

Santora CPA Group

**State of Delaware
Statewide School Districts' Construction
Projects Attestation Engagements
Laurel School District**

Fiscal Year Ended June 30, 2016

Issued December 14, 2016

Background

School District Construction Projects

In accordance with 29 Del. C. §7509, the Department of Education (DOE) shall determine the present necessity for any school construction program. Once a School District (the District) identifies the need for a construction project and receives approval from its local Board of Education (the Board), they submit a Major Capital Improvement Program request form to the DOE by August 31 each year. The DOE then meets with the District to review appropriate documentation and discuss the necessity of the project. If it is deemed necessary, the DOE will include the project in its budget request for the following fiscal year. All projects that are included in the budget request are then issued a Certificate of Necessity (CN) by the end of November, which authorizes the construction project and details the scope and cost limits for the project.¹

The DOE calculates the amount of State of Delaware (the State) funding the District will receive using a standard school construction formula. The formula is uniform throughout the State and is based on pupil capacity for the type of school requested (i.e., elementary, middle, or high school). The remainder of the cost is paid with local tax receipts, thus referred to as the local share.

Before a District can issue bonds to fund the local share of the construction costs, taxpayers must approve the bond sale through a referendum.² A referendum may occur any time after a CN is issued, and the District has one year and two opportunities to pass a successful referendum before needing to request a new CN from the DOE. The timing of each referendum is at the discretion of the Board. Vocational-Technical Districts are not subject to the referendum process. Instead, the Legislature approves these Districts' tax rates.³

The District must provide adequate public notice of the referendum that includes the purpose and amount of the proposed bond issuance, as well as the estimated annual amount of tax increase upon approval.⁴ The estimated increase, however, is based on certain assumptions that are subject to change, such as the anticipated interest rate on new bonds.⁵ Therefore, taxpayers are voting on the approval of the construction project and cannot rely on the advertised referendum rate as the effective tax rate.

The District may ask their taxpayers to approve a local share in excess of the school construction formula to finance additional options. For example, if a construction project included expanding a particular school building and the District wished to continue the same flooring throughout the entire building, taxpayers may be asked to fund the costs in excess of the State formula. This particular request must be clearly labeled on the referendum voting ballot using the language set forth in 14 Del C. §2004.

¹ DOE's School Construction Manual, Section 2: Major Capital Improvement Program Regulations (<http://www.doe.k12.de.us/Page/1828>)

² 14 Del. C. §2122

³ 14 Del. C. c. 26

⁴ 14 Del. C. §1074 (b)

⁵ Other rates that are not subject to voter approval (e.g. tuition, minor capital improvements) may be increased by the District to meet annual demands, thus resulting in the effective tax rate for the District.

The DOE presents their budget of all the State's Districts' construction projects to the Office of Management and Budget for approval and inclusion in the Governor's Recommended Budget.⁶ The Governor's Recommended Budget is then subject to final approval by the Bond Bill Committee and the Legislature via the Bond and Capital Improvements Act (also referred to as the Bond Bill). If a District fails to obtain a successful referendum before June 30, their project is removed from the Governor's Recommended Budget and not included in that year's Bond Bill.

The District's Board then has the "power to employ engineers, architects and such other employees as it deems essential..." for their construction project per 29 Del. C. §7521. All final plans and specifications, including costs of construction under any school construction bond authorization act, are approved by the DOE.⁷

Depending on various factors (e.g., the total cost of the project, other projects within the State), the District will receive funding for their construction project over the course of several fiscal years. For each State bond sale, the District receives an aggregate allocation of funds and must pay back a portion of those funds with local tax receipts. The local share for each District in the State can vary between 20% and 40%,⁸ depending on an assessment of the District's ability to meet their obligations.⁹

The District coordinates with the Office of the State Treasurer to pay the local share of their outstanding principal and interest payments in accordance with 14 Del. C. §2108. Annually, the Office of Auditor of Accounts audits the Districts' local tax collections and debt service management in a separate engagement. Further, this engagement examines all State and local construction project expenditures.

In the event the construction project comes in under budget, the District may request permission from the State legislature to redirect the State-funded portion of the excess budget amount to fund another project. The subsequent epilogue language in the Bond Bill dictates if the District must put forth local tax receipts and what sources of funding the District may use, such as Minor Capital Improvement funds. Since this is a result of Delaware law, the change does not require a referendum.

