
Delaware Register of Regulations

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Volume 26 - Issue 4, Pages 238-340



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Errata

Proposed

Final

General Notices

Calendar of Events &
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 September 15, 2022.

Cover Photo
Blackbird State Forest,
Delaware

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The *Delaware Register* will publish any regulations that are proposed to be adopted, amended or repealed and any emergency regulations promulgated.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and other interested parties may participate in the process by which administrative regulations are adopted, amended or repealed, and may initiate the process by which the validity and applicability of regulations is determined.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file notice and full text of such proposals, together with copies of the existing regulation being adopted, amended or repealed, with the Registrar for publication in the *Register of Regulations* pursuant to §1134 of this title.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
November 1	October 17	4:30 p.m.
December 1	November 15	4:30 p.m.
January 1	December 15	4:30 p.m.
February 1	January 15	4:30 p.m.
March 1	February 15	4:30 p.m.
April 1	March 15	4:30 p.m.

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**DEPARTMENT OF HEALTH AND SOCIAL SERVICES
DIVISION OF MEDICAID AND MEDICAL ASSISTANCE**

Statutory Authority: 31 Delaware Code, Section 512 (31 **Del.C.** §512)
16 **DE Admin. Code** 13000, 15000, 18000

ERRATA**Postpartum Continuous Eligibility**

* **Please Note:** The Proposed Regulation for the Department of Health and Social Services, Division of Medicaid and Medical Assistance; Postpartum Continuous Eligibility was submitted for publication in the August 1, 2022 issue of the *Register of Regulations*.

The Revision number for Attachment 2.2-A, Page 5 was inadvertently published as "HCFA-PM-91-4":

*Revision: HCFA-PM-91-4 (MB)
Attachment 2.2-A
February 1992
Page-5

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT
STATE/TERRITORY: **DELAWARE**

The Revision number for Attachment 2.2-A, Page 5 should have been published as "HCFA-PM-92-4":

*Revision: HCFA-PM-92-4 (MB)
Attachment 2.2-A
February 1992
Page-5

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT
STATE/TERRITORY: **DELAWARE**

Amendments to the proposed regulation addressing 18000 Delaware Healthy Children Program, 18700 Premium Requirements were inadvertently published without the submitted language "See 18700 Premium Requirements - History":

Postpartum 12 Month Continuous Eligibility Exception

Coverage for any child that is pregnant, or within the 12-month postpartum period, may not be terminated for nonpayment.

The amendment should have been published as:

Postpartum 12 Month Continuous Eligibility Exception

Coverage for any child that is pregnant, or within the 12-month postpartum period, may not be terminated for nonpayment.

See 18700 Premium Requirements - History

The final regulation is published in this issue, the October 1, 2022 *Delaware Register of Regulations*. See 26 **DE Reg.** 323 (10/01/22) (Final).

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL**DIVISION OF AIR QUALITY**Statutory Authority: 7 Delaware Code, Section 6010(a) and (c) (7 **Del.C.** §6010(a) & (c))**ERRATA****Low Enhanced Inspection and Maintenance Program; Plan for Implementation (PFI)**

* **Please Note:** The General Notice for the Department of Natural Resources and Environmental Control, Division of Air Quality “Low Enhanced Inspection and Maintenance Program; Plan for Implementation (PFI)” was submitted for publication in the September 1, 2022 issue of the *Register of Regulations*.

Links to the amendment documents referenced in the notice were inadvertently omitted in the print and online PDF versions of the *Register of Regulations*. These links should have been included at the end of the General Notice:

***Please note: Due to the size and formatting of the proposed amendments they are being attached as PDF documents:**

[http://regulations.delaware.gov/register/september2022/general/Proposed PFI_SIP V12 7-28-2022 MC edits.pdf](http://regulations.delaware.gov/register/september2022/general/Proposed_PFI_SIP_V12_7-28-2022_MC_edits.pdf)

http://regulations.delaware.gov/register/september2022/general/Copy_of_IM20201231_IMCoverageFile_July2022.pdf

The complete General Notice with links to the amendment documents can be found online at <https://regulations.delaware.gov/register/september2022/general/26%20DE%20Reg%20227%2009-01-22.htm>

DIVISION OF FISH AND WILDLIFEStatutory Authority: 29 Delaware Code, Section 1134 (29 **Del.C.** §1134)
7 DE Admin. Code 3563**ERRATA****3563 Electric Lights**

* **Please Note:** Section 2.0 of Title 7 of the Delaware Administrative Code, 3563 Electric Lights is being amended to correct a transcription error.

Section 2.0 currently cites to 7 **Del.C.** §929:

2.0 It shall be legal for any person to fish in the tidal waters of this State with the aid of ‘lights used for illumination for visual purposes’ in addition to the equipment and methods listed in 7 **Del.C.** §929.

Section 2.0 is amended to reflect the correct citation, 7 **Del.C.** §910:

2.0 It shall be legal for any person to fish in the tidal waters of this State with the aid of ‘lights used for illumination for visual purposes’ in addition to the equipment and methods listed in 7 **Del.C.** §910.

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 EDUCATION**OFFICE OF THE SECRETARY**

Statutory Authority: 14 Delaware Code, Section 122(b) (14 **Del.C.** §122(b))
14 **DE Admin. Code** 601

PUBLIC NOTICE**Education Impact Analysis Pursuant to 14 Del.C. Section 122(d)****601 Schools and Law Enforcement Agencies****A. TYPE OF REGULATORY ACTION REQUIRED**

Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF THE REGULATION

Pursuant to 14 **Del.C.** §122(b), the Secretary of Education intends to amend 14 **DE Admin. Code** 601 Schools and Law Enforcement Agencies. This regulation is being amended pursuant to 29 **Del.C.** §10407 which requires regulations to be reviewed on a recurring basis every four years. This regulation was reviewed to ensure alignment with existing practice and is being amended to correct typographical and grammatical errors to comply with *Delaware Administrative Code Drafting and Style Manual*.

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 November 1, 2022. 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 does not specifically address the improvement of 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 will help ensure all students receive an equitable education.

3. Will the amended regulation help to ensure that all students' health and safety are adequately protected? The amended regulation will help 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 continues to help ensure that all students' legal rights are respected.

5. Will the amended regulation preserve the necessary authority and flexibility of decision making at the local board and school level? The amended regulation does not change the decision making 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 any unnecessary reporting or administrative requirements or mandates on decision makers.

7. Will the decision making authority and accountability for addressing the subject to be regulated be placed in the same entity? The amended regulation does not change the decision making authority and accountability for addressing the subject to be regulated.

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 regulation? There is no 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 regulation? There are no material costs to implementing this 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:**

<http://regulations.delaware.gov/register/october2022/proposed/26 DE Reg 248RFA 10-01-22.pdf>

601 Schools and Law Enforcement Agencies

1.0 Purpose

The purpose of this regulation is to ensure that effective communication and working relationships exist between public schools and law enforcement agencies.

2.0 Definitions

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

"Alternative Program" mean a program established pursuant to 14 Del.C., Chapter 16.

"School Employee" ~~for purposes of this regulation shall mean~~ means all persons 18 years of age or older hired by a school district, attendance zone, or charter school; subcontractors such as bus drivers or security guards; employees of an Alternative Program provider; substitute employees; and persons hired by or subcontracted by other state agencies to work on school property. This definition shall be consistent with 14 Del.C. §4112.

3.0 Written Policy and Memorandum of Agreement (MOA)

- 3.1 All local school districts, charter schools, and Alternative Programs shall establish a written policy on effectively communicating and working with law enforcement agencies. Each school district, charter school and Alternative Program shall develop a ~~Memorandum of Agreement (MOA)~~ MOA with each law enforcement agency which provides services to it. Each MOA shall be in a form substantially similar to a Model MOA as developed, approved and ~~from time to time revised~~ as needed by the Department of Education.

- 3.2 The Department of Education shall review the Model ~~MOA~~ MOA, and each school district, charter school, or Alternative Program Program, shall review its current MOA at least once every three years.

4.0 Training Component

- 4.1 Any school administrator responsible for reporting school crimes or reporting school conduct incidents to law enforcement and to the Department of Education; or any school administrator responsible for reporting suspension and expulsion data to the Department of Education; or any school administrator responsible for any disciplinary process involving staff or students shall complete Department of Education approved training and any such additional training the Department of Education may prescribe ~~from time to time~~.
- 4.2 The approved training shall be primarily provided by staff at the Department of Education. The training may be provided by a school administrator at the district, charter school, or Alternative Program who is qualified to provide such training by having completed the Department of Education approved training within the last ~~twenty-four (24)~~ 24 months. The district, charter school, or Alternative Program shall provide the ~~name(s) of the trainer(s)~~ names of trainers conducting the training and the ~~name(s) of those school administrator(s)~~ names of school administrators attending the training if such training was provided by the district, charter school, or Alternative Program.
- 4.3 Each school district, charter school, and Alternative Program shall, at the time of hiring and at the beginning of each school year thereafter, advise each School Employee of ~~his/her~~ the duty to report school crimes and the penalty for failure to so report as prescribed in 14 **Del.C.** §4112 (e).

5.0 Reporting of Crimes to the Delaware Department of Education

- 5.4 The ~~superintendent or head administrator~~ principal of each school district, charter school, and Alternative Program or ~~his/her~~ the principal's designee, shall ensure each school within ~~his/her~~ the principal's jurisdiction reports to the Department of Education all school crimes required to be reported pursuant to 14 **Del.C.** §4112, and any subsequent amendment thereto. Such reports shall be submitted in a format as designated by the Department of Education and filed with the Department of Education within the time prescribed by Delaware statutes.

6.0 Reporting Specific Incidents of Misconduct

- 6.1 In addition to those school crimes required to be reported to law enforcement pursuant to 14 **Del.C.** §4112, the ~~superintendent or head administrator~~ principal of each school district, charter school, and Alternative Program, or ~~his/her~~ the principal's designee, shall report to the Department of Education when any incidents of misconduct as defined in subsections 6.1.1 through 6.1.14 occur on school property or at a school function. Such reports shall be submitted in a format as designated by the Department of Education and filed with the Department of Education not later than five working days following the incident.
- 6.1.1 Pornography, possession and production
 - 6.1.2 Criminal mischief (vandalism)
 - 6.1.3 Tampering with public records
 - 6.1.4 Alcohol, possession and use
 - 6.1.5 Felony theft
 - 6.1.6 Bullying (allegations and substantiated incidents)
 - 6.1.7 Offensive Touching (student or employee victim)
 - 6.1.8 Terroristic Threatening (student or employee victim)
 - 6.1.9 Sexual Harassment
 - 6.1.10 Fighting
 - 6.1.11 Inhalants
 - 6.1.12 Drug Paraphernalia
 - 6.1.13 Teen Dating Violence

6.1.14 Unlawful Drug Use/~~Influence~~ Use or Influence

7.0 Compliance Component

A school that fails to comply with the reporting mandates as set forth herein shall be subject to identification as a "Persistently Dangerous School" as this term is defined in 14 **DE Admin. Code** 608. A school identified as a Persistently Dangerous School will retain that designation for the entire fiscal year.

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 4112F(c) (14 **Del.C.** §4112F(c))
14 **DE Admin. Code** 610

PUBLIC NOTICE

Education Impact Analysis Pursuant to 14 Del.C. Section 122(d)

610 Limitations on Use of Seclusion and Restraint

A. TYPE OF REGULATORY ACTION REQUIRED

Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF THE REGULATION

Pursuant to 14 Del.C. §4112F(c), the Secretary of Education intends to amend 14 **DE Admin. Code** 610 Limitations on Use of Seclusion and Restraint. This regulation is being amended pursuant to 29 **Del.C.** §10407 which requires regulations to be reviewed on a recurring basis every four years. This regulation was reviewed to ensure alignment with existing practice and is being amended to correct typographical and grammatical errors to comply with *Delaware Administrative Code Drafting and Style Manual*.

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 November 1, 2022. 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 does not specifically address the improvement of 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 will help ensure all students receive an equitable education.
3. Will the amended regulation help to ensure that all students' health and safety are adequately protected? The amended regulation will help 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 continues to help ensure that all students' legal rights are respected.
5. Will the amended regulation preserve the necessary authority and flexibility of decision making at the local board and school level? The amended regulation does not change the decision making 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 any unnecessary reporting or administrative requirements or mandates on decision makers.

PROPOSED REGULATIONS

7. Will the decision making authority and accountability for addressing the subject to be regulated be placed in the same entity? The amended regulation does not change the decision making authority and accountability for addressing the subject to be regulated.

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 regulation? There is no 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 regulation? There are no material costs to implementing 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:**

<http://regulations.delaware.gov/register/october2022/proposed/26 DE Reg 251RFA 10-01-22.pdf>

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

610 Limitations on Use of Seclusion and Restraint

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 122(a) (14 Del.C. §122(a))
14 DE Admin. Code 712

PUBLIC NOTICE

Education Impact Analysis Pursuant to 14 Del.C. Section 122(d)

712 Employee Leave

A. TYPE OF REGULATORY ACTION REQUIRED

Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF THE REGULATION

Pursuant to 14 Del.C. §§122(a) and 1318, the Secretary of Education intends to amend 14 DE Admin. Code 712 Employee Leave. The Department has reviewed the regulation in order to comply with 29 Del.C. §10407 which requires regulations to be reviewed on a recurring basis every four years and concluded that the regulation only needs to be amended to correct grammatical errors in order to comply with the *Delaware Administrative Code Drafting and Style Manual*.

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 November 1, 2022. 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 does not specifically address the improvement of 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 will help ensure all students receive an equitable education.

3. Will the amended regulation help to ensure that all students' health and safety are adequately protected? The amended regulation will help 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 continues to help ensure that all students' legal rights are respected.

5. Will the amended regulation preserve the necessary authority and flexibility of decision making at the local board and school level? The amended regulation does not change the decision making 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 any unnecessary reporting or administrative requirements or mandates on decision makers.

7. Will the decision making authority and accountability for addressing the subject to be regulated be placed in the same entity? The amended regulation does not change the decision making authority and accountability for addressing the subject to be regulated.

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 regulation? There is no 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 regulation? There are no material costs to implementing this 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:**

<http://regulations.delaware.gov/register/october2022/proposed/26 DE Reg 252RFA 10-01-22.pdf>

712 Employee Leave

1.0 Sick Leave

1.1 Sick leave accumulated by an employee of any state agency or school district shall be transferred when said employee begins subsequent employment in a school district. If there is a break in ~~service~~ service, the transfer can only occur if the break was for less than ~~six (6)~~ 6 months.

1.2 Sick leave days are made available at the start of the fiscal year, but adjustments for employees who terminate service prior to the end of the school year shall be made in the final paycheck.

2.0 Annual Leave

Subject to any limitation imposed by statute, accumulated annual leave shall be paid upon termination of employment. The employer may allow the employee to either remain on the regular payroll until such time as all annual leave is exhausted or receive a lump sum payment for all unused annual leave in the employee's final paycheck. The vacated position may be filled at any time provided that the two employees do not receive compensation for the same pay period. Accumulated annual leave shall not be transferred between different employing state agencies or school districts.

PROPOSED REGULATIONS

PROFESSIONAL STANDARDS BOARD

Statutory Authority: 14 Delaware Code, Sections 1203, 1205(b), and 1220 (14 **Del.C.** §§1203, 1205(b), & 1220)

PUBLIC NOTICE

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

1519 Multiple Measures for Demonstrating Content Knowledge

A. TYPE OF REGULATORY ACTION REQUESTED

Adoption of a New Regulation

B. SYNOPSIS OF SUBJECT MATTER OF REGULATION

Pursuant to 14 **Del.C.** §§1203, 1205(b), and 1220, the Professional Standards Board ("Board"), acting in consultation and cooperation with the Delaware Department of Education ("Department"), developed 14 **DE Admin. Code** 1519 Multiple Measures for Demonstrating Content Knowledge. The proposed regulation sets forth alternative means of demonstrating content knowledge for applicants of certain content area Standard Certificates who do not achieve the minimum score specified in the regulation for the Standard Certificate sought. The proposed regulation is consistent with HB 441, which amended 14 **Del.C.** §1220 and was signed into law on August 4, 2022.

Persons wishing to present their views regarding this matter may do so in writing by submitting them to the Department, 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 November 1, 2022. 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 alternative means of demonstrating content knowledge set forth in proposed Sections 4.0 and 5.0 are designed to improve the quality of the educator workforce, which will help to improve student achievement.

2. Will the new regulation help ensure that all students receive an equitable education? The alternative means of demonstrating content knowledge set forth in proposed Sections 4.0 and 5.0 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 new regulation help to ensure all students' health and safety are adequately protected? The proposed new regulation addresses alternative means of demonstrating content knowledge for applicants of certain content area Standard Certificates who do not achieve the minimum score specified in the regulation for the Standard Certificate sought and is not designed to help ensure students' health and safety is protected.

4. Will the new regulation help to ensure that all students' legal rights are respected? The proposed new regulation addresses alternative means of demonstrating content knowledge for applicants of certain content area Standard Certificates who do not achieve the minimum score specified in the regulation for the Standard Certificate sought and is not designed to help ensure 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 proposed new regulation does not change authority and flexibility of decision makers at the local board and school level. By statute (14 **Del.C.** § 1224), a school district or charter school may request that the Secretary of Education review the credentials of an applicant who does not meet the requirements for the Standard Certificate sought but whose effectiveness is documented by the district or school. The proposed regulation does not change a school district or charter school's ability to submit such a request.

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 does not place unnecessary reporting or

administrative requirements or mandates upon decision makers at the local board and school levels. The application requirements in Section 6.0 apply to individual applicants.

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 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 proposed 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 proposed new regulation.

10. What is the cost to the state and to the local school boards of compliance with the new regulation? There is no expected cost to the state or to the local school boards of complying with this proposed new 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:**

<http://regulations.delaware.gov/register/october2022/proposed/26 DE Reg 254RFA 10-01-22.pdf>

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

[1519 Multiple Measures for Demonstrating Content Knowledge](#)

PROFESSIONAL STANDARDS BOARD

Statutory Authority: 14 Delaware Code, Sections 1203, 1205(b), and 1220 (14 **Del.C.** §§1203, 1205(b), & 1220)

14 **DE Admin. Code** 1520

PUBLIC NOTICE

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

1520 Early Childhood Teacher

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 1220, the Professional Standards Board ("Board"), acting in consultation and cooperation with the Delaware Department of Education ("Department"), developed amendments to 14 **DE Admin. Code** 1520 Early Childhood Teacher. The regulation concerns the requirements for an Early Childhood Teacher Standard Certificate in accordance with 14 **Del.C.** §1220. The proposed amendments include revising subsection 5.2, which concerns the disclosure of an applicant's criminal conviction history, and adding language concerning 14 **DE Admin. Code** 1519, which is being simultaneously proposed with this regulation. Proposed 14 **DE Admin. Code** 1519 sets forth alternative means of demonstrating content knowledge for an applicant of the Early Childhood Teacher Standard Certificate who does not achieve the minimum score specified in Section 4.0 of this regulation. Proposed 14 **DE Admin. Code** 1519 is consistent with HB 441, which amended 14 **Del.C.** §1220 and was signed into law on August 4, 2022. In addition, the proposed amendments include changes that have been made to other Standard Certificate regulations.

Persons wishing to present their views regarding this matter may do so in writing by submitting them to the

Department, 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 November 1, 2022. 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 education, knowledge, and skill requirements in Section 4.0 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 education, knowledge, and skill requirements in Section 4.0 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 a standard 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 a standard 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 and flexibility of decision makers at the local board and school level. By statute (14 **Del.C.** § 1224), a school district or charter school may request that the Secretary of Education review the credentials of an applicant who does not meet the requirements for an Early Childhood Teacher Standard Certificate but whose effectiveness is documented by the district or school. Proposed Section 6.0 is 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. The application requirements in Section 5.0 apply to individual applicants. In addition, the requirements in Section 10.0 apply to individual applicants and Educators.

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 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 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:**

<http://regulations.delaware.gov/register/october2022/proposed/26 DE Reg 255RFA 10-01-22.pdf>

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

1520 Early Childhood Teacher

PROFESSIONAL STANDARDS BOARD

Statutory Authority: 14 Delaware Code, Sections 1203, 1205(b), and 1220 (14 Del.C. §§1203, 1205(b), & 1220)
14 DE Admin. Code 1521

PUBLIC NOTICE

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

1521 Elementary Teacher

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 1220, the Professional Standards Board ("Board"), acting in consultation and cooperation with the Delaware Department of Education ("Department"), developed amendments to 14 DE Admin. Code 1521 Elementary Teacher. The regulation concerns the requirements for an Elementary Teacher Standard Certificate in accordance with 14 Del.C. §1220. The proposed amendments include revising subsection 5.2, which concerns the disclosure of an applicant's criminal conviction history, and adding language concerning 14 DE Admin. Code 1519, which is being simultaneously proposed with this regulation. Proposed 14 DE Admin. Code 1519 sets forth alternative means of demonstrating content knowledge for an applicant of the Elementary Teacher Standard Certificate who does not achieve the minimum score specified in Section 4.0 of this regulation. Proposed 14 DE Admin. Code 1519 is consistent with HB 441, which amended 14 Del.C. §1220 and was signed into law on August 4, 2022. In addition, the proposed amendments include changes that have been made to other Standard Certificate regulations.

Persons wishing to present their views regarding this matter may do so in writing by submitting them to the Department, 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 November 1, 2022. 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 education, knowledge, and skill requirements in Section 4.0 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 education, knowledge, and skill requirements in Section 4.0 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 a standard 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 a standard 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 and flexibility of decision makers at the local board and school level. By statute (14 Del.C. §1224), a school district or charter school may request that the Secretary of Education review the credentials of an applicant who does not meet the requirements for an Elementary Teacher Standard Certificate but whose effectiveness is documented by the district or school. Proposed Section 6.0 is consistent with the statute.

PROPOSED REGULATIONS

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 application requirements in Section 5.0 apply to individual applicants. In addition, the requirements in Section 10.0 apply to individual applicants and Educators.

