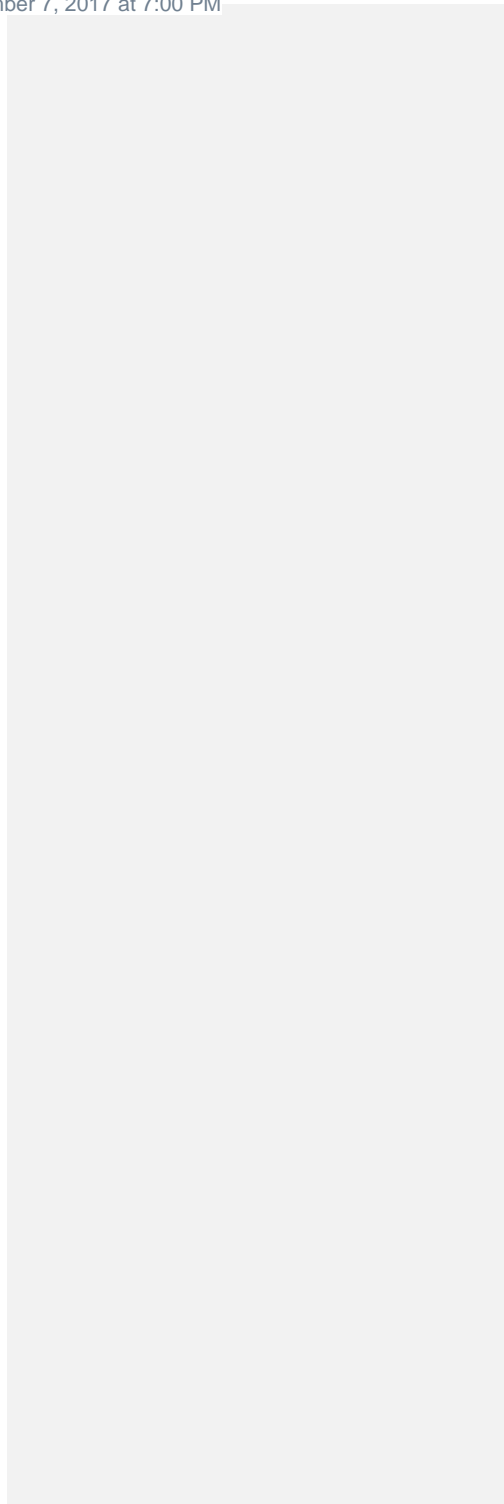
A good source of federal retention requirements is the "Guide to Record Retention Requirements" published by the Office of the Federal Register National Archives and Records Administration. It can be purchased from the U.S. Government Printing Office in Washington DC. Additional sources of information include: IRS regulations, state and local government retention requirements or the AICPA (American Institute of Certified Public Accountants) Filing and Record Retention Procedures Guide.

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**P. IRS REVENUE PROCEDURE 98-25 RECORDS RETENTION**

The Income Tax Regulations require that, except for farmers and wage-earners, any person subject to income tax, or any person required to file an information

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Accounting Policies, Procedures and Forms

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return with respect to income, must keep such books and records, including inventories, as are sufficient to establish the amount of gross income, deductions, credits, or other matters reported. The books or records required by must be kept available at all times for inspection by authorized internal revenue officers or employees, and must be retained so long as the contents thereof may become material in the administration of any internal revenue law.

Note: Section 6.01 requires taxpayers to maintain and make available documentation of the business processes that (1) create the retained records, (2) modify and maintain its records, (3) satisfy the requirements of section 5.01(2) of the procedure and verify the correctness of the taxpayer's return, and (4) evidence the authenticity and integrity of the taxpayer's records.

Section 6.02 sets forth four elements that the documentation required under section 6.01 must establish: (1) the flow of data through the system, (2) internal controls that ensure accurate processing, (3) internal controls that prevent unauthorized record changes, and (4) charts of account.

Section 6.03 sets forth six specific types of documentation for each retained file: (1) record formats, (2) field definitions, (3) file descriptions, (4) evidence that periodic checks are undertaken to ensure that data remains accessible, (5) evidence that the records reconcile to the taxpayer's books, and (6) evidence that the records reconcile to the taxpayer's return.

**Revision History:**

Revision	Date	Description of changes	Requested By
0	2/14/13	Initial Release	
<u>1</u>	<u>9/5/17</u>	<u>Revision</u>	

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Accounting Policies, Procedures and Forms

**G&A102 Ex1 RECORDS RETENTION PERIODS**

Accident reports and claims (settled cases) .....	7 years
Accounts payable ledgers, schedules and trial balances .....	7 years
Accounts receivable ledgers, schedules and trial balances .....	7 years
Assignments .....	3 years
Audit reports of accountants .....	Permanently
Bank reconciliations .....	1 year
Bank statements, cancelled checks, and deposit slips .....	7 years
Bills of lading .....	3 years
Capital stock and bond records .....	Permanently
Cash books .....	Permanently
Cash receipts and disbursements .....	7 years
Chart of accounts .....	Permanently
Checks (cancelled, all other) .....	7 years
Checks (cancelled, for important payments, i.e. taxes, property purchases, special contracts, etc. File checks with the transaction papers) .....	Permanently
Construction documents.....	Permanently
Contracts and leases (expired) .....	7 years
Contracts and leases still in effect.....	Expiration +7 years
Corporate records and minutes .....	Permanently
Correspondence (legal and important matters only) .....	Permanently
Correspondence general .....	3 years
Credit Applications (Consumer) .....	25 Months (after notification)
Credit Applications (Business) .....	1 year (after notification)
Deeds, mortgages, and bills of sale .....	Permanently
Depreciation schedules .....	Permanently
Duplicate deposit slips .....	1 year
Electronic fund transfer documents .....	7 years
Employee personnel records (after termination).....	7 years
Employment applications .....	3 years
Expense analyses and Expense distribution schedules .....	7 years
Expired contracts and notes receivable .....	7 years
Expired purchase contracts .....	7 years
Federal, state and local tax returns .....	Permanently
Financial statements (end-of-year trial balances) .....	Permanently
Fixed asset records and appraisals .....	Permanently
Forms W-4 .....	7 years
Garnishments .....	3 years
General Ledgers (end-of-year trial balances) .....	Permanently
I-9s (after termination) .....	1 year
Insurance records, current accident reports, claims, policies, etc .....	Permanently
Interim and year-end financial statements and trial balances.....	Permanently
Inventories of products, materials, and supplies .....	7 years

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Accounting Policies, Procedures and Forms

Invoices .....	7 years
Journals .....	Permanently
Licenses.....	Permanently
Loan documents, notes.....	Permanently
Minute books of directors and stockholders, including bylaws and charter ...	Permanently
Monthly trial balances .....	Permanently
Notes receivable ledgers and schedules .....	7 years
OSHA logs .....	5 years
Paid bills and vouchers .....	7 years
Payroll journals .....	7 years
Payroll records and summaries .....	7 years
Payroll reports (federal & state) .....	7 years
Perpetual inventory records .....	7 years
Petty cash vouchers .....	7 years
Physical inventory records .....	7 years
Physical inventory tags .....	7 years
Plant cost ledgers .....	Permanently
Polygraph test results and reasons for test .....	3 years
Property appraisals by outside appraisers .....	Permanently
Property records including costs, depreciation schedules, blueprints, plans ..	Permanently
Property titles and mortgages .....	Permanently
Purchase journals .....	7 years
Purchase orders .....	7 years
Receiving sheets.....	1 year
Requisitions .....	7 years
Sales journals .....	7 years
Sales records .....	7 years
Savings bond registration records of employees .....	7 years
Scrap and salvage records (inventories, sales, etc) .....	7 years
Shipping tickets .....	3 years
Stock and bond certificate (cancelled) .....	1 yr
Stockroom withdrawal forms .....	7 years
Subsidiary ledgers .....	7 years
Tax returns and worksheets, revenue agents' reports and other documents ...	Permanently
Time books/cards .....	7 years
Trade mark registrations .....	Permanently
Uncollectible accounts and write offs .....	7 years
Voucher for payments to vendors, employees, etc. (includes all allowances and reimbursement of employees, officers).....	7 years
Voucher register and schedules .....	7 years
W-4 forms .....	4 years
Workman's comp documents .....	11 years

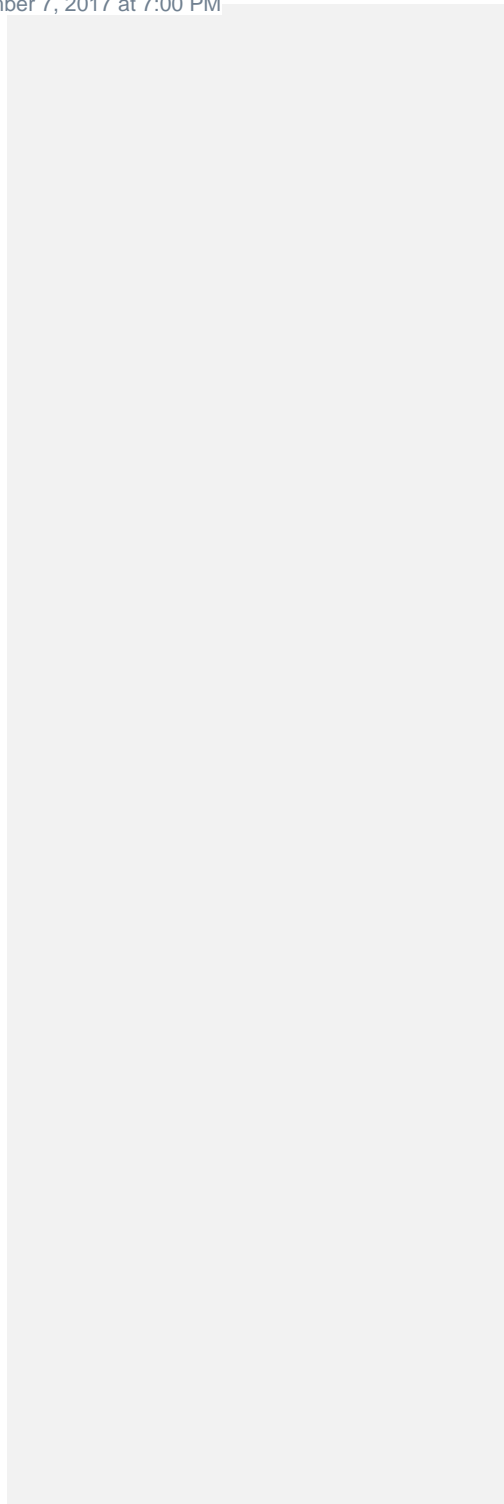
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SOP # G&A103 Revision: 2  
Effective Date: 9/5/2017

Prepared by: Central Office  
Approved by: BOD

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Title: **G&A103 TRAVEL AND ENTERTAINMENT**

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**Policy:** All reservations required for business travel and entertainment will be made through the Supervisor or designated staff. Expenses are to be within established Organization guidelines and will be reimbursed with proper documentation. Employees are expected to spend the Organization's money as carefully and judiciously as they would their own.

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The Organization recognizes that employees who travel far from home to represent the Organization's business interests must forego their living accommodations and may forfeit personal time. Accordingly, the Organization will make efforts to provide comfortable and secure accommodations for lodging, meals and travel for employees. The Organization reserves the right to deny reimbursement of expenses that are considered lavish or extravagant.

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**Purpose:** To provide guidelines for travel and entertainment expenses as they were actually spent, account for all advances promptly and accurately and to communicate the procedures for reimbursement.

**Scope:** This procedure applies to all departments and individuals who travel or entertain for the Organization.

**Responsibilities:**

Responsible Party: The individual employee and Supervisor. When the Supervisor does not make travel arrangements, each employee is responsible for making arrangements needed for business travel.

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- The Supervisor may make travel arrangements when requested, provided that arrangements are made at least 15 days in advance.

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The Finance Department will receive and review the expense report documentation and Back-office provider process necessary employee reimbursement. (See PUR106, Reimbursements, for more detailed information.)

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**Procedure:**

**1.0 TRAVEL ARRANGEMENTS**

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**1.1** All arrangements required for business travel are to be made individually or through the Supervisor. When possible, the Supervisor can solicit better corporate discounts and rates for hotels, airlines, car rental agencies and travel agencies. Employees benefit because they do not have to spend their own time comparing rates and making their own arrangements. If making your own arrangements, the employee must find the best possible travel pricing.

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Accounting Policies, Procedures and Forms

1.2 For maximum savings on airfares, this form should always be completed at least 15 days in advance unless an emergency trip is required.

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1.3 It is preferable that all employees travel during non-working hours to maximize efficiency. The Supervisor will make arrangements for the trip as required and will return a travel itinerary and any tickets or reservation forms to the employee.

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1.4 **Cash Advances** - The Organization generally discourages cash advances unless special circumstances apply.

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If an employee requires a cash advance, a formal request must be made as a check request. The advance request will then be forwarded to accounting for processing upon approval. Travel advance amounts are approved on an as needed basis.

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When a cash advance is received, the employee will reduce their expense reimbursement by the amount of the cash advance. In the case where the cash advance exceeds the expenses for the report submitted, the remaining cash must be turned into the Finance Team with the expense report. Amounts owed the Organization cannot be carried forward to future expense reports. Any advance outstanding will be deducted from the employee's paycheck.

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1.5 **Direct Billings** - Direct billings to the Organization from motels, restaurants, etc. are not permitted unless previously authorized.

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2.0 **EXPENSE GUIDELINES**

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2.1 **Air Travel** - Airline reservations are based on the following criteria:

- **Expediency:** Getting the employee to their destination in an expedient way. (Direct flights when possible or connecting flights if necessary for faster flight schedules).
- **Cost:** Employees will fly coach class unless extenuating circumstances apply.
- **Air Carrier:** An employee's preferred airline can be utilized as long as expediency and cost factors are equal. In most cases, airfare will be directly billed to the Organization's credit card account.

On occasion, employees may have no alternative but to book their own flight. If this is the case, employees must use regularly scheduled airlines and obtain the lowest (discount) fare available. This may mean that employees will fly at times that are not always the most convenient for them.

2.2 **Lodging** - Lodging arrangements are based on value, convenience for the traveler and according to what is usual and customary Organization guide lines.

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Whenever multiple employees are traveling to the same location, employees will be required to share accommodations if possible (i.e. male/male or female/female). Lodging accommodations will then be made for double rooms accordingly. If an employee is accompanied by a non-employee such as family or a friend, and therefore requires

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Accounting Policies, Procedures and Forms

separate accommodations, the employee will be responsible for payment of any excess lodging accommodations.

2.3 Meals - Employees on Organization business will be reimbursed for the actual cost of their meals or the allowable Federal Per Diem rate for the locality (in accordance with the US General Services Administration), whichever is lower.

Officers may include reimbursement of pre-approved guest meals under the same guidelines noted above.

See form PUR104 Accounts Payable and Cash Disbursements and PUR106 Reimbursements for additional information regarding Meals.

2.4 Car Rentals – When possible, advance arrangements should be made by the Supervisor if a car is required at the destination, otherwise the employee is required to make their own car rental arrangements. Vehicle selection will be based upon the most cost-effective class that satisfies requirements for the employee(s) and any demonstration equipment.

**Supplemental auto insurance coverage offered by car rental agencies must be purchased and will be reimbursed.**

2.5 Personal Vehicles - An employee who uses their own automobile for business will be reimbursed according to IRS mileage reimbursement guidelines. The employee must provide on the expense report, documentation including dates, miles traveled and purpose of each trip.

The Organization assumes no responsibility for personal automobiles used for business. Further, any parking or speeding violation is the sole responsibility of the employee and each employee must have valid minimum automobile liability insurance as required by state law.

2.6 Telephone - Telephone charges from the hotel are not allowed unless it is an emergency.

2.7 Entertainment - Entertainment expenses are not allowed.

2.8 Miscellaneous Expenses - Any additional business expenses (including but not limited to wifi access), that are not categorized above should be pre-approved and listed under miscellaneous expenses, and documented with all pertinent information to substantiate the expense.

2.9 Non-Reimbursable Expenses - Some expenses are not considered valid business expenses by the Organization, yet may be incurred for the convenience of the traveling individual. Since these are not expenses for the business then they are not reimbursable. (The following can be used as a guide of expenses, which are not reimbursable)

Examples include:

- Airline or travel insurance
- Airline or travel lounge clubs
- Shoe shine or Dry-cleaning (except for extended travel beyond 5 days)

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Accounting Policies, Procedures and Forms

- Movies or personal entertainment
- Books, magazines or newspapers
- Theft or loss of personal property
- Doctor bills, prescriptions, or other medical services
- Parking tickets, traffic tickets or Car towing if illegally parked
- Health club memberships
- Baby sitter or Pet care fees
- Barbers and Hairdressers

**3.0 EXPENSE REPORT PREPARATION AND REIMBURSEMENT**

**3.1** All business reimbursement expenditures incurred by employees of the Organization are reimbursed through ~~the current financial system~~. Reimbursement receipts must be submitted monthly and any receipt that is older than 60 days will be reimbursed at the discretion of the Chief Financial Officer.

Expense report forms must be filled out completely. Required receipts for items charged must accompany all reimbursement documentation as well as uploaded into ~~the existing financial system~~. Any questions regarding completion of the report should be directed to the employee's supervisor or the ~~Finance Team~~.

Upon completion, the expense report along with all attachments should be submitted to the employee's appropriate supervisor for approval. After approval, the expense report is submitted to the ~~Finance Team~~ for processing and reimbursement. In order to expedite reimbursement, the employee should ensure that the report is completed properly, required documentation is attached, proper authorization is obtained, and any unusual items properly explained and documented.

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**Revision History:**

Revision	Date	Description of changes	Requested By
0	2/14/13	Initial Release	
1	11/12/15	Inclusion of <del>back-office provider</del> provider process	Oswaldo Diaz, CFO
2	9/5/17	Revision	

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**SOP # G&A104 Revision: 2** Prepared by: Central Office  
**Effective Date: 9/5/2017** Approved by: BOD

**Title: G&A104 MANAGEMENT REPORTS**

**Policy:** Back-office provider and MPS will prepare summary reports of vital operating statistics for the Organization, including revenues, current debt, operating cash, accounts receivable and projected short-term cash flows. These reports are to be prepared and are to supplement detailed monthly and quarterly financial reports and are to be used for timely "hands-on" management.

**Purpose:** To provide the format and content requirements for preparation of the Financial Reports.

**Scope:** The procedure applies to Back-office provider and the Finance personnel required for preparation of these reports.

**Responsibilities:**  
 Back-office provider and MPS Finance personnel will be responsible for assuring effective and informative reporting for the Organization.

**Procedure:**

**1.0 PREPARATION GUIDELINES**

**1.1** Financial reports that provide management the necessary information to understand whether the Organization is progressing as planned are prepared monthly or as needed.

**1.2** Back-office provider maintains electronic copies of all reports and analyses.

**2.0 FINANCIAL REPORTS**

**2.1** The Chief Financial Officer should review accounting program financial reports on a regular basis.

**3.0 CASH FLOW REPORT**

**3.1** The Cash Flow Report represents a summary of the cash flowing through the Organization in the near term and identifies any potential shortfall that might occur in the near future before it occurs. The Cash Flow Report should be reviewed at least monthly by the Chief Financial Officer. This report supplements the detailed monthly and quarterly financial statement reports and provides a quick look at the cash performance of the Organization.

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Accounting Policies, Procedures and Forms

3.2 The Cash Flow Report should include projected operating cash balances for each month with estimated cash receipts by major classifications and projected disbursements by major account classifications.

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3.3 Back-office provider will notify the Chief Financial Officer of any shortfall so that the Organization may determine alternative courses of action to rectify the situation.

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4.0 BUDGET VS. ACTUAL REPORT

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4.1 The Budget vs. Actual Report represents a comparison of planned operating expenses to the actual expenses incurred for the period. The objective is to highlight results against plan, percentages and variances and thus provide a basis for management decisions. The Budget vs. Actual Report is prepared and maintained by Back-office provider on a monthly basis.

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5.0 FINANCIAL STATEMENTS

5.1 The Chief Financial Officer, Chief Executive Officer, and the Board of Directors should review the Financial Statements monthly for each board meeting. This report provides one indication of the performance of the Organization.

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5.2 The Financial Statements typically are comprised of three main parts: The Statement of Financial Position, Statement of Activities, and the Statement of Cash Flows (Statement of Cash Flows quarterly).

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The Statement of Financial Position (Balance Sheet) lists all of the Organization's assets (cash, receivables, deposits, inventory, equipment, intellectual property, etc.), liabilities (debt, lease obligations, etc) and net assets. It identifies the assets (which are "the business") and the financiers, or debt and equity holders and the relationship between the two.

The Statement of Activities represents the Organization's operational sources of cash - revenue - or uses - business expenses and is typically divided into operating periods that represent months, quarters or years of operations. It identifies the profitability of the Organization as a function of the accounting decisions.

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The Statement of Cash Flows is the difference between the Statement of Financial Position sources and uses of cash and the Statement of Activities sources and uses of cash. This difference assists in identifying the health of the Organization's operations. It identifies whether the Organization is producing cash or consuming cash and at what rate and from what sources.

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Accounting Policies, Procedures and Forms

5.3 The Financial Statements should be produced after the close of the Organization’s period (see procedure G&A105 PERIOD-END REVIEW & CLOSING). The final Financial Statements form the basis for the Organization’s formal presentations to the Board of Directors, or other stakeholders such as banks, outside agencies, or creditors in accordance with procedure G&A109 CONFIDENTIAL INFORMATION RELEASE.

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**FINANCIAL ACCOUNTING STANDARDS BOARD (FASB)**

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Since 1973, the Financial Accounting Standards Board (FASB [www.fasb.org](http://www.fasb.org)) has been the designated organization in the private sector for establishing standards of financial accounting and reporting. Those standards govern the preparation of financial reports. They are officially recognized as authoritative by the Securities and Exchange Commission (Financial Reporting Release No. 1, Section 101) and the American Institute of Certified Public Accountants (Rule 203, Rules of Professional Conduct, as amended May 1973 and May 1979). FASB pronouncements are the primary sources of GAAP.

**GENERALLY ACCEPTED ACCOUNTING PRINCIPLES (GAAP)**

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A collection of accounting principles. Typically includes the most recent developments of all generally accepted accounting principles (GAAP) as derived or collected from various technical pronouncements. Sources include FASB statements, interpretations, technical bulletins and concepts; American Institute of CPAs (AICPA); Accounting Principles Board opinions, accounting research bulletins, and position statements; and Securities and Exchange (SEC) financial reporting releases.

Revision History:

Revision	Date	Description of changes	Requested By
0	2/14/13	Initial Release	
1	11/12/15	Revision of responsibilities	Oswaldo Diaz, CFO
<u>2</u>	<u>9/5/17</u>	Revision of wording/clarification of processes	

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G&A104 Management Reports

page 4 of 4

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SOP # G&A105 Revision: 2 Prepared by: Central Office  
Effective Date: 9/5/2017 Approved by: BOD

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Title: G&A105 PERIOD-END REVIEW & CLOSING

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Policy: An orderly, timely and comprehensive review of all general ledger accounts should be performed or directed by the Chief Financial Officer to ensure an accurate representation of the company's financial statements. These practices are aimed at proving that the financial accounts are accurate, and if not, are properly adjusted to make them accurate, prior to closing.

Purpose: To provide a general overview of the process to be completed for reviewing the accounting records at year-end or any particular month-end prior to closing.

Scope: These practices apply to all accounts. Typically, all financial accounts are reviewed and then closed out as of the company's year-end. Consequently, the procedures that follow are discussed in reference to year-end review. However, a sub-set of these procedures is also applicable to month-end reviews. Month-end procedures are identified near the end of this module.

Responsibilities:

Back-office provider is responsible for creating and reviewing all period-end activities to ensure the period-end financial statements accurately reflect the results of the Organization's activities. All general ledger adjustments should be approved by designated Finance team member.

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1.0 CLOSINGS PREPARATIONS

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1.1 The following procedures would be expected for monthly closings:

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- Reconcile all bank accounts
- Print and compare the aged receivables and payables to the general ledger. Make appropriate adjustments to balance the accounts.
- Review all Statement of Financial Position and Statement of Activities accounts for completeness
- Retain all above reports in a monthly summary file.

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2.0 STATEMENT OF FINANCIAL POSITION: ASSETS

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2.1 **Cash accounts** - prepare the bank reconciliations for year-end balances per the bank statement to the balance per books for each account. The year-end reconciliation is especially important for preparing the final year-end financial statements to ensure that it is completely accurate.

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Show origination dates and description of each reconciling item. Prepare the necessary journal entries to adjust to the reconciliations. Totals must agree with the general ledger. File all reconciliation reports in the year-end closing file.

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2.2 **Accounts Receivable** – Print a detailed aged accounts receivable report and reconcile it to the General Ledger. This can be prepared as soon as all accounts receivable are calculated as of year-end. Calculate possible allowances for uncollectible accounts. Adjust prior allowances to calculated amount. Write off any un-locatable differences. Retain a complete copy of the detailed accounts receivable, along with any reconciling adjustments in the year-end closing file.

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2.3 **Inventory** – Supplies inventory may be small but should be evaluated periodically for cost increases.

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2.4 **Capital Assets** - Update the detailed schedule of fixed assets with any additions and deletions and reconcile to the general ledger balances.

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2.5 **Other Assets** - Other assets include utility or real estate deposits, prepaid insurance, advances to employees, and intangibles like store pre-opening costs. These should all be identified and documented. For example, a copy of the initial deposit with the utility company, or a list of the facility pre-opening costs with a schedule showing how much of those costs are to be amortized each year. File copies of these documents in the year-end closing file.

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**3.0 STATEMENT OF FINANCIAL POSITION: LIABILITIES AND NET ASSETS**

3.1 Liabilities are shown as the amount to be paid in the subsequent period. If in doubt, record the liability.

3.2 Accounts Payable - Print a detailed aged accounts payable report and reconcile it to the general ledger. This is generally completed 2 to 4 weeks after the year-end to ensure that all vendor invoices relating to services and merchandise purchased have been received and entered.

Compare all month-end vendor statements to balances per accounts payable and investigate any differences. Consider making adjustments for any significant unrecorded liabilities such as work started prior to year-end, but not yet billed by the supplier. Retain a complete copy of the accounts payable detail, along with any reconciling adjustments, in the year-end closing file.

3.3 Accrued Expenses - Review accruals for sales tax, payroll, payroll tax, payroll deductions payable, interest expense on short-term borrowings and long-term debt.

3.4 Loan Debt - Verify recorded accuracy of debt by ensuring the general ledger balances agree to year-end statements from lending institutions. Save all year-end statements in year-end closing file.

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**3.5 Contingent Liabilities and Commitments** - Prepare a schedule of any outstanding litigation and possible losses. Prepare a schedule of all long-term rental agreements with amounts due by year for the next five years. Retain these schedules in the year-end closing file.

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**3.6 Net Assets** - Record any changes in the Prior Period Adjustment category but ordinarily this account does not have any transactions directly posted to it.

**4.0 STATEMENT OF ACTIVITIES: REVENUE & SUPPORT**

**4.1 Revenue & Support** – Review all program revenue, reimbursement billings, and any other donations.

**4.2** Additionally, the Chief Financial Officer and back-office provider should periodically review revenue trends, cost associated with revenues, variable expenses and fixed expenses. Look for patterns, new trends, seasonal variances, or profitable emerging products that may indicate changes in customer or program behavior.

**4.3** The Chief Financial Officer and back-office provider should analytically review the revenue reports and explain all variances.

**5.0 STATEMENT OF ACTIVITIES: EXPENSES**

**5.1** Each expense total should be compared to expense total from the year before (and budgets if applicable). Attempt to explain any unusual variances. Some expense items are directly related to asset or liability accounts and can be reconciled in conjunction with the related Statement of Financial Position account.

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**5.2 Program Costs** - A detailed report should be produced of program costs and analyzed in relation to the associated revenues and to prior periods.

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**5.3 Payroll** - At year-end, the various payroll expense accounts should agree to total gross payroll per payroll reports. Account for all deductions for W-3 reported to the Social Security Administration, 1099s for vendors, as well as FICA and other taxes reported accordingly.

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**5.4 Bad Debt Expense** - Prepare a list of all accounts written off during the year. Note specifically any addition to the allowance for uncollectible accounts.

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**5.5 Interest Expense** - Prepare a schedule of interest expense by source. Reconcile amounts to short-term borrowings and long-term debt.

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**Revision History:**

Revision	Date	Description of changes	Requested By
0	2/14/13	Initial Release	
1	11/12/15	Inclusion of back-office provider process	Oswaldo Diaz, CFO
2	9/5/17	Revision to clarify process	

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SOP # G&A106 Revision: 1  
Effective Date: 9/5/17

Prepared by: Central Office  
Approved by: BOD

**Title: G&A106 CONTROLLING LEGAL COSTS**

**Policy:** The Organization will employ various methods to manage and whenever possible, minimize legal expenses.

**Purpose:** To describe the procedures for managing and controlling associated legal expenses.

**Scope:** This statement applies to all individuals with the responsibility for contracting legal services and/or approving agreements, contracts, or any other legally associated transactions.

**Responsibilities:**

Chief Executive Officer will resolve, negotiate, and examine all legal expenses.

Legal Counsel should provide the estimated costs of legal engagements and the most likely outcome.

**Definition:** Arbitration - is a private, informal process by which all parties agree, in writing, to submit their disputes to one or more impartial persons authorized to resolve the controversy by rendering a final and binding award, which is enforceable in court. It can be used for a wide variety of disputes from commercial transactions to labor grievances.

Declaratory Judgment - is a binding judgment issued by the court that defines the legal relationship between the parties and their rights with respect to the matter before the court. Commonly used in contract disputes (especially useful if no physical agreement exists and or a suit has not been filed yet) to clarify what conduct is permitted or prohibited by the contract or to clarify the contract if necessary.

A declaratory judgment provides the opposing party (defendant) with the opportunity to pick and chose the venue or jurisdiction, and the parties to the litigation. In this manner the opposing party can steal the initiative, direct the litigation, and maximize its chances of winning.

**Procedure:**

**1.0 ARBITRATION**

**1.1** Whenever practical, the Organization should utilize arbitration to resolve disputes. Arbitration can significantly reduce the amount of time and legal fees to resolve a dispute. The major features of arbitration are:

- A written agreement to resolve disputes by the use of impartial arbitration. Such a provision can be inserted into a contract for the resolution of possible

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future disputes, or can be an agreement to submit to arbitration of an existing dispute.

- Under the rules of arbitration, the procedure is relatively simple and informal. Strict rules of evidence do not apply; there is no motion practice or formal discovery; no requirements for transcripts of the proceedings or for written opinions of the arbitrators. The rules are flexible and can be varied by mutual agreement of the parties.
- Impartial and knowledgeable neutrals serve as arbitrators. Arbitrators are selected for specific cases because of their knowledge of the subject matter. Based on that experience, arbitrators can render an award grounded on thoughtful and thorough analysis.
- Final and binding awards which are enforceable in a court. Court intervention and review is limited by applicable state or federal arbitration laws, and award enforcement is facilitated by these same laws.

1.2 The following standard clause should be inserted whenever practical into contracts, agreements, etc. to provide for the arbitration of possible future disputes;

"Any controversy or claim arising out of or relating to this contract, or the breach thereof, shall be settled by arbitration in accordance with the Commercial [or applicable] Rules of the American Arbitration Association and judgment upon the award rendered by the arbitrator may be entered in any court having jurisdiction thereof."

The arbitration of existing disputes may be accomplished by mutual agreement of parties with the use of the following terminology:

"We, the undersigned parties, hereby agree to submit to arbitration under the Commercial [or applicable] Rules of the American Arbitration Association the following controversy.

[Describe Briefly]

We further agree that we will faithfully observe this agreement and the rules, and that we will abide by and perform any award rendered by the arbitrator(s) and that a judgment of the court having jurisdiction may be entered upon the award."

2.0 LEGAL SERVICES

2.1 All legal documents prepared for the company's use, such as vendor contracts, employment agreements, sales orders, etc. should be written in common language and whenever possible should avoid the use of legalese or jargon. Legalese tends to complicate even simple arrangements and often unnecessarily requires the incurrence of legal assistance for mere interpretive purposes.

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Accounting Policies, Procedures and Forms

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2.2 Before undertaking legal disputes, the Organization's legal counsel should ascertain and inform the Organization of the estimated costs that will be incurred for the legal engagement and the probable or most likely outcome of the case along with the probable amount of any awards or judgments. Use this information to produce a budget and clarify any matters that are increasing the budget. A budget will provide some assurance that the legal counsel has thought the matter through and it will also provide a baseline to determine the legal utility obtained from the matter.

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2.3 Use legal action only as a last resort. Legal action is frequently not very effective. In fact, a threatened action — particularly with intellectual property — could result in a pre-emptive declaratory judgment lawsuit by the other party thus giving them the “home-field” advantage, which could lead to higher legal costs.

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**3.0 LEGAL BILLINGS**

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3.1 Consider negotiating a “money-back” guarantee with the right to audit any bill for up to six months. Request that all fees that are proven to be unnecessary or excessive be returned. Then examine all legal bills for any such unnecessary or excessive transactions.

3.2 Many times, legal bills are aggregated, vague and too uninformative to be useful in controlling costs. Therefore, all legal arrangements contracted by the Organization should require itemized billings to include the following information:

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- Start and end times and dates of each service transaction
- Detailed description of services provided or work performed
- Distinct itemization of each individual performing services

3.3 Examine all internal discussions or conferences and note exactly who is working on the case and why. Ask for a justification for all attorneys working on the case.

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3.4 Consider alternatives such as contingent fees, fixed fees, and monthly retainers. All fees are negotiable.

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**Revision History:**

<b>Revision</b>	<b>Date</b>	<b>Description of changes</b>	<b>Requested By</b>
0	2/14/13	Initial Release	
<u>1</u>	<u>9/5/17</u>		

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Accounting Policies, Procedures and Forms

SOP # G&A107 Revision: 2  
Effective Date: 9/5/17

Prepared by: Central Office  
Approved by: BOD

Title: G&A107 TAXES AND INSURANCE

Policy: To ensure compliance with all Federal, state, local, and other regulatory taxation requirements

Purpose: To outline the general areas of taxation. To be used as a checklist or guide in complying with tax requirements related to each specific location and organizational structure.

Scope: This statement applies to the business activities of the company.

Responsibilities:

The Finance team and back-office provider responsible for determining all tax liabilities and fees, and the dates due

Back-office provider is responsible for ensuring the timely payment of all tax liabilities and fees.

Procedure:

1.0 ORGANIZATION FEES AND TAXES

1.1 Fees and taxes will vary depending on the legal structure of the business activity. The Organization is a Not-For-Profit organization; however, there may be from time to time revenue earned that is taxable as if the Organization were a For-Profit entity and those profits would be considered Unrelated Business Income and subject to tax.

1.2 The Finance team and back-office provider should check with the secretary of state, registry of charitable trusts, the IRS, and any other agency that non-profit organizations may pay fees with in order to ensure all fees are paid in a timely manner. Failure to pay such fees can result in the loss of the company's legal status or structure.

2.0 UNRELATED BUSINESS INCOME TAX

2.1 Activities conducted not related to the exempt purpose of the Organization can be subject to unrelated business income tax.

3.0 PAYROLL FEES AND TAXES

3.1 The Federal and state governments charge an unemployment tax, based on a specified minimum amount of each worker's salary level. For most states, the rate can change from business to business depending on the Company's history of claims and the economic health of the state in which the Company is located. Most of Magnolia's schools participate in the School Employers' Fund (SEF) for unemployment insurance.

3.2 Worker's compensation insurance may be imposed by a state like a tax. It can also vary based on the amount of payroll, past history of worker's compensation claims, and the type of work in which the business is engaged. This coverage is generally arranged through an insurance company.

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3.3 At the Federal level, payroll is taxed at a uniform rate for **Social Security and Medicare**. These two taxes are evenly shared between the company and the employee up to certain levels of income. Additionally, personal income taxes, based on the employee's compensation, must be **withheld** from the employee's earnings and remitted to the government by the company, along with the company's and employee's share of **Social Security and Medicare** taxes.

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3.4 In California, a portion of the employee's compensation is also **withheld** and remitted to the state by the Organization.

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3.5 Other payroll withholdings, mandated by Federal or state requirements, may require wage garnishments to fulfill a bankruptcy edict or childcare payment requirement.

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3.6 The Treasury Department and or the Internal Revenue Service (IRS) collects all monies due the Federal Government. Technically, withholding amounts deducted from a paycheck are considered the government's money and the business owner is temporarily holding the money, in deposit, until it can be transferred to the government. Any failure to pay in a timely fashion is considered a serious matter by the IRS and will not be ignored.

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The IRS will impose a penalty for failing to pay the required withholding amounts on time. In addition, interest will be charged until the amount is paid. Both interest and penalties imposed by the IRS can add up significantly.

Therefore, the IRS is not a good source to "borrow" money from if cash is tight.

Note: Money due the IRS is NOT dischargeable in bankruptcy.

3.7 Certain local municipalities charge an **Earnings tax** based on payroll, income, assets, stock options granted or any combination. Check with the city clerk for details.

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4.0 **EXCISE TAXES**

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4.1 There are many different federal government taxes or fees imposed on the commerce of different types of businesses. The following represents the most common.

4.2 Penalties and interest may result from any of the following acts.

- Failing to collect and pay over tax as the collecting agent.
- Failing to keep adequate records.
- Failing to file returns.
- Failing to pay taxes.
- Filing returns late.
- Filing false or fraudulent returns.
- Paying taxes late.
- Failing to make deposits.

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- Depositing taxes late.
- Making false statements relating to tax.
- Failing to register.

**5.0 OTHER TAXES AND CREDITS**

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5.1 Many state, counties, and cities impose **real estate taxes**. The Organization should ensure that where possible the Organization has applied for exemption from property taxes as a non-profit organization.

5.3 **Sales and Use Taxes** – at this time, the Organization does not sell any products and is not subject to sales tax. However, they may make purchase from out of state vendors that are subject to California Use Tax. Such expenditures are monitored and reported, and payment is remitted quarterly to the Board of Equalization.

**6.0 TAX PAYMENTS**

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6.1 The Finance team should create and maintain a detailed tax calendar as a guide, which provides a sample guide to some of the most common taxes. The guide should serve a reminder of tax due dates.

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**7.0 INSURANCE**

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7.1 Insurance needs for a business can be grouped in two broad categories, those that are directed at safeguarding assets and those that are furnished as employee benefits. Employee benefit insurance such as, health insurance, disability insurance and key man life insurance, should be considered in light of its importance in the entire employee compensation mix and in light of the personal needs of the company's owner(s).

7.2 Insurance used for safeguarding company's assets includes: property, casualty, key-man and professional liability insurance, as well as auto insurance, errors and omissions, directors' liability or business interruption insurance. The levels and terms of these policies should be determined based upon the value of the assets at risk and creditor or state and local requirements.

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7.3 Business with a lot of employees should consider employment practices liability insurance covers businesses against some types of employee lawsuits including:

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- Sexual harassment
- Discrimination
- Wrongful termination
- Breach of employment contract
- Negligent evaluation
- Failure to employ or promote
- Wrongful discipline
- Deprivation of career opportunity

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- Wrongful infliction of emotional distress
  - Mismanagement of employee benefit plans
- 7.4 Certificates of insurance may be required to be on file or on display depending on governmental requirements. It is important to consider that the insurance policy is a contract. Each year's policy should be saved in a permanent file. A product liability suit can go back many years, and if the potential claim is significant, the protection afforded by the prior year's insurance coverage will be improved if that year's policy has been saved.

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**Revision History:**

Revision	Date	Description of changes	Requested By
0	2/14/13	Initial Release	
1	11/12/15	Inclusion of back-office provider service provider process	Oswaldo Diaz, CFO
2	9/5/2017	Revise to clarify procedures	

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**SOP # G&A108 Revision: 0**  
**Effective Date: 2/14/13**

**Prepared by: Central Office**  
**Approved by: BOD**

**Title: G&A108 PROPERTY TAX ASSESSMENTS**

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**Policy:** All property tax assessments will be reviewed for accuracy and proper assessed valuations to ensure minimum property tax costs to the Organization.

**Purpose:** To outline the areas for review in assessments and methods for appealing overstated assessments. A Non-Profit property tax exemption is the preferred method to minimize property taxes.

**Scope:** This statement applies to the Finance Department for property tax assessments for all sites owned by the Organization.

**Responsibilities:**

The Chief Financial Officer is responsible for reviews of Assessments including the review of Property Descriptions, validating record accuracy and submitting appeals to local Assessor's Offices.

**Procedures:**

**1.0 REVIEW OF ASSESSMENTS**

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**1.1** All assessments are to be promptly reviewed. Many jurisdictions only allow a challenge to an assessment within 30 days after the annual notice of assessed value is sent. If the Finance Department misses the deadline, the Organization loses the chance to reduce the year's property taxes. There are normally no refunds for prior years' property taxes even if successfully challenged in the future. Often, it may be advisable to begin the analysis process prior to receiving the assessment notice.

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**1.2** When reviewing an assessment, the first step is to find out how the property was assessed. Ask for a full explanation of how the assessed value was derived. Assessors are usually cooperative in providing this information.

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**1.3** Upon receipt of the basis for assessment, the following factors should be reviewed:

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Note: Do not make the mistake of thinking property has received a favorable low assessment just because its assessed value is less than its market value. Many jurisdictions use "assessment ratios" that are a percentage of market value. What is important is the amount of a property's assessment compared to those of similar properties. A below market assessment may in fact be very high.

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- **Research Similar Properties:** Tax assessments are part of the public record. Assessments of similar properties to the Organization's should be looked up to see that the Organization's assessment is in line. The objective is to find assessed values for similar properties that are far lower than the Organization's. For example, organization locations within industrial parks or similar developments should be easy to find very similar properties for comparison.
- **Review Property Descriptions and Accuracy of Records:** Review records for possible clerical errors. Ensure that property descriptions are correct and the building size (total square feet) is not overstated. Make sure that all dates are correct and that all calculations are properly computed. A wrong construction date or simple mathematical error can increase tax valuations.
- **Deflate Property Valuations:** Tax assessors generally value property on the basis of historical cost and the recent sales prices of other properties in the area. Often, when figuring local property taxes, numbers reported on the federal tax return will be used. Depreciable assets are valued at cost on the federal return when figuring depreciation deductions. However, the appropriate assessment for market value for property tax purposes may very different. Further, instead of performing actual physical inspections or assessments of properties every year, local assessors use "equalization ratios" to adjust the annual assessment. The equalization ratio is a type of an inflation adjustment meant to reflect the current general trend in property values. However, the current trend in property values may not apply to the Organization's property.

1.4 If the Organization can provide solid reasons for using different measures to value property, it may be able to receive a reduction in property taxes. Possible valuation methods can include:

- **Income Production:** Measure the current value of the cash flow stream generated by the property, which may be substantially lowered during a recession.
- **Replacement or Reproduction Cost:** How much it would cost to replace or reproduce the property should be determined. For example, if the construction industry is in a downturn, the cost to replace the property may be less than what the Organization paid for the property.
- Also the Organization should evaluate if it incurred any construction cost overruns due to bad weather, labor disturbances, material shortages, etc., that may have increased the cost of a new building without adding to its value. Decorative features may also add much less value than their actual cost.
- **Market Prices:** The actual recent sales of similar properties may show that the Organization's property is over-assessed.

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- **Unique Features or Business Obsolescence:** Changes to the characteristics of the property or features specific to the Organization's business may reduce its value. Examples can include:
    - Change in zoning restrictions that limit the use of the property.
    - Changes in neighborhood logistics, such as a median divider placed in a highway that deprives a location from access to customers, rerouting of a highway, closing of a railroad line or economic decline in the area that forces the Organization's traditional customer base to move away.
    - Obsolete design for the Organization's particular business needs such as a facility that has been specially designed to hold machinery that has been made obsolete by a competitor's innovation or a communications facility built with conventional wiring that is obsolete due to a switch in the industry to the use of fiber optics.
    - Unique design aspects which meet Organization needs but would reduce the value of a property to others.
    - A general downturn in the Organization's industry.
    - Including Personal Property in Building Valuations: Property that is movable is personal property and should not be included in a valuation of the building. Many items such as piping, wiring, climate control systems, generators, special supports and foundations for equipment may look like part of the building to the assessor but should not be included in the building's assessment.
- 1.5 Where the Organization is renting classroom or other facilities with triple net leases that includes property taxes that the Organization paid, the Organization should consider evaluating the lease location for the possibility that the landlord has not lowered the property taxes or is charging an unfair higher property tax to the Organization.
- 1.6 Under all circumstances the Organization should seek a property tax exemption or waiver. Often times the County will assess taxes for the first year, and the waiver will apply thereafter.
- 2.0 APPEALING OF ASSESSMENTS**
- 2.1 If upon review of the assessment and all other factors, the Finance Department believes a downward adjustment to the property assessment is appropriate, an appeal should be prepared. Experience has shown that if an organization presents a sound argument for challenging an assessment, the Organization has an excellent chance of receiving some type of tax reducing adjustment even if it is less than the Organization had requested.
- 2.2 The appeal case should include documentation of the above findings. It is important to keep in mind that the property tax assessor may not be familiar with

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the details of the Organization's business or industry, so the Organization must prepare to explain how such factors may affect a property's value.

- 2.3 Once a sound case is prepared, an appeal can be sought by simply calling the local assessor's office and asking for an appointment to discuss the assessment. The meeting with the local assessor will generally be informal. It is important to not be adversarial with the assessor but to present the attitude that the Organization is helping the assessor to reach a more accurate valuation for the property by presenting additional information.
- 2.4 If the Organization does not receive any or a large enough adjustment, an appeal may be made with the local Board of Appeals. These meetings will probably be more formal and the Organization may wish to provide expert testimony or obtain an independent appraisal of the property to present to the Board of Appeals.

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**Revision History:**

Revision	Date	Description of changes	Requested By
0	2/14/13	Initial Release	



SOP # G&A109 Revision: 1, Prepared by: Central Office  
Effective Date: 9/5/17, Approved by: BOD

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Title: G&A109 CONFIDENTIAL INFORMATION RELEASE

Policy: The release of financial, statistical or other information that may be of a confidential nature to the Organization should be controlled. Individual requests should be referred to the Chief Financial Officer, or appropriate manager for disposition.

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Purpose: To provide a means for the control of information to banks, media, credit bureaus, or other agencies and organizations.

Scope: All requests by an outsider to an employee regarding financial, revenue, marketing, customers, personnel, vendors, or other Organization confidential information. If in doubt, verify with the Chief Financial Officer.

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Responsibilities:

Chief Financial Officer is responsible for safeguarding all Organization information and determining the appropriate level of detail for release.

Office Manager shall oversee all responses to all reference requests.

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Procedure:

1.0 FINANCIAL INFORMATION REQUESTS

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1.1 Typical written requests are for additional information concerning details of the published financial statements, litigation progress, insurance coverage, names of investors, etc. If the request is by letter or other written correspondence, the material shall be forwarded to the Chief Financial Officer who will decide what information may be released and who will be authorized to reply.

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1.2 If the request is by telephone or a personal visit to our office, the requester should be referred to the Chief Financial Officer. If either is unavailable, the requester should be asked to provide their name, Organization, telephone number and address, if possible. Also they should be asked the reason for the request and a brief description of the information desired. This information should be written down and forwarded to the Chief Financial Officer for follow-up.

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1.3 The Chief Financial Officer should determine the appropriate response for each request. Formal Financial Statement presentations to the Board of Directors, or other stakeholders such as banks, should be accompanied by an opinion or comment from the Organization's Certified Public Accountant (CPA) prior to any formal presentation. (If no outside CPA review is obtained then some people may

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consider the Financial Statements as “Pro-Forma” and then request copies of completed tax returns). The Chief Financial Officer or designated Finance team member will examine the Financial Statements and prepare a formal version to one of three standards: compiled, reviewed or audited. The Organization should use an economically appropriate CPA standard sufficient to satisfy outside requirements.

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The CPA standards are as follows:

- Compiled Financial Statement. The CPA is unable to make any assurances on the data or methods used to produce the financial statements. The CPA will re-cast the financial statements into a standard format (as per Generally Accepted Accounting Principles or GAAP) with a disclaimer that the statements are un-audited and the information is solely derived from the management of the business entity.
- Reviewed Financial Statement. The CPA is able to make some limited assurances that material changes are not required in order for the Financial Statements to be in conformity with GAAP. The CPA uses limited inquiry and some analytical procedures to ascertain the reasonableness of the statements. The information is then re-cast into a standard format with appropriate footnotes and a disclaimer that the statements are un-audited and only a limited inquiry has been made into the reasonableness of the information.
- Audited Financial Statement. The CPA provides assurance, through an opinion letter, that the financial statements are a fair representation of the financial position, results of operations, and cash flows of an entity. This opinion is given after a detailed review and verification of the accounting records and processes used to produce the data. Verification steps include various analytical procedures, client surveys, third party confirmation, and detailed accounting record reviews.

Any irregularities found could lead to either a “qualified” opinion, to indicate that something is inconsistent with GAAP, or an “adverse” opinion, which calls into question the reliability of the information itself. The CPA considers an adverse opinion very serious.

- 1.4 Some types of confidential information may require the signing of G&A109 Ex1 NON-DISCLOSURE AGREEMENT, prior to release. This may include requests for product release schedules, development plans, elements of corporate strategy, customer lists, intellectual property, financial information, legal proceedings, or time sensitive information.

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**2.0 PERSONNEL INFORMATION REQUESTS**

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- 2.1 The Office Manager shall oversee all responses to all reference requests. No other employee, including a former employee’s immediate supervisor, shall be authorized to respond independently without first obtaining approval from Human Resources.

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2.2 All requests should be in writing, using Organization letterhead, indicating in that letter that the subject of the reference request has applied for a job. Information is not to be provided over the phone.

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2.3 Each response shall be obtained only from people with first-hand knowledge of the employee's performance.

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2.4 The Office Manager shall review all responses to ensure that:

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- Only factual information about the employee's job performance and qualifications for employment are included in the response. At no time should a response include emotions, personal feelings, rumors, non-work-related comments or exaggerations.
- If at all possible it is important that some form of documentation or solid evidence supports all information provided in the response.

2.5 Retain a copy of all responses, including the contents of any oral response, in the former employee's personnel file.

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**3.0 CREDIT REFERENCE INQUIRIES**

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3.1 All credit reference requests should be in writing. Information requests should be directed to the Office Manager and are not to be provided over the phone.

3.2 The Office Manager should review the Credit Inquiry form for completeness prior to responding. Retain a copy of all responses, including the contents of any oral response, in the customer's file.

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**Revision History:**

Revision	Date	Description of changes	Requested By
0	2/14/13	Initial Release	
<u>1</u>	<u>9/5/17</u>	<u>Revised to clarify processes</u>	

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**G&A109 Ex1 NONDISCLOSURE AGREEMENT**

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This NONDISCLOSURE AGREEMENT is made and entered into as of (DATE) between (THE ORGANIZATION NAME, STATE OF INCORPORATION AND ADDRESS), and (OTHER PARTY NAME, STATE OF INCORPORATION AND ADDRESS).

1. **Purpose.** The parties wish to explore and/or implement a business opportunity of mutual interest, and in connection with this opportunity, each party may disclose to the other certain confidential technical and business information that the disclosing party desires the receiving party to treat as confidential.

2. **"Confidential Information"** means any information disclosed by either party to the other party, either directly or indirectly, in writing, orally or by inspection of tangible objects (including, without limitation, documents, prototypes, samples, plant and equipment) that is designated as "Trade Secret", "Confidential", "Proprietary" or some similar designation, or is of such a nature or has been disclosed in such a manner that it should be obvious to the receiving party that such is claimed as confidential. Information communicated orally shall be considered Confidential Information within a reasonable time after the initial disclosure. Confidential Information may also include information disclosed to a disclosing third party by third parties. Confidential Information includes, without limitation, a disclosing party's trade secrets, know-how, intellectual property and proprietary information as well as business plans, financial data and the status and terms of any discussions between the parties regarding a potential business transaction. Confidential Information shall not, however, include any information that (i) was publicly known and made generally available in the public domain prior to the time of disclosure by the disclosing party; (ii) becomes publicly known and made generally available after disclosure by the disclosing party to the receiving party through no action or inaction of the receiving party; (iii) is already in the possession of the receiving party at the time of disclosure by the disclosing party as shown by the receiving party's files and records immediately prior to the time of disclosure; (iv) is obtained by the receiving party from a third party without a breach of such third party's obligations of confidentiality; (v) is independently developed by the receiving party without use of or reference to the disclosing party's Confidential Information, as shown by documents and other competent evidence in the receiving party's possession; or (vi) is required by law to be disclosed by the receiving party, provided that the receiving party gives the disclosing party prompt written notice of such requirement prior to such disclosure and assistance in obtaining an order protecting the information from public disclosure.

3. **Non-use and Non-disclosure.** Each party agrees not to use any Confidential Information of the other party for any purpose except to evaluate and engage in discussions concerning a potential business relationship between the parties. Each party agrees not to disclose any Confidential Information of the other party to third parties or to such party's employees or agents, except to those employees or agents of the receiving party who are required to have the information in order to evaluate or engage in discussions concerning the contemplated business relationship. A receiving party shall be responsible and liable for the action of its employees and agents with respect to a disclosing party's Confidential Information and shall fully cooperate with the disclosing party in enforcing any rights of the disclosing party against any such person in connection with a breach of this Agreement. Neither party shall reverse engineer, disassemble or de-compile any prototypes, software, or other tangible objects that embody the other party's Confidential Information and that are provided to the party hereunder. Neither party shall hire any employees of the other during the term of this Agreement and for a period of two years thereafter.

4. **Maintenance of Confidentiality.** Each party agrees that it shall take reasonable measures to protect the secrecy of and avoid disclosure and unauthorized use of the Confidential Information of the other party. Without limiting the foregoing, each party shall take at least those measures that it takes to protect its own highly confidential information and shall ensure that its employees and agents who have access to Confidential Information of the other party have signed a Non-use and Non-disclosure agreement in content similar to the provisions hereof, prior to any disclosure of Confidential Information to such employees and agents. Neither party shall make any copies of the Confidential Information of the other party unless the other party previously approves the same in writing. Each party shall reproduce the other party's proprietary rights notices on any such approved copies, in the same manner in which such notices were set forth in or on the original.

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5. **Ongoing Development.** Nothing in this Agreement shall prohibit or restrict either party's right to develop, use or market products or services similar to or competitive with those of the other party disclosed in the Confidential Information as long as such shall not otherwise be a breach of this Agreement. Each party acknowledges that the other may already possess or have developed products or services similar to or competitive with those of the other party disclosed in the Confidential Information. Each party shall remain free to use in the course of its business its general knowledge skills and experience incurred before, during or after the date of this Agreement and the activities hereunder.

6. **No Obligation.** Nothing herein shall obligate either party to proceed with any transaction between them and each party reserves the right, in its sole discretion, to terminate the discussions contemplated by this Agreement concerning the business opportunity. Upon termination of such discussions the parties shall return all Confidential Information as provided in paragraph 8 and shall have no further rights to evaluate or use the Confidential Information of each other for any purpose whatsoever.

7. **No Warranty.** ALL CONFIDENTIAL INFORMATION IS PROVIDED "AS IS." THE PARTIES MAKE NO REPRESENTATIONS OR WARRANTIES, EXPRESS, IMPLIED OR OTHERWISE, REGARDING THE ACCURACY, COMPLETENESS OR PERFORMANCE OF ANY OF ITS RESPECTIVE CONFIDENTIAL INFORMATION.

8. **Return of Materials.** All documents and other tangible objects (except for any tangible objects purchased by a party) containing or representing Confidential Information that have been disclosed by either party to the other party, and all copies thereof which are in the possession of the other party, shall be and remain the property of the disclosing party and shall be promptly returned to the disclosing party upon the disclosing party's written request.

9. **No License.** Nothing in this Agreement is intended to grant any rights to either party under any patent, mask work right, trademark, trade secret or copyright of the other party, nor shall this Agreement grant any party any rights in or to the Confidential Information of the other party except as expressly set forth herein.

10. **Term.** The obligations of each receiving party hereunder shall survive until such times as all Confidential Information of the other party disclosed hereunder becomes publicly known and made generally available through no action or inaction of the receiving party. Notwithstanding the surviving obligations of a receiving party to maintain the confidentiality of a disclosing party's Confidential Information either party may at any time given written notice to the other party that it does not desire to receive any additional Confidential Information from the other party. After receipt of such notice, such party shall no longer furnish its Confidential Information to the notifying party.

11. **Remedies.** Each party agrees that any violation or threatened violation of this Agreement may cause irreparable injury to the other party, entitling the other party to seek injunctive relief in addition to all other legal and equitable remedies.

12. **General Provisions.** This Agreement shall bind and inure to the benefit of the parties hereto and their successors and assigns. This Agreement shall be governed by the laws of the State of Missouri, without reference to conflict of laws principles. This document contains the entire Agreement between the parties with respect to the subject matter hereof. Any failure to enforce any provision of the Agreement shall not constitute a waiver thereof or of any other provision. This Agreement may not be amended, nor any obligation waived, except by a writing signed by both parties hereto.

(THE ORGANIZATION).

(THE OTHER PARTY)

By: Name:

By: \_\_\_\_\_ Name:

Ti \_\_\_\_\_  
tle: \_\_\_\_\_

\_\_\_\_\_

G&A109 Confidential Information Release

page 6 of 6

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**SOP # G&A110 Revision: 0**  
**Effective Date: 2/14/13**

**Prepared by: Central Office**  
**Approved by: BOD**

**Title: G&A110 DOCUMENT CONTROL**

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- Policy:** All documents used to provide work direction or set policy should be reviewed, approved, distributed and controlled by the office of the Chief Financial Officer.
- Purpose:** To define the methods and responsibilities for controlling documents used to provide work direction or set policy, and to define methods for document revision, approval, and distribution.
- Scope:** This procedure applies to all documents required by the Accounting Management System. Documents of internal or external origin are included.

**Responsibilities:**

The Chief Financial Officer is responsible for controlling and reviewing, at least annually, the Accounting Manual, all procedures and instructions related to the Accounting Management System, and all External Documents that are required.

The Finance Team is responsible for maintaining and controlling the Accounting Manual, all procedures and instructions related to the Accounting Management System, and all External Documents that are required.

School Principals are responsible for ensuring the relevant versions of documents are available at the points of use and that they are legible.

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- Definitions:** Controlled Document: A document that provides information or direction for performance of work is that is within the scope of this procedure. Characteristics of control include such things as Revision Number (letter), Signatures indicating review and approval, and Controlled Distribution.
- Document: Information and its supporting medium. The medium can be paper, magnetic, electronic, optical computer disc, photograph, or sample.
- External Document: A document of external origin that provides information or direction for the performance of activities within the scope of the quality management system. Examples include but are not limited to: customer drawings, industry standards, international standards, or equipment manuals.

**Procedure:**

**1.0 DOCUMENT DISTRIBUTION**

**1.1** Federal, State, and Local grants and contracts should be controlled. It is up to the Chief Executive Officer, Chief Financial Officer, and Chief Operations Officer to dispose of previous revisions as new revisions are released.

**1.2** Each applicable department is responsible for maintaining each department's controlled documents. Examples of external documents include Memorandums of Understanding that may be used or referenced.

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**Revision History:**

Revision	Date	Description of changes	Requested By
0	2/14/13	Initial Release	
<u>1</u>	<u>9/5/17</u>	Revision to clarify processes and positions	

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Accounting Policies, Procedures and Forms

**G&A110 Ex1 REQUEST FOR DOCUMENT CHANGE (RDC)**

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Date: \_\_\_\_\_ RDC No.: \_\_\_\_\_

Originator: \_\_\_\_\_

Document Title and Publication Date: \_\_\_\_\_

Page and Chapter, or Paragraph Number: \_\_\_\_\_

Description Of Problem, Opportunity Or Reason For Request (Define in Detail):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Solution Recommended (if known) Date Action Required By: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Comments: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Department Manager Approval: \_\_\_\_\_

Recommended Solution To Problem or Postponement/Dissolution of Request  
(attach all necessary documentation to support response) \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Approved By: \_\_\_\_\_ Date: \_\_\_\_\_

**PROCEDURE FOR COMPLETING FORM**

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- 1) Complete top section of this form except for RDC number
- 2) Obtain Department Manager's approval
- 3) Forward original to the Office Manager who will assign a RDC number (Note: one copy will be returned to originator with RDC number assigned.
- 4) The Office Manager will take action and if appropriate will proceed with an RDC.
- 5) The Office Manager returns a copy to Originator upon resolution of request.

Distribution: Original - RDC File Copy 1 - Originator

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Accounting Policies, Procedures and Forms

**G&A110 Ex2 DOCUMENT CHANGE CONTROL**

Date: \_\_\_\_\_  
 DCN#: \_\_\_\_\_  
 RDC#: \_\_\_\_\_

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Doc. or Part No.	Description of Change, Documents affected and reason(s) for change(s)	Action Code(s)	Effective Date

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**Change Action Required**

Make/order New Document: \_\_\_\_\_

Current Docs:

Use until depleted      Return for Credit      Scrap      Save for spares

Other: \_\_\_\_\_

Comments: \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**Authorization(s): Chief Financial Officer**

**Authorization(s): Office Manager**

By: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

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**SOP # G&A111 Revision: 0**  
**Effective Date: 2/14/13**

**Prepared by: Central Office**  
**Approved by: BOD**

**Title: G&A111 FACSIMILE AND E-MAIL SIGNATURES**

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**Policy:** Fax and E-mail signatures are accepted as if the signature were an authentic wet blue ink signature for any official document.

**Purpose:** The purpose of this policy is to provide a clear explanation of the guidelines surrounding the use of Fax and E-mail signatures on Organization provided and received E-mail accounts and Fax Documents.

**Scope:** This applies to all Organization E-mail and Fax documents.

**Responsibilities:**

Chief Financial Officer is responsible for review and approval of signatures.

**Background:** E-mail and fax communication are often used more than any other form of communication, is a form of business communication. The format of E-mail and fax documents should be professional in terms of signature and other formatting. E-mail and fax signatures should follow certain guidelines to fit with the overall image of the Organization. As such, the style of address, tone, spelling, grammar and punctuation of all messages should reflect the standards of formal business communication.

**Procedure:**

**1.0 FAX AND E-MAIL SIGNATURES**

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**1.1** What should be included in an e-mail signature:  
E-mail and fax signatures should include your name, job title, department, mailing address, telephone and fax numbers, and Web site address. This should be in plain text format to easily accommodate all types of users.

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When the signature is for a contract or approving a document or official in any nature, the signature should only be acceptable if the signature is in original "blue" ink.

**1.2** What should not be included in a fax or e-mail signature:  
Elements that should not be included in fax or e-mail signatures include colored text, very large or complicated fonts, images, clip art or personal quotes. Faculty

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Accounting Policies, Procedures and Forms

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and staff should also refrain from using background images or stationary in their e-mail correspondence.

- 1.3 No fax or e-mail document is considered officially received as if it were an original blue ink wet signature until after the Organization has sent a formal reply to the fax or e-mail that the signature has been accepted.

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**Revision History:**

Revision	Date	Description of changes	Requested By
0	2/14/13	Initial Release	

**SOP # G&A112 Revision: 0**  
**Effective Date: 2/14/13**

**Prepared by: Central Office**  
**Approved by: BOD**

**Title:** G&A112 MAINTENANCE REQUESTS

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**Policy:** Any maintenance work must be approved and pre-authorized.

**Purpose:** The purpose of this policy is to provide a clear explanation of the guidelines in obtaining approval for building, equipment, and general maintenance services.

**Scope:** This applies to any and all maintenance type service requests.

**Responsibilities:**

Chief Financial Officer or the Chief Financial Officer's staff designee is responsible for review and approval of maintenance requests.

**Background:** MERF and/or its maintenance contractors has the responsibility to repair, make replacements and adjust equipment and buildings in response to conditions discovered during performance of preventive maintenance, equipment breakdown/improper operation or employee complaint. MERF and/or its maintenance contractors shall respond to and accomplish any request that is relevant to the successful operation of the Organization and its school and system locations.

**Procedure:**

**1.0 MAINTENANCE REQUESTS**

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**1.1** Maintenance requests will be reviewed and approved or disapproved by the Chief Financial Officer and/or the designated staff.

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**Revision History:**

<b>Revision</b>	<b>Date</b>	<b>Description of changes</b>	<b>Requested By</b>
0	2/14/13	Initial Release	



SOP # G&A113 Revision: 1  
Effective Date: 9/5/17

Prepared by: Central Office  
Approved by: BOD

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Title: **G&A113 ELECTRONIC BACKUP OF ACCOUNTING INFORMATION**

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Policy: All electronic accounting information systems must be backed up every week at a minimum on the Organization's server.

Purpose: The purpose of this policy is to provide a clear explanation the need to backup electronic accounting data regularly.

Scope: This applies to the QuickBooks accounting program.

Responsibilities:

Finance team is responsible for ensuring that the accounting program information is properly backed up.

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Background: Electronic Accounting Information Backup means measures should be adopted that ensures that all electronic accounting data is properly backed up to secondary sources such as off-site web based services and/or other media to protect the Organization's information in the event of any form of electronic data loss.

Procedure:

1.0 **ELECTRONIC BACKUP OF ACCOUNTING INFORMATION**

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1.1 The QuickBooks electronic accounting information should be backed up by using two means. On a weekly basis, the Finance team should perform a QuickBooks backup of the data using the QuickBooks software procedure. This backup copy should be stored on the Organization computer server. The Organization computer server with the QuickBooks accounting file should be backed up weekly.

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Accounting Policies, Procedures and Forms

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**Revision History:**

<b>Revision</b>	<b>Date</b>	<b>Description of changes</b>	<b>Requested By</b>
0	2/14/13	Initial Release	
<u>1</u>	9/5/17		

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**SOP # G&A114 Revision: 0**  
**Effective Date: 2/14/13**

**Prepared by: Central Office**  
**Approved by: BOD**

**Title:** G&A114 POLITICAL INTERVENTION

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**Policy:** Consistent with its tax-exempt status under the Internal Revenue Code, it is the policy of MERF that the Organization shall not incur any expenditure for political intervention. Political intervention does not include lobbying activities, defined as the direct or indirect support or opposition for legislation, which is not prohibited under the Internal Revenue Code.

**Purpose:** The purpose of this policy is to provide a clear explanation of what the Organization may and may not be involved in with regards to politics.

**Scope:** All political activities of the Organization.

**Responsibilities:**

Chief Executive Officer is responsible for ensuring that the Organization is not seen as a political organization.

**Background:** The Organization is very well known and as such, political candidates may seek endorsements from MERF. This policy clarifies what MERF can and cannot do with regards to politics.

**Definition:** **Political Intervention** shall be defined as any activity associated with the direct or indirect support or opposition of a candidate for elective public office at the Federal, California or local level.

**Procedure:**

**1.0 PROHIBITED EXPENDITURES**

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**1.1** Examples of prohibited political expenditures include, but are not limited to, the following:

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1. Contributions to political action committees
2. Contributions to the campaigns of individual candidates for public office
3. Contributions to political parties
4. Expenditures to produce printed materials (including materials included in periodicals) that support or oppose candidates for public office
5. Expenditures for the placement of political advertisements in periodicals

MERF will comply with all Federal and State laws and regulations regarding political intervention, lobbying, etc. Federal funds and those assets paid for by this program may not be used in any partisan activity.

### 2.1 ENDORSEMENTS OF CANDIDATES

- 2.2 It is the policy of MERF not to endorse any candidate(s) for public office in any manner, either verbally or in writing. This policy extends to the actions of management and other representatives of MERF, when these individuals are acting on behalf of, or are otherwise representing, MERF.

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### 3.0 PROHIBITED USE OF ASSETS AND RESOURCES

- 3.1 It is the policy of MERF that no assets or human resources of MERF shall be utilized for political activities, as defined above. This prohibition extends to the use of MERF assets or human resources in support of political activities that are engaged in personally by board members, members of management, employees, or any other representatives of MERF. While there is no prohibition against these individuals engaging in political activities personally (on their own time, and without representing that they are acting on behalf of MERF), these individuals must at all times be aware that MERF resources cannot at any time be utilized in support of political activities except as identified in "1.0" above.

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#### Revision History:

Revision	Date	Description of changes	Requested By
0	2/14/13	Initial Release	

**SOP # G&A115 Revision: 1**  
**Effective Date: 11/12/15**

**Prepared by: Central Office**  
**Approved by: BOD**

**Title: G&A115 ACCRUED LIABILITIES**

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**Policy:** The Organization will establish a list of commonly incurred expenses that may require accrual at the end of the fiscal year accounting period.

**Purpose:** The purpose of this policy is to properly recognize and accrue liabilities.

**Scope:** This applies to potential liabilities.

**Responsibilities:**

The Financial Analysts with the support of Back-office provider are responsible for ensuring that the accrued liabilities are properly accounted for.

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**Background:** Accrued liabilities are liabilities that have been incurred such as vacation pay but have not been paid.

**Procedure:**

**1.0 Accrued Liabilities**

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**1.1** Some of the expenses that shall be accrued by MERF at the end of an accounting period are;

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- Salaries and wages
- Payroll taxes
- Vacation pay/Compensated absences
- Rent
- Interest on notes payable
- Insurance premiums
- Audit fees
- Charter Management Organization fees

**Revision History:**

Revision	Date	Description of changes	Requested By
0	2/14/13	Initial Release	
1	11/12/15	Inclusion of <u>back-office provider</u> service provider	Oswaldo Diaz, CFO

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**SOP # G&A116 Revision: 1**  
**Effective Date: 11/12/15**

**Prepared by: Central Office**  
**Approved by: BOD**

**Title: G&A116 NOTES PAYABLE**

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**Policy:** It is the policy of MERF to maintain a schedule of all notes payable, mortgage obligations, lines of credit, and other financing arrangements. This schedule shall be based on the underlying loan documents.

**Purpose:** The purpose of this policy is to properly track and recognize all notes payable and other similar obligations.

**Scope:** This applies to notes, loans, lines of credit, and obligations of the Organization.

**Responsibilities:**

Back-office provider is responsible for ensuring that all notes, loans, and other similar obligations are properly accounted for.

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**Background:** Properly tracking and monitoring long term debt such as loans is important such that as payments become due, the Organization has sufficient cash flow to honor the obligation.

**Procedure:**

**1.0 NOTES PAYABLE**

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**1.1** Prepare a schedule that shall be based on the underlying loan documents and shall include all of the following information:

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1. Name and address of lender
2. Date of agreement or renewal/extension
3. Total amount of debt or available credit
4. Amounts and dates borrowed
5. Description of collateral, if any
6. Interest rate
7. Repayment terms
8. Maturity date
9. Address to which payments should be sent
10. Contact person at lender
11. Loan covenants, if applicable

**2.0 ACCOUNTING AND CLASSIFICATION**

**2.1** An amortization schedule shall be maintained for each note payable. Based upon the amortization schedule, the principal portion of payments due with the next

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year shall be classified as a current liability in the statements of financial position of MERF. The principal portion of payments due beyond one year shall be classified as long-term/non-current liabilities in the statements of financial position.

- 2.2 Demand notes and any other notes without established repayment dates shall always be classified as current liabilities.

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Unpaid interest expense shall be accrued as a liability at the end of each accounting period.

- 2.3 A detailed record of all principal and interest payments made over the entire term shall be maintained with respect to each note payable. Periodically, the amounts reflected as current and long-term notes payable per the general ledger shall be reconciled to these payment schedules and the amortization schedules, if any, provided by the lender. All differences shall be investigated.

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### 3.0 NON-INTEREST-BEARING NOTES PAYABLE

- 3.1 As a charitable organization, MERF may from time to time receive notes payable that do not require the payment of interest, or that require the payment of a below-market rate of interest for the type of obligation involved. In such cases, it shall be the policy of MERF to record contribution income for any unpaid interest.

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- 3.2 For demand loans, recording of interest expense and contribution income shall be performed at the end of each accounting period, based on the outstanding principal balance of the loan during that period, multiplied by the difference between a normal interest rate for that type of loan and the rate, if any, that is required to be paid by MERF.

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- 3.3 For loans with fixed maturities or payment dates, the note payable shall be recorded at the present value of the future principal payments, using as a discount rate the difference between a normal interest rate for that type of loan and the rate, if any, which is required to be paid by MERF. The difference between the cash proceeds of the note and the present value shall be recorded as contribution income in the period the loan is made. Thereafter, interest expense shall be recorded in each accounting period using the effective interest method, with the corresponding credit entry increasing the note payable account to reflect the amount(s) that shall be repaid.

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**Revision History:**

<b>Revision</b>	<b>Date</b>	<b>Description of changes</b>	<b>Requested By</b>
0	2/14/13	Initial Release	
1	11/12/15	Changes in responsibilities	Oswaldo Diaz, CFO

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SOP # G&A117 Revision: 2 Prepared by: Central Office  
Effective Date: 9/5/17 Approved by: BOD

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Title: G&A117 FINANCIAL AND TAX REPORTING

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Policy: The Organization will prepare annual and monthly financial statements as management considers necessary and prepare non-profit tax information and tax information returns within eight months of the fiscal year close.

Purpose: The purpose is to control and prepare consistent and accurate financial statements and tax returns that are relied upon by both internal and external parties.

Scope: This applies to financial statements and tax reporting documents.

Responsibilities:

Chief Financial Officer or his designee is responsible for preparing all tax documents and ensuring Organization financial statements are accurate.

Back-office provider is responsible for preparing all Organization financial statements.

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Background: Preparing financial statements and communicating key financial information is a necessary and critical accounting function. Financial statements are management tools used in making decisions, in monitoring the achievement of financial objectives, and as a standard method for providing information to interested parties external to MERF. Financial statements may reflect year-to-year historical comparisons or current year budget to actual comparisons.

Procedure:

1.0 STANDARD FINANCIAL STATEMENTS

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1.1 Prepare the basic financial statements at year end and as considered necessary for reporting purposes. The basic financial statements of the Organization are maintained and prepared by MERF on an Organization wide basis and shall include:

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1. **Statements of Financial Position** - reflects assets, liabilities and net assets of MERF and classifies assets and liabilities as current or non-current/long-term.
2. **Statements of Activities** - presents support, revenues, expenses, and other changes in net assets of MERF, by category of net asset (unrestricted, temporarily restricted and permanently restricted)

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**2.0 FREQUENCY OF PREPARATION**

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2.1 The objective of the Back-office provider is to prepare accurate financial statements in accordance with generally accepted accounting principles and distribute them in a timely and cost-effective manner. In meeting this responsibility, the following policies shall apply:

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2.2 A standard set of financial statements described in the preceding section shall be produced on a bi-monthly basis for presentation at the Board of Directors meeting. The standard set of financial statements described in the preceding section shall be supplemented by the following schedules:

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1. Individual statements of activities on a departmental and functional basis (and/or program/grant basis)
2. Comparisons of actual year-to-date revenues and expenses with year-to-date budgeted amounts

The bi-monthly set of financial statements shall be prepared on the cash basis of accounting with exception of year-end reports where accrual method of accounting must be used. Year-end report must include all receivables, accounts payable received by the end of the reporting period, and actual depreciation expense.

**3.0 REVIEW AND DISTRIBUTION**

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3.1 All financial statements and supporting schedules shall be reviewed and approved by the Chief Financial Officer, prior to being issued by Back-office provider. They should be signed by the preparer and the Chief Executive Officer.

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3.2 After approval by the Chief Financial Officer, a complete set of monthly financial statements shall, including the supplemental schedules described above, shall be distributed to the following individuals:

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1. All members of the Finance and Audit Committee of the Board
2. Chief Executive Officer
3. School Principals and any other employee with budget-monitoring responsibilities will receive only the budget vs. actual report

3.3 Financial statements may include an additional supplemental schedule prepared or compiled by the Chief Financial Officer. The purpose of this schedule is to provide known explanations for material budget variances in accordance with MERF'S budget monitoring policies. Also included is a list which lists all invoices that have not been paid at the end of the year and all revenues, if any, that have not been received.

