

DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 122 (14 **Del.C.** §122)
14 **DE Admin. Code** 733

PROPOSED

733 Payment of Substitutes for Teachers

Education Impact Analysis Pursuant To 14 Del.C. Section 122(d)

A. Type of Regulatory Action Required

Reauthorization of Existing Regulation

B. Synopsis of Subject Matter of the Regulation

The Secretary of Education intends to reauthorize 14 **DE Admin. Code** 733 Payment of Substitutes for Teachers with no changes. This was reviewed as part of the 5 year review cycle.

Persons wishing to present their views regarding this matter may do so in writing by the close of business on or before May 4, 2010 to Susan Haberstroh, Education Associate, Regulation Review, Department of Education, at 401 Federal Street, Suite 2, Dover, Delaware 19901. A copy of this regulation is available from the above address or may be viewed at the Department of Education business office.

C. Impact Criteria

1. Will the amended regulation help improve student achievement as measured against state achievement standards? No changes were made to this regulation.
2. Will the amended regulation help ensure that all students receive an equitable education? No changes were made to this regulation.
3. Will the amended regulation help to ensure that all students' health and safety are adequately protected? No changes were made to this regulation.
4. Will the amended regulation help to ensure that all students' legal rights are respected? No changes were made to this regulation.
5. Will the amended regulation preserve the necessary authority and flexibility of decision making at the local board and school level? No changes were made to this regulation.
6. Will the amended regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? No changes were made to this regulation.
7. Will the decision making authority and accountability for addressing the subject to be regulated be placed in the same entity? No changes were made to this regulation.
8. Will the amended regulation be consistent with and not an impediment to the implementation of other state educational policies, in particular to state educational policies addressing achievement in the core academic subjects of mathematics, science, language arts and social studies? No changes were made to this regulation.
9. Is there a less burdensome method for addressing the purpose of the regulation? No changes were made to this regulation.
10. What is the cost to the State and to the local school boards of compliance with the regulation? No changes were made to this regulation.

733 Payment of Substitutes for Teachers

1.0 Payment of Substitutes for Teachers

- 1.1 State substitute teacher funds may be used to pay substitutes for State funded teachers when the state funded teachers are unavailable for duty under the provisions of 14 **Del.C.** §1318, 29 **Del.C.** §5524 and 29 **Del.C.** §5933 (for sick leave calculations for teachers qualifying for workers' compensation).
- 1.2 Substitutes for state funded teachers may also be paid from State substitute teacher funds for:

- 1.2.1 Military leave for training or duty not in excess of 15 working days per year.
- 1.2.2 Kindergarten Teachers on Abbreviated Days. In order to allow kindergarten teachers additional time for parent conferences, substitute teachers may be hired using state substitute teacher funding for ½ day on abbreviated days when kindergarten is scheduled.
- 1.2.3 Teachers participating in Department of Education initiated committee work and project assignments.
- 1.3 Substitutes for teachers who are absent without pay may be charged to the Division I teacher salary line.
- 1.4 Substitutes for teachers who are paid from federal funds shall be paid from federal funds from the federal program involved or local funds.
- 1.5 Substitutes for teachers who are paid from local funds shall be paid from local funds.
- 1.6 Substitutes for teachers who are paid from State funds for a fractional part of a State teacher unit and a fractional part from other funds shall be paid on the same proportional basis.
- 1.7 Substitutes shall be paid from State substitute teacher funds the amounts authorized for the various classes of substitutes as provided for in 14 **Del.C.** §1326. School districts paying more for teacher substitutes than prescribed in 14 **Del.C.** §1326 shall do so from local or federal funds. Federal funds may be used only if the federal program permits that use.

3 DE Reg. 1542 (5/1/00)

8 DE Reg. 1609 (5/1/05)

13 DE Reg. 1259 (04/01/10)