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 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 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:**

<http://regulations.delaware.gov/register/october2022/proposed/26 DE Reg 257RFA 10-01-22.pdf>

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

1521 Elementary Teacher

PROFESSIONAL STANDARDS BOARD

Statutory Authority: 14 Delaware Code, Sections 1203, 1205(b), and 1220 (14 Del.C. §§1203, 1205(b), & 1220)

14 DE Admin. Code 1531

PUBLIC NOTICE

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

1531 Middle Level English Language Arts Teacher

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 1220, the Professional Standards Board ("Board"), acting in consultation and cooperation with the Delaware Department of Education ("Department"), developed amendments to 14 DE Admin. Code 1531 Middle Level English Arts Language Teacher. The regulation concerns the requirements for a Middle Level English Language Arts Teacher Standard Certificate in accordance with 14 Del.C. §1220. The proposed amendments include revising subsection 5.2, which concerns the disclosure of an applicant's criminal conviction history, and adding language concerning 14 DE Admin. Code 1519, which is being simultaneously proposed with this regulation. Proposed 14 DE Admin. Code 1519 sets forth alternative means of demonstrating content knowledge for an applicant of the Middle Level English Language Arts Teacher Standard Certificate who does not achieve the minimum score specified in Section 4.0 of this regulation. Proposed 14 DE

Admin. Code 1519 is consistent with HB 441, which amended 14 **Del.C.** §1220 and was signed into law on August 4, 2022. In addition, the proposed amendments include the addition of subsection 4.1.1.5, which has been added as a result of the passage of HB 315 w/ HA 2. HB 315 w/ HA 2 removed the exclusion of teaching experience in core content areas from 14 **Del.C.** §1210(a)(1) and was signed into law on August 4, 2022. The proposed amendments also include changes that have been made to other Standard Certificate regulations.

Persons wishing to present their views regarding this matter may do so in writing by submitting them to the Department, 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 November 1, 2022. 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 education, knowledge, and skill requirements in Section 4.0 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 education, knowledge, and skill requirements in Section 4.0 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 a standard 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 a standard 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 and flexibility of decision makers at the local board and school level. By statute (14 **Del.C.** § 1224), a school district or charter school may request that the Secretary of Education review the credentials of an applicant who does not meet the requirements for a Middle Level English Language Arts Standard Certificate but whose effectiveness is documented by the district or school. Proposed Section 6.0 is 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. The application requirements in Section 5.0 apply to individual applicants. In addition, the requirements in Section 10.0 apply to individual applicants and Educators.

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 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 and to the local school boards of complying with this amended regulation.

PROPOSED REGULATIONS

***Please Note:**

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

<http://regulations.delaware.gov/register/october2022/proposed/26 DE Reg 258RFA 10-01-22.pdf>

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

1531 Middle Level English Language Arts Teacher

PROFESSIONAL STANDARDS BOARD

Statutory Authority: 14 Delaware Code, Sections 1203, 1205(b), and 1220 (14 Del.C. §§1203, 1205(b), & 1220)

14 DE Admin. Code 1532

PUBLIC NOTICE

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

1532 Middle Level Mathematics Teacher

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 1220, the Professional Standards Board ("Board"), acting in consultation and cooperation with the Delaware Department of Education ("Department"), developed amendments to 14 DE Admin. Code 1532 Middle Level Mathematics Teacher. The regulation concerns the requirements for a Middle Level Mathematics Teacher Standard Certificate in accordance with 14 Del.C. §1220. The proposed amendments include revising subsection 5.2, which concerns the disclosure of an applicant's criminal conviction history, and adding language concerning 14 DE Admin. Code 1519, which is being simultaneously proposed with this regulation. Proposed 14 DE Admin. Code 1519 sets forth alternative means of demonstrating content knowledge for an applicant of the Middle Level Mathematics Teacher Standard Certificate who does not achieve the minimum score specified in Section 4.0 of this regulation. Proposed 14 DE Admin. Code 1519 is consistent with HB 441, which amended 14 Del.C. §1220 and was signed into law on August 4, 2022. In addition, the proposed amendments include the addition of subsection 4.1.1.5, which has been added as a result of the passage of HB 315 w/ HA 2. HB 315 w/ HA 2 removed the exclusion of teaching experience in core content areas from 14 Del.C. §1210(a)(1) and was signed into law on August 4, 2022. The proposed amendments also include changes that have been made to other Standard Certificate regulations.

Persons wishing to present their views regarding this matter may do so in writing by submitting them to the Department, 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 November 1, 2022. 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 education, knowledge, and skill requirements in Section 4.0 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 education, knowledge, and skill requirements in Section 4.0 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 a standard 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 a standard 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 and flexibility of decision makers at the local board and school level. By statute (14 **Del.C.** § 1224), a school district or charter school may request that the Secretary of Education review the credentials of an applicant who does not meet the requirements for a Middle Level Mathematics Standard Certificate but whose effectiveness is documented by the district or school. Section 6.0 is 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. The application requirements in Section 5.0 apply to individual applicants. In addition, the requirements in Section 10.0 apply to individual applicants and Educators.

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 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 and to the local school boards of complying with this 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:**

<http://regulations.delaware.gov/register/october2022/proposed/26 DE Reg 260RFA 10-01-22.pdf>

1532 Middle Level Mathematics Teacher

1.0 Content

This regulation shall apply to the issuance of a Middle Level Mathematics Teacher Standard Certificate pursuant to 14 **Del.C.** §1220(a). ~~This~~ The Middle Level Mathematics Teacher Standard Certificate is required for grades 6, 7 and 8 in a middle level Delaware public school. Notwithstanding the above requirement, the Secondary Mathematics Teacher Standard Certificate may be used for grades 6, 7 and 8 in a middle level school in lieu of the Middle Level Mathematics Teacher Standard Certificate.

(Break in Continuity of Sections)

4.0 Prescribed Education, Knowledge, and Skill Requirements

4.1 For an applicant who does not hold a content area Standard Certificate, the applicant shall have satisfied the requirements in subsections 4.1.1 and 4.1.2.

4.1.1 The applicant shall have satisfied one of the following education requirements:

4.1.1.1 Obtained and currently maintain a Mathematics certificate from the National Board for Professional Teaching Standards; or

PROPOSED REGULATIONS

- 4.1.1.2 Earned a bachelor's degree from a Regionally Accredited college or university with a minimum of 30 semester hours of coursework in middle level mathematics education from an educator preparation program approved or recognized by ~~the National Council for the Accreditation of Teacher Education (NCATE)~~, the Council for the Accreditation of Educator Preparation (CAEP); ~~(CAEP)~~ or a state where the state approval body employed the appropriate standards; or
- 4.1.1.3 Satisfactorily completed an alternative routes for licensure or certification program to teach middle level mathematics as provided in 14 **Del.C.** §§1260 - 1266; or
- 4.1.1.4 Satisfactorily completed a Department-approved educator preparation program in middle mathematics ~~education~~; education; or
- 4.1.1.5 If the applicant is applying for an Initial License after the applicant completed a minimum of 91 days of successful long-term substitute teaching in a Delaware public school as provided in subsection 4.1.3.1 of 14 **DE Admin. Code** 1510, earned a bachelor's degree from a Regionally Accredited college or university in any content area and also satisfactorily completed 15 college credits related to middle level mathematics education of which at least six credits focus on pedagogy or an equivalent number of hours in professional development with one credit equating to 15 hours taken either as part of a degree program or in addition to a degree program from a Regionally Accredited college or university or a professional development provider approved by the Department.
- 4.1.1.5.1 The applicant, in consultation with the applicant's Employing Authority, shall select the 15 credits or the equivalent number of hours in professional development subject to the Department's approval.
- 4.1.1.5.2 If the applicant does not have an Employing Authority or is applying for a Standard Certificate outside of the applicant's current spectrum of employment, the applicant shall select the 15 credits or the equivalent number of hours in professional development in consultation with the Department and subject to the Department's approval.
- 4.1.1.5.3 For the purpose of subsection 4.1.1.5, professional development means a combination of focused, in-depth learning, practice, feedback, reflection, and expert support experiences designed to change the participants' attitudes, insights, and perspectives and ultimately results in improved professional practice.
- 4.1.1.5.4 Professional development hours may be approved if the applicant shows that the activity meets all of the following criteria:
- 4.1.1.5.4.1 Relevant courses from a Regionally Accredited college or university in middle level mathematics education are not available to the applicant online or in the applicant's county of residence; and
- 4.1.1.5.4.2 The activity is grounded in research and current best practices as judged by the Department's content specialist in middle level mathematics education; and
- 4.1.1.5.4.3 The activity is documented by the provider to provide knowledge and skills that are required for the middle level mathematics education certification; and
- 4.1.1.5.4.4 The activity is part of a professional development program that includes knowledge acquisition, skill mastery, descriptive feedback, and refinement of practice in the work setting.
- 4.1.2 The applicant shall have achieved a minimum score on one of the following examinations:
- 4.1.2.1 A minimum score of 155 on the Praxis Subject Assessment - Middle School Mathematics (ETS Test Code # 5164); ~~5164~~; or
- 4.1.2.2 A minimum score of 165 on the Praxis Subject Assessment - Middle School Mathematics (ETS Test Code # 5169); ~~or 5169~~.
- 4.1.3 Notwithstanding the requirement in subsection 4.1.2, if the applicant did not achieve the minimum score on one of the examinations in subsection 4.1.2, the applicant shall meet the requirements set forth in 14 **DE Admin. Code** 1519 Multiple Measures for Demonstrating Content Knowledge.

- 4.2 For an applicant who holds at least one content area Standard Certificate, the applicant shall have achieved ~~a the~~ minimum score on ~~the Praxis Subject Assessment~~ one of the examinations as provided in subsection 4.1.2. Notwithstanding the foregoing, if the applicant did not achieve the minimum score, the applicant shall meet the requirements set forth in 14 DE Admin. Code 1519 Multiple Measures for Demonstrating Content Knowledge.

5.0 Application Requirements

- 5.1 If an applicant is applying for an Initial License, a Standard Certificate must be applied for simultaneously with the application for the Initial License, and the applicant shall also provide all required documentation for the License.
- 5.2 ~~An applicant must disclose the applicant's criminal conviction history upon application for a Middle Level Mathematics Teacher Standard Certificate. Failure to disclose a criminal conviction history is grounds for denial of a Middle Level Mathematics Teacher Standard Certificate as specified in 14 Del.C. §1219. If the applicant is also applying for the issuance or renewal of an educator's license or paraeducator's permit, the applicant must disclose the applicant's criminal conviction history upon application. Failure to disclose a criminal conviction history is grounds for denial of the license or permit application as specified in 14 Del.C. §1219 and it could delay the processing or result in the denial of the application for a Middle Level Mathematics Teacher Standard Certificate.~~
- 5.3 For an applicant who does not hold a content area Standard Certificate, the following documentation is required with the application for a Middle Level Mathematics Teacher Standard Certificate:
- 5.3.1 Evidence of obtaining and maintaining a Mathematics certificate from the National Board for Professional Teaching Standards, if applicable; and
- 5.3.2 Official transcript from the applicant's Regionally Accredited college or university.
- 5.3.2.1 Electronic transcripts may be submitted by the Employing Authority or by the applicant's Regionally Accredited college or university; or
- 5.3.2.2 Sealed paper transcripts may be submitted.
- 5.3.2.3 The Department will not accept copies of transcripts; and
- 5.3.3 Documents verifying successful completion of Department-approved professional development, if applicable; and
- ~~5.3.3~~ 5.3.4 Official score on the Praxis Subject Assessment as provided in subsection 4.1.2; and
- ~~5.3.4~~ 5.3.5 Additional documentation as required by the Department.
- 5.4 For an applicant who holds at least one content area Standard Certificate, the following documentation is required in the application for a Middle Level Mathematics Teacher Standard Certificate:
- 5.4.1 Official score on the Praxis Subject Assessment as provided in subsection 4.2; and
- 5.4.2 Additional documentation as required by the Department.
- 5.5 For applicants who have met the requirements for licensure and hold a Valid and Current License or Certificate as a middle level mathematics teacher, the following documentation is required in the application for a Middle Level Mathematics Teacher Standard Certificate:
- 5.5.1 An official copy of the Valid and Current License or Certificate; and
- 5.5.2 Additional documentation as required by the Department.

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

1532 Middle Level Mathematics Teacher

PROPOSED REGULATIONS

PROFESSIONAL STANDARDS BOARD

Statutory Authority: 14 Delaware Code, Sections 1203, 1205(b), and 1220 (14 **Del.C.** §§1203, 1205(b), & 1220)

14 **DE Admin. Code** 1533

PUBLIC NOTICE

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

1533 Middle Level Science Teacher

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 1220, the Professional Standards Board ("Board"), acting in consultation and cooperation with the Delaware Department of Education ("Department"), developed amendments to 14 **DE Admin. Code** 1533 Middle Level Science Teacher. The regulation concerns the requirements for a Middle Level Science Teacher Standard Certificate in accordance with 14 **Del.C.** §1220. The proposed amendments include revising subsection 5.2, which concerns the disclosure of an applicant's criminal conviction history, and adding language concerning 14 **DE Admin. Code** 1519, which is being simultaneously proposed with this regulation. Proposed 14 **DE Admin. Code** 1519 sets forth alternative means of demonstrating content knowledge for an applicant of the Middle Level Science Teacher Standard Certificate who does not achieve the minimum score specified in Section 4.0 of this regulation. Proposed 14 **DE Admin. Code** 1519 is consistent with HB 441, which amended 14 **Del.C.** §1220 and was signed into law on August 4, 2022. In addition, the proposed amendments include the addition of subsection 4.1.1.5, which has been added as a result of the passage of HB 315 w/ HA 2. HB 315 w/ HA 2 removed the exclusion of teaching experience in core content areas from 14 **Del.C.** §1210(a)(1) and was signed into law on August 4, 2022. The proposed amendments also include changes that have been made to other Standard Certificate regulations.

Persons wishing to present their views regarding this matter may do so in writing by submitting them to the Department, 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 November 1, 2022. 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 education, knowledge, and skill requirements in Section 4.0 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 education, knowledge, and skill requirements in Section 4.0 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 a standard 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 a standard 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 and flexibility of decision makers at the local board and school level. By statute (14 **Del.C.** § 1224), a school district or charter school may request that the

Secretary of Education review the credentials of an applicant who does not meet the requirements for a Middle Level Science Teacher Standard Certificate but whose effectiveness is documented by the district or school. Proposed Section 6.0 is 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. The application requirements in Section 5.0 apply to individual applicants. In addition, the requirements in Section 10.0 apply to individual applicants and Educators.

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 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 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:**

<http://regulations.delaware.gov/register/october2022/proposed/26 DE Reg 264RFA 10-01-22.pdf>

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

1533 Middle Level Science Teacher

PROFESSIONAL STANDARDS BOARD

Statutory Authority: 14 Delaware Code, Sections 1203, 1205(b), and 1220 (14 **Del.C.** §§1203, 1205(b), & 1220)
14 **DE Admin. Code** 1534

PUBLIC NOTICE

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

1534 Middle Level Social Studies Teacher

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 1220, the Professional Standards Board ("Board"), acting in consultation and cooperation with the Delaware Department of Education ("Department"), developed amendments to 14 **DE Admin. Code** 1534 Middle Level Social Studies Teacher. The regulation concerns the requirements for a Middle Level Social Studies Teacher Standard Certificate in accordance with 14 **Del.C.** §1220. The proposed amendments include revising subsection 5.2, which concerns the disclosure of an applicant's criminal conviction history, and adding language concerning 14 **DE Admin. Code** 1519, which is being simultaneously proposed with

this regulation. Proposed 14 **DE Admin. Code** 1519 sets forth alternative means of demonstrating content knowledge for an applicant of the Middle Level Social Studies Teacher Standard Certificate who does not achieve the minimum score specified in Section 4.0 of this regulation. Proposed 14 **DE Admin. Code** 1519 is consistent with HB 441, which amended 14 **Del.C.** §1220 and was signed into law on August 4, 2022. In addition, the proposed amendments include the addition of subsection 4.1.1.5, which has been added as a result of the passage of HB 315 w/ HA 2. HB 315 w/ HA 2 removed the exclusion of teaching experience in core content areas from 14 **Del.C.** §1210(a)(1) and was signed into law on August 4, 2022. The proposed amendments also include changes that have been made to other Standard Certificate regulations.

Persons wishing to present their views regarding this matter may do so in writing by submitting them to the Department, 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 November 1, 2022. 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 education, knowledge, and skill requirements in Section 4.0 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 education, knowledge, and skill requirements in Section 4.0 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 a standard 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 a standard 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 and flexibility of decision makers at the local board and school level. By statute (14 **Del.C.** § 1224), a school district or charter school may request that the Secretary of Education review the credentials of an applicant who does not meet the requirements for a Middle Level Social Studies Standard Certificate but whose effectiveness is documented by the district or school. Proposed Section 6.0 is 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. The application requirements in Section 5.0 apply to individual applicants. In addition, the requirements in Section 10.0 apply to individual applicants and Educators.

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 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 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:

<http://regulations.delaware.gov/register/october2022/proposed/26 DE Reg 265RFA 10-01-22.pdf>

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

1534 Middle Level Social Studies Teacher

PROFESSIONAL STANDARDS BOARD

Statutory Authority: 14 Delaware Code, Sections 1203, 1205(b), and 1220 (14 Del.C. §§1203, 1205(b), & 1220)
14 DE Admin. Code 1539

PUBLIC NOTICE

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

1539 Health Education Teacher

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 1220, the Professional Standards Board ("Board"), acting in consultation and cooperation with the Delaware Department of Education ("Department"), developed amendments to 14 DE Admin. Code 1539 Health Education Teacher. The regulation concerns the requirements for a Health Education Teacher Standard Certificate in accordance with 14 Del.C. §1220. The proposed amendments include revising subsection 5.2, which concerns the disclosure of an applicant's criminal conviction history, and adding language concerning 14 DE Admin. Code 1519, which is being simultaneously proposed with this regulation. Proposed 14 DE Admin. Code 1519 sets forth alternative means of demonstrating content knowledge for an applicant of the Health Education Teacher Standard Certificate who does not achieve the minimum score specified in Section 4.0 of this regulation. Proposed 14 DE Admin. Code 1519 is consistent with HB 441, which amended 14 Del.C. §1220 and was signed into law on August 4, 2022. In addition, the proposed amendments include changes that have been made to other Standard Certificate regulations.

Persons wishing to present their views regarding this matter may do so in writing by submitting them to the Department, 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 November 1, 2022. 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 education, knowledge, and skill requirements in Section 4.0 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 education, knowledge, and skill requirements in Section 4.0 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 a standard 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 a standard 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 and flexibility of decision makers at the local board and school level. By statute (14 **Del.C.** § 1224), a school district or charter school may request that the Secretary of Education review the credentials of an applicant who does not meet the requirements for a Health Education Teacher Standard Certificate but whose effectiveness is documented by the district or school. Proposed Section 6.0 is 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. The application requirements in Section 5.0 apply to individual applicants. In addition, the requirements in Section 10.0 apply to individual applicants and Educators.

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 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 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:**

<http://regulations.delaware.gov/register/october2022/proposed/26 DE Reg 267RFA 10-01-22.pdf>

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

1539 Health Education Teacher

PROFESSIONAL STANDARDS BOARD

Statutory Authority: 14 Delaware Code, Sections 1203, 1205(b), and 1220 (14 **Del.C.** §§1203, 1205(b), & 1220)

14 DE Admin. Code 1540

PUBLIC NOTICE

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

1540 Secondary English Language Arts Teacher

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 1220, the Professional Standards Board ("Board"), acting in consultation and cooperation with the Delaware Department of Education ("Department"), developed amendments to 14 **DE Admin. Code** 1540 Secondary English Language Arts Teacher. The regulation concerns the requirements for a Secondary English Language Arts Teacher Standard Certificate in accordance with 14 **Del.C.** §1220. The proposed amendments include revising subsection 5.2, which concerns the disclosure of an applicant's criminal conviction history, and adding language concerning 14 **DE Admin. Code** 1519, which is being simultaneously proposed with this regulation. Proposed 14 **DE Admin. Code** 1519 sets forth alternative means of demonstrating content knowledge for an applicant of the Secondary English Language Arts Teacher Standard Certificate who does not achieve the minimum score specified in Section 4.0 of this regulation. Proposed 14 **DE Admin. Code** 1519 is consistent with HB 441, which amended 14 **Del.C.** §1220 and was signed into law on August 4, 2022. In addition, the proposed amendments include the addition of subsection 4.1.1.5, which has been added as a result of the passage of HB 315 w/ HA 2. HB 315 w/ HA 2 removed the exclusion of teaching experience in core content areas from 14 **Del.C.** §1210(a)(1) and was signed into law on August 4, 2022. The proposed amendments also include changes that have been made to other Standard Certificate regulations.

Persons wishing to present their views regarding this matter may do so in writing by submitting them to the Department, 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 November 1, 2022. 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 education, knowledge, and skill requirements in Section 4.0 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 education, knowledge, and skill requirements in Section 4.0 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 a standard 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 a standard 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 and flexibility of decision makers at the local board and school level. By statute (14 **Del.C.** § 1224), a school district or charter school may request that the Secretary of Education review the credentials of an applicant who does not meet the requirements for a Secondary English Language Arts Teacher Standard Certificate but whose effectiveness is documented by the district or school. Proposed Section 6.0 is 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. The application requirements in Section 5.0 apply to individual applicants. In addition, the requirements in Section 10.0 apply to individual applicants and Educators.

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 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 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:**

<http://regulations.delaware.gov/register/october2022/proposed/26 DE Reg 268RFA 10-01-22.pdf>

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

1540 Secondary English Language Arts Teacher

PROFESSIONAL STANDARDS BOARD

Statutory Authority: 14 Delaware Code, Sections 1203, 1205(b), and 1220 (14 Del.C. §§1203, 1205(b), & 1220)

14 DE Admin. Code 1542

PUBLIC NOTICE

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

1542 Secondary Mathematics Teacher

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 1220, the Professional Standards Board ("Board"), acting in consultation and cooperation with the Delaware Department of Education ("Department"), developed amendments to 14 DE Admin. Code 1542 Secondary Mathematics Teacher. The regulation concerns the requirements for a Secondary Mathematics Teacher Standard Certificate in accordance with 14 Del.C. §1220. The proposed amendments include revising subsection 5.2, which concerns the disclosure of an applicant's criminal conviction history, and adding language concerning 14 DE Admin. Code 1519, which is being simultaneously proposed with this regulation. Proposed 14 DE Admin. Code 1519 sets forth alternative means of demonstrating content knowledge for an applicant of the Secondary Mathematics Teacher Standard Certificate who does not achieve the minimum score specified in Section 4.0 of this regulation. Proposed 14 DE Admin. Code 1519 is consistent with HB 441, which amended 14 Del.C. §1220 and was signed into law on August 4, 2022. In addition, the proposed amendments include the addition of subsection 4.1.1.5, which has been added as a result of the passage of HB 315 w/ HA 2. HB 315 w/ HA 2 removed the exclusion of teaching experience in core content areas from 14 Del.C. §1210(a)(1) and was signed into law on August 4, 2022. The proposed amendments also include changes that have been made to other Standard Certificate regulations.

Persons wishing to present their views regarding this matter may do so in writing by submitting them to the Department, 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 November 1, 2022. 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 education, knowledge, and skill requirements in Section 4.0 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 education, knowledge, and skill requirements in Section 4.0 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 a standard 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 a standard 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 and flexibility of decision makers at the local board and school level. By statute (14 Del.C. § 1224), a school district or charter school may request that the Secretary of Education review the credentials of an applicant who does not meet the requirements for a Secondary Mathematics Teacher Standard Certificate but whose effectiveness is documented by the district or school. Proposed Section 6.0 is 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. The application requirements in Section 5.0 apply to individual applicants. In addition, the requirements in Section 10.0 apply to individual applicants and Educators.

