

# DEPARTMENT OF EDUCATION

## OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 122 (14 **Del.C.** §122)  
14 **DE Admin. Code** 736

### FINAL

#### REGULATORY IMPLEMENTING ORDER

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

#### I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

Pursuant to 14 **Del.C.** §122, 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*.

Notice of the proposed regulation was published in the *Delaware Register of Regulations* on April 1, 2022. In addition, notice was published in *The News Journal* and the *Delaware State News* on April 1, 2022, in the form hereto attached as *Exhibit "A"*. Comments received which were pertinent to the proposed amendments suggested the Department consider the following:

- (1) The need to change the definition of "Charter School" to allow for remote programs, including remote synchronous or asynchronous days. This change should be made in order to align with other definitions in which attendance is not included. Additionally, this definition would make more sense if it mirrored the definition for "Local School District" by removing the words "non-home based full-time."

**Response:** The Department agrees that the definition of "Charter School" needs to be clarified to remove the "personal physical attendance" given that charter schools are able to operate virtually. Additionally, the Department agrees that removing the words "non-home based full-time" so that it mirrors the definition of "Local School District" further clarifies the definition. Therefore, the definition of "Charter School" will be updated to read "means a public school that is operated under a charter granted by, or transferred to, the Department of Education or other authorizing body pursuant to 14 **Del.C.** Ch. 5."

#### II. FINDINGS OF FACTS

The Secretary finds that it is appropriate to amend 14 **DE Admin. Code** 736 Local School District and Charter School Citizen Budget Oversight Committees 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*.

#### III. DECISION TO AMEND THE REGULATION

For the foregoing reasons, the Secretary concludes that it is appropriate to amend 14 **DE Admin. Code** 736 Local School District and Charter School Citizen Budget Oversight Committees. Therefore, pursuant to 14 **Del.C.** §122, 14 **DE Admin. Code** 736 Local School District and Charter School Citizen Budget Oversight Committees attached hereto as *Exhibit "B"* is hereby amended. Pursuant to the provision of 14 **Del.C.** §122(e), 14 **DE Admin. Code** 736 Local School District and Charter School Citizen Budget Oversight Committees 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** 736 Local School District and Charter School Citizen Budget Oversight Committees amended hereby shall be in the form attached hereto as *Exhibit "B"*, and said regulation shall be cited as 14 **DE Admin. Code** 736 Local School District and Charter School Citizen Budget Oversight Committees 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 June 13, 2022. 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 13th day of June 2022.

### Department of Education

Mark A. Holodick, Ed.D., Secretary of Education

Approved this 13th day of June 2022

## 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 ~~[Delaware]~~ Department of Education or other authorizing body ~~[for the personal physical attendance of all students pursuant to 14 Del.C. Ch. 5].~~

"**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)**

**26 DE Reg. 49 (07/01/22) (Final)**