

**DEPARTMENT OF EDUCATION
OFFICE OF THE SECRETARY**

Statutory Authority: 14 Delaware Code, Section 8906D (14 **Del.C.** §8906D)

FINAL

REGULATORY IMPLEMENTING ORDER

237 Educational Support Professional of the Year

I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

Pursuant to 14 **Del.C.** §8906D, the Secretary of Education intends to create 14 **DE Admin. Code** 237 Educational Support Professional of the Year. This new regulation is being created to comply with House Bill 134 as amended by House Amendment 1 of the 149th General Assembly which requires the Department of Education to establish guidance concerning how Education Support Professional of the Year Award funds may be used by the award recipient.

Notice of the proposed regulation was published in the *News Journal* and *Delaware State News* on March 1, 2019, in the form hereto attached as *Exhibit "A"*. No comments were received for this regulation.

II. FINDINGS OF FACTS

The Secretary finds that it is appropriate to create 14 **DE Admin. Code** 237 Educational Support Professional of the Year in order to comply with House Bill 134 as amended by House Amendment 1 of the 149th General Assembly which requires the Department of Education to establish guidance concerning how Education Support Professional of the Year Award funds may be used by the award recipient.

III. DECISION TO AMEND THE REGULATION

For the foregoing reasons, the Secretary concludes that it is appropriate to create 14 **DE Admin. Code** 237 Educational Support Professional of the Year. Therefore, pursuant to 14 **Del.C.** §122, 14 **DE Admin. Code** 237 Educational Support Professional of the Year attached hereto as *Exhibit "B"* is hereby created. Pursuant to the provision of 14 **Del.C.** §122(e), 14 **DE Admin. Code** 237 Educational Support Professional of the Year hereby created 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** 237 Educational Support Professional of the Year created hereby shall be in the form attached hereto as *Exhibit "B"*, and said regulation shall be cited as 14 **DE Admin. Code** 237 Educational Support Professional of the Year 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 15, 2019. 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 15th day of April 2019.

Department of Education

Susan S. Bunting, Ed.D., Secretary of Education

Approved this 15th day of April 2019

237 Educational Support Professional of the Year

1.0 Purpose

The purpose of this regulation is to establish policies and procedures by which Educational Support Professional of the Year award funds may be used by the designated recipient pursuant to 14 **Del.C.** §8906D.

2.0 Definitions

The words and terms, when used in this regulation, shall have the following meaning unless the context clearly indicates otherwise:

"Department" means the Delaware Department of Education.

"Educational Support Professional of the Year Award Fund" means a \$2,500 set aside fund within the budget of the Department of Education for the award recipient to make withdrawals from as necessary to fund educational materials to serve educational purposes and objectives as described in 14 **Del.C.** §8906D.

"Educational Support Professional of the Year Award Recipient" or **"Recipient"** means a school employee whose position is instructional in nature or who provides other direct or indirect services to students and their parents such as paraprofessionals, instructional aides, custodial staff, secretaries, nutritional staff and school bus drivers, who is recognized for their outstanding service as described in 14 **Del.C.** §8903D. This designation is given at both the local school district and at the statewide level.

3.0 Funding

- 3.1 The Educational Support Professional of the Year Award Fund, in the amount of \$2,500, shall be set aside within the budget of the Department to be used for the statewide Educational Support Professional of the Year Award Recipient's exclusive assignment and disbursement.
- 3.2 The Educational Support Professional of the Year Award Recipient shall not directly receive the funds, but may make withdrawals solely for educational purposes and to benefit students. No amount of such award shall be used for the personal benefit of the award recipient; however, in the use of such funds for educational purposes, the Recipient may be an indirect or incidental beneficiary as educational support professional of the benefited pupils.
- 3.3 In order to withdraw funds, the Recipient shall present to the superintendent of the local school district a plan for utilization of the award in order to avoid wasteful duplication of materials or violation of school district policy.
- 3.4 Possible use of funds includes, but is not limited to:
 - 3.4.1 Purchase of non-consumable materials and supplies (library books, audio/visual equipment, computer equipment, etc.);
 - 3.4.2 Purchase of otherwise consumable materials that are used by students (paper, notebooks, binders, pencils, etc.);
 - 3.4.3 Employment of performers or consultants (musical group, author, poet or other subject matter expert);
 - 3.4.4 Student-centered professional development for building level Educational Support Professionals; or
 - 3.4.5 Reimbursements to the recipient, not to exceed \$500, for personal expenses.
- 3.5 Materials, equipment or other items purchased with such funds shall be the property of the local school district in which the recipient is employed at the time of expenditure.
- 3.6 Invoices, purchase orders or personal reimbursement forms related to withdrawals from the Educational Support Professional of the Year Award Fund shall be retained by the local school district and shall be available for inspection as public records and subject to regular audit by the State Auditor of Accounts.

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