

# DEPARTMENT OF EDUCATION

## OFFICE OF THE SECRETARY

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

**FINAL**

**ORDER**

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

#### **I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED**

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 Because this regulation is proposed to be repealed, the Department is not required to perform and issue a written educational impact analysis.

Notice of the proposed regulation was published in the *Delaware Register of Regulations* on December 1, 2023. The Department of Education did not receive any written comments concerning the proposed amendments.

#### **II. FINDINGS OF FACTS**

The Secretary finds that it is appropriate 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 because the 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.

#### **III. DECISION TO AMEND THE REGULATION**

For the foregoing reasons, the Secretary concludes that it is appropriate 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. Therefore, pursuant to 14 **Del.C.** §122, 14 **DE Admin. Code** 705 Leave for Training Camp or Special Duty in the National Guard of the Military Reserves of the United States attached hereto as *Exhibit "A"* is hereby repealed.

#### **IV. TEXT AND CITATION**

The text of 14 **DE Admin. Code** 705 Leave for Training Camp or Special Duty in the National Guard of the Military Reserves of the United States repealed hereby shall be in the form attached hereto as Exhibit "A", and said regulation shall be cited as 14 **DE Admin.** 705 Leave for Training Camp or Special Duty in the National Guard of the Military Reserves of the United States 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 January 11, 2024. 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 11th day of January 2024.  
**Department of Education**

Mark A. Holodick, Ed.D., Secretary of Education

Approved this 11<sup>th</sup> day of January 2024.

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

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. 602 (02/01/24) (Final)**