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 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 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:**

<http://regulations.delaware.gov/register/october2022/proposed/26 DE Reg 270RFA 10-01-22.pdf>

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

1542 Secondary Mathematics Teacher

PROPOSED REGULATIONS

PROFESSIONAL STANDARDS BOARD

Statutory Authority: 14 Delaware Code, Sections 1203, 1205(b), and 1220 (14 Del.C. §§1203, 1205(b), & 1220)

14 DE Admin. Code 1543

PUBLIC NOTICE

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

1543 Secondary Science Teacher

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 1220, the Professional Standards Board ("Board"), acting in consultation and cooperation with the Delaware Department of Education ("Department"), developed amendments to 14 DE Admin. Code 1543 Secondary Science Teacher. The regulation concerns the requirements for a Secondary Science Teacher Standard Certificate in accordance with 14 Del.C. §1220. The Board published proposed changes to the regulation on July 1, 2022. The proposed amendments included striking and revising defined terms in Section 2.0; clarifying subsection 3.1.2, which concerns applicants who hold an educator's license or certificate from another state or jurisdiction; adding new Praxis Subject Assessments as an option in subsection 4.1.2; adding subsection 5.2, which concerns an applicant's criminal conviction history; moving the section concerning Secretary of Education review up to Section 6.0 and renumbering the existing subsequent subsections; and adding Section 10.0, which concerns applicants' and Educators' contact information with the Department and specifies how they can change their name or address. The Board did not receive any written submittals concerning these proposed amendments.

On August 15, 2022, the Board voted to withdraw proposed regulation that was published on July 1, 2022 and to publish the amendments in this proposed regulation. The proposed amendments include revising subsection 5.2, which concerns the disclosure of an applicant's criminal conviction history, and adding language concerning 14 DE Admin. Code 1519, which is being simultaneously proposed with this regulation. Proposed 14 DE Admin. Code 1519 sets forth alternative means of demonstrating content knowledge for an applicant of the Secondary Science Teacher Standard Certificate who does not achieve the minimum score specified in Section 4.0 of this regulation. Proposed 14 DE Admin. Code 1519 is consistent with HB 441, which amended 14 Del.C. §1220 and was signed into law on August 4, 2022. In addition, the proposed amendments include the addition of subsection 4.1.1.5, which has been added as a result of the passage of HB 315 w/ HA 2. HB 315 w/ HA 2 removed the exclusion of teaching experience in core content areas from 14 Del.C. §1210(a)(1) and was signed into law on August 4, 2022. The proposed amendments also include changes that have been made to other Standard Certificate regulations.

Persons wishing to present their views regarding this matter may do so in writing by submitting them to the Department, 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 November 1, 2022. 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 education, knowledge, and skill requirements in Section 4.0 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 education, knowledge, and skill requirements in Section 4.0 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 a standard 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 a standard 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 and flexibility of decision makers at the local board and school level. By statute (14 **Del.C.** § 1224), a school district or charter school may request that the Secretary of Education review the credentials of an applicant who does not meet the requirements for a Secondary Science Teacher Standard Certificate but whose effectiveness is documented by the district or school. Proposed Section 6.0 is 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. The application requirements in Section 5.0 apply to individual applicants. In addition, the requirements in Section 10.0 apply to individual applicants and Educators.

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 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 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:**

<http://regulations.delaware.gov/register/october2022/proposed/26 DE Reg 272RFA 10-01-22.pdf>

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

1543 Secondary Science Teacher

PROPOSED REGULATIONS

PROFESSIONAL STANDARDS BOARD

Statutory Authority: 14 Delaware Code, Sections 1203, 1205(b), and 1220 (14 **Del.C.** §§1203, 1205(b), & 1220)
14 **DE Admin. Code** 1544

PUBLIC NOTICE

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

1544 Secondary Social Studies Teacher

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 1220, the Professional Standards Board ("Board"), acting in consultation and cooperation with the Delaware Department of Education ("Department"), developed amendments to 14 **DE Admin. Code** 1544 Secondary Social Studies Teacher. The regulation concerns the requirements for a Secondary Social Studies Teacher Standard Certificate in accordance with 14 **Del.C.** §1220. The proposed amendments include revising subsection 5.2, which concerns the disclosure of an applicant's criminal conviction history, and adding language concerning 14 **DE Admin. Code** 1519, which is being simultaneously proposed with this regulation. Proposed 14 **DE Admin. Code** 1519 sets forth alternative means of demonstrating content knowledge for an applicant of the Secondary Social Studies Teacher Standard Certificate who does not achieve the minimum score specified in Section 4.0 of this regulation. Proposed 14 **DE Admin. Code** 1519 is consistent with HB 441, which amended 14 **Del.C.** §1220 and was signed into law on August 4, 2022. In addition, the proposed amendments include the addition of subsection 4.1.1.5, which has been added as a result of the passage of HB 315 w/ HA 2. HB 315 w/ HA 2 removed the exclusion of teaching experience in core content areas from 14 **Del.C.** §1210(a)(1) and was signed into law on August 4, 2022. The proposed amendments also include changes that have been made to other Standard Certificate regulations.

Persons wishing to present their views regarding this matter may do so in writing by submitting them to the Department, 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 November 1, 2022. 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 education, knowledge, and skill requirements in Section 4.0 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 education, knowledge, and skill requirements in Section 4.0 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 a standard 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 a standard 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 and flexibility of decision makers at the local board and school level. By statute (14 **Del.C.** §1224), a school district or charter school may request that the

Secretary of Education review the credentials of an applicant who does not meet the requirements for a Secondary Social Studies Teacher Standard Certificate but whose effectiveness is documented by the district or school. Proposed Section 6.0 is 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. The application requirements in Section 5.0 apply to individual applicants. In addition, the requirements in Section 10.0 apply to individual applicants and Educators.

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 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 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:**

<http://regulations.delaware.gov/register/october2022/proposed/26 DE Reg 274RFA 10-01-22.pdf>

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

1544 Secondary Social Studies Teacher

PROFESSIONAL STANDARDS BOARD

Statutory Authority: 14 Delaware Code, Sections 1203, 1205(b), and 1220 (14 **Del.C.** §§1203, 1205(b), & 1220)
14 **DE Admin. Code** 1550

PUBLIC NOTICE

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

1550 Agriscience Teacher

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 1220, the Professional Standards Board ("Board"), acting in consultation and cooperation with the Delaware Department of Education ("Department"), developed amendments to 14 **DE Admin. Code** 1550 Agriscience Teacher. The regulation concerns the requirements for an Agriscience Teacher Standard Certificate in accordance with 14 **Del.C.** §1220. The proposed amendments include revising subsection 5.2, which concerns the disclosure of an applicant's criminal conviction history, and adding language concerning 14 **DE Admin. Code** 1519, which is being simultaneously proposed with this regulation. Proposed 14

DE Admin. Code 1519 sets forth alternative means of demonstrating content knowledge for an applicant of the Agriscience Teacher Standard Certificate who does not achieve the minimum score specified in Section 4.0 of this regulation. Proposed 14 **DE Admin. Code** 1519 is consistent with HB 441, which amended 14 **Del.C.** §1220 and was signed into law on August 4, 2022. In addition, the proposed amendments include changes that have been made to other Standard Certificate regulations.

Persons wishing to present their views regarding this matter may do so in writing by submitting them to the Department, 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 November 1, 2022. 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 education, knowledge, and skill requirements in Section 4.0 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 education, knowledge, and skill requirements in Section 4.0 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 a standard 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 a standard 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 and flexibility of decision makers at the local board and school level. By statute (14 **Del.C.** §1224), a school district or charter school may request that the Secretary of Education review the credentials of an applicant who does not meet the requirements for an Agriscience Teacher Standard Certificate but whose effectiveness is documented by the district or school. Section 6.0 is 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. The application requirements in Section 5.0 apply to individual applicants. In addition, the requirements in Section 10.0 apply to individual applicants and Educators.

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 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 and to the local school boards of complying with this 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:**

<http://regulations.delaware.gov/register/october2022/proposed/26 DE Reg 275RFA 10-01-22.pdf>

1550 Agriscience Teacher
(Break in Continuity of Sections)

4.0 Prescribed Education, Knowledge, and Skill Requirements

- 4.1 For an applicant who does not hold a content area Standard Certificate, the applicant shall have satisfied the requirements in subsections 4.1.1 and 4.1.2.

(Break in Continuity Within Section)

- 4.1.2 The applicant shall have achieved a minimum score of 147 on the Praxis Subject Assessment - Agriculture (ETS Test Code # 5701). Notwithstanding the foregoing, if the applicant did not achieve the minimum score, the applicant shall meet the requirements set forth in 14 DE Admin. Code 1519 Multiple Measures for Demonstrating Content Knowledge.
- 4.2 For an applicant who holds at least one content area Standard Certificate, the applicant shall have achieved the minimum score on an examination as provided in subsection 4.1.2. Notwithstanding the foregoing, if the applicant did not achieve the minimum score, the applicant shall meet the requirements set forth in 14 DE Admin. Code 1519 Multiple Measures for Demonstrating Content Knowledge.

5.0 Application Requirements

- 5.1 If an applicant is applying for an Initial License, a Standard Certificate must be applied for simultaneously with the application for the Initial License, and the applicant shall also provide all required documentation for the License.
- 5.2 ~~An applicant must disclose the applicant's criminal conviction history upon application for a Agriscience Teacher Standard Certificate. Failure to disclose a criminal conviction history is grounds for denial of an Agriscience Teacher Standard Certificate as specified in 14 Del.C. §1219. If the applicant is also applying for the issuance or renewal of an educator's license or paraeducator's permit, the applicant must disclose the applicant's criminal conviction history upon application. Failure to disclose a criminal conviction history is grounds for denial of the license or permit application as specified in 14 Del.C. §1219 and it could delay the processing or result in the denial of the application for an Agriscience Teacher Standard Certificate.~~

(Break in Continuity Within Section)

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

1550 Agriscience Teacher

PROFESSIONAL STANDARDS BOARD

Statutory Authority: 14 Delaware Code, Sections 1203, 1205(b), and 1220 (14 Del.C. §§1203, 1205(b), & 1220)
14 DE Admin. Code 1551

PUBLIC NOTICE

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

1551 Business Education Teacher

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 1220, the Professional Standards Board ("Board"), acting in consultation and cooperation with the Delaware Department of Education ("Department"), developed amendments to 14 **DE Admin. Code** 1551 Business Education Teacher. The regulation concerns the requirements for a Business, Finance, or Marketing Education Teacher Standard Certificate in accordance with 14 **Del.C.** §1220. The Board published proposed changes to the regulation on June 1, 2022. The proposed amendments included revising the title of the regulation; clarifying Section 1.0; adding and striking defined terms in Section 2.0; clarifying the requirements for issuing a Business, Finance, or Marketing Education Teacher Standard Certificate in Section 3.0; specifying the education, knowledge, and skill requirements for obtaining a Business, Finance, or Marketing Education Teacher Standard Certificate in Section 4.0; specifying the application requirements in Section 5.0; adding Section 6.0, which concerns requests for the Secretary of Education to review standard certificate applications; adding Section 7.0, which concerns the validity of a Business, Finance, or Marketing Education Teacher Standard Certificate; adding Section 8.0, which concerns disciplinary actions; adding Section 9.0, which concerns recognizing past certificates that were issued by the Department; and adding Section 10.0, which concerns applicants' and Educators' contact information with the Department and specifies how they can change their name or address. The Board did not receive any written submittals concerning these proposed amendments.

On August 15, 2022, the Board voted to withdraw the proposed regulation that was published on June 1, 2022 and to publish the amendments in this proposed regulation. The proposed amendments include revising subsection 5.2, which concerns the disclosure of an applicant's criminal conviction history, and adding language concerning 14 **DE Admin. Code** 1519, which is being simultaneously proposed with this regulation. Proposed 14 **DE Admin. Code** 1519 sets forth alternative means of demonstrating content knowledge for an applicant of the Business, Finance, or Marketing Education Teacher Standard Certificate who does not achieve the minimum score specified in Section 4.0 of this regulation. Proposed 14 **DE Admin. Code** 1519 is consistent with HB 441, which amended 14 **Del.C.** §1220 and was signed into law on August 4, 2022. In addition, the proposed amendments include changes that have been made to other Standard Certificate regulations.

Persons wishing to present their views regarding this matter may do so in writing by submitting them to the Department, 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 November 1, 2022. 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 education, knowledge, and skill requirements in Section 4.0 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 education, knowledge, and skill requirements in Section 4.0 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 a standard 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 a standard 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 and flexibility of decision makers at the local board and school level. By statute (14 **Del.C.** §1224), a school district or charter school may request that the Secretary of Education review the credentials of an applicant who does not meet the requirements for a Business, Finance, or Marketing Education Teacher Standard Certificate but whose effectiveness is documented by the district or school. Proposed Section 6.0 is 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. The application requirements in Section 5.0 apply to individual applicants. In addition, the requirements in Section 10.0 apply to individual applicants and Educators.

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 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 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:**

<http://regulations.delaware.gov/register/october2022/proposed/26 DE Reg 277RFA 10-01-22.pdf>

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

1551 Business Education Teacher

PROFESSIONAL STANDARDS BOARD

Statutory Authority: 14 Delaware Code, Sections 1203, 1205(b), and 1220 (14 **Del.C.** §§1203, 1205(b), & 1220)
14 **DE Admin. Code** 1554

PUBLIC NOTICE

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

1554 Family and Consumer Sciences Teacher

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 1220, the Professional Standards Board ("Board"), acting in consultation and cooperation with the Delaware Department of Education ("Department"), developed amendments to 14 **DE Admin. Code** 1554 Family and Consumer Sciences Teacher. The regulation concerns the requirements for a Family and Consumer Sciences Teacher Standard Certificate in accordance with 14 **Del.C.** §1220. The Board published proposed changes to the regulation on July 1, 2022. The proposed amendments included clarifying Section 1.0; adding and striking defined terms in Section 2.0; clarifying the requirements for issuing a Family and Consumer Sciences Teacher Standard Certificate in Section 3.0; specifying the education, knowledge, and skill requirements for obtaining a Family and Consumer Sciences Teacher Standard Certificate in Section 4.0; specifying the application requirements in Section 5.0; adding Section 6.0, which concerns requests for the Secretary of Education to review standard certificate applications; adding Section 7.0, which concerns the validity of a Family and Consumer Sciences Teacher Standard Certificate; adding Section 8.0, which concerns disciplinary

actions; adding Section 9.0, which concerns recognizing past certificates that were issued by the Department; and adding Section 10.0, which concerns applicants' and Educators' contact information with the Department and specifies how they can change their name or address. The Board did not receive any written submittals concerning these proposed amendments.

On August 15, 2022, the Board voted to withdraw the proposed regulation that was published on July 1, 2022 and to publish the amendments in this proposed regulation. The proposed amendments include revising subsection 5.2, which concerns the disclosure of an applicant's criminal conviction history, and adding language concerning 14 **DE Admin. Code** 1519, which is being simultaneously proposed with this regulation. Proposed 14 **DE Admin. Code** 1519 sets forth alternative means of demonstrating content knowledge for an applicant of the Family and Consumer Sciences Teacher Standard Certificate who does not achieve the minimum score specified in Section 4.0 of this regulation. Proposed 14 **DE Admin. Code** 1519 is consistent with HB 441, which amended 14 **Del.C.** §1220 and was signed into law on August 4, 2022. In addition, the proposed amendments include changes that have been made to other Standard Certificate regulations.

Persons wishing to present their views regarding this matter may do so in writing by submitting them to the Department, 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 November 1, 2022. 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 education, knowledge, and skill requirements in Section 4.0 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 education, knowledge, and skill requirements in Section 4.0 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 a standard 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 a standard 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 and flexibility of decision makers at the local board and school level. By statute (14 **Del.C.** §1224), a school district or charter school may request that the Secretary of Education review the credentials of an applicant who does not meet the requirements for a Family and Consumer Sciences Standard Certificate but whose effectiveness is documented by the district or school. Proposed Section 6.0 is 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. The application requirements in Section 5.0 apply to individual applicants. In addition, the requirements in Section 10.0 apply to individual applicants and Educators.
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 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 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:**

<http://regulations.delaware.gov/register/october2022/proposed/26 DE Reg 279RFA 10-01-22.pdf>

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

1554 Family and Consumer Sciences Teacher

PROFESSIONAL STANDARDS BOARD

Statutory Authority: 14 Delaware Code, Sections 1203, 1205(b), and 1220 (14 Del.C. §§1203, 1205(b), & 1220)

14 DE Admin. Code 1557

PUBLIC NOTICE

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

1557 Technology and Engineering Teacher

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 1220, the Professional Standards Board ("Board"), acting in consultation and cooperation with the Delaware Department of Education ("Department"), developed amendments to 14 DE Admin. Code 1557 Technology and Engineering Teacher. The regulation concerns the requirements for a Technology and Engineering Teacher Standard Certificate in accordance with 14 Del.C. §1220. The proposed amendments include revising subsection 5.2, which concerns the disclosure of an applicant's criminal conviction history, and adding language concerning 14 DE Admin. Code 1519, which is being simultaneously proposed with this regulation. Proposed 14 DE Admin. Code 1519 sets forth alternative means of demonstrating content knowledge for an applicant of the Technology and Engineering Teacher Standard Certificate who does not achieve the minimum score specified in Section 4.0 of this regulation. Proposed 14 DE Admin. Code 1519 is consistent with HB 441, which amended 14 Del.C. §1220 and was signed into law on August 4, 2022. In addition, the proposed amendments include changes that have been made to other Standard Certificate regulations.

Persons wishing to present their views regarding this matter may do so in writing by submitting them to the Department, 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 November 1, 2022. 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 education, knowledge, and skill requirements in Section 4.0 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 education, knowledge, and skill requirements in Section 4.0 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 a standard 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 a standard 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 and flexibility of decision makers at the local board and school level. By statute (14 **Del.C.** §1224), a school district or charter school may request that the Secretary of Education review the credentials of an applicant who does not meet the requirements for a Technology and Engineering Teacher Standard Certificate but whose effectiveness is documented by the district or school. Section 6.0 is 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. The application requirements in Section 5.0 apply to individual applicants. In addition, the requirements in Section 10.0 apply to individual applicants and Educators.

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 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 and to the local school boards of complying with this 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:**

<http://regulations.delaware.gov/register/october2022/proposed/26 DE Reg 281RFA 10-01-22.pdf>

1557 Technology and Engineering Teacher

(Break in Continuity of Sections)

4.0 Prescribed Education, Knowledge, and Skill Requirements

- 4.1 For an applicant who does not hold a content area Standard Certificate, the applicant shall have satisfied the requirements in subsections 4.1.1 and 4.1.2.

(Break in Continuity Within Section)

- 4.1.2 The applicant shall have achieved a minimum score of 159 on the Praxis Subject Assessment - Technology Education (ETS Test Code # 5051). Notwithstanding the foregoing, if the applicant did not achieve the minimum score, the applicant shall meet the requirements set forth in 14 **DE Admin. Code** 1519 Multiple Measures for Demonstrating Content Knowledge.
- 4.2 For an applicant who holds at least one content area Standard Certificate, the applicant shall have achieved the minimum score on ~~an~~ the examination as provided in subsection 4.1.2. Notwithstanding the foregoing, if the applicant did not achieve the minimum score, the applicant shall meet the

requirements set forth in 14 DE Admin. Code 1519 Multiple Measures for Demonstrating Content Knowledge.

5.0 Application Requirements

- 5.1 If an applicant is applying for an Initial License, a Standard Certificate must be applied for simultaneously with the application for the Initial License, and the applicant shall also provide all required documentation for the License.
- 5.2 ~~An applicant must disclose the applicant's criminal conviction history upon application for a Technology and Engineering Teacher Standard Certificate. Failure to disclose a criminal conviction history is grounds for denial of a Technology and Engineering Teacher Standard Certificate as specified in 14 Del.C. §1219. If the applicant is also applying for the issuance or renewal of an educator's license or paraeducator's permit, the applicant must disclose the applicant's criminal conviction history upon application. Failure to disclose a criminal conviction history is grounds for denial of the license or permit application as specified in 14 Del.C. §1219 and it could delay the processing or result in the denial of the application for a Technology and Engineering Teacher Standard Certificate.~~

(Break in Continuity Within Section)

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

1557 Technology and Engineering Teacher

PROFESSIONAL STANDARDS BOARD

Statutory Authority: 14 Delaware Code, Sections 1203, 1205(b), and 1220 (14 Del.C. §§1203, 1205(b), & 1220)
14 DE Admin. Code 1558

PUBLIC NOTICE

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

1558 Theatre Teacher

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 1220, the Professional Standards Board ("Board"), acting in consultation and cooperation with the Delaware Department of Education ("Department"), developed amendments to 14 DE Admin. Code 1558 Theatre Teacher. The regulation concerns the requirements for a Theatre Teacher Standard Certificate in accordance with 14 Del.C. §1220. The proposed amendments include revising subsection 5.2, which concerns the disclosure of an applicant's criminal conviction history, and adding language concerning 14 DE Admin. Code 1519, which is being simultaneously proposed with this regulation. Proposed 14 DE Admin. Code 1519 sets forth alternative means of demonstrating content knowledge for an applicant of the Theatre Teacher Standard Certificate who does not achieve the minimum score specified in Section 4.0 of this regulation. Proposed 14 DE Admin. Code 1519 is consistent with HB 441, which amended 14 Del.C. §1220 and was signed into law on August 4, 2022. In addition, the proposed amendments include changes that have been made to other Standard Certificate regulations.

Persons wishing to present their views regarding this matter may do so in writing by submitting them to the Department, 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 November 1, 2022. 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 education, knowledge, and skill requirements in Section 4.0 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 education, knowledge, and skill requirements in Section 4.0 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 a standard 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 a standard 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 and flexibility of decision makers at the local board and school level. By statute (14 **Del.C.** §1224), a school district or charter school may request that the Secretary of Education review the credentials of an applicant who does not meet the requirements for a Theatre Teacher Standard Certificate but whose effectiveness is documented by the district or school. Proposed Section 6.0 is 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. The application requirements in Section 5.0 apply to individual applicants. In addition, the requirements in Section 10.0 apply to individual applicants and Educators.

