

**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 seeks to reauthorize 14 **DE Admin. Code** 710 Public School Employees Workday as part of the five-year review cycle.

Notice of the proposed regulation was published in the *News Journal* and the *Delaware State News* on December 5, 2010, in the form hereto attached as *Exhibit "A"*. The Department did not receive comments on this reauthorization.

**II. Findings of Facts**

The Secretary finds that it is appropriate to reauthorize 14 **DE Admin. Code** 710 Public School Employees Workday as part of the five-year review cycle.

**III. Decision to Amend the Regulation**

For the foregoing reasons, the Secretary concludes that it is appropriate to reauthorize 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 reauthorized. Pursuant to the provision of 14 **Del.C.** §122(e), 14 **DE Admin. Code** 710 Public School Employees Workday hereby reauthorized 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** 710 Public School Employees Workday reauthorized hereby shall be in the form attached hereto as *Exhibit "B"*, and said regulation shall be cited as 14 **DE Admin. Code** 710 Public School Employees Workday 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 20, 2011. 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 20<sup>th</sup> day of January 2011.

**Department of Education**

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

Approved this 20<sup>th</sup> day of January 2011

**710 Public School Employees Workday**

**1.0 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 (2/1/00)**

**4 DE Reg. 1254 (2/1/01)**

**9 DE Reg. 1183 (2/1/06)**

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