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**4.0 ANNUAL FINANCIAL STATEMENTS**

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- 4.1 A formal presentation of MERF's annual financial statements shall be provided by the independent auditor to the full Board of Directors at MERF's annual meeting. This presentation will be preceded by a meeting with MERF's Finance and Audit Committee, at which the Finance and Audit Committee will vote to accept or reject the annual financial statements.

**5.0 GOVERNMENT RETURNS**

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- 5.1 MERF must be aware of its tax and information return filing obligations and comply with all such requirements of the Federal government, California and local jurisdictions. Filing requirements of MERF include, but are not limited to, filing annual information returns with the Internal Revenue Service (IRS), California charitable solicitation reports, annual reports for corporations, property tax returns, income tax returns, information returns for retirement plans, annual reporting of compensation paid, and payroll withholding tax returns.

**6.0 FILING OF RETURNS**

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- 6.1 It is the policy of MERF to become familiar with the obligations in each jurisdiction and to comply with all known filing requirements. The Chief Financial Officer shall be responsible for identifying all filing requirements and assuring that MERF is in compliance with all such requirements.
- 6.2 It is also the policy of MERF to file complete and accurate returns with all authorities. MERF shall make all efforts to avoid filing misleading, inaccurate or incomplete returns.
- 6.3 Reports and returns which may be required to be filed by MERF include, but are not limited to, the following returns:
1. **Form 990** - Annual information return of tax-exemption of MERF, filed with IRS. Form 990 for MERF is due on the **fifteenth day of November, annually.**
  2. **Form 990-T** – Annual tax return to report MERF'S unrelated trade or business activities (if any), filed with the IRS. Form 990-T is due on the **fifteenth day of November, annually.**
  3. **Form 199** – Exempt Organization Annual Information Statement or Return (California) – This form is due on the **fifteenth day of November, annually.**
  4. **Form 5500** - Annual return for MERF'S employee benefit plans. Form 5500 is due on the **fifteenth day of November, annually.**
  5. **Federal and State Payroll Returns** - Filed on a quarterly or annual basis.

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- 6. **Form RRF-1** – Registration/Renewal Fee Report to Attorney General of California. This form is due on the **fifteenth day of November, annually.**
- 7. **SF-SAC** – The Office of Management and Budget requires all Form SF-SAC and Single Audit submissions to be submitted on the Federal Audit Clearinghouse (FAC) Internet Data Entry System. The due date is established by OMB Circular A-133.
- 8. **Form 1099's** – See **PUR101 VENDOR SELECTION.**

6.4 MERF'S fiscal and tax year-end is June 30. All annual tax and information returns of MERF Form 990, Form 990-T are filed on the accrual basis of reporting.

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6.5 Federal and all applicable California payroll tax returns are prepared by the Chief Financial Officer, in consultation with MERF'S independent auditor and the pension plan third-party administrator.

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6.6 It is the policy of MERF to comply with all California payroll tax requirements by withholding and remitting payroll taxes to California for each MERF employee.

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7.0 **PUBLIC ACCESS TO INFORMATION RETURNS**

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7.1 Under regulations that became effective in 1999, MERF is subject to Federal requirements to make the following forms "widely available" to all members of the general public:

- 1. The three most recent annual information returns (Form 990), and
- 2. MERF'S original application for recognition of its tax-exempt status (Form 1023 or Form 1024), filed with IRS, and all accompanying schedules and attachments.

7.2 It is the policy of MERF to adhere to the following guidelines in order to comply with the preceding public disclosure requirements:

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- 1. Anyone appearing in person at the offices of MERF during normal working hours making a request to inspect the forms will be granted access to a file copy of the forms. The Chief Financial Officer shall be responsible for maintaining this copy of each form and for making it available to all requesters.
- 2. For all written requests for copies of forms received by MERF, the Organization shall require pre-payment of all copying and shipping charges. For requests for copies that are received without pre-payment, MERF will notify the requester of this policy via phone call or by letter within 7 days of receipt of the original request.

Accounting Policies, Procedures and Forms

- 3. The copying cost charged by MERF for providing copies of requested forms shall be \$1.00 for the first page copied and \$0.20 for each subsequent page. All copies shall be shipped to requesters via Priority Mail, thus, shipping charges will be a standard \$5.00 per shipment.
- 4. After payment is received by MERF, all requested copies should be shipped to requesters in accordance with applicable laws. Making of all copies and shipping within legal time period shall be the responsibility of the Finance Team.
- 5. For requests for copies made in person during normal business hours, copies shall be provided while the requester waits provided the request is for twenty-five (25) or less copied pages. Requests for copies in excess of 25 pages but less than 100 pages will be available the next business day. All requests in excess of 100 pages will be sent to the requestor in accordance with applicable laws.
- 6. MERF shall accept certified checks and money orders for requests for copies made in person. MERF shall accept certified checks and money orders or personal checks as payment for copies of forms requested in writing. Personal checks must clear the bank prior to the copies being made and delivered to the requestor.

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**8.0 UNRELATED BUSINESS ACTIVITIES**

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- 8.1 Identification and Classification of unrelated business activities must be separately identified.
- 8.2 It is the policy of MERF to properly identify and classify income-producing activities that are unrelated to MERF's tax-exempt purpose using the guidelines described in the Internal Revenue Code and underlying regulations. Such income accounts shall be segregated in separate accounts in the general ledger of MERF in order to facilitate tracking and accumulation of unrelated trade or business activities.
- 8.3 It is the policy of MERF to file IRS Form 990-T to report taxable income from unrelated trade or business activities. Form 990-T is not subject to any public access or disclosure requirements. Accordingly, it is the policy of MERF not to distribute copies of Form 990-T to anyone other than management and the Board of Directors of MERF.

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**Revision History:**

Accounting Policies, Procedures and Forms

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Revision	Date	Description of changes	Requested By
0	2/14/13	Initial Release	
1	11/12/15	Inclusion of <u>back-office provider service provider process</u>	Oswaldo Diaz, CFO
<u>2</u>	<u>9/5/17</u>	<u>Revision to clarify processes and positions</u>	

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SOP # G&A118 Revision: 2 Prepared by: Central Office  
Effective Date: 9/5/17 Approved by: BOD

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Title: G&A118 BUDGETING

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Policy: The School Site Principals with the support of Back-office provider are responsible for preparing, monitoring, and implementing the annual school site budget. The School Site Principal must have the school site budget approved by the Board of Directors no less than 60 days before the fiscal year end. It is the School Site Principal's responsibility to work with the central office in order to acquire the necessary budgetary information to implement their program. The budget may be revised as needed.

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An annual Organization-wide budget shall be prepared on the accrual basis of accounting and the budget shall be adopted by the Board of Directors. The budget may be revised as needed. It is the policy of the Organization to adopt a final annual operating budget at least 60 days before the beginning of MERF's fiscal year.

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Purpose: A budget is a management commitment of a plan for present and future MERF activities that will ensure survival. It provides an opportunity to examine the composition and viability of MERF's programs and activities simultaneously in light of all available resources

Scope: This applies to all departments and chart of accounts of the Organization.

Responsibilities:

Principal is responsible for providing information to Back-office provider so that the back-office provider service provider can prepare the annual site budget and make revisions as needed.

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The Finance Department is responsible for reviewing the school site and Organization-wide budgets and budget revisions.

Back-office provider is responsible for preparing monthly budget vs. actual comparison reports.

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Background: Budgeting is an integral part of managing MERF in that it is concerned with the translation of MERF's goals and objectives into financial and human resource terms. A budget should be designed and prepared to direct the most efficient and prudent use of the MERF's financial and human resources. A budget is a management commitment of a plan for present and future MERF activities that will ensure survival. It provides an opportunity to examine the composition and viability of MERF's programs and activities simultaneously in light of all available resources.

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**Procedure:**

**1.0 PREPARATION AND ADOPTION**

1.1 The school site budgets will be developed by the School Site Principals and Back-office provider. The Organization-wide budget will be prepared by the Chief Financial Officer with the support of Back-office provider. They will gather proposed budget information from all Finance teams and others with budgetary responsibilities and prepare the first draft of the budget. Budgets proposed and submitted by each department should be accompanied by a narrative explanation of the sources and uses of funds and explaining all material fluctuations in budgeted amounts from prior years.

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1.2 After appropriate revisions and a compilation of all school site budgets by Back-office provider, a draft of the school site budgets and Organization-wide budget will be presented to the Chief Financial Officer for discussion, revision, and preliminary approval. The Chief Executive Officer is responsible for the final approval of all budgets.

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1.3 The final budget is then submitted by the Chief Financial Officer to the Board of Directors for adoption. School Site Principals shall be present at the Board of Directors budget approval meeting.

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1.4 It is the policy of MERF to adopt a final annual operating budget at least 60 days before the beginning of the MERF's fiscal year. In addition, the Finance Team must setup the new fiscal year accounts, to input the budget into the accounting system and establish appropriate accounting and reporting procedures (including any necessary modifications to the chart of accounts), to ensure proper classification of activities and comparison of budget versus actual once the new year commences.

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**2.0 MONITORING PERFORMANCE**

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2.1 MERF will monitor its financial performance by comparing and analyzing actual results with budgeted amounts. This function will be accomplished in conjunction with the monthly financial reporting process described earlier.

2.2 On a monthly basis, budget reports comparing actual year-to-date revenues and expenses with budgeted year-to-date amounts shall be produced by Back-office provider and distributed to each respective School Principal by the 20<sup>th</sup> of the following month.

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2.3 The financial reports will also be distributed, on a monthly basis, to the Board of Directors. The Chief Financial Officer and School Site Principal, with the

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Accounting Policies, Procedures and Forms

support of Back-office provider, will be responsible for answering budget questions posed at the Board meetings.

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- 2.4 The Chief Financial Officer will also institute an on-going monitoring plan to ensure the fiscal operations effectively implement all Federal and State requirements and to ensure the safeguarding of Federal and State funds and assets.

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**3.0 BUDGET MODIFICATION**

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3.1 After a budget has been approved by the Board of Directors and adopted by MERF, reclassifications of budgeted expense amounts may be made by Back-office provider, with approval from the Chief Financial Officer.

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3.2 Budget reclassifications of any amount are at the discretion of the Chief Financial Officer.

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**Revision History:**

Revision	Date	Description of changes	Requested By
0	2/14/13	Initial Release	
1	11/12/15	Inclusion of <u>back-office provider</u> process	Oswaldo Diaz, CFO
<u>2</u>	9/5/17	Revision to clarify processes and positions	

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**SOP # G&A119 Revision: 0**  
**Effective Date: 2/14/13**

**Prepared by: Central Office**  
**Approved by: BOD**

**Title: G&A119 INSURANCE**

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**Policy:** It is the policy of the Organization to have an active risk management program that includes a comprehensive insurance package and to maintain adequate insurance against general liability, as well as coverage for buildings, contents, computers, fine arts, equipment, vehicles, machinery and other items of value.

**Purpose:** To have a comprehensive insurance package and to maintain adequate insurance against general liability, as well as coverage for buildings, contents, computers, fine arts, equipment, vehicles, machinery and other items of value.

**Scope:** This applies to all areas of risk management.

**Responsibilities:**

Chief Financial Officer is responsible for monitoring risk management and identifying areas of insurance need.

**Background:** Risk management and insurance enable the Organization to hedge against known and unknown potential losses.

**Definition: Workers' Compensation and Employer's Liability**

Contractors are required to comply with applicable Federal and California workers' compensation and occupational hazard and disease statutes. If occupational hazard and diseases are not compensated under those statutes, they shall be covered under the employer's liability insurance policy.

**Fidelity Bond**

For all personnel handling cash, preparing or signing checks, MERF shall obtain insurance that provides coverage in a blanket fidelity bond. The specific needs of MERF will determine the dollar limit of this coverage.

**Comprehensive Liability**

This type of coverage may include directors, officers and employee general liability insurance, buildings, contents, computers, fine arts, boilers and machinery.

**Student Accident Insurance**

All children enrolled in any of MERF’s funded programs must be insured for accidents and injury. The limit per child enrolled will be determined by local area experience rates and potential risk assessments.

**Procedure:**

**1.0 COVERAGE GUIDELINES**

**1.1** As a guideline, MERF will arrange for the following types of insurance, as a minimum:

Type of Coverage

- Comprehensive Liability
- Automobiles for Employees,
- Volunteers or Escorts
- Employee dishonesty/bonding
- Fire and Water Damage
- Directors and Officers
- Theft
- Workers' Compensation
- Student Accident Insurance

**1.2** The dollar limits are identified in the Insurance Booklet.

**1.3** MERF shall maintain a file of all insurance policies in effect. This file shall include the following information, at a minimum:

1. Description (type of insurance)
2. Agent and insurance company, including all contact information
3. Coverage and deductibles
4. Premium amounts and frequency of payment
5. Policy effective dates
6. Date(s) premiums paid and check numbers

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Accounting Policies, Procedures and Forms

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**Revision History:**

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0	2/14/13	Initial Release	

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SOP # G&A120 Revision: 1  
Effective Date: 9/5/17

Prepared by: Central Office  
Approved by: BOD

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Title: G&A120 SUPPLIES

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Policy: It is the policy of the organization to maintain an internal control system over supplies to prevent theft, overstocking, understocking, spoilage and obsolescence.

Purpose: To physically safeguard organization assets and to maintain accurate financial reporting.

Scope: This applies to non-capitalized assets.

Responsibilities:

School Principal or designee is responsible for maintaining safeguards over cleaning and education supplies at each school.

Procedure:

1.0 SAFEGUARDS

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1.1 Each Principal or designee is responsible for monitoring safeguards over assets at each school site. School will properly safeguard supplies inventory by keeping storage and locker facilities locked.

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1.2 Cleaning/Maintenance Supplies. The Custodian at each site is responsible for custody of cleaning and repair and maintenance supplies.

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1.3 Educational Supplies. The Administrative Assistant or designee is responsible for custody of educational supplies. Only the Administrative Assistant and the School Principal will have access to educational supplies.

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1.4 Educational supplies will be controlled in part by forms documenting custody, i.e. textbooks issued to students and use of laptops.

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2.0 MONITORING

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2.1 School will establish optimum minimum and maximum stock levels for inventory.

2.2 Finance teams will maintain records detailing purchases of each significant inventory item for each fiscal year.

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2.3 School Principal or designee will conduct a physical inventory of the supplies listed above on an annual basis. The completed inventory will then be submitted to Accounting so it can be reconciled to the general ledger.

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**Revision History:**

Revision	Date	Description of changes	Requested By
0	2/14/13	Initial Release	
<u>1</u>	<u>9/5/17</u>	<u>Revision to clarify processes and positions</u>	

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SOP # G&A121 Revision: 2  
Effective Date: 9/5/17

Prepared by: Central Office  
Approved by: BOD

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Title: G&A121 SCHOOL SITE ACCOUNTING

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Policy: It is the policy of MERF to consider each school to be a separate and distinct financial accounting entity in order to maintain an accurate fund accounting system.

Purpose: The purpose of this policy is to clearly define relationships between each school and with the business office in regards to financial accounting.

Scope: This applies to the Organization's charter schools and business office.

Responsibilities:

Back-office provider, with the support of the Financial Analysts, is responsible for timely and accurate recording of transactions, providing useful management information, and properly reporting such information for various user needs.

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The Chief Financial Officer is responsible for overseeing the Financial Analysts and providing assistance where needed.

Background: Separate accounting for each of the charter schools is critical in order to monitor budget performance and to determine how to allocate resources.

Procedure:

1.0 SEPARATE ACCOUNTING

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1.1 Back-office provider will utilize the same accounting policies for each school they are responsible for. Consistency in accounting will ensure that the charter schools can be evaluated using the same benchmarks and will assist in evaluating performance.

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1.2 Each Charter School will have its own accounting file to assist in maintaining separate accounting for each school, and a separate bank account to avoid comingling of funds.

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2.0 FUNDRAISING

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2.1 Fundraising generated from each school may not be transferred to another school.

2.2 Revenues from fundraising will be recorded in the accounting system using the resource tracking system in order to account for funds received from different events. Funds may be used for operating purposes unless restricted by the donor or explicitly restricted by the event.

**Revision History:**

Revision	Date	Description of changes	Requested By
0	2/14/13	Initial Release	
1	11/12/15	Inclusion of <u>back-office provider</u> provider processes	Oswaldo Diaz , CFO
<u>2</u>	<u>9/5/17</u>	<u>Revision to clarify processes and positions</u>	

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**SOP # G&A122 Revision: 0**  
**Effective Date: 2/14/13**

**Prepared by: Central Office**  
**Approved by: BOD**

**Title: G&A122 FRAUD REPORTING & WHISTLEBLOWER**

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**Policy:** To establish procedures for reporting concerns of fraud on a confidential basis; receipt, retention, and treatment of complaints received by the Organization regarding such concerns; and protection of anyone reporting fraud in good faith from retaliatory actions.

**Purpose:** It is the policy of the Organization that its operations are conducted according to the highest standard of integrity, and that its officers, directors, employees, consultants, volunteers, interns, vendors, and other agents observe high standards of business and personal ethics in the conduct of their duties and responsibilities. As employees and representatives of the Organization, all applicable laws and regulations must be followed, honesty and integrity must be practiced in fulfilling all responsibilities and all situations must be avoided that might conflict with responsibilities undertaken on behalf of the Organization. It is a federal crime for any organization – nonprofit or for-profit- to retaliate against a “whistleblower” who reports illegal, unacceptable, or suspicious activity (“Concerns”). This policy is intended to encourage and enable the reporting of Concerns within the Organization in order to prevent, detect and correct improper activities.

**Scope:** All officers, directors, employees, including temporary employees, consultants, volunteers, interns, vendors and other agents are covered by the scope of this policy and its guidelines.

**Responsibilities:**

Executive Management and Board of Directors are responsible for investigating any Concerns reported, and to ensure that the reporting person is protected from retaliation.

**Background:** The people closest to the day-to-day workings of an organization are the ones most qualified to identify and report improper activities. Experience has shown that these individuals will step forward if they are provided with a confidential means of reporting abuses and feel that they will be protected from retaliation, including loss of their job.

**Procedure:**

**1.0 REPORTING RESPONSIBILITY**

1.1 It is the responsibility of all those noted in the Scope of the Policy to report questionable or improper accounting or auditing matters or other Concerns as described above.

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1.2 No officer, director, employee, including a temporary employee, consultant, volunteer, intern, vendor or other agent who reports a Concern in good faith shall be subject to retaliation or, in the case of an employee, adverse employment consequences. Any individual who retaliates against someone who has reported a Concern in good faith is subject to discipline up to and including dismissal from the volunteer position or termination of employment. Such conduct may also give rise to other actions, including civil lawsuits.

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1.3 Reporting in good faith means that to the best of the individual's knowledge who is reporting a suspected fraud or abuse Concern, the fraud or abuse is factual.

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1.4 An individual reporting a fraud or abuse Concern not in good faith is subject to discipline up to and including dismissal from the volunteer position or termination of employment. In other words, fraudulently submitting a fraud or abuse Concern/allegation is not acceptable.

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**2.0 PROCEDURES FOR REPORTING CONCERNS**

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2.1 **Employees and Consultants.** Whenever possible, an individual should seek to resolve Concerns by reporting issues directly to his supervisor. If, for any reason, the individual is uncomfortable speaking to his supervisor or does not believe the Concern is being properly addressed, the individual should report the Concern directly to the Chief Operating Officer of the Organization. If the individual does not believe that these channels of communication can or should be used to express his Concern, the individual should report the Concern directly to a member of the Organization's Board of Directors. Concerns may also be submitted anonymously in writing or via voice mail to a Board of Directors member. Contact information for the Chief Operating Officer and a listing of Board of Directors members may be obtained from the Organization's website or by calling the Organization at (714) 892-5066.

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2.2 **Officers, Directors, Interns, Volunteers, Vendors and Other Agents.** Officers, directors, interns, volunteers, vendors and other agents may report Concerns to the Chief Executive Officer or directly to a member of the Organization's Board of Directors. If the officer, director, intern, volunteer, vendor or other agent is uncomfortable reporting to any of these individuals, or if he does not believe the Concern is being properly addressed, the report should be escalated directly to the Chair of the Organization's Board of Directors.

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2.3 **Third Party Fraud Reporting Service.** An individual also has the option to report any Concerns through a service specifically set up for MERF. These can be

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Accounting Policies, Procedures and Forms

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reported through the website at [www.magnoliapublicschools.org](http://www.magnoliapublicschools.org) or by calling the central office. Concerns addressed through these channels can be made anonymously if the individual chooses.

**3.0 HANDLING OF REPORTED CONCERNS**

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**3.1** All reported Concerns filed in accordance with this policy will be investigated by the Organization with due care and promptness. Matters reported internally without initial resolution will be investigated by the Chief Executive Officer of the Organization to determine if the allegations are true, whether the issue is material and what actions, if any, are necessary to correct the problem. The Organization staff may issue a full report of all matters raised under this policy to the Board of Directors.

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For matters reported directly to a member of the Board of Directors or the Chief Executive Officer, the Audit Committee shall promptly acknowledge receipt of the complaint to the complainant if the complainant is known. An investigation will be held to determine if the allegations are true, whether the issue is material and what corrective action, if any, is necessary. Upon the conclusion of this investigation, the Audit Committee shall promptly report its findings to the Executive Committee of the Board.

The Audit Committee shall have full authority to investigate Concerns raised in accordance with this policy and may retain outside legal counsel, accountants, private investigators, or any other resource that the committee reasonably believes is necessary to conduct a full and complete investigation of the allegations.

**Revision History:**

Revision	Date	Description of changes	Requested By
0	2/14/13	Initial Release	

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**SOP # G&A123 Revision: 0**

**Prepared by: Central Office**

**Effective Date: 1/1/17**

**Approved by: BOD**

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**Title: G&A123 CONFLICT OF INTEREST POLICY**

**Purpose:** It is the policy of the Organization that the Governing Board shall review and adopt a conflict of interest policy annually or as required in accordance with authorizer MOUs.

**Responsibilities:**

Executive Management and Board of Directors are responsible for ensuring that the conflict of interest policy is reviewed and approved annually each July.

**Background:** Refer to separate document titled "Conflict of Interest Policy".



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**Revision History:**

<u>Revision</u>	<u>Date</u>	<u>Description of changes</u>	<u>Requested By</u>
<u>0</u>	<u>7/21/16</u>	<u>Documented policy approved by Board as separate document</u>	<u>Caprice Young</u>

G&A123 Conflict of Interest

page 2 of 2

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SOP # CSH101 Revision: 2

Prepared by: Central Office

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Effective Date: 9/5/2017

Approved by: BOD

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Title: CSH101 CASH BOXES

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**Policy:** Proper internal control should be maintained over funds received by cashiers or sales clerks of any type, even at fundraising events at all times.

**Purpose:** To identify the practices for cash box control, including cash receipts, special tender items, cash payouts and reconciliation with deposits.

**Scope:** All personnel that deal with the cash transactions.

**Responsibilities:**

Principal is responsible for safeguarding / verifying and controlling all cash assets at each school.

School Office Manager is responsible for ensuring the completeness and accuracy of all opening, closing and intermediate transactions.

School Office Manager is responsible for overseeing all event transactions.

**Procedure:**

**1.0 CASH BOX/SAFE**

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**1.1** Each fundraiser or individual collecting cash should collect cash for events and safeguard properly. Once all cash has been collected, this individual should submit the cash received to the School Office Manager as soon as possible for placement in the cash box. It is important to ensure that only one person has responsibility for collecting cash as to limit any opportunities for misappropriation.

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**1.2** All cash collected must be collected by the School Office Manager, counted together with the School Principal and one other person, and signed off by all three individuals that the cash count is accurate. The funds will then be safely secured until deposited by a designee of the School Office Manager.

**1.3** If the cash balance at the end of day exceeds \$1,000, a bank deposit will need to be made the same day. Otherwise, all bank deposits will need to be made by the last business day of the week. At the end of the week there should be no more than \$50 left in the cash box for the following week.

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**1.4** Bank deposit documentation needs to be emailed to Back-office provider, in PDF format, for entry into the general ledger on a weekly basis.

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**Revision History:**

Revision	Date	Description of changes	Requested By
0	2/14/13	Initial Release	
1	11/12/15	Inclusion of back-office provider service provider process	Oswaldo Diaz, Chief Financial Officer
2	9/5/17	Revision to clarify processes and positions	

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SOP # CSH102 Revision: 1  
Effective Date: 9/5/17

Prepared by: Central Office  
Approved by: BOD

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Title: CSH102 CASH RECEIPTS AND DEPOSITS

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**Policy:** Accurate internal control of cash receipts and deposits will be maintained at all times. Cash deposits will generally be made on the same day as receipt.

**Purpose:** To establish the procedures to be followed for receiving, applying and depositing cash receipts.

**Scope:** This procedure applies to all cash receipts received by the Organization.

**Responsibilities:**

Finance team is responsible for processing all cash and check transactions and depositing checks received in the bank.

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Finance team is responsible for inspecting and verifying proper signatures or endorsements on checks.

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School Principal/Office Manager is responsible for all fundraising transactions.

**Definitions:** Tender Item. Any item used to tender or pay for a transaction is considered a tender item. Tender items can include coupons, gift certificates, credits, rebates, cash, checks, barter credits, etc.

**Procedure:**

1.0 **CUSTOMER AND AGENCY DEPOSITS**

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1.1 Cash receipts generally arise from:

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- Contracts and Grants
- Direct donor contributions
- Fundraising activities

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The principal steps in the cash receipts process are:

**Central Office** - The Receptionist receives incoming mail, opens, date stamps, and distributes the mail. The Finance team stamps all checks "for deposit only," and makes one (1) copies of each check. The checks are kept in a locked cabinet until ready for deposit.

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Weekly (or more often if necessary), the Finance team processes the following: the endorsed checks, the deposit log book, and the correct account allocation for each deposit. The Finance team processes the deposit and

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takes it to the bank for deposit. A copy of the deposit slip is attached to the deposit. The deposits are put in a file to attach to the bank statement.

All cash received at the central office will be counted, verified, and signed off by two people from Accounting and another available staff member. The cash will immediately be posted using the appropriate allocation. A receipt will be given to the paying party and a copy kept for internal purposes. The cash will be kept in a locked, secure location and deposited within 24 business hours, but no longer than the last business day of the week.

**School Site** - The Receptionist receives incoming mail, opens, date stamps, and distributes the mail. The checks are kept in a locked cabinet until ready for deposit.

Weekly (or more often if necessary), the Principal, Office Manager, or designee will deposit the checks to the bank for deposit. The Principal, Office Manager, or designee will then send copies of the check(s) deposited and the original deposit slip receipt from the bank to the Finance team for processing.

The back office provider will process the deposit and enter into the accounting system. A copy of the deposit slip is attached to the deposit. The deposits are put in a file to attach to the bank statement.

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**2.0 APPLICATION OF ACCOUNTS RECEIVABLE**

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2.1 Inspect all incoming accounting mail for checks.

2.2 Finance team should photocopy all checks. Any papers attached to the checks should be stapled to the check photocopy and the envelopes discarded.

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2.3 Finance team will use the photocopy of the checks and customer remittance advices to apply the cash payments to the Accounts Receivable Ledger if applicable. Unapplied payments are to be credited against the oldest open aging column on the accounts receivable ledger. A standard letter of information and/or inquiry should be sent or faxed to the payer when there is any question as to the correct application of the check.

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2.4 Checks returned once should be deposited a second time. Already re-deposited checks should be debited back to the account.

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2.5 Prepare all checks received for deposit.

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**3.0 DEPOSIT, ENDORSEMENT OF CHECKS, TIMELINES OF BANK DEPOSITS**

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3.1 The Finance team will inspect all checks for proper signature or endorsement. If a check is received without a proper signature then process the check as per CSH103 PROBLEM CHECKS procedure.

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Accounting Policies, Procedures and Forms

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- 3.2 All checks should be endorsed as follows:
  - a. With the restrictive endorsement "For Deposit Only" along with,
  - b. The Organization's designated bank deposit account number,
  - c. The name, "Magnolia Education and Research Foundation",
  - d. The bank name.
- 3.3 No check should be withheld from daily deposit unless it is legally imperfect. The endorsed checks should then be returned to the Finance Team. Bank deposits will be made on a daily basis, unless the total cash amount received for deposit is less than \$1,000. Receipts must be deposited no later than the Friday of the week it was received. Any cash not deposited on a daily basis will be kept in a locked fireproof cabinet with access limited to the Chief Financial Officer, and the Finance Manager.
- 3.4 At time of deposit, collect all cash and checks and prepare a bank deposit slip for deposit in the Organization's authorized bank. Ensure that collections are deposited into the correct bank account, and that the name of the charter school is listed on the deposit slip.
- 3.5 Place a duplicate copy of the deposit ticket and collected cash into a cash bag for transport to the bank. Deposits should be made no less frequently than daily if amount of cash exceeds \$1,000. If the deposit cannot be made immediately then the deposits should be stored in a secure area for later deposit.
- 3.6 Extreme care should be taken to protect the safety of the person making the deposit and the deposit itself. Actions to be considered are, making deposits only during daylight hours, using random deposit times and different routes to the bank, and assigning two people to make deposits.
- 3.7 The deposit amount should be entered into the accounting program.
- 3.8 No disbursements should be made from collections, nor can personal checks be cashed.

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**Revision History:**

Revision	Date	Description of changes	Requested By
0	2/14/13	Initial Release	
<u>1</u>	<u>9/5/17</u>	Revision to clarify processes and positions	

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SOP # CSH103 Revision: 2 Prepared by: Central Office  
Effective Date: 9/5/17 Approved by: BOD

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Title: CSH103 PROBLEM CHECKS

**Problem:** To save time in returning and following-up on unsigned, checks marked "payment in full", or returned by the bank. These checks should be processed as follows and deposited.

**Purpose:** To describe how these types of checks should be handled before depositing.

**Scope:** This procedure applies to all checks received by the Organization.

**Responsibilities:**

Back-office provider is responsible for processing all check transactions for each school.

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**Definitions:** NSF. Non-Sufficient Funds or NSF checks are those that are returned from the bank because the balance in the checking account was not high enough to cover the check. The check is then stamped NSF or "insufficient funds", "uncollected funds", or maybe "account closed".

**Procedure:**

**1.0 UNSIGNED CHECKS**

**1.1** The word "over" should be typed or written on the line where the signature would normally appear. On the back, type "Lack of Signature Guaranteed" and then add the Organization name, manager's name, title and signature.

Note: This indicates to the bank that the Organization will take back the check as a charge against its account in the event it isn't honored. In the event the check is not honored, the Office Manager should immediately follow-up with the issuer.

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**1.2** Continue processing the check.

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**2.0 PARTIAL PAYMENT CHECKS MARKED "PAYMENT IN FULL"**

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**2.1** If there's no dispute as to the amount, a check tendered for less than the amount due and marked "payment in full" (or similar wording) can be cashed without jeopardizing the right to recover the balance. However, if there's a bona fide dispute as to the amount owing, the Organization runs the risk that payment will be deemed to have settled the disputed claim for the lesser amount.

**2.2** To overcome any potential pitfall, the check should be endorsed with the following statement "Check is accepted without prejudice and with full reservation of all rights under section 1-207 of the UNIFORM COMMERCIAL CODE (see Reference A).

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- 2.3 Continue processing the check as per procedure CSH102 CASH RECEIPTS AND DEPOSITS.
- 2.4 The Office Manager should then work with the customer to resolve collection of the remaining balance due.

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**3.0 RETURNED CHECKS**

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- 3.1 A returned check for less than \$100 or stamped "uncollected funds," should be re-deposited the following day, if the check is not already stamped, "Do Not Re-Deposit".
- 3.2 For returned checks in amounts greater than \$100, the bank that the check is drawn against should be telephoned to determine if the check amount will clear the customer's account. If sufficient funds exist the check should be re-deposited. If the check is very large, consider taking the check directly to the issuing bank for recovery.  
  
Note: The customer's account number should be the second number series located at the bottom center of the check.

**4.0 REDEPOSITED CHECKS**

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- 4.1 In the event a re-deposited check is returned or if sufficient funds do not exist to cover the check, the Office Manager should contact the issuer by phone to report the problem and discuss how the matter will be resolved. Then issue a formal notice CSH103 Ex1 BAD CHECK NOTICE via certified mail with a return receipt requested to ensure the customer understands the seriousness of the issue.
- 4.2 Whenever a check is re-deposited more than once a handling fee should be considered.

**References:**

**A. UNIFORM COMMERCIAL CODE (UCC)**

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The "Uniform Commercial Code" or UCC began as a model for each state legislature to modify and adopt as law in that state. Therefore, the UCC is not the same in every state. Each state's court system can interpret the UCC differently thereby creating different case law in that state and producing different results. Business people cannot assume that the law will be exactly the same in each state. For more information see the Secretary of State for each State in question.

**B. BAD CHECK LAW**

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Bad Checks are considered part of the UCC and therefore are a matter of state law enforcement. Section 3-104(2)(b) of the UCC, defines a check as "a draft drawn on a bank and payable on demand." Each state has a different "Bad Check Law" see UCC above.

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Accounting Policies, Procedures and Forms

Postdated check: since it is not payable on demand, most states believe that the giving of a post-dated check does not constitute a present fraud nor is it within the scope of the bad check laws.

Payments for COD or pre-existing debt: In most cases, NSF checks are not considered under the bad check law if they are used to pay a note payment or to pay an invoice that is on account. However, if the debtor provides a creditor with a NSF check for a COD order, then that act does fall within the bad check laws.

**Revision History:**

Revision	Date	Description of changes	Requested By
0	2/14/13	Initial Release	
1	11/12/15	Inclus of <u>back-office provider</u> ion proces s	Oswaldo Diaz, Chief Financial Officer
<u>2</u>	<u>9/5/17</u>	<u>Revision to clarify processes and positions</u>	

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**CSH103 Ex1 BAD CHECK**

**NOTICE**

Date:

CUSTOMER  
NAME ADDRESS  
CITY, STATE, ZIP

Dear Sir:

Payment on your Check No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_, presented to us on, {DAY MONTH YEAR} , has been returned by your bank and marked insufficient funds. We have re-deposited your check and attempted to collect on this check twice already.

We have verified with your bank that insufficient funds remain to clear this check. Therefore, we request that you replace this check with a certified check immediately.

Unless we receive the certified funds for the amount listed above within 15 days, we shall immediately begin appropriate legal action to protect our interest. Upon receipt of replacement funds we shall return the dishonored check.

Sincerely,

Office Manager  
MAGNOLIA EDUCATION AND RESEARCH FOUNDATION

Certified Mail, Return Receipt Requested.

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SOP # CSH104 Revision: 1 Prepared by: Central Office  
Effective Date: 9/5/17 Approved by: BOD

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Title: CSH104 WIRE TRANSFERS

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Policy: To provide additional payment options to customers and vendors in order to make funds immediately available to the receiving party. Wire transfers should be treated with special care and accuracy to prevent loss to the Organization or the customer.

Purpose: To explain the steps necessary to ensure proper procedures are followed when processing wire transfer requests.

Scope: This procedure applies to customers who are sending or receiving wire transfers and the financial institutions which process these requests.

Responsibilities:

Chief Financial Officer is responsible for initiating all outgoing wire transfer requests.

Chief Executive Officer should approve all wire transfers regardless of amount.

Finance team is responsible for processing all incoming wire transfers.

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Definitions: ABA The American Bankers Association or ABA number is a unique routing identification code is issued to a Federal or State chartered financial institution which is eligible to maintain an account at a US Federal Reserve Bank. The ABA Routing Number (a.k.a. ABA number; Routing Transit number) is used to identify participants in automated clearinghouses, electronic funds transfer, and on-line banking.

Procedure:

1.0 INCOMING WIRES

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1.1 Wire transfers are processed the same as a check in accordance with the CSH102 CASH RECEIPTS AND DEPOSITS procedure.

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1.2 Upon the banks receipt of the wire transfer the bank may create a wire transfer notification. Normally these are mailed but many banks may also provide notification via e-mail, phone, fax, or via an on-line banking interface. The bank notification serves as documentation the the money has been received.

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2.0 OUTGOING WIRES

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2.1 The Chief Financial Officer will initiate wire transfers as necessary. This will take place on the secured website maintained by the Organization's bank. Chief Executive Officer must approve all wire transfers by logging into the bank's secured website and approving the transfer. Wire transfers cannot be made without this secondary authorization.

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- 2.2 Wire transfers should originate from a checking account. Reference A - FRB Reg D.  
- establishes limits on transfers from savings or money market accounts but there are no limits on transfers from checking accounts.

**References:**

**A. FRB REG D: RESERVE REQUIREMENTS OF DEPOSITORY INSTITUTIONS**

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Defines consumer depository accounts (e.g., checking, savings, money market, CDs, transactions etc.) and the rules governing those accounts. This law also requires that financial institutions keep a minimum amount of reserve deposits either as vault cash or with the Federal Reserve.

The Federal Reserve Board's Regulation D limits the number of certain withdrawals and transfers from savings accounts. All financial institutions are subject to this regulation. Examples savings accounts affected by this regulation include: Regular Savings and Money Market accounts. Transactions on Checking accounts are not limited.

Regulation D, allows up to six (6) preauthorized or automatic withdrawals or transfers to another account at the same financial institutions or to a third party during a calendar month. There may be no more than three (3) of these six (6) transfers by check, debit card, or similar order, clearing an account. A "preauthorized transfer" includes arrangement the credit union make either to pay a third party, one time, on written or verbal instruction, or to pay a third party on a fixed schedule, (i.e. bill payer, ACH authorizations).

**B. FRB REG E: ELECTRONIC FUND TRANSFER ACT**

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Establishes the rights, liabilities and responsibilities of all parties involved in electronic fund transfers and protects consumers when they use such systems. Examples of these transactions include those at automated teller machines, telephone bill-payment plans, point-of-sale purchases and pre-authorized transfers to and from a consumer's account (such as direct deposit and regular utility and mortgage payments).

Regulation E prescribes rules for the solicitation and issuance of EFT cards; governs consumers' liability for unauthorized electronic fund transfers (resulting, for example, from lost or stolen cards); requires institutions to disclose certain terms and conditions of EFT services; provides for documentation of electronic transfers (on periodic statements, for example)- sets up a resolution procedure for errors; and covers notice of crediting and stoppage of preauthorized payments from a customer's account.

Stored-value cards (also known as "smart cards") and home banking by personal computer would be subject to Regulation E because the act governs electronic fund transfers.

**Revision History:**

<b>Revision</b>	<b>Date</b>	<b>Description of changes</b>	<b>Requested By</b>
0	2/14/13	Initial Release	
<u>1</u>	<u>9/5/17</u>	Revision to clarify processes and positions	

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**SOP # CSH105 Revision: 0**  
**Effective Date: 2/14/13**

**Prepared by: Central Office**  
**Approved by: BOD**

**Title:** CSH105 CHECK SIGNING AUTHORITY

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**Policy:** A limited number of employees will be authorized to sign checks but there shall be no fewer than three individuals at all times.

**Purpose:** To outline the check signing authority process.

**Background:** While a hired accountant, office manager, or accounting clerk may be responsible for entering bills, paying bills, and printing out checks, all printed checks and related documentation should be presented to a second individual for signing. No one person or employee should be allowed to enter invoices, select invoices for payment, then print and sign checks. At a minimum, this process requires at least two individuals to ensure the integrity of the accounting system remains intact.

**Scope:** This procedure applies to all regular bank checking accounts of the Organization.

**Responsibilities:**

Chief Executive Officer is responsible for adding and removing check signing authority.

Chief Financial Officer is responsible for managing the check signing authority process and alerting all individuals and banks of any changes to authority.

**Procedure:**

**1.0** AUTHORIZED CHECK SIGNERS

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**1.1** The Board of Directors and the Chief Executive Officer should approve authorized check signers in writing. All approvals should be forwarded to the Chief Financial Officer for processing.

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**1.2** The Chief Executive Officer and Chief Financial Officer should have check signing authority. Additional individuals with or without dollar limitations may be authorized as necessary.

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**1.3** For back-up purposes, it is advisable to have at least three check signers authorized for each checking account. One should be the Chief Financial Officer or primary signer and the other should be the Chief Executive Officer or secondary check signer. The third should be a back-up signer. The back-up signer should be a trusted individual but not necessarily an employee. It could be a board member or another principle in the Organization. A back-up signer will ensure continuing operations in case both the primary and secondary signers become incapacitated for any period of time.

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- 1.4 If the check signer also authorizes purchase orders, their access to the QuickBooks accounting system should be limited to “read” access as to maintain proper segregation of duties.

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## 2.0 **CHANGING CHECK SIGNERS**

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- 2.1 The Chief Financial Officer receives all approval paperwork and should prepare and maintain a file record of all authorized check signers and CSH105 Ex1 CHECK SIGNING AUTHORITY LOG.
- 2.2 The CHECK SIGNING AUTHORITY LOG should be kept current of all individuals and their status to sign checks as soon as their status changes. The log should contain the following information:
- Recipient name / position or title
  - Authority start date
  - Authority end date
  - Maximum expenditure authority level
- 2.2 Contact the bank that administers the checking account for details on adding, changing, or removing check signers from a checking account. Normally this is a simple process of presenting identification and signing a card to be placed on file at the bank.
- Banks maintain an authorized check signer’s card for each checking account. Only those individuals listed on the authorized check signer’s card may sign checks.
- 2.3 The Chief Executive Officer or the Board of Directors may revoke check signing authority. Any person who is no longer entitled to sign Organization checks will be notified in writing. The Chief Financial Officer will oversee the proper notification of the Organization's banks whenever authorized signature changes are made.

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Accounting Policies, Procedures and Forms

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**Revision History:**

<b>Revision</b>	<b>Date</b>	<b>Description of changes</b>	<b>Requested By</b>
0	2/14/13	Initial Release	

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**CSH105 Ex1 CHECK SIGNING AUTHORITY LOG**

<b>RECIPIENT NAME/TITLE</b>	<b>START DATE</b>	<b>END DATE</b>	<b>AUTHORITY LEVEL <small>(maximumDollar)</small></b>

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CSH105 Check Signing Authority

page 6 of 6

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SOP # CSH106 Revision: 1  
Effective Date: 9/5/17

Prepared by: Central Office  
Approved by: BOD

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Title: CSH106 CHECK MATTERS

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Policy: To ensure efficient processing and record keeping all check matters will need to be handled and documented appropriately.

Purpose: To describe the process for matters relating to checks.

Scope: All checks.

Responsibilities:

Chief Financial Officer or Finance team is responsible for managing other check matters.

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Procedure:

1.0 CHECK ORIGINATION

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1.1 The Organization does not permit the use of manual checks.

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1.2 In no instance can the payee of a check be made to "Cash".

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2.0 CHECK STOP PAYMENT

Deleted: Checks can only be processed through QuickBooks and cannot be handwritten.

2.1 It is important to place the stop payment information on the account as quickly as possible to prevent losses. The following information should be obtained and recorded on the bank's Stop Payment Form or address online:

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- Requester's name and department
- Account number
- Check number
- Date of the check
- Who the check is made payable to
- Amount of the check
- Reason for the stop payment

2.2 The stop payment information above should be forwarded to the Finance team or Chief Financial Officer who will contact the bank to put a stop on the check.

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2.3 An authorized check signer may need to sign the bank's Stop Payment Form or address online, typically within ten business days. Normally, stop payments are placed on the account for approximately six months.

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2.4 To release the stop payment, an authorized check signer may need to contact the bank and sign a release. Note: signing the release allows the check to be paid.

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Accounting Policies, Procedures and Forms

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**Revision History:**

Revision	Date	Description of changes	Requested By
0	2/14/13	Initial Release	
<u>1</u>	<u>9/5/17</u>	<u>Revision to clarify processes and positions</u>	

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SOP # CSH107 Revision: 1  
Effective Date: 9/5/17

Prepared by: Central Office  
Approved by: BOD

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Title: CSH107 BANK ACCOUNT RECONCILIATIONS

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Policy: To ensure the accuracy of the Organization's bank account records by proving the monthly balance shown in the bank's Account Register.

Purpose: To outline the practices for preparation of a Monthly Bank Reconciliation

Scope: This applies to all bank accounts maintained by the Organization.

Responsibilities:

Chief Financial Officer or designee is responsible for review and approval of all reconciliations.

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Back-office service provider is responsible for reconciling each site's respective checking account.

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Background: Errors or omissions can be made to the Organization's bank account records due to the many cash transactions that occur. Therefore, it is necessary to prove the monthly balance shown in the bank account register. Cash on deposit with a bank is not available for count and is therefore proved through the preparation of a reconciliation of the Organization's record of cash in the bank and the bank's record of the Organization's cash that is on deposit.

Deleted: Definitions: Batch. All of the day's credit card transactions are collected into a "batch" of transactions. The batch is closed, usually at the end of the day, and the result is submitted to the merchant processor as a single "batch". ... [28]

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**Procedure:**

**1.0 BANK STATEMENT PREPARATION**

1.1 After receipt of the monthly bank statement and/or online printing of the monthly bank statement, Back-office accountant should prepare the monthly bank reconciliation by the 20<sup>th</sup> of the following month. After preparation the bank reconciliation will be carefully reviewed by the Back-Office client manager. Once reviewed, the bank reconciliations are sent to the Finance Team for final review and approval. To preserve proper segregation of duties, no single employee, should perform both cash transaction functions and bank account reconciliations.

**2.0 COMPUTERIZED FORMAT**

2.1 In the computerized environment, the accounting system provides an automated bank reconciliation task. This task is generally selected once a month in conjunction with receiving the month end bank statement and/or online printout of the month end bank statement. Once selected, the screen shows a list of all items that have been posted to the cash account and that have not been cleared from the previous month's account reconciliation. The screen is usually divided into two segments: one half is a list of all checks and other charges reducing cash, and the other half is a list of all deposits and other items increasing cash. This screen would also have a field for entering the proper month end date and the balance at month end, per the bank.

2.2 After the account-reconciling task is successfully completed, a report is provided which shows the reconciliation process, including outstanding checks and deposits in transit.

Note: Once completed, the bank reconciliations and bank statements are filed electronically.



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Deleted: or its designee.
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Deleted: <#>Prior to preparing the bank reconciliation, the School Site Accountant should review the bank statement for any interest credits, bank charges and other fees. These should all be posted to the checking account before reconciling. Note: some accounting systems allow for the entry of interest credits, bank charges and other fees during the reconciliation process.
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Deleted: <#>The bank reconciliation should be signed by the Chief Executive Officer and the School Site Accountant.
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Deleted: Print out the full (not a summary) report, staple it to the applicable bank statement, and file the result as an important control feature. This will document that the bank statement has been successfully reconciled.
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Accounting Policies, Procedures and Forms

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**Revision History:**

Revision	Date	Description of changes	Requested By
0	2/14/13	Initial Release	
<u>1</u>	<u>9/5/17</u>	<u>Revision to clarify processes and positions</u>	

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**CSH107 Ex1 SAMPLE**

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**TO CORRECTED BALANCE**

Account No. \_\_\_\_\_ For Month Ended XX/XX/XX

<u>Reconciliation of Bank Balance</u>		
Ending balance per bank statement		\$10,000.00
Additions:		
Deposit in transit		2,500.00
Deductions:		
Outstanding Checks		
# 1003	150.00	
# 1232	325.00	
# 1235	<u>1,275.00</u>	
		1,750.00
Ending balance per checking account		\$10,750.00
 <u>Reconciliation of Book Balance</u>		
Ending balance per books		\$10,750.00
Additions:		
Interest		100.00
Deductions:		
Bank Charges	70.00	
Wire transfer fees	<u>30.00</u>	
		100.00
Corrected Balance		\$10,750.00

CSH107 Bank Account Reconciliations

page 6 of 7

Accounting Policies, Procedures and Forms

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SH107 Bank Account Reconciliations

page 7 of 7

Accounting Policies, Procedures and Forms

**SOP # CSH108 Revision: 2**  
**Effective Date: 9/5/17**

**Prepared by: Central Office**  
**Approved by: BOD**

**Title: CSH108 INTER-ACCOUNT BANK TRANSFERS**

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**Policy:** To ensure the accuracy of the Organization’s bank account records by proving documentation of bank transfers.

**Purpose:** To outline the practices for preparation of an inter-account bank transfer

**Scope:** This applies to all bank accounts maintained by the Organization.

**Responsibilities:**

Chief Executive Officer is responsible for review and approval of all inter-account bank transfers

Chief Financial Officer is responsible for performing all inter-account bank transfers.

**Background:** Errors or omissions can be made to the Organization's bank account records due to the many cash transactions that occur. Therefore, it is necessary to authorize all inter-account bank transfers.

**Procedure:**

**1.0 INTER-ACCOUNT BANK TRANSFER**

**1.1** Back-office provider monitors the balances in the bank accounts to determine when there is a shortage or excess in the checking account. Back-office provider recommends to the Chief Financial Officer when a transfer should be made to maximize the potential for earning interest or when funds are needed for processing payroll or other transfer needed. The Chief Financial Officer will determine when to make a transfer and in what amount. After the transfer has been initiated by the Chief Financial Officer, the Chief Executive Officer must log into the online banking system in order to complete the bank transfer process. A copy of the transfer is given to Back-office provider.

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**Revision History:**

Revision n	Date	Description of changes	Requested By
0	2/14/13	Initial Release	
1	11/12/15	Inclusion of <u>back-office provider service</u> provider process	Oswaldo Diaz, Chief Financial Officer
<u>2</u>	<u>9/5/17</u>	<u>Revision to clarify processes and positions</u>	

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SOP # CSH109 Revision: 2  
Effective Date: 9/5/17

Prepared by: Central Office  
Approved by: BOD

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**Title: CSH109 JOURNAL ENTRIES AND RECLASSIFICATION ENTRIES**

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**Policy:** To ensure the accuracy of the Organization’s books and records by proving documentation of journal entries and reclassification entries. All journal entries shall be authorized in writing by the Finance Manager initialing or signing the entries.

**Purpose:** To outline the practices for preparation of journal entries and reclassification entries.

**Scope:** This applies to all accounting transactions performed by the Organization.

**Responsibilities:**

The Chief Financial Officer is responsible for review and approval of all journal entries and reclassification entries.

Back-office provider is responsible for performing all journal entries and reclassification entries

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**Background:** Journal entries can directly affect the presentation of financial statements. Therefore, it is necessary to authorize all journal and reclassification entries.

**Procedure:**

**1.0 JOURNAL ENTRIES AND RECLASSIFICATION ENTRIES**

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**1.1** The Chief Financial Officer the Financial Analysts and Back-office provider monitor the balances in the accounting records of the Organization.

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All general ledger entries including audit adjusting entries, reclassification entries, or other such journal entries shall be supported by journal vouchers or other documentation, which shall include a reasonable explanation of each entry. Examples of such journal entries include:

1. Recording of noncash transactions
2. Corrections of posting errors
3. Non-recurring accruals of income and expenses

Certain journal entries, called recurring journal entries, occur in every accounting period. These entries may include, but are not limited to:

1. Depreciation of fixed assets
2. Amortization of prepaid expenses

## Accounting Policies, Procedures and Forms

3. Accruals of recurring expenses
4. Amortization of deferred revenue

Support for recurring journal entries shall be in the form of a schedule associated with the underlying asset or liability account or, in the case of short-term recurring journal entries or immaterial items, in the form of a journal voucher.

It is the policy of MERF that all journal entries not originating from subsidiary ledgers shall be authorized in writing by the Chief Financial Officer initialing or signing the entries.

**Revision History:**

<b>Revision</b>	<b>Date</b>	<b>Description of changes</b>	<b>Requested By</b>
0	<b>2/14/13</b>	Initial Release	
1	<b>11/12/15</b>	Revision of responsibilities	Oswaldo Diaz, Chief Financial Officer
<u>2</u>	<u>9/5/17</u>	<u>Revision to clarify processes and positions</u>	

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**SOP # CSH110 Revision: 1**

**Prepared by: Central Office**

**Effective Date: 11/12/15**

**Approved by: BOD**

**Title: CSH110 PETTY CASH PURCHASES**

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**Policy:** The Organization does not permit the use of petty cash.

**Scope:** This applies to all petty cash transactions.

**Revision History:**

Revision	Date	Description of changes	Requested By
0	2/14/13	Initial Release	
1	11/12/15	Removal of petty cash use	Oswaldo Diaz, Chief Financial Officer

SOP # CSH111 Revision: 3 Prepared by: Central Office  
Effective Date: 9/5/17 Approved by: BOD

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**Title: CSH111 CREDIT CARDS AND DEBIT CARDS**

**Policy:** It is the policy of the Organization to provide credit cards to authorized members of the Organization staff in the performance of their duties and responsibilities. The Organization does not permit the use of debit cards. The use of credit is the same as handling cash; every precaution must be taken to account for all funds, whether Federal, State or otherwise, and the most efficient and effective purchasing procedures as well as internal controls will be implemented to safeguard Organization funds.

**Purpose:** To be able to use credit cards in a controlled manner that allows for purchases such as travel and where a check and/or purchase order is not accepted.

**Scope:** This applies to transactions at the discretion of the School Principal, Chief Executive Officer and Chief Financial Officer.

**Definitions:** Batch. All of the day's credit card transactions are collected into a "batch" of transactions. The batch is closed, usually at the end of the day, and the result is submitted to the merchant processor as a single "batch".

Settlement. The processor clears the credit card transactions in the batch and the result is "settled" to the designated bank account. Settlement varies by Credit Card organization but usually occurs in 2-3 days after a batch is closed.

Processor. The processor is responsible for authorizing credit card transactions and settling each batch. The processor is also the Organization that one must interface with on all discrepancies or "chargebacks".

**Chargebacks.** A chargeback occurs when a customer (cardholder) disputes a charge that appears on their monthly credit card statement. If the dispute is unable to be resolved then the transaction is charged back to the merchant. The processor charges the merchant and returns the cardholder's money.

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**Responsibilities:**

School Principal is responsible for authorization of credit card transactions up to \$5,000 in accordance with the approved budget.

Chief External Officer, Regional Directors and Chief Financial Officer are responsible for authorization of credit card transactions up to \$10,000 and over, using documented approval, not to exceed the current limits established by procedure number PUR104 Accounts Payable and Cash Disbursements.

Chief Executive Officer is responsible for authorization of credit card transactions up to \$25,000, using documented approval, not to exceed the current limits established by procedure number PUR104 Accounts Payable and Cash Disbursements.

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Accounts Payable Specialist and Back-office provider are responsible for recording the transactions in the accounting records and reconciling credit card receipts to the credit card statements in accordance with CSH107 Bank Reconciliations.

**Background:** On occasion, the Chief Executive Officer and other senior management may not be in the position to carry a lot of cash or may need to use a credit card for purposes of travel arrangements. Under these circumstances and as considered necessary by Organization management, credit card transactions are acceptable.

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**Procedure:**

**1.0 CREDIT CARDS**

**1.1 Issuance of Corporate Credit Cards**

Corporate credit cards are issued to personnel who travel on Organization business or have a legitimate need to purchase goods and services, either in person or on-line or when a purchase order cannot be approved in time or a purchase order is not accepted by a vendor. These cardholders will be required to sign a statement (CSH111 Ex1 Use of Credit Cards and Debit Cards Certification) acknowledging that the card shall be used exclusively for legitimate Organization- related business purposes and that the cardholder agrees to take reasonable precautions to protect the card from loss or theft by storing it in a secure location. Upon approval from the credit card company, a card will be issued bearing the names of both the individual and the Organization.

Cardholders, while working with other Organization staff, must plan activities and travel requests with sufficient time in order to avoid the use of credit cards. Cardholders abusing this privilege may have the card revoked if it is determined that sufficient time was available in order to request and receive approval for a purchase order.

When using the credit card for internet purchases, cardholders should ensure that the site utilizes industry recognized encryption transmission tools.

All corporate credit cards will be issued from the same vendor to enhance the purchasing power of the credit card and to provide for efficient on-going monitoring of all purchases made with the credit card(s).

**1.2 Cardholder Responsibilities**

Every month, each cardholder will be provided with a statement detailing the expenditures that were charged to his/her corporate credit card. The cardholders will submit all receipts for purchases of goods and services to the Finance Department within seven (7) days attached to the debit/credit card monthly statement after making any purchase. All documents will be initialed by the cardholder. In any instance of a missing receipt, payment will be the responsibility of the cardholder.

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Should the Accounts Payable Specialist identify any inadvertent personal or

unauthorized uses of the card, the card statement as well as all backup documentation will be forwarded to the Chief Financial Officer, for review.

The Chief Financial Officer, will discuss with the cardholder any charges of concern and the card member will be required to reimburse the Organization immediately for any such inadvertent personal charges or unauthorized charges.

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Excessive inadvertent personal charges will be grounds for revoking credit card privileges. Personal use of corporate credit cards is strictly prohibited. Any personal use will subject the employee to the Organization's disciplinary actions.

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Any fraudulent or other unauthorized charges shall be immediately pointed out to the Chief Financial Officer, for further investigation with the credit card provider and at the discretion of the Chief Financial Officer may be required to be reimbursed by the individual cardholder who purchased the unauthorized transaction.

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The Organization requires the following review and approval procedures:

- The cardholder will review the card statement to ensure only their own approved charges are listed on the statement. Any charges not made by the cardholder will be identified and discussed with the Accounts Payable Specialist.
- The Chief Financial Officer will approve credit card usage by the Principals, and the Chief Executive Officer will approve credit card usage by the Chief Financial Officer, and the Board of Directors Chairperson will approve credit card usage by the Chief Executive Officer.
- The Accounts Payable Specialist will review all charges on the card statement against all purchase documents submitted by the cardholder.
- The Chief Financial Officer, will review charges and supporting documentation prior to the monthly card statement being approved and included for payment.

Cardholders shall report the loss or theft of a corporate credit card immediately by notifying the credit card company (24 hours a day, seven days a week) as well as the Chief Financial Officer. In the event of theft of the card, a police report will be filed by the cardholder and a copy of the report will be maintained for insurance purposes.

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**1.3 Revocation of Corporate Credit Cards**

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Failure to comply with any of these policies associated with the use of the Organization's corporate credit cards shall be subject to possible revocation of credit card privileges. The Chief Financial Officer, with the approval of the Chief Executive Officer or Board Chairperson, shall determine whether credit cards are to be revoked.

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**1.4 On-going Monitoring of Corporate Credit Cards**

The Organization will implement continuous on-going monitoring of the use of corporate credit cards to ensure only authorized expenditures are made with the credit cards. Credit card usage must follow the same criteria as all other purchases; i.e., allowable, reasonable, necessary, and allocable, where required.

In addition, the Board of Directors may, from time to time, authorize unannounced monitoring of the use of corporate credit cards.

Corporate credit cards will be assigned only to the Chief Executive Officer, Chief External Officer and Principals and all charges to that assigned card will be the responsibility of that employee. Employees authorizing the use of the credit card by other Organization employees, parents or friends, will be subject to disciplinary action.

**1.5 Employee Personal Credit Cards**

With prior approval from the Chief Executive Officer and/or Chief Financial Officer, the Organization employees may incur legitimate Organization business expenses utilizing their personal credit cards for such expenditures. The Organization shall reimburse employees according to Organization reimbursement policy (PUR106 Reimbursements).

**2.0 DEBIT CARDS**

**2.1 Debit Card Policy**

The organization does not permit the use of debit cards.

**Revision History:**

<u>Revision</u>	<u>Date</u>	<u>Description of changes</u>	<u>Requested By</u>
<u>0</u>	<u>2/14/13</u>	<u>Initial Release</u>	
<u>1</u>	<u>2/13/15</u>	<u>Revision of credit and debit card limits and controls</u>	<u>Oswaldo Diaz, CFO</u>
<u>2</u>	<u>7/21/16</u>	<u>Revision of credit card limits and controls</u>	<u>Oswaldo Diaz, CFO</u>
<u>3</u>	<u>9/5/17</u>	<u>Revision to clarify processes and positions</u>	

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Accounting Policies, Procedures and Forms

**CSH111 Ex1 USE OF CREDIT CARDS AND DEBIT CARDS  
CERTIFICATION**

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Certification of receipt of the Organization Policy and Procedures on the "Use of Credit and Debit Cards":

I, \_\_\_\_\_, hereby certify that I have received  
(Print name of employee) (Position)  
and understand the above-stated policy and procedures and I will comply with those procedures. Failure to comply with the procedures may subject me to disciplinary action as outlined in the Organization Human Resources Policies and Procedures Manual.

\_\_\_\_\_  
Signature of Employee Date

\_\_\_\_\_  
Chief Executive Officer Date

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SOP # CSH112 Revision: 2  
Effective Date: 9/5/2017

Prepared by: Central Office  
Approved by: BOD

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Title: CSH112 INTERCOMPANY RECEIVABLES AND PAYABLES (DUE TO/DUE FROM)

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Policy: To ensure that intercompany transactions between individual charter schools and the central office are processed correctly

Purpose: To outline the practices for intercompany transactions between individual charter schools and the central office

Scope: This applies to all charter schools operated by the Organization.

Responsibilities:

Chief Financial Officer is responsible for performing the intercompany transactions with approval from the Board of Directors.

The Finance Department is responsible for alerting Back-office provider regarding intercompany transactions. Back-office provider is responsible for recording it into the accounting system, and ensuring accuracy of fiscal year-end balances.

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Background: Charter schools are highly dependent on government funding to operate. Government cuts and funding deferrals can result in cash shortages for schools. Therefore the need arises to allocate resources from other schools to cover any shortfall. It is necessary to correctly record transactions between the charter schools and the central office in order to properly determine each school's receivable/liability.

Procedure:

1.0 INTERCOMPANY TRANSACTIONS

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1.1 The Chief Financial Officer, with the support of the Finance Department and Back-office provider, monitors cash balances daily for the charter schools. When a charter school realizes a need for funds, the Chief Financial Officer will assess resource levels for the other schools as well as the central office. If the central office does not have sufficient funds to advance to the charter school requestor, at the discretion of the Chief Financial Officer, the Chief Financial Officer may transfer funds from a charter school with surplus funds into the central office. The Chief Financial Officer may then transfer funds to the charter school requestor from the central office. For policy regarding inter-account bank transfers, refer to CSH108 INTER-ACCOUNT BANK TRANSFERS.

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1.2 At the end of the fiscal year, each school's receivable or payable account will be reconciled in accordance with G&A105 PERIOD-END REVIEW & CLOSING. Once balances are reconciled, an agreement is prepared at the end of the fiscal year between each school and the central office to document the amount owed and repayment terms.

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**Revision History:**

Revision	Date	Description of changes	Requested By
0	2/14/13	Initial Release	
1	11/12/15	Revision of responsibilities	Oswaldo Diaz, CFO
<u>2</u>	<u>9/5/2017</u>	<u>Revision to clarify processes and positions</u>	

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SOP # CSH113 Revision: 2  
Effective Date: 9/5/17

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Title: CSH113 FINANCIAL RESERVES

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Policy: To ensure each charter school maintains a fund reserve in order to protect itself from unforeseen revenue shortfalls or unexpected expenditures.

Purpose: To describe responsibilities and monitoring procedures over each charter school's fund reserve

Scope: This applies to all charter schools operated by the Organization.

Responsibilities:

Back-office provider is responsible for day to day monitoring of charter school cash accounts and ensuring their accuracy.

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Chief Financial Officer is responsible for oversight over charter school cash accounts as to ensure that required fund reserve amounts are met.

Background: California regulations state that the following reserve amounts must be maintained:

- Greater of 5% of prior year operational expenditures or \$55,000 for districts with 0-300 ADA
- Greater of 4% of prior year operational expenditures or \$55,000 for districts with 301-1,000 ADA

Procedure:

1.0 FUND RESERVE BALANCES

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1.1 Back-office provider will monitor the cash balance for each charter school to ensure its accuracy and to be able to project future amounts. This will be accomplished through timely bank reconciliations and regular budget vs. actual comparisons. This process is critical to quickly detect any potential cash shortages so expenditures can be modified or more resources can be requested.

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1.2 If the required fund reserve amount for a charter school cannot be met, the Chief Financial Officer with the support of Back-office provider will need to determine where cash can be derived from in order to restore the fund balance. This can come from central office funds or from another charter school with surplus funds. See CSH112 INTERCOMPANY RECEIVABLES AND PAYABLES (DUE TO/DUE FROM) for this procedure.

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Accounting Policies, Procedures and Forms

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**Revision History:**

Revision	Date	Description of changes	Requested By
0	2/14/13	Initial Release	
1	11/12/15	Inclusion of <u>back-office provider</u> service processes	Oswaldo Diaz , CFO
2	9/5/17	<u>Revision to clarify processes and positions</u>	

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Accounting Policies, Procedures and Forms

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**SOP # PYR101 PAYROLL DESK PROCEDUR Prepared by: Central Office**  
**Effective Date: 2/14/13 Approved by: BOD**

**Title: PYR 101 PAYROLL DESK PROCEDURE**

**Policy:** To clearly define responsibilities and procedures in processing the organization's payroll and implementation of the online payroll system in accordance with the generally accepted accounting principles.

**Purpose:** To outline and list areas of responsibilities for each group involved in the payroll process.

**Scope:** This applies to all staff of the organization.

**Responsibilities:**

Human Resources is responsible for setup and maintenance of all employee profiles

School Principal is responsible for accurate and timely submission of each site's attendance, extra duties and assignments.

Finance Team is responsible for review, generation and approval of all payroll.

Back-office service provider is responsible for accurate bookkeeping and analysis of payroll expenses.

**Background:** Personnel Cost is usually 70-75% of the organization's total operating expenses. It is vital that the organization administers the payroll process efficiently and in compliance with education codes and requirements.

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**Procedure:**

- **HUMAN RESOURCES**

- Coordinates job postings and complete new hire paperwork, ensures accuracy and completeness of all new hire procedures and collection of paperwork prior to start of work
- Processes termination info and informs Finance Team whenever final checks are needed
- Monitors all credential and other expiration dates
- Ensures accurate employee withholdings/deductions in 3<sup>rd</sup> party payroll system as agreed to by employee

- **EMPLOYEE**

- Signs in and out of automated system each day
- Completes employee profile in online payroll system, which generates deductions and provides required information to HR

- **PRINCIPAL/SUPERVISOR**

- Reviews/approves time and attendance reports and submits to Finance Team to initiate payroll processing
- Enters all supplemental pay in payroll system on or before designated cutoff date
- Submits signed schedule of all approved supplemental pay (i.e. stipends, home visits, Saturday School extra duty) to Finance Team each pay period
- Notifies HR of any new hires, terminations, status or pay changes

- **FINANCE TEAM**

- Confirms approvals from principals/HR prior to generating payroll
- Runs payroll and generates reports for review
- Reviews each payroll register, verifying:
  - Proper pay rate
  - Hourly staff – number of hours per pay period look reasonable
  - Extra pay/stipends are documented, approved and accurate as to amount and funding source
  - Employee retirement deductions are accurate and reasonable
  - STRS members have earnings properly treated in paycheck and correct STRS rates are being used
  - No OASDI withheld for any STRS members
  - Classified staff – PERS members have proper withholdings and OASDI deducted and correct PERS rates are being used

Accounting Policies, Procedures and Forms

- Only PERS or STRS creditable earnings are included in deduction calculations
- Non-PERS classified staff hours are being tracked and any newly eligible PERS members (>1000 hours in a fiscal year) are added as PERS members
- Process payroll, prints registers and files all supporting documentation including but not limited to: STRS/PERS contributions, Other Retirement Contributions, Payroll Tax Reports, Health and Welfare deductions and contributions to service providers
- Processes final paychecks and coordinates with back-office provider for delivery of checks if not processed in-house

• **BACK OFFICE**

- Process ECR for final paychecks if not processed in-house
- Uploads journal entries to record payroll in general ledger each pay period
- Performs analytical procedures on payroll expenses as part of month-end close process

**Revision History:**

<u>Revision</u>	<u>Date</u>	<u>Description of changes</u>	<u>Requested By</u>
<u>0</u>	<u>3/09/17</u>	<u>Initial Release</u>	<u>Nanie Montijo, CFO</u>

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SOP # INV101 Revision: 1

Prepared by: Central Office

Effective Date: 9/5/17

Approved by: BOD

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Title: INV101 FIXED ASSET CONTROL AND LEASES

Policy: Proper control procedures will be followed for all capital asset acquisitions, transfers and dispositions in order to provide internal control of capital equipment and to assist in reporting.

Purpose: To outline the procedures for acquiring, disposing and maintaining control of capital assets. This is particularly important for assets purchased with grant program dollars where the grantee may want the equipment returned at the end of the program.

Scope: This procedure applies to all equipment with a value of \$500 or more and furniture a value of \$5,000 or more.

Responsibilities:

School Principals are responsible and accountable for furniture, equipment, machinery and any other assets in their schools. An automated fixed asset tracking system will be implemented for tracking and tagging assets to be inventoried.

Definitions:

Capitalized Equipment: All furniture and equipment costing \$5,000 or more each should be recorded in the fixed assets inventory system and depreciated annually.

If purchased in bulk over the \$5,000 threshold, these items may also be deemed capitalized. For capital assets that are acquired as a "group purchase" whose individual acquisition cost is less than the \$5,000 threshold, it will be capitalized if the aggregate amount is \$5,000 or above. A "group purchase" is defined as an acquisition of 5 or more units at of the same, identical item being made using a single requisition. In addition, the purchase of the assets serves a specific location or objective. For example, a decision is made to upgrade a computer lab. This will require 10 new computers located in a single area. Individually the computers cost \$1,000; however, the aggregate cost of the 10 computers will be \$10,000. The purchase is capitalized as a group purchase.

Non-Capitalized Equipment: No equipment costing less than \$5,000 each should be depreciated. However, non-capitalized equipment that is motorized, electronic, or computerized should be added to the fixed assets inventory system for fiduciary purposes only so that its existence can be verified during the annual physical inventory process.

Furniture: No furniture items costing less than \$5,000 each should be added to the fixed assets inventory system or depreciated

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Accounting Policies, Procedures and Forms

Procedure:

1.0 ACQUISITIONS

1.1 All purchases of furniture and equipment as defined above must be tagged and included in the inventory listing.

See PUR102 for the procurement process to be followed.

1.2 Any internally constructed or donated equipment will be reported to Finance Team if the item cost has a value of \$5,000 or more. A complete description of the property, date manufactured or received, number of items, cost or estimated value and a statement that it was internally constructed or donated will be included in the report.

1.3 To maintain proper segregation and control upon termination of any employees, any employee owned tools, equipment or furniture brought on the Organization premises will be reported to the School Principal. The report should include the employee's name, description of items, identification numbers, if any, and reason for using the asset.

2.0 DISPOSITIONS

2.1 Assets may be sold or traded-in on new equipment. An example INV103 Ex1 ASSET DISPOSITION form or updating of Excel workbooks is to be completed and approved by the School Principal. Any assets with an original value greater than \$5,000 will also require the Chief Financial Officer's approval.

Upon approval, the school may advertise the property for sale or submit a list to purchasing for sale and disposition. After completion of the sale, an example INV103 Ex2 BILL OF SALE provided below will be issued and the ASSET DISPOSITION form will be submitted to Finance Team who will ensure deletion of the item from the asset records and submit paperwork to back-office provider to record any gain or loss on the disposition.

2.2 Worn-out or obsolete property with no cash value will be reported to Finance Team on the Asset Disposition form with the description, serial number and condition. Finance Team will inspect all worn-out of obsolete property before it is removed from the school and discarded. The asset will then be removed from the asset records.

2.3 Any asset that is missing or has been stolen will be reported in writing to the School Principal and Finance Team as soon as possible. The description, serial number, and other information about the lost item should be included in the report.

Accounting will determine the proper course of action and will notify the company's insurance carrier and any outside authorities if deemed appropriate. If un-recovered, the asset will then be removed from the asset records.

2.4 Inter-school transfers of assets will be reported to Accounting in writing including the description, serial number and the name of the school to receive the property.

The School Principal to whom the item was assigned originally will be held accountable until accounting is notified of the transfer. After being notified, the School Principal acquiring the property assumes responsibility. Accounting will then record the inter- school transfer on the asset records.

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**Deleted:** Proper authorization shall be obtained through the CoolSIS system for all purchases and purchase orders. Documentation of approval should be printed on all Purchase Orders or check requests submitted to Accounting. School Principals may source the vendor for purchase of the capital assets or can submit the request to Purchasing for procurement.

**Deleted:** All purchases above \$5,000 require at least 3 quotes to be obtained. Quotes may be submitted by the requestor or the Purchase Manager can obtain the 3 quotes. The quotes are entered into CoolSIS along with evaluation and selection of the best option by the requestor. The Chief Financial Officer reviews the 3 quotes and forwards the recommendations to the Chief Executive Officer for final review and decision. .

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**3.0 ASSET RECORDS**

**3.1** Upon any asset acquisition, Accounting is responsible for assigning and attaching asset number tags to the property where it can be readily located.

Accounting will then maintain a detailed listing of each fixed asset item which will include the description, date acquired, vendor, cost basis, assigned school and location.  
On an annual basis, accounting will furnish each school a report showing a listing of assets assigned to that school and any acquisitions, disposals and transfers during the past year. Any discrepancies must be communicated to Finance Team by June 30<sup>th</sup> of each year. This report should be filed by the School Principal for reference and later use.

**3.2** A physical count will be taken at each site every two years or as needed.

**3.3** Each school will be responsible for locating assets with its number tag attached that are recorded as assigned to their school whenever requested by Accounting, a county property tax auditor or the company's external auditors.

**3.4** Whenever a change in School Principal occurs, all items should be accounted for by the outgoing School Principal. The incoming School Principal will accept the responsibility and accountability for the school asset listing upon assuming the position. Accounting can assist with this audit if requested.

**4.0 LEASED OR OWNED VEHICLES**

**4.1** The safety and comfort of MERF employees, parents and Board members is of utmost importance. Therefore, MERF has established a policy whereby vehicles, whether leased or purchased, will be retained for a maximum of 100,000 miles or 8 years, whichever is less. The Finance Team will establish a mileage log to ensure vehicles are properly planned and replaced on schedule. Any individual that is assigned a vehicle shall be responsible for maintaining the mileage log and working with the Finance Team in complying with the replacement requirements of this policy.

**4.2** A mileage log will be retained for each vehicle and all users will note the beginning and ending mileage for all trips. This log will be provided to the designated driver upon pickup of keys for use of a vehicle. Under no circumstances may an employee retain the keys or mileage log overnight unless on an authorized, extended trip requiring overnight accommodations. All keys will be returned to the administrative office or central kitchen upon completion of the day's authorized trips.

**4.3** The Finance Team will ensure that all vehicles are taken to an authorized vendor for maintenance and service. All vehicles will receive appropriate oil changes on a minimum 5,000 mile schedule. Tires will be rotated at the same time and tires will be replaced after 50,000 miles (or sooner) if believed to be worn beyond prudent safety levels.

**4.4** The Finance Team will submit RFPs to authorized vehicle dealers and service vendors on an annual basis. All vehicles will be serviced by the same designated vendor(s) for this annual contract period. The only exception will be for vehicles, newly purchased or leased, which provide for free maintenance and service as part of its warranty period or any special arrangements made as part of the purchase or lease of the vehicle.

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4.5 Designated drivers must report any problems or issues identified, upon completion of their daily trip(s), to the Finance Team. A "Vehicle Report" must be completed and submitted to the Finance Team immediately upon return from any trip whereby a problem or issue is suspected or identified.

4.6 If any driver is involved in an accident, whether with another vehicle or not, the driver must complete an Accident Report form and submit the report form to the Finance Team immediately upon return to MERF. A copy of the report form and instructions for submitting the report and "what to do if involved in an accident" are included in the Exhibits section.

