

# APPOQUINIMINK SCHOOL DISTRICT

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LOCAL FUNDS PERFORMANCE AUDIT  
FISCAL YEAR ENDED JUNE 30, 2022



# APPOQUINIMINK SCHOOL DISTRICT LOCAL FUNDS PERFORMANCE AUDIT REPORT SUMMARY FOR FISCAL YEAR ENDED JUNE 30, 2022

## BACKGROUND

Performance audits are used to evaluate the efficiency and effectiveness of an organization's operations. The objective of this performance audit is to provide management, the Appoquinimink School District Board of Education and the State of Delaware with information to improve performance, public accountability, and transparency.

The purpose of this performance audit is to determine whether the District's operations over the collection and spending of local school district property tax funds complied with relevant laws and regulations. Our performance audit addressed the following areas:

- The tax rate setting process
- Payments for services and supplies
- Employee compensation and payroll processing

The Auditor of Accounts is mandated by 29 Del. C., §2906(f) to perform annual audits of local school district tax funds. Under Delaware Code, school districts may levy and collect taxes for school purposes upon the assessed value of all taxable real estate in the district.

## KEY INFORMATION AND FINDINGS

Performance audit testing of the rate-setting process revealed the District's management and Board of Education analyzed expected spending and set the FY 2022 tax rates to provide adequate revenues, as summarized here.

- The District's FY 2022 current expense tax rate was set by referendum in 2016.
- Revenues from the District's debt service and tuition tax rates were consistent with expenditures.
- The District's debt service reserve of \$4,157,958 as of June 30, 2022 complied with the State of Delaware requirements

K-12 Schools

15

Special Schools

5

Students Served

12,400

Employees

1,800



# APPOQUINIMINK SCHOOL DISTRICT LOCAL FUNDS PERFORMANCE AUDIT REPORT SUMMARY FOR FISCAL YEAR ENDED JUNE 30, 2022

## KEY INFORMATION AND FINDINGS CONTINUED

Findings may involve deficiencies in internal control; noncompliance with provisions of laws, regulations, contracts, and grant agreements; or instances of fraud. Performance audit testing of the District's expenditures did not uncover fraud, waste or abuse. The audit relied on various sources of information and methods to obtain an understanding of and assess Local Funds' processes for the School District, including inquiry, document reviews, risk assessment, and identification and performance assessment of key controls.

Testing identified the following conditions that are reported as findings:

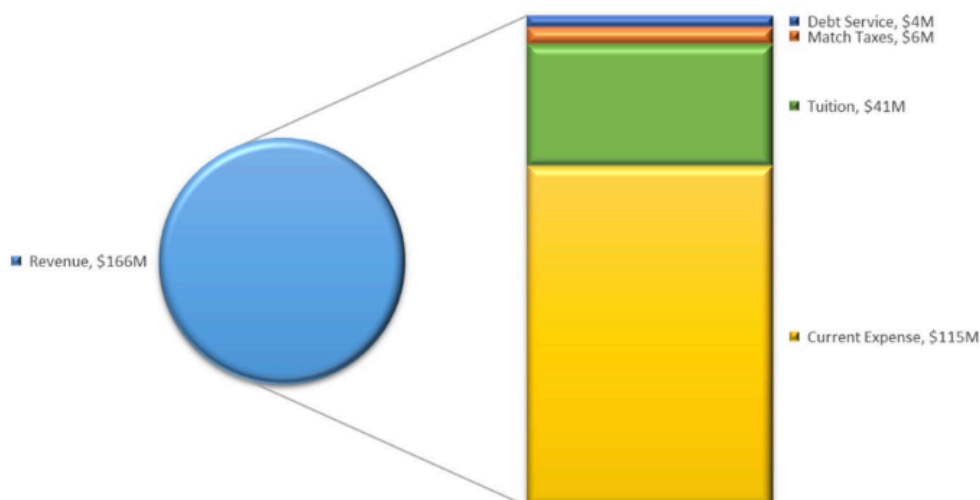
- District purchases of professional services, supplies and equipment and repairs service did not follow state procurement laws.

The potential exposure to the State of the weaknesses in the purchasing internal controls is that they increase the risk that the District would make purchases without first obtaining the best prices and terms.

### SOURCES OF REVENUE FOR FY22



### Local School Tax Revenue Allocation (in \$ millions)



**APPOQUINIMINK SCHOOL DISTRICT**  
**LOCAL FUNDS PERFORMANCE AUDIT AND**  
**INDEPENDENT AUDITORS' REPORT**

**JUNE 30, 2022**

**APPOQUINIMINK SCHOOL DISTRICT**  
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**JUNE 30, 2022**

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*Independent Auditors' Report*

Matthew Burrows, Ed. D., Superintendent  
Appoquinimink School District  
118 S. Sixth Street  
Odessa, Delaware 19730

Dear Dr. Burrows:

We present the attached report which provides the results of our performance audit of the Appoquinimink School District's Local Funds' design and operation of internal controls and compliance with applicable State and District regulations and policies during the year ended June 30, 2022. The Office of Auditor of Accounts engaged Belfint, Lyons & Shuman, P.A. to conduct a Performance Audit of the Appoquinimink School District's Local Funds under OAOA Contract Number 22-CPA01\_SDLOCALFUNDS.