There are no legal or statutory provisions that would prohibit a District from utilizing excess funds for early repayment of their debt.

Maintenance of Records

The District should maintain all appropriate documentation related to their construction projects and related debt, including documents related to the referendum process, for audit purposes.

⁶ Same as footnote 1

⁷ 29 Del. C. §7518

⁸ 29 Del. C. §7503 (b)

⁹ An Equalization Committee, as defined by 14 Del. C. §1707 (i), is comprised of 10 to 15 members appointed by the Secretary of the DOE. The equalization formula (detailed in 14 Del. C. §1707) incorporates an annual survey conducted by the University of Delaware and is annually reviewed and approved by the Equalization Committee.

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Independent Accountants' Report

Shawn Larrimore
Superintendent
Laurel School District
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Laurel, Delaware 19956

The Honorable Steven H. Godowsky, Ed.D.
Secretary, Department of Education
Townsend Building, Suite 2
401 Federal Street
Dover, Delaware 19901

We have examined the accompanying State of Delaware Laurel School District (the District) *Schedule of Construction Projects* for the year ended June 30, 2016. The District's management is responsible for the *Schedule of Construction Projects*. Our responsibility is to express an opinion based on our examination.

Our examination was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants and the standards applicable to attestation engagements contained in *Government Auditing Standards* issued by the Comptroller General of the United States and, accordingly, included examining, on a test basis, evidence supporting the District's *Schedule of Construction Projects* and performing such other procedures as we considered necessary in the circumstances. We believe that our examination provides a reasonable basis for our opinion.

In our opinion, the *Schedule of Construction Projects* referred to above presents fairly, in all material respects, the construction projects for the District for the year ended June 30, 2016, based on the criteria set forth in the *Delaware Code*, the *State of Delaware Generally Accepted Accounting Principles Reporting Package Manual*, the *State of Delaware Department of Education School Construction Technical Assistance Manual*, and the *State of Delaware Budget and Accounting Policy Manual*.

In accordance with *Government Auditing Standards*, we are required to report all deficiencies that are considered to be significant deficiencies or material weaknesses in internal control; fraud and noncompliance with provisions of laws or regulations that could have a material effect on the *Schedule of Construction Projects*; and any other instances that warrant the attention of those charged with governance; noncompliance with provisions of contracts or grant agreements, and abuse that has a material effect on the subject matter. We are also required to obtain and report the views of responsible officials concerning the findings, conclusions, and recommendations, as well as any planned corrective actions. We performed our examination to express an opinion on whether the *Schedule of Construction Projects* is presented in accordance with the criteria described above and not for the purpose of expressing an opinion on the internal control applicable to preparing the *Schedule of Construction Projects* or on compliance and other matters; accordingly, we express no such opinion. We consider the deficiency described in the accompanying *Schedule of Current Year Findings* as finding 2016-1 to be a material weakness. Our examination disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

This report is intended solely for the information and use of District management and Board Members, the Office of Auditor of Accounts, and the Department of Education and is not intended to be, and should not be, used by anyone other than these specified parties. However, under 29 Del. C., §10002(1), this report is public record and its distribution is not limited. This report, as required by statute, was provided to the Office of the Governor, Office of the Controller General, Office of the Attorney General, and Office of Management and Budget.

Santora CPA Group

October 10, 2016
Newark, Delaware

*Schedule of Construction Projects
Fiscal Year Ended June 30, 2016*

Project Name	FY	APPR	Source of Funding (State/Local)	Original Funding Amount	Increases (Decreases) in Funding	Total Funding to Date	Expended in Prior Years	Expended in Current Year	Total Expended to Date	Balance as of 6/30/16
Construct Combined Middle School/ High School	2012	50381	76/24	\$ 14,033,700	\$ -	\$ 14,033,700	\$ 13,859,218	\$ 2,124	\$ 13,861,342	\$ 172,358
	2013	50381	76/24	28,067,500	182,075	28,249,575	28,035,236	212,774	28,248,010	1,565
	2014	50381	76/24	28,067,500	(2,200,000)	25,867,500	17,520,414	5,185,863	22,706,277	3,161,223
Construction 1,200 Student Elementary	2013	50394	76/24	8,722,500	-	8,722,500	1,344,363	695,380	2,039,743	6,682,757
	2014	50394	76/24	17,445,000	-	17,445,000	-	442,019	442,019	17,002,981
	2015	50394	76/24	17,445,100	2,200,000	19,645,100	-	148,565	148,565	19,496,535
Laurel Select Demo/Renovate	2014	50405	76/24	633,700	-	633,700	2,535	605,931	608,466	25,234
	2015	50405	76/24	2,534,500	-	2,534,500	-	713,509	713,509	1,820,991
Construction Projects Total				\$ 116,949,500	\$ 182,075	\$ 117,131,575	\$ 60,761,766	\$ 8,006,165	\$ 68,767,931	\$ 48,363,644