5.0 LEASES

5.1 Classification of Leases

It is the policy of MERF to classify all leases in which MERF is a lessee as either capital or operating leases. MERF shall utilize the criteria described in Statements of Financial Accounting Standards No. 13 in determining whether a lease is capital or operating in nature. Under those criteria, a lease shall be treated as a capital lease if, at the time of entering into the lease, any of the following factors are present:

1. The lease transfers ownership to MERF at the end of the lease term;
2. The lease contains a bargain purchase option;
3. The lease term is equal to 75% or more of the estimated economic life of the leased property; or
4. The present value of the minimum lease payments is 90% or more of the fair value of the leased property (using, as the interest rate, the lesser of MERF's incremental borrowing rate or, if known, the lessor's implicit rate).

All leases that do not possess any of the four preceding characteristics shall be treated as operating leases. In addition, all leases that are immaterial in nature shall be accounted for as operating leases.

MERF shall also maintain a control list of all operating and capital leases. This list shall include all relevant lease terms.

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Accounting Policies, Procedures and Forms

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**Revision History:**

Revision	Date	Description of changes	Requested By
0	2/14/13	Initial Release	
1	2/14/17	Revise to clarify process	
2	9/5/17	Revision to clarify processes and positions	

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INV101 Fixed Asset Control and Leases

page 5 of 10

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INV101 Fixed Asset Control and Leases

page 6 of 10

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**INV103 Ex1 ASSET DISPOSITION FORM**

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Date: \_\_\_\_\_

Requested By: \_\_\_\_\_

School: \_\_\_\_\_

Reasons for Disposition: \_\_\_\_\_

Description	Serial Number	Date Purchased	Original Cost	Net Book Value	Expected Or Actual Proceeds	Gain or Loss

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Principal: \_\_\_\_\_ Date: \_\_\_\_\_

Chief Financial Officer: \_\_\_\_\_ Date: \_\_\_\_\_

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**INV103 Ex2 BILL OF SALE**

This Bill of Sale is made on (PURCHASE DATE) between (STORE or COMPANY NAME), a (STATE) Corporation, with its principal place of business at (COMPANY ADDRESS) ("Seller") and (BUYER'S CONTACT INFORMATION), ("Buyer").

In exchange for the payment of (DOLLAR AMOUNT) Dollars that has been received, the Seller sells, assigns and transfers all of its right title and interest in the (ASSET SOLD) (the "Goods").

The Seller warrants that it owns the Goods and that it has the Authority to sell the Goods to the Buyer. The Seller further warrants that the Goods are free and clear of all liens, indebtedness, or liabilities. The Seller also warrants that all of the Goods are in good working condition as of the date transferred.

I have carefully reviewed this Bill of Sale and agree to and accept its terms and conditions. I am executing this Bill of Sale as of the day and year first written above.

Seller:

Buyer:

\_\_\_\_\_  
NAME  
Owner  
COMPANY NAME

\_\_\_\_\_  
NAME

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**SOP # INV102 Revision: 1**  
**Effective Date: 11/12/15**

**Prepared by: Central Office**  
**Approved by: BOD**

**Title: INV102 FIXED ASSET CAPITALIZATION & DEPRECIATION**

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**Policy:** Asset acquisitions with a useful life expectancy of greater than one year and with a minimum threshold amount as specified by the Chief Financial Officer should be capitalized by the Organization and depreciated.

**Purpose:** The purpose of this procedure is to delineate the capitalization and depreciation methods for various asset groups.

**Scope:** All acquisitions of capital assets for the Organization.

**Definitions:** Capitalization - Capitalization is the method chosen to record the purchase of a fixed asset on the Organization's accounting books. If an asset is capitalized then it is not expensed in the same year the asset is purchased. Instead the asset is generally recorded on the balance sheet and individually on an asset schedule. Examples of capital expenditures are purchases of land, buildings, machinery, office equipment, leasehold improvements and vehicles. The asset is expensed each year as depreciation.

Depreciation - is an annual income tax deduction that allows the write-down or write-off of the cost of the asset over its estimated useful life to recover the cost or other basis of certain property over the time the property is used. It is an allowance expense for the wear and tear, age, deterioration, or obsolescence of the property.

As an asset ages and is used by the Organization, its value declines. It, in effect, becomes worth less and less over time. The declining value or usefulness of the asset over time is represented as a discount that is applied to the original purchase price. At the end of the asset's depreciation period, (and/or useful life), its value on the balance sheet will be zero, or fully-depreciated. At the same time, the individual depreciation expenses will have all been recorded on the income statement.

Note: Land is not depreciated because land does not wear out, become obsolete, or get used up. But, the building on the land is depreciated. Land is generally viewed as an appreciating asset while all other capital assets are generally viewed as depreciating over time, with use. But, unlike depreciation, an asset's appreciation is not recorded on the books until the asset is sold, which is when the assets appreciation is realized.

Cost basis - The total amount paid for the asset, in cash or kind, is considered the "cost-basis". This should include all charges relating to the purchase, such as the purchase price, freight charges and installation, if applicable. The cost basis is not the market value or list price of the

asset. It is the total amount invested in the purchase or the total amount paid.

**Procedure:**

**1.0 CAPITALIZATION**

**1.1** All assets with a useful life of greater than one year and costing more than \$5,000 will be capitalized and (except for land) will be recorded in the depreciation records.

Bulk computer, software, and other technology purchases with an aggregate value of \$25,000 or more are captured as capitalized fixed assets regardless of individual price of item.

In addition, remodeling modifications and replacement costs of integral structural components are only capitalized when such costs incurred exceed \$50,000.

Depreciation or amortization is computed on the straight-line basis over the useful lives of the assets.

Any asset that does not meet the above criteria will be expensed such as small tools and equipment or repairs and maintenance.

**1.2** The cost basis of furniture and equipment assets will include all charges relating to the purchase of the asset including the purchase price, freight charges and installation if applicable.

**1.3** Leasehold improvements including painting are to be capitalized if they relate to the occupancy of a new office or a major renovation of an existing office or site. Expenditures incurred in connection with maintaining an existing facility in good working order should be expensed as a repair.

**1.4** The cost of buildings should include all expenditures related directly to its acquisition or construction. This cost includes materials, labor and overhead incurred during construction, and fees, such as attorney's and architect's and building permits.

**1.5** Maintain proper files on the details to all acquisitions, expenditures, and maintenance performed on all assets. These records are vital for proper tax preparation and are used during yearly tax reporting and planning.

**2.0 DEPRECIATION**

**2.1** The depreciation methods/lives for assets must be selected at the time the asset is first placed into service in order to ensure consistent financial reporting and tax compliance.

The Organization uses the straight-line method of depreciation.

The following represents a sample of the useful lives that the Organization may use for financial reporting purposes:

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## Accounting Policies, Procedures and Forms

Asset Class	Examples	Estimated Useful Life in Years
Land		N/A
Site improvements	Paving, flagpoles, retaining walls, sidewalks, fencing, outdoor	20
Buildings		20 - 50
HVAC systems	Heating, ventilation, and air systems	10 - 20
Roofing		20
Interior construction	Leasehold improvements	20 - 25
Carpet replacement		7
Electrical/plumbing		30
Sprinkler/fire system	Fire suppression systems	25
Outdoor equipment	Playground, radio towers, tanks	20
Machinery & tools	Shop & maintenance equipment,	3 - 15
Custodial equipment	Floor scrubbers, vacuums, other	7 - 15
Furniture & accessories	Classroom & other furniture	10 - 20
Business machines	Fax, duplicating & printing	3 - 10
Copiers		3 - 10
Communication equipment	Mobile, portable radios	3 - 7
Computer hardware	PCs, printers, network hardware	3 - 5
Computer software	Instructional, other short-term	5 to 10
Computer software	Administrative or long-term	10 to 20
Audio visual equipment	Projectors, cameras (still & digital)	5 - 10
Athletic equipment	Wrestling mats, weight machines	7 - 10
Library books	Collections	5 to 7
Licensed vehicles	Buses, other on-road vehicles	5 - 10

- 2.2 The lowest life permitted by tax regulations for asset classes should be selected to optimize depreciation deductions.
- 2.3 Regardless of the depreciation rate required an Organization can elect to use a different method for financial statement purposes. Such method should be justified based on the expected useful life of the asset.
- 2.4 Depreciation will be recorded in the accounting system at the end of the fiscal year.

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**Revision History:**

Revision	Date	Description of changes	Requested By
0	2/14/13	Initial Release	
1	11/12/15	Revision of capitalization policy relating to technology aggregate purchases	Oswaldo Diaz, CFO
<u>2</u>	<u>9/5/17</u>	<u>Revision to clarify processes and positions</u>	

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Accounting Policies,  
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Depreciation

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INV102 Fixed Asset  
Capitalization &

**SOP # IVT101**

**Revisions: 0**

**Effective Date:**  
**6/14/17**

**Prepared by: Central Office**

**Approved by: BOD**

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**Title: IVT101 INVESTMENTS**

**Policy:** This policy establishes procedures to govern the investment of funds held by Magnolia Public Schools ("MPS" or the "Charter School"). This policy is based upon federal, state and local laws and regulations, and prudent money practices. To the extent that this policy conflicts with state or federal law, the applicable law shall prevail.

**Purpose:** MPS' primary investment objective shall be to maintain the safety and liquidity of its funds. Safety of principal is the foremost objective of MPS. The primary objectives of MPS investment activities shall be, in order of priority:

1. **Safety.** The safety of principal is the foremost objective of MPS's investment program. MPS's investments shall be undertaken in a manner that shall preserve MPS's capital.
2. **Liquidity.** MPS's secondary objective shall be to meet its liquidity needs. The investment portfolio shall maintain sufficient liquidity to enable MPS to meet necessary cash flow and operating requirements which might be reasonably anticipated.
3. **Yield.** The investment portfolio shall be designed with the objective of attaining a market rate of return over the course of budgetary and economic cycles, taking into account the investment risk, constraints and the cash flow characteristics of the portfolio.
4. **Maintaining the Public's Trust.** The investment officers shall seek to act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence while conforming to all applicable statutes and regulations governing the investment of public funds.
5. **Mitigating Credit Risk and Market Risk.** Credit risk shall be mitigated by diversifying the fund among issues and issuers so that the failure of any one issue or issuer would not result in a significant loss of income or principal to participants. Because longer-term securities generally have greater market risk than shorter-term securities, market risk will be mitigated by establishing a maximum weighted average maturity or duration for the portfolio. Occasional market losses on individual securities are inevitable with active portfolio management and must be considered within the context of the overall investment return.

**Scope:** It is recommended that MPS mirror the intent of California Education Code Section 41015, and invest all or part of funds deposited in a Special Reserve Fund, or any surplus monies not required for the immediate necessities of MPS in any of the investments specified in California Government Code Sections 16430 or 53601. Special Reserve Funds are hereby defined as those funds, which the Board has designated for capital outlay, or other purposes, where an accumulation over a period of fiscal years is desired.

MPS shall make investments following the guidelines of the Uniform Prudent Investor Act. (Probate Code Section 16045, et seq.)

This Policy covers all funds and investment activities under the direct authority of MPS. The proceeds obtained from the issuance of bonds shall be invested in accordance with the applicable bond documents. If the bond documents are silent as to the investment of the proceeds, the bond proceeds will be invested in the securities permitted by this Policy.

#### COMPLIANCE WITH STATE AND FEDERAL SECURITIES LAWS

MPS will take reasonable steps to ensure that any debt offering issued by MPS complies fully with all applicable state and federal securities laws. In connection with all debt offerings issued by MPS, MPS will retain bond counsel and disclosure counsel to review the offering materials prepared in connection with the debt offering to ensure that disclosures contained in offering materials comply with federal and state securities laws. MPS has implemented procedures to ensure MPS maintains compliance with continuing disclosure requirements. The Chief Executive Officer shall be responsible for reviewing the offering materials regarding the accuracy of information disclosed in such materials.

#### CHANGES TO INVESTMENT POLICY

This Policy will be reviewed, as needed, to ensure its consistency with the objectives of income, growth and safety, and changes in applicable laws and financial trends. Any proposed amendments to the Investment Policy will require approval by the MPS Board of Directors. This Policy and modifications to it must be approved by the Board of Directors at a public meeting.

#### COMPLIANCE WITH INVESTMENT POLICY

All outside investment advisors/managers, attorneys and other financial professionals employed or retained by MPS and/or its representatives, including without limitation financial advisors, underwriters, bond counsel, and disclosure counsel, must review this policy and confirm that they have reviewed this Investment Policy and will fully comply with these policies.

### **Responsibilities:**

#### DELEGATION OF AUTHORITY

Management responsibility for the investment program is hereby delegated by the Board of Directors to the CEO and the Oversight Committee, as deemed appropriate or necessary, who shall thereafter assume full responsibility for those transactions until the delegation of authority is revoked. The Board of Directors may review and renew the delegation of authority each year. The CEO may delegate the day-to-day operations of investing to his/her designee(s) but not the responsibility for the overall investment program. The CEO and/or his/her designee(s) shall make all investment decisions and transactions in strict accordance with state law and with this Policy.

If authorized by the Board of Directors, the CEO and Oversight Committee may utilize an external investment advisor to assist with investment decision-making and trade execution authority. The investment advisor shall be under the

supervision of the approved Oversight Committee and shall follow this Policy and such other written instructions as are provided.

The CEO, his/her designee(s) and/or Oversight Committee, acting in accordance with written procedures and policies and exercising due diligence, shall be relieved of personal liability for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments.

The Board of Directors shall ensure that its fiduciary responsibilities concerning the proper management of MPS' funds are fulfilled through appropriate investment structure, internal and external management, consistent with all policies and procedures. Based on the advice and recommendations of the CEO and Oversight Committee.

The CEO and Oversight Committee are not held liable for less than desirable outcomes, rather, they are responsible only for adherence to procedure and processes. The CEO and Oversight Committee is responsible for the development, recommendations, implementation and maintenance of all investment policies.

## **Procedure:**

### INTERNAL CONTROLS

The CEO and Oversight Committee shall establish a system of written internal controls to regulate MPS's investment activities, including the activities of any subordinate officials acting on behalf of MPS. Procedures should include references to individuals authorized to execute transactions or transfers, safeguard agreements, (including repurchase agreements, wire transfer agreements, collateral/depository agreements), and banking services contracts, as appropriate. As part of the annual audit, MPS's external auditor will perform a review of investment transactions to verify compliance with policies and procedures. The Oversight Committee will sign off on internal control procedures as appropriate.

The controls shall be designed to prevent loss of public funds due to fraud, employee error, and misrepresentation by third parties, unanticipated market changes or imprudent actions by employees of the Charter School. The Charter School shall seek to maintain a debt burden factor of 1 - 2% of the Charter School's unrestricted general fund revenues.

### AUTHORIZED FINANCIAL INSTITUTIONS AND DEALERS

It shall be MPS' policy to purchase securities only from authorized institutions and firms. The CEO and Oversight Committee shall maintain a list of authorized broker/dealers and financial institutions that are approved for investment purposes. MPS shall use at least one authorized broker/dealer to advise MPS on investments.

No deposit of public funds shall be made except in a qualified public depository as established by state laws. If an external investment advisor is authorized to conduct investment transactions on behalf of MPS, the investment advisor may use its own list of approved broker/dealers and financial institutions for investment purposes consistent with MPS' policies and existing laws.

For broker/dealers of government securities and other investments, MPS shall select only broker/dealers who are licensed and in good standing with the California Department of Securities, the Securities and Exchange Commission, the Financial Industry Regulatory Authority and/or other applicable self-regulatory organizations. Any permitted investment shall be purchased either from a "primary" or regional broker/dealer qualifying under SEC Rule 15c3-1 (uniform net capital rule) or a "well capitalized" financial institution, as defined in Title 12 of the Code of Federal Regulations ("CFR") Part 6.4.

Before engaging in investment transactions with a broker/dealer, the CEO and Oversight Committee shall have received from said firm a signed Certification Form. This form shall attest that the individual responsible for MPS's account has reviewed MPS's Investment Policy and that the firm understands the policy and intends to present investment recommendations and transactions to MPS that are appropriate under the terms and conditions of this Investment Policy. Any broker, brokerage, dealer or securities firm that has made a contribution to the Charter School, any member of the Board of Directors, or any candidate for those offices is ineligible for selection by the Charter School.

#### AUTHORIZED AND SUITABLE INVESTMENTS

In making any decision relative to the investment of funds, each of the following factors must be considered, and properly documented:

1. General economic conditions.
2. Expected tax consequences, if any, of investment decisions or strategies.
3. Expected total return from the income and appreciation of investments.
4. Other resources of the organization.
5. The needs of the organization and the fund to make distributions and preserve capital.

#### INVESTMENT TYPE DESCRIPTIONS

Investments not specifically listed below are prohibited. Consistent with the requirements of law and this Investment Policy, the Charter School may place orders for the execution of transactions with or through such broker/dealers, banks or counterparties as may be selected from time to time. All securities must be U.S. dollar denominated. To the extent consistent with the objectives stated above, the investment restrictions outlined below, and the investment limitations specified herein, the Charter School may invest in the following areas.

**State and Local Agencies.** Registered treasury notes or bonds of this or any of the other forty- nine United States, including bonds payable solely out of the revenues from a revenue-producing property owned, controlled, or operated by a state or by a department, Board of Directors, agency, or authority of this state or any of the other forty-nine United States.

Bonds, notes, warrants, or other evidences of indebtedness of any local agency within this state (including MPS), including bonds payable solely out of the revenues from a revenue- producing property owned, controlled, or operated by the local agency, or by a department, Board of Directors, agency, or authority of the local agency.

**United States Treasury Issues.** United States Treasury notes, bonds, bills, or certificates of indebtedness, or those for which the faith and credit of the United States are pledged for the payment of principal and interest.

**U.S. Agencies (Federal Agency Obligations).** Federal Agency or United States government- sponsored enterprise obligations, participations, or other instruments, including those issued by or fully guaranteed as to principal and interest by federal agencies or United States government- sponsored enterprises.

**Supranationals.** Supranational organizations are international financial institutions that are generally established by agreements among nations, with member nations contributing capital and participating in management. Supranational bonds finance economic and infrastructure development and support environmental protection, poverty reduction, and renewable energy around the globe. MPS may purchase the United States dollar denominated senior unsecured unsubordinated obligations issued or unconditionally guaranteed by the International Bank for Reconstruction and Development, International Finance Corporation, or Inter- American Development Bank.

**Bankers' Acceptances.** Bankers' acceptances otherwise known as bills of exchange or time drafts that are drawn on and accepted by a commercial bank. Purchases of bankers' acceptances may not exceed 180 days maturity. Eligible bankers' acceptances are restricted to issuing financial institutions with short-term debt rating of at least "A-1," or its equivalent, by a nationally recognized statistical rating organization (NRSRO) or a long-term rating of not less than "A" from a NRSRO.

**Commercial Paper.** Commercial paper rated the highest ranking or of the highest letter and number rating as provided for by a NRSRO. Eligible commercial paper shall be of 'prime' quality of the highest ranking. The commercial paper shall not exceed 270 days maturity. The entity that issues the commercial paper shall meet all of the following conditions in either paragraph (a) or paragraph (b):

- a) Has total assets in excess of five hundred million dollars (\$500,000,000), is organized and operating within the United States as a general corporation, and has debt other than commercial paper, if any, that is rated "A" or higher by a NRSRO.
- b) Is organized in the United States as a special purpose corporation, trust, or limited liability company, has program-wide credit enhancements including, but not limited to overcollateralization, letters of credit or a surety bond, has commercial paper that is rated "A-1" or higher, or the equivalent, by a NRSRO.

Split ratings (i.e. A2/P1) are not allowed.

**Placement Service Deposit.** Deposits placed through a deposit placement service shall meet the requirements under Government Code Section 53601.8. The full amount of the principal and the interest that may be accrued during the maximum term of each deposit shall at all times be insured by federal deposit insurance.

**Negotiable Certificates of Deposit.** Negotiable certificates of deposit (NCDs) issued by a nationally or state-chartered bank, a savings association or a federal association, a state or federal credit union, or by a federally licensed or state-licensed branch of a foreign bank. Purchases are limited to institutions which have long-term debt rated at least in the "A" category, or its equivalent, by a NRSRO, and/or have short-term debt rated at least "A-1," or its equivalent, by a NRSRO. NCDs may not exceed 5 years in maturity. In combination with

placement service CDs, a maximum of 30 percent of the portfolio may be invested in this category. The amount invested in NCDs with any one financial institution in combination with any other securities from that financial institution shall not exceed ten percent of the portfolio. Quarterly, the Charter School will monitor custodial credit risk and report the outcome to the Board of Directors. All deposits are to be in FDIC insured institutions and will be reviewed as to the nature and extent of its present compliance with regulations, federal regulatory requirements, profitability/loss trend, liquidity and capital ratios.

**Repurchase Agreements.** Investments in repurchase agreements for the purpose of this Investment Policy Statement (as defined by section 53601(j) of the California Government Code) means a purchase of securities by the Charter School pursuant to an agreement by which the seller will repurchase the securities on or before a specified date and for a specified amount and will deliver the underlying securities to the Charter School by book entry, physical delivery, or by third party custodial agreement. Repurchase agreements are to be used as short-term investments not to exceed one year. The following collateral restrictions will be observed: Only United States Treasury securities or Federal Agency securities will be acceptable collateral. All securities underlying repurchase agreements must be delivered to MPS's custodian bank or be handled under a properly executed tri-party repurchase agreement. The total market value of all collateral for each repurchase agreement must equal or exceed 102% of the total dollar value of the money invested by MPS for the term of the investment.

Repurchase agreements are required to be collateralized by securities or cash authorized under California Government Code Section 53601(j)(2). Collateral will be held by an independent third party with whom the Charter School has a current custodial agreement. A clearly marked evidence of ownership (safekeeping/custody receipt) must be supplied to the Charter School and retained. The Charter School retains the right to substitute or grant substitutions of collateral. Investments in repurchase agreements may be collateralized by any securities authorized within this section. Agreements are subject to California Government Code Section 53601 and must comply with the delivery requirements and the maturity provision from Section 53601.

**Medium-Term Notes.** Medium-term notes defined as all corporate and depository institution debt securities with a maximum remaining maturity of five years or less, issued by corporations organized and operating within the United States or by depository institutions licensed by the United States or any state and operating within the United States. Purchases are limited to securities rated at least in the "A" category, or its equivalent, by a NRSRO.

**Money Market Funds.** Shares of beneficial interest issued by diversified management companies that are money market funds registered with the Securities and Exchange Commission that invests solely in U.S. Treasuries and Federal Agency obligations and repurchase agreements relating to such obligations

**Mutual Funds.** Shares of beneficial interest issued by diversified management companies that invest solely in securities and obligations authorized by this policy. The company shall have met either of the following criteria: (A) Attained the highest ranking or the highest letter and numerical rating provided by not less than two NRSROs, (B) Retained an investment adviser registered or exempt from registration with the Securities and Exchange Commission with not less than 5 years of experience managing money market mutual funds with assets under management in excess of five hundred million dollars

(\$500,000,000).

**Local Government Investment Pools Joint Powers Authority (LGIP JPA.)**

Shares of beneficial interest issued by a joint powers authority organized pursuant to Government Code Section 6509.7. To be eligible for purchase, the pool must meet the requirements of California Government Code Section 53601(p), the pool must seek to maintain a stable Net Asset Value ("NAV"), and the pool must be rated at least "AAA," or its equivalent, by a NRSRO.

**Mortgage- and Asset-Backed Securities.** Any mortgage pass-through security, collateralized mortgage obligation, mortgage-backed or other pay-through bond, equipment lease-backed certificate, consumer receivable pass-through certificate, or consumer receivable-backed bond of a maximum of five years' maturity. Securities eligible for investment under this subdivision shall be issued by an issuer having at least an "A" rating, or its equivalent, for the issuer's debt as provided by a NRSRO and rated at least "AA", or its equivalent, by a NRSRO.

**SAFEKEEPING AND CUSTODY**

All deliverable security transactions entered into by MPS shall be conducted on a delivery- versus-payment (DVP) basis. To protect against potential losses by collapse of individual securities dealers, and to enhance access to securities, interest payments and maturity proceeds, all securities owned by MPS shall be held in safekeeping by a third party bank trust department, acting as agent for MPS under the terms of a custody agreement executed by the bank and by MPS. The only exception to the foregoing shall be depository accounts and securities purchases made with: (i) LAIF and government investment pools and, (ii) money market funds, since the purchased investments are not deliverable. Evidence of each these investments will be held by MPS.

**MAXIMUM MATURITIES**

The CEO and Oversight Committee shall maintain a system to monitor and forecast revenues and expenditures so that funds can be invested to the fullest extent possible. Maturities of investments will be selected to provide necessary liquidity, manage interest rate risk, and optimize earnings. Because of inherent difficulties in accurately forecasting cash flow requirements, a portion of the portfolio should be continuously invested in readily available funds.

The maximum maturity of individual investments shall not exceed the limits set forth in the Authorized and Suitable Investments section. If the section does not specify a maturity limit, no investment shall have a remaining maturity in excess of five years from the date of purchase unless MPS has granted its express authority to make that investment either specifically or as a part of an investment program no less than three months prior to the investment.

**INVESTMENT RESTRICTIONS**

**Credit Ratings**

Credit ratings will be applied at the time of purchase of a security. A subsequent downgrade in a security's credit rating will not constitute a violation of the Investment Policy. Securities which are downgraded below the minimum acceptable rating levels must be reviewed for possible sale within a reasonable amount of time.



U.S. Government obligations are exempt from the credit rating requirements listed below.

The credit ratings referred to below must be assigned by one of the following NRSROs: Standard & Poor’s Corporation (“S&P”), Moody’s Investors Service, Inc. (“Moody’s”), and Fitch Ratings (“Fitch”).

a) Short-term debt ratings – (two of the following and not less than the following) “A-1” or “SP-1” (S&P); “P-1” or “MIG 1/VMIG 1 (Moody’s); or “F1” (Fitch) Ratings.

Split ratings are not allowed, i.e. A-1/P-1/F2 or similar. An issuer of short-term debt must have no less than an “A” rating on long-term debt.

b) Long-term debt ratings – Investments purchased with remaining maturities of 397 days or less- shall be rated by at least two NRSROs and have obtained no less than an “A” rating by any.

Investments purchased with remaining maturities longer than 397 days– shall be rated by at least two NRSROs and have obtained no less than an “AA” rating by any. If an issuer of long-term debt has a short-term rating, then it may not be less than A-1/SP-1 or P-1/MIG1 or F1.

c) Repurchase Agreement counterparties shall have a minimum short-term rating, or counterparty rating, of no less than A-1 or equivalent by two NRSROs and have capital of not less than \$500 million.

d) Any issuer that has been placed on “Credit Watch-Negative” by a NRSRO will be removed from our approved list unless the following criteria are met: The issuer has (a) an A-1+ or F1+ short-term rating; or (b) at least an AA or Aa2 long-term rating.

DIVERSIFICATION AND MATURITY RESTRICTIONS

It is the policy of the Charter School to diversify its funds. Investments are diversified to minimize the risk of loss resulting in over concentration of assets in a specific maturity, specific issuer, or a specific class of securities. Diversification strategies shall be established by the Charter School and periodically reviewed.

**1. Authorized Investments**

The following diversification limits will be applied at the time of purchase of a security.

<b><u>Type of Investment</u></b>	<b><u>Cal. Gov. Code % of Funds Permitted</u></b>	<b><u>Cal Gov. Code Maximum Final Maturity</u></b>
<u>U.S. Treasury Securities</u>	<u>100%</u>	<u>5 Years</u>
<u>U.S. Government Agency Securities</u>	<u>100%</u>	<u>5 Years</u>
<u>Municipal Debt</u>	<u>100%</u>	<u>5 Years</u>
<u>Medium-Term Notes</u>	<u>30%</u>	<u>5 Years</u>

<u>Bankers Acceptances</u>	<u>40%, 30% of a single issuer</u>	<u>180 Days</u>
<u>Commercial Paper</u>	<u>40%, 10% of a single issuer</u>	<u>270 Days</u>
<u>Negotiable Certificates of Deposits</u>	<u>30%</u>	<u>5 Years</u>
<u>Repurchase Agreements</u>	<u>100%</u>	<u>1 Year</u>
<u>Mutual Funds</u>	<u>20%, 10% in a single fund</u>	<u>N/A</u>
<u>Investment Pools</u>	<u>100%</u>	<u>N/A</u>

## 2. Maturity

The maximum maturity of any investment purchased will be five years with the exception of investments authorized by the Board of Directors to be invested in longer than five year maturities. For purposes of calculating final maturity, the earlier of final maturity date or mandatory put or tender option date will be used.

### PROHIBITED TRANSACTIONS

At the time of purchase, all permitted investments shall conform in all respects with this Investment Policy, as may be amended from time to time. No investment prohibited by California Government Code shall be permitted herein.

Any investment transactions, credit risk criterion, percentage limitations or market valuation that are not in compliance with this Investment Policy and cannot be corrected without penalty at time of purchase must be documented and approved by the Charter School in writing as soon as possible. Thereafter, action shall be taken by the Charter School to correct such matter as soon as practical. If a percentage restriction is adhered to at the time of purchase, a later increase or decrease in percentage resulting from a change in values or assets will not constitute a violation of that restriction.

The following transactions are prohibited:

- a) Borrowing for investment purposes (“Leverage”).
- b) Reverse Repurchase Agreements, as defined by California Government Code Section 53601(j)(3) and (j)(4) or otherwise.
- c) Structured Notes (e.g. inverse floaters, leveraged floaters, structured certificates of deposit, equity-linked securities, event-linked securities). This includes all floating-rate, adjustable-rate or variable-rate securities in which a change in interest rates or other variables that can reasonably be foreseen to occur during their term would result in their market value not returning to par at the time of each interest rate adjustment.

Simple “floating rate notes,” whose periodic coupon adjustment is based on a short-term (one-year or less) rate index (such as Treasury bills, federal funds, prime rate or LIBOR) and which have a reasonable expectation of maintaining a value of par at each interest rate adjustment through final maturity, are exempt from this definition. Additionally, U.S. Treasury and Agency zero coupon bonds, U.S. Treasury and Agency strips, Resolution Funding Corporation (“REFCORP”) strips or other callable securities which otherwise meet the quality, maturity and percent limitations assigned to their respective security category, are exempt from

this section.

d) Structured Investment Vehicles (“SIV”).

e) Derivatives (e.g. options, futures, swaps, swap options, spreads, straddles, caps, floors, collars) shall be prohibited.

ETHICS AND CONFLICT OF INTEREST

The Charter School and all persons involved in the investment process shall refrain from personal business activity which could create a conflict with proper execution of the investment program, or which could impair the ability to execute impartial investment decisions. The Charter School and all treasury and investment personnel shall disclose to the Board of Directors any material financial interests in financial institutions, broker dealers and vendors (“outside entities”) and shall disclose any material financial investment positions in such outside entities.

PERFORMANCE STANDARDS

The investment portfolio shall be designed with the objective of obtaining a market rate of return throughout budgetary and economic cycles, commensurate with the investment risk constraints and the cash flow needs, but focusing on preservation of capital and then liquidity as the most important objectives, with yield as the least important objective.

The Charter School’s investment strategy is to actively manage the portfolios to create less risk than a benchmark comparable index and to use economies of scale to invest and administer the program at a reasonable cost. Given this strategy, the basis used by the Charter School to determine whether market yields are being achieved shall be the indices most comparable to the fund, such as money rate data published in Barron’s, The Wall Street Journal, Bloomberg, etc. or other bond fund indices. The standards enumerated herein do not constitute a guarantee of the fund’s performance.

**Revision History:**

<u>Revision</u>	<u>Date</u>	<u>Description of changes</u>	<u>Requested By</u>
	<u>3/09/17</u>	<u>Initial Release</u>	
	<u>6/14/17</u>	<u>Legal review and revision</u>	

SOP # REV101 Revision: 2

Prepared by: Central Office

Effective Date: 9/5/17

Approved by: BOD

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Title: REV101 SALES RECEIPT PROCESSING

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Policy: To ensure the most accurate process for billing for services, sales receipts will be properly evaluated and approved prior to entry into the accounting system.

Purpose: This procedure outlines the activities and responsibilities involved in verifying the acceptability of all sales receipts.

Scope: These procedures are to be followed for all sales receipts.

Responsibilities:

Back-office provider approves sales receipt documentation.

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Procedure:

1.0 DOCUMENT VERIFICATION

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1.1 Sales Receipts are often used for Parenting Fees and other similar fees. Verify that all of the correct documents have been used and are present to support the sales receipt transaction. The following documents are required to complete the Sales Receipt transaction:

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- Document identifying what the money collected is for
- Approval or authorized signature for the course
- Customer, parent, or other correspondence or support documentation, etc
- Complete the Back-office provider Deposit Log

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1.2 Verify that all required information is available to complete the sales receipt.

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1.3 Review the customer's Accounts Receivable aging and determine that the customer is current with their payments and that the new sales receipt will not affect their balance.

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**Revision History:**

Revision	Date	Description of changes	Requested By
0	2/14/13	Initial Release	
1	11/12/15	Inclusion of <u>back-office provider service</u> provider process	Oswaldo Diaz, CFO
2	9/5/17	<u>Revision to clarify processes and positions</u>	

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SOP # REV102 Revision: 2  
Effective Date: 9/5/17

Prepared by: Central Office  
Approved by: BOD

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Title: REV102 INVOICING, ACCOUNTS RECEIVABLE,  
RECEIVABLE ACCRUALS

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Policy: The Finance Department is responsible for the timely preparation and distribution of invoices to optimize cash flow and customer payments. The Finance Department with the support of Back-office provider will also maintain accurate records over Accounts Receivables and Accruals and abide by proper internal controls.

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Purpose: To explain the methods for the preparation of invoices, accounts receivable, and receivable accruals records processing.

Scope: This procedure applies to all revenue earned and services provided by the company.

Procedure:

1.0 SALES RECEIPT REVIEW

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1.1 A formal invoice is not always applicable such as when service fees are collected for items such as Parenting.

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1.2 The SALES RECEIPT should contain all pertinent billing information as part of the company's sales receipt procedure. However, as part of proper internal control, Billing will verify the information contained on the customer's sales receipt documentation.

As part of this review process, the propriety and accuracy of contact information, prices, description of services, extensions and footings will be determined.

2.0 INVOICE PREPARATION AND POSTING

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2.1 The next sequentially numbered Invoice (see example REV102 Ex1 INVOICE) will be prepared from the information from the Federal, State, or Local Grant or Contract Language including all reimbursable costs and will include the invoice date, service item, description of services or billing information, quantity, rate, class or program code, price and extended amounts and the customer's billing addresses.

2.2 Post the invoice by saving the transaction.

3.0 DISTRIBUTION

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3.1 Send one copy of the invoice to the customer and retain a second copy of the invoice in the customer file.

4.0 ACCOUNTS RECEIVABLE

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4.1 Accounts Receivable will receive and process payments from customers in accordance with the CASH RECEIPTS procedure.

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Accounting Policies, Procedures and Forms

- 4.2 On a monthly basis, Accounts Receivable will generate an aged trial balance of customers' accounts with individual invoice information and days outstanding and will forward to Finance Manager and Chief Financial Officer for their follow up on any aged invoices.
- 4.3 Accounts Receivable will generate monthly statements of outstanding customers' accounts and issue them to customers no later than 10 days after each month end.
- 4.4 Accounts Receivable will issue Credit Memos to customers upon receipt of approved changes in the terms.
- 5.0 **RECEIVABLE ACCRUALS**
- 5.1 Monthly receivable accruals are at the discretion of the Chief Financial Officer and the Finance Manager when those amounts are reasonably known and quantifiable. Fiscal year end receivable accruals are required to be quantified and recorded no later than August 15<sup>th</sup>.

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**Revision History:**

Revision	Date	Description of changes	Requested By
0	2/14/13	Initial Release	
1	11/12/15	Inclusion of back office service provider	Oswaldo Diaz , CFO

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Accounting Policies, Procedures and Forms

**REV102 Ex1 INVOICE**

INVOICE NO. \_\_\_\_\_

CUSTOMER:

Item	Description	Qty	Rate	Class	Amount
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**Total**

REV102 Invoicing, Accounts Receivable, Receivable Accruals page 3 of 6

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**REV102 Ex 2 ACCOUNTS  
RECEIVABLE WRITE-OFF  
AUTHORIZATION**

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Customer:

Date:

**Invoice No's:**

**Amount of Write-Off**

TOTAL

\$

**JUSTIFICATION**

**Summary of Collection Actions To Date:**

(Include brief description of collection actions taken by accounting, other Company departments and outside collection agency or legal, if applicable)

Approvals:

Credit Manager: \_\_\_\_\_

Date: \_\_\_\_\_

Controller: \_\_\_\_\_

Date: \_\_\_\_\_

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REV102 Invoicing, Accounts Receivable, Receivable Accruals

page 6 of 6

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SOP # REV103 Revision: 2  
Effective Date: 9/5/17

Prepared by: Central Office  
Approved by: BOD

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**Title: REV103 PROJECT(Grant/Contract) REVENUE: PROGRESS BILLING**

**Policy:** Progress billings will be made to clients on a timely basis throughout the life of the project. Projects are typically considered Federal, State, and Local Grant contracts. These billings will be accurate and easily understood by both parties involved.

**Purpose:** The purpose for creating progress billings is to obtain payment for the portion of labor and materials, i.e. "reimbursed costs" used up to a certain point in time and before the project is fully completed. This improves the cash flow typical of long-term projects or assignments. This procedure applies to all Federal, State, and Local Grants and Contracts, Service agreements or Projects provided by the Organization.

**Scope:** This procedure applies to all service agreements or projects provided by the Organization.

**Responsibilities:**

The Finance Department is responsible for the confirmation of all final program amounts and is responsible for knowing the correct procedures to be followed for each contract.

**Procedure:**

**1.0 CONTRACT TYPES**

**1.1 Reimbursement for Services.** Progress billing for Reimbursement for Services contracts requires Finance teams to be up to date and monitor the services being provided according to the terms of each contract. The Finance team will enter into the reimbursement request the allowable costs that may be billed according to the contract. From time to time and at the end of the contract, the Chief Financial Officer reviews the billings of the contract and ensures that all available opportunities to recover reimbursable costs have been considered.

**1.2 Set Contracts.** Set contracts such as with the individual charter schools involve reimbursement for costs such as building rental and an allowance for the amount of apportionment attendance earned. Although the contract is set by terms of the contract, since student attendance can vary, the invoicing for these types of contracts is the same amount throughout the fiscal year and reconciled at the end of the year to account for the final attendance counts.

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**2.0 BREAKDOWN OF CONTRACT AMOUNT**

**2.1** The Finance Department with the support of Back-office provider is responsible for the final reconciliation of all grant and other contracts at the end of the year by reviewing final billings prepared by the Finance team and/or the School Principal. Normally, the contractual agreement will specify the procedures for payment and may also specify the form of the breakdown of contract amount that is required. Care should be taken to be sure that all costs, services, and fees are fully billed and accounted for in each contract.

**Revision History:**

Revision	Date	Description of changes	Requested By
0	2/14/13	Initial Release	
1	11/12/15	Inclusion of <u>back-office provider</u> provider and revision of responsibilities.	Oswaldo Diaz, CFO
2	9/5/17	<u>Revision to clarify processes and positions</u>	

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SOP # REV104 Revision: 1

Prepared by: Central Office

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Effective Date: 9/5/17

Approved by: BOD

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Title: REV104 ACCOUNT COLLECTIONS

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Policy: All open accounts receivable with late or delinquent payment activity will be handled in a timely and effective manner to ensure maximum collections and an optimum accounts receivable turnover ratio.

Purpose: To provide the actions and methods for processing late or delinquent payments.

Scope: This procedure applies to the Accounts Receivable Department involved with collection of past due accounts receivable. The Finance team and the Chief Financial Officer may be involved in reference special arrangements.

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Responsibilities:

The Finance team reviews all records for a customer to determine a possible explanation for non-payment prior to commencing the collection process.

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Definition: Bad Debt consists of unpaid accounts receivable invoices that are considered to be uncollectible.

Debt collector is any person who regularly collects debts owed to others. This includes attorneys who collect debts on a regular basis.

Procedure:

1.0 COLLECTION PROCESS

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1.1 No matter how careful customers are screened prior to credit approval, slow pay or delinquent accounts will occur from time to time. Once an account becomes past due by even a few days, the collection process should commence immediately. Studies have shown that the sooner the collection process starts then the more likely that the debt will be collected.

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1.2 Prior to commencing the collection process, the following should be reviewed by the assigned Finance team:

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- Verify that after the Invoice was immediately sent out for all billings to the customer and sent to the correct billing address.
- Make certain that the Organization has not received the customer's payment or applied it to the wrong account. These seem obvious, but it can avoid an uncomfortable situation in wrongly accusing the customer of delinquent payments.

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Accounting Policies, Procedures and Forms

- Review the customer's past payment activity. Determine if they are chronically late and what their response has been to any other overdue notices to determine payment patterns or trends.

1.3 Upon review of the above, the Accounts Receivable Representative should then proceed with the collection process by completing an REV104 Ex1 ACCOUNT COLLECTION CONTROL Form. This form will assist in planning and tracking the collection effort. Depending on the amount and the customer situation, the representative can choose to follow-up with collection letters, telephone calls or both.

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Record all actions taken (late payment notice, telephone call, etc.) with a date on an ACCOUNT COLLECTION CONTROL Form filed in the customer folder. All customer agreements and explanations should be noted. If payment has not reached the Organization by the expected date, immediate follow-up action should be taken with another collection call or letter. The longer an overdue account is ignored, the longer the customer will ignore it, too.

1.4 Telephone communication will often speed up the collection process. Credit representatives, when speaking with a delinquent account, should observe a few tips or principles.

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- Identify yourself and the Organization and state the reason for calling. Be direct and use a controlled, confident voice. Concentrate on listening to the customer and don't rush through the call.

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- Get the Facts - The most powerful tool is knowledge. During the phone conversation, try to gain as much insight into the situation as possible. Remember, the goals and objectives are to:

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Collect the money!

Identify reasons for non-payment

Settle on an agreement for clearing the debt, including special payment plans and exact dates when a check will be sent.

- Never argue, accuse or be condescending - Verbally fighting or talking down to the customer will only serve to produce negative feelings and may hamper the collection effort. The ultimate purpose is to secure payment, and this is best accomplished without becoming defensive or irritated.

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- There are several common objections, complaints and excuses used to elude payment. Study the following examples to learn the most effective responses to the most frequently used ploys.

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**"I didn't get the invoice."** - Respond by verifying the debtor's name and address, and then review the account information with them.

**"The check is in the mail."** - Extend your thanks, then ask for a check number, amount, date posted and address to which it was mailed.

Accounting Policies, Procedures and Forms

**"Your payment is being processed."** - Ask when the payment will be ready for the mail. Determine the process that the payment undergoes after it leaves your contact's desk.

**"I need proof of delivery."** - Give the customer the name of the person who signed the delivery slip.

**"The computer is down."** - When do you expect it to be up? Can we get a manual payment?

**"I'll pay you when we get paid."** - Respond calmly, but make a direct request for payment, such as "When can I expect payment?"

**"I have no money"** - Create a payment plan. Be flexible and consider alternatives offered by the customer. Work toward making the plan acceptable to both of you.

1.5 Many people find it difficult to confront customers regarding delinquent payments. Just keep in mind that it is the customer, who should feel uncomfortable in this situation.

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1.6 If customers stop paying, their phone has been disconnected, and you cannot find them, consider using these resources to locate these debtors and their assets:

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- City directories
- Post office (for a forwarding address)
- A customer's employer
- Department of motor vehicle license and registration records
- "In case of emergency" contact, references or closest relatives listed on a credit application
- Old files and correspondence
- The Internet (i.e. <http://www.isleuth.com/peop.html>)
- Skip-tracing services or private investigator
- Credit bureau reports
- Neighbors
- Directory assistance

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**2.0 SERIOUSLY DELINQUENT OR UNRESPONSIVE ACCOUNTS**

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2.1 When an account becomes more than 60 days past due, the immediate target of securing prompt payment should take on a greater sense of urgency. The Finance Manager should review the account with Accounts Receivable to determine if the customer's business is valued.

If their business is valued, the following strategies may be used to collect payment:

- Restrict any further credit until the past due amount is paid in full.
- Withhold services already entered into. The harsh reality of having a MERF customer have to move from a MERF location or find a new provider often can spur a delinquent account into action.

2.2 If all other avenues for collection of the account have been exhausted, the Finance Manager, after consulting with the Chief Financial Officer, may want to consider and authorize the use of an outside collection agency.

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2.3 All uncollectible accounts will be reviewed by the Finance Manager for disposition.

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**3.0 WORKING WITH COLLECTION AGENCIES**

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3.1 Collect all material records for the debt in question and send them to the collection agency. The agency will require a copy of the invoice, proof of delivery, and/or any other correspondence that may help them collect the debt.

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3.2 Record the date the debt was sent to collections in the accounts receivable file.

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3.3 If payments are received after the debt has been sent to collections, then notify the collection agency immediately in order to stop any further collection efforts. The agency will take their fee for any debt that has been collected once it has been registered by the agency.

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3.4 If all other avenues for collection of the account have been exhausted, the Organization should consider further legal action.

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**4.1 WRITING OFF UNCOLLECTED DEBT**

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4.2 Write-off any debts remaining uncollected or that are returned from the collection agency and record as a bad debt expense and deduct from accounts receivable.

4.3 If any payments are received after being written-off from accounts receivable, then receive them in as income in the period received.

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4.4 If bad debt is a recurring problem then consider setting up a reserve account or allowance for bad debt at the beginning of the year.

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References:

**A. FAIR DEBT COLLECTION PRACTICES ACT (FDCP)**

The FDCP requires that debt collectors treat consumers fairly and prohibits certain methods of debt collection. Personal, family, and household debts are covered under the Act. This includes money owed for the purchase of an automobile, for medical care, or for charge accounts. Business debt is not included.

Debt collectors may not 1) harass, oppress, or abuse the debtor or any third parties they contact. 2) Use any false or misleading statements when collecting a debt.

For example, debt collectors may not:

- Use threats of violence or harm;
- Publish a list of consumers who refuse to pay their debts (except to a credit bureau);
- Use obscene or profane language; or
- Repeatedly use the telephone to annoy someone;
- Falsely imply that they are attorneys or government representatives;
- Falsely imply that the debtor may have committed a crime;
- Falsely represent that they operate or work for a credit bureau;
- Misrepresent the amount of the debtor's debt;
- Indicate that papers being sent to the debtor are legal forms when they are not;
- Indicate that papers being sent to the debtor are not legal forms when they are;
- Give false credit information about the debtor to anyone, including a credit bureau;
- Send the debtor anything that looks like an official document from a court or government agency when it is not;
- Use a false name;
- Collect any amount greater than the debtor's debt, unless the debtor's state law permits such a charge;
- Deposit a post-dated check prematurely;
- Use deception to make the debtor accept collect calls or pay for telegrams;
- Take or threaten to take the debtor's property unless this can be done legally.
- Contact the debtor by postcard;
- Say the debtor will be arrested if they do not pay the debt;
- Say they will seize, garnish, attach, or sell the debtor's property or wages, unless the collection agency or creditor intends to do so, and it is legal to do so.

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Accounting Policies, Procedures and Forms

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- Say they will take actions, such as a lawsuit against the debtor, when such action legally may not be taken, or when they do not intend to take such action.

**Revision History:**

Revision	Date	Description of changes	Requested By
0	2/14/13	Initial Release	
<u>1</u>	<u>9/5/17</u>	<u>Revision to clarify processes and positions</u>	

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**REV104 Ex1 ACCOUNT COLLECTION CONTROL FORM**

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Account Name: \_\_\_\_\_ Date \_\_\_\_\_ Customer Reply or Action \_\_\_\_\_

Taken \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Contact(s): \_\_\_\_\_

Telephone #'s: \_\_\_\_\_  
\_\_\_\_\_

Payment Terms: \_\_\_\_\_

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

<u>Invoice</u>	<u>Date Due</u>	<u>Amount</u>	<u>Date Paid</u>	<u>Running Total Due</u>
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Accounting Policies and Procedures

SOP # REV105 Revision: 2  
Effective Date: 9/5/17

Prepared by: Central Office  
Approved by: BOD

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Title: REV105 REVENUE RECOGNITION - GRANTS AND CONTRIBUTIONS

**Policy:** The Organization receives revenue from several types of transactions. It is the policy of the Organization to separate and recognize revenue from grants and contributions separately in the financial statements of the Organization and to comply with all current Federal and California rules regarding solicitation and collection of charitable contributions.

**Purpose:** To provide a separate accounting of grant and contribution income.

**Scope:** This procedure applies to all grant and contribution income.

**Responsibilities:**

Chief Financial Officer and the Finance Department direct the separate accounting for grant revenue and contributions received.

Back-office provider ensures that grant and contribution revenues are separately tracked within the accounting system.

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**Definition:**

**Contribution** - An unconditional transfer of cash or other assets to the Organization, or a settlement or cancellation of the Organization's liabilities, in a voluntary nonreciprocal transfer by another entity acting other than as an owner.

**Restriction** - A donor-imposed stipulation that specifies a use for the contributed asset that is more specific than broad limits resulting from the nature of the Organization, the environment in which it operates, and the purposes specified in the Organization's articles of incorporation and bylaws. Restrictions on the Organization's use of an asset may be temporary or permanent.

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**Condition** - A donor-imposed stipulation that specifies a future and uncertain event whose occurrence or failure to occur gives the promisor a right of return of the assets it has transferred to the Organization or releases the promisor from its obligation to transfer its assets.

**Nonreciprocal Transfer** - A transaction in which an entity incurs a liability or transfers assets to the Organization without directly receiving value from the Organization in exchange.

**Promise to Give** - A written or oral agreement to contribute cash or other assets to the Organization.

**Exchange Transaction** - A reciprocal transaction in which the Organization and another entity each receive and sacrifice something of approximately equal value

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**Procedure:**

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**1.0 GRANT AND CONTRIBUTION REVENUE RECOGNITION**

**1.1 Grant income** – Recognized as income when received, based on incurrence of allowable costs (for cost-reimbursement awards) or based on other terms of the award (for fixed price, unit-of-service, and other types of awards). The types of grant income typically received by the Organization are:

- (a) Education payments for MERF Charter services.
- (b) Various Federal, State, and Local grants and contracts.
- (c) Other types of grant income may be received from time to time.

At year-end, grant income that has been incurred but not yet received are accrued to conform with generally accepted accounting principles.

**1.2 Contributions** - Recognized as income when received, unless accompanied by restrictions or conditions (see the next section on contribution income).

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**1.3 CONTRIBUTIONS RECEIVED**

**A. Distinguishing Contributions from Exchange Transactions**

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The Organization may receive income in the form of contributions, revenue from exchange transactions, and income from activities with characteristics of both contributions and exchange transactions. The Organization shall consider the following criteria, and any other relevant factors, in determining whether income will be accounted for as contribution income, exchange transaction revenue, or both:

1. The Organization's intent in soliciting the asset, as stated in the accompanying materials;
2. The expressed intent of the entity providing resources to the Organization (i.e. does the resource provider state its intent is to support the Organization's programs or that it anticipates specified benefits in exchange?);

Accounting Policies and Procedures

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3. Whether the method of delivery of the asset is specified by the resource provider (exchange transaction) or is at the discretion of the Organization (contribution);
4. Whether payment received by the Organization is determined by the resource provider (contribution) or is equal to the value of the assets/services provided by the Organization, or the cost of those assets plus a markup (exchange transaction);
5. Whether there are provisions for penalties (due to nonperformance) beyond the amount of payment (exchange transaction) or whether penalties are limited to the delivery of assets already produced and return of unspent funds (contribution); and
6. Whether assets are to be delivered by the Organization to individuals or other than the resource provider (contribution) or whether they are delivered directly to the resource provider or to individuals or the Organization is closely connected to the resource provider.

**B. Accounting for Contributions**

The Organization shall recognize contribution income in the period in which the Organization receives restricted or unrestricted assets in nonreciprocal transfers, or unconditional promises of future nonreciprocal asset transfers, from donors.

Contribution income shall be classified as increases in unrestricted, temporarily restricted, or permanently restricted net assets based on the existence or absence of such restrictions. See REV107 Restricted Funds for more details.

Unconditional promises to give shall be recorded as assets and increases in temporarily restricted net assets (contribution income) of the Organization in the period that the Organization receives evidence that a promise to support the Organization has been made. Unconditional promises to give that are to be collected within one year shall be recorded at their face value, less any reserve for uncollectible promises, as estimated by management. Unconditional promises to give that are collectible over time periods in excess of one year shall be recorded at their discounted net present value. Accretion of discount on such promises to give shall be recorded as contribution income in each period leading up to the due date of the promise to give. The interest rate that shall be used in calculating net present values of unconditional promises to give is the risk-free rate of return available to the Organization at the time the Organization receives a promise from a donor.

When the final time or use restriction associated with a contributed asset has been met, a reclassification between temporarily restricted and unrestricted net assets shall be recorded.



Accounting Policies and Procedures

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When it receives support in the form of volunteer labor, the Organization shall record contribution income and assets or expenses if one of the following two criteria is met:

1. The contributed service creates or enhances a nonfinancial asset (such as a building or equipment), or
2. The contributed service possesses all three of the following characteristics:
  - a. It is the type of service that would typically need to be purchased by the Organization if it had not been contributed,
  - b. It requires specialized skills (i.e. formal training in a trade or profession), and
  - c. It is provided by an individual possessing those specialized skills.

Contributed services that meet one of the two preceding criteria shall be recorded at the fair market value of the service rendered.

**C. Receipts and Disclosures**

The Organization and its donors are subject to certain disclosure and reporting requirements imposed under the Internal Revenue Code and its underlying regulations. To comply with those rules, the Organization shall adhere to the following guidelines with respect to contributions received by the Organization.

For any separate contribution received by the Organization, it shall provide a receipt to the donor. The receipt shall be prepared by the School Principal. All receipts prepared by the Organization shall include the following information:

1. The amount of cash received and/or a description (but not an assessment of the value) of any noncash property received;
2. A statement of whether the Organization provided any goods or services to the donor in consideration, in whole or in part, for any of the cash or property received by the Organization from the donor, and
3. If any goods or services were provided to the donor by the Organization, a description and good faith estimate of the value of those goods or services.

Accounting Policies and Procedures

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**Revision History:**

Revision	Date	Description of changes	Requested By
0	2/14/13	Initial Release	
1	11/12/15	Change in responsibilities	Oswaldo Diaz, CFO
<u>2</u>	<u>9/5/17</u>	<u>Revision to clarify processes and positions</u>	

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SOP # REV106 Revision: 2 Prepared by: Central Office  
Effective Date: 9/5/17 Approved by: BOD

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Title: REV106 GIFTS-IN-KIND

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Policy: MERF may accept contributions of goods or services that can be used to advance the mission of MERF and/or any of its schools or may be converted readily into cash. When accepting a gift-in-kind, the receiver must ask the donor to complete as an example REV106 Ex1 GIFT-IN-KIND FORM. Once the donor has completed the form, the receiver must sign the form and send it immediately to the central office for processing.

Purpose: To ensure that Gift-In-Kind transactions are handled in accordance with IRS guidelines and are properly recorded.

Scope: All Gift-In-Kind transactions.

Responsibilities:

Receiver is responsible for assessing the gift for usefulness to the Organization.

School Principal is responsible for handling donor documentation.

The Financial Analysts are responsible for assessing value of gift and informing Back-office provider so that it can be recorded into the accounting system.

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Definition: **Gifts-In-Kind** - Transactions categorized as a voluntary contribution of goods or services that can be used to advance the mission of MERF or can be readily converted to cash and may qualify as a charitable deduction for the person(s) making the gift.

Contributed services cannot be counted as a gift and do not qualify as a charitable tax deduction to the donor. However, a donor of services may be able to deduct expenses incurred while performing said services. In such cases, the donor should be advised to consult with a tax accountant.

Background: The IRS has specific regulations regarding gifts-in-kind. This policy outlines the process an employee of MERF should follow when presented with a gift-in-kind. It limits the liability that may inadvertently be assumed by placing value on gifts or by accepting a gift that does not advance the mission of MERF or cannot be readily converted to cash. It further assures that a donor will receive timely acknowledgement of his/her contribution.

Procedure:

1.0 RECEIPT OF GIFT

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1.1 When presented with a potential gift-in-kind, an individual must assess if the gift can be used to advance the mission of MERF or could be readily converted to cash. If there is any question as to whether the contribution meets either of these

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criteria, the individual should contact his/her immediate supervisor or the central office.

- 1.2 If the gift is accepted, the individual should offer an immediate and sincere expression of gratitude. At that time, the donor should be given a Gift-In-Kind form and be encouraged to complete the form at that time. If the donor is unable or unwilling to complete the form, the receiver may complete the form, write "N/A" as the estimated fair market value, and enter that the form was completed by him/her in the note section in the lower right hand corner.

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The individual accepting the gift cannot offer tax advice or dictate the value of the contribution. It is the responsibility of the donor to determine the fair market value of the contribution. **Note:** the value is for MERF internal gift reporting and accounting only; the donor's receipt and/or acknowledgement will not indicate value in any way that could be construed as an endorsement of its value.

- 1.3 If the item is personal property of the donor and is valued at more than \$5,000, the donor must obtain a certified appraisal. The appraisal cannot be dated more than 60 days from the date of the donation. It must be prepared, signed and dated by a qualified appraiser. Federal law requires that the donor pay for the appraisal. (The cost of the appraisal is also tax deductible). This value will be used for gift reporting purposes only.

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**What constitutes a qualified appraisal:**

- I. Appraiser must hold himself or herself out to the public as an appraiser and state credentials showing that he or she is qualified to appraise the type of property being valued.
- II. Appraiser must value the property no more than 60 days before the date of gift; it can be done after the gift has been accepted by the MERF.
- III. Appraiser cannot be (1) the donor, (2) the donee (MERF), (3) any party to the transaction, (4) an appraiser used regularly by (1), (2) or (3), or anyone employed or related to (1),(2), or (3).

The appraisal must contain the following information:

1. A description of the item
2. Its physical condition
3. The date (or expected date) of the contribution
4. Name, address and tax ID number of the appraiser
5. Qualifications of the appraiser including his/her background, experience and education
6. A statement that the appraisal was prepared for income tax purposes
7. Date the item was valued
8. Appraised fair market value of the item
9. Method of valuation (income approach; market data approach; replacement cost minus depreciation approach.)
10. Appraiser must complete Part IV of Section B on form 8283

- 1.4 The individual accepting the gift will sign and date the Gift-In-Kind form only after the donor has irrevocably turned over the gift-in-kind. Once signed, the

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Accounting Policies, Procedures and Forms

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form should be turned over to the School Principal immediately for processing and acknowledgement.

- 1.5 The School Principal will notify the Finance team of the contribution. The Finance team will then provide necessary information to Back-office provider so that it can be assigned as an asset or income to the appropriate school or to the central office.

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2.0 COMPLIANCE

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- 2.1 The IRS allows an individual to deduct the full fair market value of a donated item if it is kept by MERF and used for one of its tax-exempt purposes. If the item is to be converted to cash, then the donor may claim a deduction of the cost value or the fair market value, whichever is less. **It is the sole responsibility of the donor to determine the value of a contributed item; the receiver cannot assign a value to the donated item(s).**

- 2.2 Upon receipt of a gift-in-kind, MERF will issue an acknowledgement to the donor along with a copy of the Gift-In-Kind form. The acknowledgement will contain only a description of the contribution and will not include a statement as to the value of the contribution. It will further contain a statement as to what, if any, goods or services were given in exchange for the contribution. MERF cannot issue an acknowledgement for contributions that cannot be used or readily converted to cash.

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- 2.3 For gifts with values exceeding \$5,000, the donor must complete all parts of IRS form 8283 and submit the form to MERF for signature. The School Principal, the Chief Financial Officer and the Chief Executive Officer are the only individuals authorized to sign 8283 forms.

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If MERF has signed an IRS form 8283 and then sells, exchanges or otherwise transfers the gift within two years from the date of gift, the central office must file a donee information return, IRS form 8282, within 125 days of disposing the property. MERF will advise the donor if such a transaction occurs as it may affect the charitable tax deduction for which they qualify.

**Revision History:**

Revision	Date	Description of changes	Requested By
0	2/14/13	Initial Release	
1	11/12/15	Inclusion of <u>back-office provider service</u> provider process	Oswaldo Diaz, CFO
<u>2</u>	<u>9/5/17</u>	<u>Revision to clarify processes and positions</u>	

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Accounting Policies and Procedures

REV106 Ex1 GIFT-IN-KIND CONTRIBUTION FORM

Date: \_\_\_\_\_

Event Name (if applicable): \_\_\_\_\_

Donor Information:

Donor Name \_\_\_\_\_

Contact Person \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Daytime phone \_\_\_\_\_ E-mail Address \_\_\_\_\_

Gift Description: \_\_\_\_\_

Estimated fair market value (by donor): \$ \_\_\_\_\_

Special instructions (e.g., item delivery or pick up, restrictions, etc.):

Please return this form to:

Finance Department  
Ph  
one: (714)892-5066 13950  
Milton Ave. Fax:  
(714)362-9588  
Suite 200B  
Westminster, CA 92683

Per IRS regulations, any item you value over \$500 requires IRS Form 8283; any item you value over \$5,000 requires Form 8283 and a written appraisal.

*This form does not serve as a receipt for this contribution, but is intended for our internal record keeping purposes only. A receipt describing the items or merchandise donated will be mailed to the address supplied above. Magnolia Educational & Research Foundation is unable to include the estimated value on the donor receipt. It is the responsibility of the donor to substantiate the fair market value for his/her own tax purposes. The donation of services, although very valuable and much appreciated, is generally not considered tax deductible by the IRS. Please consult with your tax advisor to determine the tax implications of your gift.*

PUR106 Accounts Payable

page 5 of 6

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Accounting Policies, Procedures and Forms

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SOP # REV107 Revision: 2  
Effective Date: 9/5/17

Prepared by: Central Office  
Approved by: BOD

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Title: REV107 RESTRICTED FUNDS

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Policy: To properly record and track funds with restrictions in order to ensure the donor's intended uses are met, assist with cash flow planning purposes, and to stay within compliance with laws relating to use of restricted funds.

Purpose: Generally accepted accounting principles require the Organization to classify funds based on the restrictions provided by the donor. These classifications may be unrestricted, temporarily restricted or permanently restricted. Donor restrictions should be in writing, to ensure proper treatment.

Scope: This procedure applies to funds received that are classified as temporarily or permanently restricted.

Responsibilities:

Back-office provider is responsible for recording restricted donations and releases from restrictions properly in the accounting system. Back-office provider is also responsible for periodic reconciliation of restricted asset totals and monitoring restrictions to determine whether they have been met.

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Chief Financial Officer is responsible for monitoring of restrictions and determining whether fulfilling restrictions can be viable for the Organization.

Definition:

Unrestricted Net Assets - net assets whose use is not restricted by donors, even though their use may be limited in other respects, such as by board designation.

Pledges receivable are considered to be temporarily restricted because of an inference that uncollected amounts are intended for future periods.

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Temporarily Restricted Net Assets - net assets whose use are limited by donors to either a specified purpose or a later date.

Permanently Restricted Net Assets - net assets whose use are restricted in perpetuity, such as endowments.

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Procedure:

1.0 RESTRICTED FUNDS

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1.1 At the time revenue is earned by the Organization, the Financial Analysts with the support of Back-office provider will review any related documentation associated with the revenue to determine whether there are any restrictions on the money.  
Examples

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of restrictions are individual donations given with the intent of supporting a particular program or campaign, a grant received to operate a specific program or project, and donations received to hold in perpetuity. This information can be found on the award letter or on the financial instrument itself. If the revenue is determined to contain restrictions, Back-office provider will record in a separate class in the accounting system to keep separate from unrestricted funds.

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**1.2 Temporarily Restricted Funds** – These funds will be monitored for satisfaction of donor restrictions on a regular basis. Once stipulations are met, they are reclassified from temporarily restricted funds to unrestricted funds regardless of when the related expenses will occur. This is known as “net assets released from restrictions.”

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**1.3 Permanently Restricted Funds** – These funds are restricted by the donor for a designated purpose or time restriction that will never expire. The intent is that the principle balance of the contribution will remain as an investment forever, and the Organization will utilize the interest and investment returns, such as with an endowment.

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## **2.0 ACCOUNTING FOR RESTRICTED FUNDS**

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**2.1** In addition to the obligation to its donors, the Organization is bound by law to spend contributed dollars as designated. If a condition on restricted funding has not been fulfilled and the money has been spent, the donor can demand that the funds be returned, pursue legal action, or contact the Office of the Attorney General. It is of the utmost importance that donor restricted funds are handled properly.

**2.2** Do not budget to spend money unavailable to Organization. When planning and budgeting, be mindful of any and all of the time and activity restrictions present on restricted funds. Understand how restrictions will impact cash flow and availability of funds.

**2.3** Educate staff and board members who are accountable for the Organization’s financial decisions so that they fully understand funding restrictions. Know when the restrictions are satisfied and how to release the funds from restriction.

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**2.4** When analyzing financial reports, pay close attention to unrestricted funds and, unless you are making decisions regarding programming for which the funds have been restricted, avoid basing decisions on restricted funds. Try to focus your attention on the “Unrestricted” amounts. Formatting financial report with columns that delineate unrestricted and restricted funds can be very helpful.

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**2.5** Most restrictions on funds directly relate to the grant or fundraising request. When researching and applying for grants, be aware of any challenges that potential restrictions could present to the Organization.

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**2.6** Fundraising letters and appeals can inadvertently place restrictions on donations. Be certain that managers and donors understand the purpose of contributed dollars and understand if restrictions are present. Also, be certain that staff charged with fundraising understand that appeals can lead to restricted gifts.

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Accounting Policies, Procedures and Forms

2.7 Work with staff to understand the true cost of programming. Allocate all direct costs associated with a program. These allocations help to prepare more accurate budgets for grants and fundraising appeals, and better utilize contributions restricted to specific programs to ease the pressure on limited general operating dollars.

**Revision History:**

Revision	Date	Description of changes	Requested By
0	2/14/13	Initial Release	
1	11/12/15	Change in responsibilities	Oswaldo Diaz, CFO
<u>2</u>	<u>9/5/17</u>	<u>Revision to clarify processes and positions</u>	

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SOP # PUR101 Revision: 2  
Effective Date: 9/5/17

Prepared by: Central Office  
Approved by: BOD

Title: PUR101 VENDOR SELECTION

Policy: To ensure the performance capabilities of all vendors and maintain the internal controls of over the purchasing functions, vendor selection , quality control , and certain procedural requirements.

Purpose: To provide the methods for determining, documenting and, when applicable, inspecting vendors for compliance with Organization policies and contract purchasing requirements.

Purchased products and services should conform to specified requirements. This starts with selection of appropriate suppliers, consultants, and contractors that have the capability and systems to supply products, materials and services to satisfy Organization requirements. Suppliers and consultants are controlled to the extent necessary based on the effect of the purchased items and services on the quality of the Organization’s products and services.

Scope: This procedure applies to all vendors of products, materials, and services that directly affect the quality of the Organization’s products and services.

Responsibilities:

The Board of Directors shall have authority to approve all contracts including budgeted and non-budgeted items over \$25,000.

Chief Executive Officer shall have authority to approve all contracts up to and including the amount \$25,000 for all budgeted and non-budgeted amounts.

School Principal is responsible for initial supplier, contractor, and consultant (Collectively the “Supplier”) identification and for collection of business information related to the potential supplier. School Principal shall have the ability to approve purchases up to and including the amount of \$5,000.

All MPS Chief Executive Team Members are responsible for approving contracts up to \$10,000 that are within the approved budget.

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▼ Accounting Policies, Procedures and Forms

**Procedure:**

**1.0 VENDOR SELECTION**

- 1.1** New vendors are to be evaluated using the following criteria:
- Pricing: competitive pricing is one component of the evaluation and may be out weighed by other factors. Pricing alone will not be a deciding factor unless all else is equal.
  - Parts availability and shipping time frame.
  - Performance capability (i.e., financial status, sufficient facilities, capability of equipment and employees, professional licenses, years of experience).
  - Internal Quality Assurance program: Contractors undergo PEER Review, hold additional licenses, are given preference.
  - Reference checks.
  - Warranty information if applicable.
  - Whether the vendor is debarred from receiving State and/or Federal funds

- 1.2** Ongoing evaluation of suppliers:
- On-Time Delivery, 100% on time expected (0 days early, 0 days late)
  - Quality: (Items (or lots) rejected/Total items (or lots) received) X 100. Ratings less than 95% require corrective action. Exceptions to the 95% Corrective Action requirement may be given where the total quantity of items or lots received is small and at the Controller's discretion.

**1.3** Qualified vendors will be maintained on an Approved Vendor List for purchasing. The approved list can be as simple as those vendors that are retained as "active" in the accounting system.

**2.0 VENDOR INSPECTIONS**

- 2.1** For critical components that the Organization desires to rely on the quality assurance of the vendor to reduce receiving inspection or testing requirements such as with high end computer parts, an on-sight vendor inspection may be performed and approved.
- 2.2** The Controller will coordinate with the Purchase Agent to plan, arrange and designate staff for all vendor inspections when considered necessary by the Chief Financial Officer.

**3.0 VENDOR FILES**

**3.1** A vendor file will be prepared and maintained for all vendors on the Approved Vendor List, which will be used for significant or on-going purchasing. The vendor files will be kept alphabetically and should include the following:

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Accounting Policies, Procedures and Forms

- IRS W-9 Taxpayer Identification Certificate (a PDF download is available at: <http://www.irs.gov/pub/irs-pdf/fw9.pdf>)
- Resale certificates (only required for those that resell their purchases)
- Legal contracts, dealer or marketing agreements, etc.
- Long-term blanket purchase order commitments
- Proof of insurance
- Any other relevant correspondence or documentation

3.2 Form 1099 must be filed at year-end for the proper reporting of income to certain vendors. To determine whether or not one needs to be filed, all non-merchandise vendors should complete an IRS W-9 Request for Taxpayer Identification Number Certificate. A copy can be obtained via the IRS website ([www.IRS.gov](http://www.IRS.gov)) or by contacting the local IRS office. The vendor indicates on the form the reporting status. Note: Incorporated vendors do not receive 1099s.

This applies to all contractors for service (repair person, accountant, consultant, etc) who are NOT incorporated, and to all lawyers, regardless of incorporation. It is important to make this determination before engaging the contractor so that all payments can be properly tracked for 1099 reporting purposes at the inception.

**Revision History:**

Revision	Date	Description of changes	Requested By
0	2/14/13	Initial Release	
1	2/16/15	Segregation of Duties	Oswaldo Diaz, CFO
2	9/5/17	Revision to clarify processes and positions	

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SOP # PUR102 Revision: 3

Prepared by: Central Office

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Effective Date: 9/5/17

Approved by: BOD

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Title: PUR102 GENERAL PURCHASING

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Policy: All purchases of goods and services shall be consistent with the Board-approved budget. The investment in supplies and capital equipment will be facilitated through the Purchasing Department, maintained at the lowest effective level and supervised consistent with a common set of procedures and controls as required by all regulatory and customer contract requirements.

Purpose: To outline the actions to be taken for 1) the procurement of supplies and capital equipment, 2) the completion of related documents.

Scope: This procedure applies to the purchase of all supplies and capital equipment for all departments within the Organization.

Responsibilities:

All personnel that require a product or service must complete a request in Purchasing Software specifying items for purchase and obtain required approvals.

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Chief Financial Officer and the Finance Department are responsible for using good purchasing methods, optimizing price savings, quality or value of products, vendor working relationships, placing orders with approved suppliers, negotiating pricing with suppliers, and forwarding all paperwork to Back-office provider accounts payable for payment.

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Back-office provider accounts payable is responsible for payment of invoices only after satisfactory completion or delivery of goods or services has been made.

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The School Site Personnel and Other Designated Individuals are responsible for receiving, inspecting materials, and forwarding all paperwork to a designated agent at Back-office provider.

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Procedure:

1.0 ORDER DETERMINATION AND REQUISITION

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1.1 Purchasing should obtain the optimal price for any purchases. All purchases above \$5,000 require at least 3 quotes to be obtained. Quotes may be submitted by the requestor, Controller or the Purchase Manager can obtain the 3 quotes. The quotes are entered into Purchasing Software, along with evaluation and selection of the best option by the requestor. The Chief Financial Officer reviews the 3 quotes and forwards the recommendations to the Chief Executive Officer for final review and decision.

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1.2 For purchases of goods and supplies, a request in the Purchasing Software, will be prepared by the originating individual or department. The Purchasing Software, request should be completed.

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Accounting Policies, Procedures and Forms

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and approved with the following items and any additional supporting documentation:

- Complete description with part or model numbers and link to website if available
- Engineering drawings and specifications
- Type, Class, Grade required
- Quantity required
- Date required
- Requesting department, account code, and allowance/resource code
- Recommended vendor or source if applicable
- Other requirements
- Special shipping requirements
- Special inspection requirements upon receipt

For the following purchases, additional information is required:

- Textbooks – Full ISBN
- Airline tickets - passenger(s) legal name(s), date of birth, gender, departure/arrival airport codes and exact dates
- Vehicle rentals - vehicle type, exact dates and exact pick up/drop off locations

1.3 If the requisition is for subcontracted services:

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- A complete description of the service to be performed
- Engineering drawings and specifications if appropriate
- Requirements for qualification of personnel
- Other documents such as insurance forms, etc.
- Quality standards to be applied

1.4 Purchasing/Accounting will analyze terms, vendor, pricing, quantity breaks, etc., and will order accordingly in the Organization's best interest. Purchasing will notify the requester of any material variances prior to placement of the order.

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1.5 Reimbursements for purchases made by staff will be processed upon proper authorization through the Purchasing Software.

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2.0 ORDER PLACEMENT

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2.1 Requestor is responsible for completing a purchase order form for all orders. This can be processed through the Purchasing Software. Purchase orders are exempted for items such as salaries and related costs, utilities, and instate travel, or where a contract exists.

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## Accounting Policies, Procedures and Forms

- 2.2 If there are any requirements for items to be inspected at the supplier's or the Organization's premises by the Organization or our customer, the arrangements and method of product release shall be included in the purchasing information.
- 2.4 Buyers must review their purchase orders for accuracy. The buyer submits their authorization through [the Purchasing Software](#), indicating the review was performed.
- 2.5 Orders can be placed with the vendor either by telephone, fax, internet or mail. When placing orders by telephone, the vendor contact and date of order should be noted and a confirming copy of the order sent to the vendor. Pre-approval for any purchase is always required.
- 2.6 Purchasing is responsible for communicating with those receiving the supplies, following-up on shipping, delivery, and expediting and partial shipments of ordered items. Purchasing can either telephone vendors or use a PUR102 Ex1 PURCHASE ORDER FOLLOW-UP form to verify, trace or expedite orders.

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**3.0 RECORDKEEPING AND MATCHING**

- 3.1 When Purchase Orders are issued, the Purchasing and Accounting copies will be placed in an Open File until the items are received. The Open File should be reviewed on a weekly basis to determine whether any orders need follow up.
- 3.2 Items will be received in accordance with procedure PUR103 RECEIVING AND INSPECTION. The completed vendor's packing list is kept at the site where the shipment was received.
- 3.4 For partial shipments, a note will be made in [the Purchasing Software](#) to identify the shipment as partially received. The original Purchase Order will be kept in the open file until all items are received.

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**Revision History:**

Revision	Date	Description of changes	Requested By
0	2/14/13	Initial Release	
1	2/13/15	Segregation of duties and limits	Oswaldo Diaz, CFO
2	11/12/15	Inclusion of <a href="#">back-office provider service</a> provider processes	Oswaldo Diaz, CFO
3	9/5/17	<a href="#">Revision to clarify processes and positions</a>	

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Accounting Policies, Procedures and Forms

PUR102 Ex1 PURCHASE ORDER FOLLOW-UP

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To:

Date: \_\_\_\_\_

**Please rush a reply to us by fax or telephone on the information requested below. Thank you.**

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Our Purchase Order #: \_\_\_\_\_

From:

Dated: \_\_\_\_\_

**Please Respond To Our Request As Indicated Below**

Can you ship in accordance with our requested date? \_\_\_\_\_

Please review attached and confirm accuracy of all information and prices. Acknowledge

These items are not taxable. Our Tax Exempt No. is \_\_\_\_\_  
Please revise

Incorrect calculations on invoice noted. See attached and verify.  
below. invoice.

