
Delaware Register of Regulations

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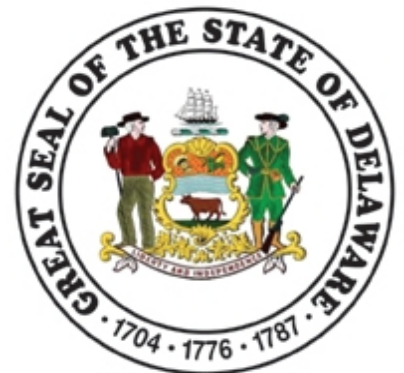
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Proposed
Final

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Hearing Notices



Pursuant to 29 **Del.C.** Chapter 11, Subchapter III, this issue of the *Register* contains all documents required to be published, and received, on or before February 15, 2023.

*Cover Photo
Dover, Delaware*

INFORMATION ABOUT THE DELAWARE REGISTER OF REGULATIONS

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DELAWARE REGISTER OF REGULATIONS

The *Delaware Register of Regulations* is an official State publication established by authority of 69 *Del. Laws*, c. 107 and is published on the first of each month throughout the year.

The *Delaware Register* will publish any regulations that are proposed to be adopted, amended or repealed and any emergency regulations promulgated.

The *Register* will also publish some or all of the following information:

- Governor's Executive Orders
- Governor's Appointments
- Agency Hearing and Meeting Notices
- Other documents considered to be in the public interest.

CITATION TO THE DELAWARE REGISTER

The *Delaware Register of Regulations* is cited by volume, issue, page number and date. An example would be:

19 **DE Reg.** 1100 (06/01/16)

Refers to Volume 19, page 1100 of the *Delaware Register* issued on June 1, 2016.

SUBSCRIPTION INFORMATION

The cost of a yearly subscription (12 issues) for the *Delaware Register of Regulations* is \$135.00. Single copies are available at a cost of \$12.00 per issue, including postage. For more information contact the Division of Research at 302-744-4114 or 1-800-282-8545 in Delaware.

CITIZEN PARTICIPATION IN THE REGULATORY PROCESS

Delaware citizens and other interested parties may participate in the process by which administrative regulations are adopted, amended or repealed, and may initiate the process by which the validity and applicability of regulations is determined.

Under 29 **Del.C.** §10115 whenever an agency proposes to formulate, adopt, amend or repeal a regulation, it shall file notice and full text of such proposals, together with copies of the existing regulation being adopted, amended or repealed, with the Registrar for publication in the *Register of Regulations* pursuant to §1134 of this title. The notice shall describe the nature of the proceedings including a brief synopsis of the subject, substance, issues, possible terms of the agency action, a reference to the legal authority of the agency to act, and reference to any other regulations that may be impacted or affected by the proposal, and shall state the manner in which persons may present their views; if in writing, of the place to which and the final date by which such views may be submitted; or if at a public hearing, the date, time and place of the hearing. If a public hearing is to be held, such public hearing shall not be scheduled less than 20 days following publication of notice of the proposal in the *Register of Regulations*. If a public hearing will be held on the proposal, notice of the time, date, place and a summary of the nature of the proposal shall also be published in at least 2 Delaware newspapers of general circulation. The notice shall also be mailed to all persons who have made timely written requests of the agency for advance notice of its regulation-making proceedings.

INFORMATION ABOUT THE DELAWARE REGISTER OF REGULATIONS

The opportunity for public comment shall be held open for a minimum of 30 days after the proposal is published in the *Register of Regulations*. At the conclusion of all hearings and after receipt, within the time allowed, of all written materials, upon all the testimonial and written evidence and information submitted, together with summaries of the evidence and information by subordinates, the agency shall determine whether a regulation should be adopted, amended or repealed and shall issue its conclusion in an order which shall include: (1) A brief summary of the evidence and information submitted; (2) A brief summary of its findings of fact with respect to the evidence and information, except where a rule of procedure is being adopted or amended; (3) A decision to adopt, amend or repeal a regulation or to take no action and the decision shall be supported by its findings on the evidence and information received; (4) The exact text and citation of such regulation adopted, amended or repealed; (5) The effective date of the order; (6) Any other findings or conclusions required by the law under which the agency has authority to act; and (7) The signature of at least a quorum of the agency members.

The effective date of an order which adopts, amends or repeals a regulation shall be not less than 10 days from the date the order adopting, amending or repealing a regulation has been published in its final form in the *Register of Regulations*, unless such adoption, amendment or repeal qualifies as an emergency under §10119.

Any person aggrieved by and claiming the unlawfulness of any regulation may bring an action in the Court for declaratory relief.

No action of an agency with respect to the making or consideration of a proposed adoption, amendment or repeal of a regulation shall be subject to review until final agency action on the proposal has been taken.

When any regulation is the subject of an enforcement action in the Court, the lawfulness of such regulation may be reviewed by the Court as a defense in the action.

Except as provided in the preceding section, no judicial review of a regulation is available unless a complaint therefor is filed in the Court within 30 days of the day the agency order with respect to the regulation was published in the *Register of Regulations*.

CLOSING DATES AND ISSUE DATES FOR THE DELAWARE REGISTER OF REGULATIONS

ISSUE DATE	CLOSING DATE	CLOSING TIME
April 1	March 15	4:30 p.m.
May 1	April 15	4:30 p.m.
June 1	May 15	4:30 p.m.
July 1	June 15	4:30 p.m.
August 1	July 15	4:30 p.m.
September 1	August 15	4:30 p.m.

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The regulations are listed alphabetically by the promulgating agency, followed by a citation to that issue of the *Register* in which the regulation was published. Proposed regulations are designated with (Prop.); Final regulations are designated with (Final); Emergency regulations are designated with (Emer.); and regulations that have been repealed are designated with (Rep.).

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DEPARTMENT OF HEALTH AND SOCIAL SERVICES DIVISION OF PUBLIC HEALTH

Statutory Authority: 16 Delaware Code, Section 122(3)t (16 **Del.C.** §122(3)t)
16 **DE Admin. Code** 4459B

ERRATA

4459B Residential Property Renovation, Repair and Painting

* **Please Note:** The Department of Health and Social Services, Division of Public Health, regulation, 16 **DE Admin. Code** 4459B Residential Property Renovation, Repair and Painting was published as final in the *Delaware Register of Regulations*, 26 **DE Reg.** 699 (02/01/23). A submitted amendment to subsection 3.1.1 was inadvertently not underlined in the *Register*.

Subsection 3.1.1 should have read:

- 3.1.1]** The lead renovation firm must submit a Start Work Notification to the Department of Health and Social Services at least **[7 5 business]** days before beginning work that includes any set of measures designed to temporarily reduce human exposure or likely exposure to lead-based paint hazards, including[:

The regulation was published as final in the February 2023 *Register* and is effective as stated in that publication. See 26 **DE Reg.** 699 (02/01/23).

Symbol Key

Arial type indicates the text existing prior to the regulation being promulgated. Underlined text indicates new text. Language which is ~~stricken~~ through indicates text being deleted.

Proposed Regulations

Under 29 **Del.C.** §10115 whenever an agency proposes to formulate, adopt, amend or repeal a regulation, it shall file notice and full text of such proposals, together with copies of the existing regulation being adopted, amended or repealed, with the Registrar for publication in the *Register of Regulations* pursuant to §1134 of this title. The notice shall describe the nature of the proceedings including a brief synopsis of the subject, substance, issues, possible terms of the agency action, a reference to the legal authority of the agency to act, and reference to any other regulations that may be impacted or affected by the proposal, and shall state the manner in which persons may present their views; if in writing, of the place to which and the final date by which such views may be submitted; or if at a public hearing, the date, time and place of the hearing. If a public hearing is to be held, such public hearing shall not be scheduled less than 20 days following publication of notice of the proposal in the *Register of Regulations*. If a public hearing will be held on the proposal, notice of the time, date, place and a summary of the nature of the proposal shall also be published in at least 2 Delaware newspapers of general circulation. The notice shall also be mailed to all persons who have made timely written requests of the agency for advance notice of its regulation-making proceedings.

DEPARTMENT OF AGRICULTURE
THOROUGHBRED RACING COMMISSION

Statutory Authority: 3 Delaware Code, Section 10103(c) (3 **Del.C.** §10103(c))
3 **DE Admin. Code** 1001

PUBLIC NOTICE**1001 Thoroughbred Racing Rules and Regulations****Summary**

The Thoroughbred Racing Commission proposes to amend its Regulations adopted in accordance with Title 3, Chapter 101. The purpose of the proposed regulations is to amend the rules regarding Entries, Subscriptions, Delegations (11.0), Claiming Races (13.0), and Bleeder Medication (15.2 and 2.6.2.5). The recommended changes to 11.0 will allow the naming of an apprentice jockey with the apprentice weight allowance at the draw; allow the entry of a horse into two stakes on the same day; and will decouple Mutual Entries which will allow the same owner to run horses in the same race as a separate betting interest. The recommended changes to 13.0 will eliminate the "Open Claim" license which will make it easier for new owners to invest in the industry and avoid hidden ownership by owners who want to claim but are not eligible. The recommended changes to 15.2 will allow practicing veterinarians to declare a horse eligible for Furosemide (Lasix/Salix) administration. Changes were also made in 15.2 to be consistent in the references to the Bleeder medication and to update numbering. The Commission also proposes to amend the rules regarding who can administer Bleeder medication, in light of an ongoing and nationwide shortage of veterinarians. This amendment permits veterinary technicians to administer Bleeder medication, under the supervision of a licensed veterinarian. The proposed amendments also add definitions of "Veterinarian" and "Veterinary Technician" under 1.0. Additional grammar and style changes were also made in Sections 11.0, 15.0, and 18.0. The proposed amendments published in the September 1, 2022 Register shall be withdrawn. Other regulations issued by the Thoroughbred Racing Commission are not affected by this proposal. The Thoroughbred Racing Commission is issuing these proposed regulations in accordance with Title 3 of the Delaware Code. This notice is issued pursuant to the requirements of Chapter 101 of Title 29 of the Delaware Code.

Comments

A copy of the proposed regulations is being published in the March 1, 2023 edition of the *Delaware Register of Regulations*. A copy is also on file in the office of the Thoroughbred Racing Commission, 777 Delaware Park Boulevard, Wilmington, Delaware 19804 and is available for inspection during regular office hours. Copies are also published online at the *Register of Regulations* website: https://regulations.delaware.gov/register/current_issue.shtml.

Interested parties may offer written comments on the proposed regulations or submit written suggestions, data, briefs or other materials to the Thoroughbred Racing Commission at the above address as to whether these proposed regulations should be adopted, rejected or modified. Pursuant to 29 *Del.C.* § 10118(a), public comments must be received on or before April 1, 2023. Written materials submitted will be available for inspection at the above address.

Adoption of Proposed Regulation

On or after April 1, 2023, following review of the public comment, the Thoroughbred Racing Commission will determine whether to amend its regulations by adopting the proposed rules or make additional changes because of the public comments received.

Effective Date of Amendments to Regulations

If adopted by the Thoroughbred Racing Commission, the amendments shall take effect ten days after being published as final in the Delaware Register of Regulations.

Delaware Thoroughbred Racing Commission
Sarah A. Crane, Executive Director

***Please Note:**

(1) The Regulatory Flexibility Analysis and Impact Statement for this regulation, as required by 29 *Del.C.* Ch. 104, is available at:

<https://regulations.delaware.gov/register/march2023/proposed/26 DE Reg 732RFA 03-01-23.pdf>

(2) Due to the size of the proposed regulation, it is not being published here. A copy of the regulation is available at:

<https://regulations.delaware.gov/register/march2023/proposed/26 DE Reg 732 03-01-23.htm>

DEPARTMENT OF EDUCATION**OFFICE OF THE SECRETARY**

Statutory Authority: 14 Delaware Code, Sections 122(b)(15) and 303 (14 *Del.C.* §§122(b)(15) & 303)

14 *DE Admin. Code* 1040

PUBLIC NOTICE

Educational Impact Analysis Pursuant to 14 *Del. C.* §122(d)

1040 Out-of-Season and Summer Athletic Activities and Contact**A. TYPE OF REGULATORY ACTION REQUESTED**

Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF REGULATION

Pursuant to 14 *Del.C.* §§122(b)(15) and 303, the Delaware Interscholastic Athletic Association Board of

Directors ("Board"), acting in consultation and cooperation with the Delaware Department of Education ("Department"), developed amendments to 14 **DE Admin. Code** 1040 Out-of-Season and Summer Athletic Activities and Contact. The regulation concerns the requirements for activities and contact outside of the regular season and during the summer at the middle and high school levels. The proposed amendments include correcting the number of the subsection referenced in subsection 3.2.1 and correcting an oversight in subsection 9.3.2.8 by removing the specified sports and replacing them with DIAA recognized sports.

Persons wishing to present their views regarding this matter may do so in writing by submitting them to the Department of Education, Office of the Secretary, Attn: Regulation Review, 401 Federal Street, Suite 2, Dover, Delaware 19901 or through the Department's online submission form at <https://education.delaware.gov/community/delaware-education-laws-and-regulations/provide-public-comment/> by the close of business (4:30 p.m. EST) on or before April 3, 2023. Any person who wishes to receive a copy of the proposed regulation may obtain a copy from the Department at the Office of the Secretary on the second floor of the Townsend Building, 401 Federal Street, Dover, Delaware.

C. IMPACT CRITERIA

1. Will the amended regulation help improve student achievement as measured against state achievement standards? The amended regulation concerns the requirements for athletic activities and contact out-of-season and in the summer and is not designed to help improve student achievement as measured against state achievement standards.

2. Will the amended regulation help ensure that all students receive an equitable education? The amended regulation concerns the requirements for athletic activities and contact out-of-season and in the summer and is not designed to help to ensure students in Delaware public schools receive an equitable education.

3. Will the amended regulation help to ensure all students' health and safety are adequately protected? The amended regulation concerns the requirements for athletic activities and contact out-of-season and in the summer, which will help to ensure all students' health and safety are adequately protected.

4. Will the amended regulation help to ensure that all students' legal rights are respected? The amended regulation concerns the requirements for athletic activities and contact out-of-season and in the summer and is not designed to help ensure students' legal rights are respected.

5. Will the amended regulation preserve the necessary authority and flexibility of decision-makers at the local board and school level? The amended regulation does not change authority or flexibility of decision makers at the local board and school level. By statute (14 **Del.C.** § 303(b)), DIAA develops rules and regulations relating to middle and secondary school interscholastic athletics for schools in Delaware, including the regulation of athletic programs of all public schools and such nonpublic schools that elect to become full or associate DIAA Member Schools. The Board enforces the regulations (14 **Del.C.** §304).

6. Will the amended regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? The amended regulation does not place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels.

7. Will decision making authority and accountability for addressing the subject to be regulated be placed in the same entity? The Board enforces the regulations relating to interscholastic athletics in Delaware (14 **Del.C.** §304).

8. Will the amended regulation be consistent with and not an impediment to the implementation of other state educational policies, in particular to state educational policies addressing achievement in the core academic subjects of mathematics, science, language arts, and social studies? The amended regulation is consistent with, and not an impediment to, the implementation of other state educational policies.

9. Is there a less burdensome method for addressing the purpose of the amended regulation? There is not a less burdensome method for addressing the purpose of this amended regulation.

10. What is the cost to the state and to the local school boards of compliance with the amended regulation? There is no expected cost to the state or to the local school boards of compliance with the amended regulation.

***Please Note: The Regulatory Flexibility Analysis and Impact Statement for this regulation, as required by 29 Del. C. Ch. 104, is available at:**

<https://regulations.delaware.gov/register/march2023/proposed/26 DE Reg 733RFA 03-01-23.pdf>

1040 Out-of-Season and Summer Athletic Activities and Contact
*(Break in Continuity of Sections)***3.0 Open Gym Programs**

- 3.1 A Member School may open its gymnasium or other facility for informal, recreational activities Out-of-Season and in the Summer provided the requirements in subsections 3.1.1 through 3.1.4 are met.
- 3.1.1 The open gym program shall be available to all students accepted and registered in the Member School and shall not be restricted to members of a particular team. The open gym program shall not be available to students who are not accepted and registered in the Member School.
- 3.1.2 Student athletes' participation in the program shall be voluntary.
- 3.1.3 The activities shall be student-generated. Sport-specific drills and Competition with fixed team rosters are prohibited.
- 3.1.4 The Member School shall require student athletes to provide their own workout clothing so that the school's uniforms are not used.
- 3.2 Coaches who supervise an open gym program shall meet the requirements in subsections 3.2.1 through 3.2.3.
- 3.2.1 A coach shall not provide instruction at an open gym program. The coach may provide equipment and supervise the activities at an open gym program Out-of-Season and in the Summer. Coaches who supervise an open gym program shall follow all of the requirements in subsection ~~6.2.4~~ 3.1.
- 3.2.2 A coach shall not directly or indirectly require a student athlete to participate in the activities.
- 3.2.3 If a coach's school or district decides to compensate the coach for supervising an open gym, the coach may be compensated for supervising an open gym if the compensation is part of the coach's duties under the coach's employment contract or as part of an extra pay for extra responsibility (EPER) position.

*(Break in Continuity of Sections)***9.0 Nonschool Athletic Activities, Programs, and Teams***(Break in Continuity Within Section)*

- 9.3 Coaches who provide instruction at nonschool athletic activities or programs or to nonschool athletic teams shall meet the requirements in subsections 9.3.1 through 9.3.4.
- 9.3.1 A coach may have instructional contact with student athletes who are not returning members of the coach's school team at nonschool athletic activities or programs or on nonschool athletic teams Out-of-Season and in the Summer.
- 9.3.2 A coach may have instructional contact with student athletes who are returning members of the coach's school team at nonschool athletic activities or programs or on nonschool athletic teams Out-of-Season and in the Summer provided the requirements in subsections 9.3.2.1 through 9.3.2.14 are met.
- 9.3.2.1 The coach shall have obtained approval to have the instructional contact from the Member School at which the coach coaches.
- 9.3.2.2 The coach shall not use the name of the Member School at which the coach coaches.
- (Break in Continuity Within Section)*
- 9.3.2.6 The number of returning student athletes to whom the coach provides instruction at the nonschool athletic activity, program, or team shall not exceed the maximum number set forth below. If a coach provides instruction to both sexes in a sport, the maximum number of returning student athletes shall not exceed the maximum number of returning student athletes for each sex (e.g., up to 8 girls and 8 boys in outdoor track and field). For modified versions of the sports below (e.g., 7-on-7 football and 3-on-3 basketball), the maximum number of returning student athletes shall not exceed 80% of the number of players that would constitute a starting lineup in the modified sport.

