



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES

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July 23, 2012

Ms. Susan K. Haberstroh
Education Associate
Department of Education
401 Federal Street, Suite 2
Dover, DE 19901

RE: 16 DE Reg. 20 [DOE Proposed Health Exams & Screening Regulation]

Dear Ms. Haberstroh:

The State Council for Persons with Disabilities (SCPD) has reviewed the Department of Education's (DOE's) proposal to amend its health examinations and screening regulations published as 16 DE Reg. 20 in the July 1, 2012 issue of the Register of Regulations.

As background, in 2011, the DOE proposed a regulation to require a second health examination for students entering 9th grade. SCPD endorsed the proposed regulation subject to changing terminology from "physical examination" to "health examination". The DOE adopted a final regulation which incorporated that change. See 15 DE Reg. 432 (October 1, 2011) (proposed); 15 DE Reg. 838 (December 1, 2011) (final). The DOE is now delaying mandatory implementation of the regulation by one (1) school year, i.e., the regulation would be effective with the 2013-2014 school year rather than the 2012-2013 school year. The regulation would "strongly recommend" the second health exam but not "require" it for the 2012-2013 school year. The rationale is as follows: "The delay for required implementation is to provide additional time for parents and guardians to be advised and to prepare for the new requirement."

SCPD would have preferred full implementation with the 2012-13 school year but understands DOE's rationale for allowing additional time to "roll out" the new requirement.

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

Sincerely,



Daniese McMullin-Powell, Chairperson
State Council for Persons with Disabilities

cc: The Honorable Mark Murphy
Dr. Teri Quinn Gray
Ms. Mary Ann Mieczkowski
Ms. Paula Fontello, Esq.
Ms. Terry Hickey, Esq.
Mr. John Hindman, Esq.
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