The Office of Auditor of Accounts is authorized under 29 Del. C., §2906(f) to perform post-audits of local school district tax funds' budget and expenditures. The Appoquinimink School District's management is responsible for the design and operation of internal controls over Local Funds and compliance with the applicable Delaware Code sections.

We conducted this performance audit in accordance with *Government Auditing Standards* as issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

This report is intended solely for the information and use of the Appoquinimink School District, the Delaware Department of Education, and the Office of Auditor of Accounts, and is not intended to be, and should not be, used by anyone other than these specified parties. Under 29 Del. C. §10002(o), this report is a matter of public record, and its distribution is not limited. This report, as required by statute, will be provided to the Office of the Governor, General Assembly, Office of the Controller General, Office of the Attorney General and Office of Management and Budget.

*Belfint, Lyons & Shuman, P.A.*

December 11, 2023  
Wilmington, Delaware

cc: Lydia E. York - State Auditor  
Eric Loftus - Finance Director

**APPOQUINIMINK SCHOOL DISTRICT**  
**LOCAL FUNDS PERFORMANCE AUDIT**  
**JUNE 30, 2022**

**PERFORMANCE AUDIT OVERVIEW**

Performance audits are audits that provide findings or conclusions based on an evaluation of sufficient, appropriate evidence against criteria. Performance audits provide objective analysis to assist management and those charged with governance and oversight in using the information to improve program performance and operations, reduce costs, facilitate decision making by parties with responsibility to oversee or initiate corrective action, and contribute to public accountability.

**BACKGROUND**

***Overview*** - Any Delaware School District may, in addition to the amounts apportioned to it by the Delaware Department of Education (DOE) or appropriated to it by the General Assembly, levy and collect additional taxes for school purposes upon the assessed value of all taxable real estate in the district except real estate exempt from taxation per 14 Del. C., §1902 and 14 Del. C., §2601. The purpose of this performance audit is to determine whether internal controls over the collection and use of these real estate tax funds were designed and operated in accordance with Delaware law and District policy. For purposes of this report, real estate taxes levied for school purposes are referred to as “Local Funds.” Although there are other types of Local Funds, they are not included in the scope of our performance audit.

***Laws and Regulations*** - The school district’s authority to levy taxes is governed by 14 Del. C., Ch. 19 for nonvocational districts and by 14 Del. C., Ch. 26 for vocational districts. The legislative provisions and other policies relevant to local school taxes are summarized below. There are four categories of local school taxes: current expense, debt service, tuition, and match taxes summarized as follows.

***Current Expense*** - Current expense tax rates are levied for general operation expenses incurred by the school district. Rate increases are approved via voter referendum. Vocational school districts do not require a referendum to increase their current expense rate as the rate is established by 14 Del. C., §2601.

Brandywine, Christina, Colonial, and Red Clay Consolidated School Districts share an additional current expense rate for the former New Castle County School District, which remains a school district for tax purposes only. These four districts were created pursuant to a 1981 federal court order to reorganize the New Castle County School District per 14 Del. C., §1028(k). The shared current expense rate is the rate that was in effect in 1981, and the collections are pooled and distributed by the DOE to the four districts based on unit counts in accordance with 14 Del. C., §1925.

**APPOQUINIMINK SCHOOL DISTRICT**  
**LOCAL FUNDS PERFORMANCE AUDIT - CONTINUED**  
**JUNE 30, 2022**

**BACKGROUND - CONTINUED**

***Laws and Regulations - Continued***

Debt Service - Debt service tax rates are levied to cover the local share of the principal and interest payments on bonds funding major capital projects which, per Delaware Administrative Code Section 401, *Major Capital Improvement Program*, are projects costing \$1,000,000 or more. The local share of major capital projects is between 20% and 40% of the total cost per 29 Del. C., §7503(b) with the remaining balance financed by the State of Delaware. The project must be approved by the DOE and bond issuances are authorized via voter referendum. Per 14 Del. C., §2116 and §2118(a), with a passing referendum, districts are authorized to levy a debt service tax sufficient to cover the local share of annual principal and interest payments plus 10% for expected delinquencies.

Vocational schools do not require a referendum to increase their debt service rate. Per 29 Del. C., §7503(b), the bond authorization act in which the project is included authorizes the vocational district to levy taxes sufficient to cover the local share of principal and interest bond payments.

