

DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 122(b) (14 Del.C. §122(b))
14 DE Admin. Code 712

PROPOSED

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

712 Employee Leave

A. Type of Regulatory Action Required

Amendment to Existing Regulation

B. Synopsis of Subject Matter of the Regulation

The Secretary of Education intends to amend 14 DE Admin. Code 712 Employee Leave for formatting purposes only. This regulation was 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 March 2, 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 amendments were limited to formatting only.
2. Will the amended regulation help ensure that all students receive an equitable education? The amendments were limited to formatting only.
3. Will the amended regulation help to ensure that all students' health and safety are adequately protected? The amendments were limited to formatting only.
4. Will the amended regulation help to ensure that all students' legal rights are respected? The amendments were limited to formatting only.
5. Will the amended regulation preserve the necessary authority and flexibility of decision making at the local board and school level? The amendments were limited to formatting only.
6. Will the amended regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? The amendments were limited to formatting only.
7. Will the decision making authority and accountability for addressing the subject to be regulated be placed in the same entity? The amendments were limited to formatting only.
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 amendments were limited to formatting only.
9. Is there a less burdensome method for addressing the purpose of the regulation? The amendments were limited to formatting only.
10. What is the cost to the State and to the local school boards of compliance with the regulation? The amendments were limited to formatting only.

712 Employee Leave

1.0 Sick Leave

- 1.1 Sick leave accumulated by an employee of any state agency or school district shall be transferred when said employee begins subsequent employment in a school district. If there is a break in service the transfer can only occur if the break was for less than six (6) months.

1.12 Sick leave days are made available at the start of the fiscal year, but adjustments for employees who terminate service prior to the end of the school year shall be made in the final paycheck.

8 DE Reg. 1479 (4/1/05)

2.0 Annual Leave

Subject to any limitation imposed by statute, accumulated annual leave shall be paid upon termination of employment. The employee may either remain on the regular payroll until such time as all annual leave is exhausted, or a lump sum payment for all unused annual leave on the employee's final paycheck. The vacated position may be filled at any time provided that the two employees do not receive compensation for the same pay period. Accumulated annual leave shall not be transferred between different employing state agencies or school districts.

3 DE Reg. 1392 (4/1/00)

8 DE Reg. 1479 (4/1/05)

13 DE Reg. 988 (02/01/10) (Prop.)