

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

REGULATORY IMPLEMENTING ORDER

733 Substitutes

I. Summary of the Evidence and Information Submitted

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 also 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.

Notice of the proposed regulation was published in the *News Journal* and the *Delaware State News* on February 18, 2005, in the form hereto attached as *Exhibit “A”*. No comments were received.

II. Findings of Facts

The Secretary finds that it is appropriate to amend 14 **DE Admin. Code** 733 in order to insert 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 also 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.

III. Decision to Amend the Regulation

For the foregoing reasons, the Secretary concludes that it is appropriate to amend 14 **DE Admin. Code** 733. Therefore, pursuant to 14 **Del.C.** §122, 14 **DE Admin. Code** 733 attached hereto as *Exhibit “B”* is hereby amended. Pursuant to the provision of 14 **Del.C.** §122(e), 14 **DE Admin. Code** 733 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** 733 amended hereby shall be in the form attached hereto as *Exhibit “B”*, and said regulation shall be cited as 14 **DE Admin. Code** 733 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 April 8, 2005. 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 8th day of April 2005.

DEPARTMENT OF EDUCATION

Valerie A. Woodruff, Secretary of Education

733 Payment of Substitutes for Teachers

~~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. 1609 (5/1/05)