

# DEPARTMENT OF EDUCATION

## OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 122(b) (14 Del.C. §122(b))  
14 DE Admin. Code 742

### PROPOSED

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

#### 742 Compensation of School District and Charter School Personnel Under Federal Projects

##### 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 School District and Charter School Personnel Under Federal Projects to clarify local school districts and charter schools must follow the federal U.S. Office of Management and Budget's processes for compensation of personnel under federal projects.

Persons wishing to present their views regarding this matter may do so in writing by the close of business on or before November 2, 2009 to Susan Haberstroh, Education Associate, Regulation Review, Department of Education, at 401 Federal Street, Suite 2, Dover, Delaware 19901. A copy of this regulation is available from the above address or may be viewed at the Department of Education business office.

##### C. Impact Criteria

1. Will the amended regulation help improve student achievement as measured against state achievement standards? The regulation and amendments address compensation for personnel under federal projects which has an impact on student achievement.

2. Will the amended regulation help ensure that all students receive an equitable education? The amended regulation addresses personnel compensation not equity issues.

3. Will the amended regulation help to ensure that all students' health and safety are adequately protected? The amended regulation does not contribute to students' health and safety.

4. Will the amended regulation help to ensure that all students' legal rights are respected? The amended regulation addresses compensation for personnel under federal projects 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 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 and 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 to the State and to the local school boards of compliance with the regulation.

## **742 Compensation of School District and Charter School Personnel Under Federal Projects**

### **1.0 Use of Federal Funds**

- 1.1** A school district or charter school may use federal funds to:
- 1.1.1** 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 supported project.
  - 1.1.2** Extend the employment of a ten or eleven month employee through the eleventh and twelfth month for purposes of conducting a federally supported program. Part time assignments shall be paid a pro rata share.
  - 1.1.3** Employ teachers of the school district or charter school during the school year for additional hours each week to support such federally supported programs.
  - 1.1.4** 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.
  - 1.1.5** Pay a salary equal to the combined state and local salary of other persons in similar assignments at the same rank.
  - 1.1.6** 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.

**8 DE Reg. 884 (12/1/04)**

### **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)**

**8 DE Reg. 884 (12/1/04)**

### **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.

**8 DE Reg. 884 (12/1/04)**

### **4.0 Local School Districts Shall Comply with the Maximum Hourly Compensation Rates as Published by the Department of Education.**

**8 DE Reg. 884 (12/1/04)**

### **5.0 Additional Requirement**

All local school districts and charter schools shall be required to follow the U.S. Office of Management and Budget's OMB Circular A-87, specifically attachment B, Section 11, or any subsequent change thereto.

**13 DE Reg. 443 (10/01/09) (Prop.)**