

DEPARTMENT OF EDUCATION
Statutory Authority: 14 Delaware Code,
Section 122(e) (14 Del.C. §122(e)) 14 DE Admin. Code 706

REGULATORY IMPLEMENTING ORDER

FINAL

706 Credit for Experience for Full-Time Service in the Armed Forces

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 Service in the Armed Forces in order to clarify the language and to better reflect the intent of the statute including changing the title of the regulation.

Notice of the proposed regulation was published in the News Journal and the Delaware State News on August 17, 2004, 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 in order to clarify the language and to better reflect the intent of the statute including changing the title of 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** 706. Therefore, pursuant to 14 **Del.C.** Ch.13, 14 **DE Admin. Code** attached hereto as *Exhibit "B"* is hereby amended. Pursuant to the provision of 14 **Del.C.** §122(e), 14 **DE Admin. Code** 706 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 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 Services 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.** Ch.13 on October 4, 2004. 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 4th day of October 2004.
DEPARTMENT OF EDUCATION
Valerie A. Woodruff, Secretary of Education

~~**706 Credit for Experience for Full-Time Service in the Armed Forces**~~

~~1.0 Credit for Experience for service in the armed forces shall count for full time active duty, not in excess of six (6) years in the Armed Services of the United States, provided that the individual became a teacher, principal, superintendent, or other administrative employee in Delaware within five (5) years after completion of a tour of duty or within five (5) years after his completion of a course of professional or vocational training, if such course was begun within five (5) years after completion of a tour of duty. Included in the six (6) years will be any instruction in Military Science given during years of enlistment.~~

~~1.1 Credit for service in the armed forces shall be calculated as follows: One year of experience shall be allowed~~

for each year of service. For purposes of this section, 183 days in any calendar year shall constitute one year of experience, but not more than 1 year of experience may be credited for any 1 calendar year, except that a combined total of 91 days of service and employment in any of the positions identified above during any one school year will count as a year of experience.

(See 14 ~~Del.C.~~ §§1312(a) and 1327 Leave of Absence for Persons in Military Service).

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

1.0 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 Within five (5) years after completion of a tour of duty; or

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

3.1 One year of experience shall be allowed for each creditable year of full time active duty service.

3.2 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.

3.3 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).

8 DE Reg. 701 (11/01/04)