PROPOSED REGULATIONS

Sport	Maximum Number of Returning Student Athletes
Baseball	7
Basketball	4
Cross Country	8
Golf	4
Field Hockey	9
Football	9
Indoor Track	8
Lacrosse - Boys'	8
Lacrosse - Girls'	10
Outdoor Track and Field	8
Soccer	9
Softball	7
Swimming and Diving	8
Tennis	4
Volleyball	5
Wrestling	9

- 9.3.2.7 If the number of returning student athletes exceeds the maximum number permitted under subsection 9.3.2.6, the coach shall not have any instructional contact with any returning student athletes at the nonschool athletic activity, program, or team. Rotating players from the same school team is not permitted.
- 9.3.2.8 During the Summer, subsection 9.3.2.6 does not apply to nonschool athletic teams participating in leagues in ~~the following sports: baseball, basketball, field hockey, lacrosse, soccer, softball, and volleyball~~ a DIAA recognized sport.

Please Note: As the rest of the sections were not amended, they are not being published. A copy of the regulation is available at:

<https://regulations.delaware.gov/register/march2023/proposed/26 DE Reg 733 03-01-23.htm>

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Sections 122(b)(8), 181(15), 183, 3402(c), and 3416
(14 Del.C. §§122(b)(8), 181(15), 183, 3402(c), & 3416)

PUBLIC NOTICE

Educational Impact Analysis Pursuant to 14 Del.C. §122(d)

1211 Career-Based Scholarship Program

A. TYPE OF REGULATORY ACTION REQUESTED

Adoption of a New Regulation

B. SYNOPSIS OF SUBJECT MATTER OF REGULATION

Pursuant to 14 Del.C. §§122(b)(8), 181(15), 183, 3402(c), and 3416, the Delaware Department of Education ("Department"), through the Delaware Higher Education Office ("DHEO"), proposes the adoption of 14 DE Admin. Code 1211 Career-Based Scholarship Program. The Career-Based Scholarship Program is a student financial assistance for higher education program that is administered by DHEO. The proposed regulation provides the eligibility criteria, application requirements, and award process for the scholarship. The proposed regulation is consistent with House Bill 480 of the 151st General Assembly, which was signed into law on August 25, 2022.

Persons wishing to present their views regarding this matter may do so in writing by submitting them to the Department of Education, Office of the Secretary, Attn: Regulation Review, 401 Federal Street, Suite 2, Dover, Delaware 19901 or through the Department's online submission form at <https://education.delaware.gov/community/delaware-education-laws-and-regulations/provide-public-comment/> by the close of business (4:30 p.m. EST) on or before April 3, 2023. Any person who wishes to receive a copy of the proposed regulation may obtain a copy from the Department at the Office of the Secretary on the second floor of the Townsend Building, 401 Federal Street, Dover, Delaware.

C. IMPACT CRITERIA

1. Will the new regulation help improve student achievement as measured against state achievement standards? The new regulation concerns a student financial assistance for higher education program and is not designed to help improve student achievement as measured against state achievement standards.

2. Will the new regulation help ensure that all students receive an equitable education? The new regulation concerns a student financial assistance for higher education program and is not designed to help ensure that all students receive an equitable education.

3. Will the new regulation help to ensure all students' health and safety are adequately protected? The new regulation concerns a student financial assistance for higher education program and is not designed to help to ensure all students' health and safety are adequately protected.

4. Will the new regulation help to ensure that all students' legal rights are respected? The new regulation concerns a student financial assistance for higher education program and is not designed to help to ensure that all students' legal rights are respected.

5. Will the new regulation preserve the necessary authority and flexibility of decision-makers at the local board and school level? The new regulation concerns a student financial assistance for higher education program and does not change authority and flexibility of decision makers at the local board and school level.

6. Will the new regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? The new regulation concerns a student financial assistance for higher education program and does not place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels.

7. Will decision making authority and accountability for addressing the subject to be regulated be placed in the same entity? The Department, through DHEO, implements the regulations promulgated and adopted relating to student financial assistance for higher education programs that are administered by DHEO.

8. Will the new regulation be consistent with and not an impediment to the implementation of other state educational policies, in particular to state educational policies addressing achievement in the core academic

subjects of mathematics, science, language arts, and social studies? The new regulation is consistent with, and not an impediment to, the implementation of other state educational policies, and in particular to state educational policies addressing achievement in the core academic subjects of mathematics, science, language arts, and social studies.

9. Is there a less burdensome method for addressing the purpose of the new regulation? There is not a less burdensome method for addressing the purpose of this new regulation.

10. What is the cost to the state and to the local school boards of compliance with the adopted regulation? There is no expected cost to the state of complying with this new regulation. The regulation does not apply to local school boards.

***Please Note: The Regulatory Flexibility Analysis and Impact Statement for this regulation, as required by 29 Del. C. Ch. 104, is available at:**

<https://regulations.delaware.gov/register/march2023/proposed/26 DE Reg 737RFA 03-01-23.pdf>

1211 Career-Based Scholarship Program

1.0 Purpose

The purpose of this regulation is to provide the eligibility criteria, application requirements, and award process for the Career-Based Scholarship Program pursuant to 14 Del.C. §3416.

2.0 Definitions

The following words and terms, when used in this regulation, shall have the following meaning:

"Award" means a scholarship awarded under the Career-Based Scholarship Program.

"Delaware Higher Education Office" or "DHEO" means the Department of Education's office which administers specific programs related to higher education, including, but not limited to, student financial assistance programs.

"Free Application for Federal Student Aid" or "FAFSA" means the data supplied in connection with the federal government's application for federal financial aid which DHEO uses to determine an applicant's eligibility for an Award.

"High Need Field" means one of the specific fields identified as an area of need in Delaware by the committee established pursuant to 14 Del.C. §3416(b).

"Student Account Access Site" means the webpage on the DHEO's website where students can access scholarship opportunities.

3.0 Eligibility

3.1 In order to be eligible for an Award under the Career-Based Scholarship Program, an applicant shall meet the requirements of subsections 3.1.1 through 3.1.3.

3.1.1 The applicant shall be enrolled in an undergraduate program of study leading to a career in a High Need Field.

3.1.2 The applicant shall meet the definition of residency as defined in 14 Del.C. §3402(f).

3.1.3 The applicant shall be enrolled at a college or university that is located in Delaware and is accredited by an accrediting agency recognized by the U.S. Secretary of Education.

4.0 Application Requirements

4.1 The application acceptance and submission period for the Career-Based Scholarship Program shall be posted on the DHEO's website by December 1 of each calendar year.

4.1.1 Applications shall not be accepted outside of the posted application acceptance period under any circumstances.

4.1.2 Incomplete applications shall not be accepted or processed.

- 4.2 In order for an application to be considered complete, an applicant shall fulfill all of the requirements in subsections 4.2.1 and 4.2.2.
- 4.2.1 The applicant shall complete an online application through the Student Account Access Site by the last date of the application acceptance period.
- 4.2.1.1 Applicants may update their enrollment information on the Student Account Access Site through the last date of the application acceptance period.
- 4.2.1.2 A first time applicant must establish an account and provide the applicant's valid email address and permanent mailing address before being permitted to submit the information required in subsection 4.2 of this regulation.
- 4.2.2 The applicant shall complete the FAFSA for the school year in which the scholarship is sought by the application deadline.

5.0 Awards

- 5.1 DHEO determines the amount of scholarships to be awarded annually. Contingent upon funding appropriated for the Career-Based Scholarship Program and based on the size of the applicant pool, at least 1 applicant in each High Need Area career field will be awarded a scholarship annually.
- 5.2 To determine an applicant's financial need for the purpose of the Career-Based Scholarship, DHEO will consider the applicant's EFC; the expense of attending the applicant's college or university; and the applicant's eligibility for Pell grants and other federal, state, or private grant assistance. For the purpose of this regulation, EFC means the Expected Family Contribution, which is the number that is calculated using the financial information an applicant provides on the applicant's Free Application for Federal Student Aid (FAFSA) to determine the applicant's eligibility for federal student aid.
- 5.3 An Award shall be used for, and not in excess of, tuition, mandatory fees, room, board, books, and other direct and indirect educational expenses.
- 5.4 An Award is renewable for up to 3 years.
- 5.5 To be eligible to renew an Award, a student shall update the student's enrollment information on the Student Account Access Site; continue to be enrolled in a program of study leading to a career in a High Need Field; maintain satisfactory academic progress by successfully completing coursework according to the standards of the college or university in which the student is enrolled; and continue to be eligible receive financial aid.
- 5.6 A student shall not receive more than 4 annual Awards.

6.0 Award Payment

- 6.1 Award payments shall be disbursed directly to the student's college or university only.
- 6.2 If a student withdraws from school or otherwise does not qualify for full payment at the end of the add/drop period for a semester, DHEO will apply the refund policies set forth in 14 Del.C. §3402(k). For the purpose of this regulation, semester means a half-year term in a school or college, typically lasting 15 to 18 weeks.

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Sections 122(b)(8), 181(15), 183, 3402(c), and 3436
(14 Del.C. §§122(b)(8), 181(15), 183, 3402(c), & 3436)

PUBLIC NOTICE**Educational Impact Analysis Pursuant to 14 Del.C. §122(d)****1214 Critical Need Reimbursement Program****A. TYPE OF REGULATORY ACTION REQUESTED**

Adoption of a New Regulation

B. SYNOPSIS OF SUBJECT MATTER OF REGULATION

Pursuant to 14 Del.C. §§122(b)(8), 181(15), 183, 3402(c), and 3436, the Delaware Department of Education ("Department"), through the Delaware Higher Education Office ("DHEO"), proposes the adoption of 14 **DE Admin. Code** 1214 Critical Need Reimbursement Program. The Critical Need Reimbursement Program is a student financial assistance for higher education program that is administered by DHEO. The proposed regulation provides the eligibility criteria, application requirements, and award process for the program. The proposed regulation is consistent with House Bill 480 of the 151st General Assembly, which was signed into law on August 25, 2022.

Persons wishing to present their views regarding this matter may do so in writing by submitting them to the Department of Education, Office of the Secretary, Attn: Regulation Review, 401 Federal Street, Suite 2, Dover, Delaware 19901 or through the Department's online submission form at <https://education.delaware.gov/community/delaware-education-laws-and-regulations/provide-public-comment/> by the close of business (4:30 p.m. EST) on or before April 3, 2023. Any person who wishes to receive a copy of the proposed regulation may obtain a copy from the Department at the Office of the Secretary on the second floor of the Townsend Building, 401 Federal Street, Dover, Delaware.

C. IMPACT CRITERIA

1. Will the new regulation help improve student achievement as measured against state achievement standards? The new regulation concerns a student financial assistance for higher education program and is not designed to help improve student achievement as measured against state achievement standards.

2. Will the new regulation help ensure that all students receive an equitable education? The new regulation concerns a student financial assistance for higher education program and is not designed to help ensure that all students receive an equitable education.

3. Will the new regulation help to ensure all students' health and safety are adequately protected? The new regulation concerns a student financial assistance for higher education program and is not designed to help to ensure all students' health and safety are adequately protected.

4. Will the new regulation help to ensure that all students' legal rights are respected? The new regulation concerns a student financial assistance for higher education program and is not designed to help to ensure that all students' legal rights are respected.

5. Will the new regulation preserve the necessary authority and flexibility of decision-makers at the local board and school level? The new regulation concerns a student financial assistance for higher education program and does not change authority and flexibility of decision makers at the local board and school level.

6. Will the new regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? The new regulation concerns a student financial assistance for higher education program and does not place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels.

7. Will decision making authority and accountability for addressing the subject to be regulated be placed in the same entity? The Department, through DHEO, implements the regulations promulgated and adopted relating to student financial assistance for higher education programs that are administered by DHEO.

8. Will the new regulation be consistent with and not an impediment to the implementation of other state educational policies, in particular to state educational policies addressing achievement in the core academic

subjects of mathematics, science, language arts, and social studies? The new regulation is consistent with, and not an impediment to, the implementation of other state educational policies, and in particular to state educational policies addressing achievement in the core academic subjects of mathematics, science, language arts, and social studies.

9. Is there a less burdensome method for addressing the purpose of the new regulation? There is not a less burdensome method for addressing the purpose of this new regulation.

10. What is the cost to the state and to the local school boards of compliance with the adopted regulation? There is no expected cost to the state of complying with this new regulation. The regulation does not apply to local school boards.

***Please Note: The Regulatory Flexibility Analysis and Impact Statement for this regulation, as required by 29 Del. C. Ch. 104, is available at:**

<https://regulations.delaware.gov/register/march2023/proposed/26 DE Reg 740RFA 03-01-23.pdf>

1214 Critical Need Reimbursement Program

1.0 Purpose

The purpose of this regulation is to provide the eligibility criteria, application requirements, and award process for the Critical Need Reimbursement Program pursuant to 14 Del.C. §3436.

2.0 Definitions

The following words and terms, when used in this regulation, shall have the following meaning:

"Award" means a reimbursement awarded under the Critical Need Reimbursement Program.

"Critical Need Area" means one of the specific certification areas of critical need in Delaware as determined by the Delaware Department of Education pursuant to 14 Del.C. §3436(c).

"Delaware Higher Education Office" or "DHEO" means the Department of Education's office which administers specific programs related to higher education, including, but not limited to, student financial assistance programs.

3.0 Eligibility

3.1 In order to be eligible for an Award under the Critical Need Reimbursement Program, an applicant shall meet the requirements of subsections 3.1.1 through 3.1.6.

3.1.1 The applicant shall be a full-time employee of a Delaware public school district or charter school.

3.1.2 The applicant shall meet the definition of residency as defined in 14 Del.C. §3402(f).

3.1.3 The applicant shall hold an Emergency Certificate or Certificate of Eligibility in a Critical Need Area.

3.1.4 The applicant shall be teaching in a Critical Need Area.

3.1.5 The applicant shall have completed coursework or a seminar or workshop at a college or university that is accredited by an accrediting agency recognized by the U.S. Secretary of Education or through an Alternative Routes for Teacher Licensure or Certification program approved by the Department.

3.1.6 The applicant shall have earned a 2.0 or higher on a 4.0 scale for credit-bearing courses or an equivalent passing grade in non-credit bearing seminars and workshops.

4.0 Application Requirements

4.1 The application acceptance and submission period for the Critical Need Reimbursement Program shall be posted on the DHEO's website by December 1 of each calendar year.

4.1.1 Applications shall not be accepted outside of the posted application acceptance period under any circumstances.

4.1.2 Incomplete applications shall not be accepted or processed.

PROPOSED REGULATIONS

4.2 The applicant shall complete an application by the last date of the application acceptance period.

5.0 Awards

5.1 An applicant who meets the eligibility criteria in Section 3.0 may be awarded up to 1 of the following per academic year:

5.1.1 Up to 6 credits; or

5.1.2 Two noncredit-bearing seminars or workshops required for certification; or

5.1.3 One noncredit-bearing seminar or workshop required for certification up to 1 3-credit course.

5.2 Award payments shall be disbursed directly to the applicant's college or university only upon the applicant's completion of the course, seminar, or workshop and after the college or university verifies the applicant's enrollment and grades.

5.3 An Award shall be used for, and not in excess of, tuition and mandatory fees.

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Sections 122(b)(8), 181(15), 183, 3402(c), and 3438
(14 Del.C. §§122(b)(8), 181(15), 183, 3402(c), & 3438)

PUBLIC NOTICE

Educational Impact Analysis Pursuant to 14 Del.C. §122(d)

1216 Educator Support Scholarship Program

A. TYPE OF REGULATORY ACTION REQUESTED

Adoption of a New Regulation

B. SYNOPSIS OF SUBJECT MATTER OF REGULATION

Pursuant to 14 Del.C. §§122(b)(8), 181(15), 183, 3402(c), and 3438, the Delaware Department of Education ("Department"), through the Delaware Higher Education Office ("DHEO"), proposes the adoption of 14 **DE Admin. Code** 1216 Educator Support Scholarship Program. The Educator Support Scholarship Program is a student financial assistance for higher education program that is administered by DHEO. The proposed regulation provides the eligibility criteria, application requirements, and award process for the scholarship. The proposed regulation is consistent with House Bill 480 of the 151st General Assembly, which was signed into law on August 25, 2022.

Persons wishing to present their views regarding this matter may do so in writing by submitting them to the Department of Education, Office of the Secretary, Attn: Regulation Review, 401 Federal Street, Suite 2, Dover, Delaware 19901 or through the Department's online submission form at <https://education.delaware.gov/community/delaware-education-laws-and-regulations/provide-public-comment/> by the close of business (4:30 p.m. EST) on or before April 3, 2023. Any person who wishes to receive a copy of the proposed regulation may obtain a copy from the Department at the Office of the Secretary on the second floor of the Townsend Building, 401 Federal Street, Dover, Delaware.

C. IMPACT CRITERIA

1. Will the new regulation help improve student achievement as measured against state achievement standards? The new regulation concerns a student financial assistance for higher education program and is not designed to help improve student achievement as measured against state achievement standards.

2. Will the new regulation help ensure that all students receive an equitable education? The new regulation concerns a student financial assistance for higher education program and is not designed to help ensure that all students receive an equitable education.

3. Will the new regulation help to ensure all students' health and safety are adequately protected? The new regulation concerns a student financial assistance for higher education program and is not designed to help to ensure all students' health and safety are adequately protected.

4. Will the new regulation help to ensure that all students' legal rights are respected? The new regulation concerns a student financial assistance for higher education program and is not designed to help to ensure that all students' legal rights are respected.

5. Will the new regulation preserve the necessary authority and flexibility of decision-makers at the local board and school level? The new regulation concerns a student financial assistance for higher education program and does not change authority and flexibility of decision makers at the local board and school level.

6. Will the new regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? The new regulation concerns a student financial assistance for higher education program and does not place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels.

7. Will decision making authority and accountability for addressing the subject to be regulated be placed in the same entity? The Department, through DHEO, implements the regulations promulgated and adopted relating to student financial assistance for higher education programs that are administered by DHEO.

8. Will the new regulation be consistent with and not an impediment to the implementation of other state educational policies, in particular to state educational policies addressing achievement in the core academic subjects of mathematics, science, language arts, and social studies? The new regulation is consistent with, and not an impediment to, the implementation of other state educational policies, and in particular to state educational policies addressing achievement in the core academic subjects of mathematics, science, language arts, and social studies.

9. Is there a less burdensome method for addressing the purpose of the new regulation? There is not a less burdensome method for addressing the purpose of this new regulation.

10. What is the cost to the state and to the local school boards of compliance with the adopted regulation? There is no expected cost to the state of complying with this new regulation. The regulation does not apply to local school boards.

