

# INDIAN RIVER SCHOOL DISTRICT

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LOCAL FUNDS PERFORMANCE AUDIT  
FISCAL YEAR ENDED JUNE 30, 2022



# INDIAN RIVER 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 Indian River 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 2017.
- Revenues from the District's debt service and tuition tax rates were consistent with expenditures.
- The District's debt service reserve of \$5,330,843 as of June 30, 2022 complied with the State of Delaware requirements.

### INDIAN RIVER SCHOOL DISTRICT QUICK FACTS

K-12 Schools

13

Students Served

10,700

Employees

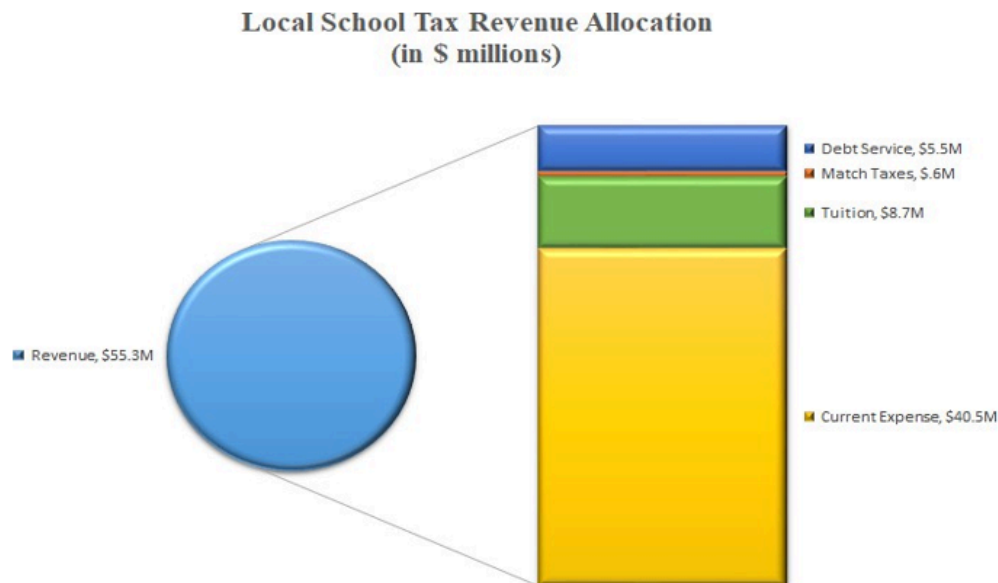
1,300



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

## KEY INFORMATION AND FINDINGS CONTINUED

The District allocates the local property tax funds received by their intended purpose (current expense, debt service, tuition, and match taxes). We found that the allocation was consistent with the tax rates approved by the Board of Education. The four components of local school tax revenue allocations are summarized below:



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 could not provide supporting documentation for pay change approvals.
- District purchases of materials & non-professional services, repairs services, and professional services 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.

**INDIAN RIVER SCHOOL DISTRICT**  
**LOCAL FUNDS PERFORMANCE AUDIT AND**  
**INDEPENDENT AUDITOR'S REPORT**

**JUNE 30, 2022**

**INDIAN RIVER SCHOOL DISTRICT**  
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**JUNE 30, 2022**

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***Independent Auditor's Report***

Jay F. Owens, Ed.D., Superintendent  
Indian River School District  
31 Hosier Street  
Selbyville, Delaware 19975

Dear Dr. Owens:

We present the attached report which provides the results of our performance audit of the Indian River 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 Indian River 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 Indian River 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 Indian River 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.*

March 28, 2024  
Wilmington, Delaware

cc: Lydia E. York - State Auditor  
Tammy Smith, CPA, CFE - Director of Business and Finance

**INDIAN RIVER 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.

**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

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

**BACKGROUND - CONTINUED**

*Laws and Regulations - Continued*

Debt Service - Continued - 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.

*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.



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

**BACKGROUND - CONTINUED**

***Laws and Regulations - Continued***

*Match - Continued*

*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.

*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.

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

**DISTRICT SPECIFIC SUMMARY**

The Indian River School District, located in Sussex County, operates PK, K-12 schools with over 10,700 students. The Indian River School District employs over 1,300 employees to educate and support its students. The District has one early education center, seven elementary schools, three middle schools, and two traditional comprehensive high schools. In addition, the District is home to the Howard T. Ennis School and Southern Delaware School of the Arts. The Indian River School District Board of Education is the governing body of the District. The School Board includes ten elected members who serve four-year terms. For the purposes of this report, Indian River School District is referred to as the “School District” or “District.”

**AUDIT OBJECTIVES**

The objectives established for the performance audit of the School 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.

**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 School District, the DOE and the State of Delaware’s financial accounting and human resources systems.