The District is required to maintain debt service reserve, within a range of at least four months to no more than 110% of the following fiscal year's debt service payments based on the following opinions issued by the State of Delaware Attorney General:

- Attorney General Opinion 89-I017 from 1989 stated that, per the DOE, a sufficient reserve is at least four months of the following fiscal year's debt service payments.
- Attorney General Opinion 1W-024 from 1975 stated that a reserve is considered excessive when it is greater than 110% of total debt expenditures in the following year as districts' powers to levy taxes for debt service are limited per 14 Del. C., §2116 and §2118(a) to principal and interest and 10% for delinquencies.

Tuition - Tuition tax rates are levied to cover educational expenses for in-district and out-of-district placements of students in special programs and schools. The rate is set annually by the school board based on anticipated needs in the district and does not require a voter referendum. Per 14 Del. C., §2601(b), vocational school districts are not authorized to levy tuition taxes.

Match - Match funds provide a local match to State appropriations where required or allowed by law. Examples of Match programs include technology, minor capital improvements (MCIs), extra time, reading and math resource teachers, student success block grant, and opportunity fund.

**APPOQUINIMINK SCHOOL DISTRICT**  
**LOCAL FUNDS PERFORMANCE AUDIT - CONTINUED**  
**JUNE 30, 2022**

**BACKGROUND - CONTINUED**

*Laws and Regulations - Continued*

Match - Continued

*Technology* - These funds are intended to support the purchase and replacement of technology, technology maintenance through personnel or services, professional learning, or other technology needs intended to improve the school district. The FY 1999 Bond and Capital Improvements Act authorized appropriations for education technology and authorized school districts to indefinitely levy up to one half of the rate required to meet the district's match. Technology match taxes are currently set by a DOE memo issued in December 1998.

*Minor Capital Improvements* - Per Delaware Administrative Code 405, *Minor Capital Improvement Program*, minor capital pertains to projects costing less than \$1,000,000, intended to keep assets in their original condition. The maximum local share for minor capital expenditures is 40% per 29 Del. C., §7528(b). The State of Delaware provides the remaining balance up to a maximum dollar amount which is included in the Delaware Capital Budget annually.

*Extra Time and Reading Resource and Math Resource Teachers* - In accordance with 14 Del. C., §1902(b), the State of Delaware FY 2022 Operating Budget Epilogue Sec. 357 authorizes school districts to levy a local match for Extra Time as well as Reading Resource Teachers and Mathematics Resource Teachers which were originally established by the following:

- Per the State of Delaware FY 2008 Operating Budget Epilogue, the extra time appropriation is intended for additional instruction for low achieving students and school districts were encouraged to match on a 70% state and 30% local basis.
- Per the State of Delaware FY 2010 Operating Budget Epilogue, the reading and math resource teacher appropriations are intended to fund state salaries for resource teachers in each school and districts were encouraged to match on a 70% state and 30% local basis.

*Student Success Block Grant* - The State of Delaware FY 2022 Operating Budget Epilogue Sec. 366 authorizes school districts to assess a local match for costs relating to the Student Success Block Grant appropriations, which are intended for reading assistance in grades K-4.

**APPOQUINIMINK SCHOOL DISTRICT**  
**LOCAL FUNDS PERFORMANCE AUDIT - CONTINUED**  
**JUNE 30, 2022**

**BACKGROUND - CONTINUED**

***Laws and Regulations - Continued***

**Match - Continued**

*Opportunity Fund* - The State of Delaware FY 2022 Operating Budget Epilogue Sec. 363 authorizes school districts to assess a local match for costs associated with Opportunity Fund appropriations intended to enhance services and provide additional supports to English Learner and low-income students, as well as be used for mental health services and/or for additional reading supports for grades K-5. Per a June 2019 DOE Memo, schools are allowed to match on a 70% state and 30% local basis.

***Capitation*** - Districts may also levy a school capitation tax on all persons 18 years of age and older, determined by the board, provided that such school capitation tax is approved by the voters of the district in the same manner as required for the levy of taxes on the assessed value of real estate, per 14 Del. C., §1912.

**DISTRICT SPECIFIC SUMMARY**

The Appoquinimink School District, located in New Castle County, operates PK-12 schools with over 12,400 students and also provides adult continuing education services. The Appoquinimink School District employs over 1,800 employees to educate and support its students. Appoquinimink has five early education centers, eight elementary schools, four middle schools, and three high schools. The Appoquinimink District Board of Education is the governing body of the District. The School Board includes five elected members who serve four-year terms. For the purposes of this report, Appoquinimink School District is referred to as the “School District” or the “District.”

