

DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 122(b) (14 **Del.C.** §122(b))
14 **DE Admin. Code** 710

FINAL

REGULATORY IMPLEMENTING ORDER

710 Public School Employees Workday

I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

The Secretary of Education intends to repeal 14 **DE Admin. Code** 710 Public School Employees Workday. The Department of Education reviewed this and other regulations as part of the 2016 Regulation Review as required by 29 **Del.C.** §10407. Public comment was received for this regulation. The comment encouraged the Department of Education to maintain the current number of hours in the public school employee's workday and not to increase the number. The Department does not have the statutory authority to increase a school employee's workday. After further review, the Department is repealing this regulation because the public school employee's workday is specified in Delaware Code and therefore the regulation is superfluous.

Notice of the proposed regulation was published in the *News Journal* and the *Delaware State News* on April 1, 2017, in the form hereto attached as Exhibit "A". No comments were received for this regulation.

II. FINDINGS OF FACTS

The Secretary finds that it is appropriate to repeal 14 **DE Admin. Code** 710 Public School Employees Workday as the public school employee's workday is specified in Delaware Code and therefore the regulation is superfluous.

III. DECISION TO AMEND THE REGULATION

For the foregoing reasons, the Secretary concludes that it is appropriate to repeal 14 **DE Admin. Code** 710 Public School Employees Workday. Therefore, pursuant to 14 **Del.C.** §122, 14 **DE Admin. Code** 710 Public School Employees Workday attached hereto as Exhibit "B" is hereby repealed.

IV. TEXT AND CITATION

The text of 14 **DE Admin. Code** 710 Public School Employees Workday repealed hereby shall be in the form attached hereto as Exhibit "B" is hereby repealed.

V. EFFECTIVE DATE OF ORDER

The actions hereinabove referred to were taken by the Secretary pursuant to 14 **Del.C.** §122 on May 18, 2017. 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 18th day of May 2017.

Department of Education

Susan S. Bunting, Ed.D., Secretary of Education

Approved this 18th day of May 2017

~~710 Public School Employees Workday~~

~~4.0 Required Work Hours~~

~~Absent an existing collective bargaining agreement to the contrary, district employees who work less than the specified time shall have their annual salary adjusted accordingly. Upon ratification of a new or extension of an existing collective bargaining agreement, the local district shall establish hours and days worked that are consistent with those specified below. Otherwise, effective July 1, 2001 a workday for public school employees shall be defined as follows:~~

- ~~1.1 Teacher, a minimum of 7 1/2 hours, inclusive of 1/2 hour for lunch, plus the amount of time required for the discharge of such duties and services as may be reasonably expected and required of a member of the professional staff of a public school. (14 **Del.C.** §1305 defines the number of teacher workdays per year and 14 **Del.C.** §1328 defines the duty free period.)~~

- 1.2 ~~Aide and Paraprofessional, a minimum of 7 1/2 hours inclusive of 1/2 hour for lunch.~~
- 1.3 ~~Custodian, a minimum of 8 hours inclusive of 1/2 hour for lunch.~~
- 1.4 ~~Administrator, a minimum of 7 1/2 hours exclusive of lunch plus the amount of time required for the discharge of such duties and services as may be reasonably expected and required of a member of the professional staff of a public school.~~
- 1.5 ~~Food Service Manager, a minimum of 7 hours exclusive of lunch.~~
- 1.6 ~~Secretary, a minimum of 7 1/2 hours exclusive of lunch.~~

3 DE Reg. 1077 (02/01/00)

4 DE Reg. 1254 (02/01/01)

9 DE Reg. 1183 (02/01/06)

14 DE Reg. 807 (02/01/11)

20 DE Reg. 974 (06/01/17) (Final)