

DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

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

FINAL

REGULATORY IMPLEMENTING ORDER

731 School Food Service Employees

I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

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.

Notice of the proposed regulation was published in the *Delaware Register of Regulations* on December 1, 2020. In addition, notice was published in *The News Journal* and the *Delaware State News* on December 1, 2020, in the form hereto attached as *Exhibit "A"*. No comments were received for the proposed amended regulation.

II. FINDINGS OF FACTS

The Secretary finds that it is appropriate to amend 14 **DE Admin. Code** 731 School Food Service Employees 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.

III. DECISION TO AMEND THE REGULATION

For the foregoing reasons, the Secretary concludes that it is appropriate to amend 14 **DE Admin. Code** 731 School Food Service Employees. Therefore, pursuant to 14 **Del.C.** §122, 14 **DE Admin. Code** 731 School Food Service Employees attached hereto as *Exhibit "B"* is hereby amended. Pursuant to the provision of 14 **Del.C.** §122(e), 14 **DE Admin. Code** 731 School Food Service Employees hereby amended 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** 731 School Food Service Employees amended hereby shall be in the form attached hereto as *Exhibit "B"*, and said regulation shall be cited as 14 **DE Admin. Code** 731 School Food Service Employees 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 January 11, 2021. 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 11th day of January 2021.

Department of Education

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

Approved this 11th day of January 2021

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. 774 (02/01/21) (Final)