**AUDIT OBJECTIVES**

The objectives established for the performance audit of the District were:

***Objective 1:*** School District internal controls over the expenditure of Local Funds were designed and operated in accordance with the requirements of the *Delaware Code*, State of Delaware *Administrative Code*, State of Delaware *Budget and Accounting Policy Manual (BAM)*, School District Accounting Policies, and the School District Budget (the requirements).

***Objective 2:*** School District internal controls over the receipt of Local Funds were designed and operated in accordance with the requirements.

**APPOQUINIMINK SCHOOL DISTRICT**  
**LOCAL FUNDS PERFORMANCE AUDIT - CONTINUED**  
**JUNE 30, 2022**

**AUDIT OBJECTIVES - CONTINUED**

**Objective 3:** School District real estate taxes were approved and calculated in accordance with the requirements.

**Objective 4:** School District tuition tax funds are calculated and spent in accordance with the requirements.

**AUDIT SCOPE**

The period covered by the Performance Audit was July 1, 2021 through June 30, 2022. We sampled and examined transactions from the populations of expenditures and receipts of Local Funds for the period from July 1, 2021 through June 30, 2022. In sampling these transactions, we relied on documentation provided by the District, the DOE and the State of Delaware's financial accounting and human resources systems.

**AUDIT METHODOLOGY AND RESULTS**

To address the audit objectives of this performance audit, we performed the following procedures:

- A. Planning Phase: The audit relied on various sources of information and methods to properly plan the audit and to obtain an understanding of and assess Local Funds' processes for the School District, including the following:
  - 1. Reviewed the applicable sections of the *Delaware Code*, State of Delaware *Administrative Code*, State of Delaware *BAM*, School District Accounting Policies, and the School District Budget to gain an understanding of the legal and policy requirements governing Local Funds.
  - 2. Inquired about whether there were any findings and recommendations in reports resulting from previous audits that relate to the objectives of this audit and whether the recommendations have been implemented.
  - 3. Reviewed the Board of Education's meeting minutes for the audit period.
  - 4. Identified and reviewed contracts, agreements, and other important documents.
  - 5. Performed risk assessment procedures such as:
    - a. Obtained and documented an understanding of the School District and its environment and identified risks.

**APPOQUINIMINK SCHOOL DISTRICT**  
**LOCAL FUNDS PERFORMANCE AUDIT - CONTINUED**  
**JUNE 30, 2022**

**AUDIT METHODOLOGY AND RESULTS - CONTINUED**

- b. Completed engagement team discussions, including discussions about the possibility of error or fraud involving Local Funds.
  - c. Made inquiries of management and others about risks (including fraud risks, related-party transactions, unusual transactions, and compliance with laws, regulations, contracts, and grant agreements).
  - d. Obtained and documented an understanding of the School District's internal control system over Local Funds by performing walkthroughs.
- 6. Identified key internal controls over the District's Local Funds for testing.
- B. Performance Assessment: Based on the information gathered, we developed the following risk-based approach to assess the design and operation of internal controls over Local Funds with respect to the audit objectives.
  - 1. To assess the design and operation of disbursement internal controls, we sampled and tested transactions from the population of expenditures from Local Funds and Local Tuition Tax funds to determine that transactions were properly documented, authorized and properly recorded; that products and services were received, and that the transactions complied with State and District requirements.
  - 2. To assess the design and operation of procurement internal controls, we analyzed disbursements to vendors made from the District's State, Local and Federal Funds' (excluding purchases made using State-wide contracts, those entered into by the Office of Management and Budget's, Government Support Services Division), Our analysis included all District funding (local, state and federal) because the procurement requirements apply regardless of funding source. We analyzed procurements as follows:
    - a. Cumulative expenditures by purchase order, to test whether the cumulative amounts may have exceeded the applicable procurement thresholds.
    - b. Vendors receiving payments under multiple purchase orders to test whether multiple purchase orders for similar products or services may have exceeded the applicable procurement thresholds.
    - c. Vendors receiving direct claim payments (purchases without purchase orders) to test whether multiple payments for similar products or services may have exceeded the applicable procurement thresholds.

**APPOQUINIMINK SCHOOL DISTRICT**  
**LOCAL FUNDS PERFORMANCE AUDIT - CONTINUED**  
**JUNE 30, 2022**

**AUDIT METHODOLOGY AND RESULTS - CONTINUED**

- d. Payments made via Purchasing Cards to test whether single payments (or multiple payments for similar products or services) may have exceeded the applicable procurement thresholds.
- e. Payments to Single Payment Suppliers (suppliers that are paid only once) to test whether payments may have exceeded the applicable procurement thresholds.

