

# DEPARTMENT OF EDUCATION

## OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 122(b) (14 **Del.C.** §122(b))  
14 **DE Admin. Code** 725

### FINAL

#### REGULATORY IMPLEMENTING ORDER

##### 725 School Administrator Contracts and Agreements

##### I. Summary of the Evidence and Information Submitted

The Secretary of Education intends to amend 14 DE **Admin. Code** 725 School Administrator Contracts and Agreements. This regulation has been reviewed pursuant to the five year review cycle.

Notice of the proposed regulation was published in the *News Journal* and the *Delaware State News* on Thursday, December 3, 2009, in the form hereto attached as Exhibit "A". The Department did not receive comments on this regulation.

##### II. Findings of Facts

The Secretary finds that it is appropriate to amend 14 DE **Admin. Code** 725 School Administrator Contracts and Agreements. This regulation has been reviewed pursuant to the five year review cycle.

##### III. Decision to Amend the Regulation

For the foregoing reasons, the Secretary concludes that it is appropriate to amend 14 DE **Admin. Code** 725 School Administrator Contracts and Agreements. Therefore, pursuant to 14 **Del.C.** §122, 14 DE **Admin. Code** 725 School Administrator Contracts and Agreements attached hereto as Exhibit "B" is hereby amended. Pursuant to the provision of 14 **Del.C.** §122(e), 14 DE **Admin. Code** 725 School Administrator Contracts and 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** 725 School Administrator Contracts and Agreements amended hereby shall be in the form attached hereto as Exhibit "B", and said regulation shall be cited as 14 DE **Admin. Code** 725 School Administrator Contracts and 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 January 14, 2010. 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 14<sup>th</sup> day of January 2010.

#### DEPARTMENT OF EDUCATION

Lillian M. Lowery, Ed. D., Secretary of Education

Approved this 14<sup>th</sup> day of January 2010

## **STATE BOARD OF EDUCATION**

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### **725 School Administrator Contracts and Agreements**

#### **1.0 Duties of a School Administrator**

The Administrator shall faithfully perform those duties which may be assigned by the local Board of Education and shall serve the School District in a professional manner. The Administrator shall observe and comply with the laws of the State of Delaware and with the regulations of the State Department of Education and the local Board of Education as currently in force and as from time to time amended, enacted or promulgated.

#### **2.0 Non Renewal of the Existing Contract and Agreements**

Failure on the part of the local Board of Education or the Administrator to notify the other in writing by certified mail, no later than six (6) months prior to the expiration of the Agreement, of either party's intent not to renew the Agreement, will automatically result in a one year extension of the existing Agreement.

#### **3.0 Termination of a Contract with a School Administrator Prior to Expiration of the Agreement**

- 3.1 The Administrator shall not vacate his or her position during the term of this Agreement without the written consent of the local Board of Education.
- 3.2 The local Board of Education shall not terminate the Contract, prior to the expiration date, except for good and just cause and shall provide the opportunity for a fair hearing before the local Board of Education or before a Hearing Officer designated by the local Board of Education. Prior to any hearing in regard to the termination of the Administrator, the local Board of Education shall serve the Administrator with a written statement of the reasons for termination.
- 3.3 If the local Board of Education designates a Hearing Officer to conduct such a hearing, a majority of the local Board of Education shall convene to review the record of the proceedings before the Hearing Officer and the Hearing Officer's report and recommendation to the local Board of Education, and within fifteen (15) days of the hearing before the Hearing Officer, shall submit to the Administrator its decision in writing.
- 3.4 If the Administrator chooses to be represented by legal counsel, all legal expenses incurred by the Administrator in connection with any termination hearing shall be borne by the Administrator.
- 3.5 Appeal from a decision of the local Board of Education concerning the provisions of the Agreement may be made to the State Board of Education.

**3 DE Reg. 1077 (2/1/00)**

**8 DE Reg. 1133 (2/1/05)**

**13 DE Reg. 1080 (02/01/10) (Final)**