



STATE OF DELAWARE  
STATE COUNCIL FOR PERSONS WITH DISABILITIES

MARGARET M. O'NEILL BUILDING  
410 FEDERAL STREET, SUITE 1  
DOVER, DE 19901

VOICE: (302) 739-3620  
TTY/TDD: (302) 739-3699  
FAX: (302) 739-6704

August 29, 2013

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

RE: 17 DE Reg. 150 [DOE K-12 Health Education Program Regulation]

Dear Ms. Haberstroh:

The State Council for Persons with Disabilities (SCPD) has reviewed the Department of Education's (DOE's) proposal to amend its regulations regarding health education. First, the proposed regulation would require the course, effective with the 2014-15 school year, to include at least two (2) hours on CPR awareness; use of an Automated External Defibrillator (AED); and organ and tissue donation. Second, it would delete a requirement that "the method(s) used to implement and evaluate the effectiveness of the program" be reported in the District/School Success Plan. The proposed regulation was published as 17 DE Reg. 150 in the August 1, 2013 issue of the Register of Regulations. SCPD has the following observations.

Health Education Course Content

First, the regulation is ostensibly partially motivated by three sets of State legislation.

A. H.B. 299 from the 146<sup>th</sup> General Assembly would have required all students to participate in a training program in CPR and use of an AED to be granted a high school diploma. While conceptually "open" to CPR/AED education, the Department of Education expressed reservations about the legislation given the potential for enactment of multiple bills dictating content of instruction in a wide variety of contexts. H.B. 299 was tabled in committee on April 26, 2012.

B. The legislation may also be partially motivated by SCR 30 which passed the House and Senate in June 2013. That legislation notes that CPR and AED use can be effective in resuscitating student athletes who are subject to sudden cardiac arrest. The resolution "encourages the state of Delaware to work with the Delaware Interscholastic Athletic Association (DIAA) to explore Sudden Cardiac Arrest education

initiatives and alternatives for saving lives such as setting standards for protecting student athletes exhibiting signs of Sudden Cardiac Arrest, and training coaches and officials of interscholastic athletes.”

C. Finally, SCR 11 passed the House and Senate in April, 2013. It notes that “in Delaware only 48 percent have placed the organ donor designation on their learner’s permit, driver’s license or state identification card.” It further recites that “in Delaware, the organ transplant list includes 600 people while thousands of others await a tissue transplant...” It encourages education on the importance of organ and tissue donation.

SCPD endorses this aspect of the proposed regulation given the compelling legislative findings on the value of education and training on CPR/AED usage and organ/tissue donation.

#### District/School Success Plan Deletion

The second component of the proposed regulation is to delete the current requirement that the methods used to implement and evaluate the effectiveness of the program be included in the district/school success plan. Instead, the “methods” would be shared with the Department of Education upon request. The DOE provides no rationale for this change. It is therefore difficult to assess and SCPD is unable to share perspective on this aspect of the regulation given lack of information.

Thank you for your consideration and please contact SCPD if you have any questions or comments regarding our position and observations on the proposed regulation.

Sincerely,



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

cc: The Honorable Mark Murphy, Secretary of Education  
Dr. Donna Mitchell, Professional Standards Board  
Dr. Teri Quinn Gray, State Board of Education  
Ms. Mary Ann Mieczkowski  
Ms. Paula Fontello, Esq.  
Ms. Terry Hickey, Esq.  
Mr. John Hindman, Esq.  
Mr. Brian Hartman, Esq.  
House and Senate Education Committees  
Developmental Disabilities Council  
Governor’s Advisory Council for Exceptional Citizens

17reg150 doe-health ed 8-29-13.doc