

DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 122(a) (14 Del.C. §122(a))
14 DE Admin. Code 731

PROPOSED

PUBLIC NOTICE

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

731 School Food Service Employees

A. TYPE OF REGULATORY ACTION REQUIRED

Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF THE REGULATION

Pursuant to 14 Del.C. §1322(c), the Secretary of Education intends to amend 14 DE Admin. Code 731 School Food Service Employees. This regulation is being amended due to the COVID-19 related change in school nutrition food operations and the inability to report the number of reimbursable breakfasts, reimbursable lunches, and other meals served by Delaware schools, which consequently renders the salary formula of 14 DE Admin. Code 731 improper for the determination of compensation for and number of necessary school food service employees.

Persons wishing to present their views regarding this matter may do so in writing by the close of business on or before January 4, 2021 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 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 school districts maintain the staffing levels necessary to provide meals to students. By doing so, the districts will continue to provide all students with 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 school districts maintain the staffing levels necessary to provide meals to students. 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 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? The amended regulation temporarily modifies the formula for calculating meals served and necessary kitchen staffing. The State and local school boards should incur future costs in line with historical meal delivery expenses.

731 School Food Service Employees

1.0 Experience

School food service employees may be granted one (1) year of experience for each creditable year of experience in similar employment.

20 DE Reg. 803 (04/01/17)

2.0 Determination of Employee Staffing and Formula

2.1 School districts shall determine the salaries paid to cafeteria workers as follows:

2.1.1 Of the total number of ~~full-time~~ full-time workers assigned to a food preparing cafeteria, a maximum of two may be paid as a cook and baker. Satellite schools are eligible for State funded positions as set forth in 14 **Del.C. §1322(a)**.

8 DE Reg. 1608 (05/01/05)

20 DE Reg. 803 (04/01/17)

3.0 Salary Formula

3.1 The salaries prescribed in 14 **Del.C. §1322(c)** for general workers, cooks and bakers shall be paid by the State from funds not derived from local food service operations as determined by ~~the formula:~~

3.1.1 ~~Seven (7) hours of labor per 100 meals determined as follows: the number of meals prepared and served based on the monthly average reported for the 2019-20 academic year.~~

3.1.1.1 ~~Total number of reimbursable lunches served in the base month; plus~~

3.1.1.2 ~~Total number of reimbursable breakfasts served in the base month; plus~~

3.1.1.3 ~~Total of all other meals served in the base month determined by aggregating all income.~~

3.1.1.3.1 ~~The number of meals prepared and served shall be based on the average reported for the month of October on the monthly reimbursement claim.~~

3.2 Each school district shall submit to the Department of Education a computation sheet for cafeteria workers with data showing hourly rate and hours worked not to exceed the maximum allowed under state formula.

3.3 Each school district shall submit a roster of cafeteria managers to the Department of Education showing names of managers and the salaries prescribed in 14 **Del.C. §1322(a)**. Each district shall also submit a computation sheet as prescribed by the Department of Education to determine the number of meals served according to the state formula.

3 DE Reg. 1542 (05/01/00)

8 DE Reg. 1608 (05/01/05)

13 DE Reg. 1537 (06/01/10)

20 DE Reg. 803 (04/01/17)

24 DE Reg. 521 (12/01/20) (Prop.)