

# DEPARTMENT OF EDUCATION

## OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 1508 (14 Del.C. §1508)  
14 DE Admin. Code 736

### PROPOSED

### PUBLIC NOTICE

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

#### 736 Local School District and Charter School Citizen Budget Oversight Committees

#### A. TYPE OF REGULATORY ACTION REQUIRED

Amendment to Existing Regulation

#### B. SYNOPSIS OF SUBJECT MATTER OF THE REGULATION

Pursuant to 14 Del.C. §1508, the Secretary of Education intends to amend 14 DE Admin. Code 736 Local School District and Charter School Citizen Budget Oversight Committees. 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 only needs grammatical correction in order 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](mailto: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](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.
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. Citizen oversight is an important element of school district and charter school governance.
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 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.

#### 736 Local School District and Charter School Citizen Budget Oversight Committees

## 1.0 Purpose

The purpose of this regulation is to outline procedures, criteria and responsibilities related to Local School District and Charter School Citizen Budget Oversight Committees (~~CBOC~~) or "CBOC" required pursuant to 14 **Del.C.** §1508. CBOCs are established to oversee the financial position of each ~~Local School District and Charter School~~ local school district and charter school for which it was appointed. The ~~Local School District and Charter School Board~~ local school district and charter school board shall retain all policy and decision-making authorities granted pursuant to Delaware Code.

21 DE Reg. 213 (09/01/17)

## 2.0 Definitions

"**Certificate of Completion**" means the document provided by the Department of Education indicating the individual has attended and completed Financial Responsibility Training.

"**Charter School**" means a non-home based full-time public school that is operated in an approved physical plant under a charter granted by, or transferred to, the Department of Education or other authorizing body for the personal physical attendance of all students.

"**Local School District**" means a reorganized school district or vocational technical school district established pursuant to 14 **Del.C.** Ch. 10.

"**Trainer**" means an individual or organization approved by the Department of Education to provide Financial Responsibility Training.

21 DE Reg. 213 (09/01/17)

## 3.0 Committee Members for Local School Districts and Charter Schools

3.1 Each ~~Local School District and Charter School~~ local school district and charter school shall be required to establish a CBOC. The CBOC shall have access either electronically or in hard copy format to financial documents and financial information the ~~Local School District or Charter School~~ local school district and charter school has in its possession and that are relevant to the financial position of the District or Charter School, with redactions permitted only to protect confidential personal information regarding students or employees as permitted by the state's Freedom of Information Act.

3.1.1 The ~~Local School District's~~ local school district's CBOC shall have at least five (~~5~~) members. Representation shall consist of parents, educators and taxpayers residing in the district. In addition, where possible, the CBOC shall have at least two members with formal educational or vocational backgrounds amenable to oversight of school district financial statements. Further provided, CBOC members shall not be compensated, except for allowable mileage for training or similar activities, for participation on such CBOC.

3.1.2 The ~~Charter School's~~ charter school's CBOC shall have at least five (~~5~~) members. Representation shall consist of educators and parents of students in the school, with no more than two being ~~Charter School Board~~ charter school board members and one being a representative of the Department. In addition, where possible, the CBOC shall have at least two members with formal educational or vocational backgrounds amenable to oversight of school financial statements. Further provided, CBOC members shall not be compensated, except for allowable mileage for training or similar activities, for participation on such CBOC.

3.2 Each ~~Local School District and Charter School~~ local school district and charter school shall establish its own selection policy for its CBOC, and shall submit the selection policy to the Department of Education for review. The ~~Department's~~ Department of Education's Finance Office shall review the proposed policy and make a decision within fifteen (~~15~~) work days to approve or request revisions. The decision to approve or request revisions shall be based on whether the selection policy meets the provisions in subsection 3.3.

3.3 The ~~Department's~~ Department of Education's CBOC membership provisions shall be as follows:

3.3.1 Use the appropriate ~~District or Charter School~~ district or charter school application form, as developed and maintained by the Department of Education, that delineates standard application language and additional information that includes, but is not limited to, the following:

3.3.1.1 Membership pursuant to subsections 3.1.1 and 3.1.2;

3.3.1.2 Conflict of interest, and disqualification from membership upon identification thereof, criteria;

3.3.1.3 Selection, ~~or removal,~~ or removal of the Chairperson to be determined by a majority of the membership of the CBOC;

3.3.1.4 Term length shall be two (~~2~~) years with an option at the end of the term to approve an additional two-year term based on the majority vote of the other existing members of the CBOC, provided

that the cumulative number of extensions shall not exceed three (3); however, a member may terminate ~~his or her~~ a position upon written notice to the Chairperson; and

3.3.1.5 Experience and statement of reason for participation on the CBOC.

3.3.2 Post the request for CBOC members for at least fifteen (15) work days on its website and on all school building main entrance doors;

3.3.3 Identify and post on its website the selection committee that consists of one educator from the ~~Local School District or Charter School~~ local school district or charter school, one ~~Local School Board or Charter School Board~~ local school district or charter school board member, one member of the local teacher's union, and at least two parents or community members who are not ~~Local School District or Charter School~~ local school district or charter school employees or board members; and

3.3.4 Use the selection rubric developed and approved by the Department of Education.

**21 DE Reg. 213 (09/01/17)**

#### **4.0 District School Board and Charter School Board Financial Responsibility Training Requirement**

District School Board, Charter School Board and Citizen Budget Oversight Committee Financial Responsibility Training, including frequency and required trainings, is outlined in 14 **DE Admin. Code** 734.

**13 DE Reg. 1203 (03/01/10)**

**21 DE Reg. 213 (09/01/17)**

**25 DE Reg. 907 (04/01/22) (Prop.)**