

DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 122(b) (14 **Del.C.** §122(b))
14 **DE Admin. Code** 932

FINAL

REGULATORY IMPLEMENTING ORDER

932 Military-Connected Youth

I. Summary of the Evidence and Information Submitted

The Secretary of Education seeks the consent of the State Board of Education to amend 14 **DE Admin. Code** 932 Military-Connected Youth. This regulation is being amended to expand and clarify the meaning of “Recently Retired” to include those individuals identified as disabled veterans and those killed in action. Specifically, this amendment is in response to inquiries received from those completing the form during the first year of implementation.

Notice of the proposed regulation was published in the *News Journal* and the *Delaware State News* on March 1, 2017, in the form hereto attached as *Exhibit “A”*. No comments were received. The Department did clarify a technical error in the Delaware Code citation in Section 1.0 of the regulation.

II. Findings of Facts

The Secretary finds that it is appropriate to amend 14 **DE Admin. Code** 932 Military-Connected Youth in order to expand and clarify the meaning of “Recently Retired” to include those individuals identified as disabled veterans and those killed in action. Specifically, this amendment is in response to inquiries received from those completing the form during the first year of implementation.

III. Decision to Amend the Regulation

For the foregoing reasons, the Secretary concludes that it is appropriate to amend 14 **DE Admin. Code** 932 Military-Connected Youth. Therefore, pursuant to 14 **Del.C.** §122, 14 **DE Admin. Code** 932 Military-Connected Youth attached hereto as *Exhibit “B”* is hereby amended. Pursuant to the provision of 14 **Del.C.** §122(e), 14 **DE Admin. Code** 932 Military-Connected Youth 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** 932 Military-Connected Youth amended hereby shall be in the form attached hereto as *Exhibit “B”*, and said regulation shall be cited as 14 **DE Admin. Code** 932 Military-Connected Youth 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 April 20, 2017. 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 20th day of April 2017.

Department of Education

Susan S. Bunting, Ed.D., Secretary of Education
Approved this 20th day of April 2017

State Board of Education

Teri Quinn Gray, Ph.D., President
Nina Lou Bunting, Vice President
G. Patrick Heffernan

Barbara B. Rutt (absent)
Gregory B. Coverdale, Jr.
Terry M. Whittaker, Ed.D.

932 Military-Connected Youth

1.0 Purpose

This regulation outlines the process for districts and charter schools to annually identify enrolled students who are "military-connected youth." This regulation is established pursuant to 14 Del.C. [~~Ch. 4,~~] §122(b)(28).

2.0 Definitions

"Military-Connected Youth" means any student having an immediate family member, including a parent, step-parent, sibling or any other person residing in the same household, who is on active duty, serving in the reserve component, or recently retired from a branch of the United States armed forces. Such branches consist of United States Army, United States Air Force, United States Marine Corps, United States Navy, National Guard, United States Coast Guard, National Oceanic and Atmospheric Administration or the United States Public Health Service.

"Recently Retired" for the purposes of this regulation, means having left military service within 18 months prior to September 30 of the current school year; identified as a disabled veteran; or killed in action.

3.0 Data Collection and Access

- 3.1 Each district and charter school shall include a military-connected identifier as part of its annual enrollment process and student information update.
- 3.2 Each district and charter school shall identify which school personnel have access to the military-connected identifier.

4.0 Use Exemptions

- 4.1 The identification of a military-connected youth shall not be used for purposes of determining school achievement, growth or performance.
- 4.2 The identification of a military-connected youth is not a public record under Delaware's Freedom of Information Act or any other law, and shall not be made public by any person, except as permitted under the provisions of the Family Educational Rights and Privacy Act of 1974.

19 DE Reg. 742 (02/01/16)

20 DE Reg. 892 (05/01/17) (Final)