

October 25, 2016

Tina Shockley
Education Associate – Policy Advisor
Department of Education
401 Federal Street, Suite 2
Dover, DE 19901

RE: 20 DE Reg. 227/14 DE Admin. Code 804 [DOE Proposed Immunization Regulation (October 1, 2016)]

Dear Ms. Shockley:

The Governor’s Advisory Council for Exceptional Citizens (GACEC) has reviewed the Department of Education (DOE) proposal to adopt some revisions to its immunization standards in order to align with statutory law [14 Del.C. §131]. Council would like to share the following observation.

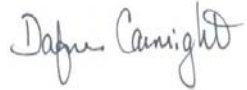
The regulation applies to “public schools”, inclusive of districts and charter schools. See 14 Del.C. §131(a) and proposed §§1.0 and 5.4. In contrast, §6.0 refers to “superintendent or his or her designee” which would omit the chief administrative officer of a charter school. The DOE could consider the following amendment:

Evidence that the vaccines were administered shall be presented to the **[district] superintendent [or charter school chief administrative officer or their respective designees]** ~~or his or her designee.~~

Alternatively, the DOE could simply refer to the “chief school officer”. See, e.g. 14 DE Admin Code 603.1.2. However, this might lead to confusion if interpreted to mean a school district principal. DOE regulations are somewhat inconsistent in references to leadership. Compare, e.g., 14 DE Admin Code 601.5.1 (“head administrator”) and 14 DE Admin Code 103.12.2 (“lead authority”).

Thank you in advance for your consideration of our comments. Please contact me or Wendy Strauss at the GACEC office if you have any questions on our observations.

Sincerely,

A handwritten signature in cursive script that reads "Dafne Carnright".

Dafne A. Carnright
Chairperson

DAC:kpc

CC: The Honorable Dr. Steven H. Godowsky, Secretary of Education
Dr. Teri Quinn Gray, State Board of Education
Mr. Chris Kenton, Professional Standards Board
Mary Ann Mieczkowski, Department of Education
Matthew Korobkin, Department of Education
Terry Hickey, Esq.
Valerie Dunkle, Esq.