

LAWS OF DELAWARE
VOLUME 85
CHAPTER 270
153rd GENERAL ASSEMBLY
FORMERLY
SENATE BILL NO. 246
AS AMENDED BY
SENATE AMENDMENT NO. 2

AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO DRIVER EDUCATION CERTIFICATION.

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

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

§ 4125. Driver education certification.

(a) A driver education teacher may not certify that a student ~~enrolled in a State-approved driver education course during the regular school year~~ is qualified to be issued under § 2710 of Title 21 for either a Driver Education Learner's Permit or a Level 1 Learner's Permit ~~by the Division of Motor Vehicles~~ unless the student has ~~done~~ completed all of the following:

(1) Fulfilled the requirements of the state-approved driver education program, including ~~demonstrating~~ all of the following:

a. Successfully completed both components of the driver education program, which are as follows:

1. Classroom.

2. Behind-the-wheel instruction and observation.

b. Demonstrated knowledge related to traffic stops by a law-enforcement officer as required under § 2713(e) of Title 21.

(2) ~~Met the minimum credit requirements to qualify as a tenth grader as of~~ Was enrolled in tenth or a higher grade, on or before September 30 of the school year ~~that when the student was enrolled in the driver education course.~~ course under paragraph (a)(1) of this section.

(3)a. Earned passing grades in at least 5 credits at the time of certification, with at or their equivalent (credits) on the student's most recent, published report card (report card) as follows:

1. All 5 credits must be in a regular course of study, or its equivalent as approved by the local governing body of the student's school.

2. At least 2 of those credits in separate areas of the credits must be in English, mathematics, science, world language, or social studies.

3. When the student's report card includes grades for the marking period and the final grade, the student's final grade determines if the student earned a passing grade.

b. The Department of Education shall establish, through regulations, how the number of credits required under paragraph (a)(3)a. of this section is calculated, including how equivalent credit is determined and calculated.

(b) A ~~If a student who~~ is receiving special education services under an active student's individualized education plan (IEP) will be authorized until age 21 (IEP), all of the following apply:

(1) The student has until the student's eligibility for special education and related services terminates because the student is 22 years old to complete his or her the driver education certification through a State-approved the state-approved driver education course. Pursuant to

(2) As provided under Department of Education ~~regulation, regulations,~~ 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 ~~under subsection (a) of this section due to~~ because of modifications in the grading procedure or course of study for the ~~student shall is~~ student, is eligible for certification if the student's school ~~principal principal, in collaboration with the student's IEP team,~~ determines that the student is making satisfactory progress in accordance with the requirements of that student's IEP.

(e) A ~~If a student who~~ has successfully completed the driver education course but does not meet the certification requirements of ~~under this section upon completion of a driver education course may meet~~ section, the student is eligible for certification under § 2710 of Title 21 if the student meets the requirements under this section during the ~~subsequent next~~ marking period. If the student fails to meet the requirements under this section at the end of the ~~subsequent next~~ marking period, the student ~~will be~~ is ineligible for certification.

Section 2. This Act takes effect on August 1, 2026.

Approved May 21, 2026