**Comments or Reply:** \_\_\_\_\_

PUR102 General Purchasing

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SOP # PUR103 Revision: 2

Prepared by: Central Office

Effective Date: 9/5/17

Approved by: BOD

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TITLE: PUR103 RECEIVING AND INSPECTION

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Policy: All parts, components, goods and materials will be received in an organized manner and inspected for conformance prior to stocking or use in order to provide an initial quality control inspection. Any items or shipments rejected will be properly quarantined from other inventory items until disposition.

Purpose: This procedure outlines the steps for the receiving and inspection of materials, components, or parts and the disposition of rejected items.

Scope: This procedure applies to the receipt of all purchases.

Responsibilities:

Anyone Performing the Receiving Function are responsible for receiving, inspecting materials, filing receiving documents at site, and marking purchase order as received.

Purchasing is responsible for accepting or rejecting damaged goods. Back-office provider is responsible for payment of invoices.

The Finance Department will review and authorize all rejections.

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Procedure:

1.0 RECEIVING

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1.1 A "receiver" is any form used to record the specific types and counts of product or materials received. Usually, the receiver is provided by the vendor and is not part of the Organization's system at all.

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An example of this would be a detailed packing slip, furnished by the vendor with the shipment. The packing slip should be kept at the school site.

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All incoming product or materials are to be counted and reconciled with what was originally purchased. Discrepancies must be recorded.

1.2 All incoming shipments must be examined for apparent package damage. If the shipment has apparent damage, notify Purchasing/Accounting immediately. Purchasing will decide to either accept or reject the shipment from the carrier and/or file a freight claim.

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1.3 If the shipment shows no signs of damage or the Purchase Manager or School Site Principal or designee has decided to accept a damaged shipment, count the shipping pieces (i.e., packages, boxes but not the contents; see Inspection below) and confirm with the bill of lading and note any exceptions (i.e., package damage or shortages).

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**2.0 INSPECTION**

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- 2.1 At the receiving holding area, each shipment should be unpacked and all items piece counted and matched to the packing list. If a packing list is not available, complete as an example PUR103 Ex1 RECEIVING AND INSPECTION REPORT.
- 2.2 The shipment will then be inspected for conformance according to the inspection level required for each part number (see PUR103 Ex3 INVENTORY INSPECTION LEVELS). If multiple part number classes are included in the shipment, each class will be segregated and inspected accordingly.
- 2.3 Any previously undiscovered damage to individual inventory items should be noted on the inspection report and immediately followed up with the vendor.

**3.0 REJECTION, DISCREPANCIES AND DISPOSITION**

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- 3.1 Any count discrepancies will be noted on the packing list or as an example PUR103 Ex2 RECEIVING AND INSPECTION REPORT, signed and forwarded to Purchasing. Purchasing will then follow-up with the vendor to resolve the shipping discrepancy.
  - 3.2 If there is a non-conformance discrepancy, the suspect goods will be red-tagged and separated (quarantined) from other parts and immediately placed in a separate holding area for disposition.
  - 3.3 If only partial goods in the shipment are of non-conformance, the accepted goods should be noted on the paperwork and stocked or placed in use per above procedure.
  - 3.4 Complete as an example PUR103 Ex2 RECEIVING AND INSPECTION REPORT for any rejected parts. Accounting will review and authorize all rejections and complete Part II of the report.
  - 3.5 Goods found to be in conformance or suitable for their intended use and accepted by Accounting will have the red tag removed and be returned to the receiving area or location the product is needed for use. Accounting will note on the report the justification for any accepted parts and forward the report along with the packing list to the Purchase Manager.
- Goods rejected by Accounting will continue to be quarantined and red tagged until disposed. Purchasing will determine and arrange for the appropriate disposition of rejected items (i.e., return to vendor for credit, scrap, etc.).
- 3.6 Unidentified shipments should be resolved by the Purchase Manager. Contact the Chief Financial Officer to resolve any suspicious looking packages.

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**Revision History:**

Revision	Date	Description of changes	Requested By
0	2/14/13	Initial Release	
1	11/12/15	Changes to responsibilities	Oswaldo Diaz, CFO
<u>2</u>	<u>9/5/17</u>	<u>Revision to clarify processes and position</u>	

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**PUR103 Ex1 RECEIVING LOG**

Date	Sender	Carrier	# Pkgs.	Received By

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PUR103 Receiving And Inspection

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**PUR103 Ex2 RECEIVING AND INSPECTION REPORT**

**PART I RECEIVING**

Date: \_\_\_\_\_

Vendor/Supplier/Subcontractor: \_\_\_\_\_

P. O. Or Contract No.: \_\_\_\_\_

Item No.	Description	INSPECTION QUANTITIES				
		Criteria	Ordered	Received	Inspected	Accepted

Received By: \_\_\_\_\_

**PART II INSPECTION**

Inspected By: \_\_\_\_\_

Sample Lot \_\_\_\_\_ Conformance/Discrepancies to Specifications

YES NO YES NO

Lot Size: \_\_\_\_\_ Shipping Damage \_\_\_\_\_ Functional \_\_\_\_\_  
Markings/Finish \_\_\_\_\_ Dimensions \_\_\_\_\_

Sample Qty: \_\_\_\_\_ Attributes \_\_\_\_\_ Other \_\_\_\_\_

Accepted: \_\_\_\_\_ Date: \_\_\_\_\_ Rejected: \_\_\_\_\_ Date: \_\_\_\_\_

Place in Stock \_\_\_\_\_ Cause for Rejection: \_\_\_\_\_

Forward to Next Operation \_\_\_\_\_

**PART III REJECTED PARTS DISPOSITION**

Return to Vendor \_\_\_\_\_ Conditional Acceptance Approvals \_\_\_\_\_

Signature \_\_\_\_\_ Signature \_\_\_\_\_

Remarks: \_\_\_\_\_

Further comments may be noted on back of report or additional sheets if necessary.

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### PUR103 Ex3 INVENTORY INSPECTION LEVELS

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The following are generic descriptions of the type of inspections that should be performed for various classes of inventory items. These descriptions are not completely comprehensive for all the possible types of inventory that can be received and therefore, the inspector should use appropriate judgment to determine any special inspection procedures that may be necessary for unique items.

The inspection levels are intended to be cumulative in that higher level inspections will also include all lower level inspection procedures.

The percentage of the total parts inspected will be according to the part number specifications. For example, an inspection level indication of "Level II, 25" would require that 25% of the parts received in the shipment will be examined at a Level II inspection.

If defects or rejected items are discovered within a shipment and less than a 100% inspection has been performed, the receiving inspector will consult with the Quality Control Manager to determine the appropriate action for assurance of the remainder of the shipment.

- Level I: Visual inspection of the shipment or lot. Items appear reasonably to match packing list description(s). Nothing comes to the attention of the inspector as noticeable defects or as unusual and unordinary.
- Level II: Actual hands-on visual inspection of individual parts. Each part inspected will be analyzed for the quality of workmanship and construction and the appearance of any defects.
- Level III: A functional test of the part will be performed as appropriate for the item. For example, pneumatic parts should indicate function when attached to compressed air source; moving parts should rotate, slide etc.; electrical components should operate, light, etc.
- Level IV: The part will be inspected against a set performance or measurement standard as indicated in the part file. For example, structural items will be measured for compliance to drawings within specified tolerances; electrical and mechanical devices will function according to specified performance standards.

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SOP # PUR104 Revision: 4  
Effective Date: 9/5/17

Prepared by: Central Office  
Approved by: BOD

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Title: PUR104 ACCOUNTS PAYABLE AND CASH DISBURSEMENTS

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**Policy:** Internal controls are required to ensure that only valid and authorized payables are recorded and paid. Accounting procedures should be implemented to ensure the accuracy of amounts, coding of General Ledger accounts and appropriate timing of payments. All accounts payable and cash disbursements will have documented pre-approval, and the authorization limits are stated in the below Responsibilities section.

**Purpose:** To explain the practices for documenting, recording and issuing payments for accounts payable transactions. (Note: Payments, disbursements, and expenditures result from accounts payable transactions)

**Scope:** This procedure applies to all purchases including, contractors, consultants, and merchandise and non-merchandise purchases.

**Responsibilities:**

The Principal at each school site is responsible for reviewing and approving payments under \$5,000 in the purchase software, in accordance with the approved budget.

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The Chief Financial Officer is responsible for reviewing and approving payments up to \$10,000 in accordance with the approved budget. The Chief Executive Officer may assign the Chief Academic Officer, the Chief Operations Officer, the Chief External Officer or Regional Directors the authority to approve expenditures up to \$10,000.

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The Chief Executive Officer is responsible for reviewing and approving payments over \$10,000 in accordance with the board approved budget, as well as up to \$10,000 for non-budgeted items.

Back-office provider is responsible for payment of invoices in a timely manner.

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**Background:** Properly recording liabilities is generally a three-step process, particularly, for merchandise purchases.

The first step is recording the liability upon receipt of merchandise, using the purchase order estimates or other documentation as a guideline. For accuracy and timeliness of data, a liability should be recorded as soon as the Organization receives the purchased items.

Consultant projects are not recognized as a liability until the invoicing from the consultant is received unless and accrual has been recorded to recognize the total estimated cost of the consultant's services.

By necessity, this initial recording is usually an estimate or encumbrance and can be finalized when the actual invoice arrives. This is why a Purchase Order is so important for merchandise purchases. It documents the Organization's understanding of how much each item will cost, per the vendor's terms. This includes estimates for freight and any other charges.

The second step takes place when the vendor's invoice is received. At this point the actual liability is finalized, with any necessary adjustments to the item costs, freight, or other charges.

The third step involves the preparation, issuance of payment for the goods received, and subsequent filing of all paperwork for easy retrieval.

**Procedure Overview:**

Cash disbursements are generally made for:

1. Payments to vendors for goods and services
  2. Taxes/license fees
  3. Staff training and development
  4. Memberships and subscriptions
  5. Meeting expenses
  6. Employee reimbursements
  7. Marketing/promotional materials Checks
- are processed throughout the week.

Requests for cash disbursements are submitted to Accounting through the purchasing software. Documentation for the purchasing software requests can be in three ways:

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1. Original invoice
2. Purchase request (submitted on approved form)
3. Employee expense report or reimbursement request

All invoices must be approved by the appropriate staff prior to being submitted to accounts payable. Accounts payable will determine the account code for each invoice.

Approvals for reimbursement requests must be obtained prior to the purchase. The Organization is not obligated to reimburse requests where prior approval was not obtained; however this decision is made at the discretion of the Chief Financial Officer.

Every employee reimbursement or purchase request must be documented in the purchasing software. Please see PUR106 Reimbursements for more details.

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Requests for payment are reviewed in [the purshasig software](#) by the Principal, Controller, or Chief Financial Officer dependent on purchase amount. The appropriate personnel:

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1. Verifies expenditure and amount
2. Approves for payment if in accordance with budget
3. Provides or verifies appropriate allocation information
4. Provides date of payment taking into account cash flow projections
5. Submits to the [Finance team](#) for processing

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[Back-office provider](#) processes all payments and:

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1. Immediately enters them into the Accounts Payable module unless it is paid upon receipt on the same day
2. Prints checks according to allocation and payment date provided by the authorizing party
3. Submits checks, with attached backup documentation, to Chief Financial Officer for approval and signature.
4. Stamps invoice "paid"
5. Mails checks and appropriate backup documentation
6. Files all backup documentation in the appropriate file
7. Monitors accounts payable throughout the month

**Procedure:**

**1.0 DOCUMENTING ACCOUNTS PAYABLE**

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1.1 The following documents will be forwarded to [Back-office provider](#) accounts payable as a pdf batch for temporary filing and subsequent matching to form an accounts payable voucher package:

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- Purchase Order from [the purchasing software](#)
- Vendor invoice
- Vendor/Consultant contract

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1.2 Once [Back-office provider](#) has received all of the above documents, the following steps will be performed to ensure proper authorization, validity of purchase, receipt of purchased items or services and accuracy of amounts:

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- The purchase order should be evaluated for proper authorization and the nature of the purchase and pricing as shown on the invoice reviewed for validity.

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- The quantities shown shipped or delivered on the invoice will be compared to the packing slip and/or receiving reports if items have been received. Any discrepancies must be followed-up and resolved prior to commencing with the disbursement process.
- Calculations on the invoice will be recomputed such as quantities received multiplied by unit price and totals.
- Purchases of items and service contracts shall not be made in small quantities (split bidding) for the purpose of circumventing the authorized approval limits assigned by the Board of Directors, or to avoid public bidding based on the policies and procedures.

**2.0 RECORDING NON-MERCHANDISE PAYABLES**

- 2.1** Non-merchandise expenditures like utilities, rent, insurance, taxes, repairs, professional fees, etc., are generally not recorded through the purchase order routine. However, there may be other documentation, like contracts, requisitions, and other agreements. These should be filed in the applicable vendor file as documentary support. Upon receipt of the invoice, the charges should be entered into the payable system and coded to the appropriate expense account.
- 2.2** Generally, once invoices (both merchandise and non-merchandise) have been entered, they can be filed in the respective vendor files, ordered by date. To guard against misfiling an un-entered invoice, consider stamping "entered" on each invoice when it's recorded in accounts payable. It is also helpful to note the entered date and initial the entry.

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**3.0 PAYMENT OF ACCOUNTS PAYABLE**

- 3.1** Accounts payable systems generally provide an aged accounts payable report and list the open payables within the accounting system. Open payables are reviewed by the Finance team. The Finance team should select the bills to be paid based on the funds available and a projection of cash flow or receipts over the coming week. Once complete, process the disbursements by either printing the check, electronic online bill pay, wire transfer, or ACH withdrawal for the selected bills to be paid.
- Note: Accounts payable should normally be paid within 15 business days unless otherwise determined by the Chief Financial Officer.
- 3.2** Any vendor credits which are amounts owed to the Organization should be applied to amounts currently owed to the vendor when determining payment. These are normally received in the form of a credit memo or adjusting invoice. These should be entered into the system like any other invoice and applied to the next payment being made. There is no reason to "age" a credit memo.
- 3.3** Pull all Invoices to be paid from the files and match them with the printed checks, wire transfer, electronic online bill pay, or ACH withdrawal documentation. Present the materials to the Chief Financial Officer for review and signing.

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## Accounting Policies, Procedures and Forms

- 3.4 Immediately ensure that all printed checks, wire transfer, electronic online bill pay, or ACH withdrawal documentation are signed and approved and correctly recorded in the accounting system. Stamp the invoices "paid" to document they've been paid. Use only checks that incorporate a two stub plus check form in order to attach one stub to the paid invoice and the other to the remittance copy of the Invoice.
- 3.5 If one check or electronic online bill pay pays several Invoices then either photocopy the stub or print the electronic online bill pay screen print and attach a copy to each paid Invoice or consider attaching all paid Invoices to the one check stub or the electronic online bill pay document. File all resulting documentation according to check number sequentially in the checks paid binders.
- 3.6 Mail the checks as soon as possible once checks have been posted and "paid" by the system. It is not advisable to "hold" checks for additional days after posting. This practice usually occurs when there are insufficient cash flows. However holding checks increases the difficulty of projecting cash flow, reduces cash balance accuracy, and causes confusion when trying to reconcile accounts payable vendor balances. None of these balances will be accurate if printed checks are held back from mailing. If cash flow is insufficient to mail the checks, then it is advisable not to post and print checks in the first place.
- 4.0 **MANUAL CHECKS**
- 4.1 The Organization does not permit the use of manual checks.

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**Revision History:**

Revision	Date	Description of changes	Requested By
0	2/14/13	Initial Release	
1	2/13/15	Revision of Purchase limits	Oswaldo Diaz, CFO
2	11/12/15	Inclusion of <del>back-office provider</del> service provider process	Oswaldo Diaz, CFO
3	6/6/16	Policy revision	Oswaldo Diaz, CFO
4	9/5/17	Revision to clarify processes and positions	

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SOP # PUR105 Revision: 2  
Effective Date: 9/5/17

Prepared by: Central Office  
Approved by: BOD

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Title: PUR105 PREPAID EXPENSES

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Policy: It is the policy of MERF to treat payments of expenses that have a time-sensitive future benefit as prepaid expenses and to amortize these items over the corresponding time period. For purposes of this policy, prepaids are only accounted for at the end of the fiscal year and the amount that is considered to be prepaid remains at the discretion of the Chief Financial Officer.

Purpose: To ensure the proper payment and accounting of expenses that have a future benefit allocated over time.

Scope: Any transaction that is currently paid that has a value that can be amortized over a future time period.

Responsibilities:

The Chief Financial Officer is responsible for reviewing and authorizing prepaid expenses.

The Finance Department with the support of Back-office provider is responsible for processing prepaid payments and amortizing the prepaid cost of the expected future life of the prepaid asset.

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Background: Prepaid expenses are very common and allow the Organization to on occasion take advantage of pre-paying for certain expenses and thus recovering discounts or ensuring that a certain expense is fully paid.

Procedure:

1.0 ACCOUNTING TREATMENT

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1.1 Prepaid expenses with future benefits that expire within one year from the date of the financial statements shall be classified as current assets. Prepaid expenses that benefit future periods beyond one year from the financial statements date shall be classified as non-current assets.

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2.0 PROCEDURES

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2.1 As part of the account coding process performed during the processing of accounts payable at the end of the fiscal year, all incoming vendor invoices shall be reviewed for the existence of time-sensitive future benefits. If future benefits are identified, the payment shall be coded to a prepaid expense account code.

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The Finance Department shall maintain a schedule of all prepaid expenses. The schedule shall indicate the amount and date paid, the period covered by the prepayment, the purpose of the prepayment, and the monthly amortization. This

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schedule shall be reconciled to the general ledger balance as part of the monthly closeout process.

**Revision History:**

Revision	Date	Description of changes	Requested By
0	2/14/13	Initial Release	
1	11/12/15	Revision of responsibilities	Oswaldo Diaz, CFO
<u>2</u>	<u>9/5/17</u>	<u>Revision to clarify processes and positions</u>	

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SOP # PUR106 Revision: 3  
Effective Date: 9/5/17

Prepared by: Central Office  
Approved by: BOD

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Title: PUR106 REIMBURSEMENTS

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**Policy:** Internal controls are required to ensure that only valid and authorized reimbursements are recorded and paid. Accounting procedures should be implemented to ensure the accuracy of amounts, coding of General Ledger accounts and appropriate timing of payments.

**Purpose:** To explain the practices for documenting, recording and issuing payments for reimbursement transactions.

**Scope:** This procedure applies to all reimbursements.

**Responsibilities:**

The Principal at each school site is responsible for reviewing and approving payments under \$5,000 in the purchasing software, in accordance with the approved budget.

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The Chief Financial Officer is responsible for reviewing and approving payments up to \$10,000 in accordance with the approved budget. The Chief Executive Officer may assign the Chief Academic Officer, the Chief of Staff, the Chief External Officer or Regional Directors the authority to approve expenditures up to \$10,000.

The Chief Executive Officer is responsible for reviewing and approving payments over \$10,000 in accordance with the board approved budget, as well as up to \$10,000 for non-budgeted items.

Back-office provider Accounts payable is responsible for payment of reimbursements in a timely manner. A timely manner is defined as within two weeks of submission.

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**Background:** Properly recording reimbursements is generally a three-step process.

The first step is accurately submitting reimbursement receipts along with a reimbursement authorization form.

The second step is obtaining the appropriate authorization.

The third step involves the preparation, issuance of reimbursement payment in a timely manner, and subsequent filing of all paperwork for easy retrieval.

**Procedure Overview:**

Reimbursements are generally made for:

1. Travel and conferences
2. Mileage

- 3. Meals
- 4. School/classroom supplies
- 5. Allowable academic expenses
- 6. Student awards
- 7. Other expenses

Reimbursement checks are processed on three week cycle or sooner.

Requests for cash disbursements are submitted to Accounting through [the purchasing software](#). Documentation for [purchasing software](#) requests can be in three ways:

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- 1. Original invoice
- 2. Purchase request (submitted on approved form)
- 3. Employee expense report or reimbursement request

All reimbursement requests must be approved by the appropriate staff prior to being submitted to accounts payable. Accounts payable will determine the account code for each invoice.

Every employee reimbursement or purchase request must be documented in [the purchasing software](#) with travel authorization, receipts, nature of business, program allocation, and funding source (if applicable) before approving for reimbursement as follows:

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**Travel and Conferences** - an itemized receipt from the hotel detailing all charges, the person(s) for whom the lodging was provided, and the specific business purpose. This includes itemized receipts for parking, tolls and bridges, car rentals, taxis, and conference receipts not to exceed the current Government Services Administration (GSA) per diem rates. Current rates are available at [www.gsa.gov/perdiem](http://www.gsa.gov/perdiem). (See G&A103, Travel and Entertainment policy for more detailed information.)

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**Car Rentals** – When possible, advance approvals are recommended. The employee is required to make their own car rental arrangements. Vehicle selection will be based upon the most cost-effective class that satisfies requirements for the employee(s) and any demonstration equipment.

**Supplemental auto insurance coverage offered by car rental agencies must be purchased and will be reimbursed.**

**Mileage/Personal Vehicles** - An employee required to use their own automobile for business will be reimbursed in accordance with the current IRS mileage reimbursement rate. The employee must provide on the expense report, documentation including dates, miles traveled and purpose of each trip.

The Organization assumes no responsibility for personal automobiles used for business. Further, any parking or speeding violation is the sole responsibility of the employee.

**Meals and Entertainment** - a receipt must be provided showing the cost of food, beverage, and gratuities, including the names of every person for whom food or beverage was provided, and the specific business purpose. Entertainment expenses are disallowed. Meals are reimbursed based on actual receipt amounts not to exceed the following; Breakfast: \$7.00, Lunch: \$13.00, Dinner: \$20.00

Meal and Entertainment tips are limited to 15% (unless automatically assessed by the eating establishment) of the pre-tax meal total cost and any tip that is in excess of the pre-tax meal total cost will not be reimbursed. For example, a meal that costs \$10 may have an 8% sales tax bringing the total meal price before tip to \$10.80. Figure the tip on the \$10 amount at 15% or \$1.50 and that amount of tip or less is reimbursable. If you tipped more than a \$1.50, that difference is not reimbursable. You are always allowed to tip less than 15% should you choose to do so.

**School/Classroom Supplies, Allowable Academic Expenses, and Student Awards** – these expenditures are subject to the approval of the Principal. Gifts of any kind are never allowed. Student awards may only be paid from non-ADA and unrestricted sources. In other words, student awards may be paid from unrestricted fundraising or from other unrestricted sources of income, subject to approval of the Principal and/or Central Office.

**Other Expenditures** - a receipt from the vendor detailing all goods or services purchased (including the class of service for transportation) and the specific business purpose.

**Non-Reimbursable Expenses** - Some expenses are not considered valid business expenses by the Organization, yet may be incurred for the convenience of the traveling individual. Since these are not expenses for the business then they are not reimbursable. (The following can be used as a guide of expenses, which are not reimbursable)

Examples include:

- Airline or travel trip interruption insurance
- Airline or travel lounge clubs
- Shoe shine or Dry-cleaning (except for extended travel beyond 5 days)
- Movies or personal entertainment
- Books, magazines or newspapers
- Theft or loss of personal property
- Doctor bills, prescriptions, or other medical services

Accounting Policies, Procedures and Forms

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- Parking tickets, traffic tickets or Car towing if illegally parked
- Health club memberships
- Baby sitter or Pet care fees
- Barbers and Hairdressers

Requests for reimbursement payments are reviewed in the purchasing software by the Principal, Chief Financial Officer, or Chief Executive Officer, dependent on purchase amount. The appropriate personnel:

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1. Verifies and matches expenditure and amount
2. Approves for payment if in accordance with budget
3. Provides or verifies appropriate allocation information
4. Provides date of payment taking into account cash flow projections
5. Submits to the Finance team for processing Accounts

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Payable processes all payments and:

1. Immediately enters them into the Accounts Payable module, unless paid upon receipt on the same day
2. Prints checks according to allocation and payment date provided by the approving party
3. Submits checks, with attached backup documentation, to Chief Financial Officer for approval and signature
4. Stamps invoice "paid"
5. Mails checks and appropriate backup documentation
6. Files all backup documentation in the appropriate file
7. Monitors accounts payable throughout the month

Procedure:

1.0 DOCUMENTING REIMBURSEMENTS

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All business reimbursement expenditures incurred by employees of the Organization are reimbursed through the purchasing software. Reimbursement receipts must be submitted monthly and any receipt that is older than 60 days will not be reimbursed at the discretion of the Chief Financial Officer.

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Expense report forms must be filled out completely. Required original receipts for items charged must accompany all reimbursement documentation as well as uploaded into the purchasing software. Any questions regarding completion of the report should be directed to the employee's supervisor or the Finance Team.

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Upon completion, the expense report along with all attachments should be submitted to the employee's appropriate supervisor in [the purchasing software](#) for approval. After approval, the expense report is submitted to the [Finance Team](#) for processing and reimbursement. In order to expedite reimbursement, the employee should ensure that the report is completed properly, required documentation is attached, proper authorization is obtained, and any unusual items properly explained and documented.

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**Revision History:**

Revision	Date	Description of changes	Requested By
0	2/14/13	Initial Release	
1	2/13/15	Amount limit changes. Mileage reimbursement rate.	Oswaldo Diaz, CFO
2	11/12/15	Inclusion of back office service provider and amount limit changes.	Oswaldo Diaz, CFO
<a href="#">3</a>	<a href="#">9/5/17</a>	<a href="#">Revision to clarify processes and positions</a>	

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SOP # PUR107 Revision: 2  
Effective Date: 6/06/16

Prepared by: Central Office  
Approved by: BOD

Title: PUR107 BIDDING REQUIREMENTS

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**Policy:** To ensure the establishment of bidding requirements relating to multi-year service contracts, and to maintain the internal controls of the selection process.

**Purpose:** To provide the methods for determining a bidding process, documentation requirements, and award of contracts.

**Scope:** This procedure applies to all vendors of services.

**Responsibilities:**

Purchasing Agent or School Principal is responsible for providing a summary and justification related to the potential proposal.

Selection Committee is responsible for the review and recommendation of all contracts over \$25,000.

Chief Executive Officer and/or Chief Financial Officer is/are responsible for the examination of the bidding and selection process of all contracts above \$25,000.

Board of Directors are responsible for the approval of all bidding contracts above \$25,000.

**Procedure:**

**1.0 BIDDING REQUIREMENTS AND PROCESS**

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**1.1** New service contracts in excess of \$25,000 shall be formally bid in accordance with the following:

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- Request for Proposals (RFP): RFP requirements should include contract purpose, background, description of service, general information, time requirements, proposal requirements, and evaluation process.
- Public Notice: RFP will be posted in the Organization’s website.
- Prospective Vendors: Selection Committee shall maintain a list of prospective vendors for the various categories of products and services purchased by the organization. All schools or departments should refer prospective vendors to the purchasing department for inclusion in the bidder file.
- Pending Bid File: A file shall be maintained by the selection committee of all invitations to bid currently pending.
- Evaluation: Evaluation of services and vendors will be in accordance with the RFP specifications and policy PUR101 vendor selection.

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## Accounting Policies, Procedures and Forms

- Bidder Files: Bidder files shall be maintained retaining the bids, bid comparison sheets, other submittals, and rationale in award. These bids shall be made available for the public upon request for a period of ninety (90) days after which time they will be archived for two (2) years.
- Bidding of contracts shall not be made in small quantities (split bidding) for the purpose of circumventing the authorized approval limits assigned by the Board of Directors, or to avoid public bidding based on the policies and procedures.

Vendor Selection Requirements			
	Less than \$5,000	Between \$5,000 and \$25,000	Greater than \$25,000
Bid process required?	No	Quotes or estimates	RFP
Acceptable forms of price comparison	N/A	Email, published catalogs, written	Written only
Minimum number of bids required	0	3	3
Submit bid documentation to the Procurement Office?	No	Yes	Yes

## 2.0 NONCOMPETITIVE NEGOTIATIONS

**2.1** Noncompetitive negotiations may be used for procurements in excess of \$25,000 when bidding or competitive negotiations are not feasible. MPS may purchase goods and services through non-competitive negotiations when it is determined in writing by the Chief Executive Officer that competitive negotiation or bidding is not feasible and that:

- An emergency exists which will cause public harm as a result of the delay caused by following competitive purchasing procedures, or
- The product or service can be obtained only from one source, or
- The contract is for the purchase of perishable items purchased on a weekly or more frequent basis, or
- Only one satisfactory proposal is received through RFP, or
- The charter authorizer has authorized the particular type of noncompetitive negotiation.

## 3.0 STANDARDS OF CONDUCT

The following Standards of Conduct shall govern the performance, behavior and actions of MPS including, employees, officers, directors, volunteers and agents, who are engaged in any aspect of procurement, including – but not limited to – purchasing goods and services; awarding contracts and grants; or the administration and supervision of contracts.

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As representatives of MPS, all employees, officers, directors, volunteers and agents are expected to conduct themselves in a professional and ethical manner, maintaining high standards of integrity and the use of good judgment. Employees are expected to be principled in their business interactions and act in good faith with individuals both inside and outside MPS.

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3.3 Conflict of Interest

3.3.1 No employee, officer, director, volunteer or agent of the MPS shall participate in the selection, award or administration of a bid or contract supported by federal funds if a conflict of interest is real or apparent to a reasonable person.

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3.3.2 Conflicts of interest may arise when any employee, officer, director, volunteer or agent of the MPS has a financial, family or any other beneficial interest in the vendor firm selected or considered for an award.

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3.3.3 No employee, officer, director, volunteer or agent of the MPS shall do business with, award contracts to, or show favoritism toward a member of his/her immediate family, spouse's family or to any company, vendor or concern who either employs or has any relationship to a family member; or award a contract or bid which violates the spirit or intent of Federal, State and local procurement laws and policies established to maximize free and open competition among qualified vendors.

3.3.4 MPS's employees, officers, directors, volunteers or agents shall neither solicit nor accept gratuities, gifts, consulting fees, trips, favors or anything having a monetary value in excess of twenty-five dollars (\$25) from a vendor, potential vendor, or from the family or employees of a vendor, potential vendor or bidder; or from any party to a sub-agreement or ancillary contract.

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4.0 ACCEPTANCE OF GRATUITIES

MPS's employees, officers, directors, volunteers or agents shall neither solicit nor accept gratuities, gifts, consulting fees, trips, favors or anything having a monetary value from a vendor, potential vendor, or from the family or employees of a vendor, potential vendor or bidder; or from any party to a sub-agreement or ancillary contract.

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5.0 DISCIPLINARY ACTIONS

Any MPS member, employee or designated agent of MPS who knowingly and deliberately violates the provisions of this code will be open to civil suit without the legal protection of MPS. Furthermore, such a violation of these procurement standards is grounds for dismissal by MPS as an employee, officer, director, volunteer or agent; or other such sanctions as available under the law.

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Any contractor or potential contractor who knowingly and deliberately violates the provisions of these procurement standards will be barred from future transactions with MPS.

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**Revision History:**

<b>Revision</b>	<b>Date</b>	<b>Description of changes</b>	<b>Requested By</b>
0	<b>2/16/15</b>	Initial Release	Oswaldo Diaz, CFO
1	<b>3/10/16</b>	Policy Revision	Oswaldo Diaz, CFO
2	<b>6/06/16</b>	Policy Revision	Oswaldo Diaz, CFO

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G&amp;A101 Chart of Accounts      page 4 of 4

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The timing of reports is critical to the effective operation of the Organization. Reports should be prepared and distributed in a timely fashion following the end of the reporting period.

To improve readability, simplify preparation, and allow users to focus on the materiality of the data, all reporting should be rounded and/or plugged to the nearest \$1 increments when possible. Note: larger companies may wish to focus on \$100 or more increments.

If details are not available then use control totals and note on the report any estimates. Follow up with actual results as soon as practical. The preparer should keep in mind that the objective of the report is to provide a quick recap of the financial status of the Organization and not a time-consuming detailed

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## Accounting Policies, Procedures and Forms

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financial analysis. Leave exhausting details in the books for later analysis as required.

Make statements easy to read. Use the following style guidelines to improve readability:

Use 8-1/2 x 11 paper

Use a lot of “white space” on the page

Limit columns of figures to three columns

Omit cents and use thousands of dollars as appropriate. Indicate on the report the units used in a legend.

Indicate only significant expenses and group remaining items

The preparer should date (month/day/year) and initial all reports.

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EdTecBack-office provider maintains electronic copies of all reports and analyses. will file a copy of repetitive reports for later retrieval, auditing or trend analysis.

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The Finance Manager will prepare and maintain a summary of all reporting. The summary will include the following categories:

Department or Functional Area

Name of Report

Purpose of the Report

Frequency of Preparation

Distribution of Copies

Updates of the summary will be issued to all Organization officers and department managers. Managers should use the summary to determine what information is being compiled and the format and distribution of reporting. Many times duplicate or redundant information gathering, reporting and filing can be avoided by merely changing the format or distribution of existing reports.

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## Accounting Policie

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The Financial Analysts are responsible for helping gather all documentation required to complete the period-end closing.

**Definition:** "Review" refers to the procedures involved in examining the financial statement balances at any given period to ascertain their accuracy.

"Closing" is the process of advancing from one month or period to the next or from one year to the next. In most computerized accounting systems the periods are closed by executing a menu command. Monthly closings usually involve nothing more than entering the next month and responding to the program's suggestion to print various month-end reports or inserting a password such that transactions cannot be entered back in time from a specific point. Even after moving to the next month, many accounting systems allow the user to return to previous months to enter or edit transactions.

The yearly closing is more rigorous since it involves re-setting all Statement of Activities accounts to zero. Once a year is "closed", some accounting systems do not allow the user to go back or open a closed period to make changes. So be careful, once the period is closed, it is

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The steps to the actual period-end are not all performed on the exact end of the period. Some accounts cannot be "settled", proved, or reconciled until all third party information is received.

Bank statements from banks usually don't arrive until a couple weeks after a month end. And, many final payroll tax payments and yearly reconciliation forms aren't due until the end of the following month. Also needed are final bills from vendors, credit card statements, month end statements from vendors and year-end loan statements from banks and other financial institutions. All of this information is needed before a business can truly "close its books".

Fortunately, most accounting systems allow a business to continue posting transactions into subsequent months of the new year, without actually "closing" the previous year-end. The Finance Manager should be familiar with the specific software procedures for keeping the prior year open until all final closing adjustments have been made. It's not unusual for businesses to continue processing transactions for almost the entire next year before closing the prior year.

Compile all period-end documents in preparation for closing the accounting period. These documents include:

- Bank statements to all accounts
  - Final payroll and tax amounts
  - All final bills and month-end statements from vendors
  - All credit card statements
  - All year-end loan or debt statements
  - All asset acquisition and disposition transactions
  - All program costs
- Fewer procedures are performed at month-end dates. At a minimum t

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Accounting Policies, Procedures and Forms

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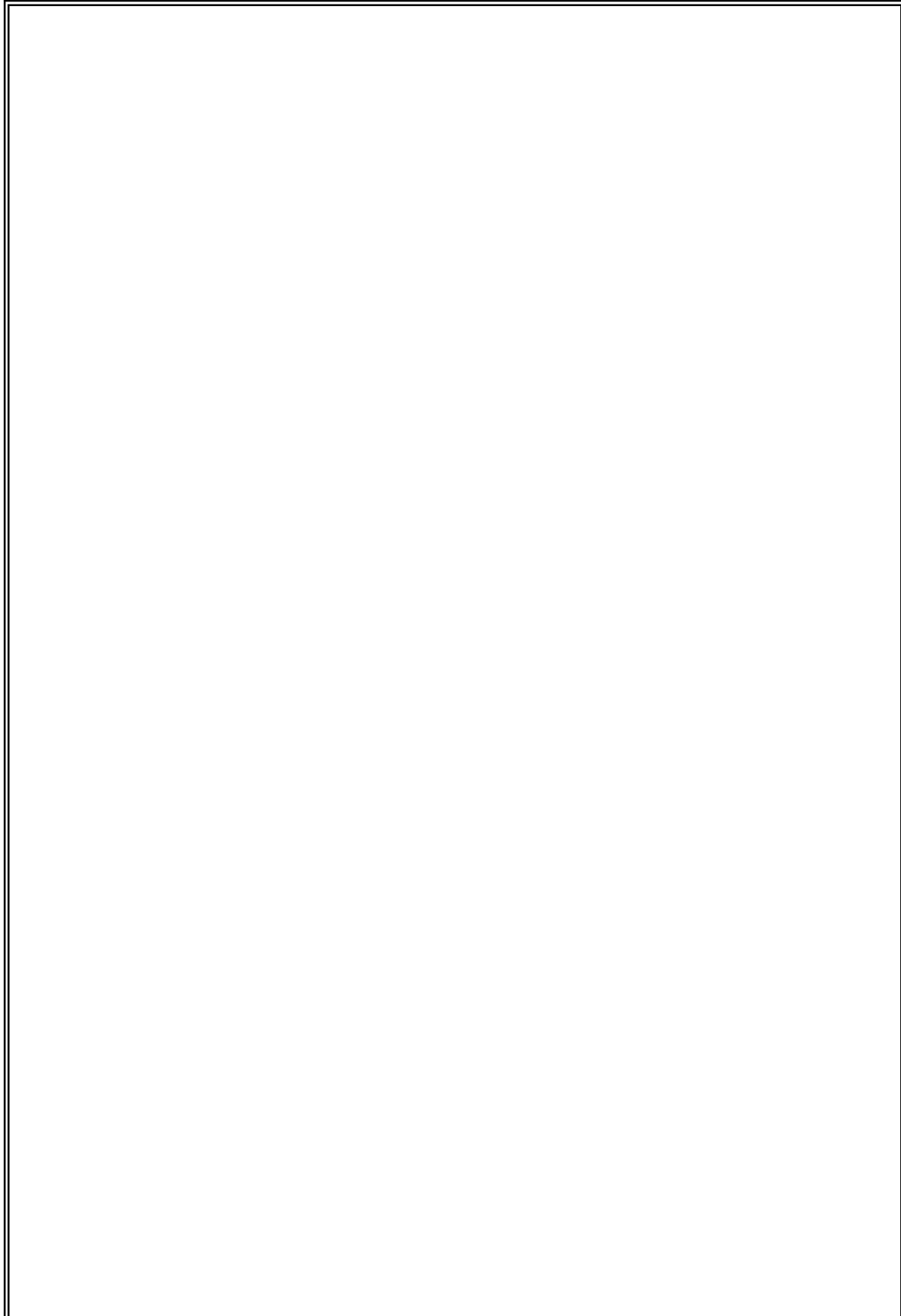
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**Definitions:** Batch. All of the day's credit card transactions are collected into a "batch" of transactions. The batch is closed, usually at the end of the day, and the result is submitted to the merchant processor as a single "batch".

Settlement. The processor clears the credit card transactions in the batch and the result is "settled" to the designated bank account. Settlement varies by Credit Card organization but usually occurs in 2-3 days after a batch is closed.

Processor. The processor is responsible for authorizing credit card transactions and settling each batch. The processor is also the Organization that one must interface with on all discrepancies or "chargebacks".

Chargebacks. A chargeback occurs when a customer (cardholder) disputes a charge that appears on their monthly credit card statement. If the dispute is unable to be resolved then the transaction is charged back to the merchant. The processor charges the merchant and returns the cardholder's money.

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### MANUAL PREPARATION AND RECONCILING ITEMS

A monthly bank reconciliation starts with the ending bank statement balance. List any deposits in transit that were made but were not yet recorded by the bank and add to the bank balance. Then, list any checks that were written on the account prior to month-end, but which have not yet cleared the bank and deducted from the bank balance. The ending balance should agree with the balance "per books", i.e.: the balance recorded in the checking account.

CSH107 Bank Account Reconciliations

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Accounting Policies, Procedures and Forms

the bank balance. The ending balance should agree with the balance "per books", i.e.: the balance recorded in the checking account.

Now perform the same process with the monthly reconciliation of the ending balance per the Organization's books.

Total deposits and total disbursements should be reconciled to the bank statement, then adjustments such as any interest or any other bank credit items should be listed and added to the balance. Then, any bank charges, transfer fees, etc. should be listed and deducted from the balance.

From these steps, the "corrected" ending "book" balance is derived and should equal the "corrected" bank balance from the previous step.

Any discrepancies between the derived balance and the checkbook balance will require research to determine the cause, such as recording errors, omissions, incorrect postings, etc. In some cases, the discrepancy can be caused by not accurately entering all bank generated credits and charges; such as fees, interest, etc. If the balances still do not equal, the bank statement should be carefully reviewed for possible errors; such as, checks or deposits clearing for amounts that do not agree with those posted to the store's checking account.

### **COMPUTERIZED PREPARATION AND RECONCILING ITEMS**

The same procedures as the manual tasks described above are followed in a computerized environment. The primary difference is in the ease of preparation. All transactions, which were not already cleared in the prior month's reconciliation, are listed.

Start by checking or clicking off with the mouse or keyboard those transactions, (mainly checks and other debit memos, and deposits and other credit memos) that agree with the bank statement. Once all bank statement items have been found and clicked off on the screen, the remaining "un-cleared" entries on the screen are, in effect, the list of outstanding checks and deposits in transit.

Furthermore, the screen typically provides a continually updating reconciled cash amount that should agree to the ending bank balance amount once all items are correctly accounted for and cleared. Usually the accounting system does the math and the screen displays both the ending bank balance and the reconciled cash amount with the remaining difference, if any.

Investigate all differences and enter any adjustments to the reconciliation or post to the cash account in order to ensure an accurate bank balance.

### **ADJUSTMENTS AND OTHER TROUBLESHOOTING**

In spite of the best of efforts, the reconciliation result may not agree with the bank balance. The obvious first step is to make sure that all checks and deposits on the bank statement agree with the entries in the cash account. Discrepancies of this type are usually rare in computerized environments but may be caused by improperly recording manual checks or credit card deposits and fees.

Checks are generally posted and printed simultaneously so that what shows up in the accounting system will always agree to what was processed through the bank. Deposits are another matter. The bank might group deposited checks differently than they were in the accounting system.

To simplify the month end reconciliation, receipts should be batched in a total deposit amount that agrees to both the accounting system and the bank. Make sure to print a totaled deposit report when daily receipts of checks and cash are batched for deposit. After making the bank deposit, staple the validated bank deposit slip to the deposit report. This will document the two events: 1) what was deposited per the accounting system, and 2) what was actually deposited in the bank. These two amounts must agree. This helps eliminate deposit errors for check and cash receipts. Deposits should be recorded via the QuickBooks deposit process unless authorization has been obtained to record as a journal entry.

After reconciling checks and deposits, the next area to reconcile are bank generated Credit and Debit memos. These can result from various events including, returned checks, returned check charges, monthly bank activity charges, credit card merchant fees, charges from the use of debit cards, interest income and other service charges. The Chief Executive Officer may not know many of these until the bank statement is received. Each one of these entries must be entered and distributed to the proper income or expense account. Whatever the accounting system, its reconciling program usually provides a routine for entering these “end of month” bank credits and charges.

After agreeing all checks and deposits and entering all other bank credits and charges, the balance per accounting system and reconciled bank balance should agree. Any remaining difference must be investigated. If there is no other explanation, an adjustment should be made. This would be entered as a bank charge or credit and posted to a miscellaneous account.

- 5.5 Any outstanding checks or deposits in transit over six months old should be reviewed for disposition including write-off by a journal entry.

Accounts Payable Specialist and EdTecBack-office provider are responsible for recording the transactions in the accounting records and reconciling credit card receipts to the credit card statements in accordance with CSH107 Bank Reconciliations.

**Background:** On occasion, the Chief Executive Officer and other senior management may not be in the position to carry a lot of cash or may need to use a credit card for purposes of travel arrangements. Under these circumstances and as considered necessary by Organization management, credit card transactions are acceptable.

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The Chief Financial Officer, will discuss with the cardholder any charges of concern and the card member will be required to reimburse the Organization immediately for any such inadvertent personal charges or unauthorized charges.

Excessive inadvertent personal charges will be grounds for revoking credit card privileges. Personal use of corporate credit cards is strictly prohibited. Any personal use will subject the employee to the Organization's disciplinary actions.

Any fraudulent or other unauthorized charges shall be immediately pointed out to the Chief Financial Officer, for further investigation with the credit card provider and at the discretion of the Chief Financial Officer may be required to be reimbursed by the individual cardholder who purchased the unauthorized transaction.

The Organization requires the following review and approval procedures:

The cardholder will review the card statement to ensure only their own approved charges are listed on the statement. Any charges not made by the cardholder will be identified and discussed with the Accounts Payable Specialist.

The Chief Financial Officer will approve credit card usage by the Principals, and the Chief Executive Officer will approve credit card usage by the Chief Financial Officer, and the Board of Directors Chairperson will approve credit card usage by the Chief Executive Officer.

The Accounts Payable Specialist will review all charges on the card statement against all purchase documents submitted by the cardholder.

The Chief Financial Officer, will review charges and supporting documentation prior to the monthly card statement being approved and included for payment.

Cardholders shall report the loss or theft of a corporate credit card immediately by notifying the credit card company (24 hours a day, seven days a week) as well as the Chief Financial Officer. In the event of theft of the card, a police report will be filed by the cardholder and a copy of the report will be maintained for insurance purposes.

### **Revocation of Corporate Credit Cards**

Failure to comply with any of these policies associated with the use of the Organization's corporate credit cards shall be subject to possible revocation of credit card privileges. The Chief Financial Officer, with the approval of the Chief Executive Officer or Board Chairperson, shall determine whether credit cards are to be revoked.

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card usage must follow the same criteria as all other purchases; i.e., allowable, reasonable, necessary, and allocable, where required.

In addition, the Board of Directors may, from time to time, authorize unannounced monitoring of the use of corporate credit cards.

Corporate credit cards will be assigned only to the Chief Executive Officer, Chief External Officer and Principals and all charges to that assigned card will be the responsibility of that employee. Employees authorizing the use of the credit card by other Organization employees, parents or friends, will be subject to disciplinary action.

### **Employee Personal Credit Cards**

With prior approval from the Chief Executive Officer and/or Chief Financial Officer, the Organization employees may incur legitimate Organization business expenses utilizing their personal credit cards for such expenditures. The Organization shall reimburse employees according to Organization reimbursement policy (PUR106 Reimbursements).

### DEBIT CARDS

#### **Debit Card Policy**

The organization does not permit the use of debit cards.

### **Revision History:**

<b>Revision</b>	<b>Date</b>	<b>Description of changes</b>	<b>Requested By</b>
0	2/14/13	Initial Release	
1	2/13/15	Revision of credit and debit card limits and controls	Oswaldo Diaz, CFO
2	7/21/16	Revision of credit card limits and controls	Oswaldo Diaz, CFO

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CSH111 Credit Cards and Debit Cards

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INV101 Fixed Asset Control and Leases  
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## DISPOSITIONS

Capital Assets may be sold or traded-in on new equipment. An example INV103 Ex1 ASSET DISPOSITION form or updating of Excel workbooks is to be completed and approved by the School Principal. Any assets with an original value greater than \$51,000 will also require the Chief Financial Officer's approval.

Upon approval, the school may advertise the property for sale or submit a list to purchasing for sale and disposition. After completion of the sale, an example INV103 Ex2 BILL OF SALE provided below will be issued and the ASSET DISPOSITION form will be submitted to Accounting. Finance Accounting Team will who will delete ensure deletion of the item from the asset records and submit paperwork to back-office provider to record any gain or loss on the disposition.

Worn-out or obsolete property with no cash value will be reported to Accounting Finance Team on the Asset Disposition form with the description, serial number and condition. Finance Team Accounting will inspect all worn-out of obsolete property before it is removed from the school and discarded. The asset will then be removed from the asset records.

Any asset that is missing or has been stolen will be reported in writing to the School Principal and Finance Team Accounting as soon as possible. The description, serial number, and other information about the lost item should be included in the report.

Accounting will determine the proper course of action and will notify the company's insurance carrier and any outside authorities if deemed appropriate. If un-recovered, the asset will then be removed from the asset records.

Inter-school transfers of assets will be reported to Accounting in writing including the description, serial number and the name of the school to receive the property.

The School Principal to whom the item was assigned originally will be held accountable until accounting is notified of the transfer. After being notified, the School Principal acquiring the property assumes responsibility. Accounting will then record the inter- school transfer on the asset records.

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**SOP # PYR101 PAYROLL DESK PROCEDUR Prepared by: Central Office**  
**Effective Date: 2/14/13 Approved by: BOD**

**Title: PYR 101 PAYROLL DESK PROCEDURE**

**Policy:** To clearly define responsibilities and procedures in processing the organization's payroll and implementation of the online payroll system in accordance with the generally accepted accounting principles.

**Purpose:** To outline and list areas of responsibilities for each group involved in the payroll process.

**Scope:** This applies to all staff of the organization.

**Responsibilities:**

Human Resources is responsible for setup and maintenance of all employee profiles

School Principal is responsible for accurate and timely submission of each site's attendance, extra duties and assignments.

Finance Team is responsible for review, generation and approval of all payroll.

Back-office service provider is responsible for accurate bookkeeping and analysis of payroll expenses.

**Background:** Personnel Cost is usually 70-75% of the organization's total operating expenses. It is vital that the organization administers the payroll process efficiently and in compliance with education codes and requirements.



## Procedure:

### HUMAN RESOURCES

Coordinates job postings and complete new hire paperwork, ensures accuracy and completeness of all new hire procedures and collection of paperwork prior to start of work  
Processes termination info and informs Finance Team whenever final checks are needed  
Monitors all credential and other expiration dates  
Ensures accurate employee withholdings/deductions in 3<sup>rd</sup> party payroll system as agreed to by employee

### EMPLOYEE

Signs in and out of automated system each day  
Completes employee profile in online payroll system, which generates deductions and provides required information to HR

### PRINCIPAL/SUPERVISOR

Reviews/approves time and attendance reports and submits to Finance Team to initiate payroll processing  
Enters all supplemental pay in payroll system on or before designated cutoff date  
Submits signed schedule of all approved supplemental pay (i.e. stipends, home visits, Saturday School extra duty) to Finance Team each pay period  
Notifies HR of any new hires, terminations, status or pay changes

### FINANCE TEAM

Confirms approvals from principals/HR prior to generating payroll  
Runs payroll and generates reports for review  
Reviews each payroll register, verifying:  
Proper pay rate  
Hourly staff – number of hours per pay period look reasonable  
Extra pay/stipends are documented, approved and accurate as to amount and funding source  
Employee retirement deductions are accurate and reasonable  
STRS members have earnings properly treated in paycheck and correct STRS rates are being used  
No OASDI withheld for any STRS members  
Classified staff – PERS members have proper withholdings and

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OASDI deducted and correct PERS rates are being used

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Only PERS or STRS creditable earnings are included in deduction calculations

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Non-PERS classified staff hours are being tracked and any newly eligible PERS members (>1000 hours in a fiscal year) are added as PERS members

Process payroll, prints registers and files all supporting documentation including but not limited to: STRS/PERS contributions, Other Retirement Contributions, Payroll Tax Reports, Health and Welfare deductions and contributions to service providers  
 Processes final paychecks and coordinates with back-office provider for delivery of checks if not processed in-house

**BACK OFFICE**

Process ECR for final paychecks if not processed in-house  
 Uploads journal entries to record payroll in general ledger each pay period  
 Performs analytical procedures on payroll expenses as part of month-end close process

**Revision History:**

<b>Revision</b>	<b>Date</b>	<b>Description of changes</b>	<b>Requested By</b>
0	3/09/17	Initial Release	Nanie Montijo, CFO

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**Procedure:**

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PUR101 Vendor Selection

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# **FINANCIAL POLICIES AND PROCEDURES MANUAL**

*Revised September 7,, 2017*

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**List of Referenced Procedures**

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General & Administrative

1. G&A101 Chart Of Accounts
2. G&A102 Files And Records Management
3. G&A103 Travel And Entertainment
4. G&A104 Management Reports
5. G&A105 Period-End Review & Closing
6. G&A106 Controlling Legal Costs
7. G&A107 Taxes And Insurance
8. G&A108 Property Tax Assessments
9. G&A109 Confidential Information Release
10. G&A110 Document Control
11. G&A111 Fax and E-mail Signatures Accepted
12. G&A112 Maintenance Requests
13. G&A113 Electronic Backup of Accounting Information
14. G&A114 Political Intervention
15. G&A115 Accrued Liabilities
16. G&A116 Notes Payable
17. G&A117 Financial and Tax Reporting
18. G&A118 Budgeting
19. G&A119 Insurance
20. G&A120 Supplies
21. G&A121 School Site Accounting
22. G&A122 Fraud Reporting & Whistleblower
23. G&A123 Conflict of Interest

Cash

24. CSH101 Cash Boxes
25. CSH102 Cash Receipts And Deposits
26. CSH103 Problem Checks
27. CSH104 Wire Transfers
28. CSH105 Check Signing Authority
29. CSH106 Check Matters
30. CSH107 Bank Account Reconciliations
31. CSH108 Inter-Account Bank Transfers
32. CSH109 Journal Entries and Reclassification Entries
33. CSH110 Petty Cash Purchases
34. CSH111 Credit Cards and Debit Cards
35. CSH112 Intercompany Receivables and Payables (Due To/Due From)
36. CSH113 Financial Reserves

Payroll

37. PAY101 Payroll Desk Policy

Fixed Assets

38. INV101 Fixed Asset Control and Leases
39. INV102 Fixed Asset Capitalization & Depreciation

Investments

40. IVT101 Investments

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Revenue

- 41. REV101 Sales Receipt Processing
- 42. REV102 Invoicing And Accounts Receivable
- 43. REV103 Progress Billing
- 44. REV104 Account Collections
- 45. REV105 Revenue Recognition – Grants and Contributions
- 46. REV106 Gifts-In-Kind
- 47. REV107 Restricted Funds

Purchasing

- 48. PUR101 Vendor Selection
- 49. PUR102 General Purchasing
- 50. PUR103 Receiving And Inspection
- 51. PUR104 Accounts Payable And Cash Disbursements
- 52. PUR105 Prepaid Expenses
- 53. PUR106 Reimbursements
- 54. PUR107 Bidding Requirements

**SOP # G&A101 Revision: 1**  
**Effective Date: 9/5/2017**

**Prepared by: Central Office**  
**Approved by: BOD**

**Title: G&A101 CHART OF ACCOUNTS**

**Policy:** To facilitate the record keeping process for accounting, all ledger accounts should be assigned a descriptive account title and account number.

**Purpose:** To provide the method for assignment and maintenance of the company's chart of accounts in order to produce meaningful financial data for the Organization.

**Scope:** This procedure applies to all general ledger accounts.

**Responsibilities:** The Chief Financial Officer is responsible for monitoring and approving changes to the company's Chart of Accounts.

**Definition:** Chart of Accounts – A categorized listing of all account titles and numbers being used by an organization to track income, expenses, assets, equity, and liabilities is called a Chart of Accounts.

**Procedure:**

**1.0 DESIGN OF ACCOUNTS**

**1.1** Accounts should have titles and numbers that indicate specific ledger accounts such as Cash in Checking, Furniture and Fixtures, Accounts Payable, etc.

**1.2** In general, the Standardized Account Code Structure (SACS) is followed for the major code segments, including resource function (after 6/30/17), object and location.

**1.3** Sub-divisions should be used to provide additional clarification, as needed. A sub-division among the balance sheet accounts should be designated short term to long term, (i.e. current assets should precede long term assets and current debt should precede long-term debt).

Unassigned number sequences should be left open within each group of accounts to provide for additional accounts, which may be added later.

**1.4** Accounts may be numbered using the SACS format.

**1.5** See Appendix A for guidance regarding SACS format.

**2.1 DESCRIPTION OF ACCOUNTS**

**2.2** Each account should be given a short title description that is brief but will allow the reader to quickly ascertain the purpose of the account.

**2.3** For training and consistent transaction coding, as well as to help other non-accounting managers understand why something is recorded as it is, each account should be defined. Definitions should be concise and meaningful. The account name should clearly identify what the account is to be used for.

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An example of definitions follows:

**ASSETS**

## 9121 – Main Operating Account

Includes all cash held in the operating bank account. All withdrawals and deposits are recorded here. The reported balances are supported by a bank reconciliation prepared monthly.

**Revision History:**

<b>Revision</b>	<b>Date</b>	<b>Description of changes</b>	<b>Requested By</b>
0	2/14/13	Initial Release	
1	9/5/17	Revisions	

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**APPENDIX A**

A copy of the California School Accounting Manual (CSAM) can be found at <http://www.cde.ca.gov/fg/ac/sa/> for guidance regarding SACS format.

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**SOP # G&A102 Revision: 1**  
**Effective Date: 9/5/2017**

**Prepared by: Central Office**  
**Approved by: BOD**

**Title: G&A102 FILES AND RECORDS MANAGEMENT**

**Policy:** The Organization will retain records in an orderly fashion for time periods that comply with legal and governmental requirements and as needed for general business requirements.

**Purpose:** To outline the methods for filing, retaining and disposing of business records.

**Scope:** This procedure applies to all business documentation generated by the Organization. However, this does not necessarily cover internal or certain day-to-day business correspondence.

**Responsibilities:**

The Finance Staff will be responsible for categorizing and maintaining a listing of records maintained and the location (i.e. by wall unit and shelf row number).

The Chief Financial Officer is responsible for overseeing the execution of Organization policy for Record Retention, Storage and Destruction of obsolete Organization records.

**Procedure:**

**1.1 FILING SYSTEM**

**1.2** To ensure efficient access, filing centers will be established in each department. To reduce the amount of duplicate and unnecessary record retention, individual desk files should be avoided unless they are used in daily operations. All other departmental or Organization records should be filed in the departmental central filing areas.

**1.3** Unless necessary, records should usually only be kept by the originator or sender and not by the receiver to avoid duplicate filing systems.

**1.4** The following filing guidelines should be adhered to optimize filing efficiency and records access:

- All file cabinets and files should follow recognized rules of order, such as Left to Right, Top to Bottom, Front to Back and in the case of chronological records, newest to oldest.
- File markers or label headings should always be placed at the beginning or front of a file or group of files.
- Alphabetical files should always be filed under broad topical categories. Files should never be filed under individual employee names (except Human Resources records) to avoid confusion and re-filing in the event of turnover.



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Files should always be filed under the "proper" or Organization names whenever appropriate. In the case of individuals, files should be maintained according to the persons "Last name" then First name and Middle initial.

- Extra care should be used for sensitive or private information. Organization financial data or personnel records that contain performance reviews, salary information, and any health related information should be kept in a secure area with limited access to only those that have a "need to know" such as the Office Manager or the Chief Financial Officer.

## **2.0 RECORD RETENTION AND LONG-TERM STORAGE**

- 2.1** Storage of archived records will be maintained in the locked storage area of the building. Access to this area will be limited to the Chief Financial Officer, officers of the Organization and the Office Manager.
- 2.2** Non-permanent files will be stored in cardboard file boxes. Each file box will be labeled on the front with the contents, dates covered, and destruction date if applicable. Permanent records will be filed electronically.
- 2.3** Files should be stored only in boxes with similar items, dates and retention periods. This will allow easier access and purging of records. A general rule to keep in mind is that it is better to only half-fill a file box than to file dissimilar types of files in the same box.
- 2.4** The Office Manager will be responsible for categorizing and maintaining a listing of records maintained and the location (i.e. by wall unit and shelf row number).
- 2.5** Maintain all files for as long as is necessary but only to the extent they serve a useful purpose or satisfy business or legal requirements. G&A102 Ex1 RECORDS RETENTION PERIODS, provides a guide to the typical business life of various documents. The retention periods provided are suggested with federal requirements in mind. Be sure to check with local and state authorities for specific record retention requirements.
- 2.6** Copies of critical records that are vital to the daily operations of the Organization should be kept off site in case of possible disasters. This may include information needed to file insurance claims (assets lists, insurance contacts, policy numbers), financial data for tax purposes (wages paid, income and expenses), contacts lists to inform or restart the business (vendors, customers, investors and employees), and other data that would assist in rebuilding the business (business plans, intellectual property, or proprietary information).

## **3.1 RECORD DESTRUCTION**

- 3.2** Three to six months after each year-end, the Office Manager will proceed with destruction of all files that have exceeded their recognized holding period.

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- 3.3 A listing of file categories to be destroyed will be circulated to all managers thirty days prior to destruction for review and comment. The actual listing of records destroyed will be maintained permanently for future reference.
- 3.4 Destruction of the files will be performed by an independent, outside service for shredding and disposal. Disposal of records into the Organization's general trash service is not allowed.

### References:

#### **A. HEALTH INSURANCE PORTABILITY ACCOUNTABILITY ACT (HIPAA)**

The Standards for Privacy of Individually Identifiable Health Information (the Privacy Rule) creates national standards to protect individuals' personal health information and gives patients increased access to their medical records. As required by the Health Insurance Portability and Accountability Act of 1996 (HIPAA), the Privacy Rule covers health plans, health care clearinghouses, and those health care providers who conduct certain financial and administrative transactions electronically. Most covered entities (certain health care providers, health plans, and health care clearinghouses) must comply with the Privacy Rule by April 14, 2003. Small health plans have until April 14, 2004 to comply with the Rule.

Note: Employment records maintained by a covered entity in its capacity as an employer are excluded from the definition of protected health information. The modifications do not change the fact that individually identifiable health information created, received, or maintained by a covered entity in its health care capacity is protected health information.

#### **B. AGE DISCRIMINATION IN EMPLOYMENT ACT (ADEA)**

ADEA applies to employers with 20 or more employees. If an EEOC charge or lawsuit is filed, keep records until final disposition of the charge or lawsuit. Otherwise, ADEA compliance suggests keeping basic employee files from one to three years as listed:

- Payrolls or other records (for temporary and permanent positions) for three years.
- Basic employee information such as employees' names, addresses, birth dates, occupations, rates of pay, and weekly compensation for three years.
- Applications and personnel records relating to promotion, demotion, transfer, selection for training, layoff, recall or discharge for one year.
- Job advertisements and postings for three years.
- Copies of employee benefit plans, seniority and merit systems must keep on file for the full period the plan or system is in effect and for at least one year after its termination

**C. AMERICANS WITH DISABILITIES ACT (ADA)**

ADA applies to employers with 15 or more employees. If an EEOC charge or lawsuit is filed, keep records until final disposition of the charge or lawsuit.

Otherwise, ADA compliance suggests keeping employment applications and other personnel records including promotions, transfers, demotions, layoffs, and termination or requests for reasonable accommodation for at least 1 year from the making of the record or the personnel action.

**D. CIVIL RIGHTS ACT OF 1964**

Applies to employers with 15 or more employees. If an EEOC charge or lawsuit is filed, keep records until final disposition of the charge or lawsuit. Otherwise, basic non-discrimination compliance suggests keeping employment applications and other personnel records including promotions, transfers, demotions, layoffs, and termination or any EEO-1 Reports for at least one year from the making of the record or the personnel action. If an employee is involuntarily terminated, his/her personnel records must be retained for one year from the date of termination.

**E. EMPLOYEE RETIREMENT INCOME SECURITY ACT (ERISA)**

The ERISA reporting and disclosure obligations apply to all pension and welfare plans including summary plan descriptions, annual reports, reportable events, and plan termination, unless the Organization plan is exempt under ERISA.

ERISA suggests the Organization should maintain all reports, documents, information, and materials for a minimum of six years in order to disclose and or support all transactions to participants and beneficiaries (and report to certain governmental agencies), as requested or needed.

**F. EMPLOYEE POLYGRAPH PROTECTION ACT**

All polygraph test results and reasons for administering the test should be kept for three years.

**G. EQUAL PAY ACT**

Payroll records including time cards, wage rates, deductions from wages, and records explaining the difference in wage rates between men and women in similar positions should be kept for three years.

**H. EXECUTIVE ORDER 11246**

Applies to federal contractors and requires the preparation of affirmative action plans. Affirmative action plans must be updated annually and retained for two years along with all applications and other personnel records that form the basis of the Organization's employment decisions. Generally, personnel and employment records must be retained for two years.

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**I. FAIR LABOR STANDARDS ACT (FLSA)**

FLSA applies to employers engaged in or employees who work in interstate commerce and suggests the following records are retained for three years:

- Payroll and other records containing employee's name, birth date, gender, and occupation.
- Employee's beginning of workweek and time employee begins work.
- Regular rate of pay or other basis of payment.
- Hours worked per day and for workweek.
- Daily and weekly straight time earnings.
- Deduction from wages.
- Total wages per pay period.
- Date of payment and the pay period covered.
- For exempt professional, executive and administrative employees, and those employed in outside sales, the employer must maintain records that reflect basis on which wages are paid to permit calculations of the employee's total remuneration.
- In addition, employers must keep for at least two years all records (including wage rates, job evaluations, seniority and merit systems, and collective bargaining agreements) that explain the basis for paying different wages to employees of opposite sexes in the same establishment.

**J. FAMILY AND MEDICAL LEAVE ACT (FMLA)**

FMLA applies to employers with 50 or more employees within a 75 mile radius and whose employee must have worked for at least one year and accumulated at least 1,250 hours of service with the employer during the previous year. FMLA suggests the following records are retained for 3 years

- Basic employee data including name, address, occupation, rate of pay, terms of compensation, daily and weekly hours worked per pay period, deductions from wages, and total compensation.
- Dates of leave taken by eligible employees.
- For intermittent leave, the hours of leave.
- A copy of employee notices and documents describing policies and practices regarding leave.
- Records of any dispute regarding the designation of leave.

**K. IMMIGRATION REFORM & CONTROL ACT (IRCA)**

IRCA applies to all employers and requires a signed Form I-9 is retained for three years after the date of hire and at least one year after termination.

**L. OCCUPATIONAL SAFETY & HEALTH ACT (OSHA)**

OSHA applies to employers with 10 or more employees and suggest that the log of occupational injuries and illnesses is retained for five years. All other records should be retained for at least 30 years after employee separation. Other records include:

- Occupational injuries and illnesses.
- The annual summary of injuries and illnesses.
- Medical records and records of exposure to toxic substances.

**M. REHABILITATION ACT OF 1973**

Applies to federal contractors. If a charge or lawsuit is filed, keep records until final disposition of the charge or lawsuit. Otherwise, basic compliance suggests keeping personnel and employment records including requests for accommodation, physical exams, job advertisements and postings, applications, resumes and records regarding hiring, assignments, promotions, demotions, transfers, layoffs, terminations, rates of pay and selection for training for two years (only 1 year if contractor has less than 150 employees or a federal contract of \$150,000 or less). Note: Affirmative action plans also may have to be maintained by the employer

**N. RIGHT TO FINANCIAL PRIVACY ACT**

The act establishes specific procedures and exceptions concerning the release of customer financial records to the federal government. It provides customers of financial institutions with a right to expect that their financial activities will have a reasonable amount of privacy from federal government scrutiny.

**O. GUIDE TO RECORD RETENTION REQUIREMENTS**

A good source of federal retention requirements is the "Guide to Record Retention Requirements" published by the Office of the Federal Register National Archives and Records Administration. It can be purchased from the U.S. Government Printing Office in Washington DC. Additional sources of information include: IRS regulations, state and local government retention requirements or the AICPA (American Institute of Certified Public Accountants) Filing and Record Retention Procedures Guide.

**P. IRS REVENUE PROCEDURE 98-25 RECORDS RETENTION**

The Income Tax Regulations require that, except for farmers and wage-earners, any person subject to income tax, or any person required to file an information

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return with respect to income, must keep such books and records, including inventories, as are sufficient to establish the amount of gross income, deductions, credits, or other matters reported. The books or records required by must be kept available at all times for inspection by authorized internal revenue officers or employees, and must be retained so long as the contents thereof may become material in the administration of any internal revenue law.

Note: Section 6.01 requires taxpayers to maintain and make available documentation of the business processes that (1) create the retained records, (2) modify and maintain its records, (3) satisfy the requirements of section 5.01(2) of the procedure and verify the correctness of the taxpayer's return, and (4) evidence the authenticity and integrity of the taxpayer's records.

Section 6.02 sets forth four elements that the documentation required under section 6.01 must establish: (1) the flow of data through the system, (2) internal controls that ensure accurate processing, (3) internal controls that prevent unauthorized record changes, and (4) charts of account.

Section 6.03 sets forth six specific types of documentation for each retained file: (1) record formats, (2) field definitions, (3) file descriptions, (4) evidence that periodic checks are undertaken to ensure that data remains accessible, (5) evidence that the records reconcile to the taxpayer's books, and (6) evidence that the records reconcile to the taxpayer's return.

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**Revision History:**

<b>Revision</b>	<b>Date</b>	<b>Description of changes</b>	<b>Requested By</b>
0	2/14/13	Initial Release	
1	9/5/17	Revision	

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**G&A102 Ex1 RECORDS RETENTION PERIODS**

Accident reports and claims (settled cases) .....	7 years
Accounts payable ledgers, schedules and trial balances .....	7 years
Accounts receivable ledgers, schedules and trial balances .....	7 years
Assignments .....	3 years
Audit reports of accountants .....	Permanently
Bank reconciliations .....	1 year
Bank statements, cancelled checks, and deposit slips .....	7 years
Bills of lading .....	3 years
Capital stock and bond records .....	Permanently
Cash books .....	Permanently
Cash receipts and disbursements .....	7 years
Chart of accounts .....	Permanently
Checks (cancelled, all other) .....	7 years
Checks (cancelled, for important payments, i.e. taxes, property purchases, special contracts, etc. File checks with the transaction papers) .....	Permanently
Construction documents.....	Permanently
Contracts and leases (expired) .....	7 years
Contracts and leases still in effect.....	Expiration +7 years
Corporate records and minutes .....	Permanently
Correspondence (legal and important matters only) .....	Permanently
Correspondence general .....	3 years
Credit Applications (Consumer) .....	25 Months (after notification)
Credit Applications (Business) .....	1 year (after notification)
Deeds, mortgages, and bills of sale .....	Permanently
Depreciation schedules .....	Permanently
Duplicate deposit slips .....	1 year
Electronic fund transfer documents .....	7 years
Employee personnel records (after termination).....	7 years
Employment applications .....	3 years
Expense analyses and Expense distribution schedules .....	7 years
Expired contracts and notes receivable .....	7 years
Expired purchase contracts .....	7 years
Federal, state and local tax returns .....	Permanently
Financial statements (end-of-year trial balances) .....	Permanently
Fixed asset records and appraisals .....	Permanently
Forms W-4 .....	7 years
Garnishments .....	3 years
General Ledgers (end-of-year trial balances) .....	Permanently
I-9s (after termination) .....	1 year
Insurance records, current accident reports, claims, policies, etc .....	Permanently
Interim and year-end financial statements and trial balances.....	Permanently
Inventories of products, materials, and supplies .....	7 years



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Invoices .....	7 years
Journals .....	Permanently
Licenses.....	Permanently
Loan documents, notes.....	Permanently
Minute books of directors and stockholders, including bylaws and charter ...	Permanently
Monthly trial balances .....	Permanently
Notes receivable ledgers and schedules .....	7 years
OSHA logs .....	5 years
Paid bills and vouchers .....	7 years
Payroll journals .....	7 years
Payroll records and summaries .....	7 years
Payroll reports (federal & state) .....	7 years
Perpetual inventory records .....	7 years
Petty cash vouchers .....	7 years
Physical inventory records .....	7 years
Physical inventory tags .....	7 years
Plant cost ledgers .....	Permanently
Polygraph test results and reasons for test .....	3 years
Property appraisals by outside appraisers .....	Permanently
Property records including costs, depreciation schedules, blueprints, plans ..	Permanently
Property titles and mortgages .....	Permanently
Purchase journals .....	7 years
Purchase orders .....	7 years
Receiving sheets.....	1 year
Requisitions .....	7 years
Sales journals .....	7 years
Sales records .....	7 years
Savings bond registration records of employees .....	7 years
Scrap and salvage records (inventories, sales, etc) .....	7 years
Shipping tickets .....	3 years
Stock and bond certificate (cancelled) .....	1 yr
Stockroom withdrawal forms .....	7 years
Subsidiary ledgers .....	7 years
Tax returns and worksheets, revenue agents' reports and other documents ...	Permanently
Time books/cards .....	7 years
Trade mark registrations .....	Permanently
Uncollectible accounts and write offs .....	7 years
Voucher for payments to vendors, employees, etc. (includes all allowances and reimbursement of employees, officers).....	7 years
Voucher register and schedules .....	7 years
W-4 forms .....	4 years
Workman's comp documents .....	11 years

**SOP # G&A103 Revision: 2**  
**Effective Date: 9/5/2017**

**Prepared by: Central Office**  
**Approved by: BOD**

**Title: G&A103 TRAVEL AND ENTERTAINMENT**

**Policy:** All reservations required for business travel and entertainment will be made through the Supervisor or designated staff. Expenses are to be within established Organization guidelines and will be reimbursed with proper documentation. Employees are expected to spend the Organization's money as carefully and judiciously as they would their own.

The Organization recognizes that employees who travel far from home to represent the Organization's business interests must forego their living accommodations and may forfeit personal time. Accordingly, the Organization will make efforts to provide comfortable and secure accommodations for lodging, meals and travel for employees. The Organization reserves the right to deny reimbursement of expenses that are considered lavish or extravagant.

**Purpose:** To provide guidelines for travel and entertainment expenses as they were actually spent, account for all advances promptly and accurately and to communicate the procedures for reimbursement.

**Scope:** This procedure applies to all departments and individuals who travel or entertain for the Organization.

**Responsibilities:**

Responsible Party: The individual employee and Supervisor When the Supervisor does not make travel arrangements, each employee is responsible for making arrangements needed for business travel.

- The Supervisor may make travel arrangements when requested, provided that arrangements are made at least 15 days in advance.

The Finance Department will receive and review the expense report documentation and Back-office provider process necessary employee reimbursement. (See PUR106, Reimbursements, for more detailed information.)

Procedure:

**1.0 TRAVEL ARRANGEMENTS**

**1.1** All arrangements required for business travel are to be made individually or through the Supervisor. When possible, the Supervisor can solicit better corporate discounts and rates for hotels, airlines, car rental agencies and travel agencies. Employees benefit because they do not have to spend their own time comparing rates and making their own arrangements. If making your own arrangements, the employee must find the best possible travel pricing.

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1.2 For maximum savings on airfares, this form should always be completed at least 15 days in advance unless an emergency trip is required.

1.3 It is preferable that all employees travel during non-working hours to maximize efficiency. The Supervisor will make arrangements for the trip as required and will return a travel itinerary and any tickets or reservation forms to the employee.

1.4 **Cash Advances** - The Organization generally **discourages** cash advances unless special circumstances apply.

If an employee requires a cash advance, a formal request must be made as a check request. The advance request will then be forwarded to accounting for processing upon approval. Travel advance amounts are approved on an as needed basis.

When a cash advance is received, the employee will reduce their expense reimbursement by the amount of the cash advance. In the case where the cash advance exceeds the expenses for the report submitted, the remaining cash must be turned into the Finance Team with the expense report. Amounts owed the Organization cannot be carried forward to future expense reports. Any advance outstanding will be deducted from the employee's paycheck.

1.5 **Direct Billings** - Direct billings to the Organization from motels, restaurants, etc. are not permitted unless previously authorized.

## 2.0 EXPENSE GUIDELINES

2.1 Air Travel - Airline reservations are based on the following criteria:

- Expediency: Getting the employee to their destination in an expedient way. (Direct flights when possible or connecting flights if necessary for faster flight schedules).
- Cost: Employees will fly coach class unless extenuating circumstances apply.
- Air Carrier: An employee's preferred airline can be utilized as long as expediency and cost factors are equal. In most cases, airfare will be directly billed to the Organization's credit card account.

On occasion, employees may have no alternative but to book their own flight. If this is the case, employees must use regularly scheduled airlines and obtain the lowest (discount) fare available. This may mean that employees will fly at times that are not always the most convenient for them.