In addition, we selected the following types of vendor transactions for testing:

- a. A random sample of vendor transactions with cumulative purchase amounts meeting or exceeding the State and District procurement thresholds.
  - b. A judgmental sample of unusual or higher risk vendor transactions.
3. To assess the design and operation of payroll internal controls, we sampled and tested transactions from a population of current year payroll change events, affecting local funds' payroll expenditures for the following:
- a. Employees' annual salary increases agreed to published and approved salary tables.
  - b. Changes to payroll, other than annual salary increases, agreed to supporting documentation and were properly approved.
  - c. Management's reconciliation, review, and approval of bi-weekly payrolls.
4. To assess the design and operation of internal controls over the approval and calculation of real estate taxes, including tuition tax:
- a. Compared taxes levied per official tax warrants to supporting rate calculations, budgets, and amounts authorized by referendum, relevant legislation (including tax revenue reserve limits) and District approval.
  - b. Analyzed tax revenue reserves at the beginning and end of the fiscal year, as applicable.
  - c. Verified local tax fund receipts were properly recorded to the related tax appropriation based on the official tax warrant.

**APPOQUINIMINK SCHOOL DISTRICT**  
**LOCAL FUNDS PERFORMANCE AUDIT - CONTINUED**  
**JUNE 30, 2022**

**AUDIT METHODOLOGY AND RESULTS - CONTINUED**

**Objective 1** - School District internal controls over the expenditure of Local Funds were designed and operated in accordance with the requirements.

Results - Except as detailed in *Finding Number 1* in the *Schedule of Findings and Recommendations*, we found the design of the key internal controls over payroll, non-payroll, and debt expenditures of Local Funds were in accordance with the requirements during the period from July 1, 2021 through June 30, 2022.

*Non-Payroll Expenditures* - To assess the operation of the internal controls over non-payroll expenditures of Local Funds, we selected a random sample of 40 disbursement transactions and one significant transaction (excluding transactions from tuition Local Funds tested in Objective 4). Our review of the selected transactions determined that the purchases both complied with State and District requirements and that the transactions were properly approved by the District as evidenced by approval on invoices and receipts as well as in First State Financials (FSF), the Delaware State accounting system.

*Procurement* - To assess the District's compliance with both State and District procurement requirements, we analyzed the District's total FY 2022 disbursement population and, using a risk-based approach, we selected the following samples:

- A haphazardly selected sample of the lesser of 25 or 10% of vendors (eight vendors) with cumulative expenditures exceeding the \$10,000 procurement threshold per the *BAM* (this is the lowest threshold that requires competitive purchasing).
- A judgmentally selected sample of five vendors with multiple purchase orders.
- A haphazardly selected sample of 10% of vendors (nine) with direct claim payments, cumulatively, exceeding the \$10,000 procurement threshold.
- There were no procurement card purchases or single-payment vendors' procurements made by the District that exceeded the \$10,000; procurement threshold therefore, a sample of these transactions was not selected.

We examined documentation for each of the transactions selected and found the purchasing process for goods and services purchased from eight vendors throughout the fiscal year was not in compliance with State and District procurement requirements. Purchases from one of the vendors were funded with tuition tax funds. Refer to *Finding Number 1* in the *Schedule of Findings and Recommendations* for details of the deficiencies identified and related recommendations.

**APPOQUINIMINK SCHOOL DISTRICT**  
**LOCAL FUNDS PERFORMANCE AUDIT - CONTINUED**  
**JUNE 30, 2022**

**AUDIT METHODOLOGY AND RESULTS - CONTINUED**

***Objective 1 - Continued***

**Results - Continued**

*Payroll Expenditures* - To assess the operation of the internal controls over payroll expenditures from Local Funds, we selected a random sample of 40 Local Funds pay rate changes processed during the fiscal year, other than annual salary increases. Our examination of the transactions determined that changes were supported and properly approved by the District. To test the employees' annual increases, we selected a random sample of 10 annual step increases and agreed each employee's salary profile in the State's payroll system, Payroll and Human Resource Statewide Technology (PHRST), to the District's approved FY 2022 salary schedules.

We reviewed evidence of the District's bi-weekly payroll reconciliation and approval process for a random sample of four bi-weekly payroll cycles and determined that authorized personnel at the District performed and maintained evidence of a review of bi-weekly payroll expenditures.

*Debt Service Expenditures* - We examined the requirement that the District maintain its debt service reserve within a range of at least four months and no more than 110% of the following fiscal year's debt service payments. We also compared budget to actual debt service expenditures, at the District level, during our analysis of debt service real estate tax rate calculations in Objective 3. Because the payment of debt service is managed and initiated Statewide by the State of Delaware Department of Finance, it is outside of the scope of this performance audit, and we did not assess the design or operation of internal controls over debt service expenditures.

***Objective 2*** - School District internal controls over the receipt of Local Funds were designed and operated in accordance with the requirements.

**Results** - We obtained the New Castle County Reports of Local Property Tax Collections, recalculated the District's distribution of its receipts among the four categories of local taxes and determined that the District accurately distributed the receipts based on the official warrant and code requirements.

