



STATE OF DELAWARE  
**STATE COUNCIL FOR PERSONS WITH DISABILITIES**  
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April 5, 2010

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

RE: 13 DE Reg. 1205 [DOE Final Tuberculosis Regulation]

Dear Ms. Haberstroh:

The State Council for Persons with Disabilities (SCPD) has reviewed the Department of Education's (DOE's) final regulations regarding its School Health Tuberculosis (TB) Control Program regulation published as 13 DE Reg. 1205 in the March 1, 2010 issue of the Register of Regulations. SCPD commented on the proposed version of this regulation in January, 2010. The Department of Education has now adopted a final regulation incorporating four (4) amendments prompted by the Council's commentary.

First, while not objecting, SCPD nevertheless suggested that the DOE consider limiting the scope of "school staff and extended services personnel". No change was effected.

Second, SCPD recommended the addition of "within Delaware" and "charter school to district" in Section 2.1.2. The DOE agreed and added both references.

Third, SCPD recommended deletion of the word "show" in Section 4.1. The DOE agreed and deleted the word.

Fourth, SCPD recommended correcting a reference to "asymptomatic" in Section 5.2. The DOE corrected the reference.

Fifth, SCPD suggested a more precise cross reference to Division of Public Health guidelines. The DOE declined to effect an amendment based on the following rationale:

The Department has not incorporated a cross reference to Department of Public Health (DPH) guidelines as these are subject to change. The Department, through health services, keeps the school nurses and appropriate personnel update to date

[sic “updated”] with the current DPH guidelines and criteria.

SCPD appreciates that DOE positively considered Council’s commentary.

Sincerely,

A handwritten signature in black ink, reading "Daniese McMullin-Powell". The signature is fluid and cursive, with a large, stylized initial "D" and "M".

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

cc: The Honorable Lillian Lowery  
Dr. Teri Quinn Gray  
Ms. Martha Toomey  
Ms. Paula Fontello, Esq.  
Ms. Terry Hickey, Esq.  
Mr. John Hindman, Esq.  
Mr. Charlie Michels  
Mr. Brian Hartman, Esq.  
Developmental Disabilities Council  
Governor’s Advisory Council for Exceptional Citizens