

DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 122(b) (14 **Del.C.** §122(b))
14 **DE Admin. Code** 734

FINAL

REGULATORY IMPLEMENTING ORDER

734 District School Board and Charter School Board Member Financial Responsibility Training

I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

The Secretary of Education intends to amend 14 **DE Admin. Code** 734 District School Board and Charter School Board Member Financial Responsibility Training. The Department of Education reviewed this and other regulations which were four years or older as part of the 2016 Regulation Review as required by 29 **Del.C.** §10407. This review resulted in the regulation being amended to clarify definitions and align with current practice regarding budget oversight committees in district and charter schools. It also is amended to include language from Regulation 736 Local School District and Charter School Citizen Budget Oversight Committees. As a result, the title of the regulation is changed to reflect its content.

Notice of the proposed regulation was published in the *News Journal* and *Delaware State News* on June 1, 2017, in the form hereto attached as *Exhibit "A"*. The Department received comments from a representative of the Freire charter school as well as a private citizen. Both individuals noted a concern with the requirement that training for new members of a district or charter board, or a new member of the Citizen Board Oversight Committee (CBOC) to occur within 3 months of election or appointment. The Department intends to have online training available by October 1, 2017, which will allow for the required training to occur at any time that is convenient for the trainee and not dependent on a face to face training. Additionally, a comment was made regarding "additional training may be required from time to time as determined by the Department." The Department reviewed the comment and at this time is not making a change. The Department maintains the flexibility is necessary for any rare occasion of a systemic issue where training may be needed. It is not the intent of the Department to overburden those in these positions. Another comment related to the definition of charter school. The Department reviewed and noted the incorrect definition was published. This has been amended in this final order. In addition, clarity was provided for any additional training that may be required.

II. FINDINGS OF FACTS

The Secretary finds that it is appropriate to amend 14 **DE Admin. Code** 734 District School Board and Charter School Board Member Financial Responsibility Training in order to clarify definitions and align with current practice regarding budget oversight committees in district and charter schools. It also is being amended to include language from Regulation 736 Local School District and Charter School Citizen Budget Oversight Committees.

III. DECISION TO AMEND THE REGULATION

For the foregoing reasons, the Secretary concludes that it is appropriate to amend 14 **DE Admin. Code** 734 District School Board and Charter School Board Member Financial Responsibility Training. Therefore, pursuant to 14 **Del.C.** §122, 14 **DE Admin. Code** 734 District School Board and Charter School Board Member Financial Responsibility Training attached hereto as *Exhibit "B"* is hereby amended. Pursuant to the provision of 14 **Del.C.** §122(e), 14 **DE Admin. Code** 734 District School Board and Charter School Board Member Financial Responsibility Training 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** 734 District School Board and Charter School Board Member Financial Responsibility Training amended hereby shall be in the form attached hereto as *Exhibit "B"*, and said regulation shall be cited as 14 **DE Admin. Code** 734 District School Board and Charter School Board Member Financial Responsibility Training 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 August 15, 2017. 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 15th day of August 2017.

Department of Education

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

Approved this 15th day of August 2017

734 Financial Responsibility Training for District School Board, and Charter School Board and Citizen Budget Oversight Committee Member Members Financial Responsibility Training

1.0 Purpose

The purpose of this regulation is to outline the criteria and process for the required ~~financial responsibility training~~ Financial Responsibility Training for members of district school boards including vocational technical school boards and the boards of charter schools pursuant to 14 **Del.C.** §1803 ~~and for members of the Citizen Budget Oversight Committee (CBOC) pursuant to 14 Del.C. §1508.~~ The purpose of the training is Financial Responsibility Training provides instruction to instruct members of school boards in and CBOCs as to how to properly discharging their responsibility to insure ensure that public funds, including both state and local funds, are appropriately managed and expended, and shall include as well as to provide training on state and local funding of public education.

2.0 Definitions

The following words and terms, for the purposes of this regulation, shall have the following meaning unless the context clearly indicates otherwise:

"Certificate of Completion" means the document provided by the Department of Education indicating the individual has attended and completed the ~~School Board~~ 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 Department ~~[with the approval of the State Board of Education or other authorizing body]~~ for the personal physical attendance of all students.

"Charter School Board" ~~shall mean the charter school board of directors pursuant to 14 Del.C. §§503, 504~~ means the board of directors of a charter school that shall be a public body subject to the requirements of 29 Del.C. Ch. 100 and shall have the same standing and authority as a Reorganized School District Board of Education, except the power to tax.

"Citizen Budget Oversight Committee (CBOC)" means a group of parents, educators and taxpayers that oversee the financial position of a Local School District or Charter School pursuant to 14 **Del.C.** §1508.

"Department" means the Delaware Department of Education.

"District School Board" shall mean reorganized school district boards and vocational technical school district boards duly appointed or elected pursuant to Chapter 10 of Title 14 of the **Delaware Code**.

"Local School District" means a reorganized school district or vocational technical school district established pursuant to 14 **Del.C.** Ch. 10.

"School Board Member" ~~shall mean~~ means a District School Board or Charter School Board member whether that person is elected, appointed, or is a volunteer.

"Trainer" means an individual or organization approved by the ~~Secretary~~ Department of Education to provide ~~the School Board Financial Responsibility Training.~~

3.0 School Board Financial Responsibility Training Components

3.1 ~~The School Board Financial Responsibility Training or Training means the educational programs, shall be developed and coordinated by the Department of Education, approved by the Office of Management and Budget and Controller General's Office for District School Board and Charter School Board members Department's Finance Office. This Training one-time training may be provided in person or online at the discretion of the Department and shall, at a minimum, consist of two (2) hours and cover the following topics:~~

3.1.1 Overview of education budget process and timelines;

3.1.2 Instruction in the basic rules of budgeting, including State of Delaware funds, local funds, and federal funds;

3.1.3 ~~State Financial Management System~~ Information regarding the State's financial management system; and

3.1.4 Reporting requirements.

4.0 District School Board, and Charter School Board Financial Responsibility Training Requirement and CBOC Member Requirements

- 4.1 Each member of a District School Board or Charter School Board shall attend and receive a Certificate of Completion for ~~the School Board Financial Responsibility Training within one (1) year~~ three (3) months of election, appointment, or voluntary service to a District School Board or Charter School Board. Provided further, additional training may be required from time to time as determined by the Department. [Notification of any additional training shall be provided to the district or charter school.]
- 4.2 ~~An individual that attends Training and receives a Certificate of Completion shall be considered to meet the requirement of 4.1.~~
- 4.2 Each member of a CBOC shall attend and receive a Certificate of Completion for the Financial Responsibility Training within three (3) months of appointment to a CBOC. Provided further, additional training may be required from time to time as determined by the Department. [Notification of any additional training shall be provided to the district or charter school.]

5.0 ~~Schedule of School Board Financial Responsibility Training~~ Schedule

- 5.1 ~~The Department shall annually publish a list of date(s) for Training~~ communicate training opportunities to Local School Districts and Charter Schools as they are scheduled. The Financial Responsibility Training shall be conducted by a Trainer as defined in this regulation, and approved by the Department's Finance Office.

6.0 Notification of Attendance

- 6.1 ~~The Department shall periodically, but not less than annually, provide a list of those School Board Members and CBOC members that have not satisfied the requirement of subsections 4.1 and 4.2 to their respective District School Board or Charter School Board President, the Office of Management and Budget, and Controller General's Office.~~

11 DE Reg. 744 (12/01/07)

21 DE Reg. 210 (09/01/17) (Final)