

**DEPARTMENT OF EDUCATION
OFFICE OF THE SECRETARY**

Statutory Authority: 14 Delaware Code, Section 8906D (14 **Del.C.** §8906D)

PROPOSED

PUBLIC NOTICE

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

237 Educational Support Professional of the Year

A. Type of Regulatory Action Required

New Regulation

B. Synopsis of Subject Matter of the Regulation

Pursuant to §8906D of 14 **Del.C.**, the Secretary of Education intends to create 14 **DE Admin. Code** 237 Educational Support Professional of the Year. This new regulation is being created to comply with House Bill 134 as amended by House Amendment 1 of the 149th General Assembly which requires the Department of Education to establish guidance concerning how Education Support Professional of the Year Award funds may be used by the award recipient.

Persons wishing to present their views regarding this matter may do so in writing by the close of business on or before April 5, 2019 to Department of Education, Office of the Secretary, Attn: Regulation Review, 401 Federal Street, Suite 2, Dover, Delaware 19901 or email to DOEregulations.comment@doe.k12.de.us. A copy of this regulation may be viewed online at the Registrar of Regulation's website, http://regulations.delaware.gov/services/current_issue.shtml, or obtained at the Department of Education, located at the address listed above.

C. Impact Criteria

1. Will the regulation help improve student achievement as measured against state achievement standards? The regulation does not address student achievement.
2. Will the regulation help ensure that all students receive an equitable education? The regulation is intended to continue to help ensure all students receive an equitable education.
3. Will the regulation help to ensure that all students' health and safety are adequately protected? The regulation does not address students' health and safety.
4. Will the regulation help to ensure that all students' legal rights are respected? The regulation continues to help ensure that all student's legal rights are respected.
5. Will the regulation preserve the necessary authority and flexibility of decision making at the local board and school level? The regulation does not change the decision making at the local board and school level.
6. Will the regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? The regulation does not place any unnecessary reporting or administrative requirements on decision makers.
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 does not change because of the regulation.
8. Will the 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 regulation is consistent with and not an impediment to the implementation of other state educational policies.
9. Is there a less burdensome method for addressing the purpose of the regulation? There is not a 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 an expected cost of approximately \$5,000 to the Department of Education, as well as a cost of \$2500 to each District and Charter School to implement this regulation.

237 Educational Support Professional of the Year

1.0 Purpose

The purpose of this regulation is to establish policies and procedures by which Educational Support Professional of the Year award funds may be used by the designated recipient pursuant to 14 **Del.C.** §8906D.

2.0 Definitions

The words and terms, when used in this regulation, shall have the following meaning unless the context clearly indicates otherwise:

"Department" means the Delaware Department of Education.

"Educational Support Professional of the Year Award Fund" means a \$2,500 set aside fund within the budget of the Department of Education for the award recipient to make withdrawals from as necessary to fund educational materials to serve educational purposes and objectives as described in 14 **Del.C.** §8906D.

"Educational Support Professional of the Year Award Recipient" or **"Recipient"** means a school employee whose position is instructional in nature or who provides other direct or indirect services to students and their parents such as paraprofessionals, instructional aides, custodial staff, secretaries, nutritional staff and school bus drivers, who is recognized for their outstanding service as described in 14 **Del.C.** §8903D. This designation is given at both the local school district and at the statewide level.

3.0 Funding

- 3.1 The Educational Support Professional of the Year Award Fund, in the amount of \$2,500, shall be set aside within the budget of the Department to be used for the statewide Educational Support Professional of the Year Award Recipient's exclusive assignment and disbursement.
- 3.2 The Educational Support Professional of the Year Award Recipient shall not directly receive the funds, but may make withdrawals solely for educational purposes and to benefit students. No amount of such award shall be used for the personal benefit of the award recipient; however, in the use of such funds for educational purposes, the Recipient may be an indirect or incidental beneficiary as educational support professional of the benefited pupils.
- 3.3 In order to withdraw funds, the Recipient shall present to the superintendent of the local school district a plan for utilization of the award in order to avoid wasteful duplication of materials or violation of school district policy.
- 3.4 Possible use of funds includes, but is not limited to:
 - 3.4.1 Purchase of non-consumable materials and supplies (library books, audio/visual equipment, computer equipment, etc.);
 - 3.4.2 Purchase of otherwise consumable materials that are used by students (paper, notebooks, binders, pencils, etc.);
 - 3.4.3 Employment of performers or consultants (musical group, author, poet or other subject matter expert);
 - 3.4.4 Student-centered professional development for building level Educational Support Professionals; or
 - 3.4.5 Reimbursements to the recipient, not to exceed \$500, for personal expenses.
- 3.5 Materials, equipment or other items purchased with such funds shall be the property of the local school district in which the recipient is employed at the time of expenditure.
- 3.6 Invoices, purchase orders or personal reimbursement forms related to withdrawals from the Educational Support Professional of the Year Award Fund shall be retained by the local school district and shall be available for inspection as public records and subject to regular audit by the State Auditor of Accounts.

22 DE Reg. 714 (03/01/19) (Prop.)