**APPOQUINIMINK SCHOOL DISTRICT**  
**LOCAL FUNDS PERFORMANCE AUDIT - CONTINUED**  
**JUNE 30, 2022**

**AUDIT METHODOLOGY AND RESULTS - CONTINUED**

**Objective 3** - School District real estate taxes were approved and calculated in accordance with the requirements.

Results - To determine if real estate taxes were approved and calculated in accordance with the requirements, we obtained the official tax warrant for FY 2022 and concluded the following:

- The District's current expense rate was supported by a referendum passed in December 2019.
- The District assesses a local match tax for the following: Minor Capital Improvement, Technology, Reading and Math Resource Teachers, Extra Time, and Student Success Block Grant. We found the District's local match tax revenues were consistent with the prior year and were determined to be immaterial to total Local Fund revenues.
- We compared debt service tax collections based on the debt service rate to principal and interest schedules for FY 2022 and FY 2023 and determined that the rate was sufficient to cover debt services expenditures in FY 2022 and provide the District with a reserve equal to 98% of FY 2023 debt payments as summarized below. District debt service reserves held as of June 30, 2022, were within the range set by the State of Delaware Attorney General.

July 1, 2021 Debt Service Reserve Balance	\$ 10,666,333
FY 2022 Debt Service Activity	
Receipts	9,437,517
Expenditures	<u>(9,867,465)</u>
June 30, 2022 Debt Service Reserve Balance	<u>\$ 10,236,385</u>
Budgeted FY 2023 Debt Service	<u>\$ 10,463,964</u>
Reserve to Expected Future Payments Ratio	<u>98%</u>

We accumulated information from the following sources to meet this audit objective: The FY 2022 Debt Service Tax Collections and FY 2022 Debt Service Reserves were obtained from the June 30, 2022 Daily Validity Report (Document Direct Report DGL060), which is a daily report on the status of appropriations. The FY 2022 and FY 2023 Debt Service Principal and Interest were obtained from debt service schedules presented in the District's FY 2022 Final Budget and FY 2023 Preliminary Budget, respectively.

**APPOQUINIMINK SCHOOL DISTRICT**  
**LOCAL FUNDS PERFORMANCE AUDIT - CONTINUED**  
**JUNE 30, 2022**

**AUDIT METHODOLOGY AND RESULTS - CONTINUED**

***Objective 3 - Continued***

*Results - Continued*

- We compared actual tuition tax expenditures and funds transferred out to special programs and other districts to both actual revenues and budgeted expenditures and determined that the rate appeared to be sufficient to meet the District's obligations. Actual expenditures and revenues were obtained from the June 30, 2022 Daily Validity Report and budgeted expenditures from the District's FY 2022 Final Budget.

***Objective 4 - School District tuition tax funds are calculated and spent in accordance with the requirements.***

*Results* - We examined a random sample of 25 disbursement transactions from tuition tax funds and determined that the purchases both complied with State and District requirements and that the transactions were properly approved by the District as evidenced by approval on invoices and receipts as well as in FSF.

We also examined the District's compliance with State and District procurement requirements in conjunction with procedures performed over nontuition Local Funds. We found purchases from one vendor did not comply with State and District purchasing and procurement requirements. Results are reported in Objective 1. Refer to *Finding Number 1* in the *Schedule of Findings and Recommendations* for details of the deficiencies identified, and related recommendations.

We examined payroll expenditures made from tuition tax funds in conjunction with the procedures performed over nontuition payroll expenditures. Results are reported in Objective 1.

We examined tuition tax fund calculations in conjunction with procedures performed over the nontuition Local Funds. Results are reported in Objective 3.

**APPOQUINIMINK SCHOOL DISTRICT**  
**SCHEDULE OF FINDINGS AND RECOMMENDATIONS**  
**JUNE 30, 2022**

***Finding Number 1 - Purchases Did Not Comply with State Purchasing and Procurement Requirements***

**Condition:** We found that the district's purchasing decisions for goods and services from eight vendors did not comply with the State's and District's procurement requirements.

