

**DEPARTMENT OF EDUCATION**  
**14 DE Admin. Code 742**  
**Statutory Authority: 14 Delaware Code,**  
**Section 122(d) (14 Del.C. §122(d))**

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

**PROPOSED**

**742 Compensation of District Personnel Under Specific Project Proposals**

**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** 742 Compensation of District Personnel Under Specific Project Proposals in order to add a reference to charter schools and change the title and the regulation so the regulation refers only to federal projects.

**C. Impact Criteria**

1. Will the amended regulation help improve student achievement as measured against state achievement standards? The amended regulation addresses staff compensation issues not student achievement.
2. Will the amended regulation help ensure that all students receive an equitable education? The amended regulation addresses staff compensation not issues of an equitable education.
3. Will the amended regulation help to ensure that all students' health and safety are adequately protected? The amended regulation addresses staff compensation issues not health and safety issues.
4. Will the amended regulation help to ensure that all students' legal rights are respected? The amended regulation addresses staff compensation issues 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 any 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 additional cost the State and to the local school boards of compliance with the regulation.

**742 Compensation of School District and Charter School Personnel Under ~~Specific Project Proposals~~ Federal Projects**

**1.0 A school district or charter school may use ~~Federal or local~~ federal funds to:**

- 1.1 Employ additional administrative, supervisory and teaching personnel, or other necessary personnel beyond those allocated in **Delaware Code**, Title 14, in order to implement a federally ~~or locally~~ supported project.
- 1.2 Extend the employment of a ten or eleven month employee through the eleventh and twelfth month for purposes of conducting a federally ~~or locally~~ supported program. Part-time assignments shall be paid a pro-rata share.

1.3 Employ teachers of the school district or charter school during the school year for additional hours each week to support such ~~activities as extra-time instruction~~ federally supported programs.

1.4 Employ full-time instructional personnel who are qualified for administrative or supervisory positions to carry on administrative or supervisory activities of a federally supported program beyond the regular school day or school week.

1.5 Pay a salary equal to the combined ~~S~~state and local salary of other persons in similar assignments at the same rank.

1.6 Pay an hourly rate for a part-time assignment as an amount pro-rated against the annual salary for the same rank and assignment and in accordance with the qualifications of the individual so assigned and in accordance with previous sections of this statement.

**~~2.0 A district shall:~~**

~~2.1 Where applicable include a description of the position in the project proposal as presented to the Department of Education for approval.~~

~~2.2 In describing any new or additional position, align it with a recognized rank as described in **Delaware Code**, Title 14; or in the case of a nonpublic school institution describe the position in terms of a rank already existing in the institution and assigned to comparable work.~~

~~2.3 Include in the benefits of the employee all of those benefits that accrue to an employee of the State or the local school district except that the benefit of the provisions of 14 **Del.C.** Ch. 14 shall not apply to any person whose salary is paid from Federal funds in whole or in part.~~

~~2.4 Seek and obtain approval of a Federally-funded project through the office of the appropriate coordinator in the Department of Education prior to the assignment of personnel for the assumption of duties and payment of wages or salary.~~

~~2.5 Comply with the maximum hourly compensation rates as published by the Department of Education unless there is authorization to pay at a per diem rate.~~

~~See 3 DE Reg. 755 (12/1/99)~~

**2.0 A school district or charter school shall not:**

2.1 Supplant funds for a local or state position by substituting federal funds for payment of that position.

2.2 Pay a salary to cover paid vacation days during intended federal employment when that federal employment is an extension of a ten or eleven-month school year as assigned and paid by the state.

**3 DE Reg. 755 (12/1/99)**

**~~3.0 A district shall not:~~**

~~3.1 Supplant funds for a local or State position by substituting Federal funds for payment of that position.~~

~~3.2 Pay a salary to cover paid vacation days during intended Federal employment when that Federal employment is an extension of a ten or eleven-month school year as assigned and paid by the State.~~

**3.0 For federal project proposals that require the approval of the Department of Education, the applicant shall:**

3.1 Describe any new or additional position, align it with a recognized rank as described in **Delaware Code** Title 14 or in the case of a nonpublic school institution describe the position in terms of a rank already existing in the institution and assigned to comparable work.

3.2 Include in the benefits of the employee all of those benefits that accrue to an employee of the state or the local school district or charter school except that the benefit of the provisions of 14 **Del.C.** Ch. 14 shall not apply to any person whose salary is paid from federal funds in whole or in part.

3.3 Seek and obtain approval of the project through the Department of Education prior to the assignment of personnel for the assumption of duties and payment of wages or salary.

4.0 Local school districts shall comply with the maximum hourly compensation rates as published by the Department of Education.

**8 DE Reg. 520 (10/01/04)**