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

**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.
    - 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.

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

**AUDIT METHODOLOGY AND RESULTS - CONTINUED**

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.
  - 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.
  - f. In addition, we selected the following types of vendor transactions for testing:
    - i. A random sample of vendor transactions with cumulative purchase amounts meeting or exceeding the State and District procurement thresholds.
    - ii. A judgmental sample of unusual or higher risk vendor transactions.

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

**AUDIT METHODOLOGY AND RESULTS - CONTINUED**

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.

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

***Results*** - We found the design of the key internal controls over the expenditure of Local Funds, including payroll, non-payroll and debt service, was in accordance with the requirements, for the period from July 1, 2021 through June 30, 2022, except for the deficiencies noted in Finding Number 1 in the *Schedule of Findings and Recommendations*.

***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.

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

**AUDIT METHODOLOGY AND RESULTS - CONTINUED**

***Objective 1 - Continued***

**Results - Continued**

*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 (four vendors) with a purchase amount exceeding the \$10,000 procurement threshold per the *BAM* (this is the lowest threshold that requires competitive purchasing).
- A judgmentally selected sample of four vendors with multiple purchase orders.
- A haphazardly selected sample of 10% of vendors (four vendors) with purchases without purchase orders, exceeding the \$10,000 procurement threshold.
- There were no procurement card purchases exceeding the \$10,000 procurement threshold; therefore, a sample was not selected.
- There were no single-payment vendor purchases made by the District that the exceeded \$10,000 procurement threshold; therefore, a sample was not selected.

We examined documentation for each of the transactions selected and found the purchasing process for goods and services purchased from six vendors during FY 2022 was not in compliance with the requirements. Refer to Finding Number 1 in the *Schedule of Findings and Recommendations* for details of the deficiencies identified and related recommendations.

*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.

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

**AUDIT METHODOLOGY AND RESULTS - CONTINUED**

***Objective 1 - Continued***

*Results - Continued*

*Payroll Expenditures - Continued*

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 Sussex 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.

***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 warrants for FY 2022 and concluded the following:

- The District's current expense rate was supported by a referendum passed in 2017.
- The District assesses a local match tax for Minor Capital Improvement. We found that the District's Minor Capital Improvement match tax rate was consistent with relevant legislation and guidance.
- 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 71% of its 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.

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

**AUDIT METHODOLOGY AND RESULTS - CONTINUED**

***Objective 3 - Continued***

*Results - Continued*

July 1, 2021 Debt Service Reserve Balance	\$ 2,724,125
FY 2022 Debt Service Activity	
Receipts	6,009,188
Expenditures	<u>(3,402,470)</u>
June 30, 2022 Debt Service Reserve Balance	<u>\$ 5,330,843</u>
Budgeted FY 2023 Debt Service	<u>\$ 7,498,140</u>
Reserve to Expected Future Payments Ratio	<u>71%</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.

- 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 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.



**INDIAN RIVER 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 the District's purchasing decisions for 6 of 12 vendors selected for testing did not comply with the State's and District's procurement requirements as summarized in the following chart:

<b>District's Procurement Action</b>	<b>Required Procurement Action</b>		<b>FY 2023 Expenditures</b>
<b>Type of Purchase</b>	<b>Formal Bid or RFP</b>		
<b>Open Market Purchase</b>		<b>Services</b>	
Materials & Non-Professional Service	3	Supplies, Maintenance, Leased Trailers	\$ 188,458
Public Works*	2	Site and Facility Maintenance	\$ 397,249
<b>Undocumented Sole Source</b>			
Professional Services	1	School Psychologists	\$ 352,490

We found the District did not retain evidence of purchasing decisions made in a prior period for the procurement of leased trailers.

*\*The District obtained two written quotes for approximately \$485,000 of paving work that was performed over multiple fiscal years.*

**Criteria:** The School District's Internal Controls for Financial Accounting require the following:

***PURCHASING/PAYMENT PROCEDURES***

8. Any material or non-professional service purchase over \$10,000 will follow the current State of Delaware Small Purchase Procedures as noted: \$10,000 - \$24,999 - 3 Written Quotes; \$25,000 and over - Formal Bid.
9. Public Works jobs over \$50,000 will follow the current State of Delaware procedures as noted: \$50,000 - \$99,999 - 3 Letter Bids; \$100,000 and over - Formal Bid.
10. Any Professional Services over \$50,000 requires a formal RFP process.

**INDIAN RIVER 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:**

School Districts must adhere to the procurement and purchasing requirements of the *BAM* and 29 Del. C. Ch. 69 as follows:

General Procurement Documentation Requirements:

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.”

