
Delaware Register of Regulations

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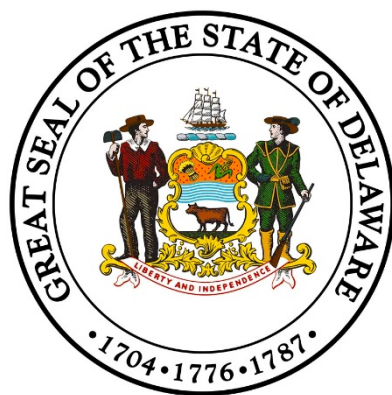
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Pursuant to 29 Del.C. Chapter 11, Subchapter III, this issue of the *Register* contains all documents required to be published, and received, on or before April 15, 2026.

Cover Photo
Rehoboth Beach

INFORMATION ABOUT THE DELAWARE REGISTER OF REGULATIONS

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DELAWARE REGISTER OF REGULATIONS

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

The *Delaware Register* will publish any regulations that are proposed to be adopted, amended, or repealed and any emergency regulations promulgated.

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

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

CITATION TO THE DELAWARE REGISTER

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

29 **DE Reg.** 1100 (06/01/26)

This refers to Volume 29, page 1100 of the *Delaware Register* issued on June 1, 2026.

SUBSCRIPTION INFORMATION

The cost of a yearly subscription (12 issues) for the *Delaware Register of Regulations* is \$135. Single copies are available at a cost of \$12 per issue, including postage. For more information contact the Division of Legislative Services 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other interested parties may participate in the process by which administrative regulations are adopted, amended, or repealed, and may initiate the process by which the validity and applicability of regulations is determined.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 proposed to formulate, adopt, amend, or repeals a regulation, it shall file notice and full text of the proposals as they relate to the existing regulation being adopted, amended, or repealed, with the Registrar for publication in the *Register of Regulations* pursuant to 29 **Del.C.** §1134. 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 for 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, the 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 regulations-making proceedings.

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

INFORMATION ABOUT THE DELAWARE REGISTER OF REGULATIONS

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 narrative addressing the potential impact of the regulation on the State's greenhouse gas emissions reduction targets or a statement that the regulation does not; (4) A decision to adopt, amend, or repeal a regulation or to take no action and the decision is supported by its findings on the evidence and information received; (5) The exact text and citation of the regulation adopted, amended, or repealed; (6) The effective date of the order; (7) Any other findings or conclusions required by the law under which the agency has the authority to act; and (8) 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 the adoption, amendment, or repeal 29 **Del.C.** §10119.

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

No action in 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 the regulation may be reviewed by the Court as a defense in the action.

Except as otherwise provided by law, no judicial review of a regulation is available unless a complaint 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
June 1	May 15	4:30 p.m.
July 1	June 15	4:30 p.m.
August 1	July 15	4:30 p.m.
September 1	August 17	4:30 p.m.
October 1	September 15	4:30 p.m.
November 1	October 15	4:30 p.m.

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2312 Regulations Governing the Practice and Procedure for Administering the Transportation Infrastructure Investment Fund	29 DE Reg. 591 (Prop.)
	29 DE Reg. 800 (Final)
Division of Transportation Solutions	
2409 Procedures for Establishment of Fee Simple Ownership by the State of Delaware for Abandoned Right of Way Easements.....	29 DE Reg. 64 (Final)
2406 Policies and Procedures for Acquisition of Certain Real Property	29 DE Reg. 113 (Prop.)
	29 DE Reg. 420 (Final)
2407 Alternative Dispute Resolution Process for Acquisition of Certain Real Property.....	29 DE Reg. 117 (Prop.)
	29 DE Reg. 421 (Final)
1207 Electronic Speed Monitoring System	29 DE Reg. 383 (Prop.)
	29 DE Reg. 627 (Final)
Office of the Secretary	
1400 Policies and Procedures Regarding FOIA Requests	29 DE Reg. 300 (Prop.)
	29 DE Reg. 627 (Final)
GENERAL ASSEMBLY	
Division of Legislative Services	
101 Regulation Governing Administrative Rulemaking Procedures	29 DE Reg. 850 (Prop.)
OFFICE OF MANAGEMENT AND BUDGET	
Division of Facilities Management	
4105 Promoting, Maintaining and Controlling the Public Use of the Legislative Mall.....	29 DE Reg. 389 (Prop.)
POLICE OFFICER STANDARDS AND TRAINING COMMISSION	
No Division	
801 Delaware Council on Police Training	29 DE Reg. 762 (Prop.)
STATE COURTS	
Office of the Child Advocate	
904 Driver Education, Driver's License, and Motor Vehicle Insurance Program for Individuals Who Have Experienced Foster Care	29 DE Reg. 206 (Prop.)
	29 DE Reg. 423 (Final)
The Fostering Independence Through Education Tuition Waiver Program.....	29 DE Reg. 208 (Prop.)
	29 DE Reg. 426 (Final)

DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 131 (14 **Del.C.** §131)
14 **DE Admin. Code** 804

ERRATA

804 Immunizations

* **Please Note:** The Department of Education, Office of the Secretary, proposed regulation for 804 Immunizations was published in the November 01, 2025 issue of the *Delaware Register of Regulations* (29 **DE Reg.** 363 (11/01/25)). The following subsection was inadvertently published incorrectly.

Subsection 5.4 was published as:

- 5.4 School districts and charter schools shall ensure that policies concerning immunization, and birth certificates do not create barriers to the school enrollment of homeless children and youth. To that end, school districts shall assist homeless children and youth in meeting the immunization requirements.

Subsection 5.4 should have been published as:

- 5.4 School districts and charter schools shall ensure that policies concerning immunization, guardianship guardianship, and birth certificates do not create barriers to the school enrollment of homeless children and youth. To that end, school districts shall assist homeless children and youth in meeting the immunization requirements.

This regulation was published as final in the February 01, 2026 issue of the Delaware Register of Regulations (29 **DE Reg.** 697 (02/01/26)) with an effective date of February 11, 2026. Subsection 5.4 will be corrected for publication in the Delaware Administration Code.

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DIVISION OF PUBLIC HEALTH

Statutory Authority: 16 Delaware Code, Section 122(3)u.1. (16 **Del.C.** §122(3)u.1.)
16 **DE Admin. Code** 4457

ERRATA

4457 Regulations Governing the Manufacture and Sale Of Ice

* **Please Note:** The Department of Health and Social Services, Division of Public Health, proposed regulation for 4457 Regulations Governing the Manufacture and Sale Of Ice was published in the October 01, 2025 issue of the *Delaware Register of Regulations* (29 **DE Reg.** 273 (10/01/25)). The following subsection was inadvertently published incorrectly.

Subsection 11.1 was published as:

- 11.1 The immediate ice-contact surface of any product packaging material shall be ~~foodgrade~~ food-grade in quality, quality and therefore meet the food safety requirements of, Pure Food & and Drug Act of the State of Delaware.

Subsection 11.1 should have been published as:

- 11.1 The immediate ice-contact surface of any product packaging material shall be ~~foodgrade~~ food-grade in ~~quality,~~ quality and therefore meet the food safety requirements of ~~16 Del.C., Ch. 33~~ 16 Del.C. Ch. 33, Pure Food & ~~and~~ Drug Act of the State of Delaware.

This regulation was published as final in the March 01, 2026 issue of the *Delaware Register of Regulations* ([29 DE Reg. 782 \(03/01/26\)](#)) with an effective date of March 11, 2026. Subsection 11.1 will be corrected for publication in the Delaware Administration Code.

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

PROFESSIONAL STANDARDS BOARD

Statutory Authority: 14 Delaware Code, Sections 1203, 1204(a), 1205(b), and 1220 (14 **Del.C.** §§1203, 1204(a), 1205(b) & 1220)
14 **DE Admin. Code** 1520

PROPOSED

PUBLIC NOTICE

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, 1204(a), 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 in this regulation include revising the definition of regionally accredited and deleting 3 definitions; striking subsections 4.1.1 with subsequent numbering and clarifying subsection 4.2 qualifications to obtain the certificate; and clarifying Section 6.0. The proposed amendments include grammatical and style changes to comply with the *Delaware Administrative Code Drafting and Style Manual*, and to maintain consistency with other 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://de.gov/doeregs> by the close of business (4:30 p.m. EST) on or before June 1, 2026. 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. The amended regulation does not change a school district or charter school's ability to submit such a request. 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:**

<https://regulations.delaware.gov/register/may2026/proposed/29 DE Reg 903RFA 05-01-26.pdf>

1520 Early Childhood Teacher

1.0 Content

This regulation shall apply to the issuance of an Early Childhood Teacher Standard Certificate pursuant to 14 Del.C. §1220(a). The Early Childhood Teacher Standard Certificate is required for Birth to Grade 2 in Delaware public schools. Notwithstanding the foregoing requirement, the Elementary Teacher Standard Certificate (14 DE Admin. Code 1521) may be used for grades K to 2 in lieu of the Early Childhood Teacher Standard Certificate.

2.0 Definitions

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

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

“**Educator**” means a person licensed and certified by the State under 14 **Del.C.** Ch. 12 to engage in the practice of instruction, administration or other related professional support services in Delaware public schools, including charter schools, pursuant to rules and regulations promulgated by the Professional Standards Board and approved by the State Board of Education. The term ‘educator’ does not include substitute teachers.

“**Employing Authority**” means any entity which employs educators, and includes, but is not limited to, ~~includes~~ school districts, charter schools, boards of directors, and management companies.

“**Immorality**” means ~~conduct which is inconsistent with the rules and principles of morality expected of an educator and may reasonably be found to impair an educator’s effectiveness by reason of the educator’s unfitness or otherwise.~~

“**License**” means a credential which authorizes the holder to engage in the practice for which the license is issued.

“**Regionally Accredited**” means ~~educational accreditation by a regional accrediting agency that is recognized by the U.S. Secretary of Education as a reliable authority concerning the quality of education offered by the institutions of higher education it accredits, including Middle States Commission on Higher Education institutional accreditation from an agency that was designated as a regional accreditor before July 1, 2020, and is currently recognized by the U.S. Secretary of Education as a reliable indicator of the institution’s education quality.~~

“**Standard Certificate**” means a credential issued to certify that an educator has the prescribed knowledge, skill or education to practice in a particular area, teach a particular subject, or teach a category of students.

“**Standards Board**” means the Professional Standards Board established pursuant to 14 **Del.C.** §1201.

“**Valid and Current License or Certificate**” means ~~a current full or permanent certificate or license as an educator issued by another state or jurisdiction. This means the applicant is fully credentialed by having met all of the requirements for full licensure or certification as an educator in another state or jurisdiction and is in good standing in that state or jurisdiction. It does not include temporary, emergency, conditional certificates of eligibility or expired certificates or licenses issued from another state or jurisdiction.~~

3.0 Issuance of a Standard Certificate

- 3.1 In accordance with 14 **Del.C.** §1220(a), the Department shall issue an Early Childhood Teacher Standard Certificate to an applicant who:
 - 3.1.1 Holds a valid Delaware Initial, Continuing, or Advanced License ~~or a Standard or Professional Status Certificate issued by the Department prior to August 31, 2003~~ and meets the requirements set forth in Section 4.0 of this regulation; or
 - 3.1.2 Has met the requirements for an educator’s license in Delaware and presents proof of a Valid and Current License or Certificate ~~valid and current license or certificate~~ as an early childhood teacher issued by another state or jurisdiction.
- 3.2 Notwithstanding any provision to the contrary herein, the Department shall not act on an application for an Early Childhood Teacher Standard Certificate if the applicant is under official investigation by any national, state, or local authority with the power to issue educator licenses or certifications. The Department shall not act where the allegations include ~~but are not limited to~~ conduct such as Immorality ~~immorality~~, misconduct in office, incompetence, willful neglect of duty, disloyalty, or falsification of credentials until the applicant provides evidence of the investigation’s resolution.

