

DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

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

FINAL

REGULATORY IMPLEMENTING 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

The Secretary of Education intends to amend 14 **DE Admin. Code** 705 Leave for Training Camp or Special Duty in the National Guard or the Military Reserves of the United States to add a citation to the non regulatory note and to revise to the appropriate formatting. This regulation was reviewed pursuant to the five year review cycle.

Notice of the proposed regulation was published in the *News Journal* and the *Delaware State News* on September 2, 2009, in the form hereto attached as Exhibit "A". The Department did not receive comments on the amendments.

II. Findings of Facts

The Secretary finds that it is appropriate to amend 14 **DE Admin. Code** 705 Leave for Training Camp or Special Duty in the National Guard or the Military Reserves of the United States in order to add a citation to the non regulatory note and to revise to the appropriate formatting. This regulation was reviewed pursuant to the five year review cycle.

III. Decision to Amend the Regulation

For the foregoing reasons, the Secretary concludes that it is appropriate to amend 14 **DE Admin. Code** 705 Leave for Training Camp or Special Duty in the National Guard or 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 or the Military Reserves of the United States attached hereto as Exhibit "B" is hereby amended. Pursuant to the provision of 14 **Del.C.** §122(e), 14 **DE Admin. Code** 705 Leave for Training Camp or Special Duty in the National Guard or the Military Reserves of the United States 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** 705 Leave for Training Camp or Special Duty in the National Guard or the Military Reserves of the United States amended hereby shall be in the form attached hereto as Exhibit "B", and said regulation shall be cited as 14 **DE Admin. Code** 705 Leave for Training Camp or Special Duty in the National Guard or 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 October 12, 2009. 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 12th day of October 2009.

DEPARTMENT OF EDUCATION
Lillian M. Lowery, Ed. D., Secretary of Education

Approved this 12th day of October 2009

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

1.0 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 (11/1/99)

8 DE Reg. 700 (11/1/04)

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