

**DEPARTMENT OF EDUCATION
OFFICE OF THE SECRETARY**

Statutory Authority: 14 Delaware Code, Section 122(b) (14 **Del.C.** §122(b))
14 **DE Admin. Code** 410

FINAL

REGULATORY IMPLEMENTING ORDER

410 Satellite School Agreements

I. Summary of the Evidence and Information Submitted

The Secretary of Education intends to amend 14 **DE Admin. Code** 410 Satellite School Agreements to clarify the process by which a local school district or charter school can establish a satellite school. Pursuant to Title 14, Section 2005 of **Delaware Code** "a 'satellite school' is defined as a public school that operates in physical facilities leased from, donated by or located on property that is owned or leased by a private sector or governmental employer which is not the school district or charter school operating the satellite school."

Notice of the proposed regulation was published in the *News Journal* and the *Delaware State News* on Monday, May 5, 2008, in the form hereto attached as *Exhibit "A"*. The Department did not receive comments on the proposed amendments.

II. Findings of Facts

The Secretary finds that it is appropriate to amend 14 **DE Admin. Code** 410 Satellite School Agreements in order to clarify the process by which a local school district or charter school can establish a satellite school.

III. Decision to Amend the Regulation

For the foregoing reasons, the Secretary concludes that it is appropriate to amend 14 **DE Admin. Code** 410 Satellite School Agreements. Therefore, pursuant to 14 **Del.C.** §122, 14 **DE Admin. Code** 410 Satellite School Agreements attached hereto as *Exhibit "B"* is hereby amended. Pursuant to the provision of 14 **Del.C.** §122(e), 14 **DE Admin. Code** 410 Satellite School Agreements hereby amended shall be in effect for a period of five years from the effective date of this order as set forth in Section V. below.

IV. Text and Citation

The text of 14 **DE Admin. Code** 410 Satellite School Agreements amended hereby shall be in the form attached hereto as *Exhibit "B"*, and said regulation shall be cited as 14 **DE Admin. Code** 410 Satellite School Agreements in the *Administrative Code of Regulations* for the Department of Education.

V. Effective Date of Order

The actions hereinabove referred to were taken by the Secretary pursuant to 14 **Del.C.** §122 on June 13, 2008. The effective date of this Order shall be ten (10) days from the date this Order is published in the *Delaware Register of Regulations*.

IT IS SO ORDERED the 13th day of June 2008.

DEPARTMENT OF EDUCATION

Valerie A. Woodruff, Secretary of Education

410 Satellite School Agreements

4.0 Definition

~~As per 14 Del.C. §2005 a satellite school is defined as a public school that operates in physical facilities leased from, donated by or located on property that is owned or leased by a private sector or governmental employer which is not the school district or charter school operating the satellite school.~~

2.0 Satellite School Facilities

~~Satellite school facilities shall be subject to the same health and safety codes required of other public school facilities. Plans and specifications of proposed satellite school facilities shall be submitted for review and approval, as appropriate, to the following agencies by the local district or charter school board: Fire Marshal of appropriate jurisdiction, Architectural Accessibility Board, Division of Public Health for food preparation and serving area and swimming pools, Department of Natural Resources and Environmental Control for wastewater and erosion control, local building officials to provide a Certificate of Occupancy or Approval, State Risk Manager and the Department of Education.~~

3.0 Documentary Evidence of Review and Approval by the Authorities Listed as in 2.0 Shall be Provided to the Department of Education

4.0 Review of Plans

~~Upon receipt of the aforementioned documentary evidence, the Department of Education shall cause a review of the plans or inspection of the proposed facilities to be conducted by appropriate Department staff to determine the adequacy of the facilities for the intended educational purpose considering such items as size, accessibility, adequacy of sanitary facilities, adequacy of lighting and ventilation, and other considerations relevant to the health and safety of students.~~

5.0 Certificates of Occupancy or Occupancy Permits

~~Certificates of Occupancy or Occupancy Permits shall be obtained from the appropriate jurisdictional authorities prior to occupancy of the facilities by the satellite school. A copy of such certificate or permit shall be provided to the Department of Education. The satellite school facilities shall be subject to the same periodic inspections for health and safety as other public schools.~~

6.0 Conference with The State Risk Manager

~~The reorganized school district or charter school shall confer with the State Risk Manager regarding any liabilities that they and their employees may be subject to and shall provide appropriate protection and coverage for same.~~

~~2 DE Reg. 1383 (2/1/99)~~

~~6 DE Reg. 1348 (4/1/03)~~

1.0 Purpose

The purpose of this regulation is to outline the process for the establishment of a satellite school as allowable in 14 Del.C. §2005.