***Please Note: The Regulatory Flexibility Analysis and Impact Statement for this regulation, as required by 29 Del. C. Ch. 104, is available at:**

<https://regulations.delaware.gov/register/march2023/proposed/26 DE Reg 742RFA 03-01-23.pdf>

1216 Educator Support Scholarship Program

1.0 Purpose

The purpose of this regulation is to provide the eligibility criteria, application requirements, and award process for the Educator Support Scholarship Program pursuant to 14 Del.C. §3438.

2.0 Definitions

The following words and terms, when used in this regulation, shall have the following meaning:

"Area of Need" means one of the specific areas of need in which there is a shortage of teachers or specialists in Delaware as determined by the DHEO pursuant to 14 Del.C. §3438(b).

"Award" means a scholarship awarded under the Educator Support Scholarship Program.

"Delaware Higher Education Office" or "DHEO" means the Department of Education's office which administers specific programs related to higher education, including, but not limited to, student financial assistance programs.

"Free Application for Federal Student Aid" or "FAFSA" means the data supplied in connection with the federal government's application for federal financial aid which DHEO uses to determine an applicant's eligibility for an Award.

"Student Account Access Site" means the webpage on the DHEO's website where students can access scholarship opportunities.

3.0 Eligibility

3.1 In order to be eligible for an Award under the Educator Support Scholarship Program, an applicant shall meet the requirements of subsections 3.1.1 through 3.1.3.

PROPOSED REGULATIONS

- 3.1.1 The applicant shall be enrolled in an undergraduate or graduate program of study leading to a career as a teacher or specialist in an Area of Need.
- 3.1.2 The applicant shall meet the definition of residency as defined in 14 Del.C. §3402(f).
- 3.1.3 The applicant shall be enrolled at a college or university that is located in Delaware and is accredited by an accrediting agency recognized by the U.S. Secretary of Education.

4.0 Application Requirements

- 4.1 The application acceptance and submission period for the Educator Support Scholarship Program shall be posted on the DHEO's website by December 1 of each calendar year.
 - 4.1.1 Applications shall not be accepted outside of the posted application acceptance period under any circumstances.
 - 4.1.2 Incomplete applications shall not be accepted or processed.
- 4.2 In order for an application to be considered complete, an applicant shall fulfill all of the requirements in subsections 4.2.1 and 4.2.2.
 - 4.2.1 The applicant shall complete an online application through the Student Account Access Site by the last date of the application acceptance period.
 - 4.2.1.1 Applicants may update their enrollment information on the Student Account Access Site through the last date of the application acceptance period.
 - 4.2.1.2 A first time applicant must establish an account and provide the applicant's valid email address and permanent mailing address before being permitted to submit the information required in subsection 4.2 of this regulation.
 - 4.2.2 The applicant shall complete the FAFSA for the school year in which the scholarship is sought by the application deadline.

5.0 Awards

- 5.1 DHEO determines the amount of scholarships to be awarded annually. Contingent upon funding appropriated for the Educator Support Scholarship Program and based on the size of the applicant pool, at least 1 applicant in each Area of Need will be awarded a scholarship annually.
- 5.2 To determine an applicant's financial need for the purpose of the Educator Support Scholarship, DHEO will consider the applicant's EFC; the expense of attending the applicant's college or university; and the applicant's eligibility for Pell grants and other federal, state, or private grant assistance. For the purpose of this regulation, EFC means the Expected Family Contribution, which is the number that is calculated using the financial information an applicant provides on the applicant's Free Application for Federal Student Aid (FAFSA) to determine the applicant's eligibility for federal student aid.
- 5.3 An Award shall be used for, and not in excess of, tuition, mandatory fees, room, board, books, and other direct and indirect educational expenses.
- 5.4 An Award is renewable for up to 3 additional years.
- 5.5 To be eligible to renew an Award, a student shall update the student's enrollment information on the Student Account Access Site; continue to be enrolled in a program of study leading to a career as a teacher or specialist in an Area of Need; maintain satisfactory academic progress by successfully completing coursework according to the standards of the college or university in which the student is enrolled; and continue to be eligible to receive financial aid.
- 5.6 A student shall not receive more than 4 annual Awards.

6.0 Award Payment

- 6.1 Award payments shall be disbursed directly to the student's college or university only.
- 6.2 If a student withdraws from school or otherwise does not qualify for full payment at the end of the add/drop period for a semester, DHEO will apply the refund policies set forth in 14 Del.C. §3402(k). For the purpose of this regulation, semester means a half-year term in a school or college, typically lasting 15 to 18 weeks.

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Sections 122(b)(8), 181(15), 183, 3402(c), and 3439(a)
(14 Del.C. §§122(b)(8), 181(15), 183, 3402(c), & 3439(a))

PUBLIC NOTICE

Educational Impact Analysis Pursuant to 14 Del.C. §122(d)

1217 Mental Health Services Scholarship Program

A. TYPE OF REGULATORY ACTION REQUESTED

Adoption of a New Regulation

B. SYNOPSIS OF SUBJECT MATTER OF REGULATION

Pursuant to 14 Del.C. §§122(b)(8), 181(15), 183, 3402(c), and 3439(a), the Delaware Department of Education ("Department"), through the Delaware Higher Education Office ("DHEO"), proposes the adoption of 14 DE Admin. Code 1217 Mental Health Services Scholarship Program. The Mental Health Services Scholarship Program is a student financial assistance for higher education program that is administered by DHEO. The proposed regulation provides the eligibility criteria, application requirements, and award process for the scholarship. The proposed regulation is consistent with House Bill 480 of the 151st General Assembly, which was signed into law on August 25, 2022.

Persons wishing to present their views regarding this matter may do so in writing by submitting them to the Department of Education, Office of the Secretary, Attn: Regulation Review, 401 Federal Street, Suite 2, Dover, Delaware 19901 or through the Department's online submission form at <https://education.delaware.gov/community/delaware-education-laws-and-regulations/provide-public-comment/> by the close of business (4:30 p.m. EST) on or before April 3, 2023. Any person who wishes to receive a copy of the proposed regulation may obtain a copy from the Department at the Office of the Secretary on the second floor of the Townsend Building, 401 Federal Street, Dover, Delaware.

C. IMPACT CRITERIA

1. Will the new regulation help improve student achievement as measured against state achievement standards? The new regulation concerns a student financial assistance for higher education program and is not designed to help improve student achievement as measured against state achievement standards.

2. Will the new regulation help ensure that all students receive an equitable education? The new regulation concerns a student financial assistance for higher education program and is not designed to help ensure that all students receive an equitable education.

3. Will the new regulation help to ensure all students' health and safety are adequately protected? The new regulation concerns a student financial assistance for higher education program and is not designed to help to ensure all students' health and safety are adequately protected.

4. Will the new regulation help to ensure that all students' legal rights are respected? The new regulation concerns a student financial assistance for higher education program and is not designed to help to ensure that all students' legal rights are respected.

5. Will the new regulation preserve the necessary authority and flexibility of decision-makers at the local board and school level? The new regulation concerns a student financial assistance for higher education program and does not change authority and flexibility of decision makers at the local board and school level.

6. Will the new regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? The new regulation concerns a student financial assistance for higher education program and does not place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels.

7. Will decision making authority and accountability for addressing the subject to be regulated be placed in the same entity? The Department, through DHEO, implements the regulations promulgated and adopted relating to student financial assistance for higher education programs that are administered by DHEO.

8. Will the new regulation be consistent with and not an impediment to the implementation of other state

educational policies, in particular to state educational policies addressing achievement in the core academic subjects of mathematics, science, language arts, and social studies? The new regulation is consistent with, and not an impediment to, the implementation of other state educational policies, and in particular to state educational policies addressing achievement in the core academic subjects of mathematics, science, language arts, and social studies.

9. Is there a less burdensome method for addressing the purpose of the new regulation? There is not a less burdensome method for addressing the purpose of this new regulation.

10. What is the cost to the state and to the local school boards of compliance with the adopted regulation? There is no expected cost to the state of complying with this new regulation. The regulation does not apply to local school boards.

***Please Note: The Regulatory Flexibility Analysis and Impact Statement for this regulation, as required by 29 Del. C. Ch. 104, is available at:**

<https://regulations.delaware.gov/register/march2023/proposed/26 DE Reg 745RFA 03-01-23.pdf>

1217 Mental Health Services Scholarship Program

1.0 Purpose

The purpose of this regulation is to provide the eligibility criteria, application requirements, and award process for the Mental Health Services Scholarship Program pursuant to 14 Del.C. §3439(a).

2.0 Definitions

The following words and terms, when used in this regulation, shall have the following meaning:

"Award" means a scholarship awarded under the Mental Health Services Scholarship Program.

"Delaware Higher Education Office" or **"DHEO"** means the Department of Education's office which administers specific programs related to higher education, including, but not limited to, student financial assistance programs.

"Free Application for Federal Student Aid" or **"FAFSA"** means the data supplied in connection with the federal government's application for federal financial aid which DHEO uses to determine an applicant's eligibility for an Award.

"Full-Time Student" means a graduate student enrolled in 9 or more credit hours.

"High Need Field" means one of the specific fields identified as an area of need in Delaware by the committee established pursuant to 14 Del.C. §3416(b).

"Student Account Access Site" means the webpage on the DHEO's website where students can access scholarship opportunities.

3.0 Eligibility

3.1 In order to be eligible for an Award under the Mental Health Services Scholarship Program, an applicant shall meet the requirements of subsections 3.1.1 and 3.1.2.

3.1.1 The applicant shall be enrolled as a Full-Time Student in a master's degree program in a Delaware postsecondary institution that will lead to certification as a school counselor, school psychologist, or school social worker in a Delaware public school.

3.1.2 The applicant shall meet the definition of residency as defined in 14 Del.C. §3402(f).

4.0 Application Requirements

4.1 The application acceptance and submission period for the Mental Health Services Scholarship Program shall be posted on the DHEO's website by December 1 of each calendar year.

4.1.1 Applications shall not be accepted outside of the posted application acceptance period under any circumstances.

4.1.2 Incomplete applications shall not be accepted or processed.

- 4.2 In order for an application to be considered complete, an applicant shall fulfill all of the requirements in subsections 4.2.1 and 4.2.2.
- 4.2.1 The applicant shall complete an online application through the Student Account Access Site by the last date of the application acceptance period.
- 4.2.1.1 Applicants may update their enrollment information on the Student Account Access Site through the last date of the application acceptance period.
- 4.2.1.2 A first time applicant must establish an account and provide the applicant's valid email address and permanent mailing address before being permitted to submit the information required in subsection 4.2 of this regulation.
- 4.2.2 The applicant shall complete the FAFSA for the school year in which the scholarship is sought by the application deadline.

5.0 **Awards**

- 5.1 DHEO determines the number and amount of Awards to be given annually. The number and amount of Awards each year will vary and is based on and subject to the General Assembly appropriating funds for the Mental Health Services Scholarship Program.
- 5.2 To determine an applicant's financial need for the purpose of the Mental Health Services Scholarship, DHEO will consider the applicant's EFC; the expense of attending the applicant's college or university; and the applicant's eligibility for Pell grants and other federal, state, or private grant assistance. For the purpose of this regulation, EFC means the Expected Family Contribution, which is the number that is calculated using the financial information an applicant provides on the applicant's Free Application for Federal Student Aid (FAFSA) to determine the applicant's eligibility for federal student aid.
- 5.3 An Award shall be used for, and not in excess of, tuition, mandatory fees, room, board, books, and other direct and indirect educational expenses.
- 5.4 An Award is renewable for up to 1 year.
- 5.5 To be eligible to renew an Award, a student shall update the student's enrollment information on the Student Account Access Site; continue to be enrolled in a master's degree program in a Delaware postsecondary institution that will lead to certification as a school counselor, school psychologist, or school social worker in a Delaware public school; maintain satisfactory academic progress by successfully completing coursework according to the standards of the college or university in which the student is enrolled; and continue to be eligible receive financial aid.
- 5.6 A student shall not receive more than 2 annual Awards.

6.0 **Award Payment**

- 6.1 Award payments shall be disbursed directly to the student's college or university only.
- 6.2 If a student withdraws from school or otherwise does not qualify for full payment at the end of the add/drop period for a semester, DHEO will apply the refund policies set forth in 14 Del.C. §3402(k). For the purpose of this regulation, semester means a half-year term in a school or college, typically lasting 15 to 18 weeks.

PROFESSIONAL STANDARDS BOARD

Statutory Authority: 14 Delaware Code, Sections 1203, 1205(b), 1305(o), and 1305(l) (14 **Del.C.** §§1203, 1205(b), 1305(o), & 1305(l))
14 **DE Admin. Code** 1501

PUBLIC NOTICE**Educational Impact Analysis Pursuant to 14 Del.C. §122(d)****1501 Salary Supplements for Educators****A. TYPE OF REGULATORY ACTION REQUESTED**

Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF REGULATION

Pursuant to 14 **Del.C.** §§1203, 1205(b), 1305(l), and 1305(o), the Professional Standards Board ("Board"), acting in consultation and cooperation with the Delaware Department of Education ("Department"), developed amendments to 14 **DE Admin. Code** 1501 Salary Supplements for Educators. The regulation concerns knowledge and skills salary supplements pursuant to 14 **Del.C.** §1305(k), national certification salary supplements pursuant to 14 **Del.C.** §1305(l), and additional responsibility assignment salary supplements pursuant to 14 **Del.C.** §1305(n). In accordance with 14 **Del.C.** §1305(o), the Board is required to annually review the supplements and promulgate recommendations as necessary. The proposed amendments to this regulation are to add two certifications to subsection 4.1 as a result of HB 348 of the 151st General Assembly. HB 348 amended 14 **Del.C.** §1305(l) to allow salary supplements for nationally certified occupational therapists and nationally certified physical therapists and was signed into law on October 26, 2022.

The proposed regulation was published in the *Register of Regulations* on January 1, 2023. The Board received written submittals from Rep. Sherea'a Moore, Stephanie Ingram, Kelly Connell, Danielle Freeman, Jason Lorentz, Jessica Lorentz, Jill Olshenske, Kristina Staab, Deanna Stevens, and Andrea Turner. Rep. Moore commented that the legislative intent of HB 348 was to increase compensation for school-based occupational therapists and to recognize and reward the professional development that occupational therapists complete in order to maintain national certification. Rep. Moore further commented that the American Occupational Therapy Association ("AOTA") certification is not recognized by professionals working in the field as the relevant and applicable certifying entity and that the National Board for Certification in Occupational Therapy (NBCOT) is held by occupational therapists working in schools across Delaware. Rep. Moore asked that the Board change the proposed regulation to ensure that occupational therapists who have earned their certification through either AOTA or NBCOT are eligible for the salary supplement. Ms. Ingram, who is the President of the Delaware State Education Association ("DSEA"), commented that DSEA opposes the proposed regulation and that the applicable national organization is NBCOT, not AOTA. Ms. Connell, Ms. Freeman, Mr. Lorentz, Ms. Lorentz, Ms. Olshenske, Ms. Staab, and Ms. Stevens each commented that the proposed regulation should be changed to include NBCOT certification. Ms. Turner commented that she is in support of the proposed regulation.

On February 2, 2023, the Board considered the written submittals. The Board voted to add the occupational therapist certification from NBCOT to subsection 4.1.8 as a result of the written submittals. In accordance with 29 **Del.C.** §10118(c), the Board's Chairperson determined the additional change is substantive. Therefore, the Board is reproposing the regulation. The proposed amendments in this regulation include the amendments that were published on January 1, 2023 and the additional change to subsection 4.1.8.

Persons wishing to present their views regarding this matter may do so in writing by submitting them to the Department of Education, Office of the Secretary, Attn: Regulation Review, 401 Federal Street, Suite 2, Dover, Delaware 19901 or through the Department's online submission form at <https://education.delaware.gov/community/delaware-education-laws-and-regulations/provide-public-comment/> by the close of business (4:30 p.m. EST) on or before April 3, 2023. Any person who wishes to receive a copy of the proposed regulation may obtain a copy from the Department at the Office of the Secretary on the second floor of the Townsend Building, 401 Federal Street, Dover, Delaware.

C. IMPACT CRITERIA

1. Will the amended regulation help improve student achievement as measured against state achievement standards? In accordance with 14 **Del.C.** §1305(o), the national certifications in Section 4.0 and the additional responsibility assignment in Section 5.0 are intended to lead to improvements in teacher effectiveness and student achievement. The Board is proposing to add three certifications to Section 4.0. The Board is not proposing any amendments to additional responsibility assignment salary supplements in Section 5.0.

2. Will the amended regulation help ensure that all students receive an equitable education? The amended regulation addresses salary supplements for educators and is not designed to help ensure students receive an equitable education.

3. Will the amended regulation help to ensure all students' health and safety are adequately protected? The amended regulation addresses salary supplements for educators and is not designed to help ensure students' health and safety are protected.

4. Will the amended regulation help to ensure that all students' legal rights are respected? The amended regulation addresses salary supplements for educators and is not designed to address students' legal rights.

5. Will the amended regulation preserve the necessary authority and flexibility of decision-makers at the local board and school level? The amended regulation does not change authority and flexibility of decision makers at the local board and school level.

6. Will the amended regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? The amended regulation does not place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels. The Board is not proposing any changes to Section 6.0, which provides that an educator is responsible for providing information to the employing school or district to verify the educator has fulfilled the requirements for an additional responsibility assignment salary supplement for mentors.

7. Will decision making authority and accountability for addressing the subject to be regulated be placed in the same entity? By statute (14 **Del.C.** §1305(b)), the Department implements the rules and regulations developed under 14 **Del.C.** Ch. 12.

8. Will the amended regulation be consistent with and not an impediment to the implementation of other state educational policies, in particular to state educational policies addressing achievement in the core academic subjects of mathematics, science, language arts, and social studies? The amended regulation is consistent with and not an impediment to the implementation of other state educational policies.

9. Is there a less burdensome method for addressing the purpose of the amended regulation? There is not a less burdensome method for addressing the purpose of this amended regulation.

10. What is the cost to the state and to the local school boards of compliance with the adopted regulation? The Department provides for funding salary supplements in its annual budget. The proposed amendments are consistent with the FY23 Appropriations Act (Senate Bill No. 250) that went into effect on June 28, 2022 and HB 348 that went into effect on October 26, 2022.

