

CHAPTER 143
FORMERLY
SENATE BILL NO. 94

AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO A MILITARY CONNECTED IDENTIFIER IN DELAWARE PUBLIC SCHOOLS

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 122(b), Title 14 of the Delaware Code by making additions as shown by insertions as shown by underline as follows:

§ 122 Rules and regulations.

(a) The Department shall adopt rules and regulations, consistent with the laws of this State, for the maintenance, administration and supervision throughout the State of a general and efficient system of free public schools in accordance with this title, including the rules and regulations specified in subsection (b) of this section. Such rules and regulations, when prescribed and published, shall not extend, modify or conflict with any law of this State or the reasonable implications thereof, and shall be binding throughout the State.

(b) The Department shall prescribe rules and regulations:

(25) Providing for the governance of any longitudinal data system or database, and governing the collection, use, maintenance, disclosure and sharing of educational records and the information contained therein. Rules and regulations promulgated pursuant to this subparagraph shall be developed in consultation and cooperation with the P-20 Council and Interagency Resource Management Committee (IRMC) and with the consent of the State Board of Education and shall comply with state and federal privacy and confidentiality laws, including, without limitation, the Family Educational Rights and Privacy Act [20 U.S.C. § 1232g], the Protection of Pupil Rights Amendment [20 U.S.C. § 1232h] and the Individuals with Disabilities Education Act [20 U.S.C. § 1401 et seq.] each as amended from time to time; ~~and~~.

(26) Establishing, for purposes of student discipline, uniform definitions for student conduct which may result in alternative placement or expulsion, uniform due process procedures for alternative placement meetings and expulsion hearings, and uniform procedures for processing Attorney General's reports. Such regulations shall apply to all districts and charter schools. This paragraph shall not be interpreted to restrict the ability of district and charter schools to determine which student conduct shall result in expulsion or an alternative placement; ~~and~~

(27) Developing a process for districts and charter schools to annually identify enrolled students who is a "military connected youth". For purposes of this section, a "military-connected youth" means 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 in; serving in the reserve component; or recently retired from of a "branch of the United States armed forces." For purposes of this section, "branch of the United States armed forces" means:

- (1) United States Army;
- (2) United States Air Force;
- (3) United States Marine Corps;
- (4) United States Navy;
- (5) National Guard;
- (6) United States Coast Guard;
- (7) National Oceanic and Atmospheric Administration; or
- (8) United States Public Health Service.

The identification of a "military-connected youth" shall not be used for purposes of determining school achievement, growth, or performance. Provided further, the identification of a "military-connected youth" is not a public record under Delaware's Freedom of Information Act [Chapter 100 of Title 29] 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, 20 U.S.C. § 1232g, et seq. Rules and regulations on this subject shall be proposed by the Secretary subject to approval by the State Board of Education.

Approved August 04, 2015