

July 19, 2012

Susan Haberstroh, Education Associate
Regulation Review
John G. Townsend Building
401 Federal Street, Suite 2
Dover, DE 19901

RE: DOE Proposed Health Exams and Screening Regulation [16 DE Reg. 20 (July 1, 2012)]

Dear Ms. Haberstroh:

In 2011, the Department of Education (DOE) proposed a regulation to require a second health examination for students entering 9th grade. The Governor's Advisory Council for Exceptional Citizens (GACEC) 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 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. At p. 21. The rationale for the delay 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." At p. 20.

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

Thank you in advance for your consideration of our comments. Please feel free to contact me or Wendy Strauss should you have any questions.

Sincerely,

Terri A Hancharick
Chairperson

TAH:kpc

CC: The Honorable Mark Murphy, Secretary of Education
Dr. Teri Quinn Gray, State Board of Education
Charles Michels, Professional Standards Board
Mary Ann Mieczkowski, DOE
John Hindman, Esq., DOE
Terry Hickey, Esq., DOE
Paula Fontello, Esq., DOE