

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

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

**PUBLIC NOTICE**

**733 Substitutes**

**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** 733 Substitutes by inserting the word “shall” in lieu of “are to” in 1.4, 1.5, 1.6, and 1.7. The language in 1.1, 1.2.1, 1.3, 1.6 and 1.7 has been clarified and the title has been changed to “Payment of Substitutes for Teachers” to reflect that the content of the regulation only refers to teachers.

**C. Impact Criteria**

1. Will the amended regulation help improve student achievement as measured against state achievement standards? The amended regulation addresses the payment of substitutes for teachers not achievement standards.

2. Will the amended regulation help ensure that all students receive an equitable education? The amended regulation addresses the payment of substitutes for teachers 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 the payment of substitutes for teachers not student health and safety.

4. Will the amended regulation help to ensure that all students’ legal rights are respected? The amended regulation addresses the payment of substitutes for teachers 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.

**733 Substitutes**

**~~1.0 Payment of Teacher and Other School Employee Substitutes~~**

~~1.1 Substitutes for State funded teachers may be paid from State substitute teacher funds under the provisions of 14 **Del.C.** §1318, Sick leave and absences for other reasons (only specified reasons allowable), 29 **Del.C.** §5524, Eligibility for disability pension and 29 **Del.C.** §5933, Leaves (sick leave not counted for absence for work related disease or accident).~~

~~1.2 Substitutes for state funded teachers may also be paid from State substitute teacher funds for:~~

- 1.2.1 Military leave (training or duty not in excess of 15 days).
  - 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 absent under the provisions of 14 ~~Del.C.~~ §1320, Deduction for Unexcused Absence (or on approved leave without pay) may be charged to the Division I teacher salary line.
  - 1.4 Substitutes for teachers who are paid from federal funds are to be paid from federal funds from the federal program involved or local funds.
  - 1.5 Substitutes for teachers who are paid from local funds are to 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 are to be paid on the same proportional basis from State substitute teacher funds.
  - 1.7 Substitutes are to 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.
- 3 DE Reg. 1542 (5/1/00)**

### **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. 1249 (3/1/05)**