

DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 122(b) (14 Del.C. §122(b))
14 DE Admin. Code 706

PROPOSED

PUBLIC NOTICE

Education Impact Analysis Pursuant To 14 Del.C. Section 122(d)

706 Credit for Experience for Full Time Active Duty Service in the Armed Forces of the United States

A. Type of Regulatory Action Required

Amendment to Existing Regulation

B. Synopsis of Subject Matter of the Regulation

The Secretary of Education intends to amend 14 DE Admin. Code 706 Credit for Experience for Full Time Active Duty Service in the Armed Forces of the United States. The purpose of amending this regulation is to provide guidance and clarity relative to military service for salary calculation for employees paid under 14 Del.C. §1305, and as referenced in 14 Del.C. §1312(a).

Persons wishing to present their views regarding this matter may do so in writing by the close of business on or before September 7, 2016 to Tina Shockley, Education Associate, Department of Education, Regulatory Review, at 401 Federal Street, Suite 2, Dover, Delaware 19901. A copy of this regulation 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.

C. Impact Criteria

1. Will the amended regulation help improve student achievement as measured against state achievement standards? The amended regulation does not address student achievement as measured against state achievement standards.

2. Will the amended regulation help ensure that all students receive an equitable education? The amended regulation does not address students receiving an equitable education.

3. Will the amended regulation help to ensure that all students' health and safety are adequately protected? The amendments do not address students' health and safety.

4. Will the amended regulation help to ensure that all students' legal rights are respected? The amended regulation does not address students' legal rights.

5. Will the amended regulation preserve the necessary authority and flexibility of decision making at the local board and school level? The amended regulations does not change the decision making at the local board and school level.

6. Will the amended regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? The amended regulation does not place any unnecessary reporting or administrative requirements on decision makers.

7. Will the decision making authority and accountability for addressing the subject to be regulated be placed in the same entity? The decision making authority and accountability for addressing the subject to be regulated do not change because of the amendment.

8. Will the amended regulation be consistent with and not an impediment to the implementation of other state educational policies, in particular to state educational policies addressing achievement in the core academic subjects of mathematics, science, language arts and social studies? The amendment is consistent with and not an impediment to the implementation of other state educational policies.

9. Is there a less burdensome method for addressing the purpose of the regulation? There is not a less burdensome method for addressing the purpose of the regulation.

10. What is the cost to the State and to the local school boards of compliance with the regulation? There is no expected cost to implementing this amended regulation.

706 Credit for Experience for Full Time Active Duty Service in the Armed Forces of the United States

1.0 Purpose

The purpose of this regulation is to provide guidance relative to military service for salary calculations for employees

paid under 14 **Del.C.** §1305, and as referenced in 14 **Del.C.** §1312(a).

2.0 Definitions

The following words and terms, when used in this regulation, shall have the following meaning unless the context clearly indicates otherwise:

“Active Duty” means full-time duty in the active military service of the United States, to include, but not be limited to, full-time training duty, annual training duty, and attendance while in the active military service, at a school designated as a service school by law or by the Secretary of a military department.

“Armed Forces” means the following branches of the United States armed forces: Army, Air Force, Marine Corps, Navy, and Coast Guard or National Guard of the State.

“Course of Professional or Vocational Training” means work leading to the attainment of a certificate, diploma or degree, and offered by a public or private, non-profit or proprietary institution as approved or accredited by an appropriate State agency or National/Regional organization. A person engaged in such course of instruction shall have been enrolled on a full-time basis, under regulations of the institution in effect at the time of attendance, and shall have completed the course of instruction in which enrolled, by continuous attendance, so as to complete the course of instruction on a scheduled date. Interruption of attendance may be occasioned only by reason of personal medical problems which militate against regular attendance or full-time military duty during war or other declared emergency.

43.0 Credit for Active Duty Experience

~~43.1~~ Credit for Experience for full time ~~a~~Active ~~d~~Duty service, not in excess of six (6) years in the ~~a~~Armed services Forces of the United States, shall be granted provided the individual became a teacher, principal, ~~or~~ superintendent, or other ~~administrative~~ employee in a Delaware public school pursuant to 14 **Del.C.** Ch. 1305, and as referenced in 14 **Del.C.** §1312(a):

~~43.1.1~~ Within five (5) years after completion of ~~a tour of duty being on~~ Active Duty; or

~~43.1.2~~ Within five (5) years after completion of a ~~e~~Course of ~~p~~Professional or ~~v~~Vocational ~~t~~Training, if such ~~e~~Course was begun within five (5) years after completion of the individual's ~~tour of duty being on~~ Active Duty.

2.0 Instruction

~~Any instruction in Military Science given during years of enlistment shall be included in the six (6) years in the armed services of the United States.~~

34.0 Calculation of Service Time

~~34.1~~ Credit for service in the ~~a~~Armed ~~f~~Forces of the United States shall be calculated as follows:

~~34.1.1~~ One (1) year of experience shall be allowed for each creditable year of full time ~~a~~Active ~~d~~Duty service.

~~3.1.2~~ ~~In the case of a teacher, principal, superintendent or other administrative employee a combined total of ninety one (91) days of service and employment in any of these positions during any one school year will count as a year of experience.~~

~~34.1.3~~ No more than one (1) year of experience may be credited for any one (1) calendar year.

(Non regulatory Note: See 14 **Del.C.** §1312(a) and §1327 Leave of Absence for Persons in Military Service).

(Non-regulatory Note: See State of Delaware Pension Plan FAQs)

3 DE Reg. 631 (11/1/99)

8 DE Reg. 701 (11/1/04)

13 DE Reg. 639 (11/01/09)

20 DE Reg. 89 (08/01/16) (Prop.)