**Schedule of Current Year Findings
June 30, 2016**

Finding 2016-1

Criteria

Internal Control – Integrated Framework, published by the Committee of Sponsoring Organizations of the Treadway Commission, defines control activities as “policies and procedures that help ensure management directives are carried out.” Control activities occur throughout an organization, at all levels and functions, and include a wide range of activities, such as authorizations, verifications, reconciliations, reviews of operating performance, security of assets, and segregation of duties. To ensure control activities meet the objectives of management, supporting documentation for all such activities should be referred to or maintained with the financial documents. Management review controls are defined as activities of a person different than the preparer analyzing and performing oversight of activities performed and is an integral part of any internal control structure.

Condition

The District does have a management review and reconciliation process in place for the *Schedule of Construction Projects*; however, this control was not operating effectively to ensure that amounts reported in the *Schedule of Construction Projects* exist, are completely and accurately stated, and properly reconcile to supporting documentation.

The District initially prepared and submitted the *Schedule of Construction Projects* on July 9, 2016. Subsequently, the District prepared and submitted a second *Schedule of Construction Projects* on August 4, 2016. The first *Schedule of Construction Projects* correctly presented the construction activity of the District for Fiscal Year 2016. However, the second *Schedule of Construction Projects* prepared by the District did not properly present information, as detailed below:

- Total Original Funding Amount reported by the District was \$56,369,809; the correct total Original Funding Amount was \$116,949,500. As a result, this column was understated by \$60,579,691; a breakout of the understatements, by project, are detailed below:

Project	Fiscal Year	APPR	Amount Reported by District	Correct Amount	Variance (Under)/Over Statement
Construct Combined Middle School / High School	2012	50381	\$ 174,482	\$14,033,700	\$(13,859,218)
	2013	50381	214,339	28,067,500	(27,853,161)
	2014	50381	10,547,086	28,067,500	(17,520,414)
Laurel Construct 1,200 Student Elementary Laurel Select Demo/ Renovate	2013	50394	7,378,137	8,722,500	(1,344,363)
	2014	50405	631,165	633,700	(2,535)
Understatement in Total Original Funding Amount Column					<u>\$(60,579,691)</u>

- The total Increases (Decreases) in Funding amount reported by the District was \$0; the correct Increases (Decreases) in Funding amount was \$182,075. The entire amount that should have been reported relates to the Construct Combined Middle School/High School project (appropriation 50381).

Note: The *Schedule of Construction Projects* included on page 3 of this report reflects the corrected Original Funding Amount and Increases (Decreases) in Funding.

Cause

The District's internal control over the review and approval of amounts included in the *Schedule of Construction Projects* was not operating effectively due to transition in staffing at the District; the individual who had historically been responsible for the preparation of the *Schedule of Construction Projects* retired effective June 30, 2016. This breakdown in internal control led to the submission of two *Schedules of Construction Projects*, and each reported different information.

Effect

Although there were sign-offs and dating by both the preparer and the reviewer to document the dates that the *Schedule of Construction Projects* was completed and reviewed for both copies received for the examination, the information reported in each of the *Schedule of Construction Projects* was not the same. The second *Schedule of Construction Projects* provided was incomplete and reported inaccurate amounts for construction project activity for the District before the above adjustments were made.

Recommendation

We recommend that the District enhance their management review and reconciliation process for the *Schedule of Construction Projects*. This process should include steps to ensure that amounts presented in the *Schedule of Construction Projects* exist, are completely and accurately stated, and properly reconcile to supporting documentation (i.e., bond bills, FSF reports, etc.).

We further recommend that this process be documented in the District's written policies and procedures.

District Response

The District experienced a transition and shortage of staff during this time period. Additionally, the Auditor's Office made a request for a report that had already been submitted previously. To prevent a duplication of efforts in the future, the Business Manager will be copied on all construction report submissions and an annual checklist of required construction reports will be developed and shared among both construction and finance employees.