

**DEPARTMENT OF EDUCATION**  
**OFFICE OF THE SECRETARY**  
Statutory Authority: 14 Delaware Code, Section 122(b) (14 **Del.C.** §122(b))  
14 **DE Admin. Code** 881

**FINAL**

**REGULATORY IMPLEMENTING ORDER**

**881 Releasing Students to Persons Other Than Their Parent, Guardian or Relative Caregiver**

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

Pursuant to 14 **Del.C.** §122(b), the Secretary of Education intends to amend 14 **DE Admin. Code** 881 Releasing Students to Persons Other Than Their Parent, Guardian or Relative Caregiver. The Department has reviewed the regulation in order to comply with 29 **Del.C.** §10407 which requires regulations to be reviewed on a recurring basis every four years and notes that only minor grammatical changes have been made in order to clarify the regulation.

Notice of the proposed regulation was published in the *News Journal* and *Delaware State News* on November 1, 2019, 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** 881 Releasing Students to Persons Other Than Their Parent, Guardian or Relative Caregiver order to comply with 29 **Del.C.** §10407 which requires regulations to be reviewed on a recurring basis every four years and notes that only minor grammatical changes have been made in order to clarify the regulation.

**III. DECISION TO AMEND THE REGULATION**

For the foregoing reasons, the Secretary concludes that it is appropriate to amend 14 **DE Admin. Code** 881 Releasing Students to Persons Other Than Their Parent, Guardian or Relative Caregiver. Therefore, pursuant to 14 **Del.C.** §122, 14 **DE Admin. Code** 881 Releasing Students to Persons Other Than Their Parent, Guardian or Relative Caregiver attached hereto as *Exhibit "B"* is hereby amended. Pursuant to the provision of 14 **Del.C.** §122(e), 14 **DE Admin. Code** 881 Releasing Students to Persons Other Than Their Parent, Guardian or Relative Caregiver 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** 881 Releasing Students to Persons Other Than Their Parent, Guardian or Relative Caregiver amended hereby shall be in the form attached hereto as *Exhibit "B"*, and said regulation shall be cited as 14 **DE Admin. Code** 881 Releasing Students to Persons Other Than Their Parent, Guardian or Relative Caregiver 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 December 16, 2019. 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 16<sup>th</sup> day of December 2019.

**Department of Education**

Susan S. Bunting, Ed.D., Secretary of Education

Approved this 16<sup>th</sup> day of December 2019

**881 Releasing Students to Persons Other Than Their Parent, Guardian or Relative Caregiver**

**1.0 Required Policy**

- 1.1 Each local school district shall have a policy which outlines the procedures for releasing students from schools to persons other than their parent, guardian or ~~Relative Caregiver~~ relative caregiver.
- 1.2 The policy shall, at a minimum, include a procedure for allowing the release of a student to a person other than their parent, guardian or ~~Relative Caregiver~~ relative caregiver in the event of an emergency care situation.
- 1.3 The policy shall, at a minimum, include the procedures and instances in which a student who has reached his/her 18th birthday may release him/herself from school.

**2 DE Reg. 778 (11/01/98)**

**7 DE Reg. 504 (10/01/03)**

**12 DE Reg. 222 (08/01/08)**

## **2.0 Distribution of Student Release Policy**

- 2.4 Each district shall post the student release policy on its website and notify a parent, guardian or ~~Relative Caregiver~~ relative caregiver of each student in writing where this policy can be accessed. A hard copy shall be provided to a parent, guardian or ~~Relative Caregiver~~ relative caregiver upon request.

**12 DE Reg. 222 (08/01/08)**

## **3.0 Reporting Requirements and Timelines**

- 3.1 Each public school district school shall have an electronic copy of its current student release policy on file with the Department of Education.
- 3.2 Each public school district shall provide the Department of Education with an electronic copy of any revised student release policy within ninety (90) days of such revision(s) regardless of whether said revisions were made as a result of changes to Federal, state or local law, regulations, guidance or policies.

**12 DE Reg. 222 (08/01/08)**

**23 DE Reg. 567 (01/01/20) (Final)**