

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. This regulation is being amended to provide guidance and clarity relative to military service for salary calculations for employees paid under 14 **Del.C.** §1305, and as referenced in 14 **Del.C.** §1312(a).

Notice of the proposed regulation was published in the *News Journal* and the *Delaware State News* on August 1, 2016, in the form hereto attached as Exhibit "A". No comments were received.

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 provide guidance and clarity relative to military service for salary calculations for employees paid under 14 **Del.C.** §1305, and as referenced in 14 **Del.C.** §1312(a).

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 September 15, 2016. 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 15th day of September 2016.

Department of Education

Steven H. Godowsky, Secretary of Education

Approved this 15th day of September 2016

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. 281 (10/01/16) (Final)