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 1 of the requirements in subsections 4.1.1 and 4.1.2 following requirements:
 - 4.1.1 ~~The applicant shall have satisfied 1 of the following education requirements:~~
 - 4.1.1.14.1.1 Obtained and currently maintain an Early Childhood Generalist ~~certificate~~ Certificate from the National Board for Professional Teaching Standards; or
 - 4.1.1.24.1.2 Earned a ~~bachelor’s~~ bachelor’s, master’s, or doctoral degree from a ~~Regionally Accredited~~ regionally accredited college or university with a minimum of 30 semester hours of coursework in early childhood education from an educator preparation program approved or recognized by the Council for the Accreditation of Educator Preparation (CAEP) or a state where the state approval body employed the appropriate standards; or
 - 4.1.1.34.1.3 Satisfactorily completed an alternative routes for licensure or certification program to teach early childhood education as provided in 14 **Del.C.** §§1260 – 1266; or

~~4.1.1.44.1.4~~ Satisfactorily completed a Department-approved educator preparation program in early childhood education.

~~4.1.24.2~~ The applicant shall have achieved a minimum score of 160 on the Praxis Subject Assessment—Education of Young Children (ETS Test Code # 5024). 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. For an applicant who holds at least 1 content area Standard Certificate, the applicant shall have satisfactorily completed 15 semester hours in early childhood education from a regionally accredited college or university.

~~4.2~~ For an applicant who holds at least 1 content area Standard Certificate, the applicant shall have achieved the minimum score on 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 license.

5.2 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 Early Childhood 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 an Early Childhood Teacher Standard Certificate:

5.3.1 Evidence of obtaining and maintaining an Early Childhood Generalist certificate from the National Board for Professional Teaching Standards, if applicable; and

5.3.2 Official transcript from the applicant's ~~Regionally Accredited~~ regionally accredited college or university.

5.3.2.1 ~~Electronic or sealed paper transcripts may be submitted by the Employing Authority or by the applicant's Regionally Accredited applicant's employing authority or regionally accredited college or university; or university.~~

5.3.2.2 ~~Sealed paper transcripts may be submitted.~~

5.3.2.3 ~~The Department will not accept copies of transcripts; and transcripts.~~

~~5.3.3~~ Official score on the Praxis Subject Assessment as provided in subsection 4.1.2; and

~~5.3.45.3.3~~ Additional documentation as required by the Department.

5.4 For an applicant who holds at least 1 content area Standard Certificate, the following documentation is required in the application for an Early Childhood Teacher Standard Certificate:

5.4.1 ~~Official score on the Praxis Subject Assessment as provided in subsection 4.2~~ Evidence of satisfactory completion of 15 semester hours as provided in subsection 4.2 of this regulation; and

5.4.2 Additional documentation as required by the Department.

5.5 For applicants who have met the requirements for licensure as an educator in Delaware and hold a ~~Valid and Current License or Certificate~~ valid and current license or certificate as an early childhood teacher from another state or jurisdiction, the following documentation is required in the application for an Early Childhood Teacher Standard Certificate:

5.5.1 ~~An official copy of the Valid and Current License or Certificate~~ valid and current license or certificate; and

5.5.2 Additional documentation as required by the Department.

6.0 Secretary of Education Review

6.1 The Secretary of Education may, upon the written request of a local school district or charter school, review credentials submitted in an application for an Early Childhood Teacher Standard Certificate on an individual basis and grant such a Standard Certificate to an applicant who otherwise does not meet the requirements for an Early Childhood Teacher Standard Certificate but whose effectiveness is documented by the local school district or charter school.

~~6.2~~ The request shall be approved as provided in subsections 6.2.1 and 6.2.2.

~~6.1.46.2.1~~ For school districts, requests shall be approved by the superintendent of the school district.

6.1.26.2.2 For charter schools, requests concerning the head of school of the charter school shall be approved by the charter school's board of directors and requests concerning all other applicants shall be approved by the charter school's head of school.

7.0 Validity of a Standard Certificate

- 7.1 An ~~Educator's~~ Early Childhood Teacher Standard Certificate is valid regardless of the assignment or employment status of the holder provided that the ~~Educator's License~~ educator's license remains current and valid.
- 7.2 An Early Childhood Teacher Standard Certificate is not subject to renewal.

8.0 Disciplinary Action

- 8.1 An ~~Educator's~~ educator's Early Childhood Teacher Standard Certificate may be revoked, suspended, or limited for cause as provided in [14 DE Admin. Code 1514](#) Limitation, Suspension, and Revocation of Licenses, Certificates, and Permits.
- 8.2 An ~~Educator's~~ educator's Early Childhood Teacher Standard Certificate shall be revoked if the ~~Educator's~~ educator's Initial, Continuing, or Advanced License or Professional Status Certificate is revoked or the ~~Educator~~ educator made a materially false or misleading statement in the ~~Educator's~~ educator's application in accordance with [14 Del.C. §1222](#).
- 8.3 An ~~Educator~~ educator whose certificate is noticed for disciplinary action is entitled to a full and fair hearing before the Professional Standards Board. Hearings shall be conducted in accordance with [14 DE Admin. Code 1515](#) Hearing Procedures and Rules.

9.0 Past Certificate Recognized

The Department shall recognize an Early Childhood Teacher Standard Certificate that was issued by the Department prior to the effective date of this regulation. An ~~Educator~~ educator holding such a Standard Certificate shall be considered certified to teach early childhood education.

10.0 Contact Information and Change of Name or Address

- 10.1 All applicants and ~~Educators~~ educators are required to update ~~their~~ the contact information in DEEDS Delaware Educator Data System (DEEDS) if ~~their~~ the contact information changes.
- 10.2 An ~~Educator~~ educator who legally changes the ~~Educator's~~ educator's name and wishes to change the name on the Early Childhood Teacher Standard Certificate shall provide a notarized copy of evidence of the name change such as a marriage license or court action.
- 10.3 An applicant or ~~Educator~~ educator whose mailing address, email address, or phone number changes shall provide the Department with the new mailing address, email address, or phone number within 14 calendar days of the change.

PROFESSIONAL STANDARDS BOARD

Statutory Authority: 14 Delaware Code, Sections 1203,1204(a), 1205(b), and 1220 (14 **Del.C.** §§1203, 1204(a), 1205(b) & 1220)
14 **DE Admin. Code** 1570

PROPOSED

PUBLIC NOTICE

1570 Early Childhood Exceptional Children Special 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, 1204\(a\), 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 1570](#) Early Childhood Exceptional Children Special Education Teacher. The regulation concerns the requirements for an Early Childhood Exceptional Children Special Education Teacher Standard Certificate in

accordance with **14 Del.C. §1220**. The proposed amendments in this regulation include adding a definition of ARTC, revising the definition of regionally accredited and deleting 6 definitions; revising subsection 4.1.1.5, which concerns the requirements for an applicant who has completed a minimum of 30 semester hours of coursework and 15 college credits, adding subsection 4.1.2 regarding literacy requirements, revising and subsection 4.2 clarifying Praxis requirements, revising Section 5.0 clarifying the application requirements; renumbering and clarifying Section 6.0 from Section 9.0 and subsequent renumbering; and adding Section 10.0. The proposed amendments include grammatical and style changes to comply with the *Delaware Administrative Code Drafting and Style Manual*, and to maintain consistency with other 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://de.gov/doeregs> by the close of business (4:30 p.m. EST) on or before June 1, 2026. 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 Exceptional Children Special Education Teacher Standard Certificate but whose effectiveness is documented by the district or school. The amended regulation does not change a school district or charter school's ability to submit such a request. 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:**

<https://regulations.delaware.gov/register/may2026/proposed/29 DE Reg 907RFA 05-01-26.pdf>

1570 Early Childhood Exceptional Children Special Education Teacher

1.0 Content

- 1.1 This regulation shall apply to the issuance of an Early Childhood Exceptional Children Special Education Teacher Standard Certificate (Category) pursuant to [14 Del.C. §1220\(a\)](#).
 - 1.1.1 This Standard Certificate is required for an ~~Educator~~ educator whose primary assignment is teaching ~~Students with Disabilities from Birth to Grade~~ students with disabilities from birth to grade 2 in Delaware public schools.
 - 1.1.1.1 The Early Childhood Exceptional Children Special Education Teacher Standard Certificate may be used for grades K to 2 in lieu of the Special Education Teacher of Students with Disabilities Standard Certificate.
 - 1.1.1.2 The Teacher of Students with Autism or with Severe Intellectual Disabilities Standard Certificate, Teacher of Students Who Are Deaf or Hard of Hearing Standard Certificate, and Teacher of Students with Visual Impairments Standard Certificate shall be used when the teacher’s primary assignment is providing instruction to the category of students designated within those category certifications.
 - 1.1.2 This ~~Certification~~ certification is a category Standard Certificate and does not certify an ~~Educator~~ educator to practice in a particular area or teach a particular subject. A category Standard Certificate only establishes that an ~~Educator~~ educator has met the prescribed education, knowledge, or skill requirements to instruct a particular category of students. This ~~Certification~~ certification is limited to the category of teaching ~~Students with Disabilities from Birth to Grade~~ students with disabilities from birth to grade 2 in Delaware public schools.
 - 1.1.3 An ~~Educator~~ educator shall hold at least ~~one~~ 1 content area Standard Certificate.

2.0 Definitions

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

~~“15 Credits or the Equivalent in Professional Development”~~ means college credits or an equivalent number of hours 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. ~~College credit means undergraduate or graduate level coursework and continuing education units (CEUs) completed at or through a Regionally Accredited college or university or other Department-approved provider.~~

“ARTC” means Alternative Routes to Certification Programs as set forth in [14 DE Admin. Code 291](#).

“Department” means the Delaware Department of Education.

“Educator” means a person licensed and certified by the State under 14 **Del.C.** Ch. 12 to engage in the practice of instruction, administration or other related professional support services in Delaware public schools, including charter schools, pursuant to rules and regulations promulgated by the Professional Standards Board and approved by the State Board of Education. The term ‘educator’ does not include substitute teachers.

“Employing Authority” ~~authority~~ means any entity which employs educators, and includes, but is not limited to, ~~includes~~ school districts, charter schools, boards of directors, and management companies.

~~“Immorality” means conduct which is inconsistent with the rules and principles of morality expected of an educator and may reasonably be found to impair an educator’s effectiveness by reason of the educator’s unfitness or otherwise.~~

“License” means a credential which authorizes the holder to engage in the practice for which the license is issued.

~~“Major or Its Equivalent” means a minimum of 30 semester hours of coursework in a particular content area.~~

~~“Professional Development” means a combination of focused, in-depth learning, practice, feedback, reflection, and expert support experiences designed to change participants’ attitudes, insights, and perspectives and ultimately results in improved professional practice. Effective professional development programs include ample opportunities for knowledge acquisition, skill mastery, descriptive feedback, and refinement of practice in the work setting.~~

“Regionally Accredited accredited” means educational accreditation by a regional accrediting agency that is recognized by the U.S. Secretary of Education as a reliable authority concerning the quality of education offered by the institutions of higher education it accredits, including Middle States Commission on Higher Education institutional accreditation from an agency that was designated as a regional accreditor before

July 1, 2020, and is currently recognized by the U.S. Secretary of Education as a reliable indicator of the institution's education quality.

"Standard Certificate" means a credential issued to certify that an educator has the prescribed knowledge, skill or education to practice in a particular area, teach a particular subject, or teach a category of students.

"Standards Board" means the Professional Standards Board established pursuant to 14 Del.C. §1201.

"Students with Disabilities~~disabilities~~" means the same as "Child with a Disability" as provided in 14 Del.C. §3101(2).

"Valid and Current License or Certificate" means a current full or permanent certificate or license issued by another state or jurisdiction. This means the educator is fully credentialed by having met all of the requirements for full licensure or certification in another state or jurisdiction. It does not include temporary, emergency, conditional certificates of eligibility or expired certificates or licenses issued from another state or jurisdiction.

3.0 Issuance of a Standard Certificate

- 3.1 In accordance with 14 Del.C. §1220(a), the Department shall issue an Early Childhood Exceptional Children Special Education Teacher Standard Certificate to an Educator applicant who:
- 3.1.1 Holds a valid Delaware Initial, Continuing, or Advanced License or a Standard or Professional Status Certificate issued by the Department prior to August 31, 2003 and meets the requirements set forth in Section 4.0 of this regulation; or
- 3.1.2 Has met the requirements for licensure an educator's license in Delaware and holds a Valid and Current License or Certificate valid and current license or certificate in early childhood exceptional children special education issued by another state or jurisdiction.
- 3.2 Notwithstanding any provision to the contrary herein, the Department shall not act on an application for an Early Childhood Exceptional Children Special Education Teacher Standard Certificate if the applicant is under official investigation by any national, state, or local authority with the power to issue educator licenses or certifications. The Department shall not act where the allegations include but are not limited to conduct such as Immoralityimmorality, misconduct in office, incompetence, willful neglect of duty, disloyalty, or falsification of credentials, until the applicant provides evidence of the investigation's resolution.

