

DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 122(b) (14 **Del.C.** §122(b))
14 **DE Admin. Code** 725

PROPOSED

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

725 School Administrator Contracts and Agreements

A. Type of Regulatory Action Required

Reauthorization of Existing Regulation

B. Synopsis of Subject Matter of the Regulation

The Secretary of Education intends to reauthorize 14 DE Admin. Code 725 School Administrator Contracts and Agreements. This regulation has been reviewed pursuant to the five year review cycle.

Persons wishing to present their views regarding this matter may do so in writing by the close of business on or before January 5, 2010 to Susan Haberstroh, Education Associate, Regulation Review, Department of Education, at 401 Federal Street, Suite 2, Dover, Delaware 19901. A copy of this regulation is available from the above address or may be viewed at the Department of Education business office.

C. Impact Criteria

1. Will the amended regulation help improve student achievement as measured against state achievement standards? The reauthorized regulation is related to school administrator contracts and does not specifically address student achievement.

2. Will the amended regulation help ensure that all students receive an equitable education? The reauthorized regulation is related to school administrator contracts and does not specifically address all students receiving an equitable education.

3. Will the amended regulation help to ensure that all students' health and safety are adequately protected? The reauthorized regulation is related to school administrator contracts and does not specifically address health and safety of students.

4. Will the amended regulation help to ensure that all students' legal rights are respected? The reauthorized regulation is related to school administrator contracts and does not specifically address legal rights of students.

5. Will the amended regulation preserve the necessary authority and flexibility of decision making at the local board and school level? The reauthorized regulation is related to school administrator contracts and continues to preserve local board and school level authorities.

6. Will the amended regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? The reauthorized regulation is related to school administrator contracts and does not place unnecessary reporting or administrative requirements on decision makers on the local board or school levels.

7. Will the decision making authority and accountability for addressing the subject to be regulated be placed in the same entity? The reauthorized regulation preserves the decision making authority and accountability that already exists.

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 reauthorized regulation is related to school administrator contracts and does not specifically address 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 school administrator contract renewals.

10. What is the cost to the State and to the local school boards of compliance with the regulation? No additional costs to the state or local boards are contemplated by the reauthorization of this regulation.

725 School Administrator Contracts and Agreements

1.0 Duties of a School Administrator

The Administrator shall faithfully perform those duties which may be assigned by the local Board of Education and shall serve the School District in a professional manner. The Administrator shall observe and comply with the laws of the State of Delaware and with the regulations of the State Department of Education and the local Board of Education as currently in force and as from time to time amended, enacted or promulgated.

2.0 Non Renewal of the Existing Contract and Agreements

Failure on the part of the local Board of Education or the Administrator to notify the other in writing by certified mail, no later than six (6) months prior to the expiration of the Agreement, of either party's intent not to renew the Agreement, will automatically result in a one year extension of the existing Agreement.

3.0 Termination of a Contract with a School Administrator Prior to Expiration of the Agreement

- 3.1 The Administrator shall not vacate his or her position during the term of this Agreement without the written consent of the local Board of Education.
- 3.2 The local Board of Education shall not terminate the Contract, prior to the expiration date, except for good and just cause and shall provide the opportunity for a fair hearing before the local Board of Education or before a Hearing Officer designated by the local Board of Education. Prior to any hearing in regard to the termination of the Administrator, the local Board of Education shall serve the Administrator with a written statement of the reasons for termination.
- 3.3 If the local Board of Education designates a Hearing Officer to conduct such a hearing, a majority of the local Board of Education shall convene to review the record of the proceedings before the Hearing Officer and the Hearing Officer's report and recommendation to the local Board of Education, and within fifteen (15) days of the hearing before the Hearing Officer, shall submit to the Administrator its decision in writing.
- 3.4 If the Administrator chooses to be represented by legal counsel, all legal expenses incurred by the Administrator in connection with any termination hearing shall be borne by the Administrator.
- 3.5 Appeal from a decision of the local Board of Education concerning the provisions of the Agreement may be made to the State Board of Education.

3 DE Reg. 1077 (2/1/00)

8 DE Reg. 1133 (2/1/05)

13 DE Reg. 758 (12/01/09) (Prop.)