- We found the District entered into one contract for professional therapy services, effective July 2019 to June 2020, with extensions available. The District did not retain proof of the contract being extended or a new contract being procured in FY 2022. The cumulative total of the purchases under this vendor of \$187,682 exceeded the \$100,000 professional service threshold, for a formal bid, in effect at the time of the procurement. The District did not complete the required procurement actions. The purchase was partly funded with local tuition tax funds.
- We found the District cumulatively purchased, HVAC services in the amount of \$594,464 from one vendor, electrical repair services in the amount of \$346,423 from one vendor, and general maintenance services in the amount of, \$166,965 from one vendor, without following the required procurement processes during FY 2022. The cumulative totals of these purchases exceeded the \$150,000 public works formal bid threshold in effect at the time of the purchases. Since the District did not enter into a formal contract with these vendors, these purchases also did not follow prevailing wage requirements or performance bonding requirements.
- We found the District purchased carpentry services in the amount of \$138,844, from one vendor, under one purchase order during FY 2022. The purchase exceeded the \$50,000 through \$149,999 public works threshold, in effect at the time, requiring the District to obtain three written quotes. The District did not maintain documentation of its decision to select this contractor without obtaining the required three quotes.
- We found the District cumulatively purchased, \$11,615 of lawn signs from one vendor, \$47,731 of audio systems and speakers from another vendor, and \$15,027 of rental equipment from another vendor. These purchases exceeded the \$10,000 through \$49,999 material and non-professional services threshold in effect at the time of purchase requiring the District to obtain three written quotes. The District did not maintain documentation to justify its decisions to not follow the requirements of the *BAM*.

**Criteria:** The District is required to follow the procurement and purchasing requirements of the *BAM* and 29 Del. C. Ch. 69 *State Procurement*.

The following requirement is applicable to all procedures:

- Chapter 5 *Procurement*, Section 5.2.6 *Contract Documentation* of the *BAM* requires that "Each Organization must retain in their files all pertinent documents and correspondence relating to the contract bid process, in order that these supporting documents may be available for audit or review by a State official at all times."

**APPOQUINIMINK SCHOOL DISTRICT**  
**SCHEDULE OF FINDINGS AND RECOMMENDATIONS - CONTINUED**  
**JUNE 30, 2022**

***Finding Number 1 - Purchases Did Not Comply with State Purchasing and Procurement Requirements - Continued***

**Criteria - Continued:**

The following requirements are applicable to the materials and non-professional services purchases:

- 29 Del. C., §6902(18) defines “*Materiel*” as materials, equipment, tools, supplies, or any other personal property.
- As of September 1, 2021, Chapter 5 *Procurement*, Section 5.3.1 *Material and Non-Professional Services Thresholds* of the *BAM*, requires formal bid procedures for purchases of \$50,000 and over, based on yearly cumulative limits.
- As of September 1, 2021, Chapter 5 *Procurement*, Section 5.3.1 *Material and Non-Professional Services Thresholds* of the *BAM*, requires three written quotes for purchases between \$10,000 and \$49,999, based on yearly cumulative limits.

The following requirements are applicable to the public works purchases:

- The purchases are considered public works per 29 Del. C., §6902(23) and §6908(24), which state “Public funds” means funds of the State, of any agency within the State, of any public school district, of or from the United States government, or of or from any department or representative body thereof and “Public works contract” means construction, reconstruction, demolition, alteration and repair work and maintenance work paid for, in whole or in part, with public funds, respectively.
- In accordance with the thresholds set by the Contracting and Purchasing Advisory Council (CPAC) per 29 Del. C., §6913(d)(4), the purchases were subject to the requirements of 29 Del. C., §6962 *Large Public Works Contract Procedures*.
- As of September 1, 2021, Chapter 5 *Procurement*, Section 5.3.2 *Public Works Thresholds* of the *BAM* requires that purchases related to public works projects that are between \$50,000 and \$149,999, on a contract basis, require three written quotes.
- As of September 1, 2021, Chapter 5 *Procurement*, Section 5.3.2 *Public Works Thresholds* of the *BAM*, requires that purchases related to public works projects that are \$150,000 and over, per contract, are procured through a formal bid. Section 5.5, *Public Works Contracts of the BAM* states that contracts greater than \$150,000 are large public works contracts. These are the thresholds set by the CPAC.

**APPOQUINIMINK SCHOOL DISTRICT**  
**SCHEDULE OF FINDINGS AND RECOMMENDATIONS - CONTINUED**  
**JUNE 30, 2022**

***Finding Number 1 - Purchases Did Not Comply with State Purchasing and Procurement Requirements - Continued***

**Criteria - Continued:**

- Per 29 Del. C., §6962, the purchases were subject to formal bidding procedures outlined in the section as well as formal contract and performance bond requirements.
- In accordance 29 Del. C., §6960 *Prevailing Wage Requirements*, requires that prevailing wage rates be paid for every contract or aggregate of contracts in excess of \$45,000 for repairs.

The following requirements are applicable to professional services purchases:

- 29 Del. C., §6902(21) defines “Professional Services” as services which generally require specialized education, training or knowledge and involve intellectual skills.
- Prior to September 1, 2021, Chapter 5 *Procurement*, Section 5.3.3 *Professional Services Thresholds* of the *BAM* requires a formal request for proposal (RFP) for professional service purchases that are \$50,000 and over on a contract-by-contract basis.

