Office of the Registrar of Regulations,
Legislative Council,
State of Delaware

CHAPTER 228
FORMERLY
HOUSE BILL NO. 264
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO GENERAL REGULATORY PROVISIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Title 14, §4125 of the Delaware Code by making insertions as shown by underlining and deletions as shown by strike through as follows:

§4125. Driver Education Certification.

(a) A driver education teacher shall not certify that a student enrolled in a State-approved driver education course during the regular school year is qualified to be issued a Driver Education Learner's Permit or a Level One Learner's Permit by the Division of Motor Vehicles unless the student has:

(1) Fulfilled the requirements of the driver education program;

(2) Met the minimum credit requirements to qualify as a 10th grader as of September 30 of the school year that the student enrolled in the driver education course; and

(3) Earned passing grades in 5 credits at the time of certification, with at least 2 of those credits in separate areas of English, mathematics, science or social studies.

(b) A student who is receiving special education services under an active student’s individualized education plan (IEP) will be authorized until age 21 to complete their driver education certification through a State-approved driver education course. Pursuant to Department of Education regulation, the student may be authorized to subsequently enroll in another driver education course if the student fails the driver education course during the regular school year.

(c) A student who is receiving special education services and is precluded from meeting the academic requirements of subsection (a) of this section due to modifications in the grading procedure or course of study for the student shall be eligible for certification if the student's school principal determines that the student is making satisfactory progress in accordance with the requirements of that student's individualized education plan (IEP).

(d) A local school board may establish requirements higher than the minimum academic eligibility requirements set forth in this section.

(e) A student who does not meet the certification requirements of this section upon completion of a driver education course may meet the requirements during the subsequent marking period. If the student fails to meet the requirements at the end of the subsequent marking period, the student will be ineligible for certification.

(f) Any permit issued in violation of the provisions of this section shall be cancelled, all fees forfeited and the applicant must reapply as if they were a new applicant.

Approved April 19, 2012