

# 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

### FINAL

#### REGULATORY IMPLEMENTING ORDER

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

##### I. Summary of the Evidence and Information Submitted

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 to revise the formatting. There are no substantive changes to this regulation. 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** 706 Credit for Experience for Full time Active Duty Service in the Armed Forces of the United States in order to revise the formatting. There are no substantive changes to this regulation. 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** 706 Credit for Experience for Full time Active Duty Service in the Armed Forces of the United States. Therefore, pursuant to 14 **Del.C.** §122, 14 **DE Admin. Code** 706 Credit for Experience for Full time Active Duty Service in the Armed Forces 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** 706 Credit for Experience for Full time Active Duty Service in the Armed Forces 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** 706 Credit for Experience for Full time Active Duty Service in the Armed Forces 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** 706 Credit for Experience for Full time Active Duty Service in the Armed Forces 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 12<sup>th</sup> day of October 2009.

DEPARTMENT OF EDUCATION

Lillian M. Lowery, Ed. D., Secretary of Education

Approved this 12<sup>th</sup> day of October 2009

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

### **1.0 Credit for Experience**

1.1 Credit for Experience for full time active duty service, not in excess of six (6) years in the armed services of the United States, shall be granted provided the individual became a teacher, principal, superintendent, or other employee in a Delaware public school:

- 1.1.1 Within five (5) years after completion of a tour of duty; or
- 1.1.2 Within five (5) years after completion of a course of professional or vocational training, if such course was begun within five (5) years after completion of the individual's tour of 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.

### **3.0 Calculation of Service Time**

3.1 Credit for service in the armed forces of the United States shall be calculated as follows:

- 3.1.1 One year of experience shall be allowed for each creditable year of full time active 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.
- 3.1.3 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).

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

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

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