2.2 Lodging - Lodging arrangements are based on value, convenience for the traveler and according to what is usual and customary Organization guide lines.

Whenever multiple employees are traveling to the same location, employees will be required to share accommodations if possible (i.e. male/male or female/female). Lodging accommodations will then be made for double rooms accordingly. If an employee is accompanied by a non-employee such as family or a friend, and therefore requires

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separate accommodations, the employee will be responsible for payment of any excess lodging accommodations.

- 2.3 Meals - Employees on Organization business will be reimbursed for the actual cost of their meals or the allowable Federal Per Diem rate for the locality (in accordance with the US General Services Administration), whichever is lower,.

Officers may include reimbursement of pre-approved guest meals under the same guidelines noted above.

See form PUR104 Accounts Payable and Cash Disbursements and PUR106 Reimbursements for additional information regarding Meals.

- 2.4 Car Rentals – When possible, advance arrangements should be made by the Supervisor if a car is required at the destination, otherwise the employee is required to make their own car rental arrangements. Vehicle selection will be based upon the most cost-effective class that satisfies requirements for the employee(s) and any demonstration equipment.

**Supplemental auto insurance coverage offered by car rental agencies must be purchased and will be reimbursed.**

- 2.5 Personal Vehicles - An employee who uses their own automobile for business will be reimbursed according to IRS mileage reimbursement guidelines. The employee must provide on the expense report, documentation including dates, miles traveled and purpose of each trip.

The Organization assumes no responsibility for personal automobiles used for business. Further, any parking or speeding violation is the sole responsibility of the employee and each employee must have valid minimum automobile liability insurance as required by state law.

- 2.6 Telephone - Telephone charges from the hotel are not allowed unless it is an emergency.

- 2.7 Entertainment - Entertainment expenses are not allowed.

- 2.8 Miscellaneous Expenses - Any additional business expenses (including but not limited to wifi access), that are not categorized above should be pre-approved and listed under miscellaneous expenses, and documented with all pertinent information to substantiate the expense.

- 2.9 Non-Reimbursable Expenses - Some expenses are not considered valid business expenses by the Organization, yet may be incurred for the convenience of the traveling individual. Since these are not expenses for the business then they are not reimbursable. (The following can be used as a guide of expenses, which are not reimbursable)

Examples include:

- Airline or travel insurance
- Airline or travel lounge clubs
- Shoe shine or Dry-cleaning (except for extended travel beyond 5 days)

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- Movies or personal entertainment
- Books, magazines or newspapers
- Theft or loss of personal property
- Doctor bills, prescriptions, or other medical services
- Parking tickets, traffic tickets or Car towing if illegally parked
- Health club memberships
- Baby sitter or Pet care fees
- Barbers and Hairdressers

**3.0 EXPENSE REPORT PREPARATION AND REIMBURSEMENT**

- 3.1** All business reimbursement expenditures incurred by employees of the Organization are reimbursed through the current financial system. Reimbursement receipts must be submitted monthly and any receipt that is older than 60 days will be reimbursed at the discretion of the Chief Financial Officer.

Expense report forms must be filled out completely. Required receipts for items charged must accompany all reimbursement documentation as well as uploaded into the existing financial system. Any questions regarding completion of the report should be directed to the employee's supervisor or the Finance Team.

Upon completion, the expense report along with all attachments should be submitted to the employee's appropriate supervisor for approval. After approval, the expense report is submitted to the Finance Team for processing and reimbursement. In order to expedite reimbursement, the employee should ensure that the report is completed properly, required documentation is attached, proper authorization is obtained, and any unusual items properly explained and documented.

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**Revision History:**

<b>Revision</b>	<b>Date</b>	<b>Description of changes</b>	<b>Requested By</b>
0	2/14/13	Initial Release	
1	11/12/15	Inclusion of back-office provider provider process	Oswaldo Diaz, CFO
2	9/5/17	Revision	

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**SOP # G&A104 Revision: 2****Prepared by: Central Office****Effective Date: 9/5/2017****Approved by: BOD****Title: G&A104 MANAGEMENT REPORTS**

**Policy:** Back-office provider and MPS will prepare summary reports of vital operating statistics for the Organization, including revenues, current debt, operating cash, accounts receivable and projected short-term cash flows. These reports are to be prepared and are to supplement detailed monthly and quarterly financial reports and are to be used for timely "hands-on" management.

**Purpose:** To provide the format and content requirements for preparation of the Financial Reports.

**Scope:** The procedure applies to Back-office provider and the Finance personnel required for preparation of these reports.

**Responsibilities:**

Back-office provider and MPS Finance personnel will be responsible for assuring effective and informative reporting for the Organization.

**Procedure:****1.0 PREPARATION GUIDELINES**

**1.1** Financial reports that provide management the necessary information to understand whether the Organization is progressing as planned are prepared monthly or as needed.

**1.2** Back-office provider maintains electronic copies of all reports and analyses.

**2.0 FINANCIAL REPORTS**

**2.1** The Chief Financial Officer should review accounting program financial reports on a regular basis.

**3.0 CASH FLOW REPORT**

**3.1** The Cash Flow Report represents a summary of the cash flowing through the Organization in the near term and identifies any potential shortfall that might occur in the near future before it occurs. The Cash Flow Report should be reviewed at least monthly by the Chief Financial Officer. This report supplements the detailed monthly and quarterly financial statement reports and provides a quick look at the cash performance of the Organization.



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- 3.2** The Cash Flow Report should include projected operating cash balances for each month with estimated cash receipts by major classifications and projected disbursements by major account classifications.
- 3.3** Back-office provider will notify the Chief Financial Officer of any shortfall so that the Organization may determine alternative courses of action to rectify the situation.

### **4.0 BUDGET VS. ACTUAL REPORT**

- 4.1** The Budget vs. Actual Report represents a comparison of planned operating expenses to the actual expenses incurred for the period. The objective is to highlight results against plan, percentages and variances and thus provide a basis for management decisions. The Budget vs. Actual Report is prepared and maintained by Back-office provider on a monthly basis.

### **5.0 FINANCIAL STATEMENTS**

- 5.1** The Chief Financial Officer, Chief Executive Officer, and the Board of Directors should review the Financial Statements monthly for each board meeting. This report provides one indication of the performance of the Organization.
- 5.2** The Financial Statements typically are comprised of three main parts: The Statement of Financial Position, Statement of Activities, and the Statement of Cash Flows (Statement of Cash Flows quarterly).

The Statement of Financial Position (Balance Sheet) lists all of the Organization's assets (cash, receivables, deposits, inventory, equipment, intellectual property, etc.), liabilities (debt, lease obligations, etc) and net assets. It identifies the assets (which are "the business") and the financiers, or debt and equity holders and the relationship between the two.

The Statement of Activities represents the Organization's operational sources of cash – revenue – or uses – business expenses and is typically divided into operating periods that represent months, quarters or years of operations. It identifies the profitability of the Organization as a function of the accounting decisions.

The Statement of Cash Flows is the difference between the Statement of Financial Position sources and uses of cash and the Statement of Activities sources and uses of cash. This difference assists in identifying the health of the Organization's operations. It identifies whether the Organization is producing cash or consuming cash and at what rate and from what sources.

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- 5.3** The Financial Statements should be produced after the close of the Organization's period (see procedure G&A105 PERIOD-END REVIEW & CLOSING). The final Financial Statements form the basis for the Organization's formal presentations to the Board of Directors, or other stakeholders such as banks, outside agencies, or creditors in accordance with procedure G&A109 CONFIDENTIAL INFORMATION RELEASE.

**References:****FINANCIAL ACCOUNTING STANDARDS BOARD (FASB)**

Since 1973, the Financial Accounting Standards Board (FASB [www.fasb.org](http://www.fasb.org)) has been the designated organization in the private sector for establishing standards of financial accounting and reporting. Those standards govern the preparation of financial reports. They are officially recognized as authoritative by the Securities and Exchange Commission (Financial Reporting Release No. 1, Section 101) and the American Institute of Certified Public Accountants (Rule 203, Rules of Professional Conduct, as amended May 1973 and May 1979). FASB pronouncements are the primary sources of GAAP.

**GENERALLY ACCEPTED ACCOUNTING PRINCIPLES (GAAP)**

A collection of accounting principles. Typically includes the most recent developments of all generally accepted accounting principles (GAAP) as derived or collected from various technical pronouncements. Sources include FASB statements, interpretations, technical bulletins and concepts; American Institute of CPAs (AICPA); Accounting Principles Board opinions, accounting research bulletins, and position statements; and Securities and Exchange (SEC) financial reporting releases.

**Revision History:**

<b>Revision</b>	<b>Date</b>	<b>Description of changes</b>	<b>Requested By</b>
0	2/14/13	Initial Release	
1	11/12/15	Revision of responsibilities	Oswaldo Diaz, CFO
2	9/5/17	Revision of wording/clarification of processes	

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**SOP # G&A105 Revision: 2**  
**Effective Date: 9/5/2017**

**Prepared by: Central Office**  
**Approved by: BOD**

**Title: G&A105 PERIOD-END REVIEW & CLOSING**

**Policy:** An orderly, timely and comprehensive review of all general ledger accounts should be performed or directed by the Chief Financial Officer to ensure an accurate representation of the company's financial statements. These practices are aimed at proving that the financial accounts are accurate, and if not, are properly adjusted to make them accurate, prior to closing.

**Purpose:** To provide a general overview of the process to be completed for reviewing the accounting records at year-end or any particular month-end prior to closing.

**Scope:** These practices apply to all accounts. Typically, all financial accounts are reviewed and then closed out as of the company's year-end. Consequently, the procedures that follow are discussed in reference to year-end review. However, a sub-set of these procedures is also applicable to month-end reviews. Month-end procedures are identified near the end of this module.

**Responsibilities:**

Back-office provider is responsible for creating and reviewing all period-end activities to ensure the period-end financial statements accurately reflect the results of the Organization's activities. All general ledger adjustments should be approved by designated Finance team member .

**1.0 CLOSINGS PREPARATIONS**

**1.1** The following procedures would be expected for monthly closings:

- Reconcile all bank accounts
- Print and compare the aged receivables and payables to the general ledger. Make appropriate adjustments to balance the accounts.
- Review all Statement of Financial Position and Statement of Activities accounts for completeness
- Retain all above reports in a monthly summary file.

**2.0 STATEMENT OF FINANCIAL POSITION: ASSETS**

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- 2.1 **Cash accounts** - prepare the bank reconciliations for year-end balances per the bank statement to the balance per books for each account. The year-end reconciliation is especially important for preparing the final year-end financial statements to ensure that it is completely accurate.
- Show origination dates and description of each reconciling item. Prepare the necessary journal entries to adjust to the reconciliations.. Totals must agree with the general ledger. File all reconciliation reports in the year-end closing file.
- 2.2 **Accounts Receivable** – Print a detailed aged accounts receivable report and reconcile it to the General Ledger. This can be prepared as soon as all accounts receivable are calculated as of year-end. Calculate possible allowances for un-collectible accounts. Adjust prior allowances to calculated amount. Write off any un-locatable differences. Retain a complete copy of the detailed accounts receivable, along with any reconciling adjustments in the year-end closing file.
- 2.3 **Inventory** – Supplies inventory may be small but should be evaluated periodically for cost increases.
- 2.4 **Capital Assets** - Update the detailed schedule of fixed assets with any additions and deletions and reconcile to the general ledger balances.
- 2.5 **Other Assets** - Other assets include utility or real estate deposits, prepaid insurance, advances to employees, and intangibles like store pre-opening costs. These should all be identified and documented. For example, a copy of the initial deposit with the utility company, or a list of the facility pre-opening costs with a schedule showing how much of those costs are to be amortized each year. File copies of these documents in the year-end closing file.

### 3.0 STATEMENT OF FINANCIAL POSITION: LIABILITIES AND NET ASSETS

- 3.1 Liabilities are shown as the amount to be paid in the subsequent period. If in doubt, record the liability.
- 3.2 **Accounts Payable** - Print a detailed aged accounts payable report and reconcile it to the general ledger. This is generally completed 2 to 4 weeks after the year-end to ensure that all vendor invoices relating to services and merchandise purchased have been received and entered.
- Compare all month-end vendor statements to balances per accounts payable and investigate any differences. Consider making adjustments for any significant unrecorded liabilities such as work started prior to year-end, but not yet billed by the supplier. Retain a complete copy of the accounts payable detail, along with any reconciling adjustments, in the year-end closing file.
- 3.3 **Accrued Expenses** - Review accruals for sales tax, payroll, payroll tax, payroll deductions payable, interest expense on short-term borrowings and long-term debt.
- 3.4 **Loan Debt** - Verify recorded accuracy of debt by ensuring the general ledger balances agree to year-end statements from lending institutions. Save all year-end statements in year-end closing file.

**3.5 Contingent Liabilities and Commitments** - Prepare a schedule of any outstanding litigation and possible losses. Prepare a schedule of all long-term rental agreements with amounts due by year for the next five years. Retain these schedules in the year-end closing file.

**3.6 Net Assets** - Record any changes in the Prior Period Adjustment category but ordinarily this account does not have any transactions directly posted to it.

#### **4.0 STATEMENT OF ACTIVITIES: REVENUE & SUPPORT**

**4.1 Revenue & Support** – Review all program revenue, reimbursement billings, and any other donations.

**4.2** Additionally, the Chief Financial Officer and back-office provider should periodically review revenue trends, cost associated with revenues, variable expenses and fixed expenses. Look for patterns, new trends, seasonal variances, or profitable emerging products that may indicate changes in customer or program behavior.

**4.3** The Chief Financial Officer and back-office provider should analytically review the revenue reports and explain all variances.

#### **5.0 STATEMENT OF ACTIVITIES: EXPENSES**

**5.1** Each expense total should be compared to expense total from the year before (and budgets if applicable). Attempt to explain any unusual variances. Some expense items are directly related to asset or liability accounts and can be reconciled in conjunction with the related Statement of Financial Position account.

**5.2 Program Costs** - A detailed report should be produced of program costs and analyzed in relation to the associated revenues and to prior periods.

**5.3 Payroll** - At year-end, the various payroll expense accounts should agree to total gross payroll per payroll reports. Account for all deductions for W-3 reported to the Social Security Administration, 1099s for vendors, as well as FICA and other taxes reported accordingly.

**5.4 Bad Debt Expense** - Prepare a list of all accounts written off during the year. Note specifically any addition to the allowance for uncollectible accounts.

**5.5 Interest Expense** - Prepare a schedule of interest expense by source. Reconcile amounts to short-term borrowings and long-term debt.

#### **Revision History:**

<b>Revision</b>	<b>Date</b>	<b>Description of changes</b>	<b>Requested By</b>
0	2/14/13	Initial Release	
1	11/12/15	Inclusion of back-office provider process	Oswaldo Diaz, CFO
2	9/5/17	Revision to clarify process	

**SOP # G&A106 Revision: 1**  
**Effective Date: 9/5/17**

**Prepared by: Central Office**  
**Approved by: BOD**

**Title: G&A106 CONTROLLING LEGAL COSTS**

**Policy:** The Organization will employ various methods to manage and whenever possible, minimize legal expenses.

**Purpose:** To describe the procedures for managing and controlling associated legal expenses.

**Scope:** This statement applies to all individuals with the responsibility for contracting legal services and/or approving agreements, contracts, or any other legally associated transactions.

**Responsibilities:**

Chief Executive Officer will resolve, negotiate, and examine all legal expenses.

Legal Counsel should provide the estimated costs of legal engagements and the most likely outcome.

**Definition:** Arbitration - is a private, informal process by which all parties agree, in writing, to submit their disputes to one or more impartial persons authorized to resolve the controversy by rendering a final and binding award, which is enforceable in court. It can be used for a wide variety of disputes from commercial transactions to labor grievances.

Declaratory Judgment - is a binding judgment issued by the court that defines the legal relationship between the parties and their rights with respect to the matter before the court. Commonly used in contract disputes (especially useful if no physical agreement exists and or a suit has not been filed yet) to clarify what conduct is permitted or prohibited by the contract or to clarify the contract if necessary.

A declaratory judgment provides the opposing party (defendant) with the opportunity to pick and chose the venue or jurisdiction, and the parties to the litigation. In this manner the opposing party can steal the initiative, direct the litigation, and maximize its chances of winning.

**Procedure:**

**1.0 ARBITRATION**

**1.1** Whenever practical, the Organization should utilize arbitration to resolve disputes. Arbitration can significantly reduce the amount of time and legal fees to resolve a dispute. The major features of arbitration are:

- A written agreement to resolve disputes by the use of impartial arbitration. Such a provision can be inserted into a contract for the resolution of possible

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future disputes, or can be an agreement to submit to arbitration of an existing dispute.

- Under the rules of arbitration, the procedure is relatively simple and informal. Strict rules of evidence do not apply; there is no motion practice or formal discovery; no requirements for transcripts of the proceedings or for written opinions of the arbitrators. The rules are flexible and can be varied by mutual agreement of the parties.
- Impartial and knowledgeable neutrals serve as arbitrators. Arbitrators are selected for specific cases because of their knowledge of the subject matter. Based on that experience, arbitrators can render an award grounded on thoughtful and thorough analysis.
- Final and binding awards which are enforceable in a court. Court intervention and review is limited by applicable state or federal arbitration laws, and award enforcement is facilitated by these same laws.

- 1.2 The following standard clause should be inserted whenever practical into contracts, agreements, etc. to provide for the arbitration of possible future disputes:

"Any controversy or claim arising out of or relating to this contract, or the breach thereof, shall be settled by arbitration in accordance with the Commercial [or applicable] Rules of the American Arbitration Association and judgment upon the award rendered by the arbitrator may be entered in any court having jurisdiction thereof."

The arbitration of existing disputes may be accomplished by mutual agreement of parties with the use of the following terminology:

"We, the undersigned parties, hereby agree to submit to arbitration under the Commercial [or applicable] Rules of the American Arbitration Association the following controversy.

[Describe Briefly]

We further agree that we will faithfully observe this agreement and the rules, and that we will abide by and perform any award rendered by the arbitrator(s) and that a judgment of the court having jurisdiction may be entered upon the award."

## 2.0 LEGAL SERVICES

- 2.1 All legal documents prepared for the company's use, such as vendor contracts, employment agreements, sales orders, etc. should be written in common language and whenever possible should avoid the use of legalese or jargon. Legalese tends to complicate even simple arrangements and often unnecessarily requires the incurrence of legal assistance for mere interpretive purposes.



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- 2.2** Before undertaking legal disputes, the Organization's legal counsel should ascertain and inform the Organization of the estimated costs that will be incurred for the legal engagement and the probable or most likely outcome of the case along with the probable amount of any awards or judgments. Use this information to produce a budget and clarify any matters that are increasing the budget. A budget will provide some assurance that the legal counsel has thought the matter through and it will also provide a baseline to determine the legal utility obtained from the matter.
- 2.3** Use legal action only as a last resort. Legal action is frequently not very effective. In fact, a threatened action — particularly with intellectual property — could result in a pre-emptive declaratory judgment lawsuit by the other party thus giving them the “home-field” advantage, which could lead to higher legal costs.

### **3.0 LEGAL BILLINGS**

- 3.1** Consider negotiating a “money-back” guarantee with the right to audit any bill for up to six months. Request that all fees that are proven to be unnecessary or excessive be returned. Then examine all legal bills for any such unnecessary or excessive transactions.
- 3.2** Many times, legal bills are aggregated, vague and too uninformative to be useful in controlling costs. Therefore, all legal arrangements contracted by the Organization should require itemized billings to include the following information:
- Start and end times and dates of each service transaction
  - Detailed description of services provided or work performed
  - Distinct itemization of each individual performing services
- 3.3** Examine all internal discussions or conferences and note exactly who is working on the case and why. Ask for a justification for all attorneys working on the case.
- 3.4** Consider alternatives such as contingent fees, fixed fees, and monthly retainers. All fees are negotiable.

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**Revision History:**

<b>Revision</b>	<b>Date</b>	<b>Description of changes</b>	<b>Requested By</b>
0	2/14/13	Initial Release	
1	9/5/17		

**SOP # G&A107 Revision: 2**  
**Effective Date: 9/5/17**

**Prepared by: Central Office**  
**Approved by: BOD**

**Title: G&A107 TAXES AND INSURANCE**

**Policy:** To ensure compliance with all Federal, state, local, and other regulatory taxation requirements

**Purpose:** To outline the general areas of taxation. To be used as a checklist or guide in complying with tax requirements related to each specific location and organizational structure.

**Scope:** This statement applies to the business activities of the company.

**Responsibilities:**

The Finance team and back-office provider responsible for determining all tax liabilities and fees, and the dates due

Back-office provider is responsible for ensuring the timely payment of all tax liabilities and fees..

**Procedure:**

**1.0 ORGANIZATION FEES AND TAXES**

**1.1** Fees and taxes will vary depending on the legal structure of the business activity. The Organization is a Not-For-Profit organization; however, there may be from time to time revenue earned that is taxable as if the Organization were a For-Profit entity and those profits would be considered Unrelated Business Income and subject to tax.

**1.2** The Finance team and back-office provider should check with the secretary of state, registry of charitable trusts, the IRS, and any other agency that non-profit organizations may pay fees with in order to ensure all fees are paid in a timely manner. Failure to pay such fees can result in the loss of the company's legal status or structure.

**2.0 UNRELATED BUSINESS INCOME TAX**

**2.1** Activities conducted not related to the exempt purpose of the Organization can be subject to unrelated business income tax.

**3.0 PAYROLL FEES AND TAXES**

**3.1** The Federal and state governments charge an **unemployment tax**, based on a specified minimum amount of each worker's salary level. For most states, the rate can change from business to business depending on the Company's history of claims and the economic health of the state in which the Company is located. Most of Magnolia's schools participate in the School Employers' Fund (SEF) for unemployment insurance.

**3.2** **Worker's compensation insurance** may be imposed by a state like a tax. It can also vary based on the amount of payroll, past history of worker's compensation claims, and the type of work in which the business is engaged. This coverage is generally arranged through an insurance company.

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- 3.3** At the Federal level, payroll is taxed at a uniform rate for **Social Security** and **Medicare**. These two taxes are evenly shared between the company and the employee up to certain levels of income. Additionally, personal income taxes, based on the employee's compensation, must be **withheld** from the employee's earnings and remitted to the government by the company, along with the company's and employee's share of **Social Security** and **Medicare** taxes.
- 3.4** In California, a portion of the employee's compensation is also **withheld** and remitted to the state by the Organization.
- 3.5** Other payroll withholdings, mandated by Federal or state requirements, may require wage garnishments to fulfill a bankruptcy edict or childcare payment requirement.
- 3.6** The Treasury Department and or the Internal Revenue Service (IRS) collects all monies due the Federal Government. Technically, withholding amounts deducted from a paycheck are considered the government's money and the business owner is temporarily holding the money, in deposit, until it can be transferred to the government. Any failure to pay in a timely fashion is considered a serious matter by the IRS and will not be ignored.

The IRS will impose a penalty for failing to pay the required withholding amounts on time. In addition, interest will be charged until the amount is paid. Both interest and penalties imposed by the IRS can add up significantly.

Therefore, the IRS is not a good source to "borrow" money from if cash is tight.

Note: Money due the IRS is NOT dischargeable in bankruptcy.

- 3.7** Certain local municipalities charge an **Earnings tax** based on payroll, income, assets, stock options granted or any combination. Check with the city clerk for details.

#### **4.0 EXCISE TAXES**

- 4.1** There are many different federal government taxes or fees imposed on the commerce of different types of businesses. The following represents the most common.
- 4.2** Penalties and interest may result from any of the following acts.
- Failing to collect and pay over tax as the collecting agent.
  - Failing to keep adequate records.
  - Failing to file returns.
  - Failing to pay taxes.
  - Filing returns late.
  - Filing false or fraudulent returns.
  - Paying taxes late.
  - Failing to make deposits.

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- Depositing taxes late.
- Making false statements relating to tax.
- Failing to register.

**5.0 OTHER TAXES AND CREDITS**

- 5.1** Many state, counties, and cities impose **real estate taxes**. The Organization should ensure that where possible the Organization has applied for exemption from property taxes as a non-profit organization.
- 5.3** **Sales and Use Taxes** – at this time, the Organization does not sell any products and is not subject to sales tax. However, they may make purchase from out of state vendors that are subject to California Use Tax. Such expenditures are monitored and reported, and payment is remitted quarterly to the Board of Equalization.

**6.0 TAX PAYMENTS**

- 6.1** The Finance team should create and maintain a detailed tax calendar as a guide, which provides a sample guide to some of the most common taxes. The guide should serve a reminder of tax due dates.

**7.0 INSURANCE**

- 7.1** Insurance needs for a business can be grouped in two broad categories, those that are directed at safeguarding assets and those that are furnished as employee benefits. Employee benefit insurance such as, health insurance, disability insurance and key man life insurance, should be considered in light of its importance in the entire employee compensation mix and in light of the personal needs of the company's owner(s).
- 7.2** Insurance used for safeguarding company's assets includes: property, casualty, key-man and professional liability insurance, as well as auto insurance, errors and omissions, directors' liability or business interruption insurance. The levels and terms of these policies should be determined based upon the value of the assets at risk and creditor or state and local requirements.
- 7.3** Business with a lot of employees should consider employment practices liability insurance covers businesses against some types of employee lawsuits including:
- Sexual harassment
  - Discrimination
  - Wrongful termination
  - Breach of employment contract
  - Negligent evaluation
  - Failure to employ or promote
  - Wrongful discipline
  - Deprivation of career opportunity

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- Wrongful infliction of emotional distress
- Mismanagement of employee benefit plans

**7.4** Certificates of insurance may be required to be on file or on display depending on governmental requirements. It is important to consider that the insurance policy is a contract. Each year's policy should be saved in a permanent file. A product liability suit can go back many years, and if the potential claim is significant, the protection afforded by the prior year's insurance coverage will be improved if that year's policy has been saved.

**Revision History:**

<b>Revision</b>	<b>Date</b>	<b>Description of changes</b>	<b>Requested By</b>
0	2/14/13	Initial Release	
1	11/12/15	Inclusion of back-office provider service provider process	Oswaldo Diaz, CFO
2	9/5/2017	Revise to clarify procedures	

**SOP # G&A108 Revision: 0**  
**Effective Date: 2/14/13**

**Prepared by: Central Office**  
**Approved by: BOD**

**Title: G&A108 PROPERTY TAX ASSESSMENTS**

**Policy:** All property tax assessments will be reviewed for accuracy and proper assessed valuations to ensure minimum property tax costs to the Organization.

**Purpose:** To outline the areas for review in assessments and methods for appealing overstated assessments. A Non-Profit property tax exemption is the preferred method to minimize property taxes.

**Scope:** This statement applies to the Finance Department for property tax assessments for all sites owned by the Organization.

**Responsibilities:**

The Chief Financial Officer is responsible for reviews of Assessments including the review of Property Descriptions, validating record accuracy and submitting appeals to local Assessor's Offices.

**Procedures:**

**1.0 REVIEW OF ASSESSMENTS**

**1.1** All assessments are to be promptly reviewed. Many jurisdictions only allow a challenge to an assessment within 30 days after the annual notice of assessed value is sent. If the Finance Department misses the deadline, the Organization loses the chance to reduce the year's property taxes. There are normally no refunds for prior years' property taxes even if successfully challenged in the future. Often, it may be advisable to begin the analysis process prior to receiving the assessment notice.

**1.2** When reviewing an assessment, the first step is to find out how the property was assessed. Ask for a full explanation of how the assessed value was derived. Assessors are usually cooperative in providing this information.

**1.3** Upon receipt of the basis for assessment, the following factors should be reviewed:

Note: Do not make the mistake of thinking property has received a favorable low assessment just because its assessed value is less than its market value. Many jurisdictions use "assessment ratios" that are a percentage of market value. What is important is the amount of a property's assessment compared to those of similar properties. A below market assessment may in fact be very high.

- **Research Similar Properties:** Tax assessments are part of the public record. Assessments of similar properties to the Organization's should be looked up to see that the Organization's assessment is in line. The objective is to find assessed values for similar properties that are far lower than the Organization's. For example, organization locations within industrial parks or similar developments should be easy to find very similar properties for comparison.
- **Review Property Descriptions and Accuracy of Records:** Review records for possible clerical errors. Ensure that property descriptions are correct and the building size (total square feet) is not overstated. Make sure that all dates are correct and that all calculations are properly computed. A wrong construction date or simple mathematical error can increase tax valuations.
- **Deflate Property Valuations:** Tax assessors generally value property on the basis of historical cost and the recent sales prices of other properties in the area. Often, when figuring local property taxes, numbers reported on the federal tax return will be used. Depreciable assets are valued at cost on the federal return when figuring depreciation deductions. However, the appropriate assessment for market value for property tax purposes may very different. Further, instead of performing actual physical inspections or assessments of properties every year, local assessors use "equalization ratios" to adjust the annual assessment. The equalization ratio is a type of an inflation adjustment meant to reflect the current general trend in property values. However, the current trend in property values may not apply to the Organization's property.

1.4 If the Organization can provide solid reasons for using different measures to value property, it may be able to receive a reduction in property taxes. Possible valuation methods can include:

- **Income Production:** Measure the current value of the cash flow stream generated by the property, which may be substantially lowered during a recession.
- **Replacement or Reproduction Cost:** How much it would cost to replace or reproduce the property should be determined. For example, if the construction industry is in a downturn, the cost to replace the property may be less than what the Organization paid for the property.
- Also the Organization should evaluate if it incurred any construction cost overruns due to bad weather, labor disturbances, material shortages, etc., that may have increased the cost of a new building without adding to its value. Decorative features may also add much less value than their actual cost.
- **Market Prices:** The actual recent sales of similar properties may show that the Organization's property is over-assessed.



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- **Unique Features or Business Obsolescence:** Changes to the characteristics of the property or features specific to the Organization's business may reduce its value. Examples can include:
    - Change in zoning restrictions that limit the use of the property.
    - Changes in neighborhood logistics, such as a median divider placed in a highway that deprives a location from access to customers, rerouting of a highway, closing of a railroad line or economic decline in the area that forces the Organization's traditional customer base to move away.
    - Obsolete design for the Organization's particular business needs such as a facility that has been specially designed to hold machinery that has been made obsolete by a competitor's innovation or a communications facility built with conventional wiring that is obsolete due to a switch in the industry to the use of fiber optics.
    - Unique design aspects which meet Organization needs but would reduce the value of a property to others.
    - A general downturn in the Organization's industry.
    - Including Personal Property in Building Valuations: Property that is movable is personal property and should not be included in a valuation of the building. Many items such as piping, wiring, climate control systems, generators, special supports and foundations for equipment may look like part of the building to the assessor but should not be included in the building's assessment.
- 1.5** Where the Organization is renting classroom or other facilities with triple net leases that includes property taxes that the Organization paid, the Organization should consider evaluating the lease location for the possibility that the landlord has not lowered the property taxes or is charging an unfair higher property tax to the Organization.
- 1.6** Under all circumstances the Organization should seek a property tax exemption or waiver. Often times the County will assess taxes for the first year, and the waiver will apply thereafter.
- 2.0 APPEALING OF ASSESSMENTS**
- 2.1** If upon review of the assessment and all other factors, the Finance Department believes a downward adjustment to the property assessment is appropriate, an appeal should be prepared. Experience has shown that if an organization presents a sound argument for challenging an assessment, the Organization has an excellent chance of receiving some type of tax reducing adjustment even if it is less than the Organization had requested.
- 2.2** The appeal case should include documentation of the above findings. It is important to keep in mind that the property tax assessor may not be familiar with

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the details of the Organization's business or industry, so the Organization must prepare to explain how such factors may affect a property's value.

- 2.3** Once a sound case is prepared, an appeal can be sought by simply calling the local assessor's office and asking for an appointment to discuss the assessment. The meeting with the local assessor will generally be informal. It is important to not be adversarial with the assessor but to present the attitude that the Organization is helping the assessor to reach a more accurate valuation for the property by presenting additional information.
- 2.4** If the Organization does not receive any or a large enough adjustment, an appeal may be made with the local Board of Appeals. These meetings will probably be more formal and the Organization may wish to provide expert testimony or obtain an independent appraisal of the property to present to the Board of Appeals.

**Revision History:**

<b>Revision</b>	<b>Date</b>	<b>Description of changes</b>	<b>Requested By</b>
0	2/14/13	Initial Release	

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**SOP # G&A109 Revision: 1**  
**Effective Date: 9/5/17**

**Prepared by: Central Office**  
**Approved by: BOD**

**Title: G&A109 CONFIDENTIAL INFORMATION RELEASE**

**Policy:** The release of financial, statistical or other information that may be of a confidential nature to the Organization should be controlled. Individual requests should be referred to the Chief Financial Officer, or appropriate manager for disposition.

**Purpose:** To provide a means for the control of information to banks, media, credit bureaus, or other agencies and organizations.

**Scope:** All requests by an outsider to an employee regarding financial, revenue, marketing, customers, personnel, vendors, or other Organization confidential information. If in doubt, verify with the Chief Financial Officer

**Responsibilities:**

Chief Financial Officer is responsible for safeguarding all Organization information and determining the appropriate level of detail for release.

Office Manager shall oversee all responses to all reference requests.

**Procedure:**

**1.0 FINANCIAL INFORMATION REQUESTS**

**1.1** Typical written requests are for additional information concerning details of the published financial statements, litigation progress, insurance coverage, names of investors, etc. If the request is by letter or other written correspondence, the material shall be forwarded to the Chief Financial Officer who will decide what information may be released and who will be authorized to reply.

**1.2** If the request is by telephone or a personal visit to our office, the requester should be referred to the Chief Financial Officer. If either is unavailable, the requester should be asked to provide their name, Organization, telephone number and address, if possible. Also they should be asked the reason for the request and a brief description of the information desired. This information should be written down and forwarded to the Chief Financial Officer for follow-up.

**1.3** The Chief Financial Officer should determine the appropriate response for each request. Formal Financial Statement presentations to the Board of Directors, or other stakeholders such as banks, should be accompanied by an opinion or comment from the Organization's Certified Public Accountant (CPA) prior to any formal presentation. (If no outside CPA review is obtained then some people may

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consider the Financial Statements as “Pro-Forma” and then request copies of completed tax returns). The Chief Financial Officer or designated Finance team member will examine the Financial Statements and prepare a formal version to one of three standards: compiled, reviewed or audited. The Organization should use an economically appropriate CPA standard sufficient to satisfy outside requirements.

The CPA standards are as follows:

- Compiled Financial Statement. The CPA is unable to make any assurances on the data or methods used to produce the financial statements. The CPA will re-cast the financial statements into a standard format (as per Generally Accepted Accounting Principles or GAAP) with a disclaimer that the statements are un-audited and the information is solely derived from the management of the business entity.
- Reviewed Financial Statement. The CPA is able to make some limited assurances that material changes are not required in order for the Financial Statements to be in conformity with GAAP. The CPA uses limited inquiry and some analytical procedures to ascertain the reasonableness of the statements. The information is then re-cast into a standard format with appropriate footnotes and a disclaimer that the statements are un-audited and only a limited inquiry has been made into the reasonableness of the information.
- Audited Financial Statement. The CPA provides assurance, through an opinion letter, that the financial statements are a fair representation of the financial position, results of operations, and cash flows of an entity. This opinion is given after a detailed review and verification of the accounting records and processes used to produce the data. Verification steps include various analytical procedures, client surveys, third party confirmation, and detailed accounting record reviews.

Any irregularities found could lead to either a “qualified” opinion, to indicate that something is inconsistent with GAAP, or an “adverse” opinion, which calls into question the reliability of the information itself. The CPA considers an adverse opinion very serious.

- 1.4** Some types of confidential information may require the signing of G&A109 Ex1 NON-DISCLOSURE AGREEMENT, prior to release. This may include requests for product release schedules, development plans, elements of corporate strategy, customer lists, intellectual property, financial information, legal proceedings, or time sensitive information.

## **2.0 PERSONNEL INFORMATION REQUESTS**

- 2.1** The Office Manager shall oversee all responses to all reference requests. No other employee, including a former employee’s immediate supervisor, shall be authorized to respond independently without first obtaining approval from Human Resources.

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- 2.2** All requests should be in writing, using Organization letterhead, indicating in that letter that the subject of the reference request has applied for a job. Information is not to be provided over the phone.
- 2.3** Each response shall be obtained only from people with first-hand knowledge of the employee's performance.
- 2.4** The Office Manager shall review all responses to ensure that:
- Only factual information about the employee's job performance and qualifications for employment are included in the response. At no time should a response include emotions, personal feelings, rumors, non-work-related comments or exaggerations.
  - If at all possible it is important that some form of documentation or solid evidence supports all information provided in the response.
- 2.5** Retain a copy of all responses, including the contents of any oral response, in the former employee's personnel file.
- 3.0 CREDIT REFERENCE INQUIRIES**
- 3.1** All credit reference requests should be in writing. Information requests should be directed to the Office Manager and are not to be provided over the phone.
- 3.2** The Office Manager should review the Credit Inquiry form for completeness prior to responding. Retain a copy of all responses, including the contents of any oral response, in the customer's file.

### Revision History:

Revision	Date	Description of changes	Requested By
0	2/14/13	Initial Release	
1	9/5/17	Revised to clarify processes	

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**G&A109 Ex1 NONDISCLOSURE AGREEMENT**

This NONDISCLOSURE AGREEMENT is made and entered into as of (DATE) between (THE ORGANIZATION NAME, STATE OF INCORPORATION AND ADDRESS), and (OTHER PARTY NAME, STATE OF INCORPORATION AND ADDRESS).

1. **Purpose.** The parties wish to explore and/or implement a business opportunity of mutual interest, and in connection with this opportunity, each party may disclose to the other certain confidential technical and business information that the disclosing party desires the receiving party to treat as confidential.

2. **"Confidential Information"** means any information disclosed by either party to the other party, either directly or indirectly, in writing, orally or by inspection of tangible objects (including, without limitation, documents, prototypes, samples, plant and equipment) that is designated as "Trade Secret", "Confidential", "Proprietary" or some similar designation, or is of such a nature or has been disclosed in such a manner that it should be obvious to the receiving party that such is claimed as confidential. Information communicated orally shall be considered Confidential Information within a reasonable time after the initial disclosure. Confidential Information may also include information disclosed to a disclosing third party by third parties. Confidential Information includes, without limitation, a disclosing party's trade secrets, know-how, intellectual property and proprietary information as well as business plans, financial data and the status and terms of any discussions between the parties regarding a potential business transaction. Confidential Information shall not, however, include any information that (i) was publicly known and made generally available in the public domain prior to the time of disclosure by the disclosing party; (ii) becomes publicly known and made generally available after disclosure by the disclosing party to the receiving party through no action or inaction of the receiving party; (iii) is already in the possession of the receiving party at the time of disclosure by the disclosing party as shown by the receiving party's files and records immediately prior to the time of disclosure; (iv) is obtained by the receiving party from a third party without a breach of such third party's obligations of confidentiality; (v) is independently developed by the receiving party without use of or reference to the disclosing party's Confidential Information, as shown by documents and other competent evidence in the receiving party's possession; or (vi) is required by law to be disclosed by the receiving party, provided that the receiving party gives the disclosing party prompt written notice of such requirement prior to such disclosure and assistance in obtaining an order protecting the information from public disclosure.

3. **Non-use and Non-disclosure.** Each party agrees not to use any Confidential Information of the other party for any purpose except to evaluate and engage in discussions concerning a potential business relationship between the parties. Each party agrees not to disclose any Confidential Information of the other party to third parties or to such party's employees or agents, except to those employees or agents of the receiving party who are required to have the information in order to evaluate or engage in discussions concerning the contemplated business relationship. A receiving party shall be responsible and liable for the action of its employees and agents with respect to a disclosing party's Confidential Information and shall fully cooperate with the disclosing party in enforcing any rights of the disclosing party against any such person in connection with a breach of this Agreement. Neither party shall reverse engineer, disassemble or de-compile any prototypes, software, or other tangible objects that embody the other party's Confidential Information and that are provided to the party hereunder. Neither party shall hire any employees of the other during the term of this Agreement and for a period of two years thereafter.

4. **Maintenance of Confidentiality.** Each party agrees that it shall take reasonable measures to protect the secrecy of and avoid disclosure and unauthorized use of the Confidential Information of the other party. Without limiting the foregoing, each party shall take at least those measures that it takes to protect its own highly confidential information and shall ensure that its employees and agents who have access to Confidential Information of the other party have signed a Non-use and Non-disclosure agreement in content similar to the provisions hereof, prior to any disclosure of Confidential Information to such employees and agents. Neither party shall make any copies of the Confidential Information of the other party unless the other party previously approves the same in writing. Each party shall reproduce the other party's proprietary rights notices on any such approved copies, in the same manner in which such notices were set forth in or on the original.

5. **Ongoing Development.** Nothing in this Agreement shall prohibit or restrict either party's right to develop, use or market products or services similar to or competitive with those of the other party disclosed in the Confidential Information as long as such shall not otherwise be a breach of this Agreement. Each party acknowledges that the other may already possess or have developed products or services similar to or competitive with those of the other party disclosed in the Confidential Information. Each party shall remain free to use in the course of its business its general knowledge skills and experience incurred before, during or after the date of this Agreement and the activities hereunder.

6. **No Obligation.** Nothing herein shall obligate either party to proceed with any transaction between them and each party reserves the right, in its sole discretion, to terminate the discussions contemplated by this Agreement concerning the business opportunity. Upon termination of such discussions the parties shall return all Confidential Information as provided in paragraph 8 and shall have no further rights to evaluate or use the Confidential Information of each other for any purpose whatsoever.

7. **No Warranty.** ALL CONFIDENTIAL INFORMATION IS PROVIDED "AS IS." THE PARTIES MAKE NO REPRESENTATIONS OR WARRANTIES, EXPRESS, IMPLIED OR OTHERWISE, REGARDING THE ACCURACY, COMPLETENESS OR PERFORMANCE OF ANY OF ITS RESPECTIVE CONFIDENTIAL INFORMATION.

8. **Return of Materials.** All documents and other tangible objects (except for any tangible objects purchased by a party) containing or representing Confidential Information that have been disclosed by either party to the other party, and all copies thereof which are in the possession of the other party, shall be and remain the property of the disclosing party and shall be promptly returned to the disclosing party upon the disclosing party's written request.

9. **No License.** Nothing in this Agreement is intended to grant any rights to either party under any patent, mask work right, trademark, trade secret or copyright of the other party, nor shall this Agreement grant any party any rights in or to the Confidential Information of the other party except as expressly set forth herein.

10. **Term.** The obligations of each receiving party hereunder shall survive until such times as all Confidential Information of the other party disclosed hereunder becomes publicly known and made generally available through no action or inaction of the receiving party. Notwithstanding the surviving obligations of a receiving party to maintain the confidentiality of a disclosing party's Confidential Information either party may at any time given written notice to the other party that it does not desire to receive any additional Confidential Information from the other party. After receipt of such notice, such party shall no longer furnish its Confidential Information to the notifying party.

11. **Remedies.** Each party agrees that any violation or threatened violation of this Agreement may cause irreparable injury to the other party, entitling the other party to seek injunctive relief in addition to all other legal and equitable remedies.

12. **General Provisions.** This Agreement shall bind and inure to the benefit of the parties hereto and their successors and assigns. This Agreement shall be governed by the laws of the State of Missouri, without reference to conflict of laws principles. This document contains the entire Agreement between the parties with respect to the subject matter hereof. Any failure to enforce any provision of the Agreement shall not constitute a waiver thereof or of any other provision. This Agreement may not be amended, nor any obligation waived, except by a writing signed by both parties hereto.

(THE ORGANIZATION).

(THE OTHER PARTY)

By: Name:

By: \_\_\_\_\_ Name: \_\_\_\_\_

Ti \_\_\_\_\_  
tle: \_\_\_\_\_



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**SOP # G&A110 Revision: 0**  
**Effective Date: 2/14/13**

**Prepared by: Central Office**  
**Approved by: BOD**

**Title: G&A110 DOCUMENT CONTROL**

**Policy:** All documents used to provide work direction or set policy should be reviewed, approved, distributed and controlled by the office of the Chief Financial Officer.

**Purpose:** To define the methods and responsibilities for controlling documents used to provide work direction or set policy, and to define methods for document revision, approval, and distribution.

**Scope:** This procedure applies to all documents required by the Accounting Management System. Documents of internal or external origin are included.

**Responsibilities:**

The Chief Financial Officer is responsible for controlling and reviewing, at least annually, the Accounting Manual, all procedures and instructions related to the Accounting Management System, and all External Documents that are required.

The Finance Team is responsible for maintaining and controlling the Accounting Manual, all procedures and instructions related to the Accounting Management System, and all External Documents that are required.

School Principals are responsible for ensuring the relevant versions of documents are available at the points of use and that they are legible.

**Definitions:** Controlled Document: A document that provides information or direction for performance of work is that is within the scope of this procedure. Characteristics of control include such things as Revision Number (letter), Signatures indicating review and approval, and Controlled Distribution.

Document: Information and its supporting medium. The medium can be paper, magnetic, electronic, optical computer disc, photograph, or sample.

External Document: A document of external origin that provides information or direction for the performance of activities within the scope of the quality management system. Examples include but are not limited to: customer drawings, industry standards, international standards, or equipment manuals.

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**Procedure:****1.0 DOCUMENT DISTRIBUTION**

- 1.1** Federal, State, and Local grants and contracts should be controlled. It is up to the Chief Executive Officer, Chief Financial Officer, and Chief Operations Officer to dispose of previous revisions as new revisions are released.
- 1.2** Each applicable department is responsible for maintaining each department's controlled documents. Examples of external documents include Memorandums of Understanding that may be used or referenced.

**Revision History:**

<b>Revision</b>	<b>Date</b>	<b>Description of changes</b>	<b>Requested By</b>
0	2/14/13	Initial Release	
1	9/5/17	Revision to clarify processes and positions	

Accounting Policies, Procedures and Forms

### G&A110 Ex1 REQUEST FOR DOCUMENT CHANGE (RDC)

Date: \_\_\_\_\_ RDC No.: \_\_\_\_\_

Originator: \_\_\_\_\_

Document Title and Publication Date: \_\_\_\_\_

Page and Chapter, or Paragraph Number: \_\_\_\_\_

Description Of Problem, Opportunity Or Reason For Request (Define in Detail):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Solution Recommended (if known) Date Action Required By: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Comments: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Department Manager Approval: \_\_\_\_\_

Recommended Solution To Problem or Postponement/Dissolution of Request  
(attach all necessary documentation to support response) \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Approved By: \_\_\_\_\_ Date: \_\_\_\_\_

#### PROCEDURE FOR COMPLETING FORM

- 1) Complete top section of this form except for RDC number
- 2) Obtain Department Manager's approval
- 3) Forward original to the Office Manager who will assign a RDC number (Note: one copy will be returned to originator with RDC number assigned.
- 4) The Office Manager will take action and if appropriate will proceed with an RDC.
- 5) The Office Manager returns a copy to Originator upon resolution of request.

Distribution: Original - RDC File Copy 1 - Originator

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## G&A110 Ex2 DOCUMENT CHANGE CONTROL

Date: \_\_\_\_\_

DCN#: \_\_\_\_\_

RDC#: \_\_\_\_\_

Doc. or Part No.	Description of Change, Documents affected and reason(s) for change(s)	Action Code(s)	Effective Date

**Change Action Required**

Make/order New Document: \_\_\_\_\_

Current Docs:

Use until depleted     
  Return for Credit     
  Scrap     
  Save for spares

Other: \_\_\_\_\_

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Authorization(s): Chief Financial Officer**

**Authorization(s): Office Manager**

By: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

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**SOP # G&A111 Revision: 0**

**Effective Date: 2/14/13**

**Prepared by: Central Office**

**Approved by: BOD**

**Title: G&A111 FACSIMILE AND E-MAIL SIGNATURES**

**Policy:** Fax and E-mail signatures are accepted as if the signature were an authentic wet blue ink signature for any official document.

**Purpose:** The purpose of this policy is to provide a clear explanation of the guidelines surrounding the use of Fax and E-mail signatures on Organization provided and received E-mail accounts and Fax Documents.

**Scope:** This applies to all Organization E-mail and Fax documents.

**Responsibilities:**

Chief Financial Officer is responsible for review and approval of signatures.

**Background:** E-mail and fax communication are often used more than any other form of communication, is a form of business communication. The format of E-mail and fax documents should be professional in terms of signature and other formatting. E-mail and fax signatures should follow certain guidelines to fit with the overall image of the Organization. As such, the style of address, tone, spelling, grammar and punctuation of all messages should reflect the standards of formal business communication.

**Procedure:**

**1.0 FAX AND E-MAIL SIGNATURES**

**1.1** What should be included in an e-mail signature:

E-mail and fax signatures should include your name, job title, department, mailing address, telephone and fax numbers, and Web site address. This should be in plain text format to easily accommodate all types of users.

When the signature is for a contract or approving a document or official in any nature, the signature should only be acceptable if the signature is in original “blue” ink.

**1.2** What should not be included in a fax or e-mail signature:

Elements that should not be included in fax or e-mail signatures include colored text, very large or complicated fonts, images, clip art or personal quotes. Faculty

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and staff should also refrain from using background images or stationary in their e-mail correspondence.

- 1.3** No fax or e-mail document is considered officially received as if it were an original blue ink wet signature until after the Organization has sent a formal reply to the fax or e-mail that the signature has been accepted.

**Revision History:**

<b>Revision</b>	<b>Date</b>	<b>Description of changes</b>	<b>Requested By</b>
0	2/14/13	Initial Release	



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**SOP # G&A112 Revision: 0**  
**Effective Date: 2/14/13**

**Prepared by: Central Office**  
**Approved by: BOD**

**Title: G&A112 MAINTENANCE REQUESTS**

**Policy:** Any maintenance work must be approved and pre-authorized.

**Purpose:** The purpose of this policy is to provide a clear explanation of the guidelines in obtaining approval for building, equipment, and general maintenance services.

**Scope:** This applies to any and all maintenance type service requests.

**Responsibilities:**

Chief Financial Officer or the Chief Financial Officer's staff designee is responsible for review and approval of maintenance requests.

**Background:** MERF and/or its maintenance contractors has the responsibility to repair, make replacements and adjust equipment and buildings in response to conditions discovered during performance of preventive maintenance, equipment breakdown/improper operation or employee complaint. MERF and/or its maintenance contractors shall respond to and accomplish any request that is relevant to the successful operation of the Organization and its school and system locations.

**Procedure:**

**1.0 MAINTENANCE REQUESTS**

**1.1** Maintenance requests will be reviewed and approved or disapproved by the Chief Financial Officer and/or the designated staff.

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**Revision History:**

<b>Revision</b>	<b>Date</b>	<b>Description of changes</b>	<b>Requested By</b>
0	2/14/13	Initial Release	

**SOP # G&A113 Revision: 1**

**Effective Date: 9/5/17**

**Prepared by: Central Office**

**Approved by: BOD**

**Title: G&A113 ELECTRONIC BACKUP OF ACCOUNTING INFORMATION**

**Policy:** All electronic accounting information systems must be backed up every week at a minimum on the Organization's server.

**Purpose:** The purpose of this policy is to provide a clear explanation the need to backup electronic accounting data regularly.

**Scope:** This applies to the QuickBooks accounting program.

**Responsibilities:**

Finance team is responsible for ensuring that the accounting program information is properly backed up.

**Background:** Electronic Accounting Information Backup means measures should be adopted that ensures that all electronic accounting data is properly backed up to secondary sources such as off-site web based services and/or other media to protect the Organization's information in the event of any form of electronic data loss.

**Procedure:**

**1.0 ELECTRONIC BACKUP OF ACCOUNTING INFORMATION**

**1.1** The QuickBooks electronic accounting information should be backed up by using two means. On a weekly basis, the Finance team should perform a QuickBooks backup of the data using the QuickBooks software procedure. This backup copy should be stored on the Organization computer server. The Organization computer server with the QuickBooks accounting file should be backed up weekly.

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**Accounting Policies, Procedures and Forms**

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**Revision History:**

<b>Revision</b>	<b>Date</b>	<b>Description of changes</b>	<b>Requested By</b>
0	2/14/13	Initial Release	
1	9/5/17		

**SOP # G&A114 Revision: 0**  
**Effective Date: 2/14/13**

**Prepared by: Central Office**  
**Approved by: BOD**

**Title: G&A114 POLITICAL INTERVENTION**

**Policy:** Consistent with its tax-exempt status under the Internal Revenue Code, it is the policy of MERF that the Organization shall not incur any expenditure for political intervention. Political intervention does not include lobbying activities, defined as the direct or indirect support or opposition for legislation, which is not prohibited under the Internal Revenue Code.

**Purpose:** The purpose of this policy is to provide a clear explanation of what the Organization may and may not be involved in with regards to politics.

**Scope:** All political activities of the Organization.

**Responsibilities:**

Chief Executive Officer is responsible for ensuring that the Organization is not seen as a political organization.

**Background:** The Organization is very well known and as such, political candidates may seek endorsements from MERF. This policy clarifies what MERF can and cannot do with regards to politics.

**Definition:** Political Intervention shall be defined as any activity associated with the direct or indirect support or opposition of a candidate for elective public office at the Federal, California or local level.

**Procedure:**

**1.0 PROHIBITED EXPENDITURES**

**1.1** Examples of prohibited political expenditures include, but are not limited to, the following:

1. Contributions to political action committees
2. Contributions to the campaigns of individual candidates for public office
3. Contributions to political parties
4. Expenditures to produce printed materials (including materials included in periodicals) that support or oppose candidates for public office
5. Expenditures for the placement of political advertisements in periodicals

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MERF will comply with all Federal and State laws and regulations regarding political intervention, lobbying, etc. Federal funds and those assets paid for by this program may not be used in any partisan activity.

**2.1 ENDORSEMENTS OF CANDIDATES**

- 2.2** It is the policy of MERF not to endorse any candidate(s) for public office in any manner, either verbally or in writing. This policy extends to the actions of management and other representatives of MERF, when these individuals are acting on behalf of, or are otherwise representing, MERF.

**3.0 PROHIBITED USE OF ASSETS AND RESOURCES**

- 3.1** It is the policy of MERF that no assets or human resources of MERF shall be utilized for political activities, as defined above. This prohibition extends to the use of MERF assets or human resources in support of political activities that are engaged in personally by board members, members of management, employees, or any other representatives of MERF. While there is no prohibition against these individuals engaging in political activities personally (on their own time, and without representing that they are acting on behalf of MERF), these individuals must at all times be aware that MERF resources cannot at any time be utilized in support of political activities except as identified in “1.0” above.

**Revision History:**

<b>Revision</b>	<b>Date</b>	<b>Description of changes</b>	<b>Requested By</b>
0	2/14/13	Initial Release	

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**SOP # G&A115 Revision: 1**  
**Effective Date: 11/12/15**

**Prepared by: Central Office**  
**Approved by: BOD**

**Title: G&A115 ACCRUED LIABILITIES**

**Policy:** The Organization will establish a list of commonly incurred expenses that may require accrual at the end of the fiscal year accounting period.

**Purpose:** The purpose of this policy is to properly recognize and accrue liabilities.

**Scope:** This applies to potential liabilities.

**Responsibilities:**

The Financial Analysts with the support of Back-office provider are responsible for ensuring that the accrued liabilities are properly accounted for.

**Background:** Accrued liabilities are liabilities that have been incurred such as vacation pay but have not been paid.

**Procedure:**

**1.0 Accrued Liabilities**

**1.1** Some of the expenses that shall be accrued by MERF at the end of an accounting period are:

- Salaries and wages
- Payroll taxes
- Vacation pay/Compensated absences
- Rent
- Interest on notes payable
- Insurance premiums
- Audit fees
- Charter Management Organization fees

Accounting Policies, Procedures and Forms

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**Revision History:**

<b>Revision</b>	<b>Date</b>	<b>Description of changes</b>	<b>Requested By</b>
0	2/14/13	Initial Release	
1	11/12/15	Inclusion of back-office provider service provider	Oswaldo Diaz, CFO



**SOP # G&A116 Revision: 1**

**Prepared by: Central Office**

**Effective Date: 11/12/15**

**Approved by: BOD**

**Title: G&A116 NOTES PAYABLE**

**Policy:** It is the policy of MERF to maintain a schedule of all notes payable, mortgage obligations, lines of credit, and other financing arrangements. This schedule shall be based on the underlying loan documents.

**Purpose:** The purpose of this policy is to properly track and recognize all notes payable and other similar obligations.

**Scope:** This applies to notes, loans, lines of credit, and obligations of the Organization.

**Responsibilities:**

Back-office provider is responsible for ensuring that all notes, loans, and other similar obligations are properly accounted for.

**Background:** Properly tracking and monitoring long term debt such as loans is important such that as payments become due, the Organization has sufficient cash flow to honor the obligation.

**Procedure:**

**1.0 NOTES PAYABLE**

**1.1** Prepare a schedule that shall be based on the underlying loan documents and shall include all of the following information:

1. Name and address of lender
2. Date of agreement or renewal/extension
3. Total amount of debt or available credit
4. Amounts and dates borrowed
5. Description of collateral, if any
6. Interest rate
7. Repayment terms
8. Maturity date
9. Address to which payments should be sent
10. Contact person at lender
11. Loan covenants, if applicable

**2.0 ACCOUNTING AND CLASSIFICATION**

**2.1** An amortization schedule shall be maintained for each note payable. Based upon the amortization schedule, the principal portion of payments due with the next

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year shall be classified as a current liability in the statements of financial position of MERF. The principal portion of payments due beyond one year shall be classified as long-term/non-current liabilities in the statements of financial position.

- 2.2** Demand notes and any other notes without established repayment dates shall always be classified as current liabilities.

Unpaid interest expense shall be accrued as a liability at the end of each accounting period.

- 2.3** A detailed record of all principal and interest payments made over the entire term shall be maintained with respect to each note payable. Periodically, the amounts reflected as current and long-term notes payable per the general ledger shall be reconciled to these payment schedules and the amortization schedules, if any, provided by the lender. All differences shall be investigated.

**3.0 NON-INTEREST-BEARING NOTES PAYABLE**

- 3.1** As a charitable organization, MERF may from time to time receive notes payable that do not require the payment of interest, or that require the payment of a below-market rate of interest for the type of obligation involved. In such cases, it shall be the policy of MERF to record contribution income for any unpaid interest.
- 3.2** For demand loans, recording of interest expense and contribution income shall be performed at the end of each accounting period, based on the outstanding principal balance of the loan during that period, multiplied by the difference between a normal interest rate for that type of loan and the rate, if any, that is required to be paid by MERF.
- 3.3** For loans with fixed maturities or payment dates, the note payable shall be recorded at the present value of the future principal payments, using as a discount rate the difference between a normal interest rate for that type of loan and the rate, if any, which is required to be paid by MERF. The difference between the cash proceeds of the note and the present value shall be recorded as contribution income in the period the loan is made. Thereafter, interest expense shall be recorded in each accounting period using the effective interest method, with the corresponding credit entry increasing the note payable account to reflect the amount(s) that shall be repaid.

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**Revision History:**

<b>Revision</b>	<b>Date</b>	<b>Description of changes</b>	<b>Requested By</b>
0	2/14/13	Initial Release	
1	11/12/15	Changes in responsibilities	Oswaldo Diaz, CFO

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**SOP # G&A117 Revision: 2**  
**Effective Date: 9/5/17**

**Prepared by: Central Office**  
**Approved by: BOD**

**Title: G&A117 FINANCIAL AND TAX REPORTING**

**Policy:** The Organization will prepare annual and monthly financial statements as management considers necessary and prepare non-profit tax information and tax information returns within eight months of the fiscal year close.

**Purpose:** The purpose is to control and prepare consistent and accurate financial statements and tax returns that are relied upon by both internal and external parties.

**Scope:** This applies to financial statements and tax reporting documents.

**Responsibilities:**

Chief Financial Officer or his designee is responsible for preparing all tax documents and ensuring Organization financial statements are accurate.

Back-office provider is responsible for preparing all Organization financial statements.

**Background:** Preparing financial statements and communicating key financial information is a necessary and critical accounting function. Financial statements are management tools used in making decisions, in monitoring the achievement of financial objectives, and as a standard method for providing information to interested parties external to MERF. Financial statements may reflect year-to-year historical comparisons or current year budget to actual comparisons.

**Procedure:**

**1.0 STANDARD FINANCIAL STATEMENTS**

**1.1** Prepare the basic financial statements at year end and as considered necessary for reporting purposes. The basic financial statements of the Organization are maintained and prepared by MERF on an Organization wide basis and shall include:

1. **Statements of Financial Position** - reflects assets, liabilities and net assets of MERF and classifies assets and liabilities as current or non-current/long-term.
2. **Statements of Activities** - presents support, revenues, expenses, and other changes in net assets of MERF, by category of net asset (unrestricted, temporarily restricted and permanently restricted)

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**2.0 FREQUENCY OF PREPARATION**

**2.1** The objective of the Back-office provider is to prepare accurate financial statements in accordance with generally accepted accounting principles and distribute them in a timely and cost-effective manner. In meeting this responsibility, the following policies shall apply:

**2.2** A standard set of financial statements described in the preceding section shall be produced on a bi-monthly basis for presentation at the Board of Directors meeting. The standard set of financial statements described in the preceding section shall be supplemented by the following schedules:

1. Individual statements of activities on a departmental and functional basis (and/or program/grant basis)
2. Comparisons of actual year-to-date revenues and expenses with year-to-date budgeted amounts

The bi-monthly set of financial statements shall be prepared on the cash basis of accounting with exception of year-end reports where accrual method of accounting must be used. Year-end report must include all receivables, accounts payable received by the end of the reporting period, and actual depreciation expense.

**3.0 REVIEW AND DISTRIBUTION**

**3.1** All financial statements and supporting schedules shall be reviewed and approved by the Chief Financial Officer, prior to being issued by Back-office provider. They should be signed by the preparer and the Chief Executive Officer.

**3.2** After approval by the Chief Financial Officer, a complete set of monthly financial statements shall, including the supplemental schedules described above, shall be distributed to the following individuals:

1. All members of the Finance and Audit Committee of the Board
2. Chief Executive Officer
3. School Principals and any other employee with budget-monitoring responsibilities will receive only the budget vs. actual report

**3.3** Financial statements may include an additional supplemental schedule prepared or compiled by the Chief Financial Officer. The purpose of this schedule is to provide known explanations for material budget variances in accordance with MERF'S budget monitoring policies. Also included is a list which lists all invoices that have not been paid at the end of the year and all revenues, if any, that have not been received.

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### 4.0 ANNUAL FINANCIAL STATEMENTS

- 4.1 A formal presentation of MERF's annual financial statements shall be provided by the independent auditor to the full Board of Directors at MERF's annual meeting. This presentation will be preceded by a meeting with MERF's Finance and Audit Committee, at which the Finance and Audit Committee will vote to accept or reject the annual financial statements.

### 5.0 GOVERNMENT RETURNS

- 5.1 MERF must be aware of its tax and information return filing obligations and comply with all such requirements of the Federal government, California and local jurisdictions. Filing requirements of MERF include, but are not limited to, filing annual information returns with the Internal Revenue Service (IRS), California charitable solicitation reports, annual reports for corporations, property tax returns, income tax returns, information returns for retirement plans, annual reporting of compensation paid, and payroll withholding tax returns.

### 6.0 FILING OF RETURNS

- 6.1 It is the policy of MERF to become familiar with the obligations in each jurisdiction and to comply with all known filing requirements. The Chief Financial Officer shall be responsible for identifying all filing requirements and assuring that MERF is in compliance with all such requirements.

- 6.2 It is also the policy of MERF to file complete and accurate returns with all authorities. MERF shall make all efforts to avoid filing misleading, inaccurate or incomplete returns.

- 6.3 Reports and returns which may be required to be filed by MERF include, but are not limited to, the following returns:

1. **Form 990** - Annual information return of tax-exemption of MERF, filed with IRS. Form 990 for MERF is due on the **fifteenth day of November, annually**.
2. **Form 990-T** – Annual tax return to report MERF'S unrelated trade or business activities (if any), filed with the IRS. Form 990-T is due on the **fifteenth day of November, annually**.
3. **Form 199** – Exempt Organization Annual Information Statement or Return (California) – This form is due on the **fifteenth day of November, annually**.
4. **Form 5500** - Annual return for MERF'S employee benefit plans. Form 5500 is due on the **fifteenth day of November, annually**.
5. **Federal and State Payroll Returns** - Filed on a quarterly or annual basis.

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6. **Form RRF-1** – Registration/Renewal Fee Report to Attorney General of California. This form is due on the **fifteenth day of November, annually.**
  7. **SF-SAC** – The Office of Management and Budget requires all Form SF-SAC and Single Audit submissions to be submitted on the Federal Audit Clearinghouse (FAC) Internet Data Entry System. The due date is established by OMB Circular A-133.
  8. **Form 1099's** – See **PUR101 VENDOR SELECTION.**
- 6.4 MERF'S fiscal and tax year-end is June 30. All annual tax and information returns of MERF Form 990, Form 990-T are filed on the accrual basis of reporting.
  - 6.5 Federal and all applicable California payroll tax returns are prepared by the Chief Financial Officer, in consultation with MERF'S independent auditor and the pension plan third-party administrator.
  - 6.6 It is the policy of MERF to comply with all California payroll tax requirements by withholding and remitting payroll taxes to California for each MERF employee.
- 7.0 PUBLIC ACCESS TO INFORMATION RETURNS**
- 7.1 Under regulations that became effective in 1999, MERF is subject to Federal requirements to make the following forms "widely available" to all members of the general public:
    1. The three most recent annual information returns (Form 990), and
    2. MERF'S original application for recognition of its tax-exempt status (Form 1023 or Form 1024), filed with IRS, and all accompanying schedules and attachments.
  - 7.2 It is the policy of MERF to adhere to the following guidelines in order to comply with the preceding public disclosure requirements:
    1. Anyone appearing in person at the offices of MERF during normal working hours making a request to inspect the forms will be granted access to a file copy of the forms. The Chief Financial Officer shall be responsible for maintaining this copy of each form and for making it available to all requesters.
    2. For all written requests for copies of forms received by MERF, the Organization shall require pre-payment of all copying and shipping charges. For requests for copies that are received without pre-payment, MERF will notify the requester of this policy via phone call or by letter within 7 days of receipt of the original request.



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3. The copying cost charged by MERF for providing copies of requested forms shall be \$1.00 for the first page copied and \$0.20 for each subsequent page. All copies shall be shipped to requesters via Priority Mail, thus, shipping charges will be a standard \$5.00 per shipment.
4. After payment is received by MERF, all requested copies should be shipped to requesters in accordance with applicable laws. Making of all copies and shipping within legal time period shall be the responsibility of the Finance Team.
5. For requests for copies made in person during normal business hours, copies shall be provided while the requester waits provided the request is for twenty-five (25) or less copied pages. Requests for copies in excess of 25 pages but less than 100 pages will be available the next business day. All requests in excess of 100 pages will be sent to the requestor in accordance with applicable laws.
6. MERF shall accept certified checks and money orders for requests for copies made in person. MERF shall accept certified checks and money orders or personal checks as payment for copies of forms requested in writing. Personal checks must clear the bank prior to the copies being made and delivered to the requestor.

**8.0 UNRELATED BUSINESS ACTIVITIES**

- 8.1 Identification and Classification of unrelated business activities must be separately identified.
- 8.2 It is the policy of MERF to properly identify and classify income-producing activities that are unrelated to MERF's tax-exempt purpose using the guidelines described in the Internal Revenue Code and underlying regulations. Such income accounts shall be segregated in separate accounts in the general ledger of MERF in order to facilitate tracking and accumulation of unrelated trade or business activities.
- 8.3 It is the policy of MERF to file IRS Form 990-T to report taxable income from unrelated trade or business activities. Form 990-T is not subject to any public access or disclosure requirements. Accordingly, it is the policy of MERF not to distribute copies of Form 990-T to anyone other than management and the Board of Directors of MERF.

**Revision History:**

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<b>Revision</b>	<b>Date</b>	<b>Description of changes</b>	<b>Requested By</b>
0	2/14/13	Initial Release	
1	11/12/15	Inclusion of back-office provider service provider process	Oswaldo Diaz, CFO
2	9/5/17	Revision to clarify processes and positions	

**SOP # G&A118 Revision: 2****Prepared by: Central Office****Effective Date: 9/5/17****Approved by: BOD****Title: G&A118 BUDGETING**

**Policy:** The School Site Principals with the support of Back-office provider are responsible for preparing, monitoring, and implementing the annual school site budget. The School Site Principal must have the school site budget approved by the Board of Directors no less than 60 days before the fiscal year end. It is the School Site Principal's responsibility to work with the central office in order to acquire the necessary budgetary information to implement their program. The budget may be revised as needed.

An annual Organization-wide budget shall be prepared on the accrual basis of accounting and the budget shall be adopted by the Board of Directors. The budget may be revised as needed. It is the policy of the Organization to adopt a final annual operating budget at least 60 days before the beginning of MERF's fiscal year.

**Purpose:** A budget is a management commitment of a plan for present and future MERF activities that will ensure survival. It provides an opportunity to examine the composition and viability of MERF's programs and activities simultaneously in light of all available resources

**Scope:** This applies to all departments and chart of accounts of the Organization.

**Responsibilities:**

Principal is responsible for providing information to Back-office provider so that the back-office provider service provider can prepare the annual site budget and make revisions as needed.

The Finance Department is responsible for reviewing the school site and Organization-wide budgets and budget revisions.

Back-office provider is responsible for preparing monthly budget vs. actual comparison reports.

**Background:** Budgeting is an integral part of managing MERF in that it is concerned with the translation of MERF's goals and objectives into financial and human resource terms. A budget should be designed and prepared to direct the most efficient and prudent use of the MERF's financial and human resources. A budget is a management commitment of a plan for present and future MERF activities that will ensure survival. It provides an opportunity to examine the composition and viability of MERF's programs and activities simultaneously in light of all available resources.

**Procedure:****1.0 PREPARATION AND ADOPTION**

- 1.1 The school site budgets will be developed by the School Site Principals and Back-office provider., The Organization-wide budget will be prepared by the Chief Financial Officer with the support of Back-office provider. They will gather proposed budget information from all Finance teams and others with budgetary responsibilities and prepare the first draft of the budget. Budgets proposed and submitted by each department should be accompanied by a narrative explanation of the sources and uses of funds and explaining all material fluctuations in budgeted amounts from prior years.
- 1.2 After appropriate revisions and a compilation of all school site budgets by Back-office provider, a draft of the school site budgets and Organization-wide budget will be presented to the Chief Financial Officer for discussion, revision, and preliminary approval. The Chief Executive Officer is responsible for the final approval of all budgets.
- 1.3 The final budget is then submitted by the Chief Financial Officer to the Board of Directors for adoption. School Site Principals shall be present at the Board of Directors budget approval meeting.
- 1.4 It is the policy of MERF to adopt a final annual operating budget at least 60 days before the beginning of the MERF's fiscal year. In addition, the Finance Team must setup the new fiscal year accounts, to input the budget into the accounting system and establish appropriate accounting and reporting procedures (including any necessary modifications to the chart of accounts), to ensure proper classification of activities and comparison of budget versus actual once the new year commences.

**2.0 MONITORING PERFORMANCE**

- 2.1 MERF will monitor its financial performance by comparing and analyzing actual results with budgeted amounts. This function will be accomplished in conjunction with the monthly financial reporting process described earlier.
- 2.2 On a monthly basis, budget reports comparing actual year-to-date revenues and expenses with budgeted year-to-date amounts shall be produced by Back-office provider and distributed to each respective School Principal by the 20<sup>th</sup> of the following month.
- 2.3 The financial reports will also be distributed, on a monthly basis, to the Board of Directors. The Chief Financial Officer and School Site Principal, with the

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support of Back-office provider, will be responsible for answering budget questions posed at the Board meetings.

- 2.4** The Chief Financial Officer will also institute an on-going monitoring plan to ensure the fiscal operations effectively implement all Federal and State requirements and to ensure the safeguarding of Federal and State funds and assets.

### **3.0 BUDGET MODIFICATION**

3.1 After a budget has been approved by the Board of Directors and adopted by MERF, reclassifications of budgeted expense amounts may be made by Back-office provider, with approval from the Chief Financial Officer.

3.2 Budget reclassifications of any amount are at the discretion of the Chief Financial Officer.

#### **Revision History:**

<b>Revision</b>	<b>Date</b>	<b>Description of changes</b>	<b>Requested By</b>
0	<b>2/14/13</b>	Initial Release	
1	<b>11/12/15</b>	Inclusion of back-office provider process	Oswaldo Diaz , CFO
2	9/5/17	Revision to clarify processes and positions	

**SOP # G&A119 Revision: 0**  
**Effective Date: 2/14/13**

**Prepared by: Central Office**  
**Approved by: BOD**

**Title: G&A119 INSURANCE**

**Policy:** It is the policy of the Organization to have an active risk management program that includes a comprehensive insurance package and to maintain adequate insurance against general liability, as well as coverage for buildings, contents, computers, fine arts, equipment, vehicles, machinery and other items of value.

**Purpose:** To have a comprehensive insurance package and to maintain adequate insurance against general liability, as well as coverage for buildings, contents, computers, fine arts, equipment, vehicles, machinery and other items of value.

**Scope:** This applies to all areas of risk management.

**Responsibilities:**

Chief Financial Officer is responsible for monitoring risk management and identifying areas of insurance need.

**Background:** Risk management and insurance enable the Organization to hedge against known and unknown potential losses.

**Definition:** **Workers' Compensation and Employer's Liability**  
Contractors are required to comply with applicable Federal and California workers' compensation and occupational hazard and disease statutes. If occupational hazard and diseases are not compensated under those statutes, they shall be covered under the employer's liability insurance policy.

**Fidelity Bond**

For all personnel handling cash, preparing or signing checks, MERF shall obtain insurance that provides coverage in a blanket fidelity bond. The specific needs of MERF will determine the dollar limit of this coverage.

**Comprehensive Liability**

This type of coverage may include directors, officers and employee general liability insurance, buildings, contents, computers, fine arts, boilers and machinery.

**Student Accident Insurance**

All children enrolled in any of MERF's funded programs must be insured for accidents and injury. The limit per child enrolled will be determined by local area experience rates and potential risk assessments.

**Procedure:****1.0 COVERAGE GUIDELINES**

- 1.1** As a guideline, MERF will arrange for the following types of insurance, as a minimum:

Type of Coverage

- Comprehensive Liability
- Automobiles for Employees,
- Volunteers or Escorts
- Employee dishonesty/bonding
- Fire and Water Damage
- Directors and Officers
- Theft
- Workers' Compensation
- Student Accident Insurance

- 1.2** The dollar limits are identified in the Insurance Booklet.

- 1.3** MERF shall maintain a file of all insurance policies in effect. This file shall include the following information, at a minimum:

1. Description (type of insurance)
2. Agent and insurance company, including all contact information
3. Coverage and deductibles
4. Premium amounts and frequency of payment
5. Policy effective dates
6. Date(s) premiums paid and check numbers

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**Revision History:**

<b>Revision</b>	<b>Date</b>	<b>Description of changes</b>	<b>Requested By</b>
0	2/14/13	Initial Release	



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**SOP # G&A120 Revision: 1**  
**Effective Date: 9/5/17**

**Prepared by: Central Office**  
**Approved by: BOD**

**Title: G&A120 SUPPLIES**

**Policy:** It is the policy of the organization to maintain an internal control system over supplies to prevent theft, overstocking, understocking, spoilage and obsolescence.

**Purpose:** To physically safeguard organization assets and to maintain accurate financial reporting.

**Scope:** This applies to non-capitalized assets.

**Responsibilities:**

School Principal or designee is responsible for maintaining safeguards over cleaning and education supplies at each school.

