



**STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES**

**Margaret M. O'Neill Bldg., Suite 1
Dover, Delaware 19901
302-739-3621**

**The Honorable John Carney
Governor**

**John A. McNeal
Director**

November 30, 2018

Ms. Emily Cunningham
Department of Education
401 Federal Street, Suite 2
Dover, DE 19901

**RE: 22 DE Reg. 337 [DDOE Proposed Regulation - Reporting Expulsions to DMV
(November 1, 2018)]**

Dear Ms. Cunningham:

The State Council for Persons with Disabilities (SCPD) has reviewed Delaware Department of Education (DDOE) proposed regulation is intended to amend 14 DE Administrative Code 616 Uniform Due Process Procedures for Alternative Placement Meetings and Expulsion Hearings to align with changes made by House Bill 402 of the 149th General Assembly which eliminated the requirement for a school superintendent to notify the Division of Motor Vehicles when a student was expelled from a public school for the purposes of suspending or refusing to issue or review an expelled student's driver's license.

The proposed regulation was published as 22 DE Reg. 337 in the November 1, 2018 issue of the Register of Regulations. The SCPD has the following observations.

House Bill 402 repealed a law which prevented the Division of Motor Vehicles from issuing driver's licenses to students who were expelled from public school.¹ It also eliminated the requirement that public school superintendents inform the Division of Motor Vehicles of student expulsions.²

The proposed amendment updates 14 DE Admin. Code 616 in light of House Bill 402; it eliminates the requirement that public school districts and charter schools inform the Division of Motor Vehicles when students are expelled.

¹ Del. H.B. 402, 149th Gen. Assem. (2018).

² *Id.*

The SCPD is endorsing this amendment.

Thank you for your consideration and please contact the SCPD if you have any questions regarding our observations and recommendations.

Sincerely,



Nicholas J. Fina, Ed.D.
Chairperson - State Council for Persons with Disabilities

cc: The Honorable Susan Bunting
Mary Ann Mieczkowski
Chris Kenton, Executive Director - Professional Standards Board
Laura Makransky, Esq. - Department of Justice
Terry Hickey, Esq. – Department of Justice
Valerie Dunkle, Esq. – Department of Justice
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Governor’s Advisory Council for Exceptional Citizens
Developmental Disability Council

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