

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

PROPOSED

Education Impact Analysis Pursuant To 14 Del.C. Section 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

Amendment to Existing Regulation

B. Synopsis of Subject Matter of the Regulation

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.

Persons wishing to present their views regarding this matter may do so in writing by the close of business on or before October 2, 2009 to Susan Haberstroh, Education Associate, Regulation Review, Department of Education, at 401 Federal Street, Suite 2, Dover, Delaware 19901. A copy of this regulation is available from the above address or may be viewed at the Department of Education business office.

C. Impact Criteria

1. Will the amended regulation help improve student achievement as measured against state achievement standards? The amended regulation addresses leave of absences for training camp or special duty in the National Guard or military and does not specifically address student achievement.

2. Will the amended regulation help ensure that all students receive an equitable education? The amended regulation addresses leave of absences for training camp or special duty in the National Guard or military and does not specifically address equitable education for all students.

3. Will the amended regulation help to ensure that all students' health and safety are adequately protected? The amended regulation addresses leave of absences for training camp or special duty in the National Guard or military and does not specifically address health and safety of students.

4. Will the amended regulation help to ensure that all students' legal rights are respected? The amended regulation addresses leave of absences for training camp or special duty in the National Guard or military and does not specifically address student legal rights, but rather educator rights.

5. Will the amended regulation preserve the necessary authority and flexibility of decision making at the local board and school level? The amended regulation addresses leave of absences for training camp or special duty in the National Guard or military and preserves the necessary authority and flexibility of decision making at the local board and school level.

6. Will the amended regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? The amended regulation addresses leave of absences for training camp or special duty in the National Guard or military and does not place unnecessary reporting or administrative requirements upon decision makers at the local board or school levels.

7. Will the decision making authority and accountability for addressing the subject to be regulated be placed in the same entity? The amended regulation does not change where the decision making authority or accountability is located.

8. Will the amended regulation be consistent with and not an impediment to the implementation of other state educational policies, in particular to state educational policies addressing achievement in the core academic subjects of mathematics, science, language arts and social studies? The amended regulation addresses leave of absences for training camp or special duty in the National Guard or military and does not specifically address the

core academic areas.

9. Is there a less burdensome method for addressing the purpose of the regulation? There is not a less burdensome method of addressing the purpose of the regulation.

10. What is the cost to the State and to the local school boards of compliance with the regulation? There are no addition costs because of the amendment to this regulation.

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. 348 (09/01/09) (Prop.)