4.0 Prescribed Education, Knowledge, and Skill Requirements

- 4.1 An applicant shall have satisfied the requirements in subsections 4.1.1 and 4.1.2.
- 4.14.1.1 An applicant shall have satisfied one of the following education requirements:
- 4.1.14.1.1.1 Obtained and currently maintain an Exceptional Needs Specialist certificate Certificate from the National Board for Professional Teaching Standards; or
- 4.1.24.1.1.2 Earned a bachelor's, master's, or doctoral degree from a Regionally Accredited regionally accredited college or university with a Major or Its Equivalent minimum of 30 semester hours of coursework in early childhood exceptional children special education that includes at least 15 semester hours in early childhood exceptional children special 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
- 4.1.34.1.1.3 Satisfactorily completed an alternative routes for licensure or certification program to teach early childhood exceptional children as provided in 14 Del.C. §§1260 – 1266; or
- 4.1.44.1.1.4 Satisfactorily completed a Department-approved educator preparation program in early childhood exceptional children education; or
- 4.1.54.1.1.5 Earned a bachelor's degree from a Regionally Accredited regionally accredited college or university in any content area and satisfactorily completed 15 Credits or the Equivalent in Professional Development in the following areas that semester hours taken either as part of or in addition to a degree program from a regionally accredited college or university with a focus in special education areas. For the purpose of this subsection and subsection 4.1.1.2, the following special education areas are guided by and include the following Council for Exceptional Children's (CEC) Early Childhood Special Education (ECSE) Initial Preparation Standards:
- 4.1.5.14.1.1.5.1 Child development and early learning for young children with special needs;
- 4.1.5.24.1.1.5.2 Partnering with families of young children with special needs;
- 4.1.5.34.1.1.5.3 Collaboration and teaming to meet the needs of young children with exceptionalities;

- 4.1.5.44.1.1.5.4 Assessment processes for young children with special needs;
- 4.1.5.54.1.1.5.5 Application of curriculum frameworks in the planning and facilitation of meaningful learning experiences for young children with special needs;
- 4.1.5.64.1.1.5.6 Using responsive and reciprocal interactions, interventions, and instruction for young children with special needs; and
- 4.1.5.74.1.1.5.7 Professionalism and ethical practice.

4.1.2 An applicant submitting a completed application after June 30, 2027, shall also have satisfactorily completed 6 college credits in evidence-based reading instruction pursuant to [14 Del.C. §1280\(c\)\(3\)](#) or an equivalent number of hours in professional development with 1 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.

4.2 An applicant shall have completed 1 of the following:

4.2.1 A minimum score of 159 on the Praxis Subject Assessment – Special Education: Early Childhood/Early Intervention (ETS Test Code #5692); or

4.2.2 A minimum score of 160 on the Praxis Subject Assessment – Education of Young Children (ETS Test Code #5024). Notwithstanding the foregoing, if the applicant did not achieve the minimum, 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 application for an Initial License, and the applicant shall also provide all required documentation for the License.

5.2 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 Early Childhood Exceptional Children Special Education Teacher Standard Certificate.

5.25.3 The following documentation is required with the application for an Early Childhood Exceptional Children Special Education Teacher Standard Certificate:

5.2.1 Evidence of obtaining an Exceptional Needs Specialist certificate from the National Board for Professional Teaching Standards, if applicable.

5.2.2 Official transcript from the applicant’s Regionally Accredited college or university.

5.2.2.1 Electronic transcripts may be submitted by the applicant’s Employing Authority or Regionally Accredited college or university.

5.2.2.2 Sealed paper transcripts may be submitted by the applicant, the applicant’s Employing Authority, or the applicant’s Regionally Accredited college or university.

5.2.2.3 The Department will not accept copies of transcripts.

5.2.3 Evidence of completing the equivalent of 15 Credits or the Equivalent in Professional Development, as provided in subsection 4.1.5, if applicable.

5.2.4 Additional documentation as required by the Department.

5.3 For applicants who have met the requirements for licensure and hold a Valid and Current License or Certificate in early childhood exceptional children special education, the following documentation is required in the application for an Early Childhood Exceptional Children Special Education Teacher Standard Certificate:

5.3.1 An official copy of the educator license or certificate from another state or jurisdiction.

5.3.2 Additional documentation as required by the Department.

5.3.1 Official transcript from the applicant’s regionally accredited college or university.

5.3.1.1 Electronic or sealed paper transcripts may be submitted by the applicant’s employing authority or regionally accredited college or university.

5.3.1.2 The Department will not accept copies of transcripts; and

5.3.2 One of the following:

5.3.2.1 A valid and current Exceptional Needs Specialist Certificate from the National Board for Professional Teaching Standards; or

5.3.2.2 Evidence of completion of an approved ARTC program. Evidence of completion must include verification that the applicant:

PROPOSED REGULATIONS

5.3.2.2.1 Was issued a welcome letter upon enrollment and the applicant completed the requirements listed in the welcome letter; and

5.3.2.2.2 Was issued and worked under a certificate of eligibility as a special education teacher in early childhood for the duration of the ARTC program; and

5.3.2.2.3 Received 2 successful summative evaluations.

5.3.2.3 Evidence of completion of a Department-approved program for a special education teacher of early childhood exceptional children.

5.3.2.4 A valid and current license or certificate issued by another state or jurisdiction that qualifies the applicant to teach early childhood exceptional children.

5.3.3 If applying without a valid and current license and certificate from another state or jurisdiction, an official score on the examination as provided in subsection 4.2 of this regulation.

5.3.4 If submitting a completed application after June 30, 2027, verification of the successful completion of the literacy requirement as specified in subsection 4.1.2 of this regulation.

5.3.5 Additional documentation as required by the Department.

6.0 Secretary of Education Review

6.1 The Secretary of Education may, upon the written request of a local school district or charter school, review credentials submitted in an application for an Early Childhood Exceptional Children Special Education Teacher Standard Certificate on an individual basis and grant such a Standard Certificate to an applicant who otherwise does not meet the requirements for an Early Childhood Exceptional Children Special Education Teacher Standard Certificate but whose effectiveness is documented by the local school district or charter school.

6.2 The request shall be approved as provided in subsections 6.2.1 and 6.2.2.

6.2.1 For school districts, requests shall be approved by the superintendent of the school district.

6.2.2 For charter schools, requests concerning the head of school of the charter school shall be approved by the charter school's board of directors and requests concerning all other applicants shall be approved by the charter school's head of school.

6.07.0 Validity of a Standard Certificate

6.17.1 An Early Childhood Exceptional Children Special Education Teacher Standard Certificate is valid regardless of the assignment or employment status of the holder provided that the Educator's License educator's license remains current and valid.

6.27.2 An Early Childhood Exceptional Children Special Education Teacher Standard Certificate is not subject to renewal.

7.08.0 Disciplinary Action

7.18.1 An Educator's educator's Early Childhood Exceptional Children Special Education Teacher Standard Certificate may be limited, suspended, or revoked for cause as provided in [14 DE Admin. Code 1514](#) Limitation, Suspension, and Revocation of Licenses, Certificates, and Permits.

7.28.2 An Educator's educator's Early Childhood Exceptional Children Special Education Teacher Standard Certificate shall be revoked if the Educator's educator's Initial, Continuing, or Advanced License or Professional Status Certificate is revoked or the Educator's educator made a materially false or misleading statement in the Educator's educator's application in accordance with [14 Del.C. §1222](#).

7.38.3 An Educator's educator whose certificate is noticed for disciplinary action is entitled to a full and fair hearing before the Professional Standards Board. Hearings shall be conducted in accordance with [14 DE Admin. Code 1515](#) Hearing Procedures and Rules.

8.0 Secretary of Education Review

The Secretary of Education may, upon the written request of a local school district or charter school, review credentials submitted in an application for an Early Childhood Exceptional Children Special Education Teacher Standard Certificate on an individual basis and grant such a Standard Certificate to an applicant who otherwise does not meet the requirements for an Early Childhood Exceptional Children Special Education Teacher Standard Certificate but whose effectiveness is documented by the local school district or charter school.

9.0 Past Certificate Recognized

The Department shall recognize an Early Childhood Exceptional Children Special Education Teacher Standard Certificate that was issued by the Department prior to the effective date of this regulation. An ~~Educator~~ educator holding such a Standard Certificate issued shall be considered certified to instruct ~~Students with Disabilities from Birth to Grade~~ students with disabilities from birth to grade 2.

10.0 Contact Information and Change of Name or Address

- 10.1 All applicants and educators are required to update the contact information in Delaware Educator Data System (DEEDS) if the contact information changes.
- 10.2 An educator who legally changes the educator's name and wishes to change the name on the Early Childhood Exceptional Children Special Education Teacher Standard Certificate shall provide a notarized copy of evidence of the name change such as a marriage license or court action.
- 10.3 An applicant or educator whose mailing address, email address, or phone number changes shall provide the Department with the new mailing address, email address, or phone number within 14 calendar days of the change.

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** 5000

PROPOSED

PUBLIC NOTICE

5000 Fair Hearing Practice and Procedures

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

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 by mail to Planning and Policy Unit, Division of Medicaid and Medical Assistance, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906; by email to DHSS_DMMA_Publiccomment@Delaware.gov; or by fax to 302-255-4413 by 4:30 p.m. on June 1, 2026. Please identify in the subject line: Fair Hearing Part 1

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

SUMMARY OF PROPOSAL

The purpose of this notice is to advise the public that Delaware Health and Social Services (DHSS)/Division of Medicaid and Medical Assistance (DMMA) is proposing to amend the Division of Social Services Manual (DSSM), regarding Fair Hearing Part 1.

Statutory Authority

- 42 CFR 431.221(d)

Background

This amendment is a clarification for the latest date that an individual can request a fair hearing to align with the Code of Federal Regulations (CFR) to be 90 days from the date the notice is mailed to the client. Medicaid and Delaware Healthy Children's Program (DHCP) will follow the CFR. Since the postmarked date will not always be known, Delaware

Medicaid and DHCP will procedurally allow a five-day grace period from the date of the notice to allow for mailing processes.

Summary of Proposal

Purpose

The purpose of this proposed regulation is to amend the date an individual can request a fair hearing.

Summary of Proposed Changes

Effective May 1, 2026, the DHSS/DMMA proposes to amend the DSSM regarding fair hearings.

Public Notice

In accordance with the *federal* public notice requirements established in 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 June 1, 2026.

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 provide 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 fiscal impact.

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

<https://regulations.delaware.gov/register/may2026/proposed/29 DE Reg 913RFA 05-01-26.pdf>

5000 Fair Hearing Practice and Procedures

5000 Definitions 42 CFR 438.400

Abandonment

When the claimant fails without good cause, to appear (by themselves or by authorized representative) at their scheduled hearing.

Adequate Notice

A written notice that includes:

1. A statement of what action the agency intends to take
2. The reasons for the intended agency action
3. The specific regulations supporting such action
4. An explanation of the individual's right to request a State agency hearing
5. The circumstances under which assistance is continued if a hearing is requested
6. If the ~~agency~~ agency's action is upheld, that such assistance must be repaid under title IV-A, and must also be repaid under titles I, X, XIV or XVI (AABD) if the State plan provides for recovery of such payments.