***Please Note: The Regulatory Flexibility Analysis and Impact Statement for this regulation, as required by 29 Del. C. Ch. 104, is available at:**

<https://regulations.delaware.gov/register/march2023/proposed/26 DE Reg 748RFA 03-01-23.pdf>

**1501 Salary Supplements for Educators
(Break in Continuity of Sections)**

4.0 National Certification

4.1 An Educator may receive a Salary Supplement for achieving and currently maintaining the following certifications as provided in 14 **Del.C.** §1305(l):

4.1.1 National Board Certification from the National Board for Professional Teaching Standards;

4.1.2 Certificate of Clinical Competence in Audiology (CCC-A) or Certificate of Clinical Competence Speech-Language Pathology (CCC-SLP) from the American Speech-Language-Hearing Association;

4.1.3 National Certified School Counselor from the National Board for Certified Counselors;

4.1.4 Music Therapist – Board Certified (MT-BC) from the Certification Board for Music Therapists;

PROPOSED REGULATIONS

- 4.1.5 Nationally Certified School Psychologist (NCSP) from the National Association of School Psychologists; or
- 4.1.6 Nationally Certified School Nurse (NCSN) from the National Board for Certification of School Nurses; Nurses;
- 4.1.7 Nationally Certified Physical Therapy Specialist in any specialty area from the American Board of Physical Therapy Specialists.
- 4.1.8 Occupational Therapist Advanced Certification from the American Occupational Therapy Association or the Occupational Therapist Registered from the National Board for Certification in Occupational Therapy.
- 4.2 In order to be eligible for a National Certification Salary Supplement, the Educator shall maintain current certification through the applicable national organization.
- 4.3 An Educator who is employed as a superintendent, assistant superintendent, or director or in a non-instructional area of transportation, finance/business management, human resources/personnel management, purchasing, community/public relations, administrative services, pupil services, audiology, occupational therapist, physical therapist, psychologist, speech language pathologist, human relations, nurse, social work/services, information technology, or a specialized assignment comparable to these non-instructional areas shall not be eligible for a Salary Supplement for National Certification from the National Board for Professional Teaching Standards.
- 4.4 An Educator who achieves and maintains National Certification shall receive an annual Salary Supplement equal to 12 percent of the Educator's Base Salary for the certification in subsection 4.1.1 or 6 percent of the Educator's Base Salary for the certifications in subsections 4.1.2 through ~~4.1.6~~ 4.1.8.

Please Note: As the rest of the sections were not amended, they are not being published. A copy of the regulation is available at:

<https://regulations.delaware.gov/register/march2023/proposed/26 DE Reg 748 03-01-23.htm>

PROFESSIONAL STANDARDS BOARD

Statutory Authority: 14 Delaware Code, Sections 1203, 1205(b) and 1221(1) (14 Del.C. §§1203, 1205(b) & 1221(1))
14 DE Admin. Code 1506

PUBLIC NOTICE

Educational Impact Analysis Pursuant to 14 Del.C. §122(d)

1506 Emergency Certificate

A. TYPE OF REGULATORY ACTION REQUESTED

Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF REGULATION

Pursuant to 14 Del.C. §§1203, 1205(b), and 1221(1), the Professional Standards Board ("Board"), acting in consultation and cooperation with the Delaware Department of Education ("Department"), developed amendments to 14 DE Admin. Code 1506 Emergency Certificate. The regulation concerns the requirements for an Emergency Certificate in accordance with 14 Del.C. §1221(1). The proposed amendments include revising Section 1.0, which concerns the applicability of this regulation; adding defined terms to and striking defined terms from Section 2.0; revising Section 3.0, which concerns the issuance of an Emergency Certificate; adding Sections 4.0 through 9.0, which specify the Emergency Certificate requirements for individuals who completed long-term substitute teaching, ARTC participants, administrators, specialists, skilled and technical science teachers who are eligible for or hold an Initial License, and educators who already hold a content area Standard Certificate, respectively; adding Section

10.0, which concerns the validity of an Emergency Certificate; adding Section 11.0, which concerns notification to parents; adding Section 12.0, which concerns disciplinary actions; and adding Section 13.0, which concerns applicants' and Educators' contact information with the Department and specifies how they can change their name or address.

Persons wishing to present their views regarding this matter may do so in writing by submitting them to the Department of Education, Office of the Secretary, Attn: Regulation Review, 401 Federal Street, Suite 2, Dover, Delaware 19901 or through the Department's online submission form at <https://education.delaware.gov/community/delaware-education-laws-and-regulations/provide-public-comment/> by the close of business (4:30 p.m. EST) on or before April 3, 2023. Any person who wishes to receive a copy of the proposed regulation may obtain a copy from the Department at the Office of the Secretary on the second floor of the Townsend Building, 401 Federal Street, Dover, Delaware.

C. IMPACT CRITERIA

1. Will the amended regulation help improve student achievement as measured against state achievement standards? The requirements for the issuance of an Emergency Certificate in Sections 4.0 through 9.0 are designed to improve the quality of the educator workforce, which will help to improve student achievement.

2. Will the amended regulation help ensure that all students receive an equitable education? The requirements for the issuance of an Emergency Certificate in Sections 4.0 through 9.0 are designed to improve the quality of the educator workforce, which will help to ensure students in Delaware public schools receive an equitable education.

3. Will the amended regulation help to ensure all students' health and safety are adequately protected? The amended regulation addresses an emergency certificate for educators and is not designed to help ensure students' health and safety is protected.

4. Will the amended regulation help to ensure that all students' legal rights are respected? The amended regulation addresses an emergency certificate for educators and is not designed to help ensure students' legal rights are respected.

5. Will the amended regulation preserve the necessary authority and flexibility of decision-makers at the local board and school level? The amended regulation does not change authority or flexibility of decision makers at the local board and school level. By statute (14 Del.C. §1221(1)), an employing school district or charter school is required to establish that an applicant for an Emergency Certificate is competent and the school district or charter school is committed to support and assist the applicant in achieving the knowledge and skills necessary to meet the requirements for the Standard Certificate sought. The proposed amendments are consistent with the statute.

6. Will the amended regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? The amended regulation does not place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels. As noted above, the proposed amendments are consistent with 14 Del.C. §1221(1).

7. Will decision making authority and accountability for addressing the subject to be regulated be placed in the same entity? The Department implements the rules and regulations promulgated and adopted pursuant to 14 Del.C. Ch. 12 relating to licensure and certification of educators.

8. Will the amended regulation be consistent with and not an impediment to the implementation of other state educational policies, in particular to state educational policies addressing achievement in the core academic subjects of mathematics, science, language arts, and social studies? The amended regulation is consistent with, and not an impediment to, the implementation of other state educational policies, and in particular to state educational policies addressing achievement in the core academic subjects of mathematics, science, language arts, and social studies.

9. Is there a less burdensome method for addressing the purpose of the amended regulation? There is not a less burdensome method for addressing the purpose of the amended regulation.

10. What is the cost to the state and to the local school boards of compliance with the amended regulation? There is no expected cost to the state and to the local school boards of complying with this amended regulation.

*Please Note:

(1) The Regulatory Flexibility Analysis and Impact Statement for this regulation, as required by 29 Del.C. Ch. 104, is available at:

<https://regulations.delaware.gov/register/march2023/proposed/26 DE Reg 750RFA 03-01-23.pdf>

(2) Due to the size of the proposed regulation, it is not being published here. A copy of the regulation is available at:

<https://regulations.delaware.gov/register/march2023/proposed/26 DE Reg 750 03-01-23.htm>

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DIVISION OF MEDICAID AND MEDICAL ASSISTANCE

Statutory Authority: 31 Delaware Code, Section 512 (31 **Del.C.** §512)

PUBLIC NOTICE

Case Management of High-Risk Pregnant Women

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the **Delaware Code**) and under the authority of 31 **Del.C.** §512, Delaware Health and Social Services ("Department") / Division of Medicaid and Medical Assistance (DHSS/DMMA) is proposing to amend Title XIX Medicaid State Plan to remove the optional service, case management of high-risk pregnant women, from the Delaware Medicaid State Plan as these services will now be provided via an evidence-based home visiting model under 1115 Waiver authority.

Any person who wishes to make written suggestions, compilations of data, testimony, briefs, or other written materials concerning the proposed new regulations must submit same to, Planning and Policy Unit, Division of Medicaid and Medical Assistance, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906, by email to DHSS_DMMA_Publiccomment@Delaware.gov, or by fax to 302-255-4413 by 4:30 p.m. on March 31, 2023. Please identify in the subject line: Case Management of High-Risk Pregnant Women.

The action concerning the determination of whether to adopt the proposed regulation will be based upon the results of Department and Division staff analysis and the consideration of the comments and written materials filed by other interested persons.

SUMMARY OF PROPOSAL

The purpose of this notice is to advise the public that Delaware Health and Social Services (DHSS)/Division of Medicaid and Medical Assistance (DMMA) is proposing to amend Title XIX Medicaid State Plan to remove the optional service, case management of high-risk pregnant women, from the Delaware Medicaid State Plan as these services will now be provided via an evidence-based home visiting model under 1115 Waiver authority.

Statutory Authority

- 1902(a)(23) of the Social Security Act
- 42 CFR 440.169 -- Case management services
- Social Security Act §1115, Demonstration projects

Background

There is growing evidence that increased stress from social factors such as food insecurity, as well as poverty and social exclusion, can have a major impact on health and can lead to premature death as well as poor birth outcomes for pregnant women and infants. As DMMA's mission is to "Improve health outcomes by ensuring that the highest quality medical services are provided to the vulnerable populations of Delaware in the most cost-effective manner," addressing social factors and ensuring our most vulnerable populations receive the most effective health care coverage has become imperative to improving health outcomes.

DMMA has provided case management of high-risk pregnant women as an optional Medicaid State Plan service since 1987. Since that time, many evidenced-based home visiting models for pregnant and post-partum women have been developed, researched, and proven effective in improving maternal and child health outcomes. Therefore, effective for services provided on January 1, 2023, DMMA has amended its Diamond State Health Plan (DSHP) 1115 Waiver to include coverage of two models of evidenced-based home visiting for pregnant women and children under the age of two who meet enrollment criteria established by the Nurse Family Partnership and Healthy Families of Delaware, and therefore, the optional state plan service will be sunset.

Summary of Proposal

Purpose

The purpose of this proposed regulation is to remove the optional service, case management of high-risk pregnant women, from the Delaware Medicaid State Plan as these services will now be provided via an evidence-based home visiting model under 1115 Waiver authority.

Summary of Proposed Changes

Effective for services provided on and after January 1, 2023, DHSS/DMMA proposes to amend XIX Medicaid State Plan to remove case management of high-risk pregnant women as an option from the Delaware Medicaid State Plan.

Public Notice

In accordance with the *federal* public notice requirements established at Section 1902(a)(13)(A) of the Social Security Act and 42 CFR 440.386 and the *state* public notice requirements of Title 29, Chapter 101 of the **Delaware Code**, DHSS/DMMA gives public notice and provides an open comment period for 30 days to allow all stakeholders an opportunity to provide input on the proposed regulation. Comments must be received by 4:30 p.m. on March 31, 2023.

Centers for Medicare and Medicaid Services Review and Approval

The provisions of this state plan amendment (SPA) are subject to approval by the Centers for Medicare and Medicaid Services (CMS). The draft SPA page(s) may undergo further revisions before and after submittal to CMS based upon public comment and/or CMS feedback. The final version may be subject to significant change.

Provider Manuals and Communications Update

Also, there may be additional provider manuals that may require updates as a result of these changes. The applicable Delaware Medical Assistance Program (DMAP) Provider Policy Specific Manuals and/or Delaware Medical Assistance Portal will be updated. Manual updates, revised pages or additions to the provider manual are issued, as required, for new policy, policy clarification, and/or revisions to the DMAP program. Provider billing guidelines or instructions to incorporate any new requirement may also be issued. A newsletter system is utilized to distribute new or revised manual material and to provide any other pertinent information regarding DMAP updates. DMAP updates are available on the Delaware Medical Assistance Portal website: <https://medicaid.dhss.delaware.gov/provider>

Fiscal Impact

There is no anticipated fiscal impact.

***Please Note:**

(1) The Regulatory Flexibility Analysis and Impact Statement for this regulation, as required by 29 Del.C. Ch. 104, is available at:

<https://regulations.delaware.gov/register/march2023/proposed/26 DE Reg 752RFA 03-01-23.pdf>

(2) Due to the size of the proposed regulation, it is not being published here. A copy of the regulation is available at:

<https://regulations.delaware.gov/register/march2023/proposed/26 DE Reg 752 03-01-23.htm>

PROPOSED REGULATIONS

DIVISION OF MEDICAID AND MEDICAL ASSISTANCE

Statutory Authority: 31 Delaware Code, Section 512 (31 **Del.C.** §512)
16 **DE Admin. Code** 20700

PUBLIC NOTICE

Daily Living Needs

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the **Delaware Code**) and under the authority of 31 **Del.C.** §512, Delaware Health and Social Services ("Department") / Division of Medicaid and Medical Assistance (DHSS/DMMA) is proposing to amend the Division of Social Services Manual (DSSM) 20720.1 regarding the Daily Living Needs Calculations, specifically, to clarify policy and procedures.

Any person who wishes to make written suggestions, compilations of data, testimony, briefs, or other written materials concerning the proposed new regulations must submit same to, Planning and Policy Unit, Division of Medicaid and Medical Assistance, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906, by email to DHSS_DMMA_Publiccomment@Delaware.gov, or by fax to 302-255-4413 by 4:30 p.m. on March 31, 2023. Please identify in the subject line: Daily Living Needs.

The action concerning the determination of whether to adopt the proposed regulation will be based upon the results of Department and Division staff analysis and the consideration of the comments and written materials filed by other interested persons.

SUMMARY OF PROPOSAL

The purpose of this notice is to advise the public that Delaware Health and Social Services (DHSS)/Division of Medicaid and Medical Assistance (DMMA) is proposing to amend the Division of Social Services Manual (DSSM) 20720.1 regarding the Daily Living Needs Calculations, specifically, to clarify policy and procedures.

Statutory Authority

- Social Security Act §1915(c), Home and community-based services
- Social Security Act §1115, Demonstration projects
- 42 CFR §435.217, Individuals receiving home and community-based services

Background

The Division of Medicaid and Medical Assistance (DMMA) must reduce its payment for home and community-based services (HCBS) provided to an individual by the amount that remains after the application of certain deductions from the individual's income. The daily living needs deduction is applicable to individuals receiving HCBS through either the Long-Term Care Community Services (LTCCCS) Program or the Division of Developmental Disabilities Services (DDDS) Lifespan Waiver. The amount of the daily living needs deduction varies by program and setting. DMMA wishes to revise existing language regarding the application of the daily living needs deduction for clarity and consistency.

Summary of Proposal

Purpose

The purpose of this notice is to advise the public that Delaware Health and Social Services (DHSS)/Division of Medicaid and Medical Assistance (DMMA) is proposing to amend the Division of Social Services Manual (DSSM) 20720.1 regarding the Daily Living Needs Calculations, specifically, to clarify policy and procedures.

Summary of Proposed Changes

Effective for services provided on and after July 1, 2017, Delaware Health and Social Services/Division of Medicaid and Medical Assistance (DHSS/DMMA) proposes to amend the Delaware Social Services Manual (DSSM) to clarify internal policy and procedures regarding the Daily Living Needs Calculations, specifically, to clarify internal policy and procedures.

Public Notice

In accordance with the *federal* public notice requirements established at Section 1902(a)(13)(A) of the Social Security Act and 42 CFR 440.386 and the *state* public notice requirements of Title 29, Chapter 101 of the **Delaware Code**, DHSS/DMMA gives public notice and provides an open comment period for 30 days to allow all stakeholders an opportunity to provide input on the proposed regulation. Comments must be received by 4:30 p.m. on March 31, 2023.

Centers for Medicare and Medicaid Services Review and Approval

The provisions of this state plan amendment (SPA) are subject to approval by the Centers for Medicare and Medicaid Services (CMS). The draft SPA page(s) may undergo further revisions before and after submittal to CMS based upon public comment and/or CMS feedback. The final version may be subject to significant change.

Provider Manuals and Communications Update

Also, there may be additional provider manuals that may require updates as a result of these changes. The applicable Delaware Medical Assistance Program (DMAP) Provider Policy Specific Manuals and/or Delaware Medical Assistance Portal will be updated. Manual updates, revised pages or additions to the provider manual are issued, as required, for new policy, policy clarification, and/or revisions to the DMAP program. Provider billing guidelines or instructions to incorporate any new requirement may also be issued. A newsletter system is utilized to distribute new or revised manual material and to provide any other pertinent information regarding DMAP updates. DMAP updates are available on the Delaware Medical Assistance Portal website: <https://medicaid.dhss.delaware.gov/provider>

Fiscal Impact

There is no anticipated fiscal impact.

***Please Note: The Regulatory Flexibility Analysis and Impact Statement for this regulation, as required by 29 Del. C. Ch. 104, is available at:**

<https://regulations.delaware.gov/register/march2023/proposed/26 DE Reg 754RFA 03-01-23.pdf>

20000 Medicaid Long Term Care

20700 Home and Community Based Services

20720.1 Daily Living Needs

Individuals receiving Medicaid under the Division of Developmental Disabilities Services (DDDS) Lifespan Waiver who receive Residential Habilitation services are allowed a deduction equal to the current Adult Foster Care (AFC) rate. The AFC rate is based on the current SSI income level plus the Optional State Supplement amount.

Individuals receiving Medicaid under the ~~Long-Term~~ Long-Term Care Community Services (LTCCS) program and are residing in an Assisted Living Facility are given a deduction based on the Adult Foster Care rate less an amount payable for room and board.

Individuals receiving Medicaid under the DDDS Lifespan Waiver who do not receive a residential habilitation service and individuals receiving Medicaid under the LTCCS program (excluding those residing in an Assisted Living Facility) are allowed ~~an amount~~ a deduction equal to their total income including income that is placed in a Miller Trust. All earned income in the form of wages shall be allowed to be protected.

PROPOSED REGULATIONS

DIVISION OF SOCIAL SERVICES

Statutory Authority: 31 Delaware Code, Section 512 (31 **Del.C.** §512)
16 **DE Admin. Code** 3008

PUBLIC NOTICE

TANF Family Cap

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the **Delaware Code**) and under the authority of 31 **Del.C.** §512, Delaware Health and Social Services ("Department") / Division of Social Services (DHSS/DSS) is proposing to amend the Delaware Social Services Manual (DSSM) 3008 regarding the TANF Family Cap.

Any person who wishes to make written suggestions, compilations of data, testimony, briefs or other written materials concerning the proposed new regulations must submit same to, Planning and Policy Unit, Division of Medicaid and Medical Assistance, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906, by email to DHSS_DMMA_Publiccomment@Delaware.gov or by fax to 302-255-4413 by 4:30 p.m. on March 31, 2023. Please identify in the subject line: TANF Family Cap.

The action concerning the determination of whether to adopt the proposed regulation will be based upon the results of Department and Division staff analysis and the consideration of the comments and written materials filed by other interested persons.