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.
- Chapter 5 *Procurement*, Section 5.3.3 *Professional Services Thresholds* required the following:

<u>Procurement Requirement</u>	<u>Through August 31, 2021</u>	<u>Effective September 1, 2021</u>
Open Market Purchase	Less than \$50,000	Less than \$100,000
Formal Bid	\$50,000 and Over	\$100,000 and Over

The following requirements are applicable to the materials purchases:

- 29 Del. C., §6902(18) defines “Materiel” as materials, equipment, tools, supplies, or any other personal property.
- Chapter 5 *Procurement*, Section 5.3.1 *Materiel and Non-Professional Services Purchase Thresholds* required the following:

<u>Procurement Requirement</u>	<u>Through August 31, 2021</u>	<u>Effective September 1, 2021</u>
Open Market Purchase	Less than \$10,000	Less than \$10,000
3 Written Quotes	\$10,000 - \$24,999.99	\$10,000 - \$49,999.99
Formal Bid	\$25,000 and Over	\$50,000 and Over

**INDIAN RIVER 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 public works purchases:

- 9 Del. C., §6902(24) “Public works contract” *means construction, reconstruction, demolition, alteration and repair work and maintenance work paid for, in whole or in part, with public funds.*
- 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 follows:

<u>Procurement Requirement</u>	<u>Through August 31, 2021</u>	<u>Effective September 1, 2021</u>
Open Market Purchase	Less than \$50,000	Less than \$50,000
3 Written Quotes	\$50,000 - \$99,999.99	\$50,000 - \$149,999.99
Formal Bid	\$100,000 and Over	\$150,000 and Over

**Cause:** The following resulted in the noted conditions:

- The District did not prepare (or appropriately retain) documentation providing the justification for a sole source vendor.
- The District did not retain evidence supporting purchasing decisions made in a prior year for leased trailers.
- The District did not aggregate annual services for repairs, maintenance or supplies contracts. These transactions were analyzed at the transaction level instead of completing procurement actions in anticipation of the annual expenditures.

**Effect:** By not following the State and District purchasing and procurement requirements, the District may not have obtained the best prices and terms for these purchases.

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

- Procedures to fully document its decisions when procuring services.
- Procedures to properly evaluate purchases for compliance with formal procurement requirements, specifically, purchases for similar services from the same vendor should be combined and evaluated against the procurement thresholds and other requirements in total.

**View of Responsible District Officials and Planned Corrective Actions:** Refer to the Corrective Action Plan section.

**INDIAN RIVER 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 the conditions noted in *Finding Number 1 - Purchases Did Not Comply with State Purchasing and Procurement Requirements*, 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 requirement.

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

***Objective 4*** - The School District's tuition tax funds were calculated and spent in accordance with the requirements.

# INDIAN RIVER SCHOOL DISTRICT

“A Model of Excellence”



Jay F. Owens, Jr. Ed.D.  
Superintendent

Karen T. Blannard  
Assistant Superintendent

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

In connection with the Fiscal Year 2022 Indian River School District Local Funds Performance Audit, the Indian River School District's response to Finding #1 is as follows:

The Indian River School District is committed to using its funds efficiently and effectively. However, the District faces constraints in attempting to comply with State requirements that do not necessarily consider the large budgets and various needs of school districts. Most notably, the availability of staffing at school districts is dictated by the annual student unit counts, which are, rightfully so, designed to primarily provide resources directly to students. As time and human resources have allowed, the District has been working to develop a districtwide, comprehensive procurement process while working through the various challenges associated with the unique needs of school districts. This is a time-consuming project that will take time to implement. However, due to the lag time between the close of the fiscal year under audit and the finalization of the audit, any audit findings cannot be remedied prior to the next audit of the already closed fiscal year.

We are appreciative of the recent efforts by the State Government Support Services (GSS) division to provide training and technical assistance related to procurement. Additionally, the District is committed to working with the other school districts, GSS, and/or the State Office of Management and Budget to create a statewide contract for commonly used services or equipment and/or to ensure understanding and applicability of procurement requirements.

To address the specifics of the finding:

- The District acknowledges that, while the professional services vendor was a critical needs procurement to provide services to students, a formal memo documenting that need was not maintained. We will maintain such documentation going forward.
- For one of the material and non-professional service vendors, the District signed a 60-month lease in Fiscal Year 2019 for modular classrooms to accommodate significant overcrowding at two schools. The District believes that the vendor was on a State contract at that time but, given the amount of time, change of systems, and staff turnover since the signing of those leases, the District cannot provide documentation to support that. The District also cannot terminate an agreement during the lease period if State contract vendors change.

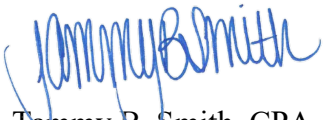
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- For one of the public works vendors, the District solicited three written quotes for the needed services. With escalating public works costs during that timeframe, the bids came in over the threshold. The District does not believe that there would be any cost-benefit of preparing a formal bid and expending additional resources to end up with the same result.
- For the remainder of the vendors, as discussed in the Fiscal Year 2021 audit response, there are various ad hoc repairs and maintenance needs across the District's 15 buildings that are discovered as equipment breaks and must be remedied immediately. Therefore, the District cannot accurately predict what the cost of needed repairs will be each year. The District is working to address such situation through our internal procurement project.

Sincerely,



Tammy B. Smith, CPA, CFE  
Director of Business & Finance