Advance Notice Period

~~The 10-day~~ A minimum 10-day period between the date a notice is mailed to the date a proposed action is to take effect. (Also called ~~Timely Notice Period.~~)

Adverse Benefit Determination	For recipients enrolled in a MCO, the denial or limited authorization of a requested service, including determinations based on the type or level of service, requirements for medical necessity, appropriateness, setting, or effectiveness of a covered benefit; the reduction, suspension, or termination of a previously authorized service; the denial, in whole or in part, of payment for a service; the failure to provide services in a timely manner, as defined by the State; the failure of the MCO to act within timeframes regarding the standard resolution of grievances and appeals; and the denial of a recipient's request to dispute a financial liability, including cost sharing, copayments, and other recipient financial liabilities.
Appellant	Anyone who requests a hearing. (Also called Claimant.)
Benefits	Any kind of assistance, payments or benefits made by TANF, GA, Medicaid, Delaware Healthy Children Program (DHCP), Chronic Renal Disease Program (CRDP), Child Care, Refugee, Emergency Assistance or Food Supplement programs.
Claimant	Anyone who requests a hearing. (Also called Appellant.)
DHSS	The Department of Health and Social Services, including: <ol style="list-style-type: none">1. The Division of Social Services (DSS), in connection with economic, medical, vocational or child care subsidy assistance2. The Division of Medicaid and Medical Assistance (DMMA) or a managed care organization (MCO) under contract with DHSS to manage an operation of the Medicaid Program, in connection with medical assistance3. The Division of State Service Centers (DSSC) in connection with the Emergency Assistance Program4. The Division of Developmental Disabilities Services (DDDS) in connection with Medicaid Program services5. The Division of Public Health in connection with Medicaid Program services6. The Division of Services for the Aging and Adults with Physical Disabilities (DSAAPD) in connection with Medicaid Program services
DSS	The Division of Social Services (or "the Division.")
Expedited Fair Hearing	An administrative hearing for Medicaid and DHCP which provides for a decision to be issued within 3 working days from the receipt of the request for an appeal of a decision to terminate, reduce, or suspend previously authorized services or a decision to deny or limit a new service request where the standard decision time frame of 45 days could seriously jeopardize the claimant's life or health or ability to attain, maintain, or regain maximum function.
Fair Hearing	An administrative hearing held in accordance with the principles of due process which include: <ol style="list-style-type: none">1. Timely and adequate notice2. The right to confront and cross-examine adverse witnesses3. The opportunity to be heard orally4. The right to an impartial decision maker5. The opportunity to obtain counsel, represent him or herself, or use any other person of his or her choice.
Fair Hearing Summary	A document prepared by the agency stating the factual and legal reason(s) for the action under appeal. The purpose of the hearing summary is to state the position of the agency/entity that initiated the action in order to provide the appellant with the necessary information to prepare their case.

<u>Final Administrative Action</u>	<u>The date that the hearing decision has been made by the hearing officer.</u>
Good Cause	<p>May include, but is not limited to the following:</p> <ol style="list-style-type: none"> 1. Death in the family 2. Personal injury or illness 3. Sudden and unexpected emergencies 4. Failure to receive the hearing notice
Group Hearing	<p>A series of individual requests for a hearing consolidated into a single group hearing. A group hearing is appropriate when the sole issue involved is one of State or federal law, regulation, or policy. The policies governing hearings will be followed in all group hearings. The individual appellant in a group hearing is permitted to present their case or be represented by an authorized representative.</p>
Hearing Decision	<p>The decision in a case appealed to the State hearing officer. The decision includes:</p> <ol style="list-style-type: none"> 1. The substance of what transpired at the hearing 2. A summary of the case facts 3. Supporting evidence 4. Pertinent State or federal regulations 5. The reason for the decision <p>In Food Supplement Program disqualification cases, the hearing decision must also respond to reasoned arguments by the appellant.</p> <p>EXAMPLE: At a Food Supplement Program Intentional Program Violation Hearing involving a failure to report a change promptly, an appellant may argue that a failure to report does not constitute "clear and convincing evidence" of intent to defraud. The hearing officer's decision must respond to this argument.</p>
Hearing Officer	The individual responsible for conducting the hearing and issuing a final decision on issues of fact and questions of law.
Hearing Record	A verbatim transcript of all evidence and other material introduced at the hearing, the hearing decision, and all other correspondence and documents which are admitted as evidence or otherwise included for the hearing record by the hearing officer.
Hearing Summary	A document prepared by the agency stating the factual and legal reason(s) for the action under appeal. The purpose of the hearing summary is to state the position of the agency/entity that initiated the action in order to provide the appellant with the necessary information to prepare their case.
Hearsay Evidence	Testimony about a statement made by a third party that is offered as fact without personal knowledge
Individual Hearing	A hearing in which an individual client disagrees with the action taken by the Department on the facts of their case.
MCO	A Managed Care Organization under contract with DHSS to administer the delivery of medical services to recipients of Medicaid and CHIP through a network of participating providers.
Party	A party to a hearing is a person or an administrative agency or other entity who has taken part in or is concerned with an action under appeal. A party may be composed of one or more individuals.

Privilege	Appellants may decline to present testimony or evidence at a fair hearing under claim of privilege. Privilege may include the privilege against self-incrimination or communication to an attorney, a religious advisor, a physician, etc.
Request for a Fair Hearing	Any clear expression (oral or written) by the appellant or their authorized agent that the individual wants to appeal a decision to a higher authority. Such request may be oral in the case of actions taken under the Medical Assistance or Food Supplement Programs. The agency must establish procedures that permit an individual, or an authorized representative, to submit a hearing request for Medical Assistance: <ol style="list-style-type: none">1. Via the internet website;2. By telephone;3. Via mail;4. In person; and5. Through other commonly available electronic means.
Relevance	Refers to evidence. Evidence is relevant if an average person believes that the evidence makes a significant fact more probable.
Remand	To send back for further action.
Rule of Residuum	Findings of fact must be supported by at least some evidence which is admissible in a court of law.
Timely Notice Period	The 10-day period between the date a notice is mailed to the date a proposed action is to take effect. (Also called Advance Notice Period.)

(Break in Continuity of Sections)

5305 Limiting the Amount of Time to Request a Hearing

7 CFR 273.15 (g), 42 CFR 431.221, 45 CFR 205.10, 42 CFR 438.408(f)

This policy applies any time an applicant or recipient of any program managed or administered by DSS or DMMA requests a fair hearing.

4. Hearing Office Staff Determine Timely Requests

An appeal (hearing request) is filed when it is received and filed in the Division's hearing office, not at the moment it is placed in the mail. Staff taking oral requests will assure the appeal is filed within the time frames in this section. Timely requests are determined based on ~~four~~4 time periods:

A. Within the timely notice period

Requests made during the timely notice period are timely. The timely notice period is the 10-day period between the dates a notice is mailed to the date a proposed action is to take effect. It is also called Advance Notice Period.

Staff will not reduce or terminate benefits pending a decision on the appeal if a request for a hearing is filed within the timely notice period.

Exception: Benefits may be reduced or terminated if the conditions in DSSM 5308 are met.

B. Within 90 days from the effective date of action

A hearing is granted if the request is received within 90 days from the effective date of action. If the request is not received during the timely notice period, the proposed action must take effect.

Exception For Medicaid and Delaware Healthy Children (DHCP): Within 90 days from the date the notice of action is mailed.

C. More than 90 days from the effective date of action

The hearing officer does not have authority to hear an appeal that is filed more than 90 days from the effective date of action. The hearing officer does not have authority to extend the time period beyond 90 days of the effective date of action.

PROPOSED REGULATIONS

Exception For Medicaid and Delaware Healthy Children (DHCP): More than 90 days from the date the notice of action is mailed.

- D. ~~For Food Supplement Program households, at any time within a certification period, period.~~
At any time within a certification period, a Food Supplement Program household may request a hearing to dispute its current level of benefits.
- E. ~~For recipients enrolled in a MCO, 120 days from the date of the MCO's notice of resolution of the appeal or the MCO's failure to adhere to the notice and timing requirements in 42 CFR 438.408.~~
A hearing is granted if the request is received within 120 calendar days from the date of the MCO's notice of an appeal resolution upholding an adverse benefit determination. If the request is not received during the timely notice period, the adverse benefit determination is to take effect. If the MCO fails to adhere to the notice and timing requirements in 42 CFR 438.408, the recipient is deemed to have exhausted the MCO's appeals process and may initiate a State fair hearing within 120 calendar days.

~~A. Timely Notice Period~~

~~Requests made during the timely notice period are timely. The timely notice period is the ten (10) day period between the dates a notice is mailed to the date a proposed action is to take effect. It is also called Advance Notice Period.~~

~~Staff will not reduce or terminate benefits pending a decision on the appeal if a request for a hearing is filed within the timely notice period.~~

Exception: Benefits may be reduced or terminated if the conditions in DSSM 5308 are met.

~~B. Ninety Days from the Effective Date of Action~~

~~A hearing is granted if the request is received within 90 days from the effective date of action. If the request is not received during the timely notice period, the proposed action must take effect.~~

~~C. More than Ninety Days from the Effective Date of Action~~

~~The hearing officer does not have authority to hear an appeal that is filed more than 90 days from the effective date of action. The hearing officer does not have authority to extend the time period beyond 90 days of the effective date of action.~~

~~D. Food Supplement Program Households~~

~~At any time within a certification period, a Food Supplement Program household may request a hearing to dispute its current level of benefits.~~

~~E. Recipients enrolled in a MCO~~

~~A hearing is granted if the request is received within 120 calendar days from the date of the MCO's notice of an appeal resolution upholding an adverse benefit determination. If the request is not received during the timely notice period, the adverse benefit determination is to take effect. If the MCO fails to adhere to the notice and timing requirements in 42 CFR 438.408, the recipient is deemed to have exhausted the MCO's appeals process and may initiate a State fair hearing within 120 calendar days.~~

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

<https://regulations.delaware.gov/register/may2026/proposed/29 DE Reg 913 05-01-26>

DIVISION OF MEDICAID AND MEDICAL ASSISTANCE
Statutory Authority: 31 Delaware Code, Section 512 (31 **Del.C.** §512)
16 DE Admin. Code 14000

PROPOSED
PUBLIC NOTICE

14000 Medicaid General Eligibility Requirements

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

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 by mail to Planning and Policy Unit, Division of Medicaid and Medical Assistance, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906; by email to DHSS_DMMA_Publiccomment@Delaware.gov; or by fax to 302-255-4413 by 4:30 p.m. on June 1, 2026. Please identify in the subject line: Fair Hearing Part 2

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

SUMMARY OF PROPOSAL

The purpose of this notice is to advise the public that Delaware Health and Social Services (DHSS)/Division of Medicaid and Medical Assistance (DMMA) is proposing to amend the Division of Social Services Manual (DSSM), regarding Fair Hearing Part 2.

Statutory Authority

- 42 CFR 431.221(d)

Background

This amendment is a clarification for the latest date that an individual can request a fair hearing to align with the Code of Federal Regulations (CFR) to be 90 days from the date the notice is mailed to the client. Medicaid and Delaware Healthy Children's Program (DHCP) will follow the CFR. Since the postmarked date will not always be known, Delaware Medicaid and DHCP will procedurally allow a five-day grace period from the date of the notice to allow for mailing processes.

Summary of Proposal

Purpose

The purpose of this proposed regulation is to amend the date an individual can request a fair hearing.

Summary of Proposed Changes

Effective May 1, 2026, the DHSS/DMMA proposes to amend the DSSM regarding fair hearings.

Public Notice

In accordance with the federal public notice requirements established in 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 June 1, 2026.

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 provide 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 fiscal impact.

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

<https://regulations.delaware.gov/register/may2026/proposed/29 DE Reg 919RFA 05-01-26.pdf>

**14000 Medicaid General Eligibility Requirements
(Break in Continuity of Sections)**

14100.7 Fair Hearings**42 CFR 431.221**

A fair hearing is an administrative hearing held in accordance with the principles of due process. An opportunity for a fair hearing will be provided, subject to the provisions in policy at DSSM Fair Hearing Section 5000. Any individual who is dissatisfied with a decision of the Division of Social Services may request a fair hearing within 90 days from the date the notice of action is mailed. If a postmarked date is not available a 5-day grace period from the date of the notice will be provided, if needed to allow for mail processing.

See DSSM Fair Hearing Section for policies covering fair hearings.