SUMMARY OF PROPOSAL

The purpose of this proposed regulation is to change the Delaware Social Services Manual (DSSM) 3008 to provide additional financial assistance to applicable TANF recipients.

Statutory Authority

45 CFR 260

Background

Delaware previously imposed a "family cap" on recipients of Temporary Assistance for Needy Families (TANF) to reduce out-of-wedlock pregnancies among recipients. Under the family cap rule, a household will receive no additional TANF cash benefits if the household size increases due to the birth of a child that occurs more than ten months after the date of application for TANF, with some exceptions. This means that some households receive less in TANF cash benefits than they would have in the absence of Delaware's family cap policy.

Current research has found the family cap rule has the potential to drive children and families deeper into poverty with little evidence that the rule affects the birthrate for TANF recipients. Family cap rules are also likelier to increase financial hardship for children and families of color.

Delaware is proposing to repeal the family cap policy to help reduce childhood poverty and support families as they work toward achieving financial stability. As a result of this policy amendment, children who were previously family capped will receive monthly TANF benefits which will increase their family's benefit amount. This change will provide additional financial assistance to approximately 155 Delaware families.

Summary of Proposal

Purpose

The purpose of this proposed regulation is to change the Delaware Social Services Manual (DSSM) 3008 to provide additional financial assistance to applicable TANF recipients.

Summary of Proposed Changes

Effective for services provided on and after May 1, 2023, DHSS/DSS proposes to amend DSSM 3008 regarding the TANF Family Cap

Public Notice

In accordance with the *federal* public notice requirements established at Section 1902(a)(13)(A) of the Social

Security Act and 42 CFR 440.386 and the *state* public notice requirements of Title 29, Chapter 101 of the **Delaware Code**, DHSS/DSS gives public notice and provides an open comment period for 30 days to allow all stakeholders an opportunity to provide input on the proposed regulation. Comments must be received by 4:30 p.m. on March 31, 2023.

Fiscal Impact

	Federal Fiscal Year 2023	Federal Fiscal Year 2024
Federal funds	\$ 0	\$ 0
General (State) funds	\$ 201,000	\$ 205,020

***Please Note:**

(1) The Regulatory Flexibility Analysis and Impact Statement for this regulation, as required by 29 Del.C. Ch. 104, is available at:

[https://regulations.delaware.gov/register/march2023/proposed/26 DE Reg 756RFA 03-01-23.pdf](https://regulations.delaware.gov/register/march2023/proposed/26%20DE%20Reg%20756RFA%2003-01-23.pdf)

(2) Due to the size of the proposed regulation, it is not being published here. A copy of the regulation is available at:

[https://regulations.delaware.gov/register/march2023/proposed/26 DE Reg 756 03-01-23.htm](https://regulations.delaware.gov/register/march2023/proposed/26%20DE%20Reg%20756%2003-01-23.htm)

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL**DIVISION OF FISH AND WILDLIFE**

Statutory Authority: 7 Delaware Code, Section 2701 (7 Del.C. §2701)
7 DE Admin. Code 3200

REGISTER NOTICE**SAN # 2023-01****DOCKET # 2023-R-F-0001****3200 Horseshoe Crabs****1. TITLE OF THE REGULATIONS:**

Amend 7 **DE Admin. Code** 3200 Horseshoe Crabs.

2. BRIEF SYNOPSIS OF THE SUBJECT, SUBSTANCE AND ISSUES:

Delaware must update its commercial horseshoe crab quota setting process to comply with the Atlantic States Marine Fisheries Commission's Addendum VIII to the Horseshoe Crab Fishery Management Plan (FMP), which was approved in November 2022. This proposed amendment to the regulation will keep Delaware's horseshoe crab harvest quota in compliance with the FMP and assist in preventing overharvest. Because the regulation required amending for the quota revision, this proposed amendment also revises other parts of the regulation that were outdated or unclear. The proposed amendment will address daily possession limits that are currently based on volume rather than number, which complicates enforcement of the possession limit; the dredge lottery process, which currently doesn't reflect the operation of this fishery; and rewording some of the current text to improve clarity.

This proposed amendment will update the annual quota setting process to comply with the Atlantic States Marine Fisheries Commission Addendum VIII to the Horseshoe Crab FMP, revise daily possession limits, clarify the definition of the legal harvest methods, define the circumstances that will require a horseshoe crab dredge lottery, and modify the dredge lottery process.

3. POSSIBLE TERMS OF THE AGENCY ACTION:

N/A

4. STATUTORY BASIS OR LEGAL AUTHORITY TO ACT:

7 **Del.C.** §2701

5. OTHER REGULATIONS THAT MAY BE AFFECTED BY THE PROPOSAL:

N/A

6. NOTICE OF PUBLIC COMMENT:

The hearing record on the proposed changes to 3200 Horseshoe Crabs opens March 1, 2023 (Hearing Docket No. 2023-R-F-0001). The virtual public hearing will be held on Thursday, March 23, 2023, beginning at 6:00 p.m. The web link to the virtual hearing can be accessed through the DNREC Public Hearings site at <https://dnrec.alpha.delaware.gov/public-hearings/>. If prompted, use Meeting ID 954 0188 4469 and Passcode 639214. To access the audio-only portion of the virtual hearing, dial 1-646-931-3860 and enter the Meeting ID and Passcode noted above. Closed-captioning is available by request if made at least 7 days before the event.

Those wishing to offer verbal comments during DNREC virtual public hearings must pre-register no later than noon on the date of the virtual hearing. The designated page for this Pre-Registration process can be found here: <https://dnrec.alpha.delaware.gov/public-hearings/comments/registration/>.

The proposed amendments may be inspected online starting March 1, 2023 at https://regulations.delaware.gov/services/current_issue.shtml, or in-person, by appointment only, by contacting John Clark by phone at 302-739-9914 or by email at John.Clark@delaware.gov.

Public comments will be received until close of business Friday, April 7, 2023. Comments will be accepted in written form via email to DNRECHearingComments@delaware.gov, or by using the online form at <https://de.gov/dnrecomments>, or by U.S. mail to the following address:

Theresa Newman, Hearing Officer
DNREC - Office of the Secretary
89 Kings Highway, Dover, DE 19901

7. PREPARED BY:

John H. Clark

Email: John.Clark@delaware.gov

Phone: (302)739-9914

***Please Note:**

(1) The Regulatory Flexibility Analysis and Impact Statement for this regulation, as required by 29 Del.C. Ch. 104, is available at:

<https://regulations.delaware.gov/register/march2023/proposed/26 DE Reg 757RFA 03-01-23.pdf>

(2) Due to the size of the proposed regulation, it is not being published here. A copy of the regulation is available at:

<https://regulations.delaware.gov/register/march2023/proposed/26 DE Reg 757 03-01-23.htm>

DEPARTMENT OF STATE

DIVISION OF PROFESSIONAL REGULATION

Board of Plumbing, Heating, Ventilation, Air Conditioning and Refrigeration Examiners

Statutory Authority: 24 Delaware Code, Section 1806(a)(2) (24 Del.C. §1806(a)(2))
24 DE Admin. Code 1800

PUBLIC NOTICE

1800 Board of Plumbing, Heating, Ventilation, Air Conditioning and Refrigeration Examiners

Pursuant to 24 Del.C. §1806(a)(2), the Delaware Board of Plumbing, Heating, Ventilation, Air Conditioning and Refrigeration Examiners has proposed revisions to its rules and regulations. The rules proposed establish a continuing education requirement. A public hearing is scheduled for April 11, 2023 at 8:30 p.m. in the second floor conference room A of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware and possibly via virtual technology where members of the public can offer comments on the proposed amendments to the rules and regulations. Anyone wishing to receive a copy of the proposed rules and regulations may obtain a copy from the Delaware Board of Plumbing, Heating, Ventilation, Air Conditioning and Refrigeration Examiners, 861 Silver Lake Boulevard, Dover, Delaware 19904. Persons wishing to submit written comments may forward these to the Board at the above address in accordance with 29 Del.C. §10118(a). Written public comments will be accepted until April 26, 2023.

***Please Note: The Regulatory Flexibility Analysis and Impact Statement for this regulation, as required by 29 Del. C. Ch. 104, is available at:**

<https://regulations.delaware.gov/register/march2023/proposed/26 DE Reg 759RFA 03-01-23.pdf>

1800 Board of Plumbing, Heating, Ventilation, Air Conditioning and Refrigeration Examiners (Break in Continuity of Sections)

~~5.0 Reserved~~

~~41 DE Reg. 86 (07/01/07)~~

5.0 Continuing Education

5.1 Continuing education (CE) is required of all licensees and shall be completed by June 30 of any year in which a license is to be renewed starting October 31, 2024. Extra continuing education hours do not carry over to the next licensing period. Licensees will only get CE credit for their first attendance of CE courses during each licensing period. Licensees may retake a CE course in the same licensing period but will not receive additional CE credit.

5.2 Courses must be approved by the Board in order to qualify as CE. Approved courses appear on the website of the Division of Professional Regulation at <https://www.dpr.delaware.gov>. Licensees may also contact the Administrative Specialist of the Board at the Division of Professional Regulation to determine whether particular courses have been approved.

5.2.1 Courses shall be designed to maintain and enhance the knowledge and skills of licensees related to providing plumbing or HVACR services.

5.2.2 Sponsors or licensees can obtain Board approval of courses at any time by completing a form approved by the Board and including a course outline with the number of classroom hours showing breakdown of time allotted for each part of course content, the curriculum vitae or resume of the instructor and the appropriate fee set by the Division. The completed application will be presented for review at the next regularly scheduled Board meeting.

5.3 Licensees shall complete 6 hours of approved CE during each renewal period.

5.3.1 Licensees shall complete a minimum of:

5.3.1.1 3 hours in Code changes;

PROPOSED REGULATIONS

- 5.3.1.2 1 hour in safety;
- 5.3.1.3 1 hour in cross connections and back flow; and
- 5.3.1.4 1 hour in Energy Code.
- 5.3.2 A dual licensee (Plumbing and HVACR) shall complete an additional hour during each licensing period.
- 5.3.3 Exceptions to the requirements in subsections 5.3.1 and 5.3.2 are:
- 5.3.3.1 A person licensed less than one year does not need to complete CE at the first renewal;
- 5.3.3.2 A person licensed one year but less than two years must submit 3 CE hours at the first renewal.
- 5.4 The Board may consider a waiver of CE requirements or acceptance of partial fulfillment based on the Board's review of a written request with supporting documentation of hardship.

Please Note: As the rest of the sections were not amended, they are not being published. A copy of the regulation is available at:

<https://regulations.delaware.gov/register/march2023/proposed/26 DE Reg 759 03-01-23.htm>

DIVISION OF PROFESSIONAL REGULATION Board of Cosmetology and Barbering

Statutory Authority: 24 Delaware Code, Section 5106(a)(1) (24 Del.C. §5106(a)(1))
24 DE Admin. Code 5100

PUBLIC NOTICE

5100 Board of Cosmetology and Barbering

Pursuant to 24 **Del.C.** §5106(a)(1), the Delaware Board of Cosmetology and Barbering ("Board") has proposed revisions to its Rules and Regulations. The proposed amendments set forth standards and requirements for apprenticeships, including apprentice teachers, apprentice supervision and curriculum and equipment requirements for the apprentices regulated by the Board. These revisions will ensure that apprentices are properly supervised and trained in the interests of public protection.

A public hearing will be held on March 27, 2023 at 9:00 a.m. in the second floor conference room A of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware. Anyone wishing to receive a copy of the proposed rules and regulations may obtain a copy from the Delaware Board of Cosmetology and Barbering, 861 Silver Lake Boulevard, Dover, Delaware 19904. Persons wishing to submit written comments may forward these to the Board at the above address or at danielle.ridgway@delaware.gov.

In accordance with 29 **Del.C.** §10118(a), the final date to receive written comments will be April 11, 2023. The Board will deliberate on all of the public comments at its regularly scheduled meeting.

***Please Note:**

(1) The Regulatory Flexibility Analysis and Impact Statement for this regulation, as required by 29 Del.C. Ch. 104, is available at:

<https://regulations.delaware.gov/register/march2023/proposed/26 DE Reg 760RFA 03-01-23.pdf>

(2) Due to the size of the proposed regulation, it is not being published here. A copy of the regulation is available at:

<https://regulations.delaware.gov/register/march2023/proposed/26 DE Reg 760 03-01-23.htm>

Symbol Key

Arial type indicates the text existing prior to the regulation being promulgated. Underlined text indicates new text added at the time of the proposed action. Language which is ~~stricken~~ through indicates text being deleted. **[Bracketed Bold language]** indicates text added at the time the final order was issued. ~~**[Bracketed bold stricken through]**~~ indicates language deleted at the time the final order was issued.

Final Regulations

The opportunity for public comment shall be held open for a minimum of 30 days after the proposal is published in the *Register of Regulations*. At the conclusion of all hearings and after receipt within the time allowed of all written materials, upon all the testimonial and written evidence and information submitted, together with summaries of the evidence and information by subordinates, the agency shall determine whether a regulation should be adopted, amended or repealed and shall issue its conclusion in an order which shall include: (1) A brief summary of the evidence and information submitted; (2) A brief summary of its findings of fact with respect to the evidence and information, except where a rule of procedure is being adopted or amended; (3) A decision to adopt, amend or repeal a regulation or to take no action and the decision shall be supported by its findings on the evidence and information received; (4) The exact text and citation of such regulation adopted, amended or repealed; (5) The effective date of the order; (6) Any other findings or conclusions required by the law under which the agency has authority to act; and (7) The signature of at least a quorum of the agency members.

The effective date of an order which adopts, amends or repeals a regulation shall be not less than 10 days from the date the order adopting, amending or repealing a regulation has been published in its final form in the *Register of Regulations*, unless such adoption, amendment or repeal qualifies as an emergency under §10119.

DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 122(b) (14 **Del.C.** §122(b))
14 **DE Admin. Code** 252

REGULATORY IMPLEMENTING ORDER

252 Required Educational Records and Transfer and Maintenance of Educational Records

I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

Pursuant to 14 **Del.C.** §122(b), the Secretary of Education intends to amend 14 **DE Admin. Code** 252 Required Educational Records and Transfer and Maintenance of Educational Records. The Department is amending this regulation to update the name of the Emergency/Nursing Treatment Card to Delaware Emergency Treatment Card, as is being updated in Regulation 811 School Health Record Keeping Requirements. The regulation is also being amended to correct grammatical errors in order to comply with the *Delaware Administrative Code Drafting and Style Manual*.

Notice of the proposed regulation was published in the *Delaware Register of Regulations* on January 1, 2023. The Department of Education did not receive any written comments concerning the proposed amendments.

II. FINDINGS OF FACTS

The Secretary finds that it is appropriate to amend 14 **DE Admin. Code** 252 Required Educational Records and Transfer and Maintenance of Educational Records in order to update the name of the Emergency/Nursing Treatment Card to Delaware Emergency Treatment Card, as is being updated in Regulation 811 School Health Record Keeping Requirements. The regulation is also being amended to correct grammatical errors in order to comply with the *Delaware Administrative Code Drafting and Style Manual*.

III. DECISION TO AMEND THE REGULATION

For the foregoing reasons, the Secretary concludes that it is appropriate to amend 14 **DE Admin. Code** 252 Required Educational Records and Transfer and Maintenance of Educational Records. Therefore, pursuant to 14 **Del.C.** §122, 14 **DE Admin. Code** 252 Required Educational Records and Transfer and Maintenance of Educational Records attached hereto as *Exhibit "A"* is hereby amended. Pursuant to the provision of 14 **Del.C.** §122(e), 14 **DE Admin. Code** 252 Required Educational Records and Transfer and Maintenance of Educational Records hereby amended shall be in effect for a period of five years from the effective date of this order as set forth in Section V. below.

IV. TEXT AND CITATION

The text of 14 **DE Admin. Code** 252 Required Educational Records and Transfer and Maintenance of Educational Records amended hereby shall be in the form attached hereto as *Exhibit "A"*, and said regulation shall be cited as 14 **DE Admin. Code** 252 Required Educational Records and Transfer and Maintenance of Educational Records in the *Administrative Code of Regulations* for the Department of Education.

V. EFFECTIVE DATE OF ORDER

The actions hereinabove referred to were taken by the Secretary pursuant to 14 **Del.C.** §122 on February 9, 2023. The effective date of this Order shall be ten (10) days from the date this Order is published in the *Delaware Register of Regulations*.

IT IS SO ORDERED the 9th day of February 2023.

Department of Education

Mark A. Holodick, Ed.D., Secretary of Education

Approved this 9th day of February 2023

252 Required Educational Records and Transfer and Maintenance of Educational Records

1.0 Purpose

The purpose of this regulation is to provide a list of required educational records and outline the process for transferring and maintaining those records.

~~4.0~~ 2.0 Definitions

The following words and terms, when used in this regulation, shall have the following meaning ~~unless the context clearly states otherwise:~~

“**Court Orders**” means any written direction from a court of competent jurisdiction directed to the student or affecting the student’s care or custody.

“**Cumulative Record File**” means a file containing the ~~Emergency/Nursing~~ Delaware Emergency Treatment Card, Identifying Data, School Health Record, Progress Report, Student Transcript (for students in grades 9 and above), and Discipline Record.

“**Delaware School Health Record**” means the form required by 14 **DE Admin Code** 811 for Delaware public school students.

“**Discipline Record**” means information about all periods of suspension or of expulsion from the regular school setting imposed on a student as a result of an infraction of the school or district’s code of conduct or other rules.

“~~Emergency/Nursing~~ **Delaware Emergency Treatment Card**” means a form containing contact information and general school emergency procedures for the care of a student who becomes sick or

injured at school. The card contains the following information: the student's name, birth date, school district, school, grade or class assignment, home address, and telephone number; the name, place of employment and work telephone number of the parent, guardian or relative caregiver; two other names, addresses, and telephone numbers of individuals who can be contacted at times when the parent, guardian or relative caregiver cannot be reached; the name and telephone number of the primary health care provider and family dentist; any medical conditions or allergies the student has; and the student's medical insurance. **NON REGULATORY NOTE: 14 DE Admin. Code 811 School Health Record Keeping Requirements contains the same definition for "Delaware Emergency Treatment Card."**

"Identifying Data" means the name of the student, date of birth, sex, race and ethnicity, address, telephone number, Delaware student identification number and the name of the parents, guardians, or relative caregivers.

"Progress Report" means a single record maintained for each student in kindergarten through grade 8 that contains end of year and up to date grades; standardized tests scores such as the state student assessment; and attendance data for each year of the student's attendance.

"Public School" means a school or charter school having any or all of grades kindergarten through grade 12, supported primarily from public funds and under the supervision of public school administrators.