**Cause:** The District did not procure the goods and services from the eight vendors examined in accordance with the State Code and *BAM* requirements. Per discussion with District officials, the District reviews price, availability, and delivery times for previously used vendors but does not maintain contemporaneous documentation of its purchasing decisions and exceptions to the State Code and *BAM* requirements.

**Effect:** By not following State and District purchasing and procurement requirements to obtain competitive pricing through formal bids or quotations, the District may not have gotten the best prices and terms available. In addition, for the large public works contracts, prevailing wage requirements and performance bonding requirements were not considered, resulting in a violation of the State Code and the assumption of unnecessary risk of non-performance, to the District.

**APPOQUINIMINK SCHOOL DISTRICT**  
**SCHEDULE OF FINDINGS AND RECOMMENDATIONS - CONTINUED**  
**JUNE 30, 2022**

***Finding Number 1 - Purchases Did Not Comply with State Purchasing and Procurement Requirements - Continued***

**Recommendation:** We recommend that the District implement the following:

- Procedures to properly evaluate purchases for compliance with formal procurement requirements, specifically, purchases for similar goods or services from the same vendor should be combined and evaluated against the procurement requirements in total.
- Procedures to document purchasing analyses performed by the District and its purchasing decisions, as a result of the analyses. Documentation retained should also include documents associated with the competitive bid or competitive quotation processes.

**View of Responsible District Officials and Planned Corrective Actions:** Refer to Management Response section.

**APPOQUINIMINK SCHOOL DISTRICT**  
**CONCLUSION**  
**JUNE 30, 2022**

Based on the work performed in connection with this performance audit, we concluded the following:

***Objective 1*** - Except for deficiencies reported in *Finding Number 1* detailed in the *Schedule of Findings and Recommendations*, the School District's internal controls over the expenditure of Local Funds were designed and operated in accordance with the requirements.

***Objective 2*** - The School District's internal controls over the receipt of Local Funds were designed and operated in accordance with the requirements.

***Objective 3*** - The School District's real estate taxes were approved and calculated in accordance with the requirements.

***Objective 4*** - The School's District's tuition tax funds were calculated and spent in accordance with the requirements, with the exception of noncompliance with the District's purchase order policy and State purchasing policy reported in Objective 1.



# Appoquinimink School District

THE WORLD IS OUR CAMPUS

Tony J. Marchio Administration Building | apposchooldistrict.com  
313 South Fifth Street, PO Box 4010, Odessa, DE 19730-4010 | 302.376.4128

December 11, 2023


Belfint Lyons & Shuman, P.A.  
1011 Centre Road, Suite 310  
Wilmington, DE 19805

This response letter is provided in connection with the finding from the Local Funds Performance Audit for the year ended June 30, 2022.

## ***Finding #1: Purchases Did Not Comply with State Purchasing and Procurement Requirements***

The audit noted that with three vendors, the district should have gone to formal bid in order to use these companies for work related to HVAC, electrical, and maintenance services. The threshold for a formal bid would be a purchase over \$150,000. The District wants to make clear that these three vendors were used for services numerous times throughout the year for emergency services as needs arose. The expenses incurred were not one-time purchases and the needs for services were somewhat unpredictable to go to bid for. The timing of a maintenance problem also makes it difficult to go to open bid when a school has a mechanical emergency. However, the District acknowledges that doing an open bid on rates and a menu of pricing would satisfy the State's requirements while allowing the District to still be able to quickly use one of these services in the event of an emergency.

This was the only finding from this audit.

  
\_\_\_\_\_  
Signature

D.R. FINANCE  
\_\_\_\_\_  
Title

12/11/23  
\_\_\_\_\_  
Date

Matt Burrows, Ed.D.  
Superintendent

## BOARD

Norman Abrams  
Nichelle DeWitt  
Richard Forsten, Esq.  
Tashiba Graham  
Michelle Wall

## ADMINISTRATION

Tony J. Marchio Building  
Marion E. Proffitt Training Center

## PRESCHOOL

Age 3-4

Appoquinimink Preschool Center  
Brick Mill ECC

## ELEMENTARY

Early Childhood Centers /  
Kindergarten

Brick Mill ECC  
Cedar Lane ECC  
Spring Meadow ECC  
Townsend ECC

Grade 1-5 Schools

Brick Mill Elementary  
Bunker Hill Elementary  
Cedar Lane Elementary  
Crystal Run Elementary  
Lorewood Grove Elementary  
Old State Elementary  
Olive B. Loss Elementary  
Silver Lake Elementary  
Townsend Elementary

## SECONDARY

Grade 6-8 Schools

Alfred G. Waters Middle  
Cantwell's Bridge Middle  
Everett Meredith Middle  
Louis L. Redding Middle

Grade 9-12 Schools

Appoquinimink High  
Middletown High  
Odessa High

## ADULT CONTINUING EDUCATION

James H. Groves High