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

<https://regulations.delaware.gov/register/may2026/proposed/29 DE Reg 919 05-01-26>

**DEPARTMENT OF STATE
DIVISION OF PROFESSIONAL REGULATION
Board of Medical Licensure and Discipline
Statutory Authority: 24 Delaware Code, Section 1775(c) (24 Del.C. §1775(c))
24 DE Admin. Code 1770**

PROPOSED**PUBLIC NOTICE****1770 Respiratory Care Practice Advisory Council**

The Delaware Respiratory Care Practice Advisory Council of the Board of Medical Licensure and Discipline, pursuant to 24 Del.C. § 1775(c), proposes to amend its rules and regulations. The proposed regulation changes clarify when students are qualified to practice as working student respiratory care practitioners and set forth the parameters under which such practice may occur. The proposed changes also eliminate provisions which are duplicative of the statute and implement grammar and style changes to comply with the *Delaware Administrative Code Drafting and Style Manual*.

The Council will hold a public hearing on the proposed regulation changes on July 8, 2026 at 3:00 p.m., both virtually and in-person. The in-person hearing will take place at the Second Floor Conference Room B, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904, and the virtual link will be published on the meeting agenda at least seven days prior to the hearing. Written comments should be sent to Alison Warren, Administrative Specialist of the Delaware Board

of Medical Licensure and Discipline, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments will be accepted until July 23, 2026 pursuant to 29 **Del.C.** § 10118(a).

***Please Note:**

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

[https://regulations.delaware.gov/register/may2026/proposed/29 DE Reg 920RFA 05-01-26.pdf](https://regulations.delaware.gov/register/may2026/proposed/29%20DE%20Reg%20920RFA%2005-01-26.pdf)

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

[https://regulations.delaware.gov/register/may2026/proposed/29 DE Reg 920 05-01-26](https://regulations.delaware.gov/register/may2026/proposed/29%20DE%20Reg%20920%2005-01-26)

DIVISION OF PROFESSIONAL REGULATION

Board of Veterinary Medicine

Statutory Authority: 24 Delaware Code, Section 3306(a)(1) (24 **Del.C.** §3306(a)(1))
24 **DE Admin. Code** 3300

PROPOSED

PUBLIC NOTICE

3300 Board of Veterinary Medicine

Pursuant to 24 **Del.C.** §3306(a)(1), the Delaware Board of Veterinary Medicine (“Board”) has proposed revisions to its regulation. The amendments add a new Section 18.0 to set forth the requirements for the use of telemedicine in the practice of veterinary medicine. In addition, technical and style changes have been made to ensure consistency with the *Delaware Administrative Code Drafting and Style Manual*.

In accordance with 29 **Del.C.** §10116, persons wishing to submit written comments, suggestions, or other materials regarding the proposed regulation should direct them to the Board, Attn: Theresa Trotta, Administrative Specialist for the Board, 861 Silver Lake Boulevard, Dover, DE 19904, or by email to theresa.trotta@delaware.gov. Any written submission in response to this Notice or the proposed regulation must be received by the Board no later than 4:30 on June 1, 2026. A copy of the proposed regulation may be obtained from the Board of Veterinary Medicine, 861 Silver Lake Boulevard, Dover, DE 19904.

***Please Note:**

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

[https://regulations.delaware.gov/register/may2026/proposed/29 DE Reg 921RFA 05-01-26.pdf](https://regulations.delaware.gov/register/may2026/proposed/29%20DE%20Reg%20921RFA%2005-01-26.pdf)

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

[https://regulations.delaware.gov/register/may2026/proposed/29 DE Reg 921 05-01-26](https://regulations.delaware.gov/register/may2026/proposed/29%20DE%20Reg%20921%2005-01-26)

PROPOSED REGULATIONS

DIVISION OF PROFESSIONAL REGULATION Board of Social Work Examiners

Statutory Authority: 24 Delaware Code, Section 3906(a)(1) (24 **Del.C.** §3906(a)(1))
24 **DE Admin. Code** 3900

PROPOSED

PUBLIC NOTICE

3900 Board of Social Work Examiners

Pursuant to 24 **Del.C.** §3906(a)(1), the Delaware Board of Social Work Examiners (“Board”) has proposed revisions to its regulation. The amendments update the roles of the Board officers, the election of officers, and the standards for use of a non-licensed clinical social worker for clinical supervision. In addition, technical and style changes have been made to ensure consistency with the *Delaware Administrative Code Drafting and Style Manual*.

In accordance with 29 **Del.C.** §10116, persons wishing to submit written comments, suggestions, or other materials regarding the proposed regulation should direct them to the Board, Attn: Jennifer Jacoby, Administrative Specialist for the Board, 861 Silver Lake Boulevard, Dover, DE 19904, or by email to jennifer.jacoby@delaware.gov. Any written submission in response to the Notice or the proposed regulation must be received by the Board no later than 4:30 p.m. on June 1, 2026. A copy of the proposed regulation may be obtained from the Board of Social Work Examiners, 861 Silver Lake Boulevard, Dover DE 19904.

*Please Note:

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

<https://regulations.delaware.gov/register/may2026/proposed/29 DE Reg 922RFA 05-01-26.pdf>

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

<https://regulations.delaware.gov/register/may2026/proposed/29 DE Reg 922 05-01-26>

DEPARTMENT OF TRANSPORTATION

DELAWARE TRANSIT CORP - DART

Statutory Authority: 2 Delaware Code, Section 1802(b) (2 **Del.C.** §1802(b))
2 **DE Admin. Code** 2287

PROPOSED

PUBLIC NOTICE

2287 Public Carrier Regulations

In compliance with the State's Administrative Procedures Act (Title 29, Chapter 101 of the Delaware Code) and under the authority of 2 **Del. C.** §1802(b), the Department of Transportation, Delaware Transit Corporation (“Department”) proposes to amend its regulations for public carrier law as described in 2 **Del. C.** Ch. 18.

In accordance with 29 **Del.C.** §10116, persons wishing to submit written comments, suggestions, briefs, and compilations of data or other written materials concerning the proposed modifications should direct them to the following address:

Raymond Banks
Delaware Transit Corporation
Office of Public Carrier
119 Lower Beech Street

Wilmington, DE 19805

Comments may also be directed via electronic mail to raymond.banks@delaware.gov. Any written submission in response to this notice and relevant to the proposed rules must be received by the above contact no later than 4 p.m. EST, June 1, 2026.

Background

The Delaware Public Carrier Law regulates all public carriers in Delaware. The Public Carrier Regulations require Certificates of Public Convenience and Necessity to operate vehicles as public carriers in the State and set the requirements to maintain certificates in good standing.

Summary of Proposal

The proposed amendments revise the regulations to correct word and number formatting in compliance with registrar rules. The amendments eliminate outdated requirements, reference to provisions no longer in use, or duplicated references. Inspection requirements are changed from semi-annually to annually for most public carriers. The notice and hearing process for violations of the law and regulations are revised and streamlined. A citation process is added for unlicensed activity.

Statutory Authority

2 Del.C. §1802(b) enables the Department to adopt and amend regulations governing the responsibilities of public carriers

*Please Note:

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

<https://regulations.delaware.gov/register/may2026/proposed/29 DE Reg 922aRFA 05-01-26.pdf>

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

<https://regulations.delaware.gov/register/may2026/proposed/29 DE Reg 922a 05-01-26>

DELAWARE TRANSIT CORP - DART

Statutory Authority: 2 Delaware Code, Section 1922 (2 **Del.C. §1922**)

2 DE Admin. Code 2289

PROPOSED

PUBLIC NOTICE

2289 Transportation Network Companies

In compliance with the State's Administrative Procedures Act (Title 29, Chapter 101 of the Delaware Code) and under the authority of **21 Del.C. §302** and **2 Del. C. §1922**, the Department of Transportation, Delaware Transit Corporation ("Department") proposes to amend its regulations for transportation network law as described in **2 Del. C. Ch. 19**.

In accordance with **29 Del.C. §10116**, persons wishing to submit written comments, suggestions, briefs, and compilations of data or other written materials concerning the proposed modifications should direct them to the following address:

Raymond Banks
Delaware Transit Corporation
Office of Public Carrier
119 Lower Beech Street
Wilmington, DE 19805

Comments may also be directed via electronic mail to raymond.banks@delaware.gov. Any written submission in response to this notice and relevant to the proposed rules must be received by the above contact no later than 4 p.m. EST, June 1, 2026.

Background

Delaware Transportation Network Law regulates all transportation networks ("TNCs") in Delaware. The Transportation Network Regulations set standards necessary to operate as a TNC in Delaware and sets the requirements to maintain in good standing as a TNC.

Summary of Proposal

The proposed amendments revise the regulations to correct word and number formatting in compliance with registrar rules. The amendments eliminate definitions duplicated in the Delaware Code and incorporate by reference those definitions. A definition is added to accommodate the scheduling of a ride by an authorized agent of the rider and to make clear that such rides may not include transportation for visits requiring protective oversight. The reporting requirements are modified to quarterly for certain information including driving records and citations.

Statutory Authority

21 Del.C. Ch. 3

21 Del.C. §302 authorizes the Secretary of Transportation to adopt rules and regulations for the operation of motor vehicles in Delaware and to designate agencies for enforcement of the code.

2 Del.C. Chapter 19

2 Del.C. §1922 enables the Department to promulgate rules and regulations governing the responsibilities of TNCs.

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

<https://regulations.delaware.gov/register/may2026/proposed/29 DE Reg 923RFA 05-01-26.pdf>

2289 Transportation Network Companies

1.0 Authority

The authority to promulgate this regulation is 21 Del.C. §302 and 2 Del.C. §1922.

2.0 Purpose

~~This administrative rule sets forth regulations and~~ regulation sets forth procedures to clearly identify the roles and responsibilities of each party as they relate to Transportation Network Companies (TNC) and the safe movement of persons using a TNC service for transportation via a TNC digital network in the State of Delaware.

3.0 Definitions

~~For purposes of this regulation~~ In addition to the definitions in 2 Del.C. §1901, the following words, terms, and phrases, when used in this regulation, shall have the following meaning:

"Authorized Agent" means a person or entity legally permitted to schedule transportation on behalf of the rider.

"Department" means the Delaware Department of Transportation.

"Digital Network" means any online-enabled application, software, website or system offered or utilized by a transportation network company that enables the prearrangement of rides with transportation network company drivers.

"Director" means the Director or Chief Executive Officer of the Delaware Transit Corporation of the Department of Transportation.

"Division" means the Delaware Transit Corporation.

"Highway" means any road, lane, or street maintained by the State, or any municipality or county thereof, for use by the traveling public.

"Permit" means a formal authorization granted to a transportation network company, issued by the Delaware Department of Transportation, to operate a transportation network company's digital network or software application. The permit does not limit the number of transportation network company drivers and vehicles vetted by the transportation network company to operate on the digital network or software application.

~~**"Permit Holder"** means a transportation network company approved by the Delaware Department of Transportation to operate in State of Delaware.~~

~~**"Personal Vehicle"** means a motor vehicle that has been approved to be used by a transportation network company driver to perform rides arranged through a transportation network company digital network.~~

~~**"Prearranged Ride"** means the period of time that begins when a transportation network company driver accepts a requested ride through a digital network, continues while the transportation network company driver transports the rider in a personal vehicle, and ends when the rider departs from the personal vehicle.~~
"ride" means as defined in [2 Del.C. §1901](#) and may include a ride requested by either the customer or an authorized agent of the customer. A prearranged ride requested by a rider's authorized agent shall not include transportation for visits that require protective oversight as defined in [2 DE Admin. Code 2287 Public Carrier Regulations](#).

