

DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Chapter 13 (14 **Del.C.** Ch. 13)
14 **DE Admin. Code** 733

PROPOSED

PUBLIC NOTICE

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

733 Payment of Substitutes for Teachers

A. TYPE OF REGULATORY ACTION REQUIRED

Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF THE REGULATION

Pursuant to 14 **Del.C.** Ch. 13, the Secretary of Education intends to amend 14 **DE Admin. Code** 733 Payment of Substitutes for Teachers. The Department has reviewed the regulation in order to comply with 29 **Del.C.** §10407 which requires regulations to be reviewed on a recurring basis every four years and concluded that the regulation should be amended to clarify statutory authority and funding rates for substitute teachers who are on paid leave for the birth or adoption of a child. This regulation is also being amended to comply with the *Delaware Administrative Code Drafting and Style Manual*.

Persons wishing to present their views regarding this matter may do so in writing by the close of business on or before May 2, 2022 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 amended regulation help improve student achievement as measured against state achievement standards? The amended regulation does not specifically address the improvement of student achievement as measured against state achievement standards.

2. Will the amended regulation help ensure that all students receive an equitable education? The amended regulation will help ensure all students receive an equitable education. The amended regulation identifies a funding source for substitute teachers needed when teachers are on paid leave for childbirth or adoption.

3. Will the amended regulation help to ensure that all students' health and safety are adequately protected? The amended regulation will help ensure all students' health and safety are adequately protected.

4. Will the amended regulation help to ensure that all students' legal rights are respected? The amended regulation continues to help ensure that all students' legal rights are respected.

5. Will the amended regulation preserve the necessary authority and flexibility of decision making at the local board and school level? The amended regulation does not change the substitute teacher 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 does not place any unnecessary reporting or administrative requirements or mandates 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 amended regulation does not change the decision making authority and accountability for addressing the subject to be regulated.

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 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 no less burdensome method for addressing the purpose of the amended regulation.

10. What is the cost to the State and to the local school boards of compliance with the regulation? There are no material costs to implementing this amended regulation.

733 Payment of Substitutes for Teachers

1.0 Payment of Substitutes for Teachers

- 1.1 State substitute teacher funds may be used to pay substitutes for ~~State funded~~ state-funded teachers when the ~~State funded~~ state-funded teachers are unavailable for duty under the provisions of 14 **Del.C.** §1318, 14 **Del.C.** §1333, 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~~ state-funded teachers may also be paid from ~~State~~ 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 Teachers participating in Department of Education led professional learning and project assignments.
- 1.3 Substitutes for ~~State funded~~ state-funded teachers who are absent without pay may be charged to ~~State~~ state funds.
- 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~~ state funds for a fractional part of a ~~State~~ state teacher unit and a fractional part from other funds shall be paid on the same proportional basis.
- 1.7 Substitutes for teachers who are on paid leave for birth of a child or adoption of a child may be funded at the rates provided in 14 **Del.C.** §1326, including applicable other employment costs.
- 4.7 1.8 Substitutes shall be paid from ~~State~~ state substitute teacher funds in 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 (05/01/00)

8 DE Reg. 1609 (05/01/05)

13 DE Reg. 1539 (06/01/10)

20 DE Reg. 717 (03/01/17)

25 DE Reg. 905 (04/01/22) (Prop.)