"Student Transcript" means a single record maintained for each student in grades 9 and above that contains the following: end of year and up to date grades; credits earned; class rank; Grade Point Average (GPA); withdrawal or graduation date; standardized tests scores such as the state student assessment, SAT, PSAT, ACT; attendance data and school activities. If applicable, a list of the career technical competencies achieved by a student enrolled in a specific career technical program shall also be included.

2-0 3.0 Education Records Required by Schools in Delaware

2-4 3.1 Each Delaware school shall maintain a Cumulative Record File either as an electronic or paper file for each student enrolled.

2-4.4 3.1.1 The student Cumulative Record File shall contain the ~~Emergency/Nursing~~ Delaware Emergency Treatment Card, Identifying Data, School Health Record, Progress Report, Student Transcript (for students in grades 9 and above) and Discipline Record.

2-4.2 3.1.2 The student Cumulative Record File shall also contain any Court Orders in the school or district's possession, and;

2-4.3 3.1.3 The Cumulative Record File for a child with a disability as defined in 14 DE Admin Code 925 or for a child identified under Section 504 shall contain any records related to the identification, evaluation, placement, and provision of a free appropriate public education. Such documents may be collected and maintained separately.

3-0 4.0 Transfer of the Records of Public School and Private Schools Students

3-4 4.1 When a student transfers from a public school, private school or an educational program operated by the Department of Services for Children, Youth and Their Families to any other school in Delaware, the receiving school shall immediately request the Cumulative Record File from the sending school or program.

3-2 4.2 The Cumulative Record File shall follow each student transferred from one school to another including files for each student with disabilities transferred from one school to another.

3-2.4 4.2.1 Public schools, school districts, private schools and educational programs operated by the Department of Services for Children, Youth and Their Families shall promptly transfer a student's Cumulative Record File upon the request of a receiving school.

3-2.1.4 4.2.1.1 Public schools and school districts shall maintain the original Cumulative Record File and provide a copy of the file when students transfer to a private school or educational program operated by the Department of Services for Children, Youth and Their Families.

~~3-2-1-2~~ 4.2.1.2 Public schools and school districts shall provide the original Cumulative Record File when transferring records to another public school.

~~3-2-2~~ 4.2.2 Unpaid student fees or fines shall not be a basis for a public school, school district or an educational program operated by the Department of Services for Children, Youth and Their Families to deny or to delay transfer of the Cumulative Record File.

~~3-2-3~~ 4.2.3 Students shall not be denied enrollment into a public school on the grounds that the student's Cumulative Record File has not been received.

~~3-3~~ 4.3 Before transferring student records, a public school, school district or private school shall specifically confirm that the Cumulative Record File contains the student's Discipline Record.

~~3-4~~ 4.4 When students transfer to a Delaware school from any other school including a school in a foreign country, the receiving school is responsible for having the transcripts evaluated.

~~3-5~~ 4.5 Upon the closure of a charter school, the student's Cumulative Record File shall be forwarded to the receiving school in accordance with charter school closure protocol as outlined in 14 **Del.C.** §512(16) and §515(i).

~~4-0~~ **5.0 Maintenance of the Education Records of Public Schools**

~~4-4~~ 5.1 The *Delaware School District General Records Retention Schedule* published by the Delaware Public Archives shall be followed as to the length of time and special considerations for the maintenance of education records.

~~4-2~~ 5.2 Contracts for storage of student records of graduates, withdrawals and special education students shall be initiated between the school district or charter school and the Delaware Public Archives.

~~4-3~~ 5.3 The Cumulative Record Files for students who have graduated from or who left school prior to graduation from high school shall be stored at the school or district of last attendance or in the Delaware Public Archives.

~~5-0~~ **6.0 Destruction of Education Records of Public Schools**

~~5-4~~ 6.1 The *Delaware School District General Records Retention Schedule* published by the Delaware Public Archives shall be followed as to the length of time and special considerations for the destruction of any education records.

~~5-2~~ 6.2 The destruction of educational records of children with disabilities shall also comply with the requirements of 14 **DE Admin. Code** 927.

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 122(b) (14 **Del.C.** §122(b))
14 **DE Admin. Code** 811

REGULATORY IMPLEMENTING ORDER

811 School Health Record Keeping Requirements

I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

Pursuant to 14 **Del.C.** §122(b), the Secretary of Education intends to amend 14 **DE Admin. Code** 811 School Health Record Keeping Requirements. The Department is amending this regulation in order to comply with 29 **Del.C.** §10407 which requires regulations to be reviewed on a recurring basis every four years. The regulation is being amended to grammatically correct the title of the regulation, add a purpose statement, update the title of the Delaware Emergency Treatment Card, and to correct grammatical errors in order to comply with the *Delaware Administrative Code Drafting and Style Manual*.

Notice of the proposed regulation was published in the *Delaware Register of Regulations* on January 1, 2023. The

Department of Education did not receive any written comments concerning the proposed amendments.

II. FINDINGS OF FACTS

The Secretary finds that it is appropriate to amend 14 **DE Admin. Code** 811 School Health Record Keeping Requirements in order to comply with 29 **Del.C.** §10407 which requires regulations to be reviewed on a recurring basis every four years. The regulation is being amended to grammatically correct the title of the regulation, add a purpose statement, update the title of the Delaware Emergency Treatment Card, and to correct grammatical errors in order to comply with the *Delaware Administrative Code Drafting and Style Manual*.

III. DECISION TO AMEND THE REGULATION

For the foregoing reasons, the Secretary concludes that it is appropriate to amend 14 **DE Admin. Code** 811 School Health Record Keeping Requirements. Therefore, pursuant to 14 **Del.C.** §122, 14 **DE Admin. Code** 811 School Health Record Keeping Requirements attached hereto as *Exhibit "A"* is hereby amended. Pursuant to the provision of 14 **Del.C.** §122(e), 14 **DE Admin. Code** 811 School Health Record Keeping Requirements hereby amended shall be in effect for a period of five years from the effective date of this order as set forth in Section V. below.

IV. TEXT AND CITATION

The text of 14 **DE Admin. Code** 811 School Health Record Keeping Requirements amended hereby shall be in the form attached hereto as *Exhibit "A"*, and said regulation shall be cited as 14 **DE Admin. Code** 811 School Health Record Keeping Requirements in the *Administrative Code of Regulations* for the Department of Education.

V. EFFECTIVE DATE OF ORDER

The actions hereinabove referred to were taken by the Secretary pursuant to 14 **Del.C.** §122 on February 9, 2023. The effective date of this Order shall be ten (10) days from the date this Order is published in the *Delaware Register of Regulations*.

IT IS SO ORDERED the 9th day of February 2023.

Department of Education

Mark A. Holodick, Ed.D., Secretary of Education

Approved this 9th day of February 2023

811 School Health ~~Record Keeping~~ Recordkeeping Requirements

1.0 Purpose

The purpose of this regulation is to outline the required school health record documents and forms, and recordkeeping responsibilities, including entry into eSchool, in order to ensure student safety in schools.

~~4.0~~ 2.0 Definitions

The following words and terms, when used in this regulation, have the following meaning:

“**Delaware School Health Record**” means an electronic document containing information about a student’s health, which includes but is not limited to the student’s name, gender, birthdate, immunizations, results of testing and screenings, medical diagnoses, issued or prescribed medications and treatments, student athlete health records compiled in compliance with DIAA regulations and referrals.

“**Department**” means the Delaware Department of Education.

~~Emergency/Nursing Delaware Emergency Treatment Card~~ means a form containing contact information and general school emergency procedures for the care of a student who becomes sick or injured at school. The card contains ~~the following information:~~ the student's name, birth date, school district, school, grade or class assignment, home address, and telephone number; the name, place of employment and work telephone number of the parent, guardian or Relative Caregiver; two other names, addresses, and telephone numbers of individuals who can be contacted at times when the parent, guardian or Relative Caregiver cannot be reached; the name and telephone number of the primary health care provider and family dentist; any medical conditions or allergies the student has; and the student's medical insurance. **NON REGULATORY NOTE: 14 DE Admin. Code 252 contains the same definition for "Delaware Emergency Treatment Card."**

"Student Accident Report Form" means a form developed by the Department that is used by the district or charter to review school accidents resulting in medical evaluation or referral.

"Student Health History Update" means a form developed by the Department that is used to obtain current student health information from the parent, guardian, or Relative ~~Caregiver~~ Caregiver, or the student if 18 years or ~~older~~ older, or an unaccompanied homeless youth.

"Summary of School Health Services" means an annual report created by the Department on school health services that have been provided and electronically documented by school nurses.

~~2-0~~ 3.0 Emergency/Nursing Delaware Emergency Treatment Card

~~2-4~~ 3.1 An ~~Emergency/Nursing~~ A Delaware Emergency Treatment Card for each public school student shall be on file in the ~~office of the school nurse~~ electronic student health record.

~~2-1-4~~ 3.1.1The information on the ~~Emergency/Nursing Delaware Emergency~~ Treatment Card shall be shared only on a need to know basis as related to the education and health needs of the student and consistent with state and federal laws.

~~2-1-2~~ 3.1.2The parent, guardian or Relative Caregiver or the student if 18 years or older, or an unaccompanied homeless youth (as defined by 42 U.S.C. 11434(a)) shall sign the ~~Emergency/Nursing Delaware Emergency~~ Treatment Card to assure they understand the purpose of the form and acknowledge the accuracy of the information.

~~2-1-3~~ 3.1.3The ~~Emergency/Nursing Delaware Emergency~~ Treatment Card is used to update the student's medical information on the Delaware School Health Record and student's contact information in the district or charter electronic pupil accountability system.

~~2-1-4~~ 3.1.4The contact information on the ~~Emergency/Nursing Delaware Emergency~~ Treatment Card shall be used by the school nurse to contact the parent, guardian or Relative Caregiver regarding any health-related matter and to identify a person to pick up or provide consultation regarding the student's acute illness or injury.

~~3-0~~ 4.0 Delaware School Health Record

~~3-4~~ 4.1 The Delaware School Health Record shall be current and shall be part of the student's health record within the Cumulative Record File (14 DE Admin. Code 252) which accompanies the student when ~~he~~ or she the student moves to another school.

~~3-2~~ 4.2 The Delaware School Health Record shall be maintained for the duration of the student's schooling and the school nurse shall use the Student Health History Update to keep health records current.

~~3-2-1~~ 4.2.1The Delaware School Health Record shall be maintained within an electronic documentation program and transferred electronically with the student.

4.2.2 If the Delaware School Health Record cannot be transferred electronically, a hard copy shall be created and transferred to the receiving school.

~~3-3~~ 4.3 Documentation received on the student's health, including parent medication permission slips and immunization records, shall be recorded in ~~his or her~~ the student's electronic Delaware School Health Record. Hard copies of the documents shall be maintained in ~~an individual~~ the student's school health folder.

NON REGULATORY NOTE: also see 14 **DE Admin. Code** 251 and 252 and the Delaware Public Archives Document Delaware School Districts General Records Retention Schedule.

4-0 5.0 Other Required Documentation

4.4 5.1 The school nurse shall document in the state, district, or charter electronic health record system for individual student health data any nursing care provided including the school name, a three point date, the person's (student, staff or visitor) first and last name, the time of arrival and departure, the presenting complaint, the nurse's assessment intervention and the outcome, including the disposition of the situation, the parent or other contact, if appropriate, and the nurse's complete signature or initials.

4.4.4 5.2 The school nurse shall document the care given at the time of a ~~school-based~~ school-based accident by completing the Student Accident Report Form if the student missed more than ~~one-half~~ one-half day because of the accident or if the school nurse ~~has~~ referred the student for a medical evaluation regardless of whether the parent, guardian or Relative Caregiver or student if 18 years or older, or an unaccompanied homeless youth (as defined by 42 U.S.C. 11434(a)) followed through on that request.

6-0 6.0 Submission of Records

The Department will annually create the Summary of School Health Services report provided by districts and charters. Data from the previous school year shall be collected from the state's pupil accountability system after August 15th. Any district or charter using an alternative electronic health record shall submit an electronic version of the Summary of School Health Services report to the Department by August 31st of each year.

DEPARTMENT OF INSURANCE

OFFICE OF THE COMMISSIONER

Statutory Authority: 18 Delaware Code, Sections 311, 7105 and 7107 (18 **Del.C.** §§311, 7105 & 7107)

18 **DE Admin. Code** 1404

REGULATORY IMPLEMENTING ORDER

1404 Long-Term Care Insurance

I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

In the October 1, 2022 edition of the *Register of Regulations*, at 26 **DE Reg.** 300 (October 1, 2022), the Commissioner of the Delaware Department of Insurance (Commissioner) published a proposal to amend Regulation 1404. This regulation implements 18 **Del.C.** Ch. 71 by setting forth standards that apply to long term care insurance coverage in Delaware. The purpose of the proposed amendments was to move subsections 8.2.5.1.4 through 8.2.5.1.6 to new subsections 8.5.1 through 8.5.3 and add some additional language that is designed to make it easier for policyholders to access information about rate increases that affect their policies.

The Department also proposed adding an effective date of these proposed amendments at Section 33.0.

In response to comments from the regulated community that are summarized in the re-proposal, published in the January 1, 2023 edition of the *Register of Regulations*, at 26 **DE Reg.** 537 (01/01/2023), the Commissioner chose to incorporate the commenters recommendations. Additionally, the Department again took the opportunity of the re-proposal to update the regulation to conform with current Delaware Administrative Code Style conventions.

The Department received one timely comment regarding the January 1, 2023 re-proposal, indicating support

for the re-proposal but also suggesting that the word "daily" in line five of section 8.5.2 be deleted since the word "daily" was removed from line one of section 8.5.2 in the re-proposal.

The Department is not inclined to make the suggested change as the Department does not believe it is necessary.

II. FINDINGS OF FACTS

The Commissioner finds that the amendments to 18 **DE Admin. Code** 1404 as re-proposed in the January 1, 2023 *Register of Regulations*, having been properly noticed and open for public comment, should be adopted for the reasons set forth in the re-proposal.

III. DECISION TO ADOPT THE PROPOSED AMENDMENTS

For the foregoing reasons, the Commissioner concludes that it is appropriate to adopt the amendments to 18 **DE Admin. Code** 1404 as re-proposed on January 1, 2023.

IV. EFFECTIVE DATE OF ORDER

The actions hereinabove referred to were taken by the Commissioner pursuant to 18 **Del.C.** §§ 311, 7105 and 7107 on the date indicated below. The effective date of the Regulation shall be 10 days from the date this Order is published in the *Delaware Register of Regulations*, pursuant to 28 **Del.C.** § 10118 and 29 **DE Admin. Code** 101-5.1.

IT IS SO ORDERED.

The 15th day of February, 2023.

Trinidad Navarro
Commissioner
Delaware Department of Insurance

***Please note that no changes were made to the regulation as originally proposed and published in the January 2023 issue of the *Register* at page 537 (26 DE Reg. 537). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

<https://regulations.delaware.gov/register/march2023/final/26 DE Reg 767 03-01-23.htm>

DEPARTMENT OF STATE
DIVISION OF PROFESSIONAL REGULATION
Board of Pharmacy

Statutory Authority: 24 Delaware Code, Section 2506(a)(1) (24 **Del.C.** §2506(a)(1))
24 **DE Admin. Code** 2500

ORDER

2500 Board of Pharmacy

After due notice in the Delaware Register of Regulations and two Delaware newspapers, a public hearing was held on November 16, 2022 at a scheduled meeting of the Delaware Board of Pharmacy ("Board") to receive comments regarding proposed amendments to the Board's rules and regulations. The proposed amendments provide that all continuing professional education programs must be approved by the ACPE. Language has been added to subsection 5.1.6 to permit a pharmacist to use the assistance of a pharmacy technician for compounding where the pharmacy technician has completed a Board-approved program for sterile compounding. Subsection 5.1.7.1 has been revised to clarify that subsection 5.1.7 applies to compounded preparations for human use provided by a

Delaware licensed pharmacy. Finally, a new subsection 5.1.7.3 has been added to set forth requirements for compounded preparations for animal use, provided by an FDA-registered, Delaware-licensed outsourcing facility, with or without a patient specific prescription.

The proposed changes to the rules and regulations were published in the *Delaware Register of Regulations*, Volume 26, Issue 4, on October 1, 2022. Notice of the November 16, 2022 hearing was published in the *News Journal* (Exhibit 1) and the *Delaware State News*. Exhibit 2. Pursuant to 29 **Del.C.** § 10118(a), the date to receive final written comments was December 1, 2022, 15 days following the public hearing. The Board deliberated on the proposed revisions at its regularly scheduled meeting on January 18, 2023.

Summary of the Evidence and Information Submitted

The following exhibits were made a part of the record:

Board Exhibit 1: *News Journal* Affidavit of Publication.

Board Exhibit 2: *Delaware State News* Affidavit of Publication.

Board Exhibit 3: November 16, 2022 letter from S. Cunningham, PharmD, Alliance for Pharmacy Compounding and National Community Pharmacists Association.

In her letter, Board Exhibit 3, Ms. Cunningham stated that she was writing on behalf of the Alliance for Pharmacy Compounding (APC) and the National Community Pharmacist Association (NCPA). While APC and NCPA did not oppose the Board's proposal to add a new subsection 5.1.7.3, there was concern with how this revision would interact with existing Delaware regulations, federal law and Guidance for Industry #256 (GFI #256). GFI #256, which addresses compounding of animal drugs from bulk substances, was recently finalized by the Center for Veterinary Medicine (CVM) at the U.S. Food and Drug Administration (FDA). Ms. Cunningham noted that GFI #256 expressly states that the Guidance represented the FDA's current thinking, but was not binding on the FDA or the public. Ms. Cunningham objected in particular to subsection 5.1.7.2.2.1, which provides that a Delaware licensed pharmacy may not provide compounded preparations without a patient-specific prescription to Delaware licensed veterinarians in an amount greater than 10% of the total amount of non-patient specific compounded preparations sold by the pharmacy in a rolling year. Ms. Cunningham commented that GFI #256 contains no such limitation. GFI #256 sets forth conditions and limits on animal drug compounding from substances for office stock for pharmacies and outsourcing facilities and limits both entities to bulk substances on a positive list under development by CVM. Ms. Cunningham requested striking existing subsection 5.1.7.2.2.1, and rejecting proposed subsection 5.1.4.3.3, which specifies that the 10% limit is not applicable to compounded preparations for animal use provided by an FDA-registered outsourcing facility, as unnecessary.

At the hearing on November 16, 2022, two members of the public addressed the Board.

