

# DEPARTMENT OF EDUCATION

## OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 4162 (14 **Del.C.** §4162)

### PROPOSED

### PUBLIC NOTICE

#### Educational Impact Analysis Pursuant to 14 **Del.C.** §122(d)

#### 890 Non-Academic Training for School Employees

##### A. TYPE OF REGULATORY ACTION REQUIRED

New Regulation

##### B. SYNOPSIS OF SUBJECT MATTER OF THE REGULATION

Under 14 **Del.C.** §4162, the Delaware Department of Education proposes new regulation 14 **DE Admin. Code** 890 Non-Academic Training for School Employees. This regulation is being introduced in accordance with requirements outlined in 14 **Del.C.** §4162 to provide a schedule for non-academic training for school employees and further provisions in 14 **Del.C.** Chapter 41, Subchapter 11 for development and review of the required non-academic trainings. The requirements of the proposed regulation will be effective ten days after the final regulation order is published.

Persons wishing to present their views regarding this matter may do so in writing by submitting them to the Department of Education, Office of the Secretary, Attn: Regulation Review, 401 Federal Street, Suite 2, Dover, Delaware 19901 or through the Department's online submission form at <https://education.delaware.gov/community/governance/regulations-code/post-a-comment/> by the close of business (4:30 p.m. EST) on or before March 31, 2025. Any person who wishes to receive a copy of the proposed regulation may obtain a copy from the Department at the Office of the Secretary on the second floor of the Townsend Building, 401 Federal Street, Dover, Delaware.

##### C. IMPACT CRITERIA

1. Will the regulation help improve student achievement as measured against state achievement standards? The regulation does not specifically address the improvement of student achievement as measured against state achievement standards.

2. Will the regulation help ensure that all students receive an equitable education? The regulation will help ensure all students receive an equitable education.

3. Will the regulation help to ensure that all students' health and safety are adequately protected? The regulation will help ensure all students' health and safety are adequately protected by school district and charter school employees adequately trained in areas related to child abuse and child safety awareness, bullying prevention, criminal youth gang detection, and suicide prevention. Additionally, administrators, school counselors, and school nurses receive training on adult sexual misconduct, and teen dating violence.

4. Will the regulation help to ensure that all students' legal rights are respected? The regulation helps ensure that all students' legal rights are respected.

5. Will the regulation preserve the necessary authority and flexibility of decision making at the local board and school level? The regulation does not change the decision making at the local board and school level.

6. Will the regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? The new 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 regulation does not change the decision making authority and accountability for addressing the subject to be regulated. By statute, the Department is authorized to promulgate regulations to implement and enforce 14 **Del.C.** Chapter 41, Subchapter II.

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 new 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 not a 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? There are no costs to complying with this new regulation.

## **890 Non-Academic Training for School Employees**

### **1.0 Purpose**

The purpose of this regulation is to create a schedule for the non-academic trainings required in 14 **Del.C.** §4162 and to further address the development and review of training in 14 **Del.C.**, Ch. 41, Subchapter II.

### **2.0 Definitions**

The following words and terms, when used in this regulation, shall have the following meaning:

**"Charter school"** means a public school that is operated under a charter granted by, or transferred to, the Department or other authorizing body pursuant to 14 **Del.C.** Ch. 5.

**"Department"** means the Delaware Department of Education.

**"New school district and charter school employee"** means individuals, including teachers, school administrators, school support personnel, instructional aides, nurses, school counselors, coaches, custodial staff, and nutrition staff, who were hired by a school district, charter school, or alternative program during the current school year. This term does not include school district or charter school employees who were previously employed by a Delaware school district, charter school or alternative program during the prior school year.

**"School district"** means a clearly defined geographic subdivision of the State of Delaware organized for the purpose of administering public education in that area and includes a district specifically created to administer a system of vocational or technical education.

**"School district and charter school employee"** means all individuals, including teachers, school administrators, school support personnel, instructional aides, nurses, school counselors, coaches, custodial staff, and nutrition staff, hired by a school district, charter school, or alternative program, who provide services to students on a regular, ongoing basis. This term does not include contractors or subcontractors, such as bus drivers or security guards; substitute employees; and individuals hired by or subcontracted by other state agencies to work on school property.

