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,

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

cc: The Honorable Lillian Lowery
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    Ms. Martha Toomey
    Ms. Paula Fontello, Esq.
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