

**DEPARTMENT OF EDUCATION**  
**Statutory Authority: 14 Delaware Code, Section 122(d) (14 Del.C. §122(d))**  
**14 DE Admin. Code 731**

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

**PUBLIC NOTICE**

**731 School Food Service Employees**

**A. Type Of Regulatory Action Required**

Amendment to Existing Regulation

**B. Synopsis of Subject Matter of the Regulation**

The Secretary of Education intends to amend 14 DE Admin. Code 731 School Food Service Employees. The amendments are for the purpose of clarity and include moving the words “state funded” in front of the word “positions”, changing “will” to “shall” in 3.1.3.1 and 3.3 and changing the word “employees” to “managers” in the second line of 3.0.

**C. Impact Criteria**

1. Will the amended regulation help improve student achievement as measured against state achievement standards? The amended regulation addresses school food service employees’ experience, salaries and staffing formulas not student achievement.

2. Will the amended regulation help ensure that all students receive an equitable education? The amended regulation addresses school food service employees’ experience, salaries and staffing formulas not equitable education issues.

3. Will the amended regulation help to ensure that all students’ health and safety are adequately protected? The amended regulation addresses food service employees’ experience, salaries and staffing formulas not students’ health and safety.

4. Will the amended regulation help to ensure that all students’ legal rights are respected? The amended regulation addresses food service employees’ experience, salaries and staffing formulas not students’ legal rights.

5. Will the amended regulation preserve the necessary authority and flexibility of decision making at the local board and school level? The amended regulation will preserve the necessary authority and flexibility of decision making at the local board and school level.

6. Will the amended regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? The amended regulation will not place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels.

7. Will the decision making authority and accountability for addressing the subject to be regulated be placed in the same entity? The decision making authority and accountability for addressing the subject to be regulated will remain in the same entity.

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? The amended regulation will 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.

9. Is there a less burdensome method for addressing the purpose of the regulation? There is no less burdensome method for addressing the purpose of the regulation.

10. What is the cost to the State and to the local school boards of compliance with the regulation? There is no cost to the State and to the local school boards of compliance with the regulation.

**731 School Food Service Employees**

**1.0 Experience:** School food service employees may be granted one (1) year's experience for each creditable year of experience in similar employment.

## **2.0 Determination of Employee Staffing and Formula**

2.1 School districts shall determine the salaries paid to cafeteria workers as follows:

2.1.1 Of the total number of full time workers assigned to a food-preparing cafeteria, a maximum of two may be paid as a cook/baker. Satellite schools are eligible for state funded positions as set forth in 14 Del.C. §1322 (c), ~~state funded~~.

**3.0 The salaries prescribed in 14 Del.C. §1322(e) for general workers, and cooks/bakers shall be paid by the State from funds not derived from local food service operations as determined by the formula:**

3.1 Seven (7) hours of labor per 100 meals determined as follows:

3.1.1 Total number of reimbursable lunches served in the base month; plus

3.1.2 Total number of reimbursable breakfasts served in the base month; plus

3.1.3 Total of all other meals served in the base month determined by aggregating all income.

3.1.3.1 The number of meals prepared and served ~~will~~ shall be based on the average reported for the month of October on the monthly reimbursement claim.

3.2 Each school district will submit to the Department of Education a computation sheet for cafeteria workers with data showing hourly rate and hours worked not to exceed the maximum allowed under state formula.

3.3 Each school district ~~will~~ shall submit a roster of cafeteria managers to the Department of Education showing names of the ~~employees~~ managers and the salaries prescribed in 14 Del.C. §1322(a). Each district shall also submit a computation sheet as prescribed by the Department to determine the number of meals served according to the state formula.

**8 DE Reg. 1248 (3/1/05)**