

DEPARTMENT OF EDUCATION
Statutory Authority: Section 122(e) (14 **Del.C.** §122(e)) 14 **DE Admin. Code** 731

REGULATORY IMPLEMENTING ORDER

731 School Food Service Employees

I. Summary of the Evidence and Information Submitted

The Secretary of Education intends to amend 14 **DE Admin. Code** 731 School Food Service Employees. The amendments are for the purpose of clarity and include moving the words “state funded” in front of the word “positions”, changing “will” to “shall” in 3.1.3.1 and 3.3 and changing the word “employees” to “managers” in the second line of 3.0.

Notice of the proposed regulation was published in the *News Journal* and the *Delaware State News* on February 18, 2005, in the form hereto attached as *Exhibit “A”*. No Comments were received.

II. Findings of Facts

The Secretary finds that it is appropriate to amend 14 **DE Admin. Code** 731 in order to add clarity by moving the words “state funded” to the front of the word “positions”, changing “will” to “shall” in 3.1.3.1 and 3.3 and changing the word “employees” to “managers” in the second line of 3.0.

III. Decision to Amend the Regulation

For the foregoing reasons, the Secretary concludes that it is appropriate to amend 14 **DE Admin. Code** 731. Therefore, pursuant to 14 **Del.C.** §122, 14 **DE Admin. Code** 731 attached hereto as *Exhibit “B”* is hereby amended. Pursuant to the provision of 14 **Del.C.** §122(e), 14 **DE Admin. Code** 731 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 amended hereby shall be in the form attached hereto as *Exhibit “B”*, and said regulation shall be cited as 14 **DE Admin. Code** 731 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 8, 2005. 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 8th day of April 2005.

DEPARTMENT OF EDUCATION

Valerie A. Woodruff, Secretary of Education

731 School Food Service Employees

1.0 Experience: School food service employees may be granted one (1) year's experience for each creditable year of experience in similar employment.

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 workers assigned to a food-preparing cafeteria, a maximum of two may be paid as a cook/baker. Satellite schools are eligible for state funded positions as set forth in 14 **Del.C.** §1322 (c), ~~state funded~~.

3.0 The salaries prescribed in 14 Del.C. §1322(e) for general workers, and cooks/bakers shall be paid by the State from funds not derived from local food service operations as determined by the formula:

3.1 Seven (7) hours of labor per 100 meals determined as follows:

3.1.1 Total number of reimbursable lunches served in the base month; plus

3.1.2 Total number of reimbursable breakfasts served in the base month; plus

3.1.3 Total of all other meals served in the base month determined by aggregating all income.

3.1.3.1 The number of meals prepared and served ~~will~~ shall be based on the average reported for the month of October on the monthly reimbursement claim.

3.2 Each school district will 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 ~~will~~ shall submit a roster of cafeteria managers to the Department of Education showing names of the ~~employees~~ managers and the salaries prescribed in 14 **Del.C.** §1322(a). Each district shall also submit a computation sheet as prescribed by the Department to determine the number of meals served according to the state formula.

8 DE Reg. 1608 (5/1/05)