~~**"Rider"** means an individual or persons who use a transportation network company's digital network to connect with a transportation network driver who provides prearranged rides to the rider in the transportation network company driver's personal vehicle between points chosen by the rider.~~

~~**"TNC"** means transportation network companies.~~

~~**"Transportation Network Company (TNC) Driver"** means an individual who uses a personal vehicle for hire, displaying the emblem or logo of the TNC they are operating for, to provide transportation services for passengers that are matched to that individual through a TNC's digital network, regardless of whether the individual is an employee or independent contractor for the TNC.~~

~~**"Transportation Network Company (TNC) Services"** means transportation of a rider between points chosen by the passenger and prearranged through the use of a TNC digital network or software application. TNC Services shall begin when a TNC driver accepts a request for transportation received through the approved TNC's digital network, continue while the TNC driver transports riders in the TNC driver's vehicle, and end when the rider exits the TNC driver's vehicle.~~

~~**"Transportation Network Company (TNC) Vehicle"** shall mean a personal vehicle that is used by a TNC Driver to provide transportation services requested through TNC's digital network or software application.~~

4.0 TNC responsibilities

- 4.1 To operate within the State of Delaware, a TNC must:
 - 4.1.1 File with the Delaware Secretary of State Articles of Incorporation or Foreign Articles of Incorporation.
 - 4.1.2 Meet all applicable business licensure requirements under the Delaware Code and Delaware Department of Revenue's regulations.
 - 4.1.3 Obtain a permit authorizing the operation of TNC services for prearranged rides in the State of Delaware.
 - 4.1.4 Verify that every TNC driver authorized to operate on the TNC's digital network has the insurance coverage in accordance with Section 6.0 of this regulation.
 - 4.1.5 Verify that each TNC driver is at least 18 years of age and has a valid driver license.
 - 4.1.6 Advise each TNC driver that they are responsible for complying with applicable law, including Delaware's hands free cell phone law as found in 21 Del.C. §4176C.
 - 4.1.7 Advise each TNC driver that any person conducting business in the State of Delaware is required to obtain a Delaware business license from the Delaware Division of Revenue. In addition, each TNC driver may also be required to obtain a business license within each municipality the TNC driver provides TNC services in.
 - 4.1.8 Undertake the necessary steps as described in Section 5.0 of this regulation to ensure the safety of its riders.
 - 4.1.9 Maintain the following information about each TNC driver:
 - 4.1.9.1 The TNC driver's driver license number and state of licensure;
 - 4.1.9.2 Documentation showing the TNC driver is authorized to operate in accordance with this regulation;
 - 4.1.9.3 The vehicle registration number, license plate number, and state of vehicle registration for each personal vehicle that the TNC driver uses for TNC Services; and
 - 4.1.9.4 Documentation showing that the vehicle has been inspected in accordance with this regulation.

PROPOSED REGULATIONS

- 4.1.10 Provide a customer support telephone number, email address, or hyperlink on its digital application or website for rider inquiries.
- 4.1.11 Prior to a rider entering a TNC driver's personal vehicle, make available to the rider the method by which the TNC calculates fares, the applicable rate being charged, and the option to receive an estimated fare.
- 4.1.12 Within 24 hours following the completion of a ~~trip~~prearranged ride, cause to be transmitted an electronic receipt to the passenger that lists:
 - 4.1.12.1 The origin and destination of the tripprearranged ride;
 - 4.1.12.2 The total time and distance of the tripprearranged ride; and
 - 4.1.12.3 An itemization of the total fare paid, if any.
- 4.1.13 Comply with all applicable laws relating to accommodation of service animals.
- 4.1.14 Require all TNC drivers to display, at all times, while logged into the TNC's digital network, a sign, emblem, or logo that can sufficiently identify the vehicle as being associated with the TNC or its associated digital network.
- 4.1.15 Submit to the Division at the time of application and each year ~~thereafter~~following:
 - 4.1.15.1 An attestation that the requirements set forth in this regulation have been met, and
 - 4.1.15.2 Within 30 days of submitting its initial and annual attestation, the TNC shall also submit a permit fee of ~~\$5000.00~~ \$5000.
- 4.1.16 Within 30 days of the end of each quarter, the TNC shall submit quarterly reports to the Division documenting:
 - 4.1.16.1 The TNC's total number of active drivers;
 - 4.1.16.2 All motor vehicle citations received by the TNC's drivers during the previous quarter;
 - 4.1.16.3 The total number of prearranged rides completed by the TNC during the previous quarter; and
 - 4.1.16.4 The total mileage completed on the platform during the previous quarter.

5.0 Rider and TNC Vehicle Safety

- 5.1 A TNC must obtain and review a driving history research report for each prospective TNC ~~driver~~driver, and
- 5.1.1 ~~A~~a TNC must check, at least ~~annually~~quarterly, the driving record of every TNC driver in order to verify that the TNC driver has not accrued any disqualifying moving violations as described in this regulation.
- 5.2 Prior to approving a TNC driver to provide TNC services, a TNC must conduct, or have a third party conduct, a local, state and national criminal background check for each prospective TNC driver that includes:
 - 5.2.1 Multi-State/Multi-Jurisdiction Criminal Records Locator or other similar commercial nationwide database with validation (primary source search); and
 - 5.2.2 U.S. Department of Justice National Sex Offender Public Website.
- 5.3 A TNC must disqualify any prospective TNC driver whose background check or driving history reveals that:
 - 5.3.1 The individual is a match in the U.S. Department of Justice National Sex Offender Public Website;
 - 5.3.2 Within the last ~~three~~ years, the prospective TNC driver has been convicted of or has pled guilty to any of the following offenses, either under Delaware law or a substantially similar law of another state or of the United States:
 - 5.3.2.1 ~~More than three~~ moving ~~violations~~violations;
 - 5.3.2.2 Driving while license is suspended or revoked under [21 Del.C. §2756](#);
 - 5.3.2.3 Attempting to flee or elude a police officer under [21 Del.C. §4103](#);
 - 5.3.2.4 Speeding 20 miles per hour or more over the posted speed limit;
 - 5.3.3 The prospective TNC driver has had ~~his or her~~the driver's license suspended, revoked, or disqualified in this State or any other jurisdiction for moving violations during the preceding 3 years;
 - 5.3.4 The prospective TNC driver has ever been convicted of or has pled guilty to any of the following offenses, either under Delaware law or a substantially similar law of another state or of the United States:
 - 5.3.4.1 An offense classified as a Class A or violent Class B felony;
 - 5.3.4.2 Any crime against a child;
 - 5.3.4.3 Any crime constituting a felony sexual offense;
 - 5.3.4.4 Any crime constituting a felony homicide, including, ~~but not limited to,~~ murder, manslaughter and vehicular homicide;
 - 5.3.5 Within the last ~~seven~~7 years, the prospective TNC driver has been convicted of or has pled guilty to any of the following offenses, either under Delaware law or a substantially similar law of another state or of the United States:

- 5.3.5.1 Driving under the influence under [21 Del.C. §§4177, 4177J, 4177L, or 4177M](#);
 - 5.3.5.2 Any crime constituting a felony offense, including any crime constituting a felony offense against public administration involving bribery, improper influence or abuse of office;
 - 5.3.5.3 A hit and run offense under [21 Del.C., Ch. 42](#);
 - 5.3.5.4 Driving over 100 mph; or
 - 5.3.5.5 Reckless driving under [21 Del.C. §4175](#).
- 5.4 The indefinite review period described in subsection 5.3.4 shall only apply to prospective TNC drivers who reside in a state where a consumer reporting agency may disclose criminal offense convictions rendered at any time. For all other prospective TNC drivers, the review period for the offenses described in subsection 5.3.4 shall be equivalent to the maximum time period for which convictions may be reviewed under applicable state law.
- 5.5 A TNC must on an annual basis verify that:
- 5.5.1 Each TNC driver's personal vehicle, authorized for providing TNC services, is registered in Delaware, and it required to pass a safety inspection for said registration; has a valid safety inspection certificate or sticker issued by the Delaware Division of Motor Vehicles; ~~is no older than 12 years of age~~; and
 - 5.5.2 Each TNC driver's personal vehicle with over 10,000 miles, authorized for providing TNC services, and that is registered in another state; has passed a motor vehicle safety inspection authorized or approved by a state governmental agency for personal vehicles; provided that, the initial safety inspection for a personal vehicle used by a new TNC driver may be conducted within 90 days of beginning TNC services.
 - 5.5.2.1 A copy of a TNC driver's personal vehicle safety inspection shall be kept in the vehicle at all times.
 - 5.5.2.2 At a minimum the TNC driver is responsible for maintaining ~~his or her~~ the driver's personal vehicle in accordance with safety inspection requirements set forth in [21 Del.C. §2143](#).
- 5.6 A TNC must implement a ~~zero tolerance~~ zero-tolerance policy regarding a TNC driver's activities while accessing the TNC's digital network ~~and/or~~ or providing TNC services.
- 5.6.1 The zero tolerance policy shall address the use of drugs or alcohol while a TNC driver is providing TNC services or is logged into the TNC's digital network but is not providing TNC Services, and the TNC shall provide notice of this policy on its website, as well as procedures to report a complaint about a TNC driver with whom a rider was matched and whom the rider reasonably suspects was under the influence of drugs or alcohol during the course of the ~~trip~~ prearranged ride.
 - 5.6.2 Upon receipt of ~~such~~ a rider complaint alleging a violation of the zero tolerance policy, the TNC shall immediately suspend ~~such~~ the TNC driver's access to the TNC's digital platform, and shall conduct an investigation into the reported incident. The suspension shall last, at a minimum, the duration of the investigation.
- 5.7 No personal vehicle shall be driven recklessly, or so as to endanger life, limb, or property. Extreme caution in the operation of motor vehicles shall be exercised under hazardous conditions, such as snow, ice, sleet, fog, mist, rain, dust, smoke, or any other condition, which adversely affects visibility or traction.
- 5.8 No personal vehicle shall be driven by a TNC driver while ~~his/her~~ the driver's ability or alertness is so impaired through fatigue, illness, or any other cause, as to make it unsafe ~~for him/her~~ to drive or to continue to drive a motor vehicle; nor shall ~~he/she~~ the driver be required or knowingly be permitted to drive while in such condition, except in case of grave emergency where the hazard to passengers would be increased by observance of the ~~foregoing~~ this regulation.
- 5.9 No TNC driver may provide TNC services while under the influence of intoxicating liquor or narcotic or habit producing drugs, use drugs or drink while on duty any alcoholic liquor or beverage, nor shall ~~he/she~~ the driver knowingly be permitted to do so.
- 5.10 No TNC or TNC driver shall knowingly permit the transportation of high explosives, acids, inflammable liquids, loaded ~~guns~~ guns, or any other article which will endanger life or limb, in any personal vehicle used during the provision of TNC services. This provision shall not apply to firearms carried by police officers or by members of the armed forces while on duty or while en route to or from duty.
- 5.11 No TNC or TNC driver shall permit the transportation of express or parcel freight to ~~such~~ an extent as will interfere with the safety or reasonable comfort of riders.

6.0 Insurance Requirements

- 6.1 All TNCs, TNC drivers, and personal vehicles must be covered with insurance as specified in ~~the~~ this regulation. It shall be unlawful and a violation of this regulation to lease or operate a personal vehicle that is not insured to the extent required ~~herein~~ in this regulation.

