

DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 122 (14 **Del.C.** §122)
14 **DE Admin. Code** 705

PROPOSED

PUBLIC NOTICE

Educational Impact Analysis Pursuant to 14 Del. C. §122(d)

705 Leave for Training Camp or Special Duty in the National Guard or the Military Reserves of the United States

A. Type of Regulatory Action Required

Repeal of Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF THE REGULATION

Pursuant to 14 **Del.C.** §122(e), the Secretary of Education intends to repeal 14 **DE Admin. Code** 705 Leave for Training Camp or Special Duty in the National Guard of the Military Reserves of the United States. The current regulation is unnecessary given the statutory requirements in 29 **Del.C.** §5105 Leave of Absence for Military Service, Pension Right; Terms of Successor Appointees and 14 **Del.C.** §1327 Leave of Absence for Person in Military Service.

In accordance with 14 **Del.C.** §122(d), the Department is required to perform and issue a written educational impact analysis of any new proposed regulation and of any regulation that is proposed to be continued. Because this regulation is proposed to be repealed, the Department is not required to perform and issue a written educational impact analysis.

Persons wishing to present their views regarding this matter may do so in writing by submitting them to the Department of Education, Office of the Secretary, Attn: Regulation Review, 401 Federal Street, Suite 2, Dover, Delaware 19901 or through the Department's online submission form at <https://education.delaware.gov/community/governance/regulations-code/post-a-comment/> by the close of business (4:30 p.m. EST) on or before January 2, 2024. Anyone wishing to receive a copy of the proposed regulation may obtain one from the Department at the Office of the Secretary on the second floor of the Townsend Building, 401 Federal Street, Dover, Delaware.

705 Leave for Training Camp or Special Duty in the National Guard or the Military Reserves of the United States

4.0 ~~Leave for Training or Special Duty~~

- 1.1 ~~Any permanent and full time employee shall be excused from work with pay to attend training camp or special duty on orders as a member of the military reserves of the United States or the National Guard, not to exceed fifteen (15) days or the equivalent hours as required by the **Delaware Code**, on a prorated basis in any calendar year.~~
 - 1.1.1 ~~Such training or special duty leave shall not be deducted from their annual leave or in any other way result in loss of privileges or compensation to said employee.~~
 - 1.1.2 ~~Any permanent or full time employee shall file a request for military leave with their employer at least two weeks prior to their leave, along with a copy of their official orders.~~

(Non-regulatory Note: See 29 **Del.C.** §5105 Leave of Absence for Military Service, Pension Right; Terms of Successor Appointees and 14 **Del.C.** §1327 Leave of Absence for Person in Military Service)

3 DE Reg. 631 (11/01/99)

8 DE Reg. 700 (11/01/04)

13 DE Reg. 637 (11/01/09)

23 DE Reg. 111 (08/01/19)

27 DE Reg. 382 (12/01/23) (Prop.)