



SPONSOR: Rep. K. Williams & Rep. Kowalko & Sen. Walsh
Reps. Baumbach, Bennett, Brady, Longhurst, Matthews,
Mitchell, Osienski, Michael Smith, Viola; Sens. Delcollo,
Lockman, Paradee, Pettyjohn, Poore, Sokola, Wilson

HOUSE OF REPRESENTATIVES
150th GENERAL ASSEMBLY

HOUSE BILL NO. 186

AN ACT TO AMEND TITLE 14 AND TITLE 29 OF THE DELAWARE CODE RELATING TO CHARTER SCHOOL AUDITS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend § 513, Title 14 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 513. Reporting and oversight.

4 (d)(1) Unless subject to an audit by the Auditor of Accounts under paragraph (d)(2) or (d)(4) of this section, the
5 board of directors of each charter school shall contract to have an audit of the business and financial transactions, records,
6 and accounts after July 1 for the prior fiscal year. The results of the audit shall be shared by October 1 with the Department
7 of Education, the Auditor of Accounts, the Division of Accounting, and the citizen budget oversight committee established
8 under § 1508 of this title.

9 (2) The Auditor of Accounts shall conduct or contract for an audit of the charter school's business and
10 financial transactions, records, and accounts after July 1 for the prior fiscal year in the event the charter school has any
11 of the following:

12 a. A financial audit opinion with any of the following in any of the prior fiscal years under the current
13 charter term:

14 1. Material exceptions.

15 2. A going concern disclosure in the notes or in an explanatory paragraph related thereto.

16 3. A finding of material weakness on either internal control or compliance. For purposes of this
17 paragraph, "material weakness" means a deficiency, or a combination of deficiencies, in internal control over
18 financial reporting, such that there is a reasonable possibility that a material misstatement of the company's
19 annual or interim financial statements will not be prevented or detected on a timely basis.

20 b. Has failed to maintain a current status with Internal Revenue Service Form 990 filings, if said filings
21 are required of that charter school.

22 c. Has existed for a total of fewer than 5 years under its current and prior charter terms.

23 (3) If, however, a financial audit opinion ~~of~~ under paragraph (d)(2)a. of this section is not the required annual
24 audit and is, instead, performed at the request of the board of directors of its own volition and then provided to the
25 Auditor of Accounts, then that financial audit opinion shall not form the basis for the Auditor of Accounts conducting
26 or contracting the audit under paragraph (d)(2) of this section.

27 (4)a. The Governor, Attorney General, Secretary of the Department, or General Assembly, including a house,
28 joint committee, committee, or member of the General Assembly, may request the Auditor of Accounts conduct or
29 contract for an audit of a charter school's business and financial transactions, records, and accounts if 1 of the following
30 applies:

31 1. The Public Integrity Commission makes an advisory finding under § 5807(c) of Title 29 or final
32 finding under § 5810 of Title 29 that a violation of § 5805 or § 5806 of Title 29 has occurred.

33 2. The Governor, Attorney General, Secretary of the Department, or General Assembly, including a
34 house, joint committee, committee, or member of the General Assembly has evidence of a violation of State
35 law or regulation or the misuse of State money.

36 b. The Auditor of Accounts shall conduct or contract for an audit of a charter school's business and
37 financial transactions, records, and accounts if requested under paragraph (d)(4)a. of this section.

38 c. The audit the Auditor of Accounts conducts or contracts for under this paragraph (d)(4) of this section
39 must comply with generally accepted accounting principles.

40 d. When an audit is conducted or contracted for under this paragraph (d)(4) of this section, the Auditor of
41 Accounts shall file a written report containing the information under § 2909(b) of Title 29 with the Governor,
42 Attorney General, Secretary of the Department, and the President Pro Tempore of the Senate and Speaker of the
43 House of Representatives who shall distribute the report to the members of the General Assembly and the
44 Controller General and Director of the Division of Research.

45 Section 2. Amend § 2906, Title 29 of the Delaware Code by making deletions as shown by strike through and
46 insertions as shown by underline as follows:

47 § 2906. Duties of the Auditor of Accounts.

48 (h) The Auditor of Accounts shall conduct audits of the State-funded portion of the finances of the University of
49 Delaware as authorized by § 5109 of Title 14. The contractor conducting the audit shall be selected jointly by the
50 University of Delaware and the Auditor of Accounts.

51 (i) Notwithstanding subsection (d) of this section, the Auditor of Accounts may not charge for an audit conducted
52 or contracted for under § 513(d)(4) of Title 14.

SYNOPSIS

This Act authorizes the Governor, Attorney General, Secretary of the Department, or General Assembly, including a House, joint committee, committee, or member of the General Assembly, to request, and requires the Auditor of Accounts conduct or contract for, an audit of a charter school's business and financial transactions, records, and accounts in certain circumstances.

In addition, this Act makes clear that the Auditor of Accounts may not charge for an audit conducted or contracted for under this Act.