

DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 122(b) (14 **Del.C.** §122(b))
14 **DE Admin. Code** 881

FINAL

Regulatory Implementing Order

881 Releasing Students to Persons Other Than Their Parent, Guardian or Relative Caregiver

I. Summary of the Evidence and Information Submitted

The Secretary of Education intends to amend 14 **DE Admin. Code** 881 Releasing Students to Persons Other Than Their Parent, Guardian or Relative Caregiver. The amended regulations will require each district to post the policy on its website and notify a parent, guardian or Relative Caregiver of each student in writing where this policy can be accessed. A hard copy shall be provided to a parent, guardian or Relative Caregiver upon request. The policy would need to reflect the procedures for the release of a student to a person other than the parent, guardian, or Relative Caregiver in an emergency care situation and for a student who has reached the age of majority (18th birthday).

Notice of the proposed regulation was published in the *News Journal* and the *Delaware State News* on June 3, 2008, in the form hereto attached as Exhibit "A". The Department did not receive comments on this regulation change.

II. Findings of Facts

The Secretary finds that it is appropriate to amend 14 **DE Admin. Code** 881 Releasing Students to Persons Other Than Their Parent, Guardian or Relative Caregiver in order to require a district to post the policy on its website and to provide for the release of students to persons other than a parent, guardian or Relative Caregiver.

III. Decision to Amend the Regulation

For the foregoing reasons, the Secretary concludes that it is appropriate to amend 14 **DE Admin. Code** 881 Releasing Students to Persons Other Than Their Parent, Guardian or Relative Caregiver. Therefore, pursuant to 14 **Del.C.** §122, 14 **DE Admin. Code** 881 Releasing Students to Persons Other Than Their Parent, Guardian or Relative Caregiver attached hereto as Exhibit "B" is hereby amended. Pursuant to the provision of 14 **Del.C.** §122(e), 14 **DE Admin. Code** 881 Releasing Students to Persons Other Than Their Parent, Guardian or Relative Caregiver 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** 881 Releasing Students to Persons Other Than Their Parent, Guardian or Relative Caregiver amended hereby shall be in the form attached hereto as Exhibit "B", and said regulation shall be cited as 14 **DE Admin. Code** 881 Releasing Students to Persons Other Than Their Parent, Guardian or Relative Caregiver 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 July 14 2008. 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 14th day of July 2008.

DEPARTMENT OF EDUCATION

Valerie A. Woodruff, Secretary of Education

Approved this 14th day of July 2008

881 Releasing Students to Persons Other Than Their Parent, Guardian or Relative Caregiver

1.0 Required Policy

- 1.1 Each local school district shall have a policy which outlines the procedures for releasing students from schools to persons other than their parent, guardian or Relative Caregiver.
- 1.2 The policy shall, at a minimum, include a procedure for allowing the release of a student to a person other than their parent, guardian or Relative Caregiver in the event of an emergency care situation.
- 1.3 The policy shall, at a minimum, include the procedures and instances in which a student who has reached his/her 18th birthday may release him/herself from school.

2.0 Distribution of Student Release Policy

- 2.1 Each district shall post the student release policy on its website and notify a parent, guardian or Relative Caregiver of each student in writing where this policy can be accessed. A hard copy shall be provided to a parent, guardian or Relative Caregiver upon request.

3.0 Reporting Requirements and Timelines

- 3.1 Each public school district school shall have an electronic copy of its current student release policy on file with the Department of Education.
- 3.2 Each public school district shall provide an electronic copy of any student release policy within ninety (90) days of such revision(s) regardless of whether said revisions were made as a result of changes to Federal, state or local law, regulations, guidance or policies.

2 DE Reg. 778 (11/1/98)

7 DE Reg. 504 (10/1/03)

12 DE Reg. 222 (08/01/08)