

**DEPARTMENT OF EDUCATION
OFFICE OF THE SECRETARY**

Statutory Authority: 14 Delaware Code, Section 122 and Chapter 5 (14 **Del.C.** §122 & Ch. 5)
14 **DE Admin. Code** 275

ERRATA

275 Charter Schools

* **Please Note:** The Department of Education regulation, 14 **DE Admin. Code** 275 Charter Schools, was published as proposed in the *Delaware Register of Regulations*, 26 **DE Reg.** 925 (05/01/23). Subsections 4.2.1.4 and 9.9.3 were inadvertently published incorrectly.

Subsection 4.2.1.4 was published as:

4.2.1.4 Following charter approval, but not later than a date established by the Department, the ~~Applicant~~ applicant must enter into a ~~Charter Contract~~ charter school's with the approving authority and into a Performance Agreement approved by the Department with the assent of the State Board, which shall address the organizational, academic and financial performance expectations of the ~~Applicant~~ applicant during the term of the charter. The Department, with the assent of the Board, shall establish and publish a Performance Framework which shall be used to assess the school's compliance with its Performance Agreement. Nothing contained herein shall be interpreted to relieve an applicant of its obligation to comply with any approval criteria or requirement set forth in 14 **Del.C.** Ch. 5. The Department shall conduct an annual Performance Review using the Performance Framework to ensure ongoing compliance with the school's Performance Agreement.

Subsection 4.2.1.4 should have read:

4.2.1.4 Following charter approval, but not later than a date established by the Department, the ~~Applicant~~ applicant must enter into a ~~Charter Contract~~ charter contract with the approving authority and into a Performance Agreement approved by the Department with the assent of the State Board, which shall address the organizational, academic and financial performance expectations of the ~~Applicant~~ applicant during the term of the charter. The Department, with the assent of the Board, shall establish and publish a Performance Framework which shall be used to assess the school's compliance with its Performance Agreement. Nothing contained herein shall be interpreted to relieve an applicant of its obligation to comply with any approval criteria or requirement set forth in 14 **Del.C.** Ch. 5. The Department shall conduct an annual Performance Review using the Performance Framework to ensure ongoing compliance with the school's Performance Agreement.

Subsection 9.9.3 was published as:

9.9.3 The Secretary may refer a minor modification request to the Accountability Committee for review if the Secretary determines, in ~~her/his~~ the Secretary's sole discretion, that such review would be helpful in ~~her/his~~ the Secretary's consideration of the application. If the Secretary refers a minor modification application to the Accountability Committee, ~~she/he~~ the Secretary may decide the application based on any report from the Committee and the supporting documents related to the application. The applicant for a minor modification shall be notified if the minor modification request has been forwarded to the Accountability Committee. The applicant may be asked to provide additional supporting documentation.

Subsection 9.9.3 should have read:

9.9.3 The Secretary may refer a minor modification request to the Accountability Committee for review if the Secretary determines, in ~~her/his~~ the Secretary's sole discretion, that such review would be helpful in ~~her/his~~ the Secretary's consideration of the application. If the Secretary refers a minor modification application to the Accountability Committee, ~~she/he~~ the Secretary may decide the application based on any report from the Committee and the supporting documents related to the application. The applicant for a minor modification shall be notified if the minor modification request has been forwarded to the Accountability Committee. The applicant may be asked to provide additional supporting documentation.

This regulation is corrected and being published as a final regulation in the August 2023 *Register*.