2.0 Definitions

"Charter School" shall mean a school established pursuant to Chapter 5 of Title 14 of the **Delaware Code**.

"Charter School Satellite School Agreement" shall mean the contract between a Charter School and the private sector or governmental employer for the operation of a Satellite School. The agreement form shall be in a format established and approved by the Department. The contract shall, at a minimum, be consistent with the provisions of 14 **Del.C.** Chapter 5 and 14 **Del.C.** §2005. A Charter School authorized by a Local School District shall only establish a Satellite School arrangement within the authorizer's school district boundaries.

"Department" shall mean the Department of Education.

"Local School District Satellite School Agreement" shall mean the contract between the Local School District and the private sector or governmental employer for the operation of a Satellite School that has been approved by the local school district board of education. The Local School District shall be responsible for the development of the agreement form. A local school district shall only establish a Satellite School arrangement within the school district's boundaries.

"Local School District" shall mean a reorganized school district or vocational technical school district established pursuant to 14 **Del.C.** Chapter 10.

"Satellite School" shall mean a public school that operates in physical facilities leased from, donated by or located on property that is owned or leased by a private sector or governmental employer which is not the school district or charter school operating the satellite school.

3.0 Charter School Application for Approval Process

- 3.1 A Charter School seeking approval for the operation of a Satellite School shall make the application to the Office of the Secretary, Department of Education. The Charter School shall provide to the Office of the Secretary a copy of the proposed Charter School Satellite School Agreement and any additional information required pursuant to this regulation. An application for the establishment of a Satellite School by a Charter School shall be considered a major modification of the existing charter and shall follow the procedures as outlined in 14 **DE Admin. Code** 275, 9.0. Provided further, the Charter School shall, at a minimum, meet the following requirements:
 - 3.1.1 The Satellite School facilities shall be subject to the same health and safety codes and building codes, in accordance with the local code enforcement entity, as required by other public school facilities; and
 - 3.1.2 The enrollment preferences shall be consistent with 14 **Del.C.** §506(b) and with any additional considerations as prescribed in 14 **Del.C.** §2005(c).
- 3.2 Upon receipt of the documentation in 3.1 of this regulation, the Department shall cause a review of the plans or inspection of the proposed facilities to be conducted by appropriate Department staff to determine the adequacy of the facilities for the intended educational purpose.
- 3.3 Approval by the Department shall require the assent of both the Secretary of Education and the State Board of Education. The decision shall be considered final and not subject to appeal.

4.0 School District Application for Approval Process

- 4.1 A Local School District seeking approval for the operation of a Satellite School shall make the application to the Office of the Secretary, Department of Education. The Local School District shall provide to the Office of the Secretary a copy of the Local School District Satellite School Agreement that has been first approved by the local school board and any additional information required pursuant to this regulation. Provided further, the Local School District Satellite School Agreement criteria shall, at a minimum, meet the following requirements:
 - 4.1.1 The Satellite School facilities shall be subject to the same health and safety codes and building codes, in accordance with the local code enforcement entity, as required by other public school facilities; and
 - 4.1.2 The enrollment considerations shall be consistent with 14 **Del.C.** §2005(c).

- 4.2 Upon receipt of the documentation in 4.1 of this regulation, the Department shall cause a review of the plans or inspection of the proposed facilities to be conducted by appropriate Department staff to determine the adequacy of the facilities for the intended educational purpose.
- 4.3 Approval by the Department shall require the assent of the Secretary of Education. The decision shall be considered final and not subject to appeal.

5.0 Compliance with State Risk Management

- 5.1 The Charter School shall provide evidence that the types and limits of insurance coverage the Charter School plans to obtain for operation of a Satellite School are adequate and consistent with 14 Del.C. Chapter 5.
- 5.2 The Local School District shall confer with the State Risk Manager regarding any liabilities that they and their employees may be subject to and shall provide appropriate protection and coverage for same.

6.0 Certificates of Occupancy or Occupancy Permits

- 6.1 Certificates of Occupancy or Occupancy Permits shall be obtained from the appropriate jurisdictional authorities prior to occupancy of the facilities by the Satellite School. The Satellite School facilities shall be subject to the same periodic inspections for health and safety as other public schools.

11 DE Reg. 1401 (05/01/08)

12 DE Reg. 61 (07/01/08) (Final)