**Procedure:**

**1.0 SAFEGUARDS**

- 1.1** Each Principal or designee is responsible for monitoring safeguards over assets at each school site. School will properly safeguard supplies inventory by keeping storage and locker facilities locked.
- 1.2** **Cleaning/Maintenance Supplies.** The Custodian at each site is responsible for custody of cleaning and repair and maintenance supplies.
- 1.3** **Educational Supplies.** The Administrative Assistant or designee is responsible for custody of educational supplies. Only the Administrative Assistant and the School Principal will have access to educational supplies.
- 1.4** Educational supplies will be controlled in part by forms documenting custody, i.e. textbooks issued to students and use of laptops.

**2.0 MONITORING**

- 2.1** School will establish optimum minimum and maximum stock levels for inventory.
- 2.2** Finance teams will maintain records detailing purchases of each significant inventory item for each fiscal year.
- 2.3** School Principal or designee will conduct a physical inventory of the supplies listed above on an annual basis. The completed inventory will then be submitted to Accounting so it can be reconciled to the general ledger.

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**Revision History:**

<b>Revision</b>	<b>Date</b>	<b>Description of changes</b>	<b>Requested By</b>
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1	9/5/17	Revision to clarify processes and positions	

**SOP # G&A121 Revision: 2**  
**Effective Date: 9/5/17**

**Prepared by: Central Office**  
**Approved by: BOD**

**Title: G&A121 SCHOOL SITE ACCOUNTING**

**Policy:** It is the policy of MERF to consider each school to be a separate and distinct financial accounting entity in order to maintain an accurate fund accounting system.

**Purpose:** The purpose of this policy is to clearly define relationships between each school and with the business office in regards to financial accounting.

**Scope:** This applies to the Organization's charter schools and business office.

**Responsibilities:**

Back-office provider, with the support of the Financial Analysts, is responsible for timely and accurate recording of transactions, providing useful management information, and properly reporting such information for various user needs.

The Chief Financial Officer is responsible for overseeing the Financial Analysts and providing assistance where needed.

**Background:** Separate accounting for each of the charter schools is critical in order to monitor budget performance and to determine how to allocate resources.

**Procedure:**

**1.0 SEPARATE ACCOUNTING**

**1.1** Back-office provider will utilize the same accounting policies for each school they are responsible for. Consistency in accounting will ensure that the charter schools can be evaluated using the same benchmarks and will assist in evaluating performance.

**1.2** Each Charter School will have its own accounting file to assist in maintaining separate accounting for each school, and a separate bank account to avoid comingling of funds.

**2.0 FUNDRAISING**

**2.1** Fundraising generated from each school may not be transferred to another school.

**2.2** Revenues from fundraising will be recorded in the accounting system using the resource tracking system in order to account for funds received from different events. Funds may be used for operating purposes unless restricted by the donor or explicitly restricted by the event.

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**Revision History:**

<b>Revision</b>	<b>Date</b>	<b>Description of changes</b>	<b>Requested By</b>
0	2/14/13	Initial Release	
1	11/12/15	Inclusion of back-office provider provider processes	Oswaldo Diaz , CFO
2	9/5/17	Revision to clarify processes and positions	

**SOP # G&A122 Revision: 0**  
**Effective Date: 2/14/13**

**Prepared by: Central Office**  
**Approved by: BOD**

**Title: G&A122 FRAUD REPORTING & WHISTLEBLOWER**

**Policy:** To establish procedures for reporting concerns of fraud on a confidential basis; receipt, retention, and treatment of complaints received by the Organization regarding such concerns; and protection of anyone reporting fraud in good faith from retaliatory actions.

**Purpose:** It is the policy of the Organization that its operations are conducted according to the highest standard of integrity, and that its officers, directors, employees, consultants, volunteers, interns, vendors, and other agents observe high standards of business and personal ethics in the conduct of their duties and responsibilities. As employees and representatives of the Organization, all applicable laws and regulations must be followed, honesty and integrity must be practiced in fulfilling all responsibilities and all situations must be avoided that might conflict with responsibilities undertaken on behalf of the Organization. It is a federal crime for any organization – nonprofit or for-profit- to retaliate against a “whistleblower” who reports illegal, unacceptable, or suspicious activity (“Concerns”). This policy is intended to encourage and enable the reporting of Concerns within the Organization in order to prevent, detect and correct improper activities.

**Scope:** All officers, directors, employees, including temporary employees, consultants, volunteers, interns, vendors and other agents are covered by the scope of this policy and its guidelines.

**Responsibilities:**

Executive Management and Board of Directors are responsible for investigating any Concerns reported, and to ensure that the reporting person is protected from retaliation.

**Background:** The people closest to the day-to-day workings of an organization are the ones most qualified to identify and report improper activities. Experience has shown that these individuals will step forward if they are provided with a confidential means of reporting abuses and feel that they will be protected from retaliation, including loss of their job.

**Procedure:****1.0 REPORTING RESPONSIBILITY**

- 1.1 It is the responsibility of all those noted in the Scope of the Policy to report questionable or improper accounting or auditing matters or other Concerns as described above.
- 1.2 No officer, director, employee, including a temporary employee, consultant, volunteer, intern, vendor or other agent who reports a Concern in good faith shall be subject to retaliation or, in the case of an employee, adverse employment consequences. Any individual who retaliates against someone who has reported a Concern in good faith is subject to discipline up to and including dismissal from the volunteer position or termination of employment. Such conduct may also give rise to other actions, including civil lawsuits.
- 1.3 Reporting in good faith means that to the best of the individual's knowledge who is reporting a suspected fraud or abuse Concern, the fraud or abuse is factual.
- 1.4 An individual reporting a fraud or abuse Concern not in good faith is subject to discipline up to and including dismissal from the volunteer position or termination of employment. In other words, fraudulently submitting a fraud or abuse Concern/allegation is not acceptable.

**2.0 PROCEDURES FOR REPORTING CONCERNS**

- 2.1 **Employees and Consultants.** Whenever possible, an individual should seek to resolve Concerns by reporting issues directly to his supervisor. If, for any reason, the individual is uncomfortable speaking to his supervisor or does not believe the Concern is being properly addressed, the individual should report the Concern directly to the Chief Operating Officer of the Organization. If the individual does not believe that these channels of communication can or should be used to express his Concern, the individual should report the Concern directly to a member of the Organization's Board of Directors. Concerns may also be submitted anonymously in writing or via voice mail to a Board of Directors member. Contact information for the Chief Operating Officer and a listing of Board of Directors members may be obtained from the Organization's website or by calling the Organization at (714) 892-5066.
- 2.2 **Officers, Directors, Interns, Volunteers, Vendors and Other Agents.** Officers, directors, interns, volunteers, vendors and other agents may report Concerns to the Chief Executive Officer or directly to a member of the Organization's Board of Directors. If the officer, director, intern, volunteer, vendor or other agent is uncomfortable reporting to any of these individuals, or if he does not believe the Concern is being properly addressed, the report should be escalated directly to the Chair of the Organization's Board of Directors.
- 2.3 **Third Party Fraud Reporting Service.** An individual also has the option to report any Concerns through a service specifically set up for MERF. These can be

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reported through the website at [www.magnoliapublicschools.org](http://www.magnoliapublicschools.org) or by calling the central office. Concerns addressed through these channels can be made anonymously if the individual chooses.

### 3.0 HANDLING OF REPORTED CONCERNS

- 3.1 All reported Concerns filed in accordance with this policy will be investigated by the Organization with due care and promptness. Matters reported internally without initial resolution will be investigated by the Chief Executive Officer of the Organization to determine if the allegations are true, whether the issue is material and what actions, if any, are necessary to correct the problem. The Organization staff may issue a full report of all matters raised under this policy to the Board of Directors.

For matters reported directly to a member of the Board of Directors or the Chief Executive Officer, the Audit Committee shall promptly acknowledge receipt of the complaint to the complainant if the complainant is known. An investigation will be held to determine if the allegations are true, whether the issue is material and what corrective action, if any, is necessary. Upon the conclusion of this investigation, the Audit Committee shall promptly report its findings to the Executive Committee of the Board.

The Audit Committee shall have full authority to investigate Concerns raised in accordance with this policy and may retain outside legal counsel, accountants, private investigators, or any other resource that the committee reasonably believes is necessary to conduct a full and complete investigation of the allegations.

#### Revision History:

Revision	Date	Description of changes	Requested By
0	2/14/13	Initial Release	



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**SOP # G&A123 Revision: 0**  
**Effective Date: 1/1/17**

**Prepared by: Central Office**  
**Approved by: BOD**

**Title: G&A123 CONFLICT OF INTEREST POLICY**

**Purpose:** It is the policy of the Organization that the Governing Board shall review and adopt a conflict of interest policy annually or as required in accordance with authorizer MOUs.

**Responsibilities:**

Executive Management and Board of Directors are responsible for ensuring that the conflict of interest policy is reviewed and approved annually each July.

**Background:** Refer to separate document titled "Conflict of Interest Policy".

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**Revision History:**

<b>Revision</b>	<b>Date</b>	<b>Description of changes</b>	<b>Requested By</b>
0	7/21/16	Documented policy approved by Board as separate document	Caprice Young

**SOP # CSH101 Revision: 2**

**Prepared by: Central Office**

**Effective Date: 9/5/2017**

**Approved by: BOD**

**Title: CSH101 CASH BOXES**

**Policy:** Proper internal control should be maintained over funds received by cashiers or sales clerks of any type, even at fundraising events at all times.

**Purpose:** To identify the practices for cash box control, including cash receipts, special tender items, cash payouts and reconciliation with deposits.

**Scope:** All personnel that deal with the cash transactions.

**Responsibilities:**

Principal is responsible for safeguarding / verifying and controlling all cash assets at each school.

School Office Manager is responsible for ensuring the completeness and accuracy of all opening, closing and intermediate transactions.

School Office Manager is responsible for overseeing all event transactions.

**Procedure:**

**1.0 CASH BOX/SAFE**

**1.1** Each fundraiser or individual collecting cash should collect cash for events and safeguard properly. Once all cash has been collected, this individual should submit the cash received to the School Office Manager as soon as possible for placement in the cash box. It is important to ensure that only one person has responsibility for collecting cash as to limit any opportunities for misappropriation.

**1.2** All cash collected must be collected by the School Office Manager, counted together with the School Principal and one other person, and signed off by all three individuals that the cash count is accurate. The funds will then be safely secured until deposited by a designee of the School Office Manager.

**1.3** If the cash balance at the end of day exceeds \$1,000, a bank deposit will need to be made the same day. Otherwise, all bank deposits will need to be made by the last business day of the week. At the end of the week there should be no more than \$50 left in the cash box for the following week.

**1.4** Bank deposit documentation needs to be emailed to Back-office provider, in PDF format, for entry into the general ledger on a weekly basis.

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**Revision History:**

<b>Revision</b>	<b>Date</b>	<b>Description of changes</b>	<b>Requested By</b>
0	2/14/13	Initial Release	
1	11/12/15	Inclusion of back-office provider service provider process	Oswaldo Diaz, Chief Financial Officer
2	9/5/17	Revision to clarify processes and positions	

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**SOP # CSH102 Revision: 1**  
**Effective Date: 9/5/17**

**Prepared by: Central Office**  
**Approved by: BOD**

**Title: CSH102 CASH RECEIPTS AND DEPOSITS**

**Policy:** Accurate internal control of cash receipts and deposits will be maintained at all times. Cash deposits will generally be made on the same day as receipt.

**Purpose:** To establish the procedures to be followed for receiving, applying and depositing cash receipts.

**Scope:** This procedure applies to all cash receipts received by the Organization.

**Responsibilities:**

Finance team is responsible for processing all cash and check transactions and depositing checks received in the bank.

Finance team is responsible for inspecting and verifying proper signatures or endorsements on checks.

School Principal/Office Manager is responsible for all fundraising transactions.

**Definitions:** Tender Item. Any item used to tender or pay for a transaction is considered a tender item. Tender items can include coupons, gift certificates, credits, rebates, cash, checks, barter credits, etc.

**Procedure:**

**1.0 CUSTOMER AND AGENCY DEPOSITS**

**1.1** Cash receipts generally arise from:

- Contracts and Grants
- Direct donor contributions
- Fundraising activities

The principal steps in the cash receipts process are:

**Central Office** - The Receptionist receives incoming mail, opens, date stamps, and distributes the mail. The Finance team stamps all checks “for deposit only,” and makes one (1) copies of each check. The checks are kept in a locked cabinet until ready for deposit.

Weekly (or more often if necessary), the Finance team processes the following: the endorsed checks, the deposit log book, and the correct account allocation for each deposit. The Finance team processes the deposit and

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takes it to the bank for deposit. A copy of the deposit slip is attached to the deposit. The deposits are put in a file to attach to the bank statement.

All cash received at the central office will be counted, verified, and signed off by two people from Accounting and another available staff member. The cash will immediately be posted using the appropriate allocation. A receipt will be given to the paying party and a copy kept for internal purposes. The cash will be kept in a locked, secure location and deposited within 24 business hours, but no longer than the last business day of the week.

**School Site** - The Receptionist receives incoming mail, opens, date stamps, and distributes the mail. The checks are kept in a locked cabinet until ready for deposit.

Weekly (or more often if necessary), the Principal, Office Manager, or designee will deposit the checks to the bank for deposit. The Principal, Office Manager, or designee will then send copies of the check(s) deposited and the original deposit slip receipt from the bank to the Finance team for processing.

The back office provider will process the deposit and enter into the accounting system. A copy of the deposit slip is attached to the deposit. The deposits are put in a file to attach to the bank statement.

## **2.0 APPLICATION OF ACCOUNTS RECEIVABLE**

**2.1** Inspect all incoming accounting mail for checks.

**2.2** Finance team should photocopy all checks. Any papers attached to the checks should be stapled to the check photocopy and the envelopes discarded.

**2.3** Finance team will use the photocopy of the checks and customer remittance advices to apply the cash payments to the Accounts Receivable Ledger if applicable. Unapplied payments are to be credited against the oldest open aging column on the accounts receivable ledger. A standard letter of information and/or inquiry should be sent or faxed to the payer when there is any question as to the correct application of the check.

**2.4** Checks returned once should be deposited a second time. Already re-deposited checks should be debited back to the account.

**2.5** Prepare all checks received for deposit.

## **3.0 DEPOSIT, ENDORSEMENT OF CHECKS, TIMELINES OF BANK DEPOSITS**

**3.1** The Finance team will inspect all checks for proper signature or endorsement. If a check is received without a proper signature then process the check as per CSH103 PROBLEM CHECKS procedure.

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- 3.2** All checks should be endorsed as follows:
- a. With the restrictive endorsement "For Deposit Only" along with,
  - b. The Organization's designated bank deposit account number,
  - c. The name, "Magnolia Education and Research Foundation",
  - d. The bank name.
- 3.3** No check should be withheld from daily deposit unless it is legally imperfect. The endorsed checks should then be returned to the Finance Team. Bank deposits will be made on a daily basis, unless the total cash amount received for deposit is less than \$1,000. Receipts must be deposited no later than the Friday of the week it was received. Any cash not deposited on a daily basis will be kept in a locked fireproof cabinet with access limited to the Chief Financial Officer, and the Finance Manager.
- 3.4** At time of deposit, collect all cash and checks and prepare a bank deposit slip for deposit in the Organization's authorized bank. Ensure that collections are deposited into the correct bank account, and that the name of the charter school is listed on the deposit slip.
- 3.5** Place a duplicate copy of the deposit ticket and collected cash into a cash bag for transport to the bank. Deposits should be made no less frequently than daily if amount of cash exceeds \$1,000. If the deposit cannot be made immediately then the deposits should be stored in a secure area for later deposit.
- 3.6** Extreme care should be taken to protect the safety of the person making the deposit and the deposit itself. Actions to be considered are, making deposits only during daylight hours, using random deposit times and different routes to the bank, and assigning two people to make deposits.
- 3.7** The deposit amount should be entered into the accounting program.
- 3.8** No disbursements should be made from collections, nor can personal checks be cashed.



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**Revision History:**

<b>Revision</b>	<b>Date</b>	<b>Description of changes</b>	<b>Requested By</b>
0	2/14/13	Initial Release	
1	9/5/17	Revision to clarify processes and positions	

**SOP # CSH103 Revision: 2**  
**Effective Date: 9/5/17**

**Prepared by: Central Office**  
**Approved by: BOD**

**Title: CSH103 PROBLEM CHECKS**

**Problem:** To save time in returning and following-up on unsigned, checks marked "payment in full", or returned by the bank. These checks should be processed as follows and deposited.

**Purpose:** To describe how these types of checks should be handled before depositing.

**Scope:** This procedure applies to all checks received by the Organization.

**Responsibilities:**

Back-office provider is responsible for processing all check transactions for each school.

**Definitions:** NSF. Non-Sufficient Funds or NSF checks are those that are returned from the bank because the balance in the checking account was not high enough to cover the check. The check is then stamped NSF or "insufficient funds", "uncollected funds", or maybe "account closed".

**Procedure:**

**1.0 UNSIGNED CHECKS**

**1.1** The word "over" should be typed or written on the line where the signature would normally appear. On the back, type "Lack of Signature Guaranteed" and then add the Organization name, manager's name, title and signature.

Note: This indicates to the bank that the Organization will take back the check as a charge against its account in the event it isn't honored. In the event the check is not honored, the Office Manager should immediately follow-up with the issuer.

**1.2** Continue processing the check.

**2.0 PARTIAL PAYMENT CHECKS MARKED "PAYMENT IN FULL"**

**2.1** If there's no dispute as to the amount, a check tendered for less than the amount due and marked "payment in full" (or similar wording) can be cashed without jeopardizing the right to recover the balance. However, if there's a bona fide dispute as to the amount owing, the Organization runs the risk that payment will be deemed to have settled the disputed claim for the lesser amount.

**2.2** To overcome any potential pitfall, the check should be endorsed with the following statement "Check is accepted without prejudice and with full reservation of all rights under section 1-207 of the UNIFORM COMMERCIAL CODE (see Reference A).

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- 2.3** Continue processing the check as per procedure CSH102 CASH RECEIPTS AND DEPOSITS.
- 2.4** The Office Manager should then work with the customer to resolve collection of the remaining balance due.

**3.0 RETURNED CHECKS**

- 3.1** A returned check for less than \$100 or stamped "uncollected funds," should be re-deposited the following day, if the check is not already stamped, "Do Not Re-Deposit".
- 3.2** For returned checks in amounts greater than \$100, the bank that the check is drawn against should be telephoned to determine if the check amount will clear the customer's account. If sufficient funds exist the check should be re-deposited. If the check is very large, consider taking the check directly to the issuing bank for recovery.

Note: The customer's account number should be the second number series located at the bottom center of the check.

**4.0 REDEPOSITED CHECKS**

- 4.1** In the event a re-deposited check is returned or if sufficient funds do not exist to cover the check, the Office Manager should contact the issuer by phone to report the problem and discuss how the matter will be resolved. Then issue a formal notice CSH103 Ex1 BAD CHECK NOTICE via certified mail with a return receipt requested to ensure the customer understands the seriousness of the issue.
- 4.2** Whenever a check is re-deposited more than once a handling fee should be considered.

**References:****A. UNIFORM COMMERCIAL CODE (UCC)**

The "Uniform Commercial Code" or UCC began as a model for each state legislature to modify and adopt as law in that state. Therefore, the UCC is not the same in every state. Each state's court system can interpret the UCC differently thereby creating different case law in that state and producing different results.

Business people cannot assume that the law will be exactly the same in each state. For more information see the Secretary of State for each State in question.

**B. BAD CHECK LAW**

Bad Checks are considered part of the UCC and therefore are a matter of state law enforcement. Section 3-104(2)(b) of the UCC, defines a check as "a draft drawn on a bank and payable on demand." Each state has a different "Bad Check Law" see UCC above.

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Postdated check: since it is not payable on demand, most states believe that the giving of a post-dated check does not constitute a present fraud nor is it within the scope of the bad check laws.

Payments for COD or pre-existing debt: In most cases, NSF checks are not considered under the bad check law if they are used to pay a note payment or to pay an invoice that is on account. However, if the debtor provides a creditor with a NSF check for a COD order, then that act does fall within the bad check laws.

**Revision History:**

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0	2/14/13	Initial Release	
1	11/12/15	Inclus of back-office provider ion provider proces s	Oswaldo Diaz, Chief Financial Officer
2	9/5/17	Revision to clarify processes and positions	

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**CSH103 Ex1 BAD CHECK**

**NOTICE**

Date:

CUSTOMER  
NAME ADDRESS  
CITY, STATE, ZIP

Dear Sir:

Payment on your Check No. \_\_\_\_\_ in the amount of  
\$ \_\_\_\_\_, presented to us on, {DAY MONTH YEAR} , has been  
returned by your bank and marked insufficient funds. We have re-deposited  
your check and attempted to collect on this check twice already.

We have verified with your bank that insufficient funds remain to  
clear this check. Therefore, we request that you replace this check with a  
certified check immediately.

Unless we receive the certified funds for the amount listed above  
within 15 days, we shall immediately begin appropriate legal action to protect  
our interest. Upon receipt of replacement funds we shall return the  
dishonored check.

Sincerely,

Office Manager  
MAGNOLIA EDUCATION AND RESEARCH FOUNDATION

Certified Mail, Return Receipt Requested.

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**SOP # CSH104 Revision: 1**  
**Effective Date: 9/5/17**

**Prepared by: Central Office**  
**Approved by: BOD**

**Title: CSH104 WIRE TRANSFERS**

**Policy:** To provide additional payment options to customers and vendors in order to make funds immediately available to the receiving party. Wire transfers should be treated with special care and accuracy to prevent loss to the Organization or the customer.

**Purpose:** To explain the steps necessary to ensure proper procedures are followed when processing wire transfer requests.

**Scope:** This procedure applies to customers who are sending or receiving wire transfers and the financial institutions which process these requests.

**Responsibilities:**

Chief Financial Officer is responsible for initiating all outgoing wire transfer requests.

Chief Executive Officer should approve all wire transfers regardless of amount.

Finance team is responsible for processing all incoming wire transfers.

**Definitions:** ABA The American Bankers Association or ABA number is a unique routing identification code is issued to a Federal or State chartered financial institution which is eligible to maintain an account at a US Federal Reserve Bank. The ABA Routing Number (a.k.a. ABA number; Routing Transit number) is used to identify participants in automated clearinghouses, electronic funds transfer, and on-line banking.

**Procedure:**

**1.0 INCOMING WIRES**

**1.1** Wire transfers are processed the same as a check in accordance with the CSH102 CASH RECEIPTS AND DEPOSITS procedure.

**1.2** Upon the banks receipt of the wire transfer the bank may create a wire transfer notification. Normally these are mailed but many banks may also provide notification via e-mail, phone, fax, or via an on-line banking interface. The bank notification serves as documentation the the money has been received.

**2.0 OUTGOING WIRES**

**2.1** The Chief Financial Officer will initiate wire transfers as necessary. This will take place on the secured website maintained by the Organization's bank. Chief Executive Officer must approve all wire transfers by logging into the bank's secured website and approving the transfer. Wire transfers cannot be made without this secondary authorization.



- 2.2** Wire transfers should originate from a checking account. Reference A - FRB Reg D. - establishes limits on transfers from savings or money market accounts but there are no limits on transfers from checking accounts.

**References:**

**A. FRB REG D: RESERVE REQUIREMENTS OF DEPOSITORY INSTITUTIONS**

Defines consumer depository accounts (e.g., checking, savings, money market, CDs, transactions etc.) and the rules governing those accounts. This law also requires that financial institutions keep a minimum amount of reserve deposits either as vault cash or with the Federal Reserve.

The Federal Reserve Board's Regulation D limits the number of certain withdrawals and transfers from savings accounts. All financial institutions are subject to this regulation. Examples savings accounts affected by this regulation include: Regular Savings and Money Market accounts. Transactions on Checking accounts are not limited.

Regulation D, allows up to six (6) preauthorized or automatic withdrawals or transfers to another account at the same financial institutions or to a third party during a calendar month. There may be no more than three (3) of these six (6) transfers by check, debit card, or similar order, clearing an account. A "preauthorized transfer" includes arrangement the credit union make either to pay a third party, one time, on written or verbal instruction, or to pay a third party on a fixed schedule, (i.e. bill payer, ACH authorizations).

**B. FRB REG E: ELECTRONIC FUND TRANSFER ACT**

Establishes the rights, liabilities and responsibilities of all parties involved in electronic fund transfers and protects consumers when they use such systems. Examples of these transactions include those at automated teller machines, telephone bill-payment plans, point-of-sale purchases and pre-authorized transfers to and from a consumer's account (such as direct deposit and regular utility and mortgage payments).

Regulation E prescribes rules for the solicitation and issuance of EFT cards; governs consumers' liability for unauthorized electronic fund transfers (resulting, for example, from lost or stolen cards); requires institutions to disclose certain terms and conditions of EFT services; provides for documentation of electronic transfers (on periodic statements, for example)- sets up a resolution procedure for errors; and covers notice of crediting and stoppage of preauthorized payments from a customer's account.

Stored-value cards (also known as "smart cards") and home banking by personal computer would be subject to Regulation E because the act governs electronic fund transfers.

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**Revision History:**

<b>Revision</b>	<b>Date</b>	<b>Description of changes</b>	<b>Requested By</b>
0	2/14/13	Initial Release	
1	9/5/17	Revision to clarify processes and positions	

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**SOP # CSH105 Revision: 0**  
**Effective Date: 2/14/13**

**Prepared by: Central Office**  
**Approved by: BOD**

**Title:** CSH105 CHECK SIGNING AUTHORITY

**Policy:** A limited number of employees will be authorized to sign checks but there shall be no fewer than three individuals at all times.

**Purpose:** To outline the check signing authority process.

**Background:** While a hired accountant, office manager, or accounting clerk may be responsible for entering bills, paying bills, and printing out checks, all printed checks and related documentation should be presented to a second individual for signing. No one person or employee should be allowed to enter invoices, select invoices for payment, then print and sign checks. At a minimum, this process requires at least two individuals to ensure the integrity of the accounting system remains intact.

**Scope:** This procedure applies to all regular bank checking accounts of the Organization.

**Responsibilities:**

Chief Executive Officer is responsible for adding and removing check signing authority.

Chief Financial Officer is responsible for managing the check signing authority process and alerting all individuals and banks of any changes to authority.

**Procedure:**

**1.0 AUTHORIZED CHECK SIGNERS**

- 1.1** The Board of Directors and the Chief Executive Officer should approve authorized check signers in writing. All approvals should be forwarded to the Chief Financial Officer for processing.
- 1.2** The Chief Executive Officer and Chief Financial Officer should have check signing authority. Additional individuals with or without dollar limitations may be authorized as necessary.
- 1.3** For back-up purposes, it is advisable to have at least three check signers authorized for each checking account. One should be the Chief Financial Officer or primary signer and the other should be the Chief Executive Officer or secondary check signer. The third should be a back-up signer. The back-up signer should be a trusted individual but not necessarily an employee. It could be a board member or another principle in the Organization. A back-up signer will ensure continuing operations in case both the primary and secondary signers become incapacitated for any period of time.

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**Accounting Policies, Procedures and Forms**

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**1.4** If the check signer also authorizes purchase orders, their access to the QuickBooks accounting system should be limited to “read” access as to maintain proper segregation of duties.

**2.0 CHANGING CHECK SIGNERS**

**2.1** The Chief Financial Officer receives all approval paperwork and should prepare and maintain a file record of all authorized check signers and CSH105 Ex1 CHECK SIGNING AUTHORITY LOG.

**2.2** The CHECK SIGNING AUTHORITY LOG should be kept current of all individuals and their status to sign checks as soon as their status changes. The log should contain the following information:

- Recipient name / position or title
- Authority start date
- Authority end date
- Maximum expenditure authority level

**2.2** Contact the bank that administers the checking account for details on adding, changing, or removing check signers from a checking account. Normally this is a simple process of presenting identification and signing a card to be placed on file at the bank.

Banks maintain an authorized check signer’s card for each checking account. Only those individuals listed on the authorized check signer’s card may sign checks.

**2.3** The Chief Executive Officer or the Board of Directors may revoke check signing authority. Any person who is no longer entitled to sign Organization checks will be notified in writing. The Chief Financial Officer will oversee the proper notification of the Organization's banks whenever authorized signature changes are made.

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**Revision History:**

<b>Revision</b>	<b>Date</b>	<b>Description of changes</b>	<b>Requested By</b>
0	2/14/13	Initial Release	

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**Title: CSH106 CHECK MATTERS**

**Policy:** To ensure efficient processing and record keeping all check matters will need to be handled and documented appropriately.

**Purpose:** To describe the process for matters relating to checks.

**Scope:** All checks.

**Responsibilities:**

Chief Financial Officer or Finance team is responsible for managing other check matters.

**Procedure:**

**1.0 CHECK ORIGINATION**

**1.1** The Organization does not permit the use of manual checks.

**1.2** In no instance can the payee of a check be made to “Cash”.

**2.0 CHECK STOP PAYMENT**

**2.1** It is important to place the stop payment information on the account as quickly as possible to prevent losses. The following information should be obtained and recorded on the bank’s Stop Payment Form or address online:

- Requester’s name and department
- Account number
- Check number
- Date of the check
- Who the check is made payable to
- Amount of the check
- Reason for the stop payment

**2.2** The stop payment information above should be forwarded to the Finance team or Chief Financial Officer who will contact the bank to put a stop on the check.

**2.3** An authorized check signer may need to sign the bank’s Stop Payment Form or address online, typically within ten business days. Normally, stop payments are placed on the account for approximately six months.

**2.4** To release the stop payment, an authorized check signer may need to contact the bank and sign a release. Note: signing the release allows the check to be paid.

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**Revision History:**

<b>Revision</b>	<b>Date</b>	<b>Description of changes</b>	<b>Requested By</b>
0	2/14/13	Initial Release	
1	9/5/17	Revision to clarify processes and positions	

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**SOP # CSH107 Revision: 1**  
**Effective Date: 9/5/17**

**Prepared by: Central Office**  
**Approved by: BOD**

**Title: CSH107 BANK ACCOUNT RECONCILIATIONS**

**Policy:** To ensure the accuracy of the Organization's bank account records by proving the monthly balance shown in the bank's Account Register.

**Purpose:** To outline the practices for preparation of a Monthly Bank Reconciliation

**Scope:** This applies to all bank accounts maintained by the Organization.

**Responsibilities:**

Chief Financial Officer or designee is responsible for review and approval of all reconciliations.

Back-office service provider is responsible for reconciling each site's respective checking account.

**Background:** Errors or omissions can be made to the Organization's bank account records due to the many cash transactions that occur. Therefore, it is necessary to prove the monthly balance shown in the bank account register. Cash on deposit with a bank is not available for count and is therefore proved through the preparation of a reconciliation of the Organization's record of cash in the bank and the bank's record of the Organization's cash that is on deposit.

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**Procedure:****1.0 BANK STATEMENT PREPARATION**

**1.1** After receipt of the monthly bank statement and/or online printing of the monthly bank statement, Back-office accountant should prepare the monthly bank reconciliation by the 20<sup>th</sup> of the following month. After preparation the bank reconciliation will be carefully reviewed by the Back-Office client manager. Once reviewed, the bank reconciliations are sent to the Finance Team for final review and approval. To preserve proper segregation of duties, no single employee, should perform both cash transaction functions and bank account reconciliations.

**2.0 COMPUTERIZED FORMAT**

**2.1** In the computerized environment, the accounting system provides an automated bank reconciliation task. This task is generally selected once a month in conjunction with receiving the month end bank statement and/or online printout of the month end bank statement. Once selected, the screen shows a list of all items that have been posted to the cash account and that have not been cleared from the previous month's account reconciliation. The screen is usually divided into two segments: one half is a list of all checks and other charges reducing cash, and the other half is a list of all deposits and other items increasing cash. This screen would also have a field for entering the proper month end date and the balance at month end, per the bank.

**2.2** After the account-reconciling task is successfully completed, a report is provided which shows the reconciliation process, including outstanding checks and deposits in transit.

Note: Once completed, the bank reconciliations and bank statements are filed electronically.

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**Revision History:**

<b>Revision</b>	<b>Date</b>	<b>Description of changes</b>	<b>Requested By</b>
0	2/14/13	Initial Release	
1	9/5/17	Revision to clarify processes and positions	

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**CSH107 Ex1 SAMPLE  
BANK AND BOOK  
BALANCES  
RECONCILIATION TO CORRECTED  
BALANCE**

Account No. \_\_\_\_\_ For Month Ended XX/XX/XX

Reconciliation of Bank Balance

Ending balance per bank statement	\$10,000.00
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## Additions:

Deposit in transit	2,500.00
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## Deductions:

## Outstanding Checks

# 1003	150.00	
# 1232	325.00	
# 1235	<u>1,275.00</u>	
		1,750.00

Ending balance per checking account	\$10,750.00
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Reconciliation of Book Balance

Ending balance per books	\$10,750.00
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## Additions:

Interest	100.00
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## Deductions:

Bank Charges	70.00	
Wire transfer fees	<u>30.00</u>	
		100.00

Corrected Balance	\$10,750.00
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**SOP # CSH108 Revision: 2**  
**Effective Date: 9/5/17**

**Prepared by: Central Office**  
**Approved by: BOD**

**Title: CSH108 INTER-ACCOUNT BANK TRANSFERS**

**Policy:** To ensure the accuracy of the Organization's bank account records by providing documentation of bank transfers.

**Purpose:** To outline the practices for preparation of an inter-account bank transfer

**Scope:** This applies to all bank accounts maintained by the Organization.

**Responsibilities:**

Chief Executive Officer is responsible for review and approval of all inter-account bank transfers

Chief Financial Officer is responsible for performing all inter-account bank transfers.

**Background:** Errors or omissions can be made to the Organization's bank account records due to the many cash transactions that occur. Therefore, it is necessary to authorize all inter-account bank transfers.

**Procedure:**

**1.0 INTER-ACCOUNT BANK TRANSFER**

**1.1** Back-office provider monitors the balances in the bank accounts to determine when there is a shortage or excess in the checking account. Back-office provider recommends to the Chief Financial Officer when a transfer should be made to maximize the potential for earning interest or when funds are needed for processing payroll or other transfer needed. The Chief Financial Officer will determine when to make a transfer and in what amount. After the transfer has been initiated by the Chief Financial Officer, the Chief Executive Officer must log into the online banking system in order to complete the bank transfer process. A copy of the transfer is given to Back-office provider.

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**Revision History:**

<b>Revision</b>	<b>Date</b>	<b>Description of changes</b>	<b>Requested By</b>
0	2/14/13	Initial Release	
1	11/12/15	Inclusion of back-office provider service provider process	Oswaldo Diaz, Chief Financial Officer
2	9/5/17	Revision to clarify processes and positions	

**SOP # CSH109 Revision: 2**  
**Effective Date: 9/5/17**

**Prepared by: Central Office**  
**Approved by: BOD**

**Title: CSH109 JOURNAL ENTRIES AND RECLASSIFICATION ENTRIES**

**Policy:** To ensure the accuracy of the Organization's books and records by proving documentation of journal entries and reclassification entries. All journal entries shall be authorized in writing by the Finance Manager initialing or signing the entries.

**Purpose:** To outline the practices for preparation of journal entries and reclassification entries.

**Scope:** This applies to all accounting transactions performed by the Organization.

**Responsibilities:**

The Chief Financial Officer is responsible for review and approval of all journal entries and reclassification entries.

Back-office provider is responsible for performing all journal entries and reclassification entries

**Background:** Journal entries can directly affect the presentation of financial statements. Therefore, it is necessary to authorize all journal and reclassification entries.

**Procedure:**

**1.0 JOURNAL ENTRIES AND RECLASSIFICATION ENTRIES**

**1.1** The Chief Financial Officer the Financial Analysts and Back-office provider monitor the balances in the accounting records of the Organization.

All general ledger entries including audit adjusting entries, reclassification entries, or other such journal entries shall be supported by journal vouchers or other documentation, which shall include a reasonable explanation of each entry.

Examples of such journal entries include:

1. Recording of noncash transactions
2. Corrections of posting errors
3. Non-recurring accruals of income and expenses

Certain journal entries, called recurring journal entries, occur in every accounting period. These entries may include, but are not limited to:

1. Depreciation of fixed assets
2. Amortization of prepaid expenses

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3. Accruals of recurring expenses
4. Amortization of deferred revenue

Support for recurring journal entries shall be in the form of a schedule associated with the underlying asset or liability account or, in the case of short- term recurring journal entries or immaterial items, in the form of a journal voucher.

It is the policy of MERF that all journal entries not originating from subsidiary ledgers shall be authorized in writing by the Chief Financial Officer initialing or signing the entries.

**Revision History:**

<b>Revision</b>	<b>Date</b>	<b>Description of changes</b>	<b>Requested By</b>
0	2/14/13	Initial Release	
1	11/12/15	Revision of responsibilities	Oswaldo Diaz, Chief Financial Officer
2	9/5/17	Revision to clarify processes and positions	

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**SOP # CSH110 Revision: 1****Prepared by: Central Office****Effective Date: 11/12/15****Approved by: BOD****Title: CSH110 PETTY CASH PURCHASES****Policy:** The Organization does not permit the use of petty cash.**Scope:** This applies to all petty cash transactions.**Revision History:**

<b>Revision</b>	<b>Date</b>	<b>Description of changes</b>	<b>Requested By</b>
0	2/14/13	Initial Release	
1	11/12/15	Removal of petty cash use	Oswaldo Diaz, Chief Financial Officer

**SOP # CSH111 Revision: 3**  
**Effective Date: 9/5/17**

**Prepared by: Central Office**  
**Approved by: BOD**

**Title: CSH111 CREDIT CARDS AND DEBIT CARDS**

**Policy:** It is the policy of the Organization to provide credit cards to authorized members of the Organization staff in the performance of their duties and responsibilities. The Organization does not permit the use of debit cards. The use of credit is the same as handling cash; every precaution must be taken to account for all funds, whether Federal, State or otherwise, and the most efficient and effective purchasing procedures as well as internal controls will be implemented to safeguard Organization funds.

**Purpose:** To be able to use credit cards in a controlled manner that allows for purchases such as travel and where a check and/or purchase order is not accepted.

**Scope:** This applies to transactions at the discretion of the School Principal, Chief Executive Officer and Chief Financial Officer.

**Definitions:** Batch. All of the day's credit card transactions are collected into a "batch" of transactions. The batch is closed, usually at the end of the day, and the result is submitted to the merchant processor as a single "batch".

Settlement. The processor clears the credit card transactions in the batch and the result is "settled" to the designated bank account. Settlement varies by Credit Card organization but usually occurs in 2-3 days after a batch is closed.

Processor. The processor is responsible for authorizing credit card transactions and settling each batch. The processor is also the Organization that one must interface with on all discrepancies or "chargebacks".

**Chargebacks. A chargeback occurs when a customer (cardholder) disputes a charge that appears on their monthly credit card statement. If the dispute is unable to be resolved then the transaction is charged back to the merchant. The processor charges the merchant and returns the cardholder's money.**

**Responsibilities:**

School Principal is responsible for authorization of credit card transactions up to \$5,000 in accordance with the approved budget.

Chief External Officer, Regional Directors and Chief Financial Officer are responsible for authorization of credit card transactions up to \$10,000 and over, using documented approval, not to exceed the current limits established by procedure number PUR104 Accounts Payable and Cash Disbursements.

Chief Executive Officer is responsible for authorization of credit card transactions up to \$25,000, using documented approval, not to exceed the current limits established by procedure number PUR104 Accounts Payable and Cash Disbursements.

Accounts Payable Specialist and Back-office provider are responsible for recording the transactions in the accounting records and reconciling credit card receipts to the credit card statements in accordance with CSH107 Bank Reconciliations.

**Background:** On occasion, the Chief Executive Officer and other senior management may not be in the position to carry a lot of cash or may need to use a credit card for purposes of travel arrangements. Under these circumstances and as considered necessary by Organization management, credit card transactions are acceptable.

## **Procedure:**

### **1.0 CREDIT CARDS**

#### **1.1 Issuance of Corporate Credit Cards**

Corporate credit cards are issued to personnel who travel on Organization business or have a legitimate need to purchase goods and services, either in person or on-line or when a purchase order cannot be approved in time or a purchase order is not accepted by a vendor. These cardholders will be required to sign a statement (CSH111 Ex1 Use of Credit Cards and Debit Cards Certification) acknowledging that the card shall be used exclusively for legitimate Organization- related business purposes and that the cardholder agrees to take reasonable precautions to protect the card from loss or theft by storing it in a secure location. Upon approval from the credit card company, a card will be issued bearing the names of both the individual and the Organization.

Cardholders, while working with other Organization staff, must plan activities and travel requests with sufficient time in order to avoid the use of credit cards. Cardholders abusing this privilege may have the card revoked if it is determined that sufficient time was available in order to request and receive approval for a purchase order.

When using the credit card for internet purchases, cardholders should ensure that the site utilizes industry recognized encryption transmission tools.

All corporate credit cards will be issued from the same vendor to enhance the purchasing power of the credit card and to provide for efficient on-going monitoring of all purchases made with the credit card(s).

#### **1.2 Cardholder Responsibilities**

Every month, each cardholder will be provided with a statement detailing the expenditures that were charged to his/her corporate credit card. The cardholders will submit all receipts for purchases of goods and services to the Finance Department within seven (7) days attached to the debit/credit card monthly statement after making any purchase. All documents will be initialed by the cardholder. In any instance of a missing receipt, payment will be the responsibility of the cardholder.



unauthorized uses of the card, the card statement as well as all backup documentation will be forwarded to the Chief Financial Officer, for review.

The Chief Financial Officer, will discuss with the cardholder any charges of concern and the card member will be required to reimburse the Organization immediately for any such inadvertent personal charges or unauthorized charges.

Excessive inadvertent personal charges will be grounds for revoking credit card privileges. Personal use of corporate credit cards is strictly prohibited. Any personal use will subject the employee to the Organization's disciplinary actions.

Any fraudulent or other unauthorized charges shall be immediately pointed out to the Chief Financial Officer, for further investigation with the credit card provider and at the discretion of the Chief Financial Officer may be required to be reimbursed by the individual cardholder who purchased the unauthorized transaction.

The Organization requires the following review and approval procedures:

- The cardholder will review the card statement to ensure only their own approved charges are listed on the statement. Any charges not made by the cardholder will be identified and discussed with the Accounts Payable Specialist.
- The Chief Financial Officer will approve credit card usage by the Principals, and the Chief Executive Officer will approve credit card usage by the Chief Financial Officer, and the Board of Directors Chairperson will approve credit card usage by the Chief Executive Officer.
- The Accounts Payable Specialist will review all charges on the card statement against all purchase documents submitted by the cardholder.
- The Chief Financial Officer, will review charges and supporting documentation prior to the monthly card statement being approved and included for payment.

Cardholders shall report the loss or theft of a corporate credit card immediately by notifying the credit card company (24 hours a day, seven days a week) as well as the Chief Financial Officer. In the event of theft of the card, a police report will be filed by the cardholder and a copy of the report will be maintained for insurance purposes.

### **1.3 Revocation of Corporate Credit Cards**

Failure to comply with any of these policies associated with the use of the Organization's corporate credit cards shall be subject to possible revocation of credit card privileges. The Chief Financial Officer, with the approval of the Chief Executive Officer or Board Chairperson, shall determine whether credit cards are to be revoked.

## 1.4 On-going Monitoring of Corporate Credit Cards

The Organization will implement continuous on-going monitoring of the use of corporate credit cards to ensure only authorized expenditures are made with the credit cards. Credit card usage must follow the same criteria as all other purchases; i.e., allowable, reasonable, necessary, and allocable, where required.

In addition, the Board of Directors may, from time to time, authorize unannounced monitoring of the use of corporate credit cards.

Corporate credit cards will be assigned only to the Chief Executive Officer, Chief External Officer and Principals and all charges to that assigned card will be the responsibility of that employee. Employees authorizing the use of the credit card by other Organization employees, parents or friends, will be subject to disciplinary action.

## 1.5 Employee Personal Credit Cards

With prior approval from the Chief Executive Officer and/or Chief Financial Officer, the Organization employees may incur legitimate Organization business expenses utilizing their personal credit cards for such expenditures. The Organization shall reimburse employees according to Organization reimbursement policy (PUR106 Reimbursements).

## 2.0 DEBIT CARDS

### 2.1 Debit Card Policy

The organization does not permit the use of debit cards.

#### Revision History:

Revision	Date	Description of changes	Requested By
0	2/14/13	Initial Release	
1	2/13/15	Revision of credit and debit card limits and controls	Oswaldo Diaz, CFO
2	7/21/16	Revision of credit card limits and controls	Oswaldo Diaz, CFO
3	9/5/17	Revision to clarify processes and positions	

**CSH111 Ex1 USE OF CREDIT CARDS AND DEBIT CARDS  
CERTIFICATION**

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Certification of receipt of the Organization Policy and Procedures on the “Use of Credit and Debit Cards”:

I, \_\_\_\_\_, hereby certify that I have received  
(Print name of employee) (Position)  
and understand the above-stated policy and procedures and I will comply with those procedures. Failure to comply with the procedures may subject me to disciplinary action as outlined in the Organization Human Resources Policies and Procedures Manual.

\_\_\_\_\_  
Signature of Employee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chief Executive Officer

\_\_\_\_\_  
Date

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**SOP # CSH112 Revision: 2**  
**Effective Date:9/5/2017**

**Prepared by: Central Office**  
**Approved by: BOD**

**Title: CSH112 INTERCOMPANY RECEIVABLES AND PAYABLES  
(DUE TO/DUE FROM)**

**Policy:** To ensure that intercompany transactions between individual charter schools and the central office are processed correctly

**Purpose:** To outline the practices for intercompany transactions between individual charter schools and the central office

**Scope:** This applies to all charter schools operated by the Organization.

**Responsibilities:**

Chief Financial Officer is responsible for performing the intercompany transactions with approval from the Board of Directors.

The Finance Department is responsible for alerting Back-office provider regarding intercompany transactions. Back-office provider is responsible for recording it into the accounting system, and ensuring accuracy of fiscal year-end balances.

**Background:** Charter schools are highly dependent on government funding to operate. Government cuts and funding deferrals can result in cash shortages for schools. Therefore the need arises to allocate resources from other schools to cover any shortfall. It is necessary to correctly record transactions between the charter schools and the central office in order to properly determine each school's receivable/liability.

**Procedure:**

**1.0 INTERCOMPANY TRANSACTIONS**

**1.1** The Chief Financial Officer, with the support of the Finance Department and Back-office provider, monitors cash balances daily for the charter schools. When a charter school realizes a need for funds, the Chief Financial Officer will assess resource levels for the other schools as well as the central office. If the central office does not have sufficient funds to advance to the charter school requestor, at the discretion of the Chief Financial Officer, the Chief Financial Officer may transfer funds from a charter school with surplus funds into the central office. The Chief Financial Officer may then transfer funds to the charter school requestor from the central office. For policy regarding inter-account bank transfers, refer to **CSH108 INTER-ACCOUNT BANK TRANSFERS**.

**1.2** At the end of the fiscal year, each school's receivable or payable account will be reconciled in accordance with **G&A105 PERIOD-END REVIEW & CLOSING**. Once balances are reconciled, an agreement is prepared at the end of the fiscal year between each school and the central office to document the amount owed and repayment terms.

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**Revision History:**

<b>Revision</b>	<b>Date</b>	<b>Description of changes</b>	<b>Requested By</b>
0	2/14/13	Initial Release	
1	11/12/15	Revision of responsibilities	Oswaldo Diaz, CFO
2	9/5/2017	Revision to clarify processes and positions	

**SOP # CSH113 Revision: 2****Prepared by: Central Office****Effective Date:9/5/17****Approved by: BOD****Title: CSH113 FINANCIAL RESERVES****Policy:** To ensure each charter school maintains a fund reserve in order to protect itself from unforeseen revenue shortfalls or unexpected expenditures.**Purpose:** To describe responsibilities and monitoring procedures over each charter school's fund reserve**Scope:** This applies to all charter schools operated by the Organization.**Responsibilities:**

Back-office provider is responsible for day to day monitoring of charter school cash accounts and ensuring their accuracy.

Chief Financial Officer is responsible for oversight over charter school cash accounts as to ensure that required fund reserve amounts are met.

**Background:** California regulations state that the following reserve amounts must be maintained:

- Greater of 5% of prior year operational expenditures or \$55,000 for districts with 0-300 ADA
- Greater of 4% of prior year operational expenditures or \$55,000 for districts with 301-1,000 ADA

**Procedure:****1.0 FUND RESERVE BALANCES**

**1.1** Back-office provider will monitor the cash balance for each charter school to ensure its accuracy and to be able to project future amounts. This will be accomplished through timely bank reconciliations and regular budget vs. actual comparisons. This process is critical to quickly detect any potential cash shortages so expenditures can be modified or more resources can be requested.

**1.2** If the required fund reserve amount for a charter school cannot be met, the Chief Financial Officer with the support of Back-office provider will need to determine where cash can be derived from in order to restore the fund balance. This can come from central office funds or from another charter school with surplus funds. See CSH112 INTERCOMPANY RECEIVABLES AND PAYABLES (DUE TO/DUE FROM) for this procedure.

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**Revision History:**

<b>Revision</b>	<b>Date</b>	<b>Description of changes</b>	<b>Requested By</b>
0	2/14/13	Initial Release	
1	11/12/15	Inclusion of back-office provider service processes	Oswaldo Diaz , CFO
2	9/5/17	Revision to clarify processes and positions	



**SOP # PYR101 PAYROLL DESK PROCEDUR Prepared by: Central Office**  
**Effective Date: 2/14/13 Approved by: BOD**

**Title: PYR 101 PAYROLL DESK PROCEDURE**

**Policy:** To clearly define responsibilities and procedures in processing the organization's payroll and implementation of the online payroll system in accordance with the generally accepted accounting principles.

**Purpose:** To outline and list areas of responsibilities for each group involved in the payroll process.

**Scope:** This applies to all staff of the organization.

**Responsibilities:**

Human Resources is responsible for setup and maintenance of all employee profiles

School Principal is responsible for accurate and timely submission of each site's attendance, extra duties and assignments.

Finance Team is responsible for review, generation and approval of all payroll.

Back-office service provider is responsible for accurate bookkeeping and analysis of payroll expenses.

**Background:** Personnel Cost is usually 70-75% of the organization's total operating expenses. It is vital that the organization administers the payroll process efficiently and in compliance with education codes and requirements.

## Procedure:

- **HUMAN RESOURCES**
  - Coordinates job postings and complete new hire paperwork, ensures accuracy and completeness of all new hire procedures and collection of paperwork prior to start of work
  - Processes termination info and informs Finance Team whenever final checks are needed
  - Monitors all credential and other expiration dates
  - Ensures accurate employee withholdings/deductions in 3<sup>rd</sup> party payroll system as agreed to by employee
  
- **EMPLOYEE**
  - Signs in and out of automated system each day
  - Completes employee profile in online payroll system, which generates deductions and provides required information to HR
  
- **PRINCIPAL/SUPERVISOR**
  - Reviews/approves time and attendance reports and submits to Finance Team to initiate payroll processing
  - Enters all supplemental pay in payroll system on or before designated cutoff date
  - Submits signed schedule of all approved supplemental pay (i.e. stipends, home visits, Saturday School extra duty) to Finance Team each pay period
  - Notifies HR of any new hires, terminations, status or pay changes
  
- **FINANCE TEAM**
  - Confirms approvals from principals/HR prior to generating payroll
  - Runs payroll and generates reports for review
  - Reviews each payroll register, verifying:
    - Proper pay rate
    - Hourly staff – number of hours per pay period look reasonable
    - Extra pay/stipends are documented, approved and accurate as to amount and funding source
    - Employee retirement deductions are accurate and reasonable
    - STRS members have earnings properly treated in paycheck and correct STRS rates are being used
    - No OASDI withheld for any STRS members
    - Classified staff – PERS members have proper withholdings and OASDI deducted and correct PERS rates are being used

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- Only PERS or STRS creditable earnings are included in deduction calculations
  - Non-PERS classified staff hours are being tracked and any newly eligible PERS members (>1000 hours in a fiscal year) are added as PERS members
- Process payroll, prints registers and files all supporting documentation including but not limited to: STRS/PERS contributions, Other Retirement Contributions, Payroll Tax Reports, Health and Welfare deductions and contributions to service providers
- Processes final paychecks and coordinates with back-office provider for delivery of checks if not processed in-house
- **BACK OFFICE**
  - Process ECR for final paychecks if not processed in-house
  - Uploads journal entries to record payroll in general ledger each pay period
  - Performs analytical procedures on payroll expenses as part of month-end close process

**Revision History:**

<b>Revision</b>	<b>Date</b>	<b>Description of changes</b>	<b>Requested By</b>
0	3/09/17	Initial Release	Nanie Montijo, CFO

Accounting Policies, Procedures and Forms

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**SOP # INV101 Revision: 1**  
**Effective Date: 9/5/17**

**Prepared by: Central Office**  
**Approved by: BOD**

**Title: INV101 FIXED ASSET CONTROL AND LEASES**

**Policy:** Proper control procedures will be followed for all capital asset acquisitions, transfers and dispositions in order to provide internal control of capital equipment and to assist in reporting.

**Purpose:** To outline the procedures for acquiring, disposing and maintaining control of capital assets. This is particularly important for assets purchased with grant program dollars where the grantee may want the equipment returned at the end of the program.

**Scope:** This procedure applies to all equipment with a value of \$500 or more and furniture a value of \$5,000 or more.

**Responsibilities:**

School Principals are responsible and accountable for furniture, equipment, machinery and any other assets in their schools. An automated fixed asset tracking system will be implemented for tracking and tagging assets to be inventoried.

**Definitions:**

Capitalized Equipment: All furniture and equipment costing \$5,000 or more each should be recorded in the fixed assets inventory system and depreciated annually.

If purchased in bulk over the \$5,000 threshold, these items may also be deemed capitalized. For capital assets that are acquired as a “group purchase” whose individual acquisition cost is less than the \$5,000 threshold, it will be capitalized if the aggregate amount is \$5,000 or above. A “group purchase” is defined as an acquisition of 5 or more units at of the same, identical item being made using a single requisition. In addition, the purchase of the assets serves a specific location or objective. For example, a decision is made to upgrade a computer lab. This will require 10 new computers located in a single area. Individually the computers cost \$1,000; however, the aggregate cost of the 10 computers will be \$10,000. The purchase is capitalized as a group purchase.

Non-Capitalized Equipment: No equipment costing less than \$5,000 each should be depreciated. However, non-capitalized equipment that is motorized, electronic, or computerized should be added to the fixed assets inventory system for fiduciary purposes only so that its existence can be verified during the annual physical inventory process.

Furniture: No furniture items costing less than \$5,000 each should be added to the fixed assets inventory system or depreciated

Accounting Policies, Procedures and Forms

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Procedure:

## 1.0 ACQUISITIONS

- 1.1** All purchases of furniture and equipment as defined above must be tagged and included in the inventory listing.

See PUR102 for the procurement process to be followed.

- 1.2** Any internally constructed or donated equipment will be reported to Finance Team if the item cost has a value of \$5,000 or more. A complete description of the property, date manufactured or received, number of items, cost or estimated value and a statement that it was internally constructed or donated will be included in the report.
- 1.3** To maintain proper segregation and control upon termination of any employees, any employee owned tools, equipment or furniture brought on the Organization premises will be reported to the School Principal. The report should include the employee's name, description of items, identification numbers, if any, and reason for using the asset.

## 2.0 DISPOSITIONS

- 2.1** Assets may be sold or traded-in on new equipment. An example INV103 Ex1 ASSET DISPOSITION form or updating of Excel workbooks is to be completed and approved by the School Principal. Any assets with an original value greater than \$5,000 will also require the Chief Financial Officer's approval.

Upon approval, the school may advertise the property for sale or submit a list to purchasing for sale and disposition. After completion of the sale, an example INV103 Ex2 BILL OF SALE provided below will be issued and the ASSET DISPOSITION form will be submitted to Finance Team who will ensure deletion of the item from the asset records and submit paperwork to back-office provider to record any gain or loss on the disposition.

- 2.2** Worn-out or obsolete property with no cash value will be reported to Finance Team on the Asset Disposition form with the description, serial number and condition. Finance Team will inspect all worn-out or obsolete property before it is removed from the school and discarded. The asset will then be removed from the asset records.
- 2.3** Any asset that is missing or has been stolen will be reported in writing to the School Principal and Finance Team as soon as possible. The description, serial number, and other information about the lost item should be included in the report.

Accounting will determine the proper course of action and will notify the company's insurance carrier and any outside authorities if deemed appropriate. If un-recovered, the asset will then be removed from the asset records.

- 2.4** Inter-school transfers of assets will be reported to Accounting in writing including the description, serial number and the name of the school to receive the property.

The School Principal to whom the item was assigned originally will be held accountable until accounting is notified of the transfer. After being notified, the School Principal acquiring the property assumes responsibility. Accounting will then record the inter- school transfer on the asset records.

### **3.0 ASSET RECORDS**

- 3.1** Upon any asset acquisition, Accounting is responsible for assigning and attaching asset number tags to the property where it can be readily located.

Accounting will then maintain a detailed listing of each fixed asset item which will include the description, date acquired, vendor, cost basis, assigned school and location.

On an annual basis, accounting will furnish each school a report showing a listing of assets assigned to that school and any acquisitions, disposals and transfers during the past year. Any discrepancies must be communicated to Finance Team by June 30<sup>th</sup> of each year. This report should be filed by the School Principal for reference and later use.

- 3.2** A physical count will be taken at each site every two years or as needed.
- 3.3** Each school will be responsible for locating assets with its number tag attached that are recorded as assigned to their school whenever requested by Accounting, a county property tax auditor or the company's external auditors.
- 3.4** Whenever a change in School Principal occurs, all items should be accounted for by the outgoing School Principal. The incoming School Principal will accept the responsibility and accountability for the school asset listing upon assuming the position. Accounting can assist with this audit if requested.

### **4.0 LEASED OR OWNED VEHICLES**

- 4.1** The safety and comfort of MERF employees, parents and Board members is of utmost importance. Therefore, MERF has established a policy whereby vehicles, whether leased or purchased, will be retained for a maximum of 100,000 miles or 8 years, whichever is less. The Finance Team will establish a mileage log to ensure vehicles are properly planned and replaced on schedule. Any individual that is assigned a vehicle shall be responsible for maintaining the mileage log and working with the Finance Team in complying with the replacement requirements of this policy.
- 4.2** A mileage log will be retained for each vehicle and all users will note the beginning and ending mileage for all trips. This log will be provided to the designated driver upon pickup of keys for use of a vehicle. Under no circumstances may an employee retain the keys or mileage log overnight unless on an authorized, extended trip requiring overnight accommodations. All keys will be returned to the administrative office or central kitchen upon completion of the day's authorized trips.
- 4.3** The Finance Team will ensure that all vehicles are taken to an authorized vendor for maintenance and service. All vehicles will receive appropriate oil changes on a minimum 5,000 mile schedule. Tires will be rotated at the same time and tires will be replaced after 50,000 miles (or sooner) if believed to be worn beyond prudent safety levels.
- 4.4** The Finance Team will submit RFPs to authorized vehicle dealers and service vendors on an annual basis. All vehicles will be serviced by the same designated vendor(s) for this annual contract period. The only exception will be for vehicles, newly purchased or leased, which provide for free maintenance and service as part of its warranty period or any special arrangements made as part of the purchase or lease of the vehicle.

- 4.5** Designated drivers must report any problems or issues identified, upon completion of their daily trip(s), to the Finance Team. A “Vehicle Report” must be completed and submitted to the Finance Team immediately upon return from any trip whereby a problem or issue is suspected or identified.
- 4.6** If any driver is involved in an accident, whether with another vehicle or not, the driver must complete an Accident Report form and submit the report form to the Finance Team immediately upon return to MERF. A copy of the report form and instructions for submitting the report and “what to do if involved in an accident” are included in the Exhibits section.

## **5.0 LEASES**

### **5.1 Classification of Leases**

It is the policy of MERF to classify all leases in which MERF is a lessee as either capital or operating leases. MERF shall utilize the criteria described in Statements of Financial Accounting Standards No. 13 in determining whether a lease is capital or operating in nature. Under those criteria, a lease shall be treated as a capital lease if, at the time of entering into the lease, any of the following factors are present:

1. The lease transfers ownership to MERF at the end of the lease term;
2. The lease contains a bargain purchase option;
3. The lease term is equal to 75% or more of the estimated economic life of the leased property; or
4. The present value of the minimum lease payments is 90% or more of the fair value of the leased property (using, as the interest rate, the lesser of MERF’s incremental borrowing rate or, if known, the lessor's implicit rate).

All leases that do not possess any of the four preceding characteristics shall be treated as operating leases. In addition, all leases that are immaterial in nature shall be accounted for as operating leases.

MERF shall also maintain a control list of all operating and capital leases. This list shall include all relevant lease terms.

Accounting Policies, Procedures and Forms

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**Revision History:**

<b>Revision</b>	<b>Date</b>	<b>Description of changes</b>	<b>Requested By</b>
0	2/14/13	Initial Release	
1	2/14/17	Revise to clarify process	
2	9/5/17	Revision to clarify processes and positions	



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### INV103 Ex1 ASSET DISPOSITION FORM

Date: \_\_\_\_\_

Requested By: \_\_\_\_\_

School: \_\_\_\_\_

Reasons for Disposition: \_\_\_\_\_

Description	Serial Number	Date Purchased	Original Cost	Net Book Value	Expected Or Actual Proceeds	Gain or Loss

Principal: \_\_\_\_\_ Date: \_\_\_\_\_

Chief Financial Officer: \_\_\_\_\_ Date: \_\_\_\_\_

Accounting Policies, Procedures and Forms

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### INV103 Ex2 BILL OF SALE

This Bill of Sale is made on (PURCHASE DATE) between (STORE or COMPANY NAME), a (STATE) Corporation, with its principal place of business at (COMPANY ADDRESS) ("Seller") and (BUYER'S CONTACT INFORMATION), ("Buyer").

In exchange for the payment of (DOLLAR AMOUNT) Dollars that has been received, the Seller sells, assigns and transfers all of its right title and interest in the (ASSET SOLD) (the "Goods").

The Seller warrants that it owns the Goods and that it has the Authority to sell the Goods to the Buyer. The Seller further warrants that the Goods are free and clear of all liens, indebtedness, or liabilities. The Seller also warrants that all of the Goods are in good working condition as of the date transferred.

I have carefully reviewed this Bill of Sale and agree to and accept its terms and conditions. I am executing this Bill of Sale as of the day and year first written above.

Seller:

Buyer:

\_\_\_\_\_  
NAME  
Owner  
COMPANY NAME

\_\_\_\_\_  
NAME

Accounting Policies, Procedures and Forms

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**SOP # INV102 Revision: 1**  
**Effective Date: 11/12/15**

**Prepared by: Central Office**  
**Approved by: BOD**

**Title:** INV102 FIXED ASSET CAPITALIZATION & DEPRECIATION

**Policy:** Asset acquisitions with a useful life expectancy of greater than one year and with a minimum threshold amount as specified by the Chief Financial Officer should be capitalized by the Organization and depreciated.

**Purpose:** The purpose of this procedure is to delineate the capitalization and depreciation methods for various asset groups.

**Scope:** All acquisitions of capital assets for the Organization.

**Definitions:** Capitalization - Capitalization is the method chosen to record the purchase of a fixed asset on the Organization's accounting books. If an asset is capitalized then it is not expensed in the same year the asset is purchased. Instead the asset is generally recorded on the balance sheet and individually on an asset schedule. Examples of capital expenditures are purchases of land, buildings, machinery, office equipment, leasehold improvements and vehicles. The asset is expensed each year as depreciation.

Depreciation - is an annual income tax deduction that allows the write-down or write-off of the cost of the asset over its estimated useful life to recover the cost or other basis of certain property over the time the property is used. It is an allowance expense for the wear and tear, age, deterioration, or obsolescence of the property.

As an asset ages and is used by the Organization, its value declines. It, in effect, becomes worth less and less over time. The declining value or usefulness of the asset over time is represented as a discount that is applied to the original purchase price. At the end of the asset's depreciation period, (and/or useful life), its value on the balance sheet will be zero, or fully-depreciated. At the same time, the individual depreciation expenses will have all been recorded on the income statement.

Note: Land is not depreciated because land does not wear out, become obsolete, or get used up. But, the building on the land is depreciated. Land is generally viewed as an appreciating asset while all other capital assets are generally viewed as depreciating over time, with use. But, unlike depreciation, an asset's appreciation is not recorded on the books until the asset is sold, which is when the assets appreciation is realized.

Cost basis – The total amount paid for the asset, in cash or kind, is considered the “cost-basis”. This should include all charges relating to the purchase, such as the purchase price, freight charges and installation, if applicable. The cost basis is not the market value or list price of the

asset. It is the total amount invested in the purchase or the total amount paid.

**Procedure:****1.0 CAPITALIZATION**

- 1.1** All assets with a useful life of greater than one year and costing more than \$5,000 will be capitalized and (except for land) will be recorded in the depreciation records.

Bulk computer, software, and other technology purchases with an aggregate value of \$25,000 or more are captured as capitalized fixed assets regardless of individual price of item.

In addition, remodeling modifications and replacement costs of integral structural components are only capitalized when such costs incurred exceed \$50,000. Depreciation or amortization is computed on the straight-line basis over the useful lives of the assets.

Any asset that does not meet the above criteria will be expensed such as small tools and equipment or repairs and maintenance.

- 1.2** The cost basis of furniture and equipment assets will include all charges relating to the purchase of the asset including the purchase price, freight charges and installation if applicable.
- 1.3** Leasehold improvements including painting are to be capitalized if they relate to the occupancy of a new office or a major renovation of an existing office or site. Expenditures incurred in connection with maintaining an existing facility in good working order should be expensed as a repair.
- 1.4** The cost of buildings should include all expenditures related directly to its acquisition or construction. This cost includes materials, labor and overhead incurred during construction, and fees, such as attorney's and architect's and building permits.
- 1.5** Maintain proper files on the details to all acquisitions, expenditures, and maintenance performed on all assets. These records are vital for proper tax preparation and are used during yearly tax reporting and planning.

**2.0 DEPRECIATION**

- 2.1** The depreciation methods/lives for assets must be selected at the time the asset is first placed into service in order to ensure consistent financial reporting and tax compliance.

The Organization uses the straight-line method of depreciation.

The following represents a sample of the useful lives that the Organization may use for financial reporting purposes:

## Accounting Policies, Procedures and Forms

Asset Class	Examples	Estimated Useful Life in Years
Land		N/A
Site improvements	Paving, flagpoles, retaining walls, sidewalks, fencing, outdoor	20
Buildings		20 - 50
HVAC systems	Heating, ventilation, and air systems	10 - 20
Roofing		20
Interior construction	Leasehold improvements	20 - 25
Carpet replacement		7
Electrical/plumbing		30
Sprinkler/fire system	Fire suppression systems	25
Outdoor equipment	Playground, radio towers, tanks	20
Machinery & tools	Shop & maintenance equipment,	3 - 15
Custodial equipment	Floor scrubbers, vacuums, other	7 - 15
Furniture & accessories	Classroom & other furniture	10 - 20
Business machines	Fax, duplicating & printing	3 - 10
Copiers		3 - 10
Communication equipment	Mobile, portable radios	3 - 7
Computer hardware	PCs, printers, network hardware	3 - 5
Computer software	Instructional, other short-term	5 to 10
Computer software	Administrative or long-term	10 to 20
Audio visual equipment	Projectors, cameras (still & digital)	5 - 10
Athletic equipment	Wrestling mats, weight machines	7 - 10
Library books	Collections	5 to 7
Licensed vehicles	Buses, other on-road vehicles	5 - 10

- 2.2** The lowest life permitted by tax regulations for asset classes should be selected to optimize depreciation deductions.
- 2.3** Regardless of the depreciation rate required an Organization can elect to use a different method for financial statement purposes. Such method should be justified based on the expected useful life of the asset.
- 2.4** Depreciation will be recorded in the accounting system at the end of the fiscal year.



Accounting Policies, Procedures and Forms

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**Revision History:**

<b>Revision</b>	<b>Date</b>	<b>Description of changes</b>	<b>Requested By</b>
0	2/14/13	Initial Release	
1	11/12/15	Revision of capitalization policy relating to technology aggregate purchases	Oswaldo Diaz, CFO
2	9/5/17	Revision to clarify processes and positions	

Accounting Policies,  
Procedures and Forms

Depreciation

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**SOP # IVT101****Revisions: 0****Effective Date:****6/14/17****Prepared by: Central Office****Approved by: BOD****Title: IVT101 INVESTMENTS**

**Policy:** This policy establishes procedures to govern the investment of funds held by Magnolia Public Schools (“MPS” or the “Charter School”). This policy is based upon federal, state and local laws and regulations, and prudent money practices. To the extent that this policy conflicts with state or federal law, the applicable law shall prevail.

**Purpose:** MPS’ primary investment objective shall be to maintain the safety and liquidity of its funds. Safety of principal is the foremost objective of MPS. The primary objectives of MPS investment activities shall be, in order of priority:

1. **Safety.** The safety of principal is the foremost objective of MPS’s investment program. MPS’s investments shall be undertaken in a manner that shall preserve MPS’s capital.
2. **Liquidity.** MPS’s secondary objective shall be to meet its liquidity needs. The investment portfolio shall maintain sufficient liquidity to enable MPS to meet necessary cash flow and operating requirements which might be reasonably anticipated.
3. **Yield.** The investment portfolio shall be designed with the objective of attaining a market rate of return over the course of budgetary and economic cycles, taking into account the investment risk, constraints and the cash flow characteristics of the portfolio.
4. **Maintaining the Public’s Trust.** The investment officers shall seek to act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence while conforming to all applicable statutes and regulations governing the investment of public funds.
5. **Mitigating Credit Risk and Market Risk.** Credit risk shall be mitigated by diversifying the fund among issues and issuers so that the failure of any one issue or issuer would not result in a significant loss of income or principal to participants. Because longer-term securities generally have greater market risk than shorter-term securities, market risk will be mitigated by establishing a maximum weighted average maturity or duration for the portfolio. Occasional market losses on individual securities are inevitable with active portfolio management and must be considered within the context of the overall investment return.

**Scope:** It is recommended that MPS mirror the intent of California Education Code Section 41015, and invest all or part of funds deposited in a Special Reserve Fund, or any surplus monies not required for the immediate necessities of MPS in any of the investments specified in California Government Code Sections 16430 or 53601. Special Reserve Funds are hereby defined as those funds, which the Board has designated for capital outlay, or other purposes, where an accumulation over a period of fiscal years is desired.

MPS shall make investments following the guidelines of the Uniform Prudent Investor Act. (Probate Code Section 16045, *et seq.*)

This Policy covers all funds and investment activities under the direct authority of MPS. The proceeds obtained from the issuance of bonds shall be invested in accordance with the applicable bond documents. If the bond documents are silent as to the investment of the proceeds, the bond proceeds will be invested in the securities permitted by this Policy.

#### COMPLIANCE WITH STATE AND FEDERAL SECURITIES LAWS

MPS will take reasonable steps to ensure that any debt offering issued by MPS complies fully with all applicable state and federal securities laws. In connection with all debt offerings issued by MPS, MPS will retain bond counsel and disclosure counsel to review the offering materials prepared in connection with the debt offering to ensure that disclosures contained in offering materials comply with federal and state securities laws. MPS has implemented procedures to ensure MPS maintains compliance with continuing disclosure requirements. The Chief Executive Officer shall be responsible for reviewing the offering materials regarding the accuracy of information disclosed in such materials.

#### CHANGES TO INVESTMENT POLICY

This Policy will be reviewed, as needed, to ensure its consistency with the objectives of income, growth and safety, and changes in applicable laws and financial trends. Any proposed amendments to the Investment Policy will require approval by the MPS Board of Directors. This Policy and modifications to it must be approved by the Board of Directors at a public meeting.

#### COMPLIANCE WITH INVESTMENT POLICY

All outside investment advisors/managers, attorneys and other financial professionals employed or retained by MPS and/or its representatives, including without limitation financial advisors, underwriters, bond counsel, and disclosure counsel, must review this policy and confirm that they have reviewed this Investment Policy and will fully comply with these policies.

### **Responsibilities:**

#### DELEGATION OF AUTHORITY

Management responsibility for the investment program is hereby delegated by the Board of Directors to the CEO and the Oversight Committee, as deemed appropriate or necessary, who shall thereafter assume full responsibility for those transactions until the delegation of authority is revoked. The Board of Directors may review and renew the delegation of authority each year. The CEO may delegate the day-to-day operations of investing to his/her designee(s) but not the responsibility for the overall investment program. The CEO and/or his/her designee(s) shall make all investment decisions and transactions in strict accordance with state law and with this Policy.

If authorized by the Board of Directors, the CEO and Oversight Committee may utilize an external investment advisor to assist with investment decision-making and trade execution authority. The investment advisor shall be under the

supervision of the approved Oversight Committee and shall follow this Policy and such other written instructions as are provided.

The CEO, his/her designee(s) and/or Oversight Committee, acting in accordance with written procedures and policies and exercising due diligence, shall be relieved of personal liability for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments.

The Board of Directors shall ensure that its fiduciary responsibilities concerning the proper management of MPS' funds are fulfilled through appropriate investment structure, internal and external management, consistent with all policies and procedures. Based on the advice and recommendations of the CEO and Oversight Committee.

The CEO and Oversight Committee are not held liable for less than desirable outcomes, rather, they are responsible only for adherence to procedure and processes. The CEO and Oversight Committee is responsible for the development, recommendations, implementation and maintenance of all investment policies.

## **Procedure:**

### INTERNAL CONTROLS

The CEO and Oversight Committee shall establish a system of written internal controls to regulate MPS's investment activities, including the activities of any subordinate officials acting on behalf of MPS. Procedures should include references to individuals authorized to execute transactions or transfers, safeguard agreements, (including repurchase agreements, wire transfer agreements, collateral/depository agreements), and banking services contracts, as appropriate. As part of the annual audit, MPS's external auditor will perform a review of investment transactions to verify compliance with policies and procedures. The Oversight Committee will sign off on internal control procedures as appropriate.

The controls shall be designed to prevent loss of public funds due to fraud, employee error, and misrepresentation by third parties, unanticipated market changes or imprudent actions by employees of the Charter School. The Charter School shall seek to maintain a debt burden factor of 1 - 2% of the Charter School's unrestricted general fund revenues.

### AUTHORIZED FINANCIAL INSTITUTIONS AND DEALERS

It shall be MPS' policy to purchase securities only from authorized institutions and firms. The CEO and Oversight Committee shall maintain a list of authorized broker/dealers and financial institutions that are approved for investment purposes. MPS shall use at least one authorized broker/dealer to advise MPS on investments.

No deposit of public funds shall be made except in a qualified public depository as established by state laws. If an external investment advisor is authorized to conduct investment transactions on behalf of MPS, the investment advisor may use its own list of approved broker/dealers and financial institutions for investment purposes consistent with MPS' policies and existing laws.

For broker/dealers of government securities and other investments, MPS shall select only broker/dealers who are licensed and in good standing with the California Department of Securities, the Securities and Exchange Commission, the Financial Industry Regulatory Authority and/or other applicable self-regulatory organizations. Any permitted investment shall be purchased either from a “primary” or regional broker/dealer qualifying under SEC Rule 15c3-1 (uniform net capital rule) or a “well capitalized” financial institution, as defined in Title 12 of the Code of Federal Regulations (“CFR”) Part 6.4.

Before engaging in investment transactions with a broker/dealer, the CEO and Oversight Committee shall have received from said firm a signed Certification Form. This form shall attest that the individual responsible for MPS's account has reviewed MPS's Investment Policy and that the firm understands the policy and intends to present investment recommendations and transactions to MPS that are appropriate under the terms and conditions of this Investment Policy. Any broker, brokerage, dealer or securities firm that has made a contribution to the Charter School, any member of the Board of Directors, or any candidate for those offices is ineligible for selection by the Charter School.