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 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 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:**

<http://regulations.delaware.gov/register/october2022/proposed/26 DE Reg 283RFA 10-01-22.pdf>

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

1558 Theatre Teacher

PROFESSIONAL STANDARDS BOARD

Statutory Authority: 14 Delaware Code, Sections 1203, 1205(b), and 1220 (14 Del.C. §§1203, 1205(b), & 1220)
14 DE Admin. Code 1560

PUBLIC NOTICE

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

1560 Visual Arts Teacher

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 1220, the Professional Standards Board ("Board"), acting in consultation and cooperation with the Delaware Department of Education ("Department"), developed amendments to 14 DE Admin. Code 1560 Visual Arts Teacher. The regulation concerns the requirements for a Visual Arts Teacher Standard Certificate in accordance with 14 Del.C. §1220. The proposed amendments include revising subsection 5.2, which concerns the disclosure of an applicant's criminal conviction history, and adding language concerning 14 DE Admin. Code 1519, which is being simultaneously proposed with this regulation. Proposed 14 DE Admin. Code 1519 sets forth alternative means of demonstrating content knowledge for an applicant of the Visual Arts Teacher Standard Certificate who does not achieve the minimum score specified in Section 4.0 of this regulation. Proposed 14 DE Admin. Code 1519 is consistent with HB 441, which amended 14 Del.C. §1220 and was signed into law on August 4, 2022. In addition, the proposed amendments include changes that have been made to other Standard Certificate regulations.

Persons wishing to present their views regarding this matter may do so in writing by submitting them to the Department, 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 November 1, 2022. 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 education, knowledge, and skill requirements in Section 4.0 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 education, knowledge, and skill requirements in Section 4.0 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 a standard 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 a standard 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 and flexibility of decision makers at the local board and school level. By statute (14 Del.C. §1224), a school district or charter school may request that the Secretary of Education review the credentials of an applicant who does not meet the requirements for a Visual Arts Teacher Standard Certificate but whose effectiveness is documented by the district or school. Proposed Section 6.0 is 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. The application requirements in Section 5.0 apply to individual applicants. In addition, the requirements in Section 10.0 apply to individual applicants and Educators.

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 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 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:**

<http://regulations.delaware.gov/register/october2022/proposed/26 DE Reg 285RFA 10-01-22.pdf>

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

1560 Visual Arts Teacher

PROFESSIONAL STANDARDS BOARD

Statutory Authority: 14 Delaware Code, Sections 1203, 1205(b), and 1220 (14 **Del.C.** §§1203, 1205(b), & 1220)

14 DE Admin. Code 1562

PUBLIC NOTICE

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

1562 Teacher of English Learners

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 1220, the Professional Standards Board ("Board"), acting in consultation and cooperation with the Delaware Department of Education ("Department"), developed amendments to 14 **DE Admin. Code** 1562 Teacher of English Learners. The regulation concerns the requirements for a Teacher of English Learners Standard Certificate in accordance with 14 **Del.C.** §1220. The proposed amendments include revising subsection 5.2, which concerns the disclosure of an applicant's criminal conviction history, and adding language concerning 14 **DE Admin. Code** 1519, which is being simultaneously proposed with this regulation. Proposed 14 **DE Admin. Code** 1519 sets forth alternative means of demonstrating content knowledge for an applicant of the Teacher of English Learners Standard Certificate who does not achieve the minimum score specified in Section 4.0 of this regulation. Proposed 14 **DE Admin. Code** 1519 is consistent with HB 441, which

amended 14 **Del.C.** §1220 and was signed into law on August 4, 2022. In addition, the proposed amendments include changes that have been made to other Standard Certificate regulations.

Persons wishing to present their views regarding this matter may do so in writing by submitting them to the Department, 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 November 1, 2022. 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 education, knowledge, and skill requirements in Section 4.0 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 education, knowledge, and skill requirements in Section 4.0 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 a standard 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 a standard 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 and flexibility of decision makers at the local board and school level. By statute (14 **Del.C.** §1224), a school district or charter school may request that the Secretary of Education review the credentials of an applicant who does not meet the requirements for a Teacher of English Learners Standard Certificate but whose effectiveness is documented by the district or school. Proposed Section 6.0 is 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. The application requirements in Section 5.0 apply to individual applicants. In addition, the requirements in Section 10.0 apply to individual applicants and Educators.

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 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 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:**

<http://regulations.delaware.gov/register/october2022/proposed/26 DE Reg 286RFA 10-01-22.pdf>

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

regulation is available at:

1562 Teacher of English Learners

PROFESSIONAL STANDARDS BOARD

Statutory Authority: 14 Delaware Code, Sections 1203, 1205(b), and 1220 (14 **Del.C.** §§1203, 1205(b), & 1220)

14 **DE Admin. Code** 1563

PUBLIC NOTICE

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

1563 Music Teacher

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 1220, the Professional Standards Board ("Board"), acting in consultation and cooperation with the Delaware Department of Education ("Department"), developed amendments to 14 **DE Admin. Code** 1563 Music Teacher. The regulation concerns the requirements for a Music Teacher Standard Certificate in accordance with 14 **Del.C.** §1220. The proposed amendments include revising subsection 5.2, which concerns the disclosure of an applicant's criminal conviction history, and adding language concerning 14 **DE Admin. Code** 1519, which is being simultaneously proposed with this regulation. Proposed 14 **DE Admin. Code** 1519 sets forth alternative means of demonstrating content knowledge for an applicant of the Music Teacher Standard Certificate who does not achieve the minimum score specified in Section 4.0 of this regulation. Proposed 14 **DE Admin. Code** 1519 is consistent with HB 441, which amended 14 **Del.C.** §1220 and was signed into law on August 4, 2022. In addition, the proposed amendments include changes that have been made to other Standard Certificate regulations.

Persons wishing to present their views regarding this matter may do so in writing by submitting them to the Department, 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 November 1, 2022. 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 education, knowledge, and skill requirements in Section 4.0 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 education, knowledge, and skill requirements in Section 4.0 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 a standard 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 a standard 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 and flexibility of decision makers at the

local board and school level. By statute (14 **Del.C.** §1224), a school district or charter school may request that the Secretary of Education review the credentials of an applicant who does not meet the requirements for a Music Teacher Standard Certificate but whose effectiveness is documented by the district or school. Proposed Section 6.0 is 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. The application requirements in Section 5.0 apply to individual applicants. In addition, the requirements in Section 10.0 apply to individual applicants and Educators.

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 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 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:**

<http://regulations.delaware.gov/register/october2022/proposed/26 DE Reg 288RFA 10-01-22.pdf>

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

1563 Music Teacher

PROFESSIONAL STANDARDS BOARD

Statutory Authority: 14 Delaware Code, Sections 1203, 1205(b), and 1220 (14 **Del.C.** §§1203, 1205(b), & 1220)
14 DE Admin. Code 1564

PUBLIC NOTICE

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

1564 Physical Education Teacher

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 1220, the Professional Standards Board ("Board"), acting in consultation and cooperation with the Delaware Department of Education ("Department"), developed amendments to 14 **DE Admin. Code** 1564 Physical Education Teacher. The regulation concerns the requirements for a Physical Education Teacher Standard Certificate in accordance with 14 **Del.C.** §1220. The proposed amendments include revising subsection 5.2, which concerns the disclosure of an applicant's criminal conviction history, and adding

language concerning 14 **DE Admin. Code** 1519, which is being simultaneously proposed with this regulation. Proposed 14 **DE Admin. Code** 1519 sets forth alternative means of demonstrating content knowledge for an applicant of the Physical Education Teacher Standard Certificate who does not achieve the minimum score specified in Section 4.0 of this regulation. Proposed 14 **DE Admin. Code** 1519 is consistent with HB 441, which amended 14 **Del.C.** §1220 and was signed into law on August 4, 2022. In addition, the proposed amendments include changes that have been made to other Standard Certificate regulations.

Persons wishing to present their views regarding this matter may do so in writing by submitting them to the Department, 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 November 1, 2022. 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 education, knowledge, and skill requirements in Section 4.0 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 education, knowledge, and skill requirements in Section 4.0 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 a standard 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 a standard 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 and flexibility of decision makers at the local board and school level. By statute (14 **Del.C.** §1224), a school district or charter school may request that the Secretary of Education review the credentials of an applicant who does not meet the requirements for a Physical Education Teacher Standard Certificate but whose effectiveness is documented by the district or school. Proposed Section 6.0 is 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. The application requirements in Section 5.0 apply to individual applicants. In addition, the requirements in Section 10.0 apply to individual applicants and Educators.

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 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 and to the local school boards of complying with this 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:**

<http://regulations.delaware.gov/register/october2022/proposed/26 DE Reg 289RFA 10-01-22.pdf>

1564 Physical Education Teacher

(Break in Continuity of Sections)

4.0 Prescribed Education, Knowledge, and Skill Requirements

4.1 For an applicant who does not hold a content area Standard Certificate, the applicant shall have satisfied the requirements in subsections 4.1.1 and 4.1.2.

4.1.1 The applicant shall have satisfied one of the following education requirements:

4.1.1.1 Obtained and currently maintain a Physical Education certificate from the National Board for Professional Teaching Standards; or

4.1.1.2 Earned a bachelor's degree from a Regionally Accredited college or university with a minimum of 30 semester hours of coursework in physical education from an educator preparation program approved or recognized by the National Council for the Accreditation of Teacher Education (NCATE), the Council for the Accreditation of Educator Preparation (CAEP), (CAEP) or a state where the state approval body employed the appropriate standards; or

(Break in Continuity Within Section)

4.1.3 Notwithstanding the requirement in subsection 4.1.2, if the applicant did not achieve the minimum score on one of the examinations in subsection 4.1.2, the applicant shall meet the requirements set forth in 14 DE Admin. Code 1519 Multiple Measures for Demonstrating Content Knowledge.

4.2 For an applicant who holds at least one content area Standard Certificate, the applicant shall have achieved the minimum score on ~~an examination~~ one of the examinations as provided in subsection 4.1.2. Notwithstanding the foregoing, if the applicant did not achieve the minimum score, the applicant shall meet the requirements set forth in 14 DE Admin. Code 1519 Multiple Measures for Demonstrating Content Knowledge.

5.0 Application Requirements

5.1 If an applicant is applying for an Initial License, a Standard Certificate must be applied for simultaneously with the application for the Initial License, and the applicant shall also provide all required documentation for the License.

5.2 ~~An applicant must disclose the applicant's criminal conviction history upon application for a Physical Education Teacher Standard Certificate. Failure to disclose a criminal conviction history is grounds for denial of a Physical Education Teacher Standard Certificate as specified in 14 Del.C. §1219. If the applicant is also applying for the issuance or renewal of an educator's license or paraeducator's permit, the applicant must disclose the applicant's criminal conviction history upon application. Failure to disclose a criminal conviction history is grounds for denial of the license or permit application as specified in 14 Del.C. §1219 and it could delay the processing or result in the denial of the application for a Physical Education Teacher Standard Certificate.~~

(Break in Continuity Within Section)

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

1564 Physical Education Teacher

PROPOSED REGULATIONS

PROFESSIONAL STANDARDS BOARD

Statutory Authority: 14 Delaware Code, Sections 1203, 1205(b), and 1220 (14 **Del.C.** §§1203, 1205(b), & 1220)

14 **DE Admin. Code** 1565

PROPOSED

PUBLIC NOTICE

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

1565 World Language Teacher

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 1220, the Professional Standards Board ("Board"), acting in consultation and cooperation with the Delaware Department of Education ("Department"), developed amendments to 14 **DE Admin. Code** 1565 World Language Teacher. The regulation concerns the requirements for a World Language Teacher Standard Certificate in accordance with 14 **Del.C.** §1220. The proposed amendments include revising subsection 5.2, which concerns the disclosure of an applicant's criminal conviction history, and adding language concerning 14 **DE Admin. Code** 1519, which is being simultaneously proposed with this regulation. Proposed 14 **DE Admin. Code** 1519 sets forth alternative means of demonstrating content knowledge for an applicant of the World Language Teacher Standard Certificate who does not achieve the minimum score specified in Section 4.0 of this regulation. Proposed 14 **DE Admin. Code** 1519 is consistent with HB 441, which amended 14 **Del.C.** §1220 and was signed into law on August 4, 2022.

Persons wishing to present their views regarding this matter may do so in writing by submitting them to the Department, 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 November 1, 2022. 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 education, knowledge, and skill requirements in Section 4.0 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 education, knowledge, and skill requirements in Section 4.0 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 a standard 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 a standard 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 and flexibility of decision makers at the local board and school level. By statute (14 **Del.C.** §1224), a school district or charter school may request that the Secretary of Education review the credentials of an applicant who does not meet the requirements for a World Language Teacher Standard Certificate but whose effectiveness is documented by the district or school. Section

6.0 is 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. The application requirements in Section 5.0 apply to individual applicants. In addition, the requirements in Section 10.0 apply to individual applicants and Educators.

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 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 and to the local school boards of complying with this 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:**

<http://regulations.delaware.gov/register/october2022/proposed/26 DE Reg 292RFA 10-01-22.pdf>

1565 World Language Teacher

(Break in Continuity of Sections)

4.0 Prescribed Education, Knowledge, and Skill Requirements

- 4.1 For an applicant who does not hold a content area Standard Certificate, the applicant shall have satisfied the requirements in subsections 4.1.1 and 4.1.2.

(Break in Continuity Within Section)

4.1.3 Notwithstanding the requirement in subsection 4.1.2, if the applicant did not achieve the minimum score on one of the Praxis Subject Assessments in subsection 4.1.2.1, the applicant shall meet the requirements set forth in 14 **DE Admin. Code** 1519 Multiple Measures for Demonstrating Content Knowledge. 14 **DE Admin. Code** 1519 Multiple Measures for Demonstrating Content Knowledge does not apply to applicants who do not achieve the minimum levels on the ACTFL as provided in 4.1.2.2.

- 4.2 For an applicant who holds at least one content area Standard Certificate, the applicant shall have demonstrated oral and written proficiency in the Target Language as provided in subsection 4.1.2 of this regulation. Notwithstanding the requirement in subsection 4.1.2, if the applicant did not achieve the minimum score on one of the Praxis Subject Assessments in subsection 4.1.2.1, the applicant shall meet the requirements set forth in 14 **DE Admin. Code** 1519 Multiple Measures for Demonstrating Content Knowledge. 14 **DE Admin. Code** 1519 Multiple Measures for Demonstrating Content Knowledge does not apply to applicants who do not achieve the minimum levels on the ACTFL as provided in 4.1.2.2.
- 4.3 Notwithstanding the requirements in subsections 4.1 and 4.2 of this regulation, for an applicant who is applying for a World Language - American Sign Language Standard Certificate, the applicant shall have satisfied the requirements in subsections 4.3.1 and 4.3.2.

4.3.1 The applicant shall have satisfactorily completed 15 college credits related to teaching and learning American Sign Language of which at least six credits focus on pedagogy or an equivalent number of hours in professional development with one credit equating to 15 hours taken either as part of a degree program or in addition to a degree program from a Regionally Accredited college

PROPOSED REGULATIONS

or university or a professional development provider approved by the Department as provided in subsections 4.1.1.5.1 through 4.1.1.5.4.

- 4.3.2 The applicant achieved a minimum score of 3 on the American Sign Language Proficiency Interview. 14 DE Admin. Code 1519 Multiple Measures for Demonstrating Content Knowledge does not apply to applicants who do not achieve the minimum score on the American Sign Language Proficiency Interview.

5.0 Application Requirements

- 5.1 If an applicant is applying for an Initial License, a Standard Certificate must be applied for simultaneously with the application for an Initial License, and the applicant shall also provide all required documentation for the License.
- 5.2 ~~An applicant must disclose the applicant's criminal conviction history upon application for a World Language Teacher Standard Certificate. Failure to disclose a criminal conviction history is grounds for denial of a World Language Teacher Standard Certificate as specified in 14 Del.C. §1219. If the applicant is also applying for the issuance or renewal of an educator's license or paraeducator's permit, the applicant must disclose the applicant's criminal conviction history upon application. Failure to disclose a criminal conviction history is grounds for denial of the license or permit application as specified in 14 Del.C. §1219 and it could delay the processing or result in the denial of the application for a World Language Teacher Standard Certificate.~~

(Break in Continuity Within Section)

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

1565 World Language Teacher

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

State Plan Telemedicine Services

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 Delaware Title XIX Medicaid State Plan regarding telemedicine, specifically, to sunset the telemedicine pages of the Medicaid State Plan.

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 Melissa.Dohring@delaware.gov, or by fax to 302-255-4413 by 4:30 p.m. on October 31, 2022. Please identify in the subject line: State Plan Telemedicine Services.

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 Delaware Title XIX Medicaid State Plan regarding telemedicine, specifically, to remove telemedicine as a state plan services from the Medicaid State Plan.

Statutory Authority

42 CFR 410.78, Telehealth services

42 CFR Part 440, Services

Background

Telemedicine is a cost-effective alternative to the more traditional face-to-face way of providing medical care (e.g., face-to-face consultations or examinations between provider and patient). States have the flexibility to determine whether (or not) to cover telemedicine; what types of telemedicine to cover; wherein the state it can be covered; how it is provided or covered; what types of telemedicine providers may be covered or reimbursed, as long as such providers are "recognized" and qualified according to Medicaid statute or regulation; and how much to reimburse for telemedicine services, as long as such payments do not exceed Federal Upper Limits.

In 2012, DMMA submitted a Medicaid State Plan, and received approval from CMS, to cover Telemedicine Services. Since telemedicine is a mode for delivery of services, and not an actual service itself, the Centers for Medicare & Medicaid Services (CMS) has subsequently provided guidance indicating States are not required to submit a (separate) SPA for coverage or reimbursement of telemedicine services if they decide to reimburse for telemedicine services the same way and in the same amount that they pay for face-to-face services, visits, and consultations. However, if a state does have a telemedicine SPA, they are required to submit a SPA whenever any changes are made to the way the state implements telemedicine coverage, including expansion of coverage.

During the COVID-19 Public Health Emergency (PHE), DMMA received emergency authority to expand telehealth services and received greater flexibility in administering them. Additionally, the Delaware Medical Assistance Program (DMAP) reimburses for telemedicine services the same way and in the same amount that it pays for face-to-face services, visits, and consultations. As a result, it does not require SPA authority to cover telemedicine. Therefore, DMMA will sunset telemedicine as a service from the Medicaid State Plan. This will allow the DMMA to continue covering telemedicine and telehealth, the way that it has during the PHE. Additionally, it will allow DMMA to be more flexible and respond more quickly to necessary changes in the way that medical services are delivered in the state. If DMMA does not sunset telemedicine from the Medicaid State Plan, the flexibilities that were put in place during the PHE will be lost.

Summary of Proposal*Purpose*

This proposed regulation aims to remove telemedicine as a state plan service from the Medicaid State Plan so as to allow DMMA to administer this mode of service delivery more effectively and timely.

Summary of Proposed Changes

Effective for services provided on and after September 1, 2022 DHSS/DMMA proposes to amend Delaware Title XIX Medicaid State Plan regarding telemedicine, specifically, to remove telemedicine as a state plan service from the 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 October 31, 2022.

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 associated with this policy change.

***Please Note:**

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

<http://regulations.delaware.gov/register/october2022/proposed/26 DE Reg 294RFA 10-01-22.pdf>

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

State Plan Telemedicine Services

DIVISION OF MEDICAID AND MEDICAL ASSISTANCE

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

PUBLIC NOTICE**Transportation Services**

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 regarding Transportation Services.

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 Melissa.Dohring@delaware.gov, or by fax to 302-255-4413 by 4:30 p.m. on October 31, 2022. Please identify in the subject line: Transportation Services.

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 regarding Transportation Services.

Statutory Authority

- Consolidated Appropriations Act, 2021, Division CC, Title II, Section 209
- Section 1902(a)(87) 1902(a)(87) of the Social Security Act

Background

In July of 2021 the Centers for Medicare & Medicaid Services provided guidance to states of the provisions added by the Consolidated Appropriations Act, 2021, Division CC, Title II, Section 209, that codify in statute longstanding regulatory requirements for states to assure necessary transportation for beneficiaries to and from covered services and added driver and provider requirements for state Medicaid transportation programs. The

requirements include:

- Each provider and individual driver is not excluded from participation in any federal health care program (as defined in section 1128B(f) of the Act) and is not listed on the exclusion list of the Inspector General of the U.S. Department of Health and Human Services;
- Each such individual driver has a valid driver's license;
- Each such provider has in place a process to address any violation of a state drug law; and,
- Each such provider has in place a process to disclose to the state Medicaid program the driving history, including any traffic violations, of each such individual driver employed by such provider, including any traffic violations.

The updated requirements apply to existing and new providers.

Summary of Proposal

Purpose

The purpose of this proposed regulation is to attest that the Delaware Medicaid transportation program is in compliance with section 1902(a)(87) of the Social Security Act.

Summary of Proposed Changes

Effective for services provided on and after October 1, 2022 DHSS/DMMA proposes to amend Title XIX Medicaid State Plan regarding Transportation Services to provide the above mentioned attestation.

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 October 31, 2022.

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:**

<http://regulations.delaware.gov/register/october2022/proposed/26 DE Reg 296RFA 10-01-22.pdf>

Attachment 3.1-D

Page 1

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT
STATE/TERRITORY: **DELAWARE**

METHODS OF PROVIDING TRANSPORTATION SERVICES

PROPOSED REGULATIONS

The State of Delaware Health and Social Services ("Department") / Division of Medicaid and Medical Assistance (DHSS/DMMA) provides transportation services as an "optional medical service" which includes emergency medical transportation and non-emergency medical transportation (NEMT) of eligible recipients in accordance with 42 CFR440.170, 42 CFR431.53, 45 CFR92.36. Further detail on these services is outlined in Attachment 3.1-A: Amount, Duration, and Scope of Medical and Remedial Care and Services Provided to the Categorically Needy.

In addition, the State of Delaware attests that all the minimum requirements outlined in Section 1902(a)(87) of the Social Security Act are met.

DIVISION OF MEDICAID AND MEDICAL ASSISTANCE

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

PUBLIC NOTICE

Qualifying Clinical Trials

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 regarding Qualifying Clinical Trials.

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 Melissa.Dohring@delaware.gov, or by fax to 302-255-4413 by 4:30 p.m. on October 31, 2022. Please identify in the subject line: Qualifying Clinical Trials.

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 regarding Qualifying Clinical Trials.

Statutory Authority

Sections 1905(a)(30) and 1905(gg)(1) of the Social Security Act

Background

Historically, the Medicaid regulations did not specify a clear requirement for coverage of routine costs associated with clinical trials, even if those routine costs were for items and services that ordinarily would be covered by a state's Medicaid program. Division CC, Title II, Section 210 of the Consolidated Appropriations Act, 2021 (Public Law 116-260) (section 210) amended section 1905(a) of the Social Security Act (the Act), by adding to the definition of medical assistance a new benefit at section 1905(a)(30) for routine patient costs for items and services furnished in connection with participation by Medicaid beneficiaries in qualifying clinical trials. CMS submitted guidance to states requiring submission of a state plan amendment to effectuate this new coverage requirement under section 1905(a)(30).

Summary of Proposal

Purpose

The purpose of this proposed regulation is to assure coverage of routine patient costs associated with participation in qualifying clinical trials.

Summary of Proposed Changes

Effective for services provided on and after October 1, 2022 DHSS/DMMA proposes to amend Title XIX Medicaid State Plan regarding Qualifying Clinical Trials.

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 October 31, 2022.

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:**

<http://regulations.delaware.gov/register/october2022/proposed/26 DE Reg 298RFA 10-01-22.pdf>

Attachment 3.1-A
Page 11b

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT
STATE/TERRITORY: **DELAWARE**

AMOUNT, DURATION AND SCOPE OF MEDICAL
AND REMEDIAL CARE AND SERVICES PROVIDED TO THE CATEGORICALLY NEEDY

27. Coverage of Routine Patient Cost in Qualifying Clinical Trials

*The state needs to check each assurance below.

I. General Assurances:

Routine Patient Cost - Section 1905(gg)(1)

X Coverage of routine patient cost for items and services as defined in section 1905(gg)(1) that are furnished in connection with participation in a qualified clinical trial.

PROPOSED REGULATIONS

Qualifying Clinical Trial - Section 1905(gg)(2)

X A qualified clinical trial is a clinical trial that meets the definition at section 1905(gg)(2).

Coverage Determination - Section 1905(gg)(3)

X A determination with respect to coverage for an individual participating in a qualified clinical trial will be made in accordance with section 1905(gg)(3).

PRA Disclosure Statement - This information is being collected to assist the Centers for Medicare & Medicaid Services in implementing Section 210 of the Consolidated Appropriations Act of 2021 amending section 1905(a) of the Social Security Act (the Act), by adding a new mandatory benefit at section 1905(a)(30). Section 210 mandates coverage of routine patient services and costs furnished in connection with participation by Medicaid beneficiaries in qualifying clinical trials effective January 1, 2022. Section 210 also amended sections 1902(a)(10)(A) and 1937(b)(5) of the Act to make coverage of this new benefit mandatory under the state plan and any benchmark or benchmark equivalent coverage (also referred to as alternative benefit plans, or ABPs). Under the Privacy Act of 1974 any personally identifying information obtained will be kept private to the extent of the law. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. The OMB control number for this project is 0938-1148 (CMS-10398 #74). Public burden for all of the collection of information requirements under this control number is estimated to take about 56 hours per response. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to CMS, 7500 Security Boulevard, Attn: Paperwork Reduction Act Reports Clearance Officer, Mail Stop C4-26-05, Baltimore, Maryland 21244-1850.

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

PUBLIC NOTICE

1404 Long-Term Care Insurance

A. Type of Regulatory Action Required

Proposal of amendments to Regulation 1404 Long-Term Care Insurance.

B. Synopsis of Subject Matter of Regulation

Regulation 1404 implements 18 Del.C. Ch. 71 by setting forth regulations that apply to long term care insurance coverage in Delaware. The purpose of the proposed amendments is 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 related to policyholder access to information. These amendments will make certain disclosures currently required upon application or delivery of a policy required only upon a premium rate schedule increase.

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

C. Notice and Public Comment

The proposed regulation appears below and may also be viewed on the Department of Insurance

Website at <http://insurance.delaware.gov/information/proposedregs/>. The Department will not be holding a public hearing on the proposed regulation.

Any person may file written comments, suggestions, briefs, and compilations of data or other materials concerning the proposed regulation. Any written submission in response to this notice and relevant to the proposed regulation must be received by the Department of Insurance no later than 4:30 p.m. EDT, the 31st day of October, 2022 and should be directed to:

Alisa Pritchard, Regulatory Specialist
Delaware Department of Insurance
1351 West North Street, Suite 101
Dover, DE 19904
(302) 674-7379
Email: DOI_Legal@delaware.gov

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

<http://regulations.delaware.gov/register/october2022/proposed/26 DE Reg 300RFA 10-01-22.pdf>

1404 Long-Term Care Insurance

(Break in Continuity of Sections)

6.0 Policy Practices and Provisions

- 6.1 Renewability. The terms "guaranteed renewable" and "noncancellable" shall not be used in any individual long-term care insurance policy without providing further explanatory language in accordance with the disclosure requirements of Section 7.0 of this regulation.

(Break in Continuity Within Section)

- 6.1.4 The term "noncancellable" may be used only when the insured has the right to continue the long-term care insurance in force by the timely payment of premiums during which period the insurer has no right to ~~unilaterally~~ unilaterally make any change in any provision of the insurance or in the premium rate.

(Break in Continuity of Sections)

8.0 Required Disclosure of Rating Practices to Consumers and Agent of Record

(Break in Continuity Within Section)

- 8.2 Other than policies for which no applicable premium rate or rate schedule increases can be made, insurers shall provide all of the information listed in subsection 8.2 of this regulation to the applicant at the time of application or enrollment, unless the method of application does not allow for delivery at that time. In such a case, an insurer shall provide all of the information listed in Section 8.0 of this regulation to the applicant no later than at the time of delivery of the policy or certificate.

(Break in Continuity Within Section)

8.2.5 Premium rate increase information

- 8.2.5.1 Information regarding each premium rate increase on this policy form or similar policy forms over the past ten (10) years for this state or any other state that, at a minimum, identifies:

- 8.2.5.1.1 The policy forms for which premium rates have been increased;
- 8.2.5.1.2 The calendar years when the form was available for purchase; and
- 8.2.5.1.3 The amount or percent of each increase. The percentage may be expressed as a percentage of the premium rate prior to the increase, and may also be expressed as minimum and maximum percentages if the rate increase is variable by rating characteristics; characteristics.

PROPOSED REGULATIONS

- ~~8.2.5.1.4 The current daily benefit amount under the policy;~~
- ~~8.2.5.1.5 A comprehensive list of available reduced daily benefit options, and the associated premium for each listed reduced benefit option; and~~
- ~~8.2.5.1.6 The contingent non-forfeiture benefit available on lapse.~~
- 8.2.5.2 The insurer may, in a fair manner, provide additional explanatory information related to the rate increases.
- 8.2.5.3 An insurer shall have the right to exclude from the disclosure premium rate increases that only apply to blocks of business acquired from other nonaffiliated insurers or the long-term care policies acquired from other nonaffiliated insurers when those increases occurred prior to the acquisition.
- 8.2.5.4 If an acquiring insurer files for a rate increase on a long-term care policy form acquired from nonaffiliated insurers or a block of policy forms acquired from nonaffiliated insurers on or before the later of the effective date of Section 8.0 of this regulation or the end of a twenty-four-month period following the acquisition of the block or policies, the acquiring insurer may exclude that rate increase from the disclosure. However, the nonaffiliated selling company shall include the disclosure of that rate increase in accordance with subsection 8.2.5.1 of this regulation.
- 8.2.5.5 If the acquiring insurer in subsection 8.2.5.4 of this regulation files for a subsequent rate increase, even within the twenty-four-month period, on the same policy form acquired from nonaffiliated insurers or block of policy forms acquired from nonaffiliated insurers referenced in subsection 8.2.5.4 of this regulation, the acquiring insurer shall make all disclosures required by ~~subsection~~ subsections 8.2.5 and 8.5 of this regulation, including disclosure of the earlier rate increase referenced in subsection 8.2.5.4 of this regulation.
- 8.3 An applicant shall sign an acknowledgement at the time of application, unless the method of application does not allow for signature at that time, that the insurer made the disclosure required under subsections 8.2.1 and 8.2.5 of this regulation. If due to the method of application the applicant cannot sign an acknowledgement at the time of application, the applicant shall sign no later than at the time of delivery of the policy or certificate.
- 8.4 An insurer shall use the forms in Appendices B and F to comply with the requirements of subsections 8.2 and 8.3 of this regulation.
- 8.5 An insurer shall provide notice of an upcoming premium rate schedule increase to all policyholders or certificate holders, if applicable, at least forty-five (45) days prior to the implementation of the premium rate schedule increase by the insurer. The notice shall include the information required by subsection 8.2 of this regulation when the rate increase is ~~implemented~~. implemented, along with the following additional information:
- 8.5.1 The current daily or monthly benefit amount under the policy, along with customer service contact information where the policyholder can obtain additional information regarding these benefits;
- 8.5.2 A reasonable list consisting of no less than 3 available reduced daily benefit options, and the associated premium for each listed reduced benefit option, along with customer contact information where the policyholder can obtain additional information regarding these benefit options. Upon the request of a policyholder or certificate holder, an insurer shall provide a comprehensive list of available reduced daily benefits options and the associated premium for each listed reduced benefit option; and
- 8.5.3 The contingent non-forfeiture benefit available on lapse, along with customer service contact information where the policyholder can obtain additional information regarding this benefit.
- 8.6 Either prior to or concurrently as notice is being sent to the policyholder or certificate holder, the insurer shall notify the agent of record of any policy changes and premium rate increases, either by providing the agent with a copy of the notice packet being sent to the policyholder or providing the same information in a condensed format.

***Please Note: As the rest of the sections were not amended, they are not being published. A copy of the**

regulation is available at:

1404 Long-Term Care Insurance

OFFICE OF THE COMMISSIONER

Statutory Authority: 18 Delaware Code, Sections 311 and Chapter 33A (18 Del.C. §311 & c. 33A)

18 DE Admin. Code 1411

PUBLIC NOTICE

1411 Registration of Pharmacy Benefits Managers

A. Type of Regulatory Action Required

Proposal of amendments to an existing regulation.

B. Synopsis of Subject Matter of the Regulation

Regulation 1411, entitled Registration of Pharmacy Benefits Managers, requires all pharmacy benefits managers (PBMs) to:

- Register with the Commissioner before providing pharmacy benefits management services in Delaware to a "purchaser" (a "purchaser" is defined as a person that: (1) provides prescription drug coverage or benefits in Delaware, and (2) enters into agreement with a pharmacy benefits manager for the provision of pharmacy benefits management services); and
- Annually renew their registration on the May 1 after the initial date of registration and every May 1 thereafter.

On October 26, 2021, the Delaware Legislature enacted House Bill 219 (151st General Assembly) (the Act). The Act includes additional requirements on PBMs that apply to "contracts between pharmacy benefit managers and pharmacies or pharmacists that are entered into, renewed, or extended on or after the effective date of this Act" (see Section 15 of the Act). The purpose of the amendments to Regulation 1411 proposed in this notice is to implement the Act.

C. Notice and Public Comment

The Department does not plan to hold a public hearing on proposed amendments to Regulation 1411. The proposed amendments appear below and may also be viewed at the Department of Insurance web-site at <http://insurance.delaware.gov/information/proposedregs/>.

Any person may file written comments, suggestions, briefs, and compilations of data or other materials concerning the proposed amendments to the regulation. Any written submission in response to this notice and relevant to the proposed amendments must be received by the Department of Insurance no later than 4:30 p.m. EST, the 31st day, October 2022. Any such requests should be directed to:

Regulatory Specialist
Delaware Department of Insurance
1351 West North St., Ste. 101
Dover, DE 19904
(302) 674-7379
Email: DOI-Legal@delaware.gov

***Please Note:**

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

<http://regulations.delaware.gov/register/october2022/proposed/26 DE Reg 303RFA 10-01-22.pdf>

PROPOSED REGULATIONS

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

1411 Registration of Pharmacy Benefits Managers

DEPARTMENT OF SAFETY AND HOMELAND SECURITY

DIVISION OF STATE POLICE

Statutory Authority: 21 Delaware Code, Section 6901(c) (21 **Del.C.** §6901(c))
2 **DE Admin. Code** 1301

PUBLIC NOTICE

1301 Nonconsensual Towing

The Delaware Department of Safety and Homeland Security (DSHS), in compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the Delaware Code) and under the authority of Title 21 of the Delaware Code, Chapter 69, Section 6901(c), proposed to amend its regulations on Nonconsensual Towing to promote public safety for nonconsensual towing initiated by the Delaware State Police. The proposed amendments sought to revise DSHS's existing Regulation 1301. The proposed amendments were published in the Register Regulations and provided for a public comment period through August 5, 2022. 26 **DE Reg.** 42 (07/01/22).

DSHS received and considered public comments of three parties. After considering the comments, DSHS wishes to further amend the regulations pertaining to Nonconsensual Towing and to re-open a public comment period. These further amendments revise subsection 4.5 regarding renewal dates and subsection 4.7 to clarify weekday and weekend hours.

DSHS will allow for the submission of written comments, suggestions, or other materials regarding the proposed regulations via e-mail to Mark.Windsor@delaware.gov or via the USPS to Captain Mark D. Windsor #158, Delaware State Police, Director of Traffic Operations, P.O. Box 430, Dover, DE 19901. Any written submission in response to this notice and the relevant proposed regulations must be received by the DSHS no later than 4:30 p.m. (EST) on November 4, 2022.

A copy of this regulation may be viewed online at the Registrar of Regulation's website, http://regulations.delaware.gov/services/current_issue.shtml.

*Please Note:

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

[http://regulations.delaware.gov/register/october2022/proposed/26 DE Reg 304RFA 10-01-22.pdf](http://regulations.delaware.gov/register/october2022/proposed/26%20DE%20Reg%20304RFA%2010-01-22.pdf)

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

1301 Nonconsensual Towing

DEPARTMENT OF SERVICES FOR CHILDREN, YOUTH & THEIR FAMILIES DIVISION OF PREVENTION AND BEHAVIORAL HEALTH SERVICES

Statutory Authority: 16 Delaware Code, Section 5001(11) (16 Del.C. §5001(11))
9 DE Admin. Code 701

PUBLIC NOTICE

701 Qualifications for Juvenile Mental Health Screeners

Summary of Proposal

The purpose of this action is to amend Regulation 701 to allow additional professionals to be eligible to become credentialed juvenile mental health screeners. Title 16, Chapter 50 of the Delaware Code states that only Juvenile Mental Health Screeners, credentialed by the Department of Services for Children, Youth & Their Families (DSCYF), may authorize an emergency detention of an individual under the age of 18, pending a psychiatric evaluation.

This regulation is being amended to expand the definition of "eligible entity" to include Delaware licensed medical hospitals and to allow unlicensed mental health professionals, who are employed by the Division of Prevention and Behavioral Health's contracted Mobile Response and Stabilization Service (MRSS), to become credentialed juvenile mental health screeners and authorize detentions under the direct supervision of a psychiatrist. The amendment also makes other minor changes and technical updates.

Statutory Authority

16 Del. C. § 5001(11)

Written Comments

A copy of the proposed amendment is being published in the October 1, 2022 edition of the Delaware Register of Regulations. A copy is also on file in the DSCYF administrative building located at 1825 Faulkland Road, Wilmington, Delaware 19805.

Interested parties may offer written comments on the proposed amendment by October 31, 2022. Any person who wishes to make written comments or suggestions concerning the proposal must submit them to Meredith Seitz by email to Meredith.Seitz@delaware.gov, or by mail to the address listed above.

*Please Note:

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

<http://regulations.delaware.gov/register/october2022/proposed/26 DE Reg 305RFA 10-01-22.pdf>

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

[701 Qualifications for Juvenile Mental Health Screeners](#)

PROPOSED REGULATIONS

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

PUBLIC NOTICE

2500 Board of Pharmacy

Pursuant to 24 Del.C. §2506(a)(1), the Delaware Board of Pharmacy ("Board") has proposed revisions to its Rules and Regulations. The proposed amendments provide that all continuing professional education programs must be approved by the Accreditation Council for Pharmacy Education (ACPE). To that end, subsection 1.5.2 has been revised to state that providers must be ACPE approved. Subsection 1.5.3, which addresses the approval of Delaware education providers, has been stricken. 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 sets forth the requirements for compounded medications for office use. 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. Additional technical amendments are also included.

A public hearing will be held on November 16, 2022 at 9:30 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 Pharmacy, 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 sarah.siok@delaware.gov.

In accordance with 29 Del.C. §10118(a), the final date to receive written comments will be December 1, 2022. 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:

<http://regulations.delaware.gov/register/october2022/proposed/26 DE Reg 306RFA 10-01-22.pdf>

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

2500 Board of Pharmacy

PUBLIC SERVICE COMMISSION

Statutory Authority: 26 Delaware Code, Section 209(a)(1) and 29 Delaware Code, Section 10111(2) (26 **Del.C.** §209(a)(1) & 29 **Del.C.** §10111(2))
26 **DE Admin. Code** 1001

PUBLIC NOTICE

1001 Rules of Practice and Procedure of the Delaware Public Service Commission

IN THE MATTER OF REVISIONS TO THE
RULES OF PRACTICE AND PROCEDURE
OF THE DELAWARE PUBLIC SERVICE
COMMISSION
(FILED JANUARY 6, 1999; RE-OPENED
OCTOBER 9, 2012; RE-OPENED
JANUARY 29, 2020; RE-OPENED AUGUST 31,
2022)

PSC REGULATION DOCKET
NO. 99-9

The Delaware Public Service Commission proposes to revisit the *Rules of Practice and Procedure of the Delaware Public Service Commission*, 26 *Del. Admin. C.* § 1001 et seq. ("Rules") for the purpose of clarification and procedural adjustment.

You can review the proposed revised Rules in the October 2022 issue of the *Delaware Register of Regulations*. You can also review the Order and the proposed revised Rules in the PSC's electronic filing system, Delafile, located at <http://delafile.delaware.gov/> (for docket #, input "Reg. 99-9"). If you wish to obtain written copies of the Order and proposed revised Rules, please contact the PSC at (302)736-7500. Copies in excess of the first twenty (20) pages are \$0.10 per page. Payment is expected prior to copying (if you wish the copies to be mailed) or at the time the copies are retrieved (if you retrieve them in person).

The Commission will conduct a public hearing on the revised Rules on Wednesday, November 2, 2022, beginning at 1:00 PM, in accordance with 26 *Del. C.* § 209(a). All persons who wish to be heard by the Commission may attend in person or by teleconference. Dial-in information will be provided on the agenda for November 2, 2022 meeting, which can be found on the PSC website at www.depsc.delaware.gov. Interested parties may file written comments, suggestions, briefs, compilations of data, or other materials concerning the revised Rules.

Written comments can be filed electronically in Delafile at <http://delafile.delaware.gov/> by filling out the "Public Comment Form" located under "Public Links". Written comments can also be mailed to: Donna Nickerson, Public Service Commission, Cannon Building, 861 Silver Lake Blvd., Suite 100, Dover, DE 19904, or via email to donna.nickerson@delaware.gov, with the subject line "Regulation Docket No. 99-9." Written comments will be accepted until November 18, 2022, pursuant to 29 *Del. C.* § 10118(a). **To be considered at the November 2, 2022 hearing, however, written comments must be submitted on or before October 14, 2022.**

IN THE MATTER OF REVISIONS TO THE
RULES OF PRACTICE AND PROCEDURE
OF THE DELAWARE PUBLIC SERVICE
COMMISSION
(FILED JANUARY 6, 1999; RE-OPENED
OCTOBER 9, 2012; RE-OPENED
JANUARY 29, 2020; RE-OPENED AUGUST 31,
2022)

PSC REGULATION DOCKET
NO. 99-9

PROPOSED REGULATIONS

ORDER NO. 10094

AND NOW, this 31st day of August 2022, the Delaware Public Service Commission ("Commission") determines and orders as follows:

WHEREAS, the Commission operates under the *Rules of Practice and Procedure of the Delaware Public Service Commission*, 26 *Del. Admin. C.* § 1001 et seq. ("Rules"), which were adopted on April 6, 1999, by PSC Order No. 5057, and revised on April 21, 2015, by PSC Order No. 8727, and again on February 19, 2020, by PSC Order No. 9547; and

WHEREAS, under the provisions of 26 *Del. C.* § 209(a)(1) and 29 *Del. C.* § 10114, the Commission is authorized to grant or deny proceedings for the adoption, amendment, or repeal of a regulation of the Rules upon the motion of an agency member; and

WHEREAS, pursuant to 26 *Del. C.* § 209(a)(1) and 29 *Del. C.* § 10114, Commission Staff ("Staff") now motions to the Commission to grant the proceedings for the adoption, amendment, or repeal of the Rules, as Staff finds that multiple revisions to the Rules are necessary for clarification and adjustment, and now recommends that the Commission issue the attached proposed amendments to the *Rules of Practice and Procedure of the Delaware Public Service Commission* for publication in the *Delaware Register of Regulations*;

**NOW, THEREFORE, IT IS ORDERED BY THE AFFIRMATIVE VOTE
OF NOT FEWER THAN THREE COMMISSIONERS:**

1. That, for the reasons set forth above, and pursuant to 26 *Del. C.* § 209 and 29 *Del. C.* § 10114, the Commission proposes to re-open Regulation Docket 99-9 and to revise its Rules, which were last revised by PSC Order No. 9547 (February 20, 2020) and published at 26 *Del. Admin.* § 1001 et seq. A marked-up version of the proposed amendments is attached to this Order as Exhibit "A".

2. That, pursuant to 29 *Del. C.* § 10115(a), the Secretary shall transmit a copy of this Order, with the attached exhibits, to the Registrar of Regulations for publication in the October 1, 2022 edition of the *Delaware Register of Regulations*.

3. That, pursuant to 29 *Del. C.* § 10115(b), the Secretary shall cause the form of public notice attached as Exhibit "B" to be published in the *Delaware State News* and *The News Journal* newspapers on or before October 1, 2022, and published on the Delaware Public Service Commission website, located at <https://depssc.delaware.gov/>. In addition, the Secretary shall mail a copy of this Order, with its exhibits, to the Division of the Public Advocate and to all persons or entities who have made written requests for advance notice of this Commissions' rule-making proceedings¹. The Secretary shall file a certification of the completion of these tasks by October 14, 2022.

4. That pursuant to 26 *Del. C.* § 209(a), the Commission will hold a public hearing on the proposed amendments on Wednesday, November 2, 2022, beginning at 1:00 PM². The Commission will conduct the meeting as set forth in the attached form of public notice, which may be modified by Staff to reflect the hearing will be conducted remotely or in-person. Interested persons or entities may submit written suggestions, compilations of data, briefs, or other written materials concerning these proposed amendments on or before November 18, 2022³. **To be considered at the November 2, 2022 hearing, however, written comments must be submitted on or before October 14, 2022.**

5. That the Commission reserves the jurisdiction and authority to enter such further Orders in this matter as may be deemed necessary or proper.

1. 26 *Del. C.* § 10115(b).

2. Pursuant to 29 *Del. C.* § 10118(a), 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.

3. 29 *Del. C.* § 10118(a) requires that the opportunity for public written comment shall be extended for a minimum of 15 days after the final public hearing on a proposed regulation.

