

# DEPARTMENT OF EDUCATION

## OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Sections 1508 and 1803 (14 **Del.C.** §§1508 & 1803)  
14 **DE Admin. Code** 734

### FINAL

#### REGULATORY IMPLEMENTING ORDER

##### **734 Financial Responsibility Training for District School Board, Charter School Board and Citizen Budget Oversight Committee Members**

#### **I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED**

Pursuant to 14 **Del.C.** §§1803 and 1508, the Secretary of Education intends to amend 14 **DE Admin. Code** 734 Financial Responsibility Training for District School Board, Charter School Board and Citizen Budget Oversight Committee Members. This regulation is being amended to include school district and charter school leaders per House Bill 225 of the 150<sup>th</sup> General Assembly, to ensure that two individuals always have Financial Responsibility Training and to update the title of the regulation.

Notice of the proposed regulation was published in the *News Journal* and *Delaware State News* on October 1, 2019, in the form hereto attached as *Exhibit "A"*. No comments were received. The Department did remove the word "Leader" in Section 5.1.1, as it is the school district or charter school, not necessarily the school leader, who is to designate a secondary person to have Financial Responsibility Training. Also changes were made in Section 5.0 to clarify the required date of completion for the training. Other minor changes were made to Delaware Code citations in the Section 2.0 to align with the *Delaware Administrative Code Drafting and Style Manual*.

#### **II. FINDINGS OF FACTS**

The Secretary finds that it is appropriate to amend 14 **DE Admin. Code** 734 Financial Responsibility Training for District School Board, Charter School Board and Citizen Budget Oversight Committee Members to include school district and charter school leaders per House Bill 225 of the 150<sup>th</sup> General Assembly, to ensure that two individuals always have Financial Responsibility Training and to update the title of the regulation.

#### **III. DECISION TO AMEND THE REGULATION**

For the foregoing reasons, the Secretary concludes that it is appropriate to amend 14 **DE Admin. Code** 734 Financial Responsibility Training for District School Board, Charter School Board and Citizen Budget Oversight Committee Members. Therefore, pursuant to 14 **Del.C.** §122, 14 **DE Admin. Code** 734 Financial Responsibility Training for District School Board, Charter School Board and Citizen Budget Oversight Committee Members attached hereto as *Exhibit "B"* is hereby amended. Pursuant to the provision of 14 **Del.C.** §122(e), 14 **DE Admin. Code** 734 Financial Responsibility Training for District School Board, Charter School Board and Citizen Budget Oversight Committee Members hereby amended shall be in effect for a period of five years from the effective date of this order as set forth in Section V. below.

#### **IV. TEXT AND CITATION**

The text of 14 **DE Admin. Code** 734 Financial Responsibility Training for District School Board, Charter School Board and Citizen Budget Oversight Committee Members amended hereby shall be in the form attached hereto as *Exhibit "B"*, and said regulation shall be cited as 14 **DE Admin. Code** 734 Financial Responsibility Training for District School Board, Charter School Board and Citizen Budget Oversight Committee Members in the *Administrative Code of Regulations* for the Department of Education.

#### **V. EFFECTIVE DATE OF ORDER**

The actions hereinabove referred to were taken by the Secretary pursuant to 14 **Del.C.** §122 on January 15, 2020. The effective date of this Order shall be ten (10) days from the date this Order is published in the *Delaware Register of Regulations*.

**IT IS SO ORDERED** the 15<sup>th</sup> day of January 2020.

#### **Department of Education**

Susan S. Bunting, Ed.D., Secretary of Education

Approved this 15<sup>th</sup> day of January 2020

## 734 Financial Responsibility Training for ~~District School Board, Charter School Board and Citizen Budget Oversight Committee Members~~

### 1.0 Purpose

The purpose of this regulation is to outline the criteria and process for the required one-time Financial Responsibility Training for members of ~~district school boards~~ School District boards, including vocational technical school ~~boards and the boards~~, boards of charter schools pursuant to 14 ~~Del.C. §1803~~§1803, and for members of ~~the~~ Citizen Budget Oversight ~~Committee~~ Committees (CBOC) pursuant to 14 ~~Del.C. §1508~~, and School District and Charter School Leaders. Financial Responsibility Training provides instruction to members of school ~~boards and boards~~, CBOCs and School District and Charter School Leaders as to how to properly ensure that public funds are appropriately managed and expended, as well as to provide training on state and local funding of public education.

21 DE Reg. 210 (09/01/17)

### 2.0 Definitions

The following words and terms, for the purposes of this regulation, shall have the following meaning unless the context clearly indicates otherwise:

**"Certificate of Completion"** means the document provided by the Department of Education indicating the individual has attended and completed the Financial Responsibility Training.

**"Charter School"** means a non-home based full-time public school that is operated in an approved physical plant under a charter granted by, or transferred to, the Department or other authorizing body for the personal physical attendance of all students.

**"Charter School Board"** means the board of directors of a charter school that shall be a public body subject to the requirements of 29 ~~Del.C. Ch. 100~~ and shall have the same standing and authority as a Reorganized School District Board of Education, except the power to tax.

**"Charter School Leader"** means the head of school or chief financial officer of a charter school.

**"Citizen Budget Oversight Committee (CBOC)"** means a group of parents, educators and taxpayers that oversee the financial position of a Local School District or Charter School pursuant to 14 ~~Del.C. §1508~~.

**"Department"** means the Delaware Department of Education.

~~**"District School Board"** shall mean reorganized school district boards and vocational technical school district boards duly appointed or elected pursuant to Chapter 10 of Title 14 of the Delaware Code.~~

~~**"Local School District"** means a reorganized school district or vocational technical school district established pursuant to 14 ~~Del.C. Ch. 10~~.~~

**"School Board Member"** means a ~~District School~~ District Board or Charter School Board member whether that person is elected, appointed, or is a volunteer.

**"School District"** means a reorganized school district or vocational technical school district established pursuant to 14 ~~Del.C. Ch. 10~~.

**"School District Board"** means reorganized School District Board or vocational technical school district boards duly appointed or elected pursuant to 14 ~~Del.C. Ch. 10~~.

**"School District Leader"** means the superintendent of a School District or the chief financial officer.

**"Trainer"** means an individual or organization approved by the Department of Education to provide Financial Responsibility Training.

21 DE Reg. 210 (09/01/17)

### 3.0 Financial Responsibility Training Components

3.1 The Financial Responsibility Training shall be developed and coordinated by the Department's Finance Office. This one-time training may be provided in person or online at the discretion of the Department and shall cover the following topics:

3.1.1 Overview of education budget process and timelines;

3.1.2 Instruction in the basic rules of budgeting, including State of Delaware funds, local funds, and federal funds;

3.1.3 Information regarding the State's financial management system; and

3.1.4 Reporting requirements.

21 DE Reg. 210 (09/01/17)

#### **4.0 ~~District School Board, Charter School Board and CBOC Member Requirements~~**

- 4.1 Each member of a ~~District School~~ District Board or Charter School Board shall attend and receive a Certificate of Completion for Financial Responsibility Training within three (3) months of election, appointment, or voluntary service to a ~~District School~~ District Board or Charter School Board. Provided further, additional training may be required from time to time as determined by the Department. Notification of any additional training shall be provided to the district or charter school.
- 4.2 Each member of a CBOC shall attend and receive a Certificate of Completion for the Financial Responsibility Training within three (3) months of appointment to a CBOC. Provided further, additional training may be required from time to time as determined by the Department. Notification of any additional training shall be provided to the district or charter school.
- 4.3 Each School District Leader shall attend and receive a Certificate of Completion for the Financial Responsibility Training within three (3) months of appointment to their position. Provided further, additional training may be required from time to time as determined by the Department. Notification of any additional training shall be provided to the district.
- 4.4 Each Charter School Leader shall attend and receive a Certificate of Completion for the Financial Responsibility Training within three (3) months of appointment to their position. Provided further, additional training may be required from time to time as determined by the Department. Notification of any additional training shall be provided to the charter school.

**21 DE Reg. 210 (09/01/17)**

#### **5.0 ~~Financial Responsibility Training Schedule~~ School District and Charter School Leaders**

~~The Department shall communicate training opportunities to Local School Districts and Charter Schools as they are scheduled. The Financial Responsibility Training shall be conducted by a Trainer as defined in this regulation, and approved by the Department's Finance Office.~~

- 5.1 Effective ~~[July 1, 2019 June 30, 2020]~~, each School District and Charter School Leader is required to complete Financial Responsibility Training.
- 5.1.1 In the event that an individual has a dual capacity such as serving as both the school leader and chief financial officer, the School District or Charter School ~~[Leader]~~ shall designate a designee, so that two (2) individuals at all times have completed Financial Responsibility Training.
- 5.2 Any individual employed in a School District or Charter School Leader position prior to July 1, ~~[2019 2020]~~ is not required to complete Financial Responsibility Training.

**21 DE Reg. 210 (09/01/17)**

#### **6.0 ~~Notification of Attendance~~ Financial Responsibility Training Availability**

- 6.1 ~~The Department shall periodically, but not less than annually, provide a list of those School Board and CBOC members that have not satisfied the requirement of subsections 4.1 and 4.2 to their respective District School Board or Charter School Board President, the Office of Management and Budget, and Controller General's Office. provide the required training opportunity in a self-paced, online format as approved by the Department's Finance Office.~~
- 6.2 Financial Responsibility Training shall be available to any additional employees, volunteers or stakeholders as requested by any School District or Charter School.

**11 DE Reg. 744 (12/01/07)**

**21 DE Reg. 210 (09/01/17)**

#### **7.0 ~~Notification of Attendance~~**

- 7.1 The Department shall periodically, but not less than annually, provide a list of those School Board members, CBOC members and School District and Charter School Leaders that have not satisfied the requirement of subsections 4.1 and 4.2 to their respective School District or Charter School.
- 7.2 The Department shall notify the School District or Charter School upon successful completion of the Financial Responsibility Training by any School District or Charter School Leader.

**11 DE Reg. 744 (12/01/07)**

**21 DE Reg. 210 (09/01/17)**

**23 DE Reg. 648 (02/01/20) (Final)**