

DEPARTMENT OF EDUCATION
Statutory Authority: 14 Delaware Code,
Section 122(e) (14 Del.C. §122(e)) 14 DE Admin. Code 718

REGULATORY IMPLEMENTING ORDER

FINAL

718 Health Examinations for School District Employees

I. Summary of the Evidence and Information Submitted

The Secretary of Education intends to amend 14 **DE Admin. Code** 718 Health Examinations for School District Employees in order to change the reference in the title and in 1.0 to all employees of school districts, charter schools and alternative programs instead of school district employees. This regulation was previously advertised in the July 1, 2004, Volume 8, Issue 1 of the Register of Regulations

Notice of the proposed regulation was published in the News Journal and the Delaware State News on August 17, 2004, in the form hereto attached as *Exhibit "A"*. No comments were received.

II. Findings of Facts

The Secretary finds that it is appropriate to amend 14 **DE Admin. Code** 718 in order to change the reference in the title and in 1.0 to all employees of school districts, charter schools and alternative programs instead of school district employees.

III. Decision to Amend the Regulation

For the foregoing reasons, the Secretary concludes that it is appropriate to amend 14 **DE Admin. Code** 718. Therefore, pursuant to 14 **Del.C.** §122, 14 **DE Admin. Code** 718 attached hereto as *Exhibit "B"* is hereby amended. Pursuant to the provision of 14 **Del.C.** §122(e), 14 **DE Admin. Code** 718 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** 718 amended hereby shall be in the form attached hereto as *Exhibit "B"*, and said regulation shall be cited as 14 **DE Admin. Code** 718 Health Examinations for Employees of School Districts, Charter Schools, and Alternative Programs 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 October 4, 2004. 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 4th day of October 2004.

DEPARTMENT OF EDUCATION
Valerie A. Woodruff, Secretary of Education

718 Health Examinations for School District Employees

~~1.0 At initial employment in a school district, all employees shall file, together with other employment credentials, a physician's certification that he or she is free from any medical condition which would prevent the applicant from performing the essential functions of the applicant's job and which cannot be remedied through reasonable accommodations.~~

718 Health Examinations for Employees of School Districts, Charter Schools, and Alternative Programs

1.0 At initial employment, all employees of school districts, charter schools and alternative programs shall provide a physician's certification that he or she is free from any medical condition which would prevent the applicant from performing the essential functions of the applicant's job and which cannot be remedied through reasonable accommodations. The physician's certification, along with any other medical information, shall be retained in the individual's personnel file.

Non regulatory note: See 14 **Admin. Code** 805 The School Health Tuberculosis Control Program for TB screening and testing. Also, see 21 **Del.C.** §2708 and 14 **DE Admin. Code** 1105 for requirements for school bus drivers.

8 DE Reg. 702 (11/01/04)