

DEPARTMENT OF EDUCATION
14 DE Admin. Code 220
Statutory Authority: 14 Delaware Code,
Section 220 (14 Del.C. §220)

Education Impact Analysis
Pursuant To
14 DEL.C. §122(d)

PROPOSED

718 Health Examinations for School District Employees

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** 718 Health Examinations for School District Employees in order to change the reference in the title and in 1.0 to all employees of school districts, charter schools, and alternative programs instead of school district employees and to require that the certification of health be placed in the employee's personnel file.

C. Impact Criteria

1. Will the regulation help improve student achievement as measured against state achievement standards? The regulation addresses physical examinations for employees of school districts, charter schools and alternative programs not student achievement.

2. Will the regulation help ensure that all students receive an equitable education? The regulation addresses physical examinations for school employees not equity issues.

3. Will the regulation help to ensure that all students' health and safety are adequately protected? The regulation addresses physical examinations for school employees which may impact on students' health.

4. Will the regulation help to ensure that all students' legal rights are respected? The regulation addresses physical examinations for school employees not students' legal rights.

5. Will the regulation preserve the necessary authority and flexibility of decision making at the local board and school level? The amended regulation will continue to preserve the necessary authority and flexibility of decision making at the local board and school level.

6. Will the regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? The amended regulation will not place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels.

7. Will the decision making authority and accountability for addressing the subject to be regulated be placed in the same entity? The decision making authority and accountability for addressing the subject to be regulated will remain in the same entity.

8. Will the 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 amended regulation will 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.

9. Is there a less burdensome method for addressing the purpose of the amended regulation? There is no less burdensome method for addressing the purpose of the amended regulation.

10. What is the cost to the State and to the local school boards of compliance with the regulation? There is no additional cost to the State or to the local school boards of compliance with the regulation.

~~718 Health Examinations for School District Employees~~

~~1.0 At initial employment in a school district, all employees shall file, together with other employment credentials, a physician's certification that he or she is free from any medical condition which would prevent the applicant from performing the essential functions of the applicant's job and which cannot be remedied through reasonable~~

~~accommodations.~~

718 Health Examinations for Employees of School Districts, Charter Schools, and Alternative Programs

1.0 At initial employment, all employees of school districts, charter schools and alternative programs shall provide a physician's certification that he or she is free from any medical condition which would prevent the applicant from performing the essential functions of the applicant's job and which cannot be remedied through reasonable accommodations. The physician's certification, along with any other medical information, shall be retained in the individual's personnel file.

Non regulatory note: See 14 **Admin. Code** 805 The School Health Tuberculosis Control Program for TB screening and testing. Also, see 21 **Del.C.** §2708 and 14 **DE Admin. Code** 1105 for requirements for school bus drivers.

8 DE Reg. 37 (7/1/04)