#### AUTHORIZED AND SUITABLE INVESTMENTS

In making any decision relative to the investment of funds, each of the following factors must be considered, and properly documented:

1. General economic conditions,
2. Expected tax consequences, if any, of investment decisions or strategies,
3. Expected total return from the income and appreciation of investments,
4. Other resources of the organization,
5. The needs of the organization and the fund to make distributions and preserve capital.

#### INVESTMENT TYPE DESCRIPTIONS

Investments not specifically listed below are prohibited. Consistent with the requirements of law and this Investment Policy, the Charter School may place orders for the execution of transactions with or through such broker/dealers, banks or counterparties as may be selected from time to time. All securities must be U.S. dollar denominated. To the extent consistent with the objectives stated above, the investment restrictions outlined below, and the investment limitations specified herein, the Charter School may invest in the following areas.

**State and Local Agencies.** Registered treasury notes or bonds of this or any of the other forty- nine United States, including bonds payable solely out of the revenues from a revenue-producing property owned, controlled, or operated by a state or by a department, Board of Directors, agency, or authority of this state or any of the other forty-nine United States.

Bonds, notes, warrants, or other evidences of indebtedness of any local agency within this state (including MPS), including bonds payable solely out of the revenues from a revenue- producing property owned, controlled, or operated by the local agency, or by a department, Board of Directors, agency, or authority of the local agency.

**United States Treasury Issues.** United States Treasury notes, bonds, bills, or certificates of indebtedness, or those for which the faith and credit of the United States are pledged for the payment of principal and interest.

**U.S. Agencies (Federal Agency Obligations).** Federal Agency or United States government- sponsored enterprise obligations, participations, or other instruments, including those issued by or fully guaranteed as to principal and interest by federal agencies or United States government- sponsored enterprises.

**Supranationals.** Supranational organizations are international financial institutions that are generally established by agreements among nations, with member nations contributing capital and participating in management. Supranational bonds finance economic and infrastructure development and support environmental protection, poverty reduction, and renewable energy around the globe. MPS may purchase the United States dollar denominated senior unsecured unsubordinated obligations issued or unconditionally guaranteed by the International Bank for Reconstruction and Development, International Finance Corporation, or Inter- American Development Bank.

**Bankers' Acceptances.** Bankers' acceptances otherwise known as bills of exchange or time drafts that are drawn on and accepted by a commercial bank. Purchases of bankers' acceptances may not exceed 180 days maturity. Eligible bankers' acceptances are restricted to issuing financial institutions with short-term debt rating of at least "A-1," or its equivalent, by a nationally recognized statistical rating organization (NRSRO) or a long-term rating of not less than "A" from a NRSRO.

**Commercial Paper.** Commercial paper rated the highest ranking or of the highest letter and number rating as provided for by a NRSRO. Eligible commercial paper shall be of 'prime' quality of the highest ranking. The commercial paper shall not exceed 270 days maturity. The entity that issues the commercial paper shall meet all of the following conditions in either paragraph (a) or paragraph (b):

- a) Has total assets in excess of five hundred million dollars (\$500,000,000), is organized and operating within the United States as a general corporation, and has debt other than commercial paper, if any, that is rated "A" or higher by a NRSRO.
- b) Is organized in the United States as a special purpose corporation, trust, or limited liability company, has program-wide credit enhancements including, but not limited to overcollateralization, letters of credit or a surety bond, has commercial paper that is rated "A-1" or higher, or the equivalent, by a NRSRO.

Split ratings (i.e. A2/P1) are not allowed.

**Placement Service Deposit.** Deposits placed through a deposit placement service shall meet the requirements under Government Code Section 53601.8. The full amount of the principal and the interest that may be accrued during the maximum term of each deposit shall at all times be insured by federal deposit insurance.

**Negotiable Certificates of Deposit.** Negotiable certificates of deposit (NCDs) issued by a nationally or state-chartered bank, a savings association or a federal association, a state or federal credit union, or by a federally licensed or state-licensed branch of a foreign bank. Purchases are limited to institutions which have long-term debt rated at least in the "A" category, or its equivalent, by a NRSRO, and/or have short-term debt rated at least "A-1," or its equivalent, by a NRSRO. NCDs may not exceed 5 years in maturity. In combination with

placement service CDs, a maximum of 30 percent of the portfolio may be invested in this category. The amount invested in NCDs with any one financial institution in combination with any other securities from that financial institution shall not exceed ten percent of the portfolio. Quarterly, the Charter School will monitor custodial credit risk and report the outcome to the Board of Directors. All deposits are to be in FDIC insured institutions and will be reviewed as to the nature and extent of its present compliance with regulations, federal regulatory requirements, profitability/loss trend, liquidity and capital ratios.

**Repurchase Agreements.** Investments in repurchase agreements for the purpose of this Investment Policy Statement (as defined by section 53601(j) of the California Government Code) means a purchase of securities by the Charter School pursuant to an agreement by which the seller will repurchase the securities on or before a specified date and for a specified amount and will deliver the underlying securities to the Charter School by book entry, physical delivery, or by third party custodial agreement. Repurchase agreements are to be used as short-term investments not to exceed one year. The following collateral restrictions will be observed: Only United States Treasury securities or Federal Agency securities will be acceptable collateral. All securities underlying repurchase agreements must be delivered to MPS's custodian bank or be handled under a properly executed tri-party repurchase agreement. The total market value of all collateral for each repurchase agreement must equal or exceed 102% of the total dollar value of the money invested by MPS for the term of the investment.

Repurchase agreements are required to be collateralized by securities or cash authorized under California Government Code Section 53601(j)(2). Collateral will be held by an independent third party with whom the Charter School has a current custodial agreement. A clearly marked evidence of ownership (safekeeping/custody receipt) must be supplied to the Charter School and retained. The Charter School retains the right to substitute or grant substitutions of collateral. Investments in repurchase agreements may be collateralized by any securities authorized within this section. Agreements are subject to California Government Code Section 53601 and must comply with the delivery requirements and the maturity provision from Section 53601.

**Medium-Term Notes.** Medium-term notes defined as all corporate and depository institution debt securities with a maximum remaining maturity of five years or less, issued by corporations organized and operating within the United States or by depository institutions licensed by the United States or any state and operating within the United States. Purchases are limited to securities rated at least in the "A" category, or its equivalent, by a NRSRO.

**Money Market Funds.** Shares of beneficial interest issued by diversified management companies that are money market funds registered with the Securities and Exchange Commission that invests solely in U.S. Treasuries and Federal Agency obligations and repurchase agreements relating to such obligations

**Mutual Funds.** Shares of beneficial interest issued by diversified management companies that invest solely in securities and obligations authorized by this policy. The company shall have met either of the following criteria: (A) Attained the highest ranking or the highest letter and numerical rating provided by not less than two NRSROs, (B) Retained an investment adviser registered or exempt from registration with the Securities and Exchange Commission with not less than 5 years of experience managing money market mutual funds with assets under management in excess of five hundred million dollars



(\$500,000,000).

**Local Government Investment Pools Joint Powers Authority (LGIP JPA.)**

Shares of beneficial interest issued by a joint powers authority organized pursuant to Government Code Section 6509.7. To be eligible for purchase, the pool must meet the requirements of California Government Code Section 53601(p), the pool must seek to maintain a stable Net Asset Value (“NAV”), and the pool must be rated at least “AAA,” or its equivalent, by a NRSRO.

**Mortgage- and Asset-Backed Securities.** Any mortgage pass-through security, collateralized mortgage obligation, mortgage-backed or other pay-through bond, equipment lease-backed certificate, consumer receivable pass-through certificate, or consumer receivable-backed bond of a maximum of five years’ maturity. Securities eligible for investment under this subdivision shall be issued by an issuer having at least an “A” rating, or its equivalent, for the issuer’s debt as provided by a NRSRO and rated at least “AA”, or its equivalent, by a NRSRO.

**SAFEKEEPING AND CUSTODY**

All deliverable security transactions entered into by MPS shall be conducted on a delivery- versus-payment (DVP) basis. To protect against potential losses by collapse of individual securities dealers, and to enhance access to securities, interest payments and maturity proceeds, all securities owned by MPS shall be held in safekeeping by a third party bank trust department, acting as agent for MPS under the terms of a custody agreement executed by the bank and by MPS. The only exception to the foregoing shall be depository accounts and securities purchases made with: (i) LAIF and government investment pools and, (ii) money market funds, since the purchased investments are not deliverable. Evidence of each these investments will be held by MPS.

**MAXIMUM MATURITIES**

The CEO and Oversight Committee shall maintain a system to monitor and forecast revenues and expenditures so that funds can be invested to the fullest extent possible. Maturities of investments will be selected to provide necessary liquidity, manage interest rate risk, and optimize earnings. Because of inherent difficulties in accurately forecasting cash flow requirements, a portion of the portfolio should be continuously invested in readily available funds.

The maximum maturity of individual investments shall not exceed the limits set forth in the Authorized and Suitable Investments section. If the section does not specify a maturity limit, no investment shall have a remaining maturity in excess of five years from the date of purchase unless MPS has granted its express authority to make that investment either specifically or as a part of an investment program no less than three months prior to the investment.

**INVESTMENT RESTRICTIONS**

**Credit Ratings**

Credit ratings will be applied at the time of purchase of a security. A subsequent downgrade in a security’s credit rating will not constitute a violation of the Investment Policy. Securities which are downgraded below the minimum acceptable rating levels must be reviewed for possible sale within a reasonable amount of time.

U.S. Government obligations are exempt from the credit rating requirements listed below.

The credit ratings referred to below must be assigned by one of the following NRSROs: Standard & Poor’s Corporation (“S&P”), Moody’s Investors Service, Inc. (“Moody’s”), and Fitch Ratings (“Fitch”).

- a) Short-term debt ratings – (two of the following and not less than the following) “A-1” or “SP-1” (S&P); “P-1” or “MIG 1/VMIG 1 (Moody’s); or “F1” (Fitch) Ratings.

Split ratings are not allowed, i.e. A-1/P-1/F2 or similar. An issuer of short-term debt must have no less than an “A” rating on long-term debt.

- b) Long-term debt ratings – Investments purchased with remaining maturities of 397 days or less- shall be rated by at least two NRSROs and have obtained no less than an “A” rating by any.

Investments purchased with remaining maturities longer than 397 days– shall be rated by at least two NRSROs and have obtained no less than an “AA” rating by any. If an issuer of long-term debt has a short-term rating, then it may not be less than A-1/SP-1 or P-1/MIG1 or F1.

- c) Repurchase Agreement counterparties shall have a minimum short-term rating, or counterparty rating, of no less than A-1 or equivalent by two NRSROs and have capital of not less than \$500 million.

- d) Any issuer that has been placed on “Credit Watch-Negative” by a NRSRO will be removed from our approved list unless the following criteria are met: The issuer has (a) an A-1+ or F1+ short-term rating; or (b) at least an AA or Aa2 long-term rating.

**DIVERSIFICATION AND MATURITY RESTRICTIONS**

It is the policy of the Charter School to diversify its funds. Investments are diversified to minimize the risk of loss resulting in over concentration of assets in a specific maturity, specific issuer, or a specific class of securities. Diversification strategies shall be established by the Charter School and periodically reviewed.

**1. Authorized Investments**

The following diversification limits will be applied at the time of purchase of a security.

Type of Investment	Cal. Gov. Code % of Funds Permitted	Cal Gov. Code Maximum Final Maturity
U.S. Treasury Securities	100%	5 Years
U.S. Government Agency Securities	100%	5 Years
Municipal Debt	100%	5 Years
Medium-Term Notes	30%	5 Years

Bankers Acceptances	40%, 30% of a single issuer	180 Days
Commercial Paper	40%, 10% of a single issuer	270 Days
Negotiable Certificates of Deposits	30%	5 Years
Repurchase Agreements	100%	1 Year
Mutual Funds	20%, 10% in a single fund	N/A
Investment Pools	100%	N/A

## 2. Maturity

The maximum maturity of any investment purchased will be five years with the exception of investments authorized by the Board of Directors to be invested in longer than five year maturities. For purposes of calculating final maturity, the earlier of final maturity date or mandatory put or tender option date will be used.

## PROHIBITED TRANSACTIONS

At the time of purchase, all permitted investments shall conform in all respects with this Investment Policy, as may be amended from time to time. No investment prohibited by California Government Code shall be permitted herein.

Any investment transactions, credit risk criterion, percentage limitations or market valuation that are not in compliance with this Investment Policy and cannot be corrected without penalty at time of purchase must be documented and approved by the Charter School in writing as soon as possible. Thereafter, action shall be taken by the Charter School to correct such matter as soon as practical. If a percentage restriction is adhered to at the time of purchase, a later increase or decrease in percentage resulting from a change in values or assets will not constitute a violation of that restriction.

The following transactions are prohibited:

- a) Borrowing for investment purposes (“Leverage”).
- b) Reverse Repurchase Agreements, as defined by California Government Code Section 53601(j)(3) and (j)(4) or otherwise.
- c) Structured Notes (e.g. inverse floaters, leveraged floaters, structured certificates of deposit, equity-linked securities, event-linked securities). This includes all floating- rate, adjustable-rate or variable-rate securities in which a change in interest rates or other variables that can reasonably be foreseen to occur during their term would result in their market value not returning to par at the time of each interest rate adjustment.

Simple “floating rate notes,” whose periodic coupon adjustment is based on a short- term (one-year or less) rate index (such as Treasury bills, federal funds, prime rate or LIBOR) and which have a reasonable expectation of maintaining a value of par at each interest rate adjustment through final maturity, are exempt from this definition. Additionally, U.S. Treasury and Agency zero coupon bonds, U.S. Treasury and Agency strips, Resolution Funding Corporation (“REFCORP”) strips or other callable securities which otherwise meet the quality, maturity and percent limitations assigned to their respective security category, are exempt from

this section.

- d) Structured Investment Vehicles (“SIV”).
- e) Derivatives (e.g. options, futures, swaps, swap options, spreads, straddles, caps, floors, collars) shall be prohibited.

**ETHICS AND CONFLICT OF INTEREST**

The Charter School and all persons involved in the investment process shall refrain from personal business activity which could create a conflict with proper execution of the investment program, or which could impair the ability to execute impartial investment decisions. The Charter School and all treasury and investment personnel shall disclose to the Board of Directors any material financial interests in financial institutions, broker dealers and vendors (“outside entities”) and shall disclose any material financial investment positions in such outside entities.

**PERFORMANCE STANDARDS**

The investment portfolio shall be designed with the objective of obtaining a market rate of return throughout budgetary and economic cycles, commensurate with the investment risk constraints and the cash flow needs, but focusing on preservation of capital and then liquidity as the most important objectives, with yield as the least important objective.

The Charter School’s investment strategy is to actively manage the portfolios to create less risk than a benchmark comparable index and to use economies of scale to invest and administer the program at a reasonable cost. Given this strategy, the basis used by the Charter School to determine whether market yields are being achieved shall be the indices most comparable to the fund, such as money rate data published in Barron’s, The Wall Street Journal, Bloomberg, etc. or other bond fund indices. The standards enumerated herein do not constitute a guarantee of the fund’s performance.

**Revision History:**

<b>Revision</b>	<b>Date</b>	<b>Description of changes</b>	<b>Requested By</b>
	3/09/17	Initial Release	
	6/14/17	Legal review and revision	

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**SOP # REV101 Revision: 2**  
**Effective Date: 9/5/17**

**Prepared by: Central Office**  
**Approved by: BOD**

**Title:**           **REV101 SALES RECEIPT PROCESSING**

**Policy:**        To ensure the most accurate process for billing for services, sales receipts will be properly evaluated and approved prior to entry into the accounting system.

**Purpose:**       This procedure outlines the activities and responsibilities involved in verifying the acceptability of all sales receipts.

**Scope:**        These procedures are to be followed for all sales receipts.

**Responsibilities:**

Back-office provider approves sales receipt documentation.

**Procedure:**

**1.0    DOCUMENT VERIFICATION**

**1.1**   Sales Receipts are often used for Parenting Fees and other similar fees. Verify that all of the correct documents have been used and are present to support the sales receipt transaction. The following documents are required to complete the Sales Receipt transaction:

- Document identifying what the money collected is for
- Approval or authorized signature for the course
- Customer, parent, or other correspondence or support documentation, etc
- Complete the Back-office provider Deposit Log

**1.2**   Verify that all required information is available to complete the sales receipt.

**1.3**   Review the customer's Accounts Receivable aging and determine that the customer is current with their payments and that the new sales receipt will not affect their balance.

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**Revision History:**

<b>Revision</b>	<b>Date</b>	<b>Description of changes</b>	<b>Requested By</b>
0	2/14/13	Initial Release	
1	11/12/15	Inclusion of back-office provider service provider process	Oswaldo Diaz, CFO
2	9/5/17	Revision to clarify processes and positions	

**SOP # REV102 Revision: 2**  
**Effective Date: 9/5/17**

**Prepared by: Central Office**  
**Approved by: BOD**

**Title: REV102 INVOICING, ACCOUNTS RECEIVABLE,  
 RECEIVABLE ACCRUALS**

**Policy:** The Finance Department is responsible for the timely preparation and distribution of invoices to optimize cash flow and customer payments. The Finance Department with the support of Back-office provider will also maintain accurate records over Accounts Receivables and Accruals and abide by proper internal controls.

**Purpose:** To explain the methods for the preparation of invoices, accounts receivable, and receivable accruals records processing.

**Scope:** This procedure applies to all revenue earned and services provided by the company.

**Procedure:**

**1.0 SALES RECEIPT REVIEW**

**1.1** A formal invoice is not always applicable such as when service fees are collected for items such as Parenting.

**1.2** The SALES RECEIPT should contain all pertinent billing information as part of the company's sales receipt procedure. However, as part of proper internal control, Billing will verify the information contained on the customer's sales receipt documentation.

As part of this review process, the propriety and accuracy of contact information, prices, description of services, extensions and footings will be determined.

**2.0 INVOICE PREPARATION AND POSTING**

**2.1** The next sequentially numbered Invoice (see example REV102 Ex1 INVOICE) will be prepared from the information from the Federal, State, or Local Grant or Contract Language including all reimbursable costs and will include the invoice date, service item, description of services or billing information, quantity, rate, class or program code, price and extended amounts and the customer's billing addresses.

**2.2** Post the invoice by saving the transaction.

**3.0 DISTRIBUTION**

**3.1** Send one copy of the invoice to the customer and retain a second copy of the invoice in the customer file.

**4.0 ACCOUNTS RECEIVABLE**

**4.1** Accounts Receivable will receive and process payments from customers in accordance with the CASH RECEIPTS procedure.

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- 4.2** On a monthly basis, Accounts Receivable will generate an aged trial balance of customers' accounts with individual invoice information and days outstanding and will forward to Finance Manager and Chief Financial Officer for their follow up on any aged invoices.
- 4.3** Accounts Receivable will generate monthly statements of outstanding customers' accounts and issue them to customers no later than 10 days after each month end.
- 4.4** Accounts Receivable will issue Credit Memos to customers upon receipt of approved changes in the terms.
- 5.0 RECEIVABLE ACCRUALS**
- 5.1** Monthly receivable accruals are at the discretion of the Chief Financial Officer and the Finance Manager when those amounts are reasonably known and quantifiable. Fiscal year end receivable accruals are required to be quantified and recorded no later than August 15<sup>th</sup>.

**Revision History:**

<b>Revision</b>	<b>Date</b>	<b>Description of changes</b>	<b>Requested By</b>
0	2/14/13	Initial Release	
1	11/12/15	Inclusion of back office service provider	Oswaldo Diaz , CFO



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## REV102 Ex1 INVOICE

INVOICE NO. \_\_\_\_\_

CUSTOMER:

Item	Description	Qty	Rate	Class	Amount
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**Total**

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**REV102 Ex 2 ACCOUNTS  
RECEIVABLE WRITE-OFF  
AUTHORIZATION**

Customer:

Date:

**Invoice No's:**

**Amount of Write-Off**

TOTAL

\$

**JUSTIFICATION**

Summary of Collection Actions To Date:

(Include brief description of collection actions taken by accounting, other Company departments and outside collection agency or legal, if applicable)

Approvals:

Credit Manager: \_\_\_\_\_

Date: \_\_\_\_\_

Controller: \_\_\_\_\_

Date: \_\_\_\_\_

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**SOP # REV103 Revision: 2**  
**Effective Date: 9/5/17**

**Prepared by: Central Office**  
**Approved by: BOD**

**Title: REV103 PROJECT(Grant/Contract) REVENUE: PROGRESS BILLING**

**Policy:** Progress billings will be made to clients on a timely basis throughout the life of the project. Projects are typically considered Federal, State, and Local Grant contracts. These billings will be accurate and easily understood by both parties involved.

**Purpose:** The purpose for creating progress billings is to obtain payment for the portion of labor and materials, i.e. "reimbursed costs" used up to a certain point in time and before the project is fully completed. This improves the cash flow typical of long-term projects or assignments. This procedure applies to all Federal, State, and Local Grants and Contracts, Service agreements or Projects provided by the Organization.

**Scope:** This procedure applies to all service agreements or projects provided by the Organization.

**Responsibilities:**

The Finance Department is responsible for the confirmation of all final program amounts and is responsible for knowing the correct procedures to be followed for each contract.

**Procedure:**

**1.0 CONTRACT TYPES**

**1.1 Reimbursement for Services.** Progress billing for Reimbursement for Services contracts requires Finance teams to be up to date and monitor the services being provided according to the terms of each contract. The Finance team will enter into the reimbursement request the allowable costs that may be billed according to the contract. From time to time and at the end of the contract, the Chief Financial Officer reviews the billings of the contract and ensures that all available opportunities to recover reimbursable costs have been considered.

**1.2 Set Contracts.** Set contracts such as with the individual charter schools involve reimbursement for costs such as building rental and an allowance for the amount of apportionment attendance earned. Although the contract is set by terms of the contract, since student attendance can vary, the invoicing for these types of contracts is the same amount throughout the fiscal year and reconciled at the end of the year to account for the final attendance counts.

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**2.0 BREAKDOWN OF CONTRACT AMOUNT**

- 2.1** The Finance Department with the support of Back-office provider is responsible for the final reconciliation of all grant and other contracts at the end of the year by reviewing final billings prepared by the Finance team and/or the School Principal. Normally, the contractual agreement will specify the procedures for payment and may also specify the form of the breakdown of contract amount that is required. Care should be taken to be sure that all costs, services, and fees are fully billed and accounted for in each contract.

**Revision History:**

<b>Revision</b>	<b>Date</b>	<b>Description of changes</b>	<b>Requested By</b>
0	2/14/13	Initial Release	
1	11/12/15	Inclusion of back-office provider provider and revision of responsibilities.	Oswaldo Diaz, CFO
2	9/5/17	Revision to clarify processes and positions	

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**SOP # REV104 Revision: 1**  
**Effective Date: 9/5/17**

**Prepared by: Central Office**  
**Approved by: BOD**

**Title: REV104 ACCOUNT COLLECTIONS**

**Policy:** All open accounts receivable with late or delinquent payment activity will be handled in a timely and effective manner to ensure maximum collections and an optimum accounts receivable turnover ratio.

**Purpose:** To provide the actions and methods for processing late or delinquent payments.

**Scope:** This procedure applies to the Accounts Receivable Department involved with collection of past due accounts receivable. The Finance team and the Chief Financial Officer may be involved in reference special arrangements.

**Responsibilities:**

The Finance team reviews all records for a customer to determine a possible explanation for non-payment prior to commencing the collection process.

**Definition:** Bad Debt consists of unpaid accounts receivable invoices that are considered to be uncollectible.

Debt collector is any person who regularly collects debts owed to others. This includes attorneys who collect debts on a regular basis.

**Procedure:**

**1.0 COLLECTION PROCESS**

**1.1** No matter how careful customers are screened prior to credit approval, slow pay or delinquent accounts will occur from time to time. Once an account becomes past due by even a few days, the collection process should commence immediately. Studies have shown that the sooner the collection process starts then the more likely that the debt will be collected.

**1.2** Prior to commencing the collection process, the following should be reviewed by the assigned Finance team:

- Verify that after the Invoice was immediately sent out for all billings to the customer and sent to the correct billing address.
- Make certain that the Organization has not received the customer's payment or applied it to the wrong account. These seem obvious, but it can avoid an uncomfortable situation in wrongly accusing the customer of delinquent payments.

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- Review the customer's past payment activity. Determine if they are chronically late and what their response has been to any other overdue notices to determine payment patterns or trends.

- 1.3 Upon review of the above, the Accounts Receivable Representative should then proceed with the collection process by completing an REV104 Ex1 ACCOUNT COLLECTION CONTROL Form. This form will assist in planning and tracking the collection effort. Depending on the amount and the customer situation, the representative can choose to follow-up with collection letters, telephone calls or both.

Record all actions taken (late payment notice, telephone call, etc.) with a date on an ACCOUNT COLLECTION CONTROL Form filed in the customer folder. All customer agreements and explanations should be noted. If payment has not reached the Organization by the expected date, immediate follow-up action should be taken with another collection call or letter. The longer an overdue account is ignored, the longer the customer will ignore it, too.

- 1.4 Telephone communication will often speed up the collection process. Credit representatives, when speaking with a delinquent account, should observe a few tips or principles.

- Identify yourself and the Organization and state the reason for calling. Be direct and use a controlled, confident voice. Concentrate on listening to the customer and don't rush through the call.
- Get the Facts - The most powerful tool is knowledge. During the phone conversation, try to gain as much insight into the situation as possible. Remember, the goals and objectives are to:

Collect the money!

Identify reasons for non-payment

Settle on an agreement for clearing the debt, including special payment plans and exact dates when a check will be sent.

- Never argue, accuse or be condescending - Verbally fighting or talking down to the customer will only serve to produce negative feelings and may hamper the collection effort. The ultimate purpose is to secure payment, and this is best accomplished without becoming defensive or irritated.
- There are several common objections, complaints and excuses used to elude payment. Study the following examples to learn the most effective responses to the most frequently used ploys.

**"I didn't get the invoice."** - Respond by verifying the debtor's name and address, and then review the account information with them.

**"The check is in the mail."** - Extend your thanks, then ask for a check number, amount, date posted and address to which it was mailed.



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**"Your payment is being processed."** - Ask when the payment will be ready for the mail. Determine the process that the payment undergoes after it leaves your contact's desk.

**"I need proof of delivery."** - Give the customer the name of the person who signed the delivery slip.

**"The computer is down."** - When do you expect it to be up? Can we get a manual payment?

**"I'll pay you when we get paid."** - Respond calmly, but make a direct request for payment, such as "When can I expect payment?"

**"I have no money"** - Create a payment plan. Be flexible and consider alternatives offered by the customer. Work toward making the plan acceptable to both of you.

- 1.5 Many people find it difficult to confront customers regarding delinquent payments. Just keep in mind that it is the customer, who should feel uncomfortable in this situation.
- 1.6 If customers stop paying, their phone has been disconnected, and you cannot find them, consider using these resources to locate these debtors and their assets:
- City directories
  - Post office (for a forwarding address)
  - A customer's employer
  - Department of motor vehicle license and registration records
  - "In case of emergency" contact, references or closest relatives listed on a credit application
  - Old files and correspondence
  - The Internet (i.e. <http://www.isleuth.com/peop.html>)
  - Skip-tracing services or private investigator
  - Credit bureau reports
  - Neighbors
  - Directory assistance

**2.0 SERIOUSLY DELINQUENT OR UNRESPONSIVE ACCOUNTS**

**2.1** When an account becomes more than 60 days past due, the immediate target of securing prompt payment should take on a greater sense of urgency. The Finance Manager should review the account with Accounts Receivable to determine if the customer's business is valued.

If their business is valued, the following strategies may be used to collect payment:

- Restrict any further credit until the past due amount is paid in full.
- Withhold services already entered into. The harsh reality of having a MERF customer have to move from a MERF location or find a new provider often can spur a delinquent account into action.

**2.2** If all other avenues for collection of the account have been exhausted, the Finance Manager, after consulting with the Chief Financial Officer, may want to consider and authorize the use of an outside collection agency.

**2.3** All uncollectible accounts will be reviewed by the Finance Manager for disposition.

**3.0 WORKING WITH COLLECTION AGENCIES**

**3.1** Collect all material records for the debt in question and send them to the collection agency. The agency will require a copy of the invoice, proof of delivery, and/or any other correspondence that may help them collect the debt.

**3.2** Record the date the debt was sent to collections in the accounts receivable file.

**3.3** If payments are received after the debt has been sent to collections, then notify the collection agency immediately in order to stop any further collection efforts. The agency will take their fee for any debt that has been collected once it has been registered by the agency.

**3.4** If all other avenues for collection of the account have been exhausted, the Organization should consider further legal action.

**4.1 WRITING OFF UNCOLLECTED DEBT**

**4.2** Write-off any debts remaining uncollected or that are returned from the collection agency and record as a bad debt expense and deduct from accounts receivable.

**4.3** If any payments are received after being written-off from accounts receivable, then receive them in as income in the period received.

**4.4** If bad debt is a recurring problem then consider setting up a reserve account or allowance for bad debt at the beginning of the year.

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**References:****A. FAIR DEBT COLLECTION PRACTICES ACT (FDCP)**

The FDCP requires that debt collectors treat consumers fairly and prohibits certain methods of debt collection. Personal, family, and household debts are covered under the Act. This includes money owed for the purchase of an automobile, for medical care, or for charge accounts. Business debt is not included.

Debt collectors may not 1) harass, oppress, or abuse the debtor or any third parties they contact. 2) Use any false or misleading statements when collecting a debt.

For example, debt collectors may not:

- Use threats of violence or harm;
- Publish a list of consumers who refuse to pay their debts (except to a credit bureau);
- Use obscene or profane language; or
- Repeatedly use the telephone to annoy someone.
- Falsely imply that they are attorneys or government representatives;
- Falsely imply that the debtor may have committed a crime;
- Falsely represent that they operate or work for a credit bureau;
- Misrepresent the amount of the debtor's debt;
- Indicate that papers being sent to the debtor are legal forms when they are not
- Indicate that papers being sent to the debtor are not legal forms when they are.
- Give false credit information about the debtor to anyone, including a credit bureau;
- Send the debtor anything that looks like an official document from a court or government agency when it is not.
- Use a false name.
- Collect any amount greater than the debtor's debt, unless the debtor's state law permits such a charge;
- Deposit a post-dated check prematurely;
- Use deception to make the debtor accept collect calls or pay for telegrams;
- Take or threaten to take the debtor's property unless this can be done legally.
- Contact the debtor by postcard.
- Say the debtor will be arrested if they do not pay the debt;
- Say they will seize, garnish, attach, or sell the debtor's property or wages, unless the collection agency or creditor intends to do so, and it is legal to do so.

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- Say they will take actions, such as a lawsuit against the debtor, when such action legally may not be taken, or when they do not intend to take such action.

**Revision History:**

<b>Revision</b>	<b>Date</b>	<b>Description of changes</b>	<b>Requested By</b>
0	2/14/13	Initial Release	
1	9/5/17	Revision to clarify processes and positions	

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## REV104 Ex1 ACCOUNT COLLECTION CONTROL FORM

Account Name: \_\_\_\_\_ Date \_\_\_\_\_ Customer Reply or Action

Taken \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Contact(s): \_\_\_\_\_

Telephone #'s: \_\_\_\_\_

Payment Terms: \_\_\_\_\_

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

<u>Invoice</u>	<u>Date</u> <u>Due</u>	<u>Amount</u>	<u>Date</u> <u>Paid</u>	<u>Running</u> <u>Total</u> <u>Due</u>
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**SOP # REV105 Revision: 2**  
**Effective Date: 9/5/17**

**Prepared by: Central Office**  
**Approved by: BOD**

**Title: REV105 REVENUE RECOGNITION - GRANTS AND CONTRIBUTIONS**

**Policy:** The Organization receives revenue from several types of transactions. It is the policy of the Organization to separate and recognize revenue from grants and contributions separately in the financial statements of the Organization and to comply with all current Federal and California rules regarding solicitation and collection of charitable contributions.

**Purpose:** To provide a separate accounting of grant and contribution income.

**Scope:** This procedure applies to all grant and contribution income.

**Responsibilities:**

Chief Financial Officer and the Finance Department direct the separate accounting for grant revenue and contributions received.

Back-office provider ensures that grant and contribution revenues are separately tracked within the accounting system.

**Definition:**

**Contribution** - An unconditional transfer of cash or other assets to the Organization, or a settlement or cancellation of the Organization's liabilities, in a voluntary nonreciprocal transfer by another entity acting other than as an owner.

**Condition** - A donor-imposed stipulation that specifies a future and uncertain event whose occurrence or failure to occur gives the promisor a right of return of the assets it has transferred to the Organization or releases the promisor from its obligation to transfer its assets.

**Restriction** - A donor-imposed stipulation that specifies a use for the contributed asset that is more specific than broad limits resulting from the nature of the Organization, the environment in which it operates, and the purposes specified in the Organization's articles of incorporation and bylaws. Restrictions on the Organization's use of an asset may be temporary or permanent.

**Nonreciprocal Transfer** - A transaction in which an entity incurs a liability or transfers assets to the Organization without directly receiving value from the Organization in exchange.

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**Promise to Give** - A written or oral agreement to contribute cash or other assets to the Organization.

**Exchange Transaction** - A reciprocal transaction in which the Organization and another entity each receive and sacrifice something of approximately equal value

**Procedure:****1.0 GRANT AND CONTRIBUTION REVENUE RECOGNITION**

**1.1 Grant income** – Recognized as income when received, based on incurrence of allowable costs (for cost-reimbursement awards) or based on other terms of the award (for fixed price, unit-of-service, and other types of awards). The types of grant income typically received by the Organization are:

- (a) Education payments for MERF Charter services.
- (b) Various Federal, State, and Local grants and contracts.
- (c) Other types of grant income may be received from time to time.

At year-end, grant income that has been incurred but not yet received are accrued to conform with generally accepted accounting principles.

**1.2 Contributions** - Recognized as income when received, unless accompanied by restrictions or conditions (see the next section on contribution income).

**1.3 CONTRIBUTIONS RECEIVED****A. Distinguishing Contributions from Exchange Transactions**

The Organization may receive income in the form of contributions, revenue from exchange transactions, and income from activities with characteristics of both contributions and exchange transactions. The Organization shall consider the following criteria, and any other relevant factors, in determining whether income will be accounted for as contribution income, exchange transaction revenue, or both:

1. The Organization's intent in soliciting the asset, as stated in the accompanying materials;
2. The expressed intent of the entity providing resources to the Organization (i.e. does the resource provider state its intent is to support the Organization's programs or that it anticipates specified benefits in exchange?);



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3. Whether the method of delivery of the asset is specified by the resource provider (exchange transaction) or is at the discretion of the Organization (contribution);
4. Whether payment received by the Organization is determined by the resource provider (contribution) or is equal to the value of the assets/services provided by the Organization, or the cost of those assets plus a markup (exchange transaction);
5. Whether there are provisions for penalties (due to nonperformance) beyond the amount of payment (exchange transaction) or whether penalties are limited to the delivery of assets already produced and return of unspent funds (contribution); and
6. Whether assets are to be delivered by the Organization to individuals or other than the resource provider (contribution) or whether they are delivered directly to the resource provider or to individuals or the Organization is closely connected to the resource provider.

### **B. Accounting for Contributions**

The Organization shall recognize contribution income in the period in which the Organization receives restricted or unrestricted assets in nonreciprocal transfers, or unconditional promises of future nonreciprocal asset transfers, from donors. Contribution income shall be classified as increases in unrestricted, temporarily restricted, or permanently restricted net assets based on the existence or absence of such restrictions. See REV107 Restricted Funds for more details.

Unconditional promises to give shall be recorded as assets and increases in temporarily restricted net assets (contribution income) of the Organization in the period that the Organization receives evidence that a promise to support the Organization has been made. Unconditional promises to give that are to be collected within one year shall be recorded at their face value, less any reserve for uncollectible promises, as estimated by management. Unconditional promises to give that are collectible over time periods in excess of one year shall be recorded at their discounted net present value. Accretion of discount on such promises to give shall be recorded as contribution income in each period leading up to the due date of the promise to give. The interest rate that shall be used in calculating net present values of unconditional promises to give is the risk-free rate of return available to the Organization at the time the Organization receives a promise from a donor.

When the final time or use restriction associated with a contributed asset has been met, a reclassification between temporarily restricted and unrestricted net assets shall be recorded.

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When it receives support in the form of volunteer labor, the Organization shall record contribution income and assets or expenses if one of the following two criteria is met:

1. The contributed service creates or enhances a nonfinancial asset (such as a building or equipment), or
2. The contributed service possesses all three of the following characteristics:
  - a. It is the type of service that would typically need to be purchased by the Organization if it had not been contributed,
  - b. It requires specialized skills (i.e. formal training in a trade or profession), and
  - c. It is provided by an individual possessing those specialized skills.

Contributed services that meet one of the two preceding criteria shall be recorded at the fair market value of the service rendered.

### **C. Receipts and Disclosures**

The Organization and its donors are subject to certain disclosure and reporting requirements imposed under the Internal Revenue Code and its underlying regulations. To comply with those rules, the Organization shall adhere to the following guidelines with respect to contributions received by the Organization.

For any separate contribution received by the Organization, it shall provide a receipt to the donor. The receipt shall be prepared by the School Principal. All receipts prepared by the Organization shall include the following information:

1. The amount of cash received and/or a description (but not an assessment of the value) of any noncash property received;
2. A statement of whether the Organization provided any goods or services to the donor in consideration, in whole or in part, for any of the cash or property received by the Organization from the donor, and
3. If any goods or services were provided to the donor by the Organization, a description and good faith estimate of the value of those goods or services.

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**Revision History:**

<b>Revision</b>	<b>Date</b>	<b>Description of changes</b>	<b>Requested By</b>
0	2/14/13	Initial Release	
1	11/12/15	Change in responsibilities	Oswaldo Diaz, CFO
2	9/5/17	Revision to clarify processes and positions	

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**SOP # REV106 Revision: 2****Prepared by: Central Office****Effective Date: 9/5/17****Approved by: BOD****Title: REV106 GIFTS-IN-KIND**

**Policy:** MERF may accept contributions of goods or services that can be used to advance the mission of MERF and/or any of its schools or may be converted readily into cash. When accepting a gift-in-kind, the receiver must ask the donor to complete as an example REV106 Ex1 GIFT-IN-KIND FORM. Once the donor has completed the form, the receiver must sign the form and send it immediately to the central office for processing.

**Purpose:** To ensure that Gift-In-Kind transactions are handled in accordance with IRS guidelines and are properly recorded.

**Scope:** All Gift-In-Kind transactions.

**Responsibilities:**

Receiver is responsible for assessing the gift for usefulness to the Organization.

School Principal is responsible for handling donor documentation.

The Financial Analysts are responsible for assessing value of gift and informing Back-office provider so that it can be recorded into the accounting system.

**Definition:** **Gifts-In-Kind** - Transactions categorized as a voluntary contribution of goods or services that can be used to advance the mission of MERF or can be readily converted to cash and may qualify as a charitable deduction for the person(s) making the gift.

Contributed services cannot be counted as a gift and do not qualify as a charitable tax deduction to the donor. However, a donor of services may be able to deduct expenses incurred while performing said services. In such cases, the donor should be advised to consult with a tax accountant.

**Background:** The IRS has specific regulations regarding gifts-in-kind. This policy outlines the process an employee of MERF should follow when presented with a gift-in-kind. It limits the liability that may inadvertently be assumed by placing value on gifts or by accepting a gift that does not advance the mission of MERF or cannot be readily converted to cash. It further assures that a donor will receive timely acknowledgement of his/her contribution.

**Procedure:****1.0 RECEIPT OF GIFT**

**1.1** When presented with a potential gift-in-kind, an individual must assess if the gift can be used to advance the mission of MERF or could be readily converted to cash. If there is any question as to whether the contribution meets either of these

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criteria, the individual should contact his/her immediate supervisor or the central office.

- 1.2 If the gift is accepted, the individual should offer an immediate and sincere expression of gratitude. At that time, the donor should be given a Gift-In-Kind form and be encouraged to complete the form at that time. If the donor is unable or unwilling to complete the form, the receiver may complete the form, write "N/A" as the estimated fair market value, and enter that the form was completed by him/her in the note section in the lower right hand corner.

The individual accepting the gift cannot offer tax advice or dictate the value of the contribution. It is the responsibility of the donor to determine the fair market value of the contribution. **Note:** the value is for MERF internal gift reporting and accounting only; the donor's receipt and/or acknowledgement will not indicate value in any way that could be construed as an endorsement of its value.

- 1.3 If the item is personal property of the donor and is valued at more than \$5,000, the donor must obtain a certified appraisal. The appraisal cannot be dated more than 60 days from the date of the donation. It must be prepared, signed and dated by a qualified appraiser. Federal law requires that the donor pay for the appraisal. (The cost of the appraisal is also tax deductible). This value will be used for gift reporting purposes only.

**What constitutes a qualified appraisal:**

- I. Appraiser must hold himself or herself out to the public as an appraiser and state credentials showing that he or she is qualified to appraise the type of property being valued.
- II. Appraiser must value the property no more than 60 days before the date of gift; it can be done after the gift has been accepted by the MERF.
- III. Appraiser cannot be (1) the donor, (2) the donee (MERF), (3) any party to the transaction, (4) an appraiser used regularly by (1), (2) or (3), or anyone employed or related to (1),(2), or (3).

The appraisal must contain the following information:

1. A description of the item
  2. Its physical condition
  3. The date (or expected date) of the contribution
  4. Name, address and tax ID number of the appraiser
  5. Qualifications of the appraiser including his/her background, experience and education
  6. A statement that the appraisal was prepared for income tax purposes
  7. Date the item was valued
  8. Appraised fair market value of the item
  9. Method of valuation (income approach; market data approach; replacement cost minus depreciation approach.)
  10. Appraiser must complete Part IV of Section B on form 8283
- 1.4 The individual accepting the gift will sign and date the Gift-In-Kind form only after the donor has irrevocably turned over the gift-in-kind. Once signed, the

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form should be turned over to the School Principal immediately for processing and acknowledgement.

- 1.5 The School Principal will notify the Finance team of the contribution. The Finance team will then provide necessary information to Back-office provider so that it can be assigned as an asset or income to the appropriate school or to the central office.

## 2.0 COMPLIANCE

- 2.1 The IRS allows an individual to deduct the full fair market value of a donated item if it is kept by MERF and used for one of its tax-exempt purposes. If the item is to be converted to cash, then the donor may claim a deduction of the cost value or the fair market value, whichever is less. **It is the sole responsibility of the donor to determine the value of a contributed item; the receiver cannot assign a value to the donated item(s).**
- 2.2 Upon receipt of a gift-in-kind, MERF will issue an acknowledgement to the donor along with a copy of the Gift-In-Kind form. The acknowledgement will contain only a description of the contribution and will not include a statement as to the value of the contribution. It will further contain a statement as to what, if any, goods or services were given in exchange for the contribution. MERF cannot issue an acknowledgement for contributions that cannot be used or readily converted to cash.
- 2.3 For gifts with values exceeding \$5,000, the donor must complete all parts of IRS form 8283 and submit the form to MERF for signature. The School Principal, the Chief Financial Officer and the Chief Executive Officer are the only individuals authorized to sign 8283 forms.

If MERF has signed an IRS form 8283 and then sells, exchanges or otherwise transfers the gift within two years from the date of gift, the central office must file a donee information return, IRS form 8282, within 125 days of disposing the property. MERF will advise the donor if such a transaction occurs as it may affect the charitable tax deduction for which they qualify.

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**Revision History:**

<b>Revision</b>	<b>Date</b>	<b>Description of changes</b>	<b>Requested By</b>
0	2/14/13	Initial Release	
1	11/12/15	Inclusion of back-office provider service provider process	Oswaldo Diaz, CFO
2	9/5/17	Revision to clarify processes and positions	



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**REV106 Ex1 GIFT-IN-KIND CONTRIBUTION FORM**

**Date:** \_\_\_\_\_

**Event Name** (if applicable): \_\_\_\_\_

**Donor Information:**

**Donor Name** \_\_\_\_\_

Contact Person \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Daytime phone \_\_\_\_\_ E-mail Address \_\_\_\_\_

**Gift Description:** \_\_\_\_\_

**Estimated fair market value (by donor):** \$ \_\_\_\_\_

**Special instructions (e.g., item delivery or pick up, restrictions, etc.):**

**Please return this form to:**

Finance Department

Ph

one: (714)892-5066 13950

Milton Ave. Fax:

(714)362-9588

Suite 200B

Westminster, CA 92683

Per IRS regulations, any item you value over \$500 requires IRS Form 8283; any item you value over \$5,000 requires Form 8283 and a written appraisal.

*This form does not serve as a receipt for this contribution, but is intended for our internal record keeping purposes only. A receipt describing the items or merchandise donated will be mailed to the address supplied above. Magnolia Educational & Research Foundation is unable to include the estimated value on the donor receipt. It is the responsibility of the donor to substantiate the fair market value for his/her own tax purposes. The donation of services, although very valuable and much appreciated, is generally not considered tax deductible by the IRS. Please consult with your tax advisor to determine the tax implications of your gift.*

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**SOP # REV107 Revision: 2**  
**Effective Date: 9/5/17**

**Prepared by: Central Office**  
**Approved by: BOD**

**Title: REV107 RESTRICTED FUNDS**

**Policy:** To properly record and track funds with restrictions in order to ensure the donor's intended uses are met, assist with cash flow planning purposes, and to stay within compliance with laws relating to use of restricted funds.

**Purpose:** Generally accepted accounting principles require the Organization to classify funds based on the restrictions provided by the donor. These classifications may be unrestricted, temporarily restricted or permanently restricted. Donor restrictions should be in writing, to ensure proper treatment.

**Scope:** This procedure applies to funds received that are classified as temporarily or permanently restricted.

**Responsibilities:**

Back-office provider is responsible for recording restricted donations and releases from restrictions properly in the accounting system. Back-office provider is also responsible for periodic reconciliation of restricted asset totals and monitoring restrictions to determine whether they have been met.

Chief Financial Officer is responsible for monitoring of restrictions and determining whether fulfilling restrictions can be viable for the Organization.

**Definition:**

**Unrestricted Net Assets** - net assets whose use is not restricted by donors, even though their use may be limited in other respects, such as by board designation.

Pledges receivable are considered to be temporarily restricted because of an inference that uncollected amounts are intended for future periods.

**Temporarily Restricted Net Assets** - net assets whose use are limited by donors to either a specified purpose or a later date.

**Permanently Restricted Net Assets** - net assets whose use are restricted in perpetuity, such as endowments.

**Procedure:**

**1.0 RESTRICTED FUNDS**

**1.1** At the time revenue is earned by the Organization, the Financial Analysts with the support of Back-office provider will review any related documentation associated with the revenue to determine whether there are any restrictions on the money. Examples

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of restrictions are individual donations given with the intent of supporting a particular program or campaign, a grant received to operate a specific program or project, and donations received to hold in perpetuity. This information can be found on the award letter or on the financial instrument itself. If the revenue is determined to contain restrictions, Back-office provider will record in a separate class in the accounting system to keep separate from unrestricted funds.

**1.2 Temporarily Restricted Funds** – These funds will be monitored for satisfaction of donor restrictions on a regular basis. Once stipulations are met, they are reclassified from temporarily restricted funds to unrestricted funds regardless of when the related expenses will occur. This is known as “net assets released from restrictions.”

**1.3 Permanently Restricted Funds** – These funds are restricted by the donor for a designated purpose or time restriction that will never expire. The intent is that the principle balance of the contribution will remain as an investment forever, and the Organization will utilize the interest and investment returns, such as with an endowment.

## **2.0 ACCOUNTING FOR RESTRICTED FUNDS**

**2.1** In addition to the obligation to its donors, the Organization is bound by law to spend contributed dollars as designated. If a condition on restricted funding has not been fulfilled and the money has been spent, the donor can demand that the funds be returned, pursue legal action, or contact the Office of the Attorney General. It is of the utmost importance that donor restricted funds are handled properly.

**2.2** Do not budget to spend money unavailable to Organization. When planning and budgeting, be mindful of any and all of the time and activity restrictions present on restricted funds. Understand how restrictions will impact cash flow and availability of funds.

**2.3** Educate staff and board members who are accountable for the Organization’s financial decisions so that they fully understand funding restrictions. Know when the restrictions are satisfied and how to release the funds from restriction.

**2.4** When analyzing financial reports, pay close attention to unrestricted funds and, unless you are making decisions regarding programming for which the funds have been restricted, avoid basing decisions on restricted funds. Try to focus your attention on the “Unrestricted” amounts. Formatting financial report with columns that delineate unrestricted and restricted funds can be very helpful.

**2.5** Most restrictions on funds directly relate to the grant or fundraising request. When researching and applying for grants, be aware of any challenges that potential restrictions could present to the Organization.

**2.6** Fundraising letters and appeals can inadvertently place restrictions on donations. Be certain that managers and donors understand the purpose of contributed dollars and understand if restrictions are present. Also, be certain that staff charged with fundraising understand that appeals can lead to restricted gifts.

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- 2.7** Work with staff to understand the true cost of programming. Allocate all direct costs associated with a program. These allocations help to prepare more accurate budgets for grants and fundraising appeals, and better utilize contributions restricted to specific programs to ease the pressure on limited general operating dollars.

**Revision History:**

<b>Revision</b>	<b>Date</b>	<b>Description of changes</b>	<b>Requested By</b>
0	<b>2/14/13</b>	Initial Release	
1	<b>11/12/15</b>	Change in responsibilities	Oswaldo Diaz, CFO
2	9/5/17	Revision to clarify processes and positions	

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**SOP # PUR101 Revision: 2**  
**Effective Date: 9/5/17**

**Prepared by: Central Office**  
**Approved by: BOD**

**Title: PUR101 VENDOR SELECTION**

**Policy:** To ensure the performance capabilities of all vendors and maintain the internal controls of over the purchasing functions, vendor selection , quality control , and certain procedural requirements.

**Purpose:** To provide the methods for determining, documenting and, when applicable, inspecting vendors for compliance with Organization policies and contract purchasing requirements.

Purchased products and services should conform to specified requirements. This starts with selection of appropriate suppliers, consultants, and contractors that have the capability and systems to supply products, materials and services to satisfy Organization requirements. Suppliers and consultants are controlled to the extent necessary based on the effect of the purchased items and services on the quality of the Organization's products and services.

**Scope:** This procedure applies to all vendors of products, materials, and services that directly affect the quality of the Organization's products and services.

**Responsibilities:**

The Board of Directors shall have authority to approve all contracts including budgeted and non-budgeted items over \$25,000.

Chief Executive Officer shall have authority to approve all contracts up to and including the amount \$25,000 for all budgeted and non-budgeted amounts.

School Principal is responsible for initial supplier, contractor, and consultant (Collectively the "Supplier") identification and for collection of business information related to the potential supplier. School Principal shall have the ability to approve purchases up to and including the amount of \$5,000.

All MPS Chief Executive Team Members are responsible for approving contracts up to \$10,000 that are within the approved budget.

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**Procedure:****1.0 VENDOR SELECTION****1.1** New vendors are to be evaluated using the following criteria:

- Pricing: competitive pricing is one component of the evaluation and may be out weighed by other factors. Pricing alone will not be a deciding factor unless all else is equal.
- Parts availability and shipping time frame.
- Performance capability (i.e., financial status, sufficient facilities, capability of equipment and employees, professional licenses, years of experience).
- Internal Quality Assurance program: Contractors undergo PEER Review, hold additional licenses, are given preference.
- Reference checks.
- Warranty information if applicable.
- Whether the vendor is debarred from receiving State and/or Federal funds

**1.2** Ongoing evaluation of suppliers:

- On-Time Delivery, 100% on time expected (0 days early, 0 days late)
- Quality: (Items (or lots) rejected/Total items (or lots) received) X 100. Ratings less than 95% require corrective action. Exceptions to the 95% Corrective Action requirement may be given where the total quantity of items or lots received is small and at the Controller's discretion.

**1.3** Qualified vendors will be maintained on an Approved Vendor List for purchasing. The approved list can be as simple as those vendors that are retained as "active" in the accounting system.**2.0 VENDOR INSPECTIONS**

- 2,1** For critical components that the Organization desires to rely on the quality assurance of the vendor to reduce receiving inspection or testing requirements such as with high end computer parts, an on-sight vendor inspection may be performed and approved.
- 2.2** The Controller will coordinate with the Purchase Agent to plan, arrange and designate staff for all vendor inspections when considered necessary by the Chief Financial Officer.

**3.0 VENDOR FILES**

- 3.1** A vendor file will be prepared and maintained for all vendors on the Approved Vendor List, which will be used for significant or on-going purchasing. The vendor files will be kept alphabetically and should include the following:



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- IRS W-9 Taxpayer Identification Certificate (a PDF download is available at: <http://www.irs.gov/pub/irs-pdf/fw9.pdf>)
- Resale certificates (only required for those that resell their purchases)
- Legal contracts, dealer or marketing agreements, etc.
- Long-term blanket purchase order commitments
- Proof of insurance
- Any other relevant correspondence or documentation

**3.2** Form 1099 must be filed at year-end for the proper reporting of income to certain vendors. To determine whether or not one needs to be filed, all non-merchandise vendors should complete an IRS W-9 Request for Taxpayer Identification Number Certificate. A copy can be obtained via the IRS website ([www.IRS.gov](http://www.IRS.gov)) or by contacting the local IRS office. The vendor indicates on the form the reporting status. Note: Incorporated vendors do not receive 1099s.

This applies to all contractors for service (repair person, accountant, consultant, etc) who are NOT incorporated, and to all lawyers, regardless of incorporation. It is important to make this determination before engaging the contractor so that all payments can be properly tracked for 1099 reporting purposes at the inception.

**Revision History:**

<b>Revision</b>	<b>Date</b>	<b>Description of changes</b>	<b>Requested By</b>
0	2/14/13	Initial Release	
1	2/16/15	Segregation of Duties	Oswaldo Diaz, CFO
2	9/5/17	Revision to clarify processes and positions	

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**SOP # PUR102 Revision: 3****Prepared by: Central Office****Effective Date: 9/5/17****Approved by: BOD****Title: PUR102 GENERAL PURCHASING**

**Policy:** All purchases of goods and services shall be consistent with the Board-approved budget. The investment in supplies and capital equipment will be facilitated through the Purchasing Department, maintained at the lowest effective level and supervised consistent with a common set of procedures and controls as required by all regulatory and customer contract requirements.

**Purpose:** To outline the actions to be taken for 1) the procurement of supplies and capital equipment, 2) the completion of related documents.

**Scope:** This procedure applies to the purchase of all supplies and capital equipment for all departments within the Organization.

**Responsibilities:**

All personnel that require a product or service must complete a request in Purchasing Software specifying items for purchase and obtain required approvals.

Chief Financial Officer and the Finance Department are responsible for using good purchasing methods, optimizing price savings, quality or value of products, vendor working relationships, placing orders with approved suppliers, negotiating pricing with suppliers, and forwarding all paperwork to Back-office provider accounts payable for payment.

Back-office provider accounts payable is responsible for payment of invoices only after satisfactory completion or delivery of goods or services has been made.

The School Site Personnel and Other Designated Individuals are responsible for receiving, inspecting materials, and forwarding all paperwork to a designated agent at Back-office provider.

**Procedure:****1.0 ORDER DETERMINATION AND REQUISITION**

**1.1** Purchasing should obtain the optimal price for any purchases. All purchases above \$5,000 require at least 3 quotes to be obtained. Quotes may be submitted by the requestor, Controller or the Purchase Manager can obtain the 3 quotes. The quotes are entered into Purchasing Software along with evaluation and selection of the best option by the requestor. The Chief Financial Officer reviews the 3 quotes and forwards the recommendations to the Chief Executive Officer for final review and decision.

**1.2** For purchases of goods and supplies, a request in the Purchasing Software will be prepared by the originating individual or department. The Purchasing Software request should be completed

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and approved with the following items and any additional supporting documentation:

- Complete description with part or model numbers and link to website if available
- Engineering drawings and specifications
- Type, Class, Grade required
- Quantity required
- Date required
- Requesting department, account code, and allowance/resource code
- Recommended vendor or source if applicable
- Other requirements
- Special shipping requirements
- Special inspection requirements upon receipt

For the following purchases, additional information is required:

- Textbooks – Full ISBN
- Airline tickets - passenger(s) legal name(s), date of birth, gender, departure/arrival airport codes and exact dates
- Vehicle rentals - vehicle type, exact dates and exact pick up/drop off locations

**1.3** If the requisition is for subcontracted services:

- A complete description of the service to be performed
- Engineering drawings and specifications if appropriate
- Requirements for qualification of personnel
- Other documents such as insurance forms, etc.
- Quality standards to be applied

**1.4** Purchasing/Accounting will analyze terms, vendor, pricing, quantity breaks, etc., and will order accordingly in the Organization's best interest. Purchasing will notify the requester of any material variances prior to placement of the order.

**1.5** Reimbursements for purchases made by staff will be processed upon proper authorization through the Purchasing Software.

## **2.0 ORDER PLACEMENT**

**2.1** Requestor is responsible for completing a purchase order form for all orders. This can be processed through the Purchasing Software. Purchase orders are exempted for items such as salaries and related costs, utilities, and instate travel, or where a contract exists.

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- 2.2** If there are any requirements for items to be inspected at the supplier's or the Organization's premises by the Organization or our customer, the arrangements and method of product release shall be included in the purchasing information.
- 2.4 Buyers must review their purchase orders for accuracy. The buyer submits their authorization through the Purchasing Software indicating the review was performed.
- 2.5 Orders can be placed with the vendor either by telephone, fax, internet or mail. When placing orders by telephone, the vendor contact and date of order should be noted and a confirming copy of the order sent to the vendor. Pre-approval for any purchase is always required.
- 2.6 Purchasing is responsible for communicating with those receiving the supplies, following-up on shipping, delivery, and expediting and partial shipments of ordered items. Purchasing can either telephone vendors or use a PUR102 Ex1 PURCHASE ORDER FOLLOW-UP form to verify, trace or expedite orders.
- 3.0 RECORDKEEPING AND MATCHING**
- 3.1** When Purchase Orders are issued, the Purchasing and Accounting copies will be placed in an Open File until the items are received. The Open File should be reviewed on a weekly basis to determine whether any orders need follow up.
- 3.2** Items will be received in accordance with procedure PUR103 RECEIVING AND INSPECTION. The completed vendor's packing list is kept at the site where the shipment was received.
- 3.4 For partial shipments, a note will be made in the Purchasing Software to identify the shipment as partially received. The original Purchase Order will be kept in the open file until all items are received.

**Revision History:**

<b>Revision</b>	<b>Date</b>	<b>Description of changes</b>	<b>Requested By</b>
0	<b>2/14/13</b>	Initial Release	
1	<b>2/13/15</b>	Segregation of duties and limits	Oswaldo Diaz, CFO
2	<b>11/12/15</b>	Inclusion of back-office provider service provider processes	Oswaldo Diaz, CFO
3	9/5/17	Revision to clarify processes and positions	

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PUR102 Ex1 PURCHASE ORDER FOLLOW-UP

To:

Date: \_\_\_\_\_

**Please rush a reply to us by fax or telephone on the information requested below. Thank you.**

Our Purchase Order #: \_\_\_\_\_

From:

Dated: \_\_\_\_\_

**Please Respond To Our Request As Indicated Below**

Can you ship in accordance with our requested date? \_\_\_\_\_  
\_\_\_\_\_

Please review attached and confirm accuracy of all information and prices. Acknowledge

These items are not taxable. Our Tax Exempt No. is \_\_\_\_\_  
Please revise

Incorrect calculations on invoice noted. See attached and verify.  
below. invoice.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Comments or Reply:** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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**SOP # PUR103 Revision: 2**  
**Effective Date: 9/5/17**

**Prepared by: Central Office**  
**Approved by: BOD**

**TITLE: PUR103 RECEIVING AND INSPECTION**

**Policy:** All parts, components, goods and materials will be received in an organized manner and inspected for conformance prior to stocking or use in order to provide an initial quality control inspection. Any items or shipments rejected will be properly quarantined from other inventory items until disposition.

**Purpose:** This procedure outlines the steps for the receiving and inspection of materials, components, or parts and the disposition of rejected items.

**Scope:** This procedure applies to the receipt of all purchases.

**Responsibilities:**

Anyone Performing the Receiving Function are responsible for receiving, inspecting materials, filing receiving documents at site, and marking purchase order as received.

Purchasing is responsible for accepting or rejecting damaged goods. Back-office provider is responsible for payment of invoices.

The Finance Department will review and authorize all rejections.

**Procedure:**

**1.0 RECEIVING**

**1.1** A "receiver" is any form used to record the specific types and counts of product or materials received. Usually, the receiver is provided by the vendor and is not part of the Organization's system at all.

An example of this would be a detailed packing slip, furnished by the vendor with the shipment. The packing slip should be kept at the school site.

All incoming product or materials are to be counted and reconciled with what was originally purchased. Discrepancies must be recorded.

**1.2** All incoming shipments must be examined for apparent package damage. If the shipment has apparent damage, notify Purchasing/Accounting immediately. Purchasing will decide to either accept or reject the shipment from the carrier and/or file a freight claim.

**1.3** If the shipment shows no signs of damage or the Purchase Manager or School Site Principal or designee has decided to accept a damaged shipment, count the shipping pieces (i.e., packages, boxes but not the contents; see Inspection below) and confirm with the bill of lading and note any exceptions (i.e., package damage or shortages).

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**2.0 INSPECTION**

- 2.1** At the receiving holding area, each shipment should be unpacked and all items piece counted and matched to the packing list. If a packing list is not available, complete as an example PUR103 Ex1 RECEIVING AND INSPECTION REPORT.
- 2.2** The shipment will then be inspected for conformance according to the inspection level required for each part number (see PUR103 Ex3 INVENTORY INSPECTION LEVELS). If multiple part number classes are included in the shipment, each class will be segregated and inspected accordingly.
- 2.3** Any previously undiscovered damage to individual inventory items should be noted on the inspection report and immediately followed up with the vendor.

**3.0 REJECTION, DISCREPANCIES AND DISPOSITION**

- 3.1** Any count discrepancies will be noted on the packing list or as an example PUR103 Ex2 RECEIVING AND INSPECTION REPORT, signed and forwarded to Purchasing. Purchasing will then follow-up with the vendor to resolve the shipping discrepancy.
- 3.2** If there is a non-conformance discrepancy, the suspect goods will be red-tagged and separated (quarantined) from other parts and immediately placed in a separate holding area for disposition.
- 3.3** If only partial goods in the shipment are of non-conformance, the accepted goods should be noted on the paperwork and stocked or placed in use per above procedure.
- 3.4** Complete as an example PUR103 Ex2 RECEIVING AND INSPECTION REPORT for any rejected parts. Accounting will review and authorize all rejections and complete Part II of the report.
- 3.5** Goods found to be in conformance or suitable for their intended use and accepted by Accounting will have the red tag removed and be returned to the receiving area or location the product is needed for use. Accounting will note on the report the justification for any accepted parts and forward the report along with the packing list to the Purchase Manager.
- Goods rejected by Accounting will continue to be quarantined and red tagged until disposed. Purchasing will determine and arrange for the appropriate disposition of rejected items (i.e., return to vendor for credit, scrap, etc.).
- 3.6** Unidentified shipments should be resolved by the Purchase Manager. Contact the Chief Financial Officer to resolve any suspicious looking packages.

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**Revision History:**

<b>Revision</b>	<b>Date</b>	<b>Description of changes</b>	<b>Requested By</b>
0	2/14/13	Initial Release	
1	11/12/15	Changes to responsibilities	Oswaldo Diaz, CFO
2	9/5/17	Revision to clarify processes and position	

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## PUR103 Ex2 RECEIVING AND INSPECTION REPORT

**PART I RECEIVING**

Date: \_\_\_\_\_

Vendor/Supplier/Subcontractor: \_\_\_\_\_

P.O. Or Contract No.: \_\_\_\_\_

	INSPECTION	QUANTITIES					
Item No.	Description	Criteria	Ordered	Received	Inspected	Accepted	Rejected

Received By: \_\_\_\_\_

**PART II INSPECTION**

Inspected By: \_\_\_\_\_

	Conformance/Discrepancies to Specifications			
Sample Lot	YES	NO	YES	NO
Lot Size: _____	Shipping Damage		Functional	
Sample Qty: _____	Markings/Finish		Dimensions	
Accepted: _____	Attributes		Other	
Date: _____	Date: _____		Date: _____	
Place in Stock	Cause for Rejection: _____			
Forward to Next Operation	_____			

**PART III REJECTED PARTS DISPOSITION**

Return to Vendor Conditional Acceptance Approvals

Signature Signature  
 Remarks: \_\_\_\_\_

Further comments may be noted on back of report or additional sheets if necessary.

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## PUR103 Ex3 INVENTORY INSPECTION LEVELS

The following are generic descriptions of the type of inspections that should be performed for various classes of inventory items. These descriptions are not completely comprehensive for all the possible types of inventory that can be received and therefore, the inspector should use appropriate judgment to determine any special inspection procedures that may be necessary for unique items.

The inspection levels are intended to be cumulative in that higher level inspections will also include all lower level inspection procedures.

The percentage of the total parts inspected will be according to the part number specifications. For example, an inspection level indication of "Level II, 25" would require that 25% of the parts received in the shipment will be examined at a Level II inspection.

If defects or rejected items are discovered within a shipment and less than a 100% inspection has been performed, the receiving inspector will consult with the Quality Control Manager to determine the appropriate action for assurance of the remainder of the shipment.

- Level I: Visual inspection of the shipment or lot. Items appear reasonably to match packing list description(s). Nothing comes to the attention of the inspector as noticeable defects or as unusual and unordinary.
- Level II: Actual hands-on visual inspection of individual parts. Each part inspected will be analyzed for the quality of workmanship and construction and the appearance of any defects.
- Level III: A functional test of the part will be performed as appropriate for the item. For example, pneumatic parts should indicate function when attached to compressed air source; moving parts should rotate, slide etc.; electrical components should operate, light, etc.
- Level IV: The part will be inspected against a set performance or measurement standard as indicated in the part file. For example, structural items will be measured for compliance to drawings within specified tolerances; electrical and mechanical devices will function according to specified performance standards.

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**SOP # PUR104 Revision: 4**  
**Effective Date: 9/5/17**

**Prepared by: Central Office**  
**Approved by: BOD**

**Title: PUR104 ACCOUNTS PAYABLE AND CASH DISBURSEMENTS**

**Policy:** Internal controls are required to ensure that only valid and authorized payables are recorded and paid. Accounting procedures should be implemented to ensure the accuracy of amounts, coding of General Ledger accounts and appropriate timing of payments. All accounts payable and cash disbursements will have documented pre-approval, and the authorization limits are stated in the below Responsibilities section.

**Purpose:** To explain the practices for documenting, recording and issuing payments for accounts payable transactions. (Note: Payments, disbursements, and expenditures result from accounts payable transactions)

**Scope:** This procedure applies to all purchases including, contractors, consultants, and merchandise and non-merchandise purchases.

**Responsibilities:**

The Principal at each school site is responsible for reviewing and approving payments under \$5,000 in the purchase software, in accordance with the approved budget.

The Chief Financial Officer is responsible for reviewing and approving payments up to \$10,000 in accordance with the approved budget. The Chief Executive Officer may assign the Chief Academic Officer, the Chief Operations Officer, the Chief External Officer or Regional Directors the authority to approve expenditures up to \$10,000.

The Chief Executive Officer is responsible for reviewing and approving payments over \$10,000 in accordance with the board approved budget, as well as up to \$10,000 for non-budgeted items.

Back-office provider is responsible for payment of invoices in a timely manner.

**Background:** Properly recording liabilities is generally a three-step process, particularly, for merchandise purchases.

The first step is recording the liability upon receipt of merchandise, using the purchase order estimates or other documentation as a guideline. For accuracy and timeliness of data, a liability should be recorded as soon as the Organization receives the purchased items.

Consultant projects are not recognized as a liability until the invoicing from the consultant is received unless and accrual has been recorded to recognize the total estimated cost of the consultant's services.

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By necessity, this initial recording is usually an estimate or encumbrance and can be finalized when the actual invoice arrives. This is why a Purchase Order is so important for merchandise purchases. It documents the Organization's understanding of how much each item will cost, per the vendor's terms. This includes estimates for freight and any other charges.

The second step takes place when the vendor's invoice is received. At this point the actual liability is finalized, with any necessary adjustments to the item costs, freight, or other charges.

The third step involves the preparation, issuance of payment for the goods received, and subsequent filing of all paperwork for easy retrieval.

**Procedure Overview:**

Cash disbursements are generally made for:

1. Payments to vendors for goods and services
2. Taxes/license fees
3. Staff training and development
4. Memberships and subscriptions
5. Meeting expenses
6. Employee reimbursements
7. Marketing/promotional materials Checks

are processed throughout the week.

Requests for cash disbursements are submitted to Accounting through the purchasing software. Documentation for the purchasing software requests can be in three ways:

1. Original invoice
2. Purchase request (submitted on approved form)
3. Employee expense report or reimbursement request

All invoices must be approved by the appropriate staff prior to being submitted to accounts payable. Accounts payable will determine the account code for each invoice.

Approvals for reimbursement requests must be obtained prior to the purchase. The Organization is not obligated to reimburse requests where prior approval was not obtained; however this decision is made at the discretion of the Chief Financial Officer.

Every employee reimbursement or purchase request must be documented in the purchasing software. Please see PUR106 Reimbursements for more details.

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Requests for payment are reviewed in the purshasig software by the Principal, Controller, or Chief Financial Officer dependent on purchase amount. The appropriate personnel:

1. Verifies expenditure and amount
2. Approves for payment if in accordance with budget
3. Provides or verifies appropriate allocation information
4. Provides date of payment taking into account cash flow projections
5. Submits to the Finance team for processing

Back-office provider processes all payments and:

1. Immediately enters them into the Accounts Payable module unless it is paid upon receipt on the same day
2. Prints checks according to allocation and payment date provided by the authorizing party
3. Submits checks, with attached backup documentation, to Chief Financial Officer for approval and signature.
4. Stamps invoice "paid"
5. Mails checks and appropriate backup documentation
6. Files all backup documentation in the appropriate file
7. Monitors accounts payable throughout the month

### Procedure:

#### 1.0 DOCUMENTING ACCOUNTS PAYABLE

1.1 The following documents will be forwarded to Back-office provider accounts payable as a pdf batch for temporary filing and subsequent matching to form an accounts payable voucher package:

- Purchase Order from the purchasing software
- Vendor invoice
- Vendor/Consultant contract

1.2 Once Back-office provider has received all of the above documents, the following steps will be performed to ensure proper authorization, validity of purchase, receipt of purchased items or services and accuracy of amounts.

- The purchase order should be evaluated for proper authorization and the nature of the purchase and pricing as shown on the invoice reviewed for validity.

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- The quantities shown shipped or delivered on the invoice will be compared to the packing slip and/or receiving reports if items have been received. Any discrepancies must be followed-up and resolved prior to commencing with the disbursement process.
- Calculations on the invoice will be recomputed such as quantities received multiplied by unit price and totals.
- Purchases of items and service contracts shall not be made in small quantities (split bidding) for the purpose of circumventing the authorized approval limits assigned by the Board of Directors, or to avoid public bidding based on the policies and procedures.

**2.0 RECORDING NON-MERCHANDISE PAYABLES**

- 2.1** Non-merchandise expenditures like utilities, rent, insurance, taxes, repairs, professional fees, etc., are generally not recorded through the purchase order routine. However, there may be other documentation, like contracts, requisitions, and other agreements. These should be filed in the applicable vendor file as documentary support. Upon receipt of the invoice, the charges should be entered into the payable system and coded to the appropriate expense account.
- 2.2** Generally, once invoices (both merchandise and non-merchandise) have been entered, they can be filed in the respective vendor files, ordered by date. To guard against misfiling an un-entered invoice, consider stamping "entered" on each invoice when it's recorded in accounts payable. It is also helpful to note the entered date and initial the entry.

**3.0 PAYMENT OF ACCOUNTS PAYABLE**

- 3.1** Accounts payable systems generally provide an aged accounts payable report and list the open payables within the accounting system. Open payables are reviewed by the Finance team. The Finance team should select the bills to be paid based on the funds available and a projection of cash flow or receipts over the coming week. Once complete, process the disbursements by either printing the check, electronic online bill pay, wire transfer, or ACH withdrawal for the selected bills to be paid.
- Note: Accounts payable should normally be paid within 15 business days unless otherwise determined by the Chief Financial Officer.
- 3.2** Any vendor credits which are amounts owed to the Organization should be applied to amounts currently owed to the vendor when determining payment. These are normally received in the form of a credit memo or adjusting invoice. These should be entered into the system like any other invoice and applied to the next payment being made. There is no reason to "age" a credit memo.
- 3.3** Pull all Invoices to be paid from the files and match them with the printed checks, wire transfer, electronic online bill pay, or ACH withdrawal documentation. Present the materials to the Chief Financial Officer for review and signing.

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- 3.4** Immediately ensure that all printed checks, wire transfer, electronic online bill pay, or ACH withdrawal documentation are signed and approved and correctly recorded in the accounting system. Stamp the invoices "paid" to document they've been paid. Use only checks that incorporate a two stub plus check form in order to attach one stub to the paid invoice and the other to the remittance copy of the Invoice.
- 3.5** If one check or electronic online bill pay pays several Invoices then either photocopy the stub or print the electronic online bill pay screen print and attach a copy to each paid Invoice or consider attaching all paid Invoices to the one check stub or the electronic online bill pay document. File all resulting documentation according to check number sequentially in the checks paid binders.
- 3.6** Mail the checks as soon as possible once checks have been posted and "paid" by the system. It is not advisable to "hold" checks for additional days after posting. This practice usually occurs when there are insufficient cash flows. However holding checks increases the difficulty of projecting cash flow, reduces cash balance accuracy, and causes confusion when trying to reconcile accounts payable vendor balances. None of these balances will be accurate if printed checks are held back from mailing. If cash flow is insufficient to mail the checks, then it is advisable not to post and print checks in the first place.

**4.0 MANUAL CHECKS**

- 4.1** The Organization does not permit the use of manual checks.

**Revision History:**

<b>Revision</b>	<b>Date</b>	<b>Description of changes</b>	<b>Requested By</b>
0	2/14/13	Initial Release	
1	2/13/15	Revision of Purchase limits	Oswaldo Diaz, CFO
2	11/12/15	Inclusion of back-office provider service provider process	Oswaldo Diaz, CFO
3	6/6/16	Policy revision	Oswaldo Diaz, CFO
4	9/5/17	Revision to clarify processes and positions	

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**SOP # PUR105 Revision: 2**  
**Effective Date: 9/5/17**

**Prepared by: Central Office**  
**Approved by: BOD**

**Title: PUR105 PREPAID EXPENSES**

**Policy:** It is the policy of MERF to treat payments of expenses that have a time-sensitive future benefit as prepaid expenses and to amortize these items over the corresponding time period. For purposes of this policy, prepaids are only accounted for at the end of the fiscal year and the amount that is considered to be prepaid remains at the discretion of the Chief Financial Officer.

**Purpose:** To ensure the proper payment and accounting of expenses that have a future benefit allocated over time.

**Scope:** Any transaction that is currently paid that has a value that can be amortized over a future time period.

**Responsibilities:**

The Chief Financial Officer is responsible for reviewing and authorizing prepaid expenses.

The Finance Department with the support of Back-office provider is responsible for processing prepaid payments and amortizing the prepaid cost of the expected future life of the prepaid asset.

**Background:** Prepaid expenses are very common and allow the Organization to on occasion take advantage of pre-paying for certain expenses and thus recovering discounts or ensuring that a certain expense is fully paid.

**Procedure:**

**1.0 ACCOUNTING TREATMENT**

**1.1** Prepaid expenses with future benefits that expire within one year from the date of the financial statements shall be classified as current assets. Prepaid expenses that benefit future periods beyond one year from the financial statements date shall be classified as non-current assets.