PROPOSED REGULATIONS

- 6.2 The insurance coverage required by this regulation may be placed with an insurer licensed under Delaware law or with a surplus lines insurer eligible under Delaware law.
- 6.3 The insurance coverage required by this regulation may be satisfied by any combination of policies maintained by either a TNC or TNC driver.
- 6.4 The insurance requirements must be disclosed on each TNC's digital network and website.
- 6.5 Each TNC must file its insurance policies under seal with the Department as part of applying for a permit. The permit for the TNC will automatically expire upon expiration of the insurance policy, unless and until the TNC provides an updated insurance policy and applies to renew the permit.
- 6.6 A TNC's insurance shall provide coverage in the event a TNC driver maintains an insurance policy as described in this regulation and the TNC driver's policy has declined coverage, ceased to exist or has been cancelled.
- ~~6.7 TNC insurance requirements are defined by three service periods:
 Period 1: Digital network or Software Application open – waiting for a match.
 Period 2: Match accepted – but passenger not yet picked up (i.e. driver is on his/her way to pick up the passenger).
 Period 3: Passenger in the vehicle and until the passenger exits the vehicle.~~
- ~~6.7.1 Period 1 – TNCs shall provide primary insurance in the amount of at least fifty thousand dollars (\$50,000) for death and personal bodily injury per person, one hundred thousand dollars (\$100,000) for death and personal injury per incident, and twenty-five thousand dollars (\$25,000) for property damage. TNCs may satisfy this requirement through: (a) TNC insurance maintained by the driver; (b) TNC insurance maintained by the TNC that provides coverage if a driver does not maintain the required TNC insurance, or if the driver's TNC insurance ceases to exist or is cancelled; or (c) a combination of (a) and (b).~~
- ~~6.7.2 Periods 2 and 3 – TNCs must provide primary commercial liability insurance in the amount of one million dollars (\$1,000,000) per accident. TNCs may satisfy this requirement through: (a) TNC insurance maintained by the driver, if the TNC verifies that the driver's TNC insurance covers the driver's use of a vehicle for TNC services; (b) TNC insurance maintained by the TNC; or (c) a combination of (a) and (b).~~
- ~~6.7.3 Period 2 and 3 – TNCs shall also provide uninsured motorist coverage and underinsured motorist coverage in the minimum amount required under [18 Del.C. §3902](#). TNCs may satisfy this requirement through: (a) TNC insurance maintained by the driver, if the TNC verifies that the driver's TNC insurance covers the driver's use of a vehicle for TNC services; (b) TNC insurance maintained by the TNC; or (c) a combination of (a) and (b). The policy may also provide this coverage during any other time period, if requested by a participating driver relative to insurance maintained by the driver.~~
- 6.7 TNC Insurance Requirements
- 6.7.1 TNC insurance requirements are defined by 3 service periods:
- 6.7.1.1 Period 1: Digital network or Software Application open-waiting for a match.
- 6.7.1.2 Period 2: Match accepted – but passenger not yet picked up (i.e. driver is on the way to pick up the passenger).
- 6.7.1.3 Period 3: Passenger in the vehicle and until the passenger exits the vehicle.
- 6.7.2 Minimum insurance requirements are as follows:
- 6.7.2.1 Period 1 – TNCs shall provide primary insurance in the amount of at least \$50,000 for death and personal bodily injury per person, \$100,000 for death and personal injury per incident, and \$25,000 for property damage. TNC's may satisfy this requirement through:
- 6.7.2.1.1 TNC insurance maintained by the driver;
- 6.7.2.1.2 TNC insurance maintained by the TNC that provides coverage if a driver does not maintain the required TNC insurance, or if the driver's TNC insurance ceases to exist or is cancelled;
- or
- 6.7.2.1.3 A combination of subsections 6.7.2.1.1 and 6.7.2.1.2 of this regulation.
- 6.7.2.2 Periods 2 and 3 – TNCs must provide primary commercial liability insurance in the amount of \$1 million per accident. TNCs may satisfy this requirement through:
- 6.7.2.2.1. TNC insurance maintained by the driver, if the TNC verifies that the driver's TNC insurance covers the driver's use of a vehicle for TNC services;
- 6.7.2.2.2 TNC insurance maintained by the TNC; or
- 6.7.2.2.3 A combination of subsections 6.7.2.2.1 and 6.7.2.2.2 of this regulation.
- 6.7.2.3 Period 2 and 3 – TNCs shall also provide uninsured motorist coverage and underinsured motorist coverage in the minimum amount required under [18 Del.C. §3902](#). TNCs may satisfy this requirement through:

- 6.7.2.3.1 TNC insurance maintained by the driver, if the TNC verifies that the driver's TNC insurance covers the driver's use of a vehicle for TNC services;
- 6.7.2.3.2 TNC insurance maintained by the TNC; or
- 6.7.2.3.3 A combination of subsections 6.7.2.3.1 and 6.7.2.3.2 of this regulation. The policy may also provide this coverage during any other time period, if requested by a participating driver relative to insurance maintained by the driver.

- 6.8 If involved in an accident while providing TNC Services:
 - 6.8.1 The TNC ~~and/or~~ or a TNC driver must provide proof of insurance information to the other party involved in the accident.
 - 6.8.2 Notify the TNC and the Division of the accident within 30 days.

7.0 Additional Requirements

- 7.1 A TNC driver shall not solicit riders or service through a street hail or pick up, nor shall a TNC driver discharge a rider at a designated taxicab stand, no stopping or standing zone, or other area where a personal vehicle may not enter.
- 7.2 No TNC driver shall operate a personal vehicle within the State of Delaware, without first complying with all applicable business licensing requirements as determined by the Delaware Division of Revenue, Revenue.
- 7.3 No TNC driver shall operate a vehicle that has not been approved for TNC services or is unaffiliated with a TNC while on the TNC's digital network.
- 7.4 Payment for TNC services shall only be made electronically via the TNC digital network. Cash payment shall not be accepted by the TNC driver.
- 7.5 Smoking ~~is~~ and vaping are not permitted in a personal vehicle while providing TNC services.
- 7.6 The rider area of a TNC vehicle shall be clean, sanitary, and free of debris at all times.

8.0 Audit and Compliance

- 8.1 To maintain sufficient recordation of TNC operations in Delaware, the Division shall:
 - 8.1.1 Maintain a file which includes, at a minimum:
 - 8.1.1.1 A copy of the TNC's business license filed with the Delaware Division of Revenue if the TNC is required to obtain a business license.
 - 8.1.1.2 A copy of the TNC's Certificate of Insurance for the policy required to be maintained under this regulation which identifies the Office of Public Carrier Regulation as a Certificate Holder.
 - 8.1.1.3 A copy of the attestation provided by the TNC in accordance with Section 4.0 of this regulation.
- 8.2 To ensure a TNC's compliance with this regulation, the Division or its employees or duly authorized agents:
 - 8.2.1 In response to a specific complaint or accident, may inspect those records held by the TNC whose review is specifically necessary for the investigation and resolution of the complaint or accident.
 - 8.2.2 No more than quarterly, request that the TNC transmit to the Division records and information that the TNC is required to maintain in accordance with this regulation for up to ~~fifty (50)~~ 100 TNC drivers; provided that, the TNC shall undertake best efforts not to share records and information about the same TNC driver during consecutive reporting periods.
 - ~~8.2.2.1~~
 - 8.2.3 Within ~~ten (10)~~ 10 business days of receiving a request, the TNC shall transmit the records to the Division via a secure delivery method, which may include use of encryption security. If, after this initial review, the Division has a reasonable basis to conclude that the TNC is not in compliance with this regulation, the Division may, upon reasonable notice, conduct a supplemental audit of records and information for an additional selection of TNC drivers at a mutually agreed location.
- 8.3 Any records or information that the TNC discloses to the Division pursuant to this regulation are deemed to be confidential and proprietary, regardless of whether the records or information are marked as such, and shall not be disclosed by the Division to a third party or another governmental entity without the TNC's express written permission, unless required to be disclosed by applicable law or court order.
 - ~~8.3.1~~ In the event that a third party submits a request to the Division for a TNC's confidential information under the Delaware Freedom of Information Act, 29 Del.C. §10001, et seq. or any other law or a lawsuit is filed seeking the disclosure of the TNC's confidential information, the Division shall:
 - 8.3.1 ~~(i) assert~~ Assert applicable exemptions to the request as set forth in the Delaware Freedom of Information Act, 29 Del.C. §10001, et seq., or other applicable law; and
 - 8.3.2 ~~(ii) promptly~~ Promptly notify the TNC that it has received a request and inform the TNC of whether it will release the requested ~~record(s)~~ records so that the TNC has an opportunity to prevent disclosure.

- 8.4 The Division shall destroy any records it receives from the TNC pursuant to subsection 9.2.2 of this regulation within ~~one hundred and eighty (180)~~ 180 days of receiving ~~such~~ the records unless required by law to retain the records for a longer period or the record relates to a TNC driver who the Division has a reasonable basis to believe is not properly authorized to operate in Delaware.
- 8.5 The Division shall review the status of the TNC to ensure the TNC remains in good standing with the Delaware Division of Corporations.
- 8.6 A TNC shall keep and make available to the Division, when required, records in accordance with this regulation for a period of at least ~~four~~ 4 years.
- 8.7 Per 21 Del.C. §2144, at any time and notwithstanding the possession of current registration plates, as provided by this title, the Secretary, or any authorized agent of the Department or any police officer may, upon reasonable cause, require the owner or operator of a vehicle to stop and submit ~~such~~ the vehicle and the equipment to ~~such~~ further inspection and test ~~with reference thereto~~ as may be appropriate. In the event ~~such~~ the vehicle is found to be in an unsafe condition or lacking the required equipment or is not in proper repair and adjustment, the officer shall give a written notice to the driver and shall send a copy ~~thereof~~ to the Department. The notice shall require that ~~such~~ the vehicle and its equipment be placed in safe condition and in proper repair and adjustment ~~and/or~~ that proper equipment be obtained, and that a certificate of inspection and approval for ~~such~~ the vehicle be obtained within 5 days ~~thereafter~~ of receipt of the notice.
- 8.8 Within ~~sixty (60)~~ 60 days of notification of audit results, the TNC may file with the Division a petition for redetermination of ~~such~~ these assessments. Petitions for redetermination shall not be considered after ~~sixty (60)~~ 60 days. Every petition for redetermination shall state specifically the ~~reason(s)~~ reasons which the petitioner believes entitles the petitioner to ~~such determination~~ a redetermination. It shall be the duty of the ~~Director~~ Division, within ~~ninety (90)~~ 90 days after the receipt of the petition, to provide in writing to the petitioner, a determination affirming the original audit results or any changes that resulted from the petitioner's request for redetermination.

9.0 Fines and Permit Revocation

The Division may impose a fine or revoke a permit consistent with Delaware law, after providing to the TNC ~~thirty (30)~~ 30 days' notice and the opportunity for a hearing, if a TNC fails to comply with the requirements of this regulation. Revocation of a permit would terminate a TNC's ability to operate its digital network within the State of Delaware.

10.0 Severability

If any part of this ~~rule~~ regulation is held to be unconstitutional or otherwise contrary to law by the court of competent jurisdiction, said portions shall be severed and the remaining portions of this ~~rule~~ regulation shall remain in full force and effect under Delaware law.

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.

DELAWARE STATE FIRE PREVENTION COMMISSION

DELAWARE STATE FIRE PREVENTION COMMISSION

Statutory Authority: 16 Delaware Code, Sections 6604(1) and 6612(l) (16 **Del.C.** §§6604(1) & 6612(l))

FINAL

ORDER

Appendices

In the January 2026 issue of the *Delaware Register of Regulations*, the Delaware State Fire Prevention Commission, pursuant to 16 *Del. C.* § 6604(1), published proposed amendments to the Appendices. The proposed amendments update fee amounts for certain licenses and permits, consistent with recent statutory changes. A written comment period was held open through February 3, 2026. The Commission did not receive any comments.

A quorum of the Commission voted to approve the amendments to the Appendices on March 17, 2026.

An assessment of the impact of the proposed revised regulation on the achievement of the State's greenhouse gas emissions reduction target and the State's resiliency to climate change is not practical for this regulation.

Decision of the Commission

Therefore, the Commission hereby adopts the proposed amendments to the Appendices published in the January 1, 2026, issue of the *Delaware Register of Regulations* as final.

These amendments shall become effective May 11, 2026.

IT IS SO ORDERED, this 17th day of March, 2026, by the Delaware State Fire Prevention Commission:

/s/ Ronald Marvel
Chairperson

William Kelly (absent)
Vice-Chairperson

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/s/ Joseph J. Leonetti, Sr.
Commissioner

/s/ J. David Majewski, Sr.
Commissioner

/s/ Jeffrey Eisenbrey
Commissioner

/s/ Lynn Truitt
Commissioner

/s/ Thomas DiCristofaro
Commissioner

***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 January 2026 issue of the *Register* at page 576 (29 DE Reg. 576). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

<https://regulations.delaware.gov/register/may2026/final/29 DE Reg 931 05-01-26>

DEPARTMENT OF AGRICULTURE

PLANT INDUSTRIES

Statutory Authority: 3 Delaware Code, Section 2904(a) (3 Del.C. §2904(a))
3 DE Admin. Code 806

FINAL

ORDER

806 Regulations for Invasive Plants

NATURE OF THE PROCEEDINGS

Pursuant to its authority under Title 3, Section 2904(a) of the Delaware Code, the Delaware Department of Agriculture ("Department") sought to amend subsections 3.1 and 3.3 of its Regulations for Invasive Plants. The proposed changes also sought to add a new subsection 3.4. The proposed changes to subsection 3.1 included removing Water hyacinth (*Eichhornia crassipes*) from and adding Chinese fountaingrass (*Cenchrus purpurascens*), Chinese silvergrass (*Miscanthus sinensis*), Linden viburnum (*Viburnum dilatatum*), and Mimosa, Silktree (*Albizia julibrissin*) to the Invasive Plant List. The proposed changes to subsection 3.3 included adding the following conditional exemptions to the Invasive Plant List for Chinese fountain and Chinese silvergrass: 1) Praline™ PP30724, Hush Puppy™ PP31027, Cayenne™ PP31097, Etouffee™ PP31062, and Jambalaya™ PP31176 as cultivar exemptions to Chinese fountaingrass and 2) Scout™ PP30402, Bandwidth™ PP29460, High Frequency™ PP34712, and My Fair Maiden™ PP2638 as cultivar exemptions for Chinese silvergrass. The proposed new subsection 3.4 outlines when the Department will begin enforcing additions to the Invasive Plant List. Additional revisions are technical and style changes consistent with the *Delaware Administrative Code Drafting and Style Manual*. Other regulations issued by the Department were not affected by the proposal.