BY ORDER OF THE COMMISSION::

Dallas Winslow, Chairman
Joann T. Conaway, Commissioner
Harold B. Gray, Commissioner
Manubhai "Mike" Karia, Commissioner
K. F. Drexler, Commissioner

ATTEST: Donna Nickerson, Secretary

***Please Note:**

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

<http://regulations.delaware.gov/register/october2022/proposed/26 DE Reg 307RFA 10-01-22.pdf>

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

[1001 Rules of Practice and Procedure of the Delaware Public Service Commission](#)

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)(27) (14 **Del.C.** §122(b)(27))
14 **DE Admin. Code** 286

REGULATORY IMPLEMENTING ORDER**286 Application Fee For Educator Licensure****I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED**

Pursuant to 14 **Del.C.** §122(b)(27), the Secretary of Education seeks the consent of the State Board of Education to amend 14 **DE Admin. Code** 286 Application Fee For Educator Licensure. This regulation is being reviewed as required by 29 **Del.C.** §10407 which states regulations are to be reviewed every four years. This regulation is being amended to update the definition of "Charter School" so that it aligns with Regulation 255 Definitions of Types of Schools and to clarify that the reimbursement of the application fee for educator licensure occurs in April instead of March each year.

Notice of the proposed regulation was published in the *Delaware Register of Regulations* on July 1, 2022. 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** 286 Application Fee For Educator Licensure as required by 29 **Del.C.** §10407 which states regulations are to be reviewed every four years. This regulation is being amended to update the definition of "Charter School" so that it aligns with Regulation 255 Definitions of Types of Schools and to clarify that the reimbursement of the application fee for educator licensure occurs in April instead of March each year.

III. DECISION TO AMEND THE REGULATION

For the foregoing reasons, the Secretary concludes that it is appropriate to amend 14 **DE Admin. Code** 286 Application Fee For Educator Licensure. Therefore, pursuant to 14 **Del.C.** §122, 14 **DE Admin. Code** 286 Application Fee For Educator Licensure attached hereto as *Exhibit "A"* is hereby amended. Pursuant to the provision of 14 **Del.C.** §122(e), 14 **DE Admin. Code** 286 Application Fee For Educator Licensure 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** 286 Application Fee For Educator Licensure amended hereby shall be in the form attached hereto as *Exhibit "A"*, and said regulation shall be cited as 14 **DE Admin. Code** 286 Application Fee For Educator Licensure 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 August 18, 2022. 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 18th day of August 2022.

Department of Education

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

Approved this 18th day of August 2022

State Board of Education

/s/ Shawn Brittingham, President

Vincent Lofink, Vice President (Absent)

/s/ Candice Fifer

/s/ Audrey J. Noble, Ph.D.

Wali W. Rushdan, II (Absent)

Provey Powell, Jr. (Absent)

/s/ Deborah Stevens

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

286 Application Fee For Educator Licensure**1.0 Purpose**

The purpose of this regulation is to comply with 14 **Del.C.** §122(b)(27) related to educator licensure. ~~This regulation sets forth the licensure, and to establish~~ rules and guidelines related to fees the application fee for educator licensure. Specifically, the Department of Education will implement a one-time, non-refundable fee of not more than \$100 for an educator's first application ~~for to obtain~~ licensure and certification in Delaware. However, the fee shall be reimbursed for any applicant who becomes employed as an educator in a Delaware Public School. This application may be for an ~~Initial, Continuing or Advanced License~~ initial, continuing or advanced license.

2.0 Definitions

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

"Advanced License" means a license issued as part of the three tiered licensure system set forth in 14 **Del.C.** §121(c) and 14 **Del.C.** Ch. 12, subchapter II.

"Charter School" means a ~~non-home-based~~ public school ~~including two or more of grade kindergarten through twelve, operating in an approved physical plant for the personal physical attendance of all students and is managed by a board of directors. It exists under a charter granted by a public school~~

~~district or the State Department of Education, with the approval of the State Board of Education, that is operated under a charter granted by, or transferred to, the Delaware Department of Education or other authorizing body pursuant to 14 Del.C. Ch. 5.~~

"Continuing License" means a license issued as part of the three tiered licensure system set forth in ~~and~~ 14 Del.C. §121(c) and 14 Del.C. Ch. 12, subchapter II.

"Department" means the Delaware Department of Education.

"Educator Licensure Application Fee" means the one-time, non-refundable fee of not more than \$100 an individual pays for a an application for their first educator license in Delaware.

~~"Eligible Educator for Reimbursement"~~ or **"Eligible Educator"** means an educator who has paid the one-time \$100 educator licensure fee and who has become employed as an educator in a Delaware public school.

"Initial License" means a license issued as part of the three tiered licensure system set forth in 14 Del.C. §121(c) and 14 Del.C. Ch. 12, subchapter II.

"Public School" means a physical plant having any or all of grades kindergarten through twelve, supported primarily from public funds and under the supervision of public school administrators. A Charter School, as defined herein, is also a public school.

3.0 Application Process

- 3.1 Applicants seeking an educator licensure in Delaware shall:
- 3.1.1 Establish an online account in the electronic licensure and certification system in Delaware;
 - 3.1.2 Submit official documents to the Department to support their application;
 - 3.1.3 Pay a one-time, non-refundable \$100 application fee via debit or credit card through the electronic licensure and certification system when applying for ~~an Initial, Continuing, or Advanced License~~ an initial, continuing, or advanced license; and
 - 3.1.4 Meet all statutory and regulatory requirements.
- 3.2 An application will not be processed until all conditions of subsection 3.1 are met.
- 3.3 Submission of an online fee and application does not entitle the applicant to the requested license.

4.0 Exemptions From Application Fee

An applicant who is already licensed and certified in Delaware shall be exempt from the application fee.

5.0 Fee Payment and Collection

- 5.1 No installment or partial payments of the fee will be accepted. Only full payment of the fee, to be made as part of the online electronic application, is permitted.
- 5.2 No appeals, exceptions, or waivers shall be granted for the fee.
- 5.3 All fees collected pursuant to this regulation shall be deposited in the General Fund, with the exception of \$90,000, which shall be retained annually by the Department in a special fund to be established for the sole purpose of reimbursing ~~Eligible Educators~~ eligible educators.

6.0 Reimbursement

- 6.1 An ~~Eligible Educator For Reimbursement~~ eligible educator shall receive a reimbursement of the one-time \$100 educator licensure fee. The reimbursement shall be processed by the Department of Education in coordination with the Division of Accounting for ~~these Eligible Educators for Reimbursement~~ eligible educators identified November 1 and ~~March~~ April 1 of each fiscal year.
- 6.2 ~~Eligible Educators for Reimbursement~~ educators shall receive their reimbursement check through either a direct deposit transaction or live check.

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 122(a) (14 **Del.C.** §122(a))
14 **DE Admin. Code** 701

REGULATORY IMPLEMENTING ORDER

701 Unit Count

I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

Pursuant to 14 **Del.C.** §122(a), the Secretary of Education intends to amend 14 **DE Admin. Code** 701 Unit Count. The regulation is being amended to change the means by which schools are to notify each other of an intra-state student transfer from fax notification to email notification. Other changes are grammatical in nature and are made to ensure compliance with the *Delaware Administrative Code Drafting and Style Manual*.

Notice of the proposed regulation was published in the *Delaware Register of Regulations* on August 1, 2022. 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** 701 Unit Count to change the means by which schools are to notify each other of an intra-state student transfer from fax notification to email notification. Other changes are grammatical in nature and are made to ensure compliance 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** 701 Unit Count. Therefore, pursuant to 14 **Del.C.** §122, 14 **DE Admin. Code** 701 Unit Count attached hereto as *Exhibit "A"* is hereby amended. Pursuant to the provision of 14 **Del.C.** §122(e), 14 **DE Admin. Code** 701 Unit Count 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** 701 Unit Count amended hereby shall be in the form attached hereto as *Exhibit "A"*, and said regulation shall be cited as 14 **DE Admin. Code** 701 Unit Count 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 September 6, 2022. The effective date of this Order shall be 10 days from the date this Order is published in the *Delaware Register of Regulations*.

IT IS SO ORDERED the 6th day of September 2022

Department of Education

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

Approved this 6th day of September 2022

701 Unit Count

1.0 Forms and Record Keeping

- 1.1 All information submitted through the unit count process shall be on forms provided by the Department of Education or in such other format as may be acceptable to the Department.
- 1.2 Each school shall maintain September enrollment records in a manner which allows for efficient enrollment audits by the Department of Education and the State Auditor of Accounts. At the end of September, each school shall assemble a comprehensive enrollment file that contains all necessary support materials to substantiate the enrollments reported. This file shall be retained in the school for at least three ~~(3)~~ years.
- 1.3 Records to substantiate students with disabilities included in the enrollment count shall contain a student Individualized Education Program (IEP) in effect during the last week of school in September and eligibility documentation. However, individual student files may be reviewed by the Department of Education or State Auditor of Accounts to ascertain that the students reported are identified as a child with a disability determined to be eligible for special education and related services under 14 **DE Admin. Code** 925.

2.0 Special Situations Regarding Enrollment

- 2.1 All exceptions and extenuating circumstances relating to the enrollment count are addressed to the Secretary of Education and shall be received by the Secretary for consideration prior to September 30.
- 2.2 Students with disabilities included in the special education unit count under the placement provisions of Transfer Students or Change of Placement shall meet the evaluation and placement requirements found in 14 **DE Admin. Code** 925.
- 2.3 Students not assigned to a specific grade shall be reported in a grade appropriate for their age or their instructional level for purposes of the unit count.

3.0 Accounting for Students Not in Attendance the Last Ten Days in September

- 3.1 For students not in attendance at school during the last 10 school days of September during which students are required to be in attendance, the following information shall be on file to substantiate their inclusion in the enrollment count:
 - 3.1.1 Reason for absence, usually medical, and date of last direct contact with student or parent.
 - 3.1.2 Reason to believe that student will be returning to school prior to November 1.
 - 3.1.3 District and charter schools enrolling an intra-state transfer student during the last 10 school days of September during which students are required to be in attendance shall first determine if the student is currently obligated under a choice agreement or first-year charter agreement before enrolling the student. If an agreement exists, "good cause" pursuant to 14 **Del.C.** §402 and §506(d) respectively must be determined before the receiving district or charter school can enroll the student. District and charter schools enrolling an in state transfer student during the last 10 school days of September shall notify the student's previous district or charter school of such enrollment no later than the last student attendance day of September. The notification shall be by ~~fax~~ electronic submission via email with a follow up letter to the previous district or charter school's unit count coordinator's office. The notification shall be clearly labeled Unit Count Transfer Students and include the student's name, grade, and previous school of attendance. A student enrolling with a formal notice of withdrawal from the previous district or charter school is exempted from this notification requirement. Failure to follow the notification procedure may result in including the same student in two different district or charter school enrollments and hence unit counts. If that occurs, the student will be disallowed from the receiving district or charter school's enrollment and unit count. Copies of the ~~fax transmittals~~ electronic submission via email and follow up letters shall be on file to substantiate the student's inclusion in the receiving district or charter school's enrollment and unit count.

4.0 Programs, Situations and Program Types that Qualify for Inclusion in the Unit Count

- 4.1 Students in the following programs, situations and program types shall qualify for inclusion in the enrollment count:
- 4.1.1 Delaware Adolescent Program, Inc. (DAPI):
 - 4.1.1.1 Students enrolled in DAPI shall be counted in the enrollment of the sending school.
 - 4.1.1.2 Students shall receive the level of special education service as defined by the current IEP.
 - 4.1.1.3 If a student was enrolled the previous year in a Career Technical Program in the reporting school, the students shall be reported as enrolled in the next career technical course in the program series.
 - 4.1.2 Repeating seniors who are enrolled in school for a minimum number of instructional hours defined as three ~~(3)~~ traditional courses or an equivalent time in a block schedule, shall be included in the unit count provided they meet the age and residency requirements. Students in the James H. Groves In ~~school~~ School Credit Program (14 **DE Admin. Code** 915, subsection 2.2) and students in the Advanced Placement Program shall be enrolled and attend at least one ~~(1)~~ full credit course in their high school to be included in the unit count provided they also meet the age and residency requirements.
 - 4.1.3 Temporary problem, usually medical, which precludes school attendance prior to November 1.
 - 4.1.4 Supportive Instruction (Homebound)
 - 4.1.4.1 Students receiving supportive instruction (homebound) pursuant to 14 **DE Admin. Code** 930 qualify for inclusion in the unit count.
 - 4.1.4.2 A child with a disability receiving supportive instruction (homebound) shall be included in the unit count as a special education student if, in the child's placement immediately preceding the homebound placement, the child had an IEP in effect during the last week of school in September.
 - 4.1.5 Department of Services for Children, Youth and Their Families or Department of Correction Facilities: Students on a temporary basis pending disposition of case who are expected to return to school prior to November 1.
 - 4.1.6 Consortium Discipline Alternative Program:
 - 4.1.6.1 Students enrolled at a Consortium Discipline Alternative Programs site shall be counted in the enrollment of the sending school pursuant to 14 **DE Admin. Code** 611.
 - 4.1.6.2 Students shall receive the level of special education service as defined by the current IEP.
 - 4.1.6.3 If a student was enrolled in the previous year in a Career Technical Program in the reporting school, the students shall be reported as enrolled in the next career technical course in the program series.
 - 4.1.7 Except as provided in ~~Section~~ Sections 5.0 and 7.0, all pre-kindergarten children with disabilities shall be counted in the Preschool Pre-K to 12 Intensive Special Education (Intensive) or Pre-K to 12 Complex Special Education (Complex) units.
 - 4.1.8 Students enrolled in residential facilities as of the last day of September are included in the enrollment count of the district operating the instructional program in that facility. The facilities that are eligible shall be identified each year by the Department of Education.
 - 4.1.9 Regular programs include students who are enrolled in the regular elementary or secondary curriculum of the school, i.e., the core of the school subjects taken by most students.
 - 4.1.10 Special education services include students who have been found eligible for special education and related services under 14 **DE Admin. Code** 925, Section 6.0 and have an IEP in effect during the last week of school in September. Students with disabilities must have appropriate supporting documentation on file as required by the Identification, Evaluation and Placement Process in 14 **DE Admin. Code** 925.
 - 4.1.11 A maximum of 900 minutes of career and technical education time per week per student shall be credited toward the career and technical education unit determination. However, units shall be counted on the basis of one ~~(1)~~ unit for each 30 students for students enrolled in the New Castle

County Votech School District, the POLYTECH School District and the Sussex Technical School District.

5.0 Programs and Situations that Do Not Qualify for the Unit Count

- 5.1 Students in the following programs and situations do not qualify for inclusion in the enrollment count:
- 5.1.1 Students who have not attended school during the last 10 days of September.
 - 5.1.2 Students who are enrolled in General Education Development (GED) programs.
 - 5.1.3 Students who are enrolled in other than Department of Education approved programs.
 - 5.1.4 Students who are transferred to a state residential facility during September shall not be included in the enrollment count of the district or charter school unless that district or charter school operates the facility's instructional program; otherwise the student must be treated as a withdrawal.
 - 5.1.5 Students enrolled in a homeschool as defined in 14 Del.C. §2703A.

6.0 Nontraditional High School Schedules

- 6.1 For unit count purposes, if a career technical student in a school utilizing nontraditional schedules receives, during the course of the year, the same amount of instruction the student would have received under a traditional class schedule, the district shall average the time and calculate instructional time on a weekly basis; providing however, that a career technical student receives a minimum of 300 minutes of instruction per week.

- 6.1.1 The following exemplifies a situation with the required minimum minutes and hours for a full time career technical student and shows that the heavy concentration of minutes or hours could occur either in the fall or the spring of the year:

Fall and Spring Career Technical= 300 minutes per week
 Spring and Fall Career Technical= 1500 minutes per week
 1800 /2 = 900 minutes per week

- 6.2 For unit count purposes, a district shall meet the following criteria to include selected students participating in a district's Distance Education/Twilight Program in the September 30 unit count:
- 6.2.1 For purposes of this section, a Distance Education/Twilight Program shall mean a district approved credit bearing program as follows:
- 6.2.1.1 Students must be currently suspended indefinitely or expelled by the district and enrolled in the district's alternative placement program; or
 - 6.2.1.2 Students with disabilities enrolled in the district's Distance Education/Twilight Program for credit recovery only must be receiving services as decided upon by the IEP team and reflected in the IEP on-site; or
 - 6.2.1.3 The inclusion of students with non-behavior issues and not special education in the unit count can only be included if there is not a break in educational service and they meet the entry criteria of the program and the additional criteria outlined in subsections 6.2.2 through 6.2.9;
- 6.2.2 Students and their parents or guardians must attend a mandatory program orientation session provided by the district staff. A sign in sheet and signed agreement will be kept on file and serve as sufficient evidence to meet this requirement.
- 6.2.3 Students must be enrolled for a minimum of three (3) courses.
- 6.2.4 Students must be required to complete a minimum number of hours of active engagement each week that they are enrolled in the program. The minimum number of hours should not be less than three (3) hours per week.
- 6.2.5 Students must be enrolled in eSchoolPLUS, the statewide pupil accounting system.

- 6.2.6 The district must keep records on file for the school year of the unit count on work completed and time spent working on the educational program for each enrolled student. The district must submit a sample to the Department of Education that may serve as sufficient evidence to meet this requirement.
- 6.2.7 The district must provide evidence of staff monitoring the progress of each student and providing feedback to participating students and their parents or guardians.
- 6.2.8 The district must show evidence on how progress of students enrolled in the program is incorporated into their academic record for meeting the district's graduation requirements.
- 6.2.9 An audit file containing information listed in subsection 6.2 and its subsections must be maintained on all students participating in the program and must be presented upon request to the Department of Education or the State Auditor's Office.

7.0 Charter Schools

Funding for charter schools is limited to students lawfully enrolled in such grades K through 12 as the charter school may be approved to operate. Charter schools shall not include any Pre-K students in their enrollment for unit count purposes. This section shall not be interpreted to authorize any charter school to enroll Pre-K students.

8.0 Unit Adjustments After Audit

If, after the units are certified by the Secretary of Education, a student is disqualified through the auditing process from the unit count, the units will be recalculated without that student. Another eligible student shall not be substituted for the disqualified student. A special education student who has been identified and is receiving special education services and is disqualified from the unit count due to irregularities contained within supporting documentation, may then be included in the appropriate regular enrollment category provided the student meets eligibility requirements. Only a student disqualified by the audit process may be reassigned to another unit category. In no event can this adjustment result in a net increase in units for a district.

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 1726(b) (14 Del.C. §1726(b))

REGULATORY IMPLEMENTING ORDER

702 Education Opportunity Fund

I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

Pursuant to 14 Del.C. §1726(b), the Secretary of Education intends to create 14 DE Admin. Code 702 Education Opportunity Fund. This new regulation is created as required by Senate Bill 56 of the 151st General Assembly to identify the types of services and supports that may be funded with the per pupil funding money from the Opportunity Fund.

Notice of the proposed regulation was published in the *Delaware Register of Regulations* on August 1, 2022. The Department of Education received the following comments which were pertinent to the proposed amendments.

(1) Concerns with the definitions of "English Learner," "Mental Health Supports," and "Wrap-around Services." Specifically, that the definition does not require either the child's native language be other than English or that the child be from an environment where a language other than English has impacted their level of English. Additionally, there were concerns that mental health supports did not include psychological treatment, and that wrap-around services were narrow in scope.

Response: The Department wishes to use the same definition for "English Learner" or "EL" as defined in 14 Del. Admin. C. §920 for consistency. When Regulation 920 is updated, the Department will consider improving the definition. The Department did clarify the definitions of "Mental Health Supports" and "Wrap-around Services," but did not believe including the term "psychological treatment" was necessary.

(2) Concerns with the list of personnel, contractual services, and supplies and materials for which the Education Opportunity Fund monies may be used. Specifically, there are concerns with no provision to pay for transportation, that data systems to support instructional decisions should not be funded by money intended to enhance services for English Learners and Low Income Students, and that the list of services and supports does not include other licensed psychologists or mental health therapists.

Response: The Department notes that these particular titles of mental health providers are limited in the annual Budget Bill for the mental health portion of the funds and subsection 3.1.1.12 allows for any others that are not limited. Provision to pay for transportation was added in subsection 3.1.2.8, and data systems, as noted in subsection 3.1.2.10, was clarified with more specificity.

(3) Concerns that the use of "such as" and "includes" makes the lists of services, supports and contractual services appear to be non-exhaustive.

Response: These lists are not intended to be exhaustive to allow for the flexible use of funds dependent on the individual needs of students, communities and families. Creating an exhaustive list would not allow for flexibility and could likely miss an innovative use that could prove invaluable to a certain community or individual.

II. FINDINGS OF FACTS

The Secretary finds that it is appropriate to create 14 **DE Admin. Code** 702 Education Opportunity Fund as required by Senate Bill 56 of the 151st General Assembly to identify the types of services and supports that may be funded with the per pupil funding money from the Opportunity Fund.

III. DECISION TO AMEND THE REGULATION

For the foregoing reasons, the Secretary concludes that it is appropriate to create 14 **DE Admin. Code** 702 Education Opportunity Fund. Therefore, pursuant to 14 **Del.C.** §122, 14 **DE Admin. Code** 702 Education Opportunity Fund attached hereto as *Exhibit "A"* is hereby created. Pursuant to the provision of 14 **Del.C.** §122(e), 14 **DE Admin. Code** 702 Education Opportunity Fund created 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** 702 Education Opportunity Fund created hereby shall be in the form attached hereto as *Exhibit "A"*, and said regulation shall be cited as 14 **DE Admin. Code** 702 Education Opportunity Fund 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 September 8, 2022. The effective date of this Order shall be 10 days from the date this Order is published in the *Delaware Register of Regulations*.

IT IS SO ORDERED the 8th day of September 2022

Department of Education

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

Approved this 8th day of September 2022

702 Education Opportunity Fund

1.0 Purpose

Pursuant to 14 **Del.C.** §1726(b), the purpose of this regulation is to identify the types of services and supports

that may be funded with the per pupil funding from the Opportunity Fund.

2.0 Definitions

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

"English Learner" or "EL" means an individual who has English language speaking, reading, writing, or understanding difficulties sufficient to deny the individual the ability to meet challenging state academic standards as defined using Delaware's standardized entrance and exit procedures.

"Low Income Students" means students within the statewide metric determined by the Department of Education utilizing direct certification for Temporary Assistance for Needy Families (TANF) and Supplemental Nutrition Assistance Program (SNAP).

"Mental Health Supports" means a variety of strategies and services that can support the social, emotional and behavioral wellbeing and mental health of students and their families. Supports of this type include, behavioral assessment and intervention, individual and ~~[group, group counseling,]~~ family psychoeducation and support ~~[intervention, interventions, social skills group interventions,]~~ social and emotional learning, and mental health promotion, instruction and support, engagement strategies, assessment, screening, crisis management, suicide prevention and coordination of services.

