

**DEPARTMENT OF EDUCATION**  
**Statutory Authority: 14 Delaware Code, Section 122(d) (14 Del.C. §122(d))**  
**14 DE Admin. Code 714**

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

**714 Professional Employee Work Stoppage or Strike**

**PROPOSED**

**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** 714 Professional Employee Work Stoppage or Strike by adding charter schools to the regulation. In addition the words “of Education” have been added to the references to a local board and the reference to the **Delaware Code** has been corrected.

**C. Impact Criteria**

1. Will the amended regulation help improve student achievement as measured against state achievement standards? The amended regulation addresses employee work stoppages and strikes not student achievement.

2. Will the amended regulation help ensure that all students receive an equitable education? The amended regulation addresses employee work stoppages and strikes not equitable education issues.

3. Will the amended regulation help to ensure that all students’ health and safety are adequately protected? The amended regulation addresses employee work stoppages and strikes not students’ healthy and safety.

4. Will the amended regulation help to ensure that all students’ legal rights are respected? The amended regulation addresses employee work stoppages and strikes not students’ legal rights.

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

6. Will the amended 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 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 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 regulation? There is no less burdensome method for addressing the purpose of the 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 and to the local school boards of compliance with the regulation.

**714 Professional Employee Work Stoppage or Strike**

**1.0 If it is determined that illegal activity such as a work stoppage or strike has taken place, the local ~~board~~ Board of Education or charter school shall:**

1.1 Adopt a resolution informing the exclusive negotiating representative that the employee organization has violated the terms of 14 ~~Del.C. §4011~~ Del.C. §4016, and that the certification of such organization as the exclusive representative will be revoked at a time to be determined by the ~~board of education~~ local Board of Education or charter school;

1.2 Refrain from making payroll deductions for the dues of any employee organization, which violated the law unless such dues are deducted pursuant to a court order entered for the purpose of securing the payment of a contempt

fine;

- 1.3 Deduct salary for unexcused absence in accordance with 14 **Del.C.** §1320;
- 1.4 Execute items 1.2 and 1.3 above in the preparation of the next regular payroll;
- 1.5 Require a medical certificate for each employee absent claiming sick leave during the period of the strike.

**2.0** As a part of any settlement following a strike or work stoppage, the local ~~board~~ Board of Education or charter school shall not enter into any direct or implied agreement, which would permit school days lost because of the strike to be rescheduled. Similarly, the local ~~board~~ Board of Education or charter school shall not agree to extend the school year or to request such an extension from the Secretary of Education.

**8 DE Reg. 820 (12/01/04)**