



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES
MARGARET M. O'NEILL BUILDING
410 FEDERAL STREET, SUITE 1
DOVER, DE 19901

VOICE: (302) 739-3620
TTY/TDD: (302) 739-3699
FAX: (302) 739-6704

October 24, 2016

Ms. Tina Shockley, Education Associate
Department of Education
401 Federal Street, Suite 2
Dover, DE 19901

RE: 20 DE Reg. 227 [Proposed Immunization Regulation (10/1/16)]

Dear Ms. Shockley:

The State Council for Persons with Disabilities (SCPD) has reviewed the Department of Education's (DOE's) proposed regulation to adopt some discrete revisions to its immunization standards to align with statutory law [14 Del.C. §131]. The proposed regulation was published as 20 DE Reg. 227 in the October 1, 2016 issue of the Register of Regulations. SCPD has the following observation.

The regulation applies to "public schools", inclusive of districts and charter schools. See 14 Del.C. §131(a) and proposed §§1.0 and 5.4. In contrast, §6.0 refers to "superintendent or his or her designee" which would omit a charter school's chief administrative officer. The DOE could consider the following amendment:

Evidence that the vaccines were administered shall be presented to the **[district] superintendent [or charter school chief administrative officer or their respective designees]** ~~or his or her designee.~~

Alternatively, the DOE could simply refer to the "chief school officer". See, e.g. 14 DE Admin Code 603.1.2. However, this might lead to confusion if interpreted to mean a school district principal. DOE regulations are inconsistent in references to charter school chief administrative officers. Compare, e.g., 14 DE Admin Code 601.5.1 ("head administrator") and 14 DE Admin Code 103.12.2 ("lead authority").

Thank you for your consideration and please contact SCPD if you have any questions or comments regarding our observations and recommendations on the proposed regulation.

Sincerely,

Jamie Wolfe

Jamie Wolfe, Chairperson
State Council for Persons with Disabilities

cc: The Honorable Steven Godowsky, Ed.D, Secretary of Education
Mr. Chris Kenton, Professional Standards Board
Dr. Teri Quinn Gray, State Board of Education
Ms. Mary Ann Mieczkowski, Department of Education
Ms. Laura Makransky, Esq., Department of Justice
Ms. Terry Hickey, Esq., Department of Justice
Ms. Valerie Dunkle, Esq., Department of Justice
Mr. Brian Hartman, Esq.
Developmental Disabilities Council
Governor's Advisory Council for Exceptional Citizens

20reg227 doc immunization 10-24-16