

DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

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

PROPOSED

PUBLIC NOTICE

Pursuant To 29 Del.C. Section 10115

725 School Administrator Contracts and Agreements

A. Type of Regulatory Action Required

Repeal of Existing Regulation

B. Synopsis of Subject Matter (29 Del. C. §10115(a)(1))

Under authority granted in 14 Del.C. §122, the Secretary of Education intends to repeal 14 DE Admin. Code 725 School Administrator Contracts and Agreements in the form attached hereto as *Exhibit "A"*. The Department of Education reviewed this regulation as part of its ongoing regulatory review as required by 29 Del.C. §10407. The Department is repealing this regulation to preserve the necessary authority and flexibility of local school board decision-makers to negotiate and execute school administrator contracts and agreements without unnecessary administrative requirements or mandates. Therefore, the regulation is unnecessary.

C. Manner In Which Persons May Present Their Views (29 Del. C. §10115(a)(2))

Persons wishing to present their views regarding this matter may do so in writing by the close of business on or before October 2, 2019 to Tina Shockley, Education Associate, Department of Education, Regulatory Review, at 401 Federal Street, Suite 2, Dover, Delaware 19901. A copy of this Public Notice may be viewed online at the Register of Regulation's website, http://regulations.delaware.gov/services/current_issue.shtml, or obtained at the Department of Education, Finance Office, located at the address listed above.

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 (02/01/00)

8 DE Reg. 1133 (02/01/05)

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

23 DE Reg. 154 (09/01/19) (Prop.)