### **3.0 Non-academic Training Requirements**

3.1 Under 14 **Del.C.** §4162, a school district and charter school employee is required to receive 9 hours of non-academic training every 3 years.

3.1.1 4 hours of training shall be on child abuse and child safety awareness, prevention, detection, and reporting under 14 **Del.C.** §4163(b)(1).

3.1.2 1 hour of training shall be on school bullying prevention and criminal youth gang detection under 14 **Del.C.** §4164(a).

3.1.3 3 hours of training shall be on suicide prevention under 14 **Del.C.** §4165(a), and 60 minutes of training is required each year.

3.1.4 1 hour of additional, non-academic training related to subsections 3.1.1 through 3.1.3 of this regulation is also required under 14 **Del.C.** §4162(a)(4).

3.2 A new school district and charter school employee is required to complete the courses in subsections 3.2.1 through 3.2.3 of this regulation within 30 calendar days of employment with the school district or charter school unless the employee completed those courses during the prior school year.

3.2.1 1 hour of training shall be on child abuse and child safety awareness, prevention, detection, and reporting under 14 **Del.C.** §4163(b)(1).

3.2.2 1 hour of training shall be on school bullying prevention and criminal youth gang detection under 14 **Del.C.** §4164(a).

3.2.3 1 hour of training shall be on suicide prevention under 14 **Del.C.** §4165(a).

3.3 School administrators, school nurses, and school counselors have additional non-academic training requirements.

3.3.1 1 hour of training on adult sexual misconduct is required under 14 **Del.C.** §4163(b)(4) every 3 years.

3.3.2 For those serving students in grades 7 through 12:

3.3.2.1 1 hour of training on teen dating violence and sexual assault is required under 14 **Del.C.** §4166(a) every 3 years.

3.3.2.2 In addition to subsection 3.2, a new school district and charter school employee, who is a school administrator, school nurse, and school counselor, serving students in grades 7 through 12 is

required to complete 1 hour of training on teen dating violence and sexual assault under 14 Del.C. §4166(a) within 30 calendar days of employment.

#### **4.0 Development and Review of Trainings**

The Department shall collaborate with stakeholders regarding the development and review of non-academic trainings as per 14 Del.C. Ch. 41, Subchapter II. The review will occur every 3 years at a minimum to ensure the content is relevant to Delaware students and to conform with best practices.

#### **5.0 Training Schedule**

- 5.1 Effective beginning with the 2025-2026 school year, the Department shall implement a schedule for the required non-academic trainings in Section 3.0 of this regulation. The non-academic training schedule shall follow a 10-year cycle.
  - 5.1.2 For year 1 of each 10-year cycle, the Department shall make 3 courses available in its professional development management system.
    - 5.1.2.1 The new school district and charter school employee course that satisfies the requirements in subsection 3.2 of this regulation.
    - 5.1.2.2 The new school district and charter school employee course for school administrators, school nurses, and school counselors that satisfies the requirements in subsection 3.3.2.2 of this regulation.
    - 5.1.2.3 The suicide prevention course for all employees that satisfies the 1 hour annual requirement in subsection 3.1.3 of this regulation.
  - 5.1.3 For the next 9 consecutive school years of the cycle, the Department shall make the following courses available in its professional development management system:
    - 5.1.3.1 A new school district and charter school employee course that satisfies the requirements in subsection 3.2 of this regulation.
    - 5.1.3.2 A new school district and charter school employee course for school administrators, school nurses, and school counselors that satisfies the requirements in subsection 3.3.2.2 of this regulation.
    - 5.1.3.3 A 3-hour annual course for all employees that will satisfy the requirements in subsection 3.1 over a 3-year period.
    - 5.1.3.4 The school administrator, school nurse, and school counselor courses that satisfy the requirements in 3.3.1 and 3.3.2 of this regulation over a 3-year period.
- 5.2 After 10 years, the training cycle repeats at subsection 5.1.2 of this regulation for the next 10-year period and then for every 10-year period thereafter.