Scott Kidner spoke on behalf of the Delaware Veterinary Medical Association (DVMA) concerning the proposed regulatory amendments pertaining to compounding and veterinary care. He attended a Board meeting in the past when there was discussion about compounding and specifically the relationship between veterinarians and the ability to get compounded products. DVMA is hopeful that the Board will invite the veterinarian community into this conversation and that this proposed language does not interfere or change the current process that veterinarians are following.

Anthony Grzib, a pharmacist at Wedgewood Pharmacy, spoke on behalf of APC. Mr. Grzib stated that APC submitted comments in writing in support of the addition of subsection 5.1.7.3. However, the changes to subsections 5.1.7.3 and 5.1.7.1 have created an issue with the current 10% limitation in subsection 5.1.7.2.2.1. Mr. Grzib continued that, if there is no allowance for a pharmacy to provide human health non-patient specific compounds, which is in alignment with the federal requirements, he was not sure what 10% would be. Mr. Grzib stated that the current language shuts off state licensed pharmacies from providing any office use compounds or non-patient specific compounds to veterinarians. Mr. Grzib continued that there is a competitive advantage for an out of state pharmacy where the state has no limitations on office use for veterinary health. Mr. Grzib stated that the regulatory language is inconsistent with GFI #256, which is specific to animal compounding. There is no limitation

in GFI #256 and the FDA is controlling office use for animal health through a "positive list." Mr. Grzib added that APC is working with both the National Association of Boards of Pharmacy (NABP) and the FDA to clarify certain parts of the GFI to develop a model practice act as it relates to animal health compounding across each state. Mr. Grzib asked that the 10% limit be removed because it is creating confusion between GFI #256 and other state regulations.

Findings of Fact and Conclusions

The public was given notice and an opportunity to provide the Board with comments in writing and by testimony on the proposed amendments to the Board's rules and regulations. The Board considered both written comments and testimony on behalf of the APC and NCPA and testimony from Mr. Kidner, on behalf of the DVMA.

Pursuant to 24 **Del.C.** § 2506(a)(1), the Board has the statutory authority to promulgate rules and regulations. All comments received were on the topic of compounding for animal use. Ms. Cunningham, and Mr. Grzib, on behalf of APC and NCPA, requested that the Board strike subsection 5.1.7.2.2.1. Subsection 5.1.7.2 addresses preparations compounded by a Delaware licensed pharmacy for animal use without a patient-specific prescription. The Board did not propose amendments to subsection 5.1.7.2. Rather, the Board has proposed the addition of a new subsection 5.1.7.3 concerning compounded preparations for animal use, provided an FDA-registered, Delaware-licensed outsourcing facility, with or without a patient-specific prescription. The comments offered by Ms. Cunningham and Mr. Grzib are based on an FDA guidance document, GFI #256, which is not binding on the FDA or the public. As noted by Ms. Cunningham, there is no federal statute providing a regulatory framework over animal drug compounding. While that circumstance might change at some point, at this time, the Board finds no reason to strike its current regulatory scheme pertaining to compounding for animal use without a patient-specific prescription. There were no comments received as to the balance of the proposed regulatory changes. Therefore, the Board finds no reason to revise the amendments as proposed.

Decision and Effective Date

The Board hereby adopts the changes to the rules and regulations as proposed, to be effective 10 days following publication of this Order in the *Register of Regulations*. The new rules and regulations are attached hereto as Exhibit A.

IT IS SO ORDERED this 15th day of February 2023.

DELAWARE BOARD OF PHARMACY

/s/ Ruth Dixon, R.Ph.
President

/s/ Mark Freebery, PharmD
Vice President

/s/ Joshua Coffield, PharmD

/s/ Lisa Flaherty, PharmD

/s/ Nicholas Juliano, PharmD

Solomon Ezembakwe, PharmD (absent)

/s/ Gayle MacAfee

/s/ Lakeisha Cunningham

***Please note: Electronic signatures ("/s/") were accepted pursuant to 6 Del.C. §12A-107(d).**

***Please note that no changes were made to the regulation as originally proposed and published in the October 2022 issue of the *Register* at page 306 (26 DE Reg. 306). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

<https://regulations.delaware.gov/register/march2023/final/26 DE Reg 768 03-01-23.htm>

DIVISION OF PROFESSIONAL REGULATION

Board of Professional Counselors of Mental Health and Chemical Dependency Professionals

Statutory Authority: 24 Delaware Code, Section 3006(a)(1) (24 Del.C. §3006(a)(1))
24 DE Admin. Code 3000

ORDER

3000 Board of Professional Counselors of Mental Health and Chemical Dependency Professionals

NATURE AND STAGE OF THE PROCEEDINGS

On March 1, 2022, the Delaware Board of Mental Health and Chemical Dependency Professionals published proposed changes to its regulations in the Delaware Register of Regulations, Volume 25, Issue 9. This notice further indicated that written comments would be accepted by the Board for thirty days, a public hearing would be held, and written comments would be accepted for fifteen days thereafter. After due notice in the Register of Regulations and two Delaware newspapers, a public hearing was held on April 27, 2022 at a regularly scheduled meeting of the Delaware Board of Mental Health and Chemical Dependency Professionals to receive verbal comments regarding the Board's proposed amendments to its regulations.

SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

At the time of the deliberations, the Board considered the following documents:

Board Exhibit 1 - Affidavit of publication of the public hearing notice in the News Journal; and

Board Exhibit 2 - Affidavit of publication of the public hearing notice in the Delaware State News.

There was no verbal testimony given at the public hearing on April 27, 2022. No written comments were received by the Board during the initial thirty-day or second 15-day public comment periods.

FINDINGS OF FACT AND CONCLUSIONS

1. The public was given notice and an opportunity to provide the Board with comments in writing and by testimony at the public hearing on the proposed amendments to the Board's regulations.
2. There were no public comments provided to the Board during the first written public comment period, or the public hearing. There was one public comment submitted following the hearing that supported the regulations as proposed.
3. Pursuant to 24 Del. C. § 3006(a)(1), the Board has statutory authority to promulgate rules and regulations clarifying specific statutory sections of its statute.
4. The proposed changes seek to add a requirement that of the 40 CEs that are required upon renewal, three must be in ethics and three must be in cultural inclusion, equity, and diversity.
5. The Board finds no reason to amend the regulations as proposed.

DECISION AND EFFECTIVE DATE

Having found that the proposed changes to the regulations are necessary as outlined herein, the Board finds that the regulations shall be adopted as final in the form as proposed. The exact text of the regulations, as amended, are attached to this order as Exhibit A. These changes will become effective ten days following

publication of this order in the Delaware Register of Regulations.

SO ORDERED this 25th day of May, 2022.

BY THE DELAWARE BOARD OF MENTAL HEALTH AND CHEMICAL DEPENDENCY PROFESSIONALS

/s/ Dr. Todd Grande, LCDP, President
/s/ Mary Caroselli, LMFT, Secretary
/s/ Brandy Walker, LPCMH
/s/ Melkia Saunders, Public Member

/s/ Wade Jones, LPCMH/LCDP, Vice President
/s/ Yvette Aviles, LPCMH
/s/ Margaret Prouse, Ed.D., Public Member

***Please note: Electronic signatures ("/s/") were accepted pursuant to 6 Del.C. §12A-107(d).**

***Please note that no changes were made to the regulation as originally proposed and published in the March 2022 issue of the *Register* at page 844 (25 DE Reg. 844). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

<https://regulations.delaware.gov/register/march2023/final/26 DE Reg 771 03-01-23.htm>

OFFICE OF THE CHILD ADVOCATE

Statutory Authority: 29 Delaware Code, Section 9011A (29 Del.C. §9011A)

ORDER

904 Driver Education, Driver's License, and Motor Vehicle Insurance Program for Individuals who have Experienced Foster Care

I. NATURE OF THE PROCEEDINGS

Pursuant to its authority under Title 29 of the **Delaware Code**, Chapter 90A, Section 9011A(h), the Office of the Child Advocate (OCA) proposed to enact regulations regarding the administration of the Driver Education, Driver's License, and Motor Vehicle Insurance Program (the Program). The Program was established by the General Assembly in June 2022 to assist youth and young adults who have experienced foster care with the costs of obtaining a driver's license and motor vehicle insurance. The proposed regulation sought to establish eligibility requirements, eligible expenses, the application process, and the funding determination and payment process. In accordance with 29 Del. C. §10118(a), notice of the proposed regulation was published in the *Delaware Register of Regulations* on January 1, 2023, and provided for a public comment period through February 1, 2023. OCA received and considered written comments from five parties. This is OCA's Decision and Order adopting the proposed regulation.

II. SUMMARY OF EVIDENCE

In accordance with law, public notice regarding the proposed regulation was published in the *Delaware Register of Regulations*. The public comment period was open from January 1, 2023 through February 1, 2023. During this period, OCA received written comments from three individuals and two organizations - the Governor's Advisory Council for Exceptional Citizens (GACEC) and the State Council for Persons with Disabilities (SCPD).

Comment: The individual comments were primarily seeking clarification regarding eligibility.

Agency response: As outlined in the proposed regulations, individuals who are or have been in the legal custody of the Department of Services for Children, Youth and Their Families (DSCYF), and who meet the additional eligibility

criteria, are eligible to apply for the Program. Individuals need not be in foster placement as long as they are in the legal custody of DSCYF under 13 **Del. C.** Ch. 25.

Comment: Two individual comments as well as the comments from GACEC and SCPD urged OCA to take a broader view of eligible expenses incidental to licensure.

Agency response: OCA would like to clarify that the enabling legislation for the Program, 83 **Del. Laws**, c. 453, waives all DMV fees for individuals who are or have been in the legal custody of DSCYF. However, OCA agrees the enabling legislation intends a broad view of expenses incidental to licensure and that clarification of qualifying expenses is necessary. Therefore, OCA makes the following non-substantive change as indicated in bold bracketed text:

4.1.2 ~~Costs related to driving lessons if necessary for the individual to achieve the required number of driving hours to be eligible for licensure or if the individual needs additional driving practice.~~ Costs related or incidental to licensure based on the individual needs of the applicant.]

A copy of the published rule with the above minor, non-substantive change is attached hereto.

Comment: The GACEC and SCPD comments also focused on a concern about potential termination from the program for unsafe driving practices and urged OCA to allow for the consideration of all facts and individual circumstances to ensure that youth are not being unfairly punished for unavoidable accidents or for incidents that occur while driving that may in some way be attributable to the youth's disability. The comments requested further clarification as to when an individual's participation in the program may be terminated.

Agency response: OCA intends to consider all facts and individual circumstances when making determinations regarding potential termination from the program. OCA will provide further clarification regarding when an individual may be terminated from the program due to unsafe driving practices in the policy to be distributed to Program participants.

Comment: The GACEC and SCPD comments also suggested additional detail regarding the application process, including required documentation.

Agency Response: OCA anticipates the application process will evolve after Program implementation, and will consider providing further clarification once the Program has been implemented.

III. FINDINGS OF FACT

1. The public was given the required notice of OCA's intention to adopt the proposed regulation and was given opportunity to submit comments.
2. The required Regulatory Flexibility Analysis and Impact Statement for this proposed regulation was submitted.
3. OCA received and considered comments regarding eligibility, eligible expenses, termination policy, and application procedure.
4. OCA finds it is appropriate to amend the proposed regulation relating to eligible expenses incidental to licensure to provide further clarification. OCA further finds this is a non-substantive change.
5. OCA finds the proposed regulation, as set forth in the January 2023 *Register of Regulations* and with the minor non-substantive change addressed herein, addresses the anticipated administration of the Program.
6. Thus, OCA finds that the proposed regulation should be adopted.

IV. DECISION AND ORDER

For the foregoing reasons, OCA concludes that it is appropriate to adopt the proposed regulation for administration of the Driver Education, Driver's License, and Motor Vehicle Insurance Program for Individuals who have Experienced Foster Care, as established by 29 **Del. C.** §9011A. The regulation will be effective April 1, 2023.

IT IS SO ORDERED this 13th day of February, 2023.

Tania Culley, Esq., Child Advocate
Office of the Child Advocate

904 Driver Education, Driver's License, and Motor Vehicle Insurance Program for Individuals who have Experienced Foster Care
(Break in Continuity of Sections)

4.0 Eligible Expenses

4.1 Expenses eligible under the Program are as follows:

- 4.1.1 Costs related to a driver education course if the individual did not complete such a course in school.
- 4.1.2 ~~[Costs related to driving lessons if necessary for the individual to achieve the required number of driving hours to be eligible for licensure or if the individual needs additional driving practice.~~ Costs related or incidental to licensure based on the individual needs of the applicant.]
- 4.1.3 Costs related to motor vehicle insurance premiums for individuals with a motor vehicle insurance policy or individuals added to the private passenger motor vehicle insurance policy of another person or agency. If a person or agency adds an individual eligible for the Program to the person's or the agency's motor vehicle insurance policy, the Office will not pay an amount that exceeds the increase in cost attributable to the addition of the individual.
- 4.1.4 At the discretion of the Youth in Transition Unit, costs related to vehicle purchase, maintenance, or repair.

*Please note that no additional changes were made to the regulation as originally proposed and published in the January 2023 issue of the *Register* at page 544 (26 DE Reg. 544). Therefore, the final regulation is not being republished here in its entirety. A copy of the final regulation is available at:

<https://regulations.delaware.gov/register/march2023/final/26 DE Reg 772 03-01-23.htm>

DELAWARE STATE FIRE PREVENTION COMMISSION

Statutory Authority: 16 Delaware Code, Section 6604(1) (16 **Del.C.** §6604(1))
1 **DE Admin. Code** 709

PUBLIC NOTICE

709 Fire Service Standards

The Delaware State Fire Prevention Commission, pursuant to 16 **Del.C.** § 6604(1), published proposed amendments to revise Regulation 709 Fire Service Standards in the February 1, 2023 *Delaware Register of Regulations*. 26 **DE Reg.** 649 (02/01/23). The amendments seek to modify the process of addressing complaints and grievances, detail conduct that can be considered official misconduct of firefighters and fire companies, add a process for conducting investigations of firefighter injuries, incorporate and adopt additional National Fire Prevention Association standards, and make other changes.

Due to technical issues with the publication of the proposed regulation, the Commission will be extending the public comment period through March 10, 2023. The Commission will accept written comments to the proposed amendments from February 1, 2023 through March 10, 2023. Written comments should be sent to Sherry Lambertson, Executive Specialist for the Delaware Fire Prevention Commission, Delaware Fire Service Center, 1463 Chestnut Grove Road, Dover, DE 19904. Written comments may also be sent by email to the following email address: fire.commission@delaware.gov.

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DIVISION OF PUBLIC HEALTH

Statutory Authority: 16 Delaware Code, Sections 210-218 (16 **Del.C.** §§210-218)

NOTICE OF PUBLIC COMMENT

Birth to Three Early Intervention Program

Notice of Public Participation:

Public comment on the Federal Fiscal Year 2023 (July 1, 2023-June 30, 2024) Annual Part C Grant Application Under Part C of the Individuals with Disabilities Education Act (IDEA)

The Department of Health and Social Services, Birth to Three Early Intervention Program ("the Program") is announcing the publication of the draft FFY 2023-24 Annual Application.

In order to meet the public participation requirements under §441 of the General Education Provisions Act (GEPA) at 20 USC 1232d(b)(7)(B) and Part C of the IDEA at 34 CFR §303.208, the Program, as lead agency for implementation of Part C of the IDEA in Delaware, is publishing the draft application, which includes the budget for the Part C federal funds and revised policies and procedures.

The purpose of the public participation period is to gather comments regarding the draft grant application and the draft revised policies prepared by the Program. The revised draft policies are *Section 5: Fiscal Management, item A.4, Section 6: System of Payments, and Section 16: Early Intervention Services, item A.3.*

The draft application and draft revised policies will be available for public review for 60 days beginning March 1 through April 30, 2023 and are posted at <https://dhss.delaware.gov/dhss/dph/birthtothree/index.html>.

GENERAL NOTICES

SUMMARY OF PROPOSED REVISIONS TO THE MANUAL

Revisions are proposed to:

- *Section 5(A)(4)* to remove the reference to "including a sliding fee scale and cost participation by families," in alignment with the revisions in *Section 6*;
- *Section 5 PR-A* to remove old language describing the lead agency's dispute resolution process and replacing it with revised language that strengthens the process of dispute resolution between two state agencies;
- *Section 6* to eliminate the use of family fees as one of the funding sources for early intervention services; and
- *Section 16(A)(3)* to remove the reference to "a schedule of sliding fees."

The opportunity for public comment on the draft application is available for 60 days beginning March 1 through April 30, 2023. Comments will be accepted from the general public during this time period, including parents of infants and toddlers with disabilities, providers of services, advocacy groups and organizations and other stakeholders in the state.

Public hearings will be held virtually via Zoom on the following days and times:

March 15, 2023; 9:00-10:00 am ET

<https://wested.zoom.us/j/92757149304>

Meeting ID: 927 5714 9304

877 369 0926 US Toll-free

877 853 5247 US Toll-free

March 16, 2023; 5:00-6:00 pm ET

<https://wested.zoom.us/j/91799739118>

Meeting ID: 917 9973 9118

877 369 0926 US Toll-free

877 853 5247 US Toll-free

Comments may also be provided to the Birth to Three Early Intervention Program via use of the Comment Form available at <https://app.smartsheet.com/b/form/902400732955421890e4b0e33509be1c> or by mail or email to:

Birth to Three Early Intervention Program
410 Federal St, 3rd Fl, Suite 7, Dover, DE 19901
DHSS_DPH_BirthToThree@delaware.gov

Responses to individual questions and comments will not be provided; however, the Birth to Three staff will review and consider all comments and make any modifications to the application that are deemed necessary. **The Birth to Three Program must receive your comments no later than April 30, 2023.**

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

DIVISION OF WATERSHED STEWARDSHIP

Statutory Authority: 7 Delaware Code, Section 4006(h) and (i) (7 **Del.C.** §4006(h) & (i))

NOTICE

Delaware Erosion and Sediment Control Handbook for 5101 Sediment and Stormwater Regulations

The Department of Natural Resources and Environmental Control (DNREC), Division of Watershed Stewardship will conduct a virtual public hearing (Docket #2023-R-WS-0004) to consider comments from the public on proposed revisions to selected sections of the Delaware Erosion and Sediment Control Handbook which is a regulatory guidance document in support of Regulation No. 5101 Sediment and Stormwater Regulations.

For additional information on the above matter, and to review the above-referenced regulatory guidance documents, visit de.gov/dnrehearings or contact Elaine Webb, Division of Watershed Stewardship's Sediment and Stormwater Program Section, 285 Beiser Boulevard, Suite 102, Dover, DE 19904, by phone at 302-739-9921, or by email at elaine.webb@delaware.gov.

The virtual public hearing will be held on **Wednesday, March 22, 2023, beginning at 6:00 PM**. The web link to the virtual hearing can be accessed through the DNREC Public Hearings site at de.gov/dnrehearings. If prompted, use Meeting ID 944 5074 3962 and Passcode 085538. To access the audio-only portion of the virtual hearing, dial 1-646-558-8656 and enter the Meeting ID and Passcode noted above.

Those wishing to offer verbal comments during DNREC virtual public hearings must pre-register no later than noon on the date of the virtual hearing at de.gov/dnrecomments or by telephone at 302-739-9925.

The Department will also accept public comments through the close of business on Wednesday, April 19, 2023. Comments pertaining to the above matter will be accepted in written form via email to DNRECHearingComments@delaware.gov, or by using the online form at de.gov/dnrecomments, or via U.S. Mail to the following address:

Lisa A. Vest, Hearing Officer
Office of the Secretary
Department of Natural Resources and Environmental Control
89 Kings Highway
Dover, DE 19901

GENERAL NOTICES

DEPARTMENT OF TRANSPORTATION

DIVISION OF TRANSPORTATION SOLUTIONS

Traffic Engineering Section

Statutory Authority: 21 Delaware Code, Section 4505(d)(1) (21 Del.C. §4505(d)(1))

NOTICE

Senate Bill 89 as amended by Senate Amendment 1 - Eastman Heights Subdivision

January 30, 2023

Yvette Smallwood
Registrar of Regulations
411 Legislative Avenue
Dover, DE 19901

Ms. Smallwood,

The Delaware General Assembly introduced Senate Bill 89 as amended by Senate Amendment 1 on March 18, 2021. The legislation which relates to traffic control devices for size and weight of vehicles and loads was subsequently signed by Governor Carney on June 30, 2021.

The legislation, which amends §4505 of Title 21 of the Delaware Code, provides as follows:

§4505. Traffic control devices.

(d)(1) The Secretary of the Department shall submit an order issued under subsection (c) of this section to the Registrar of Regulations for publication in the Register of Regulations. The Secretary shall also publish the order on the Department's website with other similar orders.

In accordance with 21 Del. C. §4505(d)(1), Notice is hereby given by Delaware Department of Transportation, Traffic Engineering Section, as approved and ordered by the Secretary of the Department of Transportation pursuant to 21 Del. C. §4505(c), for the following permanent traffic control device for the safe movement of traffic in the area:

"No Trucks Over 2 Axles Except Local Services" on all local streets in the Eastman Heights subdivision.

Please accept this notification by the Delaware Department of Transportation in order to publish the information in the Register of Regulations.

Thank you,
Peter Haag
Chief of Traffic Engineering

DIVISION OF TRANSPORTATION SOLUTIONS

Traffic Engineering Section

Statutory Authority: 21 Delaware Code, Section 4505(d)(1) (21 **Del.C.** §4505(d)(1))

NOTICE

Senate Bill 89 as amended by Senate Amendment 1 - Old Baltimore Pike (N26)

February 2, 2023

Yvette Smallwood
Registrar of Regulations
411 Legislative Avenue
Dover, DE 19901

Ms. Smallwood,

The Delaware General Assembly introduced Senate Bill 89 as amended by Senate Amendment 1 on March 18, 2021. The legislation which relates to traffic control devices for size and weight of vehicles and loads was subsequently signed by Governor Carney on June 30, 2021.

The legislation, which amends §4505 of Title 21 of the Delaware Code, provides as follows:

§4505. Traffic control devices.

(d)(1) The Secretary of the Department shall submit an order issued under subsection (c) of this section to the Registrar of Regulations for publication in the Register of Regulations. The Secretary shall also publish the order on the Department's website with other similar orders.

In accordance with 21 *Del. C.* §4505(d)(1), Notice is hereby given by Delaware Department of Transportation, Traffic Engineering Section, as approved and ordered by the Secretary of the Department of Transportation pursuant to 21 *Del. C.* §4505(c), for the following permanent traffic control device for the safe movement of traffic in the area:

"No Trucks Over 2 Axles Except Local Services" on Old Baltimore Pike (N26) between the Maryland/Delaware State Line and DE72 South Chapel Street/Sunset Lake Road (N356)

Please accept this notification by the Delaware Department of Transportation in order to publish the information in the Register of Regulations.

Thank you,
Peter Haag
Chief of Traffic Engineering

GENERAL NOTICES

DIVISION OF TRANSPORTATION SOLUTIONS

Traffic Engineering Section

Statutory Authority: 21 Delaware Code, Section 4505(d)(1) (21 **Del.C.** §4505(d)(1))

NOTICE

Senate Bill 89 as amended by Senate Amendment 1 - Old Coochs Bridge Road (N408)

February 9, 2023

Yvette Smallwood
Registrar of Regulations
411 Legislative Avenue
Dover, DE 19901

Ms. Smallwood,

The Delaware General Assembly introduced Senate Bill 89 as amended by Senate Amendment 1 on March 18, 2021. The legislation which relates to traffic control devices for size and weight of vehicles and loads was subsequently signed by Governor Carney on June 30, 2021.

The legislation, which amends §4505 of Title 21 of the Delaware Code, provides as follows:

§4505. Traffic control devices.

(d)(1) The Secretary of the Department shall submit an order issued under subsection (c) of this section to the Registrar of Regulations for publication in the Register of Regulations. The Secretary shall also publish the order on the Department's website with other similar orders.

In accordance with 21 *Del. C.* §4505(d)(1), Notice is hereby given by Delaware Department of Transportation, Traffic Engineering Section, as approved and ordered by the Secretary of the Department of Transportation pursuant to 21 *Del. C.* §4505(c), for the following permanent traffic control device for the safe movement of traffic in the area:

"No Trucks Over 2 Axles Except Local Services" on Old Coochs Bridge Road (N408) between the northern Glasgow Commons entrance and Old Baltimore Pike (N26)

Please accept this notification by the Delaware Department of Transportation in order to publish the information in the Register of Regulations.

Thank you,
Peter Haag
Chief of Traffic Engineering

DELAWARE RIVER BASIN COMMISSION
PUBLIC NOTICE

The Delaware River Basin Commission will hold its quarterly business meeting on Wednesday, March 8, 2023, commencing at 10:30 a.m. The business meeting will be conducted remotely. Details about the remote platform and a meeting agenda will be posted on the Commission's website, www.drbc.gov, at least 10 days prior to the meeting date.

For additional information, please visit the DRBC website at www.drbc.gov or contact Patricia Hausler at patricia.hausler@drbc.gov.

DEPARTMENT OF AGRICULTURE
THOROUGHBRED RACING COMMISSION
PUBLIC NOTICE**1001 Thoroughbred Racing Rules and Regulations****Summary**

The Thoroughbred Racing Commission proposes to amend its Regulations adopted in accordance with Title 3, Chapter 101. The purpose of the proposed regulations is to amend the rules regarding Entries, Subscriptions, Delegations (11.0), Claiming Races (13.0), and Bleeder Medication (15.2 and 2.6.2.5). The recommended changes to 11.0 will allow the naming of an apprentice jockey with the apprentice weight allowance at the draw; allow the entry of a horse into two stakes on the same day; and will decouple Mutual Entries which will allow the same owner to run horses in the same race as a separate betting interest. The recommended changes to 13.0 will eliminate the "Open Claim" license which will make it easier for new owners to invest in the industry and avoid hidden ownership by owners who want to claim but are not eligible. The recommended changes to 15.2 will allow practicing veterinarians to declare a horse eligible for Furosemide (Lasix/Salix) administration. Changes were also made in 15.2 to be consistent in the references to the Bleeder medication and to update numbering. The Commission also proposes to amend the rules regarding who can administer Bleeder medication, in light of an ongoing and nationwide shortage of veterinarians. This amendment permits veterinary technicians to administer Bleeder medication, under the supervision of a licensed veterinarian. The proposed amendments also add definitions of "Veterinarian" and "Veterinary Technician" under 1.0. Additional grammar and style changes were also made in Sections 11.0, 15.0, and 18.0. The proposed amendments published in the September 1, 2022 Register shall be withdrawn. Other regulations issued by the Thoroughbred Racing Commission are not affected by this proposal. The Thoroughbred Racing Commission is issuing these proposed regulations in accordance with Title 3 of the Delaware Code. This notice is issued pursuant to the requirements of Chapter 101 of Title 29 of the Delaware Code.

Comments

A copy of the proposed regulations is being published in the March 1, 2023 edition of the *Delaware Register of Regulations*. A copy is also on file in the office of the Thoroughbred Racing Commission, 777 Delaware Park Boulevard, Wilmington, Delaware 19804 and is available for inspection during regular office hours. Copies are also published online at the *Register of Regulations* website: https://regulations.delaware.gov/register/current_issue.shtml.

Interested parties may offer written comments on the proposed regulations or submit written suggestions, data, briefs or other materials to the Thoroughbred Racing Commission at the above address as to whether these proposed regulations should be adopted, rejected or modified. Pursuant to 29 *Del.C.* § 10118(a), public comments must be received on or before April 1, 2023. Written materials submitted will be available for inspection at the above address.

Adoption of Proposed Regulation

On or after April 1, 2023, following review of the public comment, the Thoroughbred Racing Commission will

determine whether to amend its regulations by adopting the proposed rules or make additional changes because of the public comments received.

Effective Date of Amendments to Regulations

If adopted by the Thoroughbred Racing Commission, the amendments shall take effect ten days after being published as final in the Delaware Register of Regulations.

Delaware Thoroughbred Racing Commission
Sarah A. Crane, Executive Director

DEPARTMENT OF EDUCATION**PUBLIC NOTICE**

The State Board of Education meets monthly. These meetings are open to the public. The Board rotates locations of regular meetings among the three counties.

Meeting information can be accessed via the public meeting calendar.

Meeting materials available on the State Board of Education's eBoard site (https://simbli.eboardsolutions.com/SB_Meetings/SB_MeetingListing.aspx?S=190001). (If you are having technical difficulties accessing the site, please try a different browser.)

The next meeting is scheduled for March 16, 2023.

Information regarding special meetings or Committee meetings of the State Board will be posted on the public meeting calendar.

Minutes from recent State Board of Education meetings can be found on the public meeting calendar.

Audio recordings are available after every Board meeting (<https://www.doe.k12.de.us/domain/225>).

Public meeting calendar: <https://publicmeetings.delaware.gov/#search?anyall=any&agencyid=22&startdateinclusive=2019-01-01>

DEPARTMENT OF HEALTH AND SOCIAL SERVICES**DIVISION OF MEDICAID AND MEDICAL ASSISTANCE****PUBLIC NOTICE****Case Management of High-Risk Pregnant Women**

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the **Delaware Code**) and under the authority of 31 **Del.C.** §512, Delaware Health and Social Services ("Department") / Division of Medicaid and Medical Assistance (DHSS/DMMA) is proposing to amend Title XIX Medicaid State Plan to remove the optional service, case management of high-risk pregnant women, from the Delaware Medicaid State Plan as these services will now be provided via an evidence-based home visiting model under 1115 Waiver authority.

Any person who wishes to make written suggestions, compilations of data, testimony, briefs, or other written materials concerning the proposed new regulations must submit same to, Planning and Policy Unit, Division of Medicaid and Medical Assistance, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906, by email to DHSS_DMMA_Publiccomment@Delaware.gov, or by fax to 302-255-4413 by 4:30 p.m. on March 31, 2023. Please identify in the subject line: Case Management of High-Risk Pregnant Women.

DIVISION OF MEDICAID AND MEDICAL ASSISTANCE**PUBLIC NOTICE****Daily Living Needs**

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the **Delaware Code**) and under the authority of 31 **Del.C.** §512, Delaware Health and Social Services ("Department") / Division of Medicaid and Medical Assistance (DHSS/DMMA) is proposing to amend the Division of Social Services Manual

(DSSM) 20720.1 regarding the Daily Living Needs Calculations, specifically, to clarify policy and procedures.

Any person who wishes to make written suggestions, compilations of data, testimony, briefs, or other written materials concerning the proposed new regulations must submit same to, Planning and Policy Unit, Division of Medicaid and Medical Assistance, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906, by email to DHSS_DMMA_Publiccomment@Delaware.gov, or by fax to 302-255-4413 by 4:30 p.m. on March 31, 2023. Please identify in the subject line: Daily Living Needs.

The action concerning the determination of whether to adopt the proposed regulation will be based upon the results of Department and Division staff analysis and the consideration of the comments and written materials filed by other interested persons.

DIVISION OF SOCIAL SERVICES**PUBLIC NOTICE****TANF Family Cap**

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the **Delaware Code**) and under the authority of 31 **Del.C.** §512, Delaware Health and Social Services ("Department") / Division of Social Services (DHSS/DSS) is proposing to amend the Delaware Social Services Manual (DSSM) 3008 regarding the TANF Family Cap.

Any person who wishes to make written suggestions, compilations of data, testimony, briefs or other written materials concerning the proposed new regulations must submit same to, Planning and Policy Unit, Division of Medicaid and Medical Assistance, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906, by email to DHSS_DMMA_Publiccomment@Delaware.gov or by fax to 302-255-4413 by 4:30 p.m. on March 31, 2023. Please identify in the subject line: TANF Family Cap.

The action concerning the determination of whether to adopt the proposed regulation will be based upon the results of Department and Division staff analysis and the consideration of the comments and written materials filed by other interested persons.

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL**DIVISION OF FISH AND WILDLIFE****PUBLIC NOTICE****3200 Horseshoe Crabs****1. TITLE OF THE REGULATIONS:**

Amend 7 **DE Admin. Code** 3200 Horseshoe Crabs.

2. BRIEF SYNOPSIS OF THE SUBJECT, SUBSTANCE AND ISSUES:

Delaware must update its commercial horseshoe crab quota setting process to comply with the Atlantic States Marine Fisheries Commission's Addendum VIII to the Horseshoe Crab Fishery Management Plan (FMP), which was approved in November 2022. This proposed amendment to the regulation will keep Delaware's horseshoe crab harvest quota in compliance with the FMP and assist in preventing overharvest. Because the regulation required amending for the quota revision, this proposed amendment also revises other parts of the regulation that were outdated or unclear. The proposed amendment will address daily possession limits that are currently based on volume rather than number, which complicates enforcement of the possession limit; the dredge lottery process, which currently doesn't reflect the operation of this fishery; and rewording some of the current text to improve clarity.

This proposed amendment will update the annual quota setting process to comply with the Atlantic States Marine Fisheries Commission Addendum VIII to the Horseshoe Crab FMP, revise daily possession limits, clarify the definition of the legal harvest methods, define the circumstances that will require a horseshoe crab dredge lottery, and modify the dredge lottery process.

3. POSSIBLE TERMS OF THE AGENCY ACTION:

N/A

4. STATUTORY BASIS OR LEGAL AUTHORITY TO ACT:

7 **Del.C.** §2701

5. OTHER REGULATIONS THAT MAY BE AFFECTED BY THE PROPOSAL:

N/A

6. NOTICE OF PUBLIC COMMENT:

The hearing record on the proposed changes to 3200 Horseshoe Crabs opens March 1, 2023 (Hearing Docket No. 2023-R-F-0001). The virtual public hearing will be held on Thursday, March 23, 2023, beginning at 6:00 p.m. The web link to the virtual hearing can be accessed through the DNREC Public Hearings site at <https://dnrec.alpha.delaware.gov/public-hearings/>. If prompted, use Meeting ID 954 0188 4469 and Passcode 639214. To access the audio-only portion of the virtual hearing, dial 1-646-931-3860 and enter the Meeting ID and Passcode noted above. Closed-captioning is available by request if made at least 7 days before the event.

Those wishing to offer verbal comments during DNREC virtual public hearings must pre-register no later than noon on the date of the virtual hearing. The designated page for this Pre-Registration process can be found here: <https://dnrec.alpha.delaware.gov/public-hearings/comments/registration/>.

The proposed amendments may be inspected online starting March 1, 2023 at https://regulations.delaware.gov/services/current_issue.shtml, or in-person, by appointment only, by contacting John Clark by phone at 302-739-9914 or by email at John.Clark@delaware.gov.

Public comments will be received until close of business Friday, April 7, 2023. Comments will be accepted in written form via email to DNRECHearingComments@delaware.gov, or by using the online form at <https://de.gov/dnrecomments>, or by U.S. mail to the following address:

Theresa Newman, Hearing Officer
DNREC - Office of the Secretary
89 Kings Highway, Dover, DE 19901

7. PREPARED BY:

John H. Clark

Email: John.Clark@delaware.govPhone: (302)739-9914

DEPARTMENT OF STATE
DIVISION OF PROFESSIONAL REGULATION
PUBLIC NOTICE

1800 Board of Plumbing, Heating, Ventilation, Air Conditioning and Refrigeration Examiners

Pursuant to 24 **Del.C.** §1806(a)(2), the Delaware Board of Plumbing, Heating, Ventilation, Air Conditioning and Refrigeration Examiners has proposed revisions to its rules and regulations. The rules proposed establish a continuing education requirement. A public hearing is scheduled for April 11, 2023 at 8:30 p.m. in the second floor conference room A of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware and possibly via virtual technology where members of the public can offer comments on the proposed amendments to the rules and regulations. Anyone wishing to receive a copy of the proposed rules and regulations may obtain a copy from the Delaware Board of Plumbing, Heating, Ventilation, Air Conditioning and Refrigeration Examiners, 861 Silver Lake Boulevard, Dover, Delaware 19904. Persons wishing to submit written comments may forward these to the Board at the above address in accordance with 29 **Del.C.** §10118(a). Written public comments will be accepted until April 26, 2023.

DIVISION OF PROFESSIONAL REGULATION
PUBLIC NOTICE
5100 Board of Cosmetology and Barbering

Pursuant to 24 **Del.C.** §5106(a)(1), the Delaware Board of Cosmetology and Barbering ("Board") has proposed revisions to its Rules and Regulations. The proposed amendments set forth standards and requirements for apprenticeships, including apprentice teachers, apprentice supervision and curriculum and equipment requirements for the apprentices regulated by the Board. These revisions will ensure that apprentices are properly supervised and trained in the interests of public protection.

A public hearing will be held on March 27, 2023 at 9:00 a.m. in the second floor conference room A of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware. Anyone wishing to receive a copy of the proposed rules and regulations may obtain a copy from the Delaware Board of Cosmetology and Barbering, 861 Silver Lake Boulevard, Dover, Delaware 19904. Persons wishing to submit written comments may forward these to the Board at the above address or at danielle.ridgway@delaware.gov.

In accordance with 29 **Del.C.** §10118(a), the final date to receive written comments will be April 11, 2023. The Board will deliberate on all of the public comments at its regularly scheduled meeting.