Notice of a public comment period of at least thirty (30) days on the proposed amendments was published in the Delaware *Register of Regulations* for March 1, 2026 in accordance with 29 Del.C. §10118(a). This is the Department of Agriculture's Decision and Order adopting the proposed amendments.

FINDINGS AND CONCLUSIONS

1. Pursuant to 3 Del.C. § 2904(a), the Secretary of the Delaware Department of Agriculture has authority to promulgate regulations regarding invasive and potentially invasive plants.
2. The public was given the required notice of the intention to adopt the proposed amended regulation and was given ample opportunity to provide comments opposing the plan.
3. There were no public comments provided during the written public comment period.

4. Thus, the Secretary of the Department of Agriculture concludes that its consideration of the proposed amended regulation was entirely within his statutory authority and, having received no comments opposed to adoption, is now free to adopt the proposed amended regulation.

5. The Secretary of the Delaware Department of Agriculture has reviewed the regulation and has determined that, if promulgated, the regulation would have a *de minimis* impact on the State's resiliency to climate change because neither implementation nor compliance with the regulation would reasonably involve the increase in greenhouse gas emissions.

DECISION AND ORDER

AND NOW on this 21st day of April 2026, it is hereby ordered that:

1. The proposed amendments to the Regulations for Invasive Plants are adopted;
2. The text of the final regulation shall be in the form attached hereto as Exhibit A, which remain unchanged as initially published in the March 1, 2026 Delaware *Register of Regulations*; and
3. The effective date of this Order is ten days from the date of its publication in the Delaware *Register of Regulations* in accordance with 29 **Del.C.** § 10118(g).

Wm. Donald Clifton II, Secretary
Delaware Department of Agriculture

***Please note that no changes were made to the regulation as originally proposed and published in the March 2026 issue of the *Register* at page 738 (29 DE Reg. 738). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

<https://regulations.delaware.gov/register/may2026/final/29 DE Reg 932 05-01-26>

DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 8906E (14 **Del.C.** §8906E)
14 **DE Admin. Code** 239

FINAL

ORDER

239 Behavioral Health Professional of the Year

I. Summary of the Evidence and Information Submitted

Pursuant to 14 **Del.C.** §8906E, the Delaware Department of Education ("Department") developed amendments to 14 **DE Admin. Code** 239 Behavioral Health Professional of the Year. The Department made changes to several sections in this regulation as well as amended to comply with the *Delaware Administrative Code Drafting and Style Manual*.

Notice of the proposed regulation was published in the *Register of Regulations* on February 1, 2026.

The Department did not receive any written submittal concerning the proposed regulation.

II. ASSESSMENT OF THE IMPACT ON ACHIEVEMENT OF THE STATE'S GREENHOUSE GAS EMISSIONS REDUCTION TARGETS AND RESILIENCY TO CLIMATE CHANGE

The Secretary of Education has reviewed the proposed regulation as required by 29 **Del.C.** §10118(b)(3) and has determined that any assessment of the impact of the proposed regulation is not practical.

III. Findings of Facts

The Department finds that amendments to 14 **DE Admin. Code** 239 Behavioral Health Professional of the Year are necessary. Accordingly, the Department finds that it is appropriate to amend 14 **DE Admin. Code** 239 Behavioral Health Professional of the Year, beyond the amendments made to comply with the *Delaware Administrative Code Drafting and Style Manual*.

IV. Decision to AMEND the Regulation

For the foregoing reasons, the Department concludes that it is appropriate to amend [14 DE Admin. Code 239](#) Behavioral Health Professional of the Year and to conform with the *Delaware Administrative Code Drafting and Style Manual*. Therefore, pursuant to [14 Del.C. §8906E](#), [14 DE Admin. Code 239](#) Behavioral Health Professional of the Year is amended.

V. Text and Citation

The text of [14 DE Admin. Code 239](#) Behavioral Health Professional of the Year is amended, and said regulation shall be cited as [14 DE Admin. Code 239](#) Behavioral Health Professional of the Year in the Administrative Code of Regulations for the Department.

VI. 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 13th day of April 2026

Department of Education
Cynthia Marten, Secretary of Education

***Please note that no changes were made to the regulation as originally proposed and published in the February 2026 issue of the *Register* at page 660 (29 DE Reg. 660). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

<https://regulations.delaware.gov/register/may2026/final/29 DE Reg 933 05-01-26>

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Sections 1305 and 1312(a) (14 Del.C. §§1305 & 1312(a))
14 DE Admin. Code 706

FINAL

ORDER

706 Credit for Experience for Full Time Active Duty Service in the Armed Forces**I. Summary of the Evidence and Information Submitted**

Pursuant to [14 Del.C. §§1305](#) and [1312\(a\)](#), the Delaware Department of Education (“Department”) developed amendments to [14 DE Admin. Code 706](#) Credit for Experience for Full Time Active Duty Service in the Armed Forces. The Department made significant changes to Section 3.0 in this regulation and amended it to comply with the *Delaware Administrative Code Drafting and Style Manual*.

Notice of the proposed regulation was published in the *Register of Regulations* on October 1, 2025, and February 1, 2026.

The Department did not receive any written submittal concerning the most recent proposed regulation. Amendments were made to the regulation based on previous comments received in the initial posting of the proposed regulation.

II. ASSESSMENT OF THE IMPACT ON ACHIEVEMENT OF THE STATE’S GREENHOUSE GAS EMISSIONS REDUCTION TARGETS AND RESILIENCY TO CLIMATE CHANGE

The Secretary of Education has reviewed the proposed regulation as required by [29 Del.C. §10118\(b\)\(3\)](#) and has determined that any assessment of the impact of the proposed regulation is not practical.

III. Findings of Facts

The Department finds that amendments to [14 DE Admin. Code 706](#) Credit for Experience for Full Time Active Duty Service in the Armed Forces are necessary. Accordingly, the Department finds that it is appropriate to amend [14 DE](#)

Admin. Code 706 Credit for Experience for Full Time Active Duty Service in the Armed Forces, beyond the amendments made to comply with the *Delaware Administrative Code Drafting and Style Manual*.

IV. Decision to AMEND the Regulation

For the foregoing reasons, the Department concludes that it is appropriate to amend **14 DE Admin. Code 706** Credit for Experience for Full Time Active Duty Service in the Armed Forces and to conform with the *Delaware Administrative Code Drafting and Style Manual*. Therefore, pursuant to **14 Del.C. §§1305** and **1312(a)**, **14 DE Admin. Code 706** Credit for Experience for Full Time Active Duty Service in the Armed Forces is amended.

V. Text and Citation

The text of **14 DE Admin. Code 706** Credit for Experience for Full Time Active Duty Service in the Armed Forces is amended, and said regulation shall be cited as **14 DE Admin. Code 706** Credit for Experience for Full Time Active Duty Service in the Armed Forces in the Administrative Code of Regulations for the Department.

VI. 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 13th day of April 2026

Department of Education
Cynthia Marten, Secretary of Education

***Please note that no changes were made to the regulation as originally proposed and published in the February 2026 issue of the *Register* at page 668 (29 DE Reg. 668). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

<https://regulations.delaware.gov/register/may2026/final/29 DE Reg 934 05-01-26>

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 122(b)(2) (14 **Del.C.** §122(b)(2))
14 DE Admin. Code 877

FINAL

ORDER

877 Tobacco and Smoking Policy

I. Summary of the Evidence and Information Submitted

Pursuant to **14 Del.C. §122(b)(2)**, the Delaware Department of Education (“Department”) developed amendments to **14 DE Admin. Code 877** Tobacco and Smoking Policy. The Department made significant changes to this regulation and amended it to comply with the *Delaware Administrative Code Drafting and Style Manual*.

Notice of the proposed regulation was published in the *Register of Regulations* on December 1, 2025, and March 1, 2026.

The Department received one written submittal concerning the most recent proposed regulation. The written submittal was from the American Lung Association complimenting the Department for the amendments to the regulation.

II. ASSESSMENT OF THE IMPACT ON ACHIEVEMENT OF THE STATE’S GREENHOUSE GAS EMISSIONS REDUCTION TARGETS AND RESILIENCY TO CLIMATE CHANGE

The Secretary of Education has reviewed the proposed regulation as required by **29 Del.C. §10118(b)(3)** and has determined that any assessment of the impact of the proposed regulation is not practical.

III. Findings of Facts

The Department finds that amendments to [14 DE Admin. Code 877](#) Tobacco and Smoking Policy are necessary. Accordingly, the Department finds that it is appropriate to amend [14 DE Admin. Code 877](#) Tobacco and Smoking Policy, beyond the amendments made to comply with the *Delaware Administrative Code Drafting and Style Manual*.

IV. Decision to AMEND the Regulation

For the foregoing reasons, the Department concludes that it is appropriate to amend [14 DE Admin. Code 877](#) Tobacco and Smoking Policy and to conform with the *Delaware Administrative Code Drafting and Style Manual*. Therefore, pursuant to [14 Del.C. §122\(b\)\(2\)](#), [14 DE Admin. Code 877](#) Tobacco and Smoking Policy is amended.

V. Text and Citation

The text of [14 DE Admin. Code 877](#) Tobacco and Smoking Policy is amended, and said regulation shall be cited as [14 DE Admin. Code 877](#) Tobacco and Smoking Policy in the Administrative Code of Regulations for the Department.

VI. 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 13th day of April 2026

Department of Education
Cynthia Marten, Secretary of Education

*Please note that no changes were made to the regulation as originally proposed and published in the March 2026 issue of the *Register* at page 744 (29 DE Reg. 744). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:

<https://regulations.delaware.gov/register/may2026/final/29 DE Reg 935 05-01-26>

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 135 (14 [Del.C. §135](#))
14 [DE Admin. Code 931](#)

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ORDER

931 Purple Star Schools

I. Summary of the Evidence and Information Submitted

Pursuant to [14 Del.C. §135](#), the Delaware Department of Education (“Department”) developed amendments to [14 DE Admin. Code 931](#) Purple Star Schools. The Department made minor changes to this regulation as well as amended to comply with the *Delaware Administrative Code Drafting and Style Manual*.

Notice of the proposed regulation was published in the *Register of Regulations* on February 1, 2026.

The Department did not receive any written submittal concerning the proposed regulation.

II. ASSESSMENT OF THE IMPACT ON ACHIEVEMENT OF THE STATE’S GREENHOUSE GAS EMISSIONS REDUCTION TARGETS AND RESILIENCY TO CLIMATE CHANGE

The Secretary of Education has reviewed the proposed regulation as required by [29 Del.C. §10118\(b\)\(3\)](#) and has determined that any assessment of the impact of the proposed regulation is not practical.

III. Findings of Facts

The Department finds that amendments to [14 DE Admin. Code 931](#) Purple Star Schools are necessary. Accordingly, the Department finds that it is appropriate to amend [14 DE Admin. Code 931](#) Purple Star Schools, beyond the amendments made to comply with the *Delaware Administrative Code Drafting and Style Manual*.

IV. Decision to AMEND the Regulation

For the foregoing reasons, the Department concludes that it is appropriate to amend [14 DE Admin. Code 931](#) Purple Star Schools and to conform with the *Delaware Administrative Code Drafting and Style Manual*. Therefore, pursuant to [14 Del.C. §135](#), [14 DE Admin. Code 931](#) Purple Star Schools is amended.

V. Text and Citation

The text of [14 DE Admin. Code 931](#) Purple Star Schools is amended, and said regulation shall be cited as [14 DE Admin. Code 931](#) Purple Star Schools in the Administrