

DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 122(b) (14 Del.C. §122(b))
14 DE Admin. Code 710

PROPOSED

PUBLIC NOTICE

Education Impact Analysis Pursuant To 14 Del.C. Section 122(d)

710 Public School Employees Workday

A. TYPE OF REGULATORY ACTION REQUIRED

Repealing of Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF THE REGULATION

The Secretary of Education intends to repeal 14 DE Admin. Code 710 Public School Employees Workday. The Department of Education reviewed this and other regulations as part of the 2016 Regulation Review as required by 29 Del.C. §10407. Public comment was received for this regulation. The comment encouraged the Department of Education to maintain the current number of hours in the public school employee's workday and not to increase the number. The Department does not have the statutory authority to increase a school employee's workday. After further review, the Department is repealing this regulation because the public school employee's workday is specified in Delaware Code and therefore the regulation is superfluous.

Persons wishing to present their views regarding this matter may do so in writing by the close of business on or before May 5, 2017 to Tina Shockley, Education Associate, Department of Education, Regulatory Review, at 401 Federal Street, Suite 2, Dover, Delaware 19901. A copy of this regulation may be viewed online at the Register of Regulation's website, http://regulations.delaware.gov/services/current_issue.shtml, or obtained at the Department of Education, Finance Office located at the address listed above.

C. IMPACT CRITERIA

1. Will the amended regulation help improve student achievement as measured against state achievement standards? This regulation is being repealed as a public school employees' workday is specified in Delaware Code.
2. Will the amended regulation help ensure that all students receive an equitable education? This regulation is being repealed as a public school employees' workday is specified in Delaware Code.
3. Will the amended regulation help to ensure that all students' health and safety are adequately protected? This regulation is being repealed as a public school employees' workday is specified in Delaware Code.
4. Will the amended regulation help to ensure that all students' legal rights are respected? This regulation is being repealed as a public school employees' workday is specified in Delaware Code.
5. Will the amended regulation preserve the necessary authority and flexibility of decision making at the local board and school level? This regulation is being repealed as a public school employees' workday is specified in Delaware Code.
6. Will the amended regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? This regulation is being repealed as a public school employees' workday is specified in Delaware Code.
7. Will the decision making authority and accountability for addressing the subject to be regulated be placed in the same entity? This regulation is being repealed as a public school employees' workday is specified in Delaware Code.
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? This regulation is being repealed as a public school employees' workday is specified in Delaware Code.
9. Is there a less burdensome method for addressing the purpose of the regulation? This regulation is being repealed as a public school employees' workday is specified in Delaware Code.
10. What is the cost to the State and to the local school boards of compliance with the regulation? This regulation is being repealed as a public school employees' workday is specified in Delaware Code.

~~710 Public School Employees Workday~~

4.0 Required Work Hours

~~Absent an existing collective bargaining agreement to the contrary, district employees who work less than the specified time shall have their annual salary adjusted accordingly. Upon ratification of a new or extension of an existing collective bargaining agreement, the local district shall establish hours and days worked that are consistent with those specified below. Otherwise, effective July 1, 2001 a workday for public school employees shall be defined as follows:~~

- ~~1.1 Teacher, a minimum of 7 1/2 hours, inclusive of 1/2 hour for lunch, plus the amount of time required for the discharge of such duties and services as may be reasonably expected and required of a member of the professional staff of a public school. (14 ~~Del.C.~~ §1305 defines the number of teacher workdays per year and 14 ~~Del.C.~~ §1328 defines the duty free period.)~~
- ~~1.2 Aide and Paraprofessional, a minimum of 7 1/2 hours inclusive of 1/2 hour for lunch.~~
- ~~1.3 Custodian, a minimum of 8 hours inclusive of 1/2 hour for lunch.~~
- ~~1.4 Administrator, a minimum of 7 1/2 hours exclusive of lunch plus the amount of time required for the discharge of such duties and services as may be reasonably expected and required of a member of the professional staff of a public school.~~
- ~~1.5 Food Service Manager, a minimum of 7 hours exclusive of lunch.~~
- ~~1.6 Secretary, a minimum of 7 1/2 hours exclusive of lunch.~~

3 DE Reg. 1077 (02/01/00)

4 DE Reg. 1254 (02/01/01)

9 DE Reg. 1183 (02/01/06)

14 DE Reg. 807 (02/01/11)

20 DE Reg. 755 (04/01/17) (Prop.)