"Opportunity Fund" means the fund containing monies appropriated in the Annual Appropriations Act, which are to be used to enhance services for English Learners and Low Income Students enrolled in public schools.

"Students with Interrupted Formal Educations" or "SIFE" means English Learners who have attended schools in the United States for less than twelve months and who, upon initial enrollment in such schools, are two or more years below grade level in literacy in their home language or two or more years below grade level in mathematics due to inconsistent or interrupted schooling prior to arrival in the United States.

"WIDA English Language Development Standards" means the state adopted standards used to plan and implement language instruction and assessment for English Learners in order to provide the social, instructional, and academic language that students need to engage with peers, educators, and curriculum in schools.

"Wrap-around Services" means a variety of strategies and services ~~[designed]~~ to support the needs of the student in the areas of attendance, academic ~~[engagement, behavior incidents or referral engagement, and behavioral functioning by strengthening connections and attachments in the school setting. Wrap-around supports are strength-based and reliant on a team planning process that engages children, youth, and their caregivers in a problem-solving approach that yields a service plan that is culturally and linguistically responsive to the needs of the student].~~

3.0 Types of Services and Supports

3.1 Services and supports identified for improving reading comprehension, math proficiency, wrap-around services and mental health supports for ELs and Low Income Students that may be funded by the Opportunity Fund include:

3.1.1 Employing additional personnel such as:

3.1.1.1 EL Teachers.

3.1.1.2 EL Coaches.

3.1.1.3 EL Paraprofessionals.

3.1.1.4 Reading Specialists.

3.1.1.5 Reading/Mathematics Interventionists.

3.1.1.6 Reading/Mathematics Coach.

3.1.1.7 Reading/Mathematics Paraprofessionals.

3.1.1.8 School Counselors.

3.1.1.9 School Social Workers.

- 3.1.1.10 School Psychologists.
- 3.1.1.11 Licensed Clinical Social Worker.
- 3.1.1.12 Other mental health personnel not limited by the Annual Appropriations Act.
- 3.1.2 Contractual services such as:
- 3.1.2.1 Translation and interpretation services and applications.
- 3.1.2.2 Professional learning services to build educator capacity to implement the WIDA English Language Development Standards.
- 3.1.2.3 Professional learning services to build educator capacity to strengthen Tier 1 instruction for ELs and students experiencing poverty.
- 3.1.2.4 Professional learning services to support educators in meeting the needs of unique populations ELs, including long-term ELs, SIFEs, newcomer students, students dually-identified as ELs and with disabilities, and ELs who are talented and gifted.
- 3.1.2.5 Professional learning services to support personnel listed in subsection 3.1.1.
- 3.1.2.6 Extended day learning experiences.
- 3.1.2.7 Summer learning experiences.
- [3.1.2.8** **Supplemental transportation costs to support student attendance at extended day and summer learning experiences.**
- ~~3.1.2.8~~ 3.1.2.9]Contracted coaching and instructional support for installing and implementing interventions.
- ~~3.1.2.9~~ **3.1.2.10]Data systems [to support instructional decisions, specifically designed to increase usability of EL and Low Income Student data for instructional decision making.**
- ~~3.1.2.10~~ 3.1.2.11]Contracted mental health supports.
- 3.1.3 Supplies and materials such as:
- 3.1.3.1 Supplemental instructional materials for ELs with unique needs such as SIFEs, newcomer students, and long-term ELs.
- 3.1.3.2 Support materials for content classrooms to meet the needs of ELs.
- 3.1.3.3 Social and emotional learning, as well as mental health instructional materials to support ELs and Low Income Students.

PROFESSIONAL STANDARDS BOARD

Statutory Authority: 14 Delaware Code, Sections 1203 and 1205(b) (14 Del.C. §§1203 & 1205(b))
14 DE Admin. Code 1581

ORDER

1581 School Reading Specialist

I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

Pursuant to 14 Del.C. §§1203 and 1205(b), the Professional Standards Board, acting in consultation and cooperation with the Delaware Department of Education ("Department"), developed amendments to 14 DE Admin. Code 1581 School Reading Specialist. The regulation concerns the requirements for a School Reading Specialist Standard Certificate in accordance with 14 Del.C. §1220. The proposed amendments that were initially published in the *Register of Regulations* on November 1, 2020 included adding defined terms to Section 2.0; clarifying the requirements for issuing a School Reading Specialist Standard Certificate in Section 3.0; specifying the education, knowledge, and skill requirements for obtaining a School Reading Specialist Standard Certificate in Section 4.0; adding reciprocity requirements in Section 5.0; specifying the application requirements in Section 6.0; adding

Section 7.0, which concerns the validity of a School Reading Specialist Standard Certificate; adding Section 8.0, which concerns disciplinary actions; adding Section 9.0, which concerns requests for the Secretary of Education to review standard certificate applications; and adding Section 10.0, which concerns recognizing past certificates that were issued by the Department.

On January 1, 2021, the Professional Standards Board considered the written submittals that it received concerning the proposed amendments and republished the proposed amendments that were originally published on November 1, 2020, without any additional amendments, to allow additional time for written submittals to be submitted to the Professional Standards Board and an opportunity for a public hearing. On February 4, 2021, the Professional Standards Board held a public hearing concerning the proposed amendments. On March 4, 2021, the Professional Standards Board deliberated on the comments made during the public hearing in addition to the written submittals received. The Professional Standards Board sought additional information, including information concerning school reading specialists, International Literacy Association ("ILA") standards, and International Dyslexia Association ("IDA") standards. As a result, the Professional Standards Board withdrew the proposed amendments that were republished on January 1, 2021.

On April 1, 2021, the Professional Standards Board had presentations regarding school reading specialists, ILA standards for reading/literacy specialists, and IDA standards. The Professional Standards Board decided to republish the proposed amendments that were published on November 1, 2020 and republished on January 1, 2021 without any additional amendments. The proposed amendments were published again in the *Register of Regulations* on May 1, 2021. The Professional Standards Board received written submittals from Sarah Beth Theaker and Leah Wasserman.

On June 3, 2021, the Professional Standards Board considered the written submittals and ultimately withdrew the regulation that was published on May 1, 2021.

The Professional Standards Board continued working on developing proposed amendments to the regulation. On April 1, 2022, the Professional Standards Board published proposed amendments to the regulation, including revising the definition of the term "Valid and Current License or Certificate" in Section 2.0 to clarify it is referring to an educator's license or certificate; revising the requirements for reciprocity in Section 3.0 and removing the section on reciprocity that was previously proposed; revising subsection 4.1.1.1 to clarify the requirements and add the IDA standards as an option; revising the course title in subsection 4.1.1.1.2.5; moving the section concerning Secretary of Education review up to Section 6.0 and renumbering the subsequent sections concerning validity and disciplinary actions; and adding Section 10.0, which concerns applicants' and Educators' contact information with the Department and specifies how they can change their name or address. The other proposed amendments are the same as the proposed amendments that were published on November 1, 2020, January 1, 2021, and May 1, 2021.

The Professional Standards Board received written submittals from faculty members in the University of Delaware's School of Education; Kathryn Brown, Ed.D.; Nigel A. Caplan, PhD; Oribel McFann-Mora, Ed.D.; the Governor's Advisory Council on English Learners; the State Council for Persons with Disabilities ("SCPD"); the Governor's Advisory Council for Exceptional Citizens ("GACEC"); and Casey A. Cashdollar, all of whom opposed revising the course title in subsection 4.1.1.1.2.5. In addition, SCPD and GACEC recommended the Board make the definition of the term "Valid and Current License or Certificate" consistent with prior adopted definitions and make the language in subsection 3.1.2 consistent with other proposed and adopted regulations.

On May 5, 2022, the Professional Standards Board considered the written submittals and voted to amend subsection 4.1.1.1.2.5 to "Teaching English as a Second Language." Pursuant to 29 **Del.C.** §10118(c), the Board's Chairperson determined the amendment to subsection 4.1.1.1.2.5 is substantive and, as a result, the Board voted to publish the regulation with the amendment to subsection 4.1.1.1.2.5. The Board found that further changes to the definition of "Valid and Current License or Certificate" and subsection 3.1.2 as a result of SCPD's and GACEC's comments were not necessary because the Board is in the process of incorporating the proposed language in all applicable regulations moving forward. Therefore, this proposed regulation includes all of the amendments that were published on April 1, 2022 as well as the change in the course title in subsection 4.1.1.1.2.5.

Notice of the proposed regulation was published in the *Register of Regulations* on June 1, 2022. The Professional Standards Board received one written submittal concerning the proposed regulation. Ann C. Fisher, Chairperson of GACEC, commented that GACEC supports the proposed regulation. In addition, GACEC noted its "concern with the language in proposed Sections 2.0 and 3.0 in reference to conflicting definitions for the same terms" and "querie[d] whether the [Department] has ever considered having one section within the 1500 series of

regulations housing all definitions applicable to the series."

II. FINDINGS OF FACTS

On August 15, 2022, the Professional Standards Board considered the written submittal. The Professional Standards Board decided not to make further changes as a result of GACEC's written submittal and voted to propose 14 **DE Admin. Code** 1581 School Reading Specialist, in the form attached hereto as Exhibit A, for adoption by the Department subject to the State Board of Education's approval.

The Department finds that the proposed amendments to the regulation are necessary to implement 14 **Del.C. Ch. 12** and are designed to improve the quality of the Delaware educator workforce and to improve student performance. Accordingly, the Department finds that it is appropriate to amend 14 **DE Admin. Code** 1581 School Reading Specialist.

III. DECISION TO AMEND THE REGULATION

For the foregoing reasons, the Department concludes that it is appropriate to amend 14 **DE Admin. Code** 1581 School Reading Specialist subject to the State Board of Education's approval. On August 18, 2022, the State Board of Education approved amending 14 **DE Admin. Code** 1581 School Reading Specialist. Therefore, pursuant to 14 **Del.C.** §§1203 and 1205(b), 14 **DE Admin. Code** 1581 School Reading Specialist, attached hereto as Exhibit A, is hereby amended.

IV. TEXT AND CITATION

The text of 14 **DE Admin. Code** 1581 School Reading Specialist adopted hereby shall be in the form attached hereto as Exhibit A and said regulation shall be cited as 14 **DE Admin. Code** 1581 School Reading Specialist in the *Administrative Code of Regulations* for the Department.

V. EFFECTIVE DATE OF ORDER

The effective date of this Order shall be ten days from the date this Order is published in the *Register of Regulations*.

IT IS SO ORDERED the 18th day of August, 2022.

Department of Education

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

Approved this 18th day of August, 2022.

State Board of Education

/s/ Shawn Brittingham, President

Vincent Lofink, Vice President (Absent)

/s/ Candice Fifer

/s/ Audrey J. Noble, Ph.D.

Rev. Provey Powell, Jr. (Absent)

Wali W. Rushdan, II (Absent)

/s/ Deborah Stevens

***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 June 2022 issue of the *Register* at page 1100 (25 DE Reg. 1100). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

1581 School Reading Specialist

DEPARTMENT OF HEALTH AND SOCIAL SERVICES DIVISION OF MEDICAID AND MEDICAL ASSISTANCE

Statutory Authority: 31 Delaware Code, Section 512 (31 **Del.C.** §512)
16 **DE Admin. Code** 13000, 15000, 18000

ORDER

Postpartum Continuous Eligibility

NATURE OF THE PROCEEDINGS:

Delaware Health and Social Services ("Department") / Division of Medicaid and Medical Assistance initiated proceedings to amend the Division of Social Services Manual (DSSM), Title XIX Medicaid State Plan, and Title XXI Delaware Health Children's Program State Plan regarding Postpartum Continuous Eligibility and make a technical correction in the DE state plan to the medical assistance program Single State Agency name. The Department's proceedings to amend its regulations were initiated pursuant to 29 **Del.C.** §10114 and its authority as prescribed by 31 **Del.C.** §512.

The Department published its notice of proposed regulation changes pursuant to 29 **Del. C.** §10115 in the August 2022 *Delaware Register of Regulations*, requiring written materials and suggestions from the public concerning the proposed regulations to be produced by August 31, 2022 at which time the Department would receive information, factual evidence and public comment to the said proposed changes to the regulations.

SUMMARY OF PROPOSAL

Effective for services provided on and after July 1, 2022 DHSS/DMMA proposes to amend the Division of Social Services Manual (DSSM), Title XIX Medicaid State Plan, and Title XXI Delaware Health Children's Program State Plan regarding Postpartum Continuous Eligibility and make a technical correction in the DE state plan to the medical assistance program Single State Agency name.

Background

Sections 9812 and 9822 of the American Rescue Plan Act of 2021 (ARP) (Pub. L. 117-2) give states a new option to provide 12 months of extended postpartum coverage to pregnant individuals enrolled in Medicaid and CHIP beginning April 1, 2022. The newly extended postpartum coverage option offers states an opportunity to provide care that can reduce pregnancy-related deaths and severe maternal morbidity, and improve continuity of care for chronic conditions such as diabetes, hypertension, cardiac conditions, substance use disorder, and depression. More than half of pregnancy-related deaths occur in the 12-month postpartum period, and 12 percent occur after six weeks postpartum.

DMMA has elected to implement options which will allow extend postpartum coverage from 60 days to 12 months for Medicaid and DHCP recipients. The 12-month postpartum period will begin on the last day of a beneficiary's pregnancy and extend through the end of the month in which the 12-month period ends. Individuals will be entitled to the extended postpartum coverage regardless of the reason the pregnancy ends. Extending this benefit will provide needed medical services to Medicaid and DHCP recipients.

Statutory Authority

42 C.F.R. § 435.116
(2105(a)(4)(A) of the SSA
42 CFR 457.342
435.926; 2107(e)(1)(J)
1902(e)(16) of the SOA

Purpose

The purpose of this proposed regulation is to implement postpartum continuous eligibility and make a technical correction in the DE state plan to the medical assistance program Single State Agency name.

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 gave public notice and provided an open comment period for 30 days to allow all stakeholders an opportunity to provide input on the proposed regulation. Comments were to have been received by 4:30 p.m. on August 31, 2022.

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 Statement

	Medicaid	Medicaid
	Federal Fiscal Year 2023	Federal Fiscal Year 2024
Federal funds	\$ 2,898,000	\$ 3,042,900
General (State) funds	\$ 1,932,000	\$ 2,028,600

	SCHIP	SCHIP
	Federal Fiscal Year 2023	Federal Fiscal Year 2024
Federal funds	\$ 5,533	\$ 11,620
General (State) funds	\$ 2,667	\$ 4,760

Summary of Comments Received with Agency Response and Explanation of Changes

DMMA received support of the proposed amendment to the Medicaid State Plan, with a particular focus on how postpartum continuous eligibility not only improves maternal health but also that of infants and children.

DMMA is pleased to provide the opportunity to receive public comments and greatly appreciates the thoughtful input given by:

- Children's Hospital of Pennsylvania's Policy Lab
- American Lung Association in Delaware

FINDINGS OF FACT:

The Department finds that the proposed changes as set forth in the August 2022 *Register of Regulations* should be adopted.

THEREFORE, IT IS ORDERED, that the proposed regulation to amend the Division of Social Services Manual (DSSM), Title XIX Medicaid State Plan, and Title XXI Delaware Health Children's Program State Plan regarding Postpartum Continuous Eligibility and make a technical correction in the DE state plan to the medical assistance

program Single State Agency name, is adopted and shall be final effective October 11, 2022.

9/14/2022

Molly Magarik, Secretary, DHSS

Date of Signature

***Please note that no changes were made to the regulation as originally proposed and published in the August 2022 issue of the *Register* at page 92 (26 DE Reg. 92). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

Postpartum Continuous Eligibility

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

DIVISION OF FISH AND WILDLIFE

Statutory Authority: 7 Delaware Code, Sections 901 (c & d) and 903(e)(2)a.1 (7 Del.C. §§901(c&d) & 903(e)(2)a.1)
7 DE Admin. Code 3591, 3592, & 3593

Secretary's Order No.: 2022-F-0016

RE: Approving Final Regulation, pursuant to 7 Del. C. §903(e)(2)a.1, to Amend 7 DE Admin. Code 3591 *American Shad and Hickory Shad Creel Limits*; 3592 *Atlantic Ocean American Shad Season and Closure*; and establish 3593: *Minimum Thread, Twine, or Monofilament Diameter for Anchored Gill Nets*

Date of Issuance: August 26, 2022

Effective Date of the Amendment: 48 hours following publication of this Secretary's Order and regulation on the Department's website: <https://de.gov/dnrecorders>

Shad

Under the authority vested in the Secretary of the Department of Natural Resources and Environmental Control ("Department" or "DNREC"), pursuant to 7 Del. C. §903(e)(2)a.1 and all other relevant statutory authority, the following findings of fact based on the reasons and conclusions are entered as an Order of the Secretary in the above-referenced regulatory amendment.

Notwithstanding 29 Del.C. Ch. 101 (which sets forth the standardized procedures whereby a state agency shall promulgate regulations), the Department also has the statutory authority under 7 Del. C. §903(e)(2)a.1 to promulgate certain regulations in order to adopt a specified management measure for finfish, subject to 7 Del.C. Ch. 9, *Finfishing in Tidal Waters*, by the issuance of a Secretary's Order. The Department is allowed to follow this abbreviated regulatory promulgation process only in instances where the management measures are specified by, and ensures compliance or maintains consistency with, a fisheries management plan or rule established by the Atlantic States Marine Fisheries Commission ("ASMFC"), the *Atlantic Coastal Fisheries Cooperative Management Act*, the Mid-Atlantic Fishery Management Council, or the National Marine Fisheries Service.

Whenever the Department promulgates a regulation pursuant to 7 Del. C. §903(e)(2)a.1, it shall also (1) publish on its website a public notice with a copy of the Secretary's Order and final regulation that implements the specific management measure; and (2) file the Secretary's Order and regulation that implements the specified management measure in the next available issue of the Delaware *Register of Regulations*. The final regulation becomes effective 48 hours after the Department has published the aforementioned public notice on its website, as mandated by 7 Del. C. §903(e)(2)a.2.

Background, Procedural History and Findings of Fact

This order amends 7 DE Admin. Code 3591 *American Shad and Hickory Shad Creel Limits*; 3592 *Atlantic Ocean American Shad Season and Closure*; and establish 3593: *Minimum Thread, Twine, or Monofilament Diameter for Anchored Gill Nets*, to reduce fishing mortality on American Shad by adopting the mandatory management measures approved by the ASMFC's Shad and River Herring Management Board that are necessary to remain compliant with the *Delaware River Sustainable Fishing Plan for American Shad*. This order requires the reduction of the daily recreational possession limit and places restrictions on the anchored gill nets used by Delaware's commercial gill netters during the spring anchored gill net season. The 2020 ASMFC American Shad Benchmark Stock Assessment determined that the Delaware River American shad stock is experiencing unsustainable adult female mortality. In response and consistent with 2020 ASMFC Stock Assessment, these actions required by ASMFC will reduce fishing mortality and assist in rebuilding the Delaware River American shad population.

The proposed amendments cover the specific management measures required for Delaware's recreational and commercial American shad fisheries. Delaware must reduce its recreational American shad daily possession limit to two fish and require anchored gill nets used during the spring gill net season (March 1 - May 10) that have a stretched mesh equal to or greater than four inches to be constructed of thread, twine or monofilament with a minimum diameter of 0.52 mm. In addition, the proposed amendments will remove archaic text regarding the three-year process used to close the Atlantic Ocean to American shad fishing but will retain the text prohibiting fishing for American shad in the Atlantic Ocean. These proposed amendments will then align with the action required by the ASMFC *Delaware River Sustainable Fishing Plan for American Shad*.

The Department has the statutory basis and legal authority to act with regard to promulgation of the proposed amendments to 7 DE Admin. Code 3591 *American Shad and Hickory Shad Creel Limits*; 3592 *Atlantic Ocean American Shad Season and Closure*; and establish 3593: *Minimum Thread, Twine, or Monofilament Diameter for Anchored Gill Nets*, pursuant to 7 Del. C. §§901 (c & d) and 903(e)(2)a.1

ORDER

In accordance with 7 Del. C. §903(e)(2)a.1, it is hereby ordered, this 26th day of August, 2022 that the above referenced amendments to 7 DE Admin. Code 3591 *American Shad and Hickory Shad Creel Limits*; 3592 *Atlantic Ocean American Shad Season and Closure*; and establish 3593: *Minimum Thread, Twine, or Monofilament Diameter for Anchored Gill Nets*, a copy of which is hereby attached, are supported by the evidence contained herein and are hereby adopted. The above referenced amendment shall take effect 48 hours following publication of this Secretary's Order and regulation on the Department's website in accordance with 7 Del. C. §903(e)(2)a.2.

Shawn M. Garvin
Secretary

Shad

3591 American Shad and Hickory Shad Creel Limits.

~~(Penalty Section 7 Del.C. §936(b)(2))~~

- 1.0 It shall be unlawful for any person who does not have a valid commercial foodfishing license to have in possession more than ~~an aggregate of ten (10)~~ two American shad and more than ten hickory shad at or between the place caught and his/her personal abode or transient place of lodging.
- 2.0 It shall be unlawful for any person to take and reduce to possession any American shad or hickory shad from the Nanticoke River or its tributaries.

3592 Atlantic Ocean American Shad Season and Closure

- 4.0 ~~All Delaware licensed commercial gill netters who wish to harvest and land American shad, *Alosa sapidissima*, in the Atlantic Ocean must register with the Department their intent to participate in this Atlantic Ocean commercial shad fishery by February 1 each year during either or both of 2003 and 2004.~~

- 2.0 ~~If three or fewer licensed commercial gill netters register to participate in the Atlantic Ocean commercial American shad fishery in any given year in 2003 or 2004, then the season for that year shall open at 12:01 a.m. February 14 and shall close on or before midnight April 21. If more than three licensed commercial gill netters register to participate in the Atlantic Ocean commercial American shad fishery in any given year in 2003 or 2004, then the season start and end dates shall be adjusted according to the following table based on the number of registered Atlantic Ocean shad commercial gill net fishermen:~~

Number of Registered Shad Fishermen	Season Length	Season Dates
4	59 days	14 Feb. – 13 April
5	47 days	20 Feb. – 7 April
6	39 days	24 Feb. – 3 April
7	34 days	27 Feb. – 1 April
8	29 days	1 March – 29 March
9	26 days	2 March – 27 March
10	24 days	3 March – 26 March
11	21 days	4 March – 24 March

~~If more than 11 fishermen register to participate in the Atlantic Ocean commercial American shad fishery in 2003 or 2004, the season length for that year shall be shortened one day for each additional registered fisherman and the season dates shall be adjusted accordingly.~~

- ~~3.0 1.0 Beginning 12:01 a.m. on January 1, 2005, it shall be unlawful for any Delaware fisherman to take and reduce to possession any American shad caught by gill net from the waters of the Atlantic Ocean.~~

3593 Minimum Thread, Twine, or Monofilament Diameter for Anchored Gill Nets

- 1.0 Anchored gill nets with stretched mesh sizes greater than or equal to 4 inches fished during March 1 through May 10 must be constructed of a thread, twine or monofilament with a diameter greater than or equal to 0.52 mm.