**2.0 PROCEDURES**

**2.1** As part of the account coding process performed during the processing of accounts payable at the end of the fiscal year, all incoming vendor invoices shall be reviewed for the existence of time-sensitive future benefits. If future benefits are identified, the payment shall be coded to a prepaid expense account code.

The Finance Department shall maintain a schedule of all prepaid expenses. The schedule shall indicate the amount and date paid, the period covered by the prepayment, the purpose of the prepayment, and the monthly amortization. This

schedule shall be reconciled to the general ledger balance as part of the monthly closeout process.

**Revision History:**

<b>Revision</b>	<b>Date</b>	<b>Description of changes</b>	<b>Requested By</b>
0	2/14/13	Initial Release	
1	11/12/15	Revision of responsibilities	Oswaldo Diaz, CFO
2	9/5/17	Revision to clarify processes and positions	

**SOP # PUR106 Revision: 3**  
**Effective Date: 9/5/17**

**Prepared by: Central Office**  
**Approved by: BOD**

**Title:** PUR106 REIMBURSEMENTS

**Policy:** Internal controls are required to ensure that only valid and authorized reimbursements are recorded and paid. Accounting procedures should be implemented to ensure the accuracy of amounts, coding of General Ledger accounts and appropriate timing of payments.

**Purpose:** To explain the practices for documenting, recording and issuing payments for reimbursement transactions.

**Scope:** This procedure applies to all reimbursements.

**Responsibilities:**

The Principal at each school site is responsible for reviewing and approving payments under \$5,000 in the purchasing software, in accordance with the approved budget.

The Chief Financial Officer is responsible for reviewing and approving payments up to \$10,000 in accordance with the approved budget. The Chief Executive Officer may assign the Chief Academic Officer, the Chief of Staff, the Chief External Officer or Regional Directors the authority to approve expenditures up to \$10,000.

The Chief Executive Officer is responsible for reviewing and approving payments over \$10,000 in accordance with the board approved budget, as well as up to \$10,000 for non-budgeted items.

Back-office provider Accounts payable is responsible for payment of reimbursements in a timely manner. A timely manner is defined as within two weeks of submission.

**Background:** Properly recording reimbursements is generally a three-step process.

The first step is accurately submitting reimbursement receipts along with a reimbursement authorization form.

The second step is obtaining the appropriate authorization.

The third step involves the preparation, issuance of reimbursement payment in a timely manner, and subsequent filing of all paperwork for easy retrieval.

**Procedure Overview:**

Reimbursements are generally made for:

1. Travel and conferences
2. Mileage

3. Meals
4. School/classroom supplies
5. Allowable academic expenses
6. Student awards
7. Other expenses

Reimbursement checks are processed on three week cycle or sooner.

Requests for cash disbursements are submitted to Accounting through the purchasing software. Documentation for purchasing software requests can be in three ways:

1. Original invoice
2. Purchase request (submitted on approved form)
3. Employee expense report or reimbursement request

All reimbursement requests must be approved by the appropriate staff prior to being submitted to accounts payable. Accounts payable will determine the account code for each invoice.

Every employee reimbursement or purchase request must be documented in the purchasing software with travel authorization, receipts, nature of business, program allocation, and funding source (if applicable) before approving for reimbursement as follows:

**Travel and Conferences** - an itemized receipt from the hotel detailing all charges, the person(s) for whom the lodging was provided, and the specific business purpose. This includes itemized receipts for parking, tolls and bridges, car rentals, taxis, and conference receipts not to exceed the current Government Services Administration (GSA) per diem rates. Current rates are available at [www.gsa.gov/perdiem](http://www.gsa.gov/perdiem). (See G&A103, Travel and Entertainment policy for more detailed information.)

**Car Rentals** – When possible, advance approvals are recommended. The employee is required to make their own car rental arrangements. Vehicle selection will be based upon the most cost-effective class that satisfies requirements for the employee(s) and any demonstration equipment.

**Supplemental auto insurance coverage offered by car rental agencies must be purchased and will be reimbursed.**

**Mileage/Personal Vehicles** - An employee required to use their own automobile for business will be reimbursed in accordance with the current IRS mileage reimbursement rate. The employee must provide on the expense report, documentation including dates, miles traveled and purpose of each trip.

The Organization assumes no responsibility for personal automobiles used for business. Further, any parking or speeding violation is the sole responsibility of the employee.

**Meals and Entertainment** - a receipt must be provided showing the cost of food, beverage, and gratuities, including the names of every person for whom food or beverage was provided, and the specific business purpose. Entertainment expenses are disallowed. Meals are reimbursed based on actual receipt amounts not to exceed the following; Breakfast: \$7.00, Lunch: \$13.00, Dinner: \$20.00

Meal and Entertainment tips are limited to 15% (unless automatically assessed by the eating establishment) of the pre-tax meal total cost and any tip that is in excess of the pre-tax meal total cost will not be reimbursed. For example, a meal that costs \$10 may have an 8% sales tax bringing the total meal price before tip to \$10.80. Figure the tip on the \$10 amount at 15% or \$1.50 and that amount of tip or less is reimbursable. If you tipped more than a \$1.50, that difference is not reimbursable. You are always allowed to tip less than 15% should you choose to do so.

**School/Classroom Supplies, Allowable Academic Expenses, and Student Awards** – these expenditures are subject to the approval of the Principal. Gifts of any kind are never allowed. Student awards may only be paid from non-ADA and unrestricted sources. In other words, student awards may be paid from unrestricted fundraising or from other unrestricted sources of income, subject to approval of the Principal and/or Central Office.

**Other Expenditures** - a receipt from the vendor detailing all goods or services purchased (including the class of service for transportation) and the specific business purpose.

**Non-Reimbursable Expenses** - Some expenses are not considered valid business expenses by the Organization, yet may be incurred for the convenience of the traveling individual. Since these are not expenses for the business then they are not reimbursable. (The following can be used as a guide of expenses, which are not reimbursable)

Examples include:

- Airline or travel trip interruption insurance
- Airline or travel lounge clubs
- Shoe shine or Dry-cleaning (except for extended travel beyond 5 days)
- Movies or personal entertainment
- Books, magazines or newspapers
- Theft or loss of personal property
- Doctor bills, prescriptions, or other medical services

- Parking tickets, traffic tickets or Car towing if illegally parked
- Health club memberships
- Baby sitter or Pet care fees
- Barbers and Hairdressers

Requests for reimbursement payments are reviewed in the purchasing software by the Principal, Chief Financial Officer, or Chief Executive Officer, dependent on purchase amount. The appropriate personnel:

1. Verifies and matches expenditure and amount
2. Approves for payment if in accordance with budget
3. Provides or verifies appropriate allocation information
4. Provides date of payment taking into account cash flow projections
5. Submits to the Finance team for processing Accounts

Payable processes all payments and:

1. Immediately enters them into the Accounts Payable module, unless paid upon receipt on the same day
2. Prints checks according to allocation and payment date provided by the approving party
3. Submits checks, with attached backup documentation, to Chief Financial Officer for approval and signature
4. Stamps invoice "paid"
5. Mails checks and appropriate backup documentation
6. Files all backup documentation in the appropriate file
7. Monitors accounts payable throughout the month

## **Procedure:**

### **1.0 DOCUMENTING REIMBURSEMENTS**

All business reimbursement expenditures incurred by employees of the Organization are reimbursed through the purchasing software. Reimbursement receipts must be submitted monthly and any receipt that is older than 60 days will not be reimbursed at the discretion of the Chief Financial Officer.

Expense report forms must be filled out completely. Required original receipts for items charged must accompany all reimbursement documentation as well as uploaded into the purchasing software. Any questions regarding completion of the report should be directed to the employee's supervisor or the Finance Team.

to the employee's appropriate supervisor in the purchasing software for approval. After approval, the expense report is submitted to the Finance Team for processing and reimbursement. In order to expedite reimbursement, the employee should ensure that the report is completed properly, required documentation is attached, proper authorization is obtained, and any unusual items properly explained and documented.

**Revision History:**

<b>Revision</b>	<b>Date</b>	<b>Description of changes</b>	<b>Requested By</b>
0	<b>2/14/13</b>	Initial Release	
1	<b>2/13/15</b>	Amount limit changes. Mileage reimbursement rate.	Oswaldo Diaz, CFO
2	<b>11/12/15</b>	Inclusion of back office service provider and amount limit changes.	Oswaldo Diaz, CFO
3	9/5/17	Revision to clarify processes and positions	

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**SOP # PUR107 Revision: 2**  
**Effective Date: 6/06/16**

**Prepared by: Central Office**  
**Approved by: BOD**

**Title: PUR107 BIDDING REQUIREMENTS**

**Policy:** To ensure the establishment of bidding requirements relating to multi-year service contracts, and to maintain the internal controls of the selection process.

**Purpose:** To provide the methods for determining a bidding process, documentation requirements, and award of contracts.

**Scope:** This procedure applies to all vendors of services.

**Responsibilities:**

Purchasing Agent or School Principal is responsible for providing a summary and justification related to the potential proposal.

Selection Committee is responsible for the review and recommendation of all contracts over \$25,000.

Chief Executive Officer and/or Chief Financial Officer is/are responsible for the examination of the bidding and selection process of all contracts above \$25,000.

Board of Directors are responsible for the approval of all bidding contracts above \$25,000.

**Procedure:**

**1.0 BIDDING REQUIREMENTS AND PROCESS**

**1.1** New service contracts in excess of \$25,000 shall be formally bid in accordance with the following:

- Request for Proposals (RFP): RFP requirements should include contract purpose, background, description of service, general information, time requirements, proposal requirements, and evaluation process.
- Public Notice: RFP will be posted in the Organization's website.
- Prospective Vendors: Selection Committee shall maintain a list of prospective vendors for the various categories of products and services purchased by the organization. All schools or departments should refer prospective vendors to the purchasing department for inclusion in the bidder file.
- Pending Bid File: A file shall be maintained by the selection committee of all invitations to bid currently pending.
- Evaluation: Evaluation of services and vendors will be in accordance with the RFP specifications and policy PUR101 vendor selection.

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- Bidder Files: Bidder files shall be maintained retaining the bids, bid comparison sheets, other submittals, and rationale in award. These bids shall be made available for the public upon request for a period of ninety (90) days after which time they will be archived for two (2) years.
- Bidding of contracts shall not be made in small quantities (split bidding) for the purpose of circumventing the authorized approval limits assigned by the Board of Directors, or to avoid public bidding based on the policies and procedures.

<b>Vendor Selection Requirements</b>			
	<b>Less than \$5,000</b>	<b>Between \$5,000 and \$25,000</b>	<b>Greater than \$25,000</b>
Bid process required?	No	Quotes or estimates	RFP
Acceptable forms of price comparison	N/A	Email, published catalogs, written	Written only
Minimum number of bids required	0	3	3
Submit bid documentation to the Procurement Office?	No	Yes	Yes

## 2.0 NONCOMPETITIVE NEGOTIATIONS

**2.1** Noncompetitive negotiations may be used for procurements in excess of \$25,000 when bidding or competitive negotiations are not feasible. MPS may purchase goods and services through non-competitive negotiations when it is determined in writing by the Chief Executive Officer that competitive negotiation or bidding is not feasible and that:

- An emergency exists which will cause public harm as a result of the delay caused by following competitive purchasing procedures, or
- The product or service can be obtained only from one source, or
- The contract is for the purchase of perishable items purchased on a weekly or more frequent basis, or
- Only one satisfactory proposal is received through RFP, or
- The charter authorizer has authorized the particular type of noncompetitive negotiation.

## 3.0 STANDARDS OF CONDUCT

The following Standards of Conduct shall govern the performance, behavior and actions of MPS including, employees, officers, directors, volunteers and agents, who are engaged in any aspect of procurement, including – but not limited to – purchasing goods and services; awarding contracts and grants; or the administration and supervision of contracts.

### Accounting Policies, Procedures and Forms

As representatives of MPS, all employees, officers, directors, volunteers and agents are expected to conduct themselves in a professional and ethical manner, maintaining high standards of integrity and the use of good judgment. Employees are expected to be principled in their business interactions and act in good faith with individuals both inside and outside MPS.

#### 3.3 Conflict of Interest

- 3.3.1 No employee, officer, director, volunteer or agent of the MPS shall participate in the selection, award or administration of a bid or contract supported by federal funds if a conflict of interest is real or apparent to a reasonable person.
- 3.3.2 Conflicts of interest may arise when any employee, officer, director, volunteer or agent of the MPS has a financial, family or any other beneficial interest in the vendor firm selected or considered for an award.
- 3.3.3 No employee, officer, director, volunteer or agent of the MPS shall do business with, award contracts to, or show favoritism toward a member of his/her immediate family, spouse's family or to any company, vendor or concern who either employs or has any relationship to a family member; or award a contract or bid which violates the spirit or intent of Federal, State and local procurement laws and policies established to maximize free and open competition among qualified vendors.
- 3.3.4 MPS's employees, officers, directors, volunteers or agents shall neither solicit nor accept gratuities, gifts, consulting fees, trips, favors or anything having a monetary value in excess of twenty-five dollars (\$25) from a vendor, potential vendor, or from the family or employees of a vendor, potential vendor or bidder; or from any party to a sub-agreement or ancillary contract.

#### **4.0 ACCEPTANCE OF GRATUITIES**

MPS's employees, officers, directors, volunteers or agents shall neither solicit nor accept gratuities, gifts, consulting fees, trips, favors or anything having a monetary value from a vendor, potential vendor, or from the family or employees of a vendor, potential vendor or bidder; or from any party to a sub-agreement or ancillary contract.

#### **5.0 DISCIPLINARY ACTIONS**

Any MPS member, employee or designated agent of MPS who knowingly and deliberately violates the provisions of this code will be open to civil suit without the legal protection of MPS. Furthermore, such a violation of these procurement standards is grounds for dismissal by MPS as an employee, officer, director, volunteer or agent; or other such sanctions as available under the law.

Any contractor or potential contractor who knowingly and deliberately violates the provisions of these procurement standards will be barred from future transactions with MPS.

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**Accounting Policies, Procedures and Forms**

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**Revision History:**

<b>Revision</b>	<b>Date</b>	<b>Description of changes</b>	<b>Requested By</b>
0	<b>2/16/15</b>	Initial Release	Oswaldo Diaz, CFO
1	<b>3/10/16</b>	Policy Revision	Oswaldo Diaz, CFO
2	<b>6/06/16</b>	Policy Revision	Oswaldo Diaz, CFO

Accounting Policies, Procedures and Forms

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# Cover Sheet

## Approval of MSA 4 and MSA 5 Petition Language

**Section:** II. Action Items  
**Item:** B. Approval of MSA 4 and MSA 5 Petition Language  
**Purpose:** Vote  
**Submitted by:**

**BACKGROUND:**  
The letter is still in draft form.

# Cover Sheet

## Approval of Change Order for Whillock Contract for MSA SD

**Section:** II. Action Items  
**Item:** C. Approval of Change Order for Whillock Contract for MSA SD  
**Purpose:** Vote  
**Submitted by:**  
**Related Material:** II C Change Order for Whillock Contract.pdf



Board Agenda Item #	Agenda # II C
Date:	September 7, 2017
To:	Magnolia Board of Directors
From:	Caprice Young, Ed.D., CEO & Superintendent
Staff Lead:	Nanie Montijo - CFO
RE:	Approval of Payment of Change Order from Whillock Contracting, Inc. for San Diego Project

#### Proposed Board Recommendation

I move that the board approve the payment of the change order submitted by Whillock Contracting, Inc. The contract addition is to "shut down, disconnect and cap sewer, water, gas and electric, fire alarm, intrusion, clock and pass bell systems of 7 portable buildings" at the new site.

#### Background

The CEO & Superintendent entered into a contract for abatement and demolition of the existing structures with Whillock Contracting, Inc as approved by the board on March 9, 2017. The contract amount of \$59,560.00 did not include disconnection of all existing utility lines with the assumption that these would be handled by SDUSD.

After MPS was notified that SDUSD would not cover the cost of the utility disconnections, a change order request was submitted by Whillock and approved by the CEO in order to finish the work order in a timely manner. The change order amount is within the CEO's approval limit, however, payment of the change order amount is still unpaid as of today due to the later direction by the board that all change orders come to the board. An invoice from Whillock Contracting, Inc. for additional \$11,456.68 was received on July 27, 2017. This is a routine item.

#### Budget Implications

- Change Order Amount: \$11,456.68
- Funding Source: 2017 Bond

#### How Does This Action Relate/Affect/Benefit All MSAs?

N/A

#### Name of Staff Originator:

Nanie Montijo, CFO

#### Exhibits (attachments):

Whillock Original Proposal  
Whillock Change Order Request Form



**Proposal**

**WHILLOCK CONTRACTING, INC.**

License No. 872217 DIR #: 1000001767  
 P.O. Box 2322  
 La Mesa, CA 91943-2322  
 (619) 579-0700 Fax (619) 579-0955  
**SBE Certified**

<b>PROPOSAL SUBMITTED TO</b> Magnolia Public Schools	<b>PHONE</b> 323-422-9129	<b>Email</b> frank@whillockgroup.org	<b>DATE</b> 3-8-17
<b>STREET</b> 250 E. 1 <sup>st</sup> Street #1500	<b>JOB NAME</b> De Anza Child Development Center/SDUSD Partnering with Magnolia Public Schools		
<b>CITY, STATE AND ZIP CODE</b> Los Angeles, CA 90012	<b>JOB LOCATION</b> 6525 Estrella Ave., San Diego, CA 92120 Buildings: 0250, 0115, 3459, 3460A, 7003(CC1), 7004(CC2) and 7005(CC3).		
<b>ARCHITECT</b> N/A	<b>DATE OF PLANS</b> N/A	<b>JOB PHONE</b> N/A	

**We hereby submit specifications and estimates for:**

**DEMOLITION:**

7,296 SF Remove and dispose of building trash.

**ABATMENT:**

Remove and dispose of asbestos containing materials per survey by JMR 1/12/17.

**EXCLUSIONS:**

Removal of tenant trash.  
 Utility disconnects.  
 PSA, IDIQ or Union work.

**STIPULATIONS:**

Temporary fabric barrier adjacent to the residential properties and toilet will be supplied for two months.  
 Water to be supplied onsite by others.  
 Route to be free and clear of obstructions.

In the event a suit is instituted to collect the contract price, Magnolia Public Schools, agrees to pay the Whillock Contracting, Inc.'s reasonable attorney's fees and all court cost. Any sums due and not paid shall bear interest at the maximum rate permitted by law, compounded annually until paid, also collection agency fees. Excluded by this proposal unless otherwise specified in writing are: Waiver of subrogation, backfilling, blasting, rock moving, import, export, material processing, planting, dewatering, erosion control, traffic control, re-compaction, engineering, soils engineering, staking, bunds, permits, footings extending 18 inches below surface, removal of any subsurface material, shoring, demolition and removal of materials attached to adjoining buildings or any hazardous waste, or any unknown conditions. Whillock Contracting, Inc. not responsible for damage to offsite or onsite for ingress or egress. All salvage rights retained by Whillock Contracting, Inc.

All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs shall, at the election of the Whillock Contracting, Inc., be executed only upon the grading whether written or oral, shall become an extra charge over and above the estimate. All estimates are based upon the grading plans, topographical maps, and soils reports submitted to us on, N/A, which the owner warrants to be accurate.

**We propose hereby to complete in accordance with above specifications, for the sum of:**

Fifty nine thousand five hundred sixty and no/100\*\*\*\*\*dollars (\$59,560.00\*)

**Payment to be made as follows:**

**Billed on the first, paid on the fifteenth, billed on the fifteenth, paid on the first, anytime job stopped, paid to date. Paid on completion.**

One signing this Proposal is responsible for accurate Preliminary information, to be given at time of signing.

Authorized Signature

*[Handwritten Signature]* Caprice Young 5/2/2017

Contractors are required by law to be licensed and regulated by the Contractors' State License Board which has jurisdiction to investigate complaints against contractors if a complaint regarding a patent act or omission is filed within four years of the date of the alleged violation. A complaint regarding a latent act or omission pertaining to structural defects must be filed within 10 years of the date of the alleged violation. Any questions concerning a contractor may be referred to the Registrar, Contractors' State License Board, P.O. Box 26000, Sacramento, CA 95826.

Note: This proposal may be withdrawn by us if not accepted within 3 days.

Acceptance of Proposal - The above price specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature

*[Handwritten Signature]*  
5/2/2017

Caprice Young

Date of Acceptance

# Whillock Contracting, Inc.


PO Box 2322  
 LaMesa, CA 91943-2322  
 619-579-0700  
 License No. 572217

# Invoice

Date	Invoice #
5/31/2017	1483-1

<b>Bill To</b>
Magnolia Public Schools 250 E. 1st Street #1500 Los Angeles, CA 90012

P.O. No.	Terms	Project
		1483 - Estrella Ave.

Quantity	Description	Rate	Amount
0.2	PORTION OF CONTRACT - Partial Demolition and Abatement. Complete at 20%	59,560.00	11,912.00
1	Contract Addition - Shut down, disconnect and cap sewer, water, gas and electric. Fire Alarm, Intrusion, clock, and pass bell systems at 7 portable buildings	11,456.68	11,456.68
Reviewed by Frank Gonzalez  July 27, 2017			
Thank you for your business. A charge of 1 1/2% per month will be charged on all delinquent accounts.			<b>Total</b> \$23,368.68

**SAN DIEGO UNIFIED SCHOOL DISTRICT -ADAMS ES, 11 EA  
CONTRACTOR CHANGE ORDER REQUEST - COST WORKSHEET**

COR # 017-501 DESCRIPTION: Shut down, disconnect and cap sewer, water, gas and electric.  
 DATE 04/25/17 Disc. Fire Alarm, Intrusion, Clock & pass bell systems  
at 7 portable buildings

**Contractor Direct Costs**

Labor: (detail by classification, dates, etc.)

	Hours	Rate	Extended
Operator	16.00	91.08	1,457.30
Labor	16.00	62.88	1,002.82
			-
			-
			-
			-
			-
<b>Subtotal Labor</b>			2,460.12
<b>Labor Burden</b> _____ (percentage)			-

**1 Total Labor** \$ 2,460.12

Material: (describe)

	Each	Unit Pr.	Extended
CONCRETE BOX, 13X19 #3	7	21.04	147.28
CAST IRON LID #3	7	22.87	160.09
8 CAST IRON GATE CAP	7	23.03	161.21
3" PVC DWV RAISED CO PLUG	7	23.03	161.21
3" PVC DWV FEM ADPT	7	2.27	15.89
3/4" GALV MI 150# CAP	7	5.48	38.36
1" PVC CAP WTR	7	8.26	57.82
TAX @ 8.75%			64.91
<b>Total Material</b>	741.86	0.0875	64.91

**2** \$ 806.77

Equipment: (operators are included in #1)

	Hr/Day/Wk/Mc	Qty	Unit Pr.	Extended
TOOL TRUCK	HR	16	36.04	576.64
PC - 78	HR	16	65.80	1,052.80
				-
				-
				-
				-
				-
				-
				-
				-
<b>Total Equipment</b>				1,629.44

**3** \$ 1,629.44

**4 Contractor Subtotal - Direct Costs (1+2+3)** \$ 4,896.34

Subcontractors:

	Sub Contr Direct Cost	Sub Markup	Tier Sub Direct Cost	Sub Markup on Tier Sub	Tier Sub Markup	Total Sub.
A DUDEK ELECTRIC, INC	3,975		-	-	-	3,975.00
B Standard Electric	1,450		-	-	-	1,450.00
C			-	-	-	-
D			-	-	-	-
E			-	-	-	-
F			-	-	-	-
<b>5 Total Subcontractors</b>						\$ 5,425

Mark-up: Includes incidental overhead support costs and profit. Such incidental costs include: estimating and purchasing; indirect supervision and project management; home office overhead; site overhead including facilities and utilities; change order coordination; course of construction and liability insurance; small tools; and all other miscellaneous support costs.

	11%	538.60
<b>11 Contractor Markup on Net Direct Cost of subs</b>	11%	

A	3,975	437
B	1,450	160
C	-	-
D	-	-
E	-	-
F	-	-
		\$ 596.75

<b>SUBTOTAL</b>	\$ 11,456.68
<b>BOND</b>	

**Change Order Request Total** \$ 11,456.68

Time Extension: **Total Days Requested:**  **Days Approved:**

# Cover Sheet

## MyOn Contract

**Section:** III. Information Items  
**Item:** A. MyOn Contract  
**Purpose:** Discuss  
**Submitted by:**  
**Related Material:** III A MyOn Contract Update.pdf



Board Agenda Item #	Agenda # III A
Date:	September 5, 2017
To:	Magnolia Board of Directors
From:	Caprice Young, Ed.D., CEO & Superintendent
Staff Lead:	Kenya Jackson, Chief Academic Officer
RE:	MyOn contract for Magnolia Science Academy 4

### Proposed Board Recommendation

Information item only, no action required.

### Background

myOn is an award-winning personalized literacy environment that incorporates the following: State-of-the art learning platform, enhanced digital reading, daily news articles written for students, lexile framework for reading, cutting edge literacy tools and embedded metrics to monitor activity and growth.

### Budget Implications

- Title One Funding

### How Does This Action Relate/Affect/Benefit All MSAs?

#### Personalization

- Providing optional scaffolds, including professionally-recorded audio, word and sentence highlighting, and an embedded dictionary to support reading at every level
- Recommending book lists for each student based on individual reading level and interests

#### Content

- Building a collection of more than 10,500 enhanced digital books, which is made up of 70% nonfiction titles and 10% Spanish or dual-language titles to provide content aligned to state and national standards
- Representing esteemed content from more than 50 well-known third-party publishers, including Disney, Warner Brothers, Sylvan Dell, OUP, and Little, Brown, to provide illustrated and picture books, chapter books, graphic novels, literary nonfiction and informational text

- Spanish third-party publishers include Arbordale (Previously Sylvan-Dell), Rourke, Arte Publico Press, Flowerpot Early Learning Spanish, Encyclopedia Britannica Illustrated Science STEM, and Raven Tree Press.

#### Access

- No check-in/check-out model allows unlimited use of the myON collection by all students
- Allowing students unlimited reading on the platform anytime on any Internet-based device, which promotes reading everywhere: during the summer, over holidays, at home, and throughout the community
- Supporting offline reading on mobile apps for iPad, Android, and Chromebooks.

#### Collaboration

- Promoting family engagement by allowing students to read on myON at home and allowing parents to access their children's reading data
- Empowering teachers to collaborate with every student to provide differentiated instruction through individualized and group book lists

#### Success

- Providing teachers with real-time, actionable data on individual students, groups and classes to inform instruction and intervention

Testing comprehension of main ideas, supporting details, vocabulary, inference and interpretation through book quizzes

- Measuring and reporting on student reading activity and ability.

#### Name of Staff Originator:

Kenya Jackson, Chief Academic Officer

#### Exhibits (attachments):

myOn contract

**CONTRACT #77007  
BY AND BETWEEN  
Magnolia Public Schools  
AND myON, LLC  
for the myON platform and services**

THIS AGREEMENT, is dated April 27, 2017 for convenience, and is entered into by and between Magnolia Public Schools (hereinafter called "District") and, myON, LLC, located at Suite 200, 5050 Lincoln Drive, Edina MN 55436 (hereinafter called "Contractor"), collectively referred to as the "parties".

**RECITALS**

WHEREAS, Contractor is the provider of the online platform myON made available digitally by Contractor to authorized users via the Internet, and of professional services associated with myON, and

WHEREAS, the District wishes to make these services and platforms available to its staff and students;

WHEREAS, Contractor represents itself able and, for a consideration, willing to provide such platform and services to the district;

Now, THEREFORE, the parties agree to enter into this Agreement for Contractor to provide to the District the services as detailed herein. This Agreement attaches and incorporates by reference as though fully set forth herein the following documents: myON Order Form, myON License Agreement, myON Privacy Policy, myON Professional Services Statement of Work.

**1. Term of Agreement.**

The term of this Agreement shall be from April 27, 2017 until August 31, 2020.

Notwithstanding the foregoing, this Agreement shall become effective only upon proper execution by the parties.

**2. Services Provided.**

Contractor agrees to provide the District with the following services as finalized in the myON Order Form:

- myON web platform access for students, faculty, specialists, and administrators in 7 schools as listed in Exhibit A
- Access to download offline reading apps (iPad / Chrome / Android) for myON
- myON literacy toolkit, including reading tools like highlighting



- Core myON digital books – a growing collection of over 6,000 books with audio included at no additional cost – concurrent access for all students
- Additional titles from premium publishers, as listed in the attached order form
- myON news, featuring daily news for students
- Professional Services self-service assistance through a Professional Development online portal
- myON reader assessments, featuring the Lexile® Framework for Reading, delivered through platform
- Contracted Professional services, including virtual webinars.

### 3. Compensation.

Compensation to Contractor shall not exceed Two Hundred and Thirty-Seven Thousand, Eight Hundred and Fifty-Three dollars and twenty-eight cents (\$237,853.28). Contractor shall submit invoices to the District for services rendered and in a form acceptable to the District. A PO is not required. The District shall pay according to the following payment terms:

- An invoice for the total amount will be sent upon contract execution
  - Payment one of \$82,173 is due within 90 days of receipt of invoice.
  - Payment two of \$79,164 is due within 365 days of invoice.
  - Payment three of \$79,164 is due within 730 days of invoice.
- The invoice will include annual school cost itemized for each building.
- An invoice for each building's first payment will be sent May 9, 2017.

Contractor shall have the right to deny the Users access to Contractor's educational services if any payment is not timely received.

### 4. Notices.

All notices to be given by the parties hereto shall be in writing and served by confirmation of email and/or depositing the same in the United States Post Office as listed below. Either party may change the address to which notice is to be sent by giving written notice thereof to the other party. Any notice of default or termination must be sent by certified mail.

Notice to the District:  
Magnolia Public Schools  
Attention: Caprice Young, CEO  
[ceo@magnoliapublicschools.org](mailto:ceo@magnoliapublicschools.org)  
13950 Milton Ave Suite 200B  
Westminster, CA 92683  
(714) 892-5066

Notice to the Contractor:  
myON, LLC  
Attention: Todd Brekhuis, President  
[sales@myON.com](mailto:sales@myON.com)  
Suite 200  
5050 Lincoln Drive  
Edina, MN 55436



## 5. **Licensing Terms.**

Access to and use of Contractor's websites shall be subject to the myON License Agreement, and the following terms:

- a. Contractor hereby grants students enrolled in the District's school(s), and the teachers and school administrators employed by the District a limited, non-transferable, non-sublicensable, non-exclusive, revocable in the event of breach, right during the term of this Contract to access and use Contractor's websites solely for educational purposes.
- b. All use of Contractor's websites by Users shall be subject to the Terms of Use which are set forth at <https://www.myon.com/terms.html> including, but not limited to, the restrictions on use set forth therein. In the event of conflict between such Terms of Use and this contract, this contract shall prevail.

## 6. **Use of Student Information.**

Contractor's privacy policy (including its policy regarding use and management of individually identifiable personal information of students under the age of 13) is set forth at <https://www.myon.com/privacy.html>.

## 7. **Termination**

- a. The District may terminate transactions under these terms and conditions for cause as laid out in the myON License Agreement. In the event of such termination, Contractor shall be entitled to retain or recover from the District all fees paid or due to be paid for setup and staff development training that have been provided to the District.
- b. Contractor shall be considered in breach of its obligations hereunder only if it fails to cure material defaults in its performance within ten (10) days of its receipt of a written communication from the District identifying such default(s).
- c. Immediately upon any termination or expiration of any transaction under these terms and conditions, the District and its Users shall immediately cease use of the educational services and, except in the event of termination of Contractor for cause by the District, the District shall pay all amounts owed to Contractor for use of the educational service through the date that the termination or expiration takes effect. In the event that the District terminates this contract for cause, the District shall remain responsible for fees due for educational services provided prior to the event(s) that constitute(s) the cause.

## 8. **Infringement.**

Contractor agrees to indemnify and defend the District from and against any action, claim, demand, or liability, including reasonable attorney's fees and costs, arising from or relating to a claim that an educational service provided hereunder during the term of this Agreement infringes upon the copyright of a third party. If any such educational service is held to infringe, or if in Contractor's opinion, such a claim is likely to occur, Contractor may, at its sole option and expense, either: (i) procure for the District the right to continue using the materials in question; or (ii) replace or modify the infringing materials so that they become non-infringing as long as functionality is not materially and adversely affected. If neither alternative (i) nor (ii) is reasonably available, then Contractor may terminate the license to access the infringing educational services and Contractor shall return the District's advance payment(s) for unconsumed educational services. The foregoing remedy shall be the sole and exclusive remedy provided to the Indemnified Party with respect to the subject of this indemnity.

**9. Independent Contractor.**

Contractor is an independent contractor and as such shall be solely responsible for all payroll taxes, including FICA, Federal and State income tax withholding or quarterly payments and such other taxes and obligations imposed upon independent contractors. Neither this Agreement nor the performance or any obligations or duties hereunder shall ever result in anyone employed by one party being deemed an employee, agent, servant or representative of the other party.

**10. Warranty.**

Contractor warrants that it has the full authority to grant the rights granted herein to the District. EXCEPT FOR THE FOREGOING EXPRESS WARRANTY, CONTRACTOR DISCLAIMS ANY AND ALL WARRANTIES WITH RESPECT TO THE SERVICES PROVIDED HEREUNDER, WHETHER EXPRESS OR IMPLIED, INCLUDING ANY IMPLIED WARRANTIES OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, TITLE OR NONINFRINGEMENT, AND ANY WARRANTY THAT THE SERVICES WILL BE AVAILABLE AT ALL TIMES OR WITHOUT INTERRUPTION OR THAT THEY WILL OPERATE IN AN ERROR-FREE MANNER. THE SERVICES ARE PROVIDED "AS IS" AND WITH ALL FAULTS.

**11. Limitation of Liability.**

IN NO EVENT SHALL EITHER PARTY, INCLUDING ITS DIRECTORS, OFFICERS, EMPLOYEES, REPRESENTATIVES AND AGENTS, BE LIABLE FOR ANY INDIRECT, INCIDENTAL, SPECIAL, CONSEQUENTIAL, PUNITIVE, RELIANCE, OR COVER DAMAGES, INCLUDING LOSS OF PROFITS, REVENUE, DATA, OR USE, INCURRED BY EITHER PARTY OR ANY THIRD PARTY, EVEN IF THAT PARTY HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES. IN NO EVENT SHALL CONTRACTOR BE RESPONSIBLE OR LIABLE FOR ANY INJURY THAT MAY BE ATTRIBUTED TO THE CONTENT OF COMMUNICATIONS TRANSMITTED BY MEANS OF THE SERVICE BY ANY PERSON OTHER THAN EMPLOYEES OR AGENTS OF CONTRACTOR. EACH

PARTY'S TOTAL LIABILITY TO THE OTHER PARTY ARISING FROM OR RELATED TO THIS ORDER FOR ANY REASON SHALL BE LIMITED TO DIRECT DAMAGES UP TO THE TOTAL AMOUNT OF FEES PAID HEREUNDER DURING THE TERM OF THIS AGREEMENT. THE FOREGOING LIMITATIONS APPLY TO ALL CAUSES OF ACTION IN THE AGGREGATE, INCLUDING BREACH OF CONTRACT, BREACH OF WARRANTY, STRICT LIABILITY, NEGLIGENCE AND OTHER TORTS.

**12. Assignment.**

This Agreement is not assignable or otherwise conveyable without the express written consent of the other party, which consent shall not be unreasonably withheld except Contractor may assign this Agreement without any consent pursuant to a Change of Control or to any entity controlling, controlled by or under common control with Contractor. For purposes of this Agreement, "Change of Control" means, with respect to Contractor, any direct or indirect ownership change, or series of ownership changes, of such that the result of which is that a person or group of persons that does not currently control Contractor shall beneficially own securities giving such person the right to vote a majority of the voting securities or elect a majority of the board of directors of Contractor or a sale or transfer of all or substantially all of the assets of Contractor to an entity other than Contractor's ultimate parent or an entity controlled by such ultimate parent. Any attempted assignment in breach of this Section shall be null and void. In the event that Contractor assigns the Agreement in accordance with this Section, the entity controlling, controlled by or under common control with Contractor shall assume Contractor's responsibilities under the Agreement.

**13. No Waiver.**

None of the provisions of this agreement shall be considered waived by either party thereto, unless such waiver is reduced to writing and signed by the party to be charged. No waiver shall be construed as a modification of any of the provisions of this agreement or as a waiver of any past or future default or breach hereof, except as expressly stated in such waiver.

**14. Severability.**

If any one (1) or more of the provisions contained in the agreement, for any reason are held to be invalid or unenforceable, in any respect, such invalidity, illegality or unenforceability shall not affect any other provision hereof and this Agreement shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

**15. Construction of this Agreement.**

These parties acknowledge that this Agreement was prepared under Minnesota Law and therefore shall be interpreted under the laws of the State of Minnesota, without regard to its conflict of law provisions.

**16. Amendments.**

This Agreement may not be amended, altered or modified in any manner, except in writing, signed by the parties hereto.

**17. No Intended Third Party Beneficiaries.**

The rights and obligations of each party established herein are intended for the sole use and benefit of the District and Contractor and no one else. Accordingly, these terms and conditions confer no rights upon any third party, including any of the District's students, parents, teachers or administrators.

**18. Force Majeure.**

Neither party shall be responsible for any delay or failure in performance to the extent such delay or failure is caused by causes beyond the party's reasonable control.

**19. Survival.**

Paragraphs 5-7, 10, 11, 14, 15, 17 and 20 will survive the expiration or termination of this Agreement.

**20. Entire Agreement.**

This Agreement, including any Appendixes, contains the parties' entire agreement and understanding, and supersedes all prior oral and written agreements and understandings regarding its subject matter.

**22. Signatures of the Parties.**

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed by their duly authorized representatives effective as of the date set forth above.

Accepted and Agreed:  
Magnolia Public Schools



By: Caprice Young  
CEO  
Date: 05/05/15

Accepted and Agreed:  
myON, LLC



By: Todd Brekhus  
President  
Date: April 27, 2017

## Exhibit A

### Schools included in contract for term of license:

School Name	Year 1 Price	Year 2 Price	Year 3 Price
MSA-1	\$12,153	\$12,152	\$12,152
MSA-2	\$12,153	\$12,152	\$12,152
MSA-3	\$12,153	\$12,152	\$12,152
MSA-5 (small school)	\$9,203	\$9,202	\$9,202
MSA-6 (small school)	\$9,203	\$9,202	\$9,202
MSA-8	\$13,654	\$12,152	\$12,152
MSA-Santa Ana	\$13,654	\$12,152	\$12,152

### Licenses by school:

#### MSA-1

myON reader, myON news, myON Classics, premium publishers: Arte Público – English Grade 7-12, Arte Público Spanish MS/HS, DK Eyewitness Books, Little Brown – James Patterson, Little Brown – Middle School, Orca Hi/Lo, Orca Picture Books, Reference Point – History, Reference Point Careers, Reference Point Science & Research, Saddleback (Audio).

#### MSA-2

myON reader, myON news, myON Classics, premium publishers: Arte Público – English Grade 7-12, Arte Público Spanish MS/HS, DK Eyewitness Books, Little Brown – James Patterson, Little Brown – Middle School, Orca Hi/Lo, Orca Picture Books, Reference Point – History, Reference Point Careers, Reference Point Science & Research, Saddleback (Audio).

#### MSA-3

myON reader, myON news, myON Classics, premium publishers: Arte Público – English Grade 7-12, Arte Público Spanish MS/HS, DK Eyewitness Books, Little Brown – James Patterson, Little Brown – Middle School, Orca Hi/Lo, Orca Picture Books, Reference Point – History, Reference Point Careers, Reference Point Science & Research, Saddleback (Audio).

#### MSA-5

myON reader, myON news, myON Classics, premium publishers: Arte Público – English Grade 7-12, Arte Público Spanish MS/HS, DK Eyewitness Books, Little Brown – James Patterson, Little Brown – Middle School, Orca Hi/Lo, Orca Picture Books, Reference Point – History, Reference Point Careers, Reference Point Science & Research, Saddleback (Audio).

#### MSA-6

myON reader, myON news, myON Classics, premium publishers: Arte Público – English Grade 7-12, Arte Público Spanish MS/HS, DK Eyewitness Books, Little Brown – James Patterson, Little Brown – Middle School, Orca Hi/Lo, Orca Picture Books, Reference Point – History, Reference Point Careers, Reference Point Science & Research, Saddleback (Audio).

#### MSA-8

2 webinars, myON reader, myON news, myON Classics, premium publishers: Arte Público – English Grade 7-12, Arte Público Spanish MS/HS, DK Eyewitness Books, Little Brown – James Patterson, Little Brown – Middle School, Orca Hi/Lo, Orca Picture Books, Reference Point – History, Reference Point Careers, Reference Point Science & Research, Saddleback (Audio).

#### MSA-Santa Ana

2 webinars, myON reader, myON news, myON Classics, premium publishers: Arte Público – English Grade 7-12, Arte Público Spanish MS/HS, DK Eyewitness Books, Little Brown – James Patterson, Little Brown – Middle School, Orca Hi/Lo, Orca Picture Books, Reference Point – History, Reference Point Careers, Reference Point Science & Research, Saddleback (Audio).



Price Proposal / Order Form  
Magnolia Ed & Research Fdn  
April 27, 2017

myON, LLC, formerly known as Capstone Digital

5050 Lincoln Drive, Suite 200  
Edina, MN 55436  
Phone: (800) 864-3899 Fax: (888) 262-0705  
Email: orders@myON.com

Customer Billing Information

Attention: Caprice Young  
250 E. 1st Street, Suite 1500  
Los Angeles, California 90012

Products and Services

Item #	Description	Term Start	Term End	Sites /QTY	Price (per building)	Subtotal
CDL500112	myON reader (annual license - 1 year)	8/31/2017	8/31/2020	5.00	\$20,850.00	\$104,250.00
CDL500112	myON reader (annual license - 1 year)	8/31/2017	8/31/2020	2.00	\$20,850.00	\$41,700.00
CDL507382	myON addon - Arte Público (1 year)	8/31/2017	8/31/2020	7.00	\$720.00	\$5,040.00
CDL507541	myON addon - Arte Público (Spanish MS / HS) (1 yr)	8/31/2017	8/31/2020	7.00	\$675.00	\$4,725.00
CDL507167	myON addon - DK Eyewitness books (1 year license)	8/31/2017	8/31/2020	7.00	\$2,700.00	\$18,900.00
CDL507429	myON addon - Little, Brown: James Patterson (1 yr)	8/31/2017	8/31/2020	7.00	\$363.00	\$2,541.00
CDL507388	myON addon - Little, Brown MS (1 year)	8/31/2017	8/31/2020	7.00	\$1,344.00	\$9,408.00
CDL507111	myON addon - Orca Picture Books (1 year license)	8/31/2017	8/31/2020	7.00	\$468.75	\$3,281.25
CDL507580	myON addon - ReferencePoint - history (1 yr)	8/31/2017	8/31/2020	7.00	\$1,140.00	\$7,980.00
CDL507248	myON addon - ReferencePoint - research & science (1 year)	8/31/2017	8/31/2020	7.00	\$1,320.00	\$9,240.00
CDL507102	myON addon - Saddleback books (annual license - 1 year)	8/31/2017	8/31/2020	7.00	\$3,489.00	\$24,423.00
CDL504101	myON reader professional development webinar	8/31/2017	8/31/2018	4.00	\$750.00	\$3,000.00
CDL507719	myON addon - ReferencePoint: Careers (1 yr)	8/31/2017	8/31/2020	7.00	\$510.00	\$3,570.00
CDL507675	myON Classics for HS	8/31/2017	8/31/2020	1.00	\$0.00	\$0.00
CDL507675	myON Classics for HS	8/31/2017	8/31/2020	6.00	\$0.00	\$0.00
CDL507674	myON Classics for MS	8/31/2017	8/31/2020	1.00	\$0.00	\$0.00
CDL507674	myON Classics for MS	8/31/2017	8/31/2020	6.00	\$0.00	\$0.00
CDL508192	myON News (powered by News-O-Matic) - 1 yr license	8/31/2017	8/31/2020	7.00	\$8,985.00	\$62,895.00

Subtotal: \$300,953.25

Discount: \$63,099.98

Sales Tax: \$0.00  
Total: \$237,853.28

### Start Dates

Unless otherwise specified in this order form, the renewal date for your license(s) will be:  
 »Renewal: the day following expiration of the prior license term.  
 »New License: 30 days after receipt and acceptance of the signed Contract. After we have received your signed Contract, we will confirm the applicable start date.

### Services

Any service offering that is not used during the applicable year may not be carried over or used in subsequent years.

### Invoice and Payment Terms

The myON, LLC invoice will be sent upon receipt of your signed Contract. Payment of entire amount is due based on the signed Contract terms:

- An invoice for the total amount will be sent upon contract execution
  - Payment one of \$82,173 is due within 90 days of receipt of invoice.
  - Payment two of \$79,164 is due within 365 days of invoice.
  - Payment three of \$79,164 is due within 730 days of invoice.
- The invoice will include annual school cost itemized for each building.
- An invoice for each building's first payment will be sent May 9, 2017.

Quote valid for 30 days.





Price Proposal / Order Form  
 Magnolia Ed & Research Fdn  
 April 27, 2017

System Requirements
All myON, LLC software has minimum and recommended system requirements. By ordering the software, you acknowledge that you have read and understand the system requirements, and that it is your responsibility to fulfill them. myON, LLC retains the right to update the requirements document from time to time, and you agree to comply with them as updated. You also confirm that all buildings and / or sites included in this order are in full compliance of the system requirements.
Professional Services
If your order includes Professional Services, they are described in a separate statement of work, which outlines your roles and responsibilities in support of myON, LLC Professional Services. Your support is critical to the successful delivery of these services.
Terms and Conditions
Your purchase of licensing rights to software and/or professional services contained in this order is subject to myON, LLC license Terms and Conditions, which are attached. This order and any documents it incorporates (including the Standard Terms and documents it references) form the entire agreement between You and myON, LLC about your purchase.
Purchase Order
No purchase order is required to invoice. Your order will not be scheduled for delivery until You have submitted a signed Contract referencing and conforming to this order. You acknowledge that any terms and conditions in any other documents You provide are superseded by the Terms and Conditions of this agreement.

Acceptance
myON, LLC has presented this order form to You as an offer to contract under the Terms and Conditions of this agreement, including the standard terms, statement of work, and license agreement. Submitting a check or signed Contract for this proposal to myON, LLC will constitute your acceptance to contract on these Terms and Conditions; this offer will expire thirty (30) days after the date of order form, unless we withdraw or extend the offer in writing.

Quote valid for 30 days.



# Statement of Work

This statement of work is executed in accordance with the myON, LLC order form agreement, and is effective as of the date of the signed Contract.

myON, LLC (“We”, “Us”, “Our”)	Magnolia Ed & Research Fdn (“You”, “Your”)
Suite 200, 5050 Lincoln Drive	250 E. 1st. Street, 15th Floor
Edina, Minnesota 55436	Los Angeles, California 90012
Customer Experience Coordinator	Caprice Young
888-728-1266	(213) 628-3634 ext. 117
orders@myON.com	ceo@magnoliapublicschools.org

1. **Overview and Purpose.** The purpose of this Statement of Work is to define and communicate the goals, scope of services, work plan, milestones, and roles and responsibilities of each party as they relate to the Professional Services to be provided by Us to You. We have entered into this Statement of Work with a mutual desire to enable Your successful implementation and use of the myON, LLC solutions. Completion of this Statement of Work is the first step to achieving these goals and is critical to maximizing the benefit of Our Professional Services.
2. **Description of Work.** myON, LLC will provide the following professional services as indicated on the myON, LLC order form. The Professional Services You have purchased from us to be implemented under this Statement of Work are as follows:
  - Implementation services including technical support and student data load assistance.
  - Login credentials to an online portal of additional educator resources.
3. **Program Goals.** We are providing You the Professional Services identified under Description of Work in order to assist You in the implementation of the myON, LLC solution.
4. **Roles and Responsibilities.** We commit to cooperating with You reasonably and in good faith in the performance of the Professional Services and You agree to do the same. If You do not, delays may result or You may not achieve the full benefits of our services. Other important roles and responsibilities are as follows: We agree to provide:
  - Certain myON, LLC personnel and agents, which may include a customer experience coordinator, a myON, LLC certified trainer, or a Customer support specialist(s).
  - The above personnel will, with Your assistance and dedication, strive to enhance Your experience using myON, LLC product.
  - Certain Training materials to support the training regimen will be provided.
 You agree to provide:
  - Administrative lead empowered to make program and policy decisions associated with the implementation of the proposed myON, LLC solution.
  - Technical lead who can ensure access to the appropriate technology resources required to implement the solution; including technical resources required for successful training of Customer staff.
  - Instructional staff, including Site Administrators, who will implement and monitor the solution with the targeted student population.
  - Training facilities, suitably equipped to access the myON, LLC software in accordance with the System Requirements.
  - Access to office workspace, telephone, computer with Internet access, and other facilities as may be requested by the myON, LLC staff in the performance of the Professional Services.
  - Coordination of customer personnel for onsite, online, and telephonic meetings.
  - Other resources as reasonably required by the myON, LLC staff for satisfactory and timely performance of the Professional Services.
  - Sufficient access to hardware and equipment necessary to provide adequate time-on-task for those learners selected to participate in the program.
  - Adequate time for staff professional development to ensure the competence of Your staff in operating and implementing the solution.
  - Coaching and follow up opportunities for Your staff to enhance implementation of the solution.
5. **Work Plan and Schedule.** Unless otherwise agreed to by You and Us in writing, Professional Services will be scheduled within 30 days of our receipt of the signed Contract. We will work with You to identify dates for conducting the Professional Services outlined in this Statement of Work. Subsequent scheduling changes requested by You may result in additional fees. If You need to change previously agreed-upon dates, You agree to provide Us no less than five (5) business days advance notice of a cancellation of an onsite Professional Services session or three (3) business days advance notice of a

cancellation of a virtual Professional Services session. If You do not provide such notice, and we have not been able to re-assign myON, LLC staff assigned to You, or we incur additional expense or efforts, You may be responsible for additional charges.

6. **Review and Acceptance.** Upon completion of each Professional Services session, myON, LLC will send an e-mail requesting your acknowledgement and acceptance of the Professional Services delivered. After 10 business days, unless there is a negative response your acceptance of the Professional Services session will be considered final.
7. **Confidentiality.** You agree to keep the information, materials, logins, passwords, data, documentation or similar (the "Information") that we provide you in connection with the services hereunder confidential and take all reasonable steps to ensure that the Information is only disclosed to Your teacher or Your students as appropriate and is not disclosed to or made accessible to third parties. Upon notice of termination or expiration, send back all materials, passwords, software and anything else You receive in connection with Your license and ensure that neither Your teacher, students nor anyone else that You supplied access to Our products attempts to access Our product.

## License Agreement

The terms and conditions contained in this document (the “**Standard Terms**”) apply to any sales by myON, LLC (sometimes referred to in this document as “**We**”, “**Us**”, and “**Our**”) of license rights to software products and associated professional services. These Standard Terms are an integral part of an agreement (the “**Agreement**”) between Us and the Customer (referred to as “**You**” and “**Your**”) identified on a myON Order Form (an “**Order Form**”). The Agreement consists of (in order of precedence) an Order Form, these Standard Terms, and any documents incorporated by reference into either the Order Form or Standard Terms (including those incorporated by hyperlink reference (<https://www.myon.com/terms.html>, and <https://www.myon.com/privacy.html>). You acknowledge that the Order Form and the Standard Terms will supersede and replace any conflicting provisions in Your Contract or other purchasing documents. The Agreement will be effective as of the Order Date specified on the Order Form and will be binding when the Contract has been signed by Your authorized representative. These Standard Terms may only be superseded by other terms and conditions You and We have specifically documented in a signed Contract.

### 1.0 myON SOFTWARE.

The following terms and conditions will apply to the Software listed on the Order Form. During the Subscription Term, We grant You: A limited license to have Your Users access and use the Subscription Software and associated Documentation solely for Your internal educational purposes.

#### 1.1 Maintenance and Access.

During the Subscription Period, We will maintain the Subscription Software on Our data center servers and will use commercially reasonable efforts to make the Subscription Software available (subject to routine maintenance windows) to You and Your Users via the Internet 24 hours a day, 7 days a week. All access rights for You and Your Users will be via the worldwide web using a browser and Internet connection compliant with the System Requirements (described in section 1.5).

#### 1.2 Outage Periods.

The term “Outage Period” applies to Subscription Software and means a period of more than 48 consecutive hours in which Your Users are prevented from accessing the Subscription Software due to factors within Our control. Outage Periods exclude (a) planned downtime (for which We will give at least 8 hours notice by publishing maintenance windows on the login pages; or (b) any unavailability caused by an event of Force Majeure. In the unlikely event an Outage Period occurs, upon Your written request we will issue you a credit for the pro-rated share (based on the number of days of any Outage Period in the applicable month) of fees You have paid for the month during which the Outage Period occurs. Your request for this credit must be made within 30 days after the end of the Outage Period. You will not be entitled to this credit for any period during which You are in breach of this Agreement. Your sole and exclusive remedy for an Outage Period will be the credit described in this subsection.

#### 1.3 General License Terms.

All of the above license grants are specifically subject to the following general terms and conditions:

- 1.3.1 All license grants to access and use myON Software and Documentation are non-exclusive, non-transferable and non-assignable.
- 1.3.2 All licenses granted are under intellectual property rights in the myON Software and Documentation, including copyrights and trade secrets, which We either own or have licensed from third parties. We and our licensors own and retain all rights, title and interest in and to the Software and all ideas, concepts, methodologies, formats, specifications, and other know-how furnished by Us or our licensors in connection with this Agreement, as well as all related patents, copyrights, trademarks, trade secrets and other intellectual property rights.
- 1.3.3 All access and use of Software under this Agreement will be subject to Our Privacy Policy, which is expressly made a part of this Agreement.
- 1.3.4 Licenses granted under this Agreement will be automatically revoked if this Agreement is terminated. We reserve the right to revoke any license granted under this Agreement if You fail to promptly cure a material breach of this Agreement after We have provided You with notice of the breach.

#### 1.4 Restrictions.

You and Your Users will use the myON Software and Documentation solely for the purposes stated in the applicable license grants and will not: (i) modify, copy or create derivative works based on the myON Software or Documentation; (ii) frame or mirror any content forming part of the MyON Software or Documentation, other than for Your own internal educational or training purposes; (iii) reverse engineer, decompile or disassemble the myON Software; (iv) access or allow others to access the MyON Software or Documentation in order to build, market or offer a competitive product or service, or copy any ideas, features, functions or graphics of the myON Software; (v) license, sublicense, sell, resell, rent, lease, transfer, assign, distribute, time share or otherwise commercially exploit or make the myON Software available to any third party, other than to Users or as otherwise contemplated by this Agreement; (vi) send spam or otherwise unsolicited messages in violation of applicable laws; (vii) send or store infringing, obscene, threatening, libelous, or otherwise unlawful or tortious material, including material that is harmful to children or violates third party privacy rights; (viii) intentionally send or store any viruses, worms, time bombs, Trojan horses or other harmful or malicious code, files, scripts, agents or programs; (ix) interfere with or disrupt the integrity or performance of the myON Software or the data contained therein; or (x) attempt to gain unauthorized access to the myON Software or its related systems or networks.

#### 1.5 System Requirements.

You acknowledge receipt of Our System Requirements document which details the necessary hardware, system configuration, network infrastructure, and bandwidth requirements to successfully operate and use the myON Software. The System Requirements are subject to periodic change without notice. You also acknowledge that You are responsible for the cost, operation and availability of, and compliance of Your Users with, all elements of the System Requirements.

## License Agreement

### 1.6 Responsibility for User Activity.

You are responsible for all activities that occur in User accounts and for compliance by Your Users with these Standard Terms. You will: (i) have sole responsibility for the accuracy, quality, integrity, legality, reliability, and appropriateness of all Customer Data; (ii) provide user information to myON if bulk importing is required. myON will limit the distribution of Your User accounts to employees and contractors associated with Your account; (iii) use commercially reasonable efforts to prevent unauthorized access to, or use of, the myON Software, and notify Us promptly of any such unauthorized access or use; and (iv) in connection with this Agreement, comply (and ensure compliance by Your Users) with all applicable local, state and federal laws, rules and regulations, including but not limited to the Children's Online Privacy Protection Act ("COPPA") and the Family Educational Rights and Privacy Act ("FERPA").

### 1.7 Intellectual Property

- 1.7.1 Reservation of Rights. The myON Software We are providing is licensed to You, not sold. Subject to the limited rights expressly granted to You and Your Users under these Standard Terms, We reserve all rights, title and interest in and to the myON Software and Documentation, including all related intellectual property rights (except for those owned by our third party vendors, which are reserved to them). No rights are granted to You or Your Users hereunder other than as expressly specified in these Standard Terms.
- 1.7.2 Rights to Customer Data. Customer Data is deemed Your Confidential Information under this Agreement. You hereby grant Us a nonexclusive license to use, modify, communicate and distribute the Customer Data solely for the purpose of performing Our obligations to You as specified by the Agreement.
- 1.7.3 Suggestions. We will have a royalty-free, worldwide, transferable, sub-licensable, irrevocable, perpetual license to use or incorporate into the myON Software any suggestions, enhancement requests, recommendations or other feedback provided by You or Your Users.

### 1.8 Limited Warranty for Software Products.

Subject to the terms of section 3.4, We warrant that the Subscription Software will perform in substantial accordance with the applicable Documentation during the Subscription Term. This warranty is contingent on the authorized use of the Software in accordance with the applicable Documentation. If We breach this express warranty, We will at our option and expense: (a) as soon as commercially practical, consistent with industry practice, modify the affected myON Software to conform in all material respects with the applicable Documentation, or (b) provide a replacement for the affected myON Software which conforms in all material respects with that Documentation, or (c) accept the return of the affected myON Software and refund You the portion of Your purchase price attributable to the returned product. This will be Our sole obligation, and Your sole remedy, with respect to any breach of this warranty. EXCEPT FOR THE EXPRESS WARRANTY PROVIDED IN THIS SECTION, THE SOFTWARE IS PROVIDED ON AN "AS IS" AND "AS AVAILABLE" BASIS, WITHOUT ANY ADDITIONAL WARRANTIES OF ANY KIND. WE DO NOT WARRANT THAT THE LICENSED PROGRAM WILL PERFORM UNINTERRUPTED OR BE ERROR-FREE OR THAT THE FUNCTIONS CONTAINED IN THE SOFTWARE WILL MEET YOUR PARTICULAR REQUIREMENTS OR PURPOSE. THIS LIMITED WARRANTY GIVES YOU SPECIFIC LEGAL RIGHTS. YOU MAY HAVE OTHERS, WHICH VARY FROM JURISDICTION TO JURISDICTION.

## 2.0 PROFESSIONAL SERVICES.

Professional Services listed on the Order Form will be provided subject to the following terms and conditions:

### 2.1 Statement of Work.

If this Agreement includes Professional Services, the Order Form will include a Statement of Work ("SOW") in our standard form and a description of the Professional Services. The SOW will define and communicate the goals, scope of services, work plan, and roles and responsibilities of each party as they relate to the delivery of Our Professional Services. The SOW will be governed by the terms of this Agreement.

### 2.2 Mutual Cooperation.

We mutually agree to cooperate with each other in a professional and courteous manner in the performance of our respective duties in the delivery of Professional Services. We may suspend delivery immediately upon written notice if Your employees or agents fail to act accordingly.

### 2.3 Changes to SOW and Schedule.

Any changes to the scope of work under a SOW will be made by a written amendment to the SOW signed by You and Us prior to implementation of the changes. Changes to the scope of work under a SOW may result in additional fees to You. Any changes You make to previously agreed upon dates for onsite delivery of Professional Services may likewise result in additional charges to You.

### 2.4 Acceptance of Services and Warranty.

- 2.4.1 Acceptance. Upon completion of each Professional Services session, We will provide You with an e-mail requesting Your acknowledgement and acceptance of the Professional Services delivered. If You reasonably determine that the Professional Services have not met the objectives and expectations outlined in the SOW, You must provide Us written notice specifying any deficiencies in detail within 10 business days after our request. We will use reasonable commercial efforts to cure any such deficiencies promptly and then resubmit the sign-off form for Your signature. If You do not provide notice of any deficiencies to Us within the 10 day period, Your acceptance of the Professional Services will be considered final. If the objectives and expectations stated in the SOW are subsequently determined by the parties to be inappropriate or to require modification due to changed circumstances, incorrect assumptions or other reasons at the time of actual delivery, You and We will cooperate in good faith to appropriately modify such requirements.
- 2.4.2 Warranty. We warrant that the Professional Services We provide will be performed in a worker-like manner, in accordance with generally accepted industry standards. For any material breach of this service warranty reported



## License Agreement

- within 30 days after acceptance (under the preceding subsection), We will provide additional Professional Services at Our expense in an effort to promptly cure the breach.
- 2.4.3 Failure to Cure. If You give us notice of a material deficiency under subsection 3.4.1 or of a material breach under subsection 3.4.2, and we are unable to cure the deficiency or breach within 60 days after Your notice, You may terminate the directly affected portions of serviced covered by the applicable SOW and obtain a refund of amounts You have paid for the terminated services.
- 2.4.4 Sole remedies. The remedies specified in this section 3.4 are Your only remedies for Our breach of service warranties or failure to meet the acceptance criteria.

### 2.5 Compliance with Workplace Rules.

We will have the person or persons We assign to perform the Professional Services comply with those of Your workplace rules You have provided to them in advance.

### 2.6 Subcontractors.

We may, in our reasonable discretion, use third party subcontractors to perform any of Our obligations regarding delivery of the Professional Services.

### 2.7 Expiration of Unscheduled Professional Services.

We will use all reasonable efforts to schedule and deliver the Professional Services in accordance with Your schedule and requirements. However, unless we agree otherwise, we retain the right to terminate our obligations to deliver any Professional Services that have not been delivered within 12 months of the Order Date. In this case, We will provide You with 30 days notice of our intent to terminate and You will have 30 days after receipt of Our notice to schedule the Professional Services and avoid expiration.

## 3.0 Student Data Privacy

### 3.1 Access to Confidential Data.

myON's employees, agents and subcontractors (as well as licensed third parties who are held to the same standard as myON) may have access to confidential data maintained by the District to the extent necessary to carry out myON's responsibilities under the Contract. myON shall presume that all information received pursuant to the Contract is confidential unless otherwise designated by the District. Confidential information shall not include information which (i) is in the public domain prior to or after the time of disclosure, other than as a result of any improper inaction or action of myON hereunder, or thereafter comes into the public domain without breach of any confidentiality obligation; (ii) is known by myON prior to disclosure, as shown by written records existing prior to such disclosure; (iii) is disclosed to myON by an independent third party not in violation of any obligations of confidentiality to the District; or (iv) is independently developed by myON as demonstrated by myON's contemporaneous business records and without reference to or reliance on any confidential information received hereunder.

### 3.2 No Dissemination of Confidential Data.

No confidential data collected, maintained, or used in the course of performance of the Contract shall be disseminated except as authorized by law and with the written consent of the District, either during the period of the Contract or thereafter. Any data supplied to myON shall be considered the property of the District unless otherwise stated in writing. myON must return any and all data collected, maintained, created or used in the course of the performance of the Contract, in whatever form it is maintained, promptly at the request of the District. Data pertaining to the District in these systems will be shared with the District as needed for financial and use reporting.

### 3.3 Adherence to Data Privacy Laws.

myON complies with all applicable local, state, and federal laws, rules and regulations. In addition, myON secures all confidential data to the best of our ability, and adhere to security best practices and industry standards. As an example of these best practices, each student and teacher account in myON uses a login with password. This information is SALT encrypted and building specific.

### 3.4 Data Destruction.

myON destroys personally identifiable information 2 months after the school license period expires. Upon license expiration, school data can be retrieved by the system administrator upon request.

### 3.5 Subpoena.

In the event that a subpoena or other legal process is served upon myON for records containing confidential information, myON shall promptly notify the District and cooperate with the District in any lawful effort to protect the confidential information.

### 3.6 Survives Termination.

myON's confidentiality obligation under the Contract shall survive termination of the Contract.

### 3.7 Marketing.

No students will ever be contacted regarding any service or opt-in marketing information. Supplying adults' email addresses (school administrators and faculty) is entirely optional. Supplying an email guarantees that you will be notified of changes to the system, changes to the license agreement, privacy policy, or terms of use, and other myON professional development opportunities.

## 4.0 GENERAL TERMS

### 4.1 Fees and Payment

- 4.1.1 Fees. You agree to pay all amounts due to Us as shown on the Order Form ("Total Fees"). Except in the case of Outages (as stated in section 1.2), all such amounts are non-cancellable and non-refundable. Amounts due for Software are based on access to Software and are not dependent on actual usage, nor are they contingent upon delivery of any future functionality or features.

## License Agreement

- 4.1.2 **Fiscal Funding.** This subsection will apply to You only if (a) the Order Form specifies amounts due after the end of Your fiscal year in which the Order Date occurs (the “Current Fiscal Year”) and (b) You are a government-funded entity subject to fiscal funding restrictions. If so: (a) You represent that You have received funding authority to pay the aggregate amounts due in the Current Fiscal Year; (b) for each subsequent fiscal year, You agree to include in Your budget request the portion of the Total Fees to become due during that year and use all reasonable and lawful means at Your disposal to obtain appropriations to pay such amounts when due under the Agreement. If despite these efforts You do not obtain funding in any future fiscal year for any portion of the Total Fees, You may terminate those licenses not covered by funding, but only if You (1) give Us written notice of a possible funding failure (including an explanation of the reasons, timing and extent) promptly after You become aware it is likely, (2) promptly provide Us with evidence of the funding failure when it actually occurs, and (3) certify to Us in writing that funds are not available to purchase any products similar to the affected MyON Software within the affected fiscal year(s). For any licenses You terminate under this subsection, You must pay pro rata license fees for the portion of the fiscal year prior to termination. Likewise, You must also pay for any Professional Services You actually receive during the affected fiscal year.
- 4.1.3 **Acceptance.** All Software will be deemed accepted upon delivery to You (or, for Subscription Software, upon making available to You online) and will thereafter be subject to the warranty provisions of this Agreement.
- 4.1.4 **Invoicing & Payment.** Unless otherwise stated in the Order Form, fees for products and services will be invoiced at the time of order with payment due net 30 days from the invoice date.
- 4.1.5 **Suspension of Access to MyON Software for Non-Payment.** If Your account is 30 days or more overdue (except with respect to charges then under reasonable and good faith dispute), in addition to any of Our other rights or remedies, We reserve the right to suspend Your access to the MyON Software and the delivery of Professional Services, without liability to You, until such amounts are paid in full.

### 4.2 Indemnities.

- 4.2.1 **Our Indemnification of You.** Subject to the conditions described below and the provisions of section 4.4, We will defend, indemnify and hold You harmless against any loss, damage or costs (including reasonable attorneys' fees) incurred in connection with claims, demands, suits, or proceedings (collectively called “Claims”) made or brought against You by a third party, as follows: a. For Personal Injury or Property Damage. Our indemnity covers Claims alleging personal injury or property damage to the extent caused by the willful misconduct or negligence of Our personnel while on Your premises. b. For Infringement: Our indemnity covers Claims alleging that the use of the MyON Software as specified in this Agreement, or Our Professional Services, or any information, design, specification, instruction, software, data, material (collectively called “Material”) furnished by Us in connection with this Agreement infringes the intellectual property rights of a third party. If the MyON Software becomes, or in Our opinion is likely to become, the subject of an infringement claim, We may, at Our option and expense, either procure for You the right to continue using the MyON Software; replace or modify the MyON Software so that it becomes non-infringing and remains functionally equivalent; or require the return of the affected MyON Software and refund You the portion of Your purchase price attributable to the returned product.
- 4.2.2 **Your Indemnification of Us.** Subject to the conditions described below and section 3.4, and to the extent not prohibited by applicable law, You will defend, indemnify and hold Us harmless against any loss, damage or costs (including reasonable attorneys' fees) incurred in connection with Claims made or brought against Us by a third party alleging that the Customer Data, Your use of the MyON Software in violation of this Agreement, or any Material provided by You either: (a) infringes the intellectual property rights of a third party, or (b) has otherwise harmed a third party.
- 4.2.3 **Conditions.** These indemnities will be conditioned on the party seeking indemnity: (a) promptly providing the other with a written notice of the Claim; (b) giving the other party sole control of the defense and settlement of the Claim, provided that the other party may not settle any Claim unless the party seeking indemnity is unconditionally released from liability; and (c) at no charge, providing the other party with all reasonable assistance relative to the defense of the Claim.
- 4.2.4 **Exclusive Remedies.** Our and Your responsibility for infringements is stated in this section 3.2. The indemnities in this section will be the exclusive remedies for infringements in connection with this Agreement.

### 4.3 Force Majeure.

The term “Force Majeure” means circumstances beyond the reasonable control of a party (such as acts of God, government restrictions, wars, insurrections, labor strife, or failure of suppliers, subcontractors, or carriers) which delay or prevent the party from performing under the terms of this Agreement. The party affected by an event of Force Majeure will promptly notify the other of the circumstances and the expected impact on its performance. Affected performance obligations will be suspended during the duration of the Force Majeure. In the event the Force Majeure persists for more than 90 days, the other party may terminate the affected portions of this Agreement.

### 4.4 Disclaimers, Limitations and Exclusions.

- 4.4.1 **Warranty Disclaimer.** EXCEPT AS EXPRESSLY PROVIDED IN SECTIONS 1.8 AND 3.4 OF THIS AGREEMENT, WE MAKE NO WARRANTIES OF ANY KIND, WHETHER EXPRESS, IMPLIED, STATUTORY OR OTHERWISE, AND WE SPECIFICALLY DISCLAIM ALL IMPLIED WARRANTIES, INCLUDING ANY WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, TO THE MAXIMUM EXTENT PERMITTED BY APPLICABLE LAW.

## License Agreement

- 4.4.2 Limitation of Liability. EXCEPT FOR BREACHES OF CONFIDENTIALITY OBLIGATIONS OR INDEMNIFICATION OBLIGATIONS ARISING OUT OF PERSONAL INJURIES OR PROPERTY DAMAGE CLAIMS, IN NO EVENT WILL EITHER PARTY'S AGGREGATE LIABILITY ARISING OUT OF OR RELATED TO THIS AGREEMENT, WHETHER IN CONTRACT, TORT OR UNDER ANY OTHER THEORY OF LIABILITY, EXCEED THE AMOUNTS ACTUALLY PAID BY AND DUE FROM YOU FOR A PERPETUAL LICENSE OR, FOR SUBSCRIPTION SOFTWARE, DURING THE SUBSCRIPTION TERM. BECAUSE SOME STATES AND JURISDICTIONS DO NOT ALLOW THE EXCLUSION OR LIMITATION OF LIABILITY, THE ABOVE LIMITATION MAY NOT APPLY TO YOU.
- 4.4.3 Exclusion of Consequential and Related Damages. EXCEPT FOR INDEMNIFICATION OBLIGATIONS, IN NO EVENT WILL EITHER PARTY HAVE ANY LIABILITY TO THE OTHER FOR ANY LOST PROFITS OR FOR ANY INDIRECT, SPECIAL, INCIDENTAL, PUNITIVE, OR CONSEQUENTIAL DAMAGES HOWEVER CAUSED AND, WHETHER IN CONTRACT, TORT OR UNDER ANY OTHER THEORY OF LIABILITY, WHETHER OR NOT THE PARTY HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES. THE PRECEDING SENTENCE WILL NOT APPLY TO INDIRECT, SPECIAL, INCIDENTAL OR CONSEQUENTIAL DAMAGES ARISING FROM A BREACH OF A PARTY'S CONFIDENTIALITY OBLIGATIONS HEREUNDER, PROVIDED ANY SUCH DAMAGES WILL BE LIMITED TO \$100,000.

### 4.5 U.S. Governmental Users.

myON Software and Documentation are "Commercial Items," as defined at 48 C.F.R. §2.101, and are licensed subject to Restricted Rights applicable to Commercial Items and only with those rights expressly granted under this Agreement. The U.S. Government will not be entitled to technical information that is not customarily provided to the public or to use, modify, reproduce, release, perform, display, or disclose the Software or Documentation except as allowed under this Agreement.

### 4.6 Term and Termination

- 4.6.1 Term of this Agreement. This Agreement will begin on the Order Date and will, unless earlier terminated in accordance with this section, continue in effect until:
- (a) with respect to Subscription Software, the end of the last Subscription Term covered by this agreement;
  - (b) with respect to Professional Services, 90 days after acceptance.
- 4.6.2 Termination for Cause. A party may terminate this Agreement for cause: (i) 30 days after written notice of a material breach to the other party if such breach remains uncured at the expiration of such period; or (ii) if the other party ceases to conduct business in the ordinary course, files a petition for liquidation bankruptcy, fails to have an involuntary petition for bankruptcy dismissed or converted to a non-liquidation bankruptcy within 60 days after filing, or makes an assignment of essentially all assets for the benefit of creditors.
- 4.6.3 Outstanding Fees. Termination will not relieve You of the obligation to pay any fees payable to Us prior to the effective date of termination.

### 4.7 Surviving Provisions.

The following provisions will survive any termination or expiration of this Agreement: 1.4, 1.7, 1.8, 3.6, 4.2.2, 4.2.3, 4.2.4 and 4.4.

### 4.8 Assignment.

Neither party may assign any of its rights or obligations hereunder, whether by operation of law or otherwise, without the prior written consent of the other party (not to be unreasonably withheld). Notwithstanding the foregoing, We may assign this Agreement in its entirety without consent of the other party, in connection with a merger, acquisition, corporate reorganization, or sale of all or substantially all of its assets. Any attempt by a party to assign its rights or obligations under this Agreement in breach of this section will be void and of no effect. Subject to the foregoing, this Agreement will bind and inure to the benefit of the parties, their respective successors and permitted assigns.

### 4.9 Counterparts.

This Agreement may be executed by e-mail or facsimile and in counterparts, which taken together will form one legal instrument.

### 4.10 Entire Agreement.

This Agreement constitutes the entire agreement between the parties, and supersedes all prior agreements, proposals or representations, written or oral, concerning its subject matter. No modification, amendment, or waiver of any provision of this Agreement will be effective unless in writing and signed by both parties. To the extent of any conflict or inconsistency between the provisions in these Standard Terms and an Order Form, the terms of the Order Form will prevail.

### 4.11 Governing Law.

If You are a publicly funded, non-profit educational institution, this Agreement will be governed by the internal laws of the State in which You are situated, without regard to its conflicts of laws rules. In all other cases, this Agreement will be governed by the internal laws of the State of Minnesota, without regard to its conflicts of laws rules.

### 4.12 Third Parties.

There are no third-party beneficiaries to this Agreement.

### 4.13 Notices.

All notices under this Agreement will be in writing and will be deemed given upon: (a) personal delivery; (b) the second business day after mailing; (c) the second business day after sending by confirmed facsimile; or (d) the second business day after sending by confirmed email. Notices to Us will be addressed to the attention of Director of MyON Finance. Notices to You will be addressed to the attention of the person signing the Order Form for You.

### 4.14 Relationship of the Parties.

The parties are independent contractors. This Agreement does not create a partnership, franchise, joint venture, agency, fiduciary or employment relationship between the parties.



## License Agreement

### **4.15 Severability.**

If any provision of this Agreement is held by a court of competent jurisdiction to be contrary to law, the provision will be subject to modification by the court and interpreted so as best to accomplish the objectives of the original provision to the fullest extent permitted by law, and the remaining provisions of this Agreement will remain in effect.

### **4.16 Waiver and Cumulative Remedies.**

No failure or delay by either party to exercise a right under this Agreement will be a waiver of that right. Other than as expressly stated in this Agreement, the remedies provided in this Agreement are in addition to, and not exclusive of, any other remedies of a party at law or in equity.