DEPARTMENT OF STATE DIVISION OF PROFESSIONAL REGULATION Board of Nursing

Statutory Authority: 24 Delaware Code, Section 1906(a)(1) (24 **Del.C.** §1906(a)(1))
24 **DE Admin. Code** 1900

FINAL ORDER ADOPTING REGULATION CHANGES

1900 Board of Nursing

The Delaware Board of Nursing pursuant to 24 *Del. C.* § 1906(a)(1), proposed to revise its regulations. The proposed amendments seek to clarify the process by which APRNs assign medication administration to medical assistants; to create regulations pertaining to the waiver of the state e-prescribing requirement; to add regulations pertaining to the closure of a nursing school; and to clean up minor errors through the regulations.

SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

Following publication in the Delaware Register of Regulations on June 1, 2022 a public hearing was held on July 13, 2022. Written comment periods were held open for thirty days, and an additional fifteen days following the public hearing. At the hearing, the Board accepted as evidence and marked as the Board's Exhibits 1 and 2

documentation of publication of the notice of the public hearing in the News Journal and the Delaware State News.

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;

Board Exhibit 2 – Affidavit of publication of the public hearing notice in the Delaware State News;

Board Exhibit 3 – June 2, 2022 email comment from Mary Peterson of the Delaware Division of Public Health noting that regulations 2.5.10.1, 2.5.10.16, and 2.5.10.1.7 are grammatically incorrect.

Board Exhibit 4 – June 9, 2022 letter from the American Association of Medical Assistants commending the Board for proposed regulations pertaining to medical assistants.

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. On June 2, 2022, the Division of Public Health submitted a written public comment suggesting a technical change to address a grammatical error.

3. On June 10, 2022, the American Association of Medical Assistants submitted a written comment in support of the proposed regulations pertaining to APRNs assigning medication administration to Medical Assistants.

4. The Board agreed that regulations 2.5.10.1, 2.5.10.16, and 2.5.10.1.7 should be changed to correct grammatical inconsistencies. Pursuant to 29 Del. C. § 10113(b)(4), "[n]onsubstantive changes in existing regulations to alter style or form **or to correct technical errors**" may be adopted without complying with the public comment requirements of the Administrative Procedures Act. As such, the Board voted to accept DPH's suggested technical changes in this Final Order.

5. The Board acknowledged and thanked the American Association of Medical Assistants for its support of the medication administration regulations.

6. Pursuant to 24 Del. C. § 1906(a)(1), the Board has statutory authority to promulgate rules and regulations clarifying specific statutory sections of its statute.

7. The proposed amendments seek to clarify the process by which APRNs assign medication administration to medical assistants; to create regulations pertaining to the waiver of the state e-prescribing requirement; to add regulations pertaining to the closure of a nursing school; and to clean up minor errors through the regulations.

8. 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 changes to the Board's rules and regulations.

9. For the reasons stated above, the Board finds no reason to substantively amend the regulations but to make small technical changes in response to comments from DPH.

DECISION AND ORDER CONCERNING THE REGULATIONS

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.

IT IS SO ORDERED this 13th day of September 2022 by the Delaware Board of Nursing.

2.5.10.1 The controlling institution shall:

2.5.10.1.6 ~~[Develop and submit an An]~~ acceptable plan ~~[is developed and submitted]~~ to the Board for students to complete the program.

2.5.10.1.7 ~~[Provide written Written]~~ confirmation ~~[shall be provided]~~ to the Board when the plan has been fully implemented and all students have completed or transferred to another program.

Board of Nursing

Kimberly Hopkins, RN, President

Jacqui Mainwaring, CRNA

Pamela James, RN

Kenyette Walters, LPN, Vice-President

Tiarra Davis, Public Member (Absent)

Carol Abdill, RN

Stephanie Mitchell, FNP, PMH, NP
Sandra Glenn-Vernon, RN
Prameela Kaza, Public Member
Gayle Melvin, Public Member

William Hare, Public Member
Marlo Metz, RN
Danielle Lowe, RN
Christine M. Collins, RN

***Please Note: Due to the size of the regulation, it is not being published here. A copy of the regulation is available at:**

1900 Board of Nursing

**DIVISION OF PROFESSIONAL REGULATION
Board of Home Inspectors**

Statutory Authority: 24 Delaware Code, Section 4106(a)(1) (24 **Del.C.** §4106(a)(1)
24 **DE Admin. Code** 4100

ORDER

4100 Board of Home Inspectors

NATURE AND STAGE OF THE PROCEEDINGS

On March 1, 2022, the Delaware Board of Home Inspectors published proposed 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 telephonically on May 10, 2022 at a regularly scheduled meeting of the Delaware Board of Home Inspectors 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 May 10, 2022. No written comments were received by the Board during the initial thirty-day public comment period; nor were any written comments received after the public hearing during the fifteen day 29 *Del. C.* § 10118(a) second public comment period.

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 regulations.
2. There were no public comments provided to the Board during the initial written public comment period, public hearing or fifteen day period following the public hearing.
3. Pursuant to 24 *Del. C.* § 4106(a)(1), the Board has statutory authority to promulgate rules and regulations clarifying specific statutory sections of its statute.
4. The proposed regulation change requires any home inspector or home inspector trainee applicant who has previously held a Delaware license to complete at least 40 continuing education credits in accordance with Regulation 16 in the two years leading up to the time the applicant submits the application.

5. Having received no public comments, the Board finds no reason to amend the regulations as proposed.

DECISION AND EFFECTIVE DATE

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

SO ORDERED this __13__ day of September 2022.

BY THE DELAWARE BOARD OF HOME INSPECTORS

/s/ Lisa Roddis, Chairman

David Zebley, Vice Chairman (Absent)

/s/ Robert Clark

/s/ John Kerrigan Sr.

/s/ Tammy Dawson

***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 845 (25 DE Reg. 845). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

4100 Board of Home Inspectors

DIVISION OF PROFESSIONAL REGULATION

5300 BOARD OF MASSAGE AND BODYWORK

Statutory Authority: 24 Delaware Code, Section 5306(a)(1) (24 Del.C. §5306(a)(1))
24 DE Admin. Code 5300

ORDER

5300 Board of Massage and Bodywork

After due notice in the *Delaware Register of Regulations* and two Delaware newspapers, a public hearing was held on April 21, 2022 at a scheduled meeting of the Delaware Board of Massage and Bodywork ("Board") to receive comments regarding proposed amendments to the Board's rules and regulations. Pursuant to subsection 9.4, licensees are required to complete 24 hours of continuing education every two years, and, pursuant to subsection 9.4.2, nine of those hours must be Core credits taken in a classroom, hands-on setting. For the current renewal period, the deadline for completion of these continuing education hours is August 31, 2022. Due to the recently lifted State of Emergency in Delaware related to COVID-19, many in classroom, hands-on classes were canceled. To ensure that licensees complete 24 hours of continuing education by the August 31, 2022 deadline, the Board proposed that the requirements of subsection 9.4.2 be amended for the renewal period ending August 31, 2022 only to permit licensees to complete all required continuing education, including Core credits, online.

The proposed changes to the rules and regulations were published in the *Delaware Register of Regulations*, Volume 25, Issue 10, on April 1, 2022. Notice of the April 21, 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 May 6, 2022, 15 days following the public hearing. The Board deliberated on the proposed revisions at its regularly scheduled meeting on May 19, 2022.

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.

There was no verbal testimony given at the public hearing on April 21, 2022. Further, no written comments were received by the Board.

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. There were no public comments provided to the Board either in writing or during the public hearing.

Pursuant to 24 **Del.C.** § 5306(a)(1), the Board has the statutory authority to promulgate rules and regulations. Having received no public comments, the Board finds no reason to amend the regulations 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 18th day of August 2022.

DELAWARE BOARD OF MASSAGE AND BODYWORK

/s/ Sandra Jachimowski, President

/s/ Ethel Loesche

/s/ Kathy Sherwin, Vice President

Elvis Amadi (ABSENT)

/s/ Jermaine Cannon

Rebecca Enrico (ABSENT)

/s/ Valerie Lacey

***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 April 2022 issue of the *Register* at page 955 (25 DE Reg. 955). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

5300 Board of Massage and Bodywork

GENERAL NOTICES

DEPARTMENT OF FINANCE OFFICE OF THE SECRETARY

Statutory Authority: 29 Delaware Code, Chapter 83 (29 Del.C. Ch. 83)

NOTICE

GENERAL NOTICE REGARDING REQUIREMENTS FOR PAYMENTS UNDER SECTION 2 OF THE 2022 DELAWARE RELIEF REBATE PROGRAM

INTRODUCTION

House Bill No. 360, as amended by House Amendment No. 1, of the 151st Session of the General Assembly was enacted on April 14, 2022 and is known as the "2022 Delaware Relief Rebate Program" (or, the "Act"). The Act is codified at 83 Del. Laws, c. 290, § 2.

Among other provisions, Section 2 of the Act authorizes the Department of Finance, in collaboration with the Department of Technology and Information, to develop a pathway for each adult Delaware resident who did not file a 2020 Delaware tax return or cannot otherwise be identified through other databases that may be available to the State to receive a \$300 relief rebate directly or apply for one. Section 2 of the Act also states that the Secretary of Finance may establish reasonable requirements for proof of identity, verification and eligibility to prevent fraudulent claims and payments including requirements for a state-issued and verified identification and valid Social Security Number.

PURPOSE

This informational notice provides reference to the Uniform Resource Locator address for the public to access the reasonable requirements established by the Secretary of Finance under Section 2 of the Act for each adult Delaware resident who did not file a 2020 Delaware tax return to receive a \$300 relief rebate directly or apply for one.

REQUIREMENTS FOR DIRECT PAYMENTS UNDER SECTION 2 OF THE 2022 DELAWARE RELIEF REBATE PROGRAM

With respect to a \$300 relief rebate to be paid without an application and directly to each adult Delaware resident who did not timely file a 2020 Delaware tax return, the reasonable requirements established by the Secretary of Finance are available during the period set forth therein at: <https://finance.delaware.gov/2022-delaware-relief-rebate-program/> or via the short URL, de.gov/rebate.

REQUIREMENTS FOR PAYMENTS TO APPLICANTS UNDER SECTION 2 OF THE 2022 DELAWARE RELIEF REBATE PROGRAM

With respect to a \$300 relief rebate to be paid upon application from each adult Delaware resident who did not timely file or who was not required to file a 2020 Delaware tax return, or cannot otherwise be identified through other databases that may be available to the State, the reasonable requirements established by the Secretary of Finance are available during the period set forth therein at: <https://finance.delaware.gov/2022-delaware-relief-rebate-program/> or via the short URL, de.gov/rebate.

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 - Central Avenue (S357)

August 29, 2022

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 Central Avenue (S357) between Fred Hudson Road (S360) and DE26 Atlantic Avenue (S26).

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 - Silview, Pleasant Hills, Pleasant Hills Estates, and Plymouth Subdivisions

September 23, 2022

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 Silview, Pleasant Hills, Pleasant Hills Estates, and Plymouth subdivisions.

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

OFFICE OF THE STATE TREASURER DIVISION OF CONTRIBUTIONS AND PLAN MANAGEMENT

Statutory Authority: 29 Delaware Code, Chapter 27 (29 Del.C. Ch. 27)

NOTICE

House Bill 205 as amended by House Amendment 3 - Delaware EARNs Act

September 12, 2022

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

Ms. Smallwood,

The Delaware General Assembly introduced House Bill 205 as amended by House Amendment 3 on May 20, 2021. The legislation was subsequently passed by both chambers, in identical form, on June 21, 2022, and was ultimately signed by Governor John Carney on August 18, 2022. **(83 Del. Laws, c. 405.)**

The legislation establishes the Delaware Expanding Access for Retirement and Necessary Saving ("EARNs") program to serve as a vehicle through which eligible employees may, on a voluntary basis, provide for additional retirement security through a State-facilitated retirement savings program in a convenient, cost effective, and portable manner.

The legislation provides as follows:

"Section 3. Section 1 of this Act takes effect following the date of publication in the Register of Regulations of a notice submitted by the State Treasurer that funding necessary to implement the Program, as reflected in the fiscal note, has been received from the General Assembly or other sources."

On June 28, 2022, Senate Bill 250, the Fiscal Year 2023 Budget Bill was passed and signed into law by Governor John Carney. The State Treasurer has confirmed that the Fiscal Year 2023 Budget Bill includes the funding needed to implement the Delaware EARNs program.

Please accept this notification by the Office of the State Treasurer in order to publish the information in the Register of Regulations.

Sincerely,
Colleen Davis
State Treasurer
Office of the State Treasurer

CALENDAR OF EVENTS/HEARING NOTICES

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 October 20, 2022.

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

State Plan Telemedicine Services

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 Delaware Title XIX Medicaid State Plan regarding telemedicine, specifically, to sunset the telemedicine pages of the Medicaid State Plan.

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 Melissa.Dohring@delaware.gov, or by fax to 302-255-4413 by 4:30 p.m. on October 31, 2022. Please identify in the subject line: State Plan Telemedicine Services.

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 MEDICAID AND MEDICAL ASSISTANCE

PUBLIC NOTICE

Transportation Services

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 regarding Transportation Services.

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 Melissa.Dohring@delaware.gov, or by fax to 302-255-4413 by 4:30 p.m. on October 31, 2022. Please identify in the subject line: Transportation Services.

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 MEDICAID AND MEDICAL ASSISTANCE

PUBLIC NOTICE

Qualifying Clinical Trials

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 regarding Qualifying Clinical Trials.

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 Melissa.Dohring@delaware.gov, or by fax to 302-255-4413 by 4:30 p.m. on October 31, 2022. Please identify in the subject line: Qualifying Clinical Trials.

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 INSURANCE

OFFICE OF THE COMMISSIONER

PUBLIC NOTICE

1404 Long-Term Care Insurance

A. Type of Regulatory Action Required

Proposal of amendments to Regulation 1404 Long-Term Care Insurance.

B. Synopsis of Subject Matter of Regulation

Regulation 1404 implements 18 **Del.C.** Ch. 71 by setting forth regulations that apply to long term care insurance coverage in Delaware. The purpose of the proposed amendments is 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 related to policyholder access to information. These amendments will make certain disclosures currently required upon application or delivery of a policy required only upon a premium rate schedule increase.

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

C. Notice and Public Comment

The proposed regulation appears below and may also be viewed on the Department of Insurance Website at <http://insurance.delaware.gov/information/proposedregs/>. The Department will not be holding a public hearing on the proposed regulation.

Any person may file written comments, suggestions, briefs, and compilations of data or other materials concerning the proposed regulation. Any written submission in response to this notice and relevant to the proposed regulation must be received by the Department of Insurance no later than 4:30 p.m. EDT, the 31st day of October, 2022 and should be directed to:

Alisa Pritchard, Regulatory Specialist
Delaware Department of Insurance
1351 West North Street, Suite 101
Dover, DE 19904
(302) 674-7379
Email: DOI_Legal@delaware.gov

OFFICE OF THE COMMISSIONER
PUBLIC NOTICE

1411 Registration of Pharmacy Benefits Managers

A. Type of Regulatory Action Required

Proposal of amendments to an existing regulation.

B. Synopsis of Subject Matter of the Regulation

Regulation 1411, entitled Registration of Pharmacy Benefits Managers, requires all pharmacy benefits managers (PBMs) to:

- Register with the Commissioner before providing pharmacy benefits management services in Delaware to a "purchaser" (a "purchaser" is defined as a person that: (1) provides prescription drug coverage or benefits in Delaware, and (2) enters into agreement with a pharmacy benefits manager for the provision of pharmacy benefits management services); and
- Annually renew their registration on the May 1 after the initial date of registration and every May 1 thereafter.

On October 26, 2021, the Delaware Legislature enacted House Bill 219 (151st General Assembly) (the Act). The Act includes additional requirements on PBMs that apply to "contracts between pharmacy benefit managers and pharmacies or pharmacists that are entered into, renewed, or extended on or after the effective date of this Act" (see Section 15 of the Act). The purpose of the amendments to Regulation 1411 proposed in this notice is to implement the Act.

C. Notice and Public Comment

The Department does not plan to hold a public hearing on proposed amendments to Regulation 1411. The proposed amendments appear below and may also be viewed at the Department of Insurance web-site at <http://insurance.delaware.gov/information/proposedregs/>.

Any person may file written comments, suggestions, briefs, and compilations of data or other materials concerning the proposed amendments to the regulation. Any written submission in response to this notice and relevant to the proposed amendments must be received by the Department of Insurance no later than 4:30 p.m. EST, the 31st day, October 2022. Any such requests should be directed to:

Regulatory Specialist
Delaware Department of Insurance
1351 West North St., Ste. 101
Dover, DE 19904
(302) 674-7379
Email: DOI-Legal@delaware.gov

DEPARTMENT OF SAFETY AND HOMELAND SECURITY
DIVISION OF STATE POLICE
PUBLIC NOTICE
1301 Nonconsensual Towing

The Delaware Department of Safety and Homeland Security (DSHS), in compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the Delaware Code) and under the authority of Title 21 of the Delaware Code, Chapter 69, Section 6901(c), proposed to amend its regulations on Nonconsensual Towing to promote public safety for nonconsensual towing initiated by the Delaware State Police. The proposed amendments sought to revise DSHS's existing Regulation 1301. The proposed amendments were published in the Register Regulations and provided for a public comment period through August 5, 2022. 26 **DE Reg.** 42 (07/01/22).

DSHS received and considered public comments of three parties. After considering the comments, DSHS wishes to further amend the regulations pertaining to Nonconsensual Towing and to re-open a public comment period. These further amendments revise subsection 4.5 regarding renewal dates and subsection 4.7 to clarify weekday and weekend hours.

DSHS will allow for the submission of written comments, suggestions, or other materials regarding the proposed regulations via e-mail to Mark.Windsor@delaware.gov or via the USPS to Captain Mark D. Windsor #158, Delaware State Police, Director of Traffic Operations, P.O. Box 430, Dover, DE 19901. Any written submission in response to this notice and the relevant proposed regulations must be received by the DSHS no later than 4:30 p.m. (EST) on November 4, 2022.

A copy of this regulation may be viewed online at the Registrar of Regulation's website, http://regulations.delaware.gov/services/current_issue.shtml.

DEPARTMENT OF SERVICES FOR CHILDREN, YOUTH & THEIR FAMILIES
DIVISION OF PREVENTION AND BEHAVIORAL HEALTH SERVICES
PUBLIC NOTICE
701 Qualifications for Juvenile Mental Health Screeners

Summary of Proposal

The purpose of this action is to amend Regulation 701 to allow additional professionals to be eligible to become credentialed juvenile mental health screeners. Title 16, Chapter 50 of the Delaware Code states that only Juvenile Mental Health Screeners, credentialed by the Department of Services for Children, Youth & Their Families (DSCYF), may authorize an emergency detention of an individual under the age of 18, pending a psychiatric evaluation.

This regulation is being amended to expand the definition of "eligible entity" to include Delaware licensed medical hospitals and to allow unlicensed mental health professionals, who are employed by the Division of Prevention and Behavioral Health's contracted Mobile Response and Stabilization Service (MRSS), to become credentialed juvenile mental health screeners and authorize detentions under the direct supervision of a psychiatrist. The amendment also makes other minor changes and technical updates.

Statutory Authority

16 *Del. C.* § 5001(11)

Written Comments

A copy of the proposed amendment is being published in the October 1, 2022 edition of the Delaware Register of Regulations. A copy is also on file in the DSCYF administrative building located at 1825 Faulkland Road, Wilmington, Delaware 19805.

Interested parties may offer written comments on the proposed amendment by October 31, 2022. Any person who wishes to make written comments or suggestions concerning the proposal must submit them to Meredith Seitz by

email to Meredith.Seitz@delaware.gov, or by mail to the address listed above.

DEPARTMENT OF STATE
DIVISION OF PROFESSIONAL REGULATION
Board of Pharmacy
PUBLIC NOTICE
2500 Board of Pharmacy

Pursuant to 24 **Del.C.** §2506(a)(1), the Delaware Board of Pharmacy ("Board") has proposed revisions to its Rules and Regulations. The proposed amendments provide that all continuing professional education programs must be approved by the Accreditation Council for Pharmacy Education (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. 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.

A public hearing will be held on November 16, 2022 at 9:30 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 Pharmacy, 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 sarah.siok@delaware.gov.

In accordance with 29 **Del.C.** §10118(a), the final date to receive written comments will be December 1, 2022. The Board will deliberate on all of the public comments at its regularly scheduled meeting.

PUBLIC SERVICE COMMISSION
PUBLIC NOTICE
1001 Rules of Practice and Procedure of the Delaware Public Service Commission

The Delaware Public Service Commission proposes to revisit the *Rules of Practice and Procedure of the Delaware Public Service Commission*, 26 *Del. Admin. C.* § 1001 et seq. ("Rules") for the purpose of clarification and procedural adjustment.

You can review the proposed revised Rules in the October 2022 issue of the *Delaware Register of Regulations*. You can also review the Order and the proposed revised Rules in the PSC's electronic filing system, Delafile, located at <http://delafile.delaware.gov/> (for docket #, input "Reg. 99-9"). If you wish to obtain written copies of the Order and proposed revised Rules, please contact the PSC at (302)736-7500. Copies in excess of the first twenty (20) pages are \$0.10 per page. Payment is expected prior to copying (if you wish the copies to be mailed) or at the time the copies are retrieved (if you retrieve them in person).

The Commission will conduct a public hearing on the revised Rules on Wednesday, November 2, 2022, beginning at 1:00 PM, in accordance with 26 *Del. C.* § 209(a). All persons who wish to be heard by the Commission may attend in person or by teleconference. Dial-in information will be provided on the agenda for November 2, 2022 meeting, which can be found on the PSC website at www.depssc.delaware.gov. Interested parties may file written comments, suggestions, briefs, compilations of data, or other materials concerning the revised Rules.

Written comments can be filed electronically in Delafile at <http://delafile.delaware.gov/> by filling out the "Public Comment Form" located under "Public Links". Written comments can also be mailed to: Donna Nickerson, Public Service Commission, Cannon Building, 861 Silver Lake Blvd., Suite 100, Dover, DE 19904, or via email to donna.nickerson@delaware.gov, with the subject line "Regulation Docket No. 99-9." Written comments will be accepted until November 18, 2022, pursuant to 29 *Del. C.* § 10118(a). **To be considered at the November 2, 2022 hearing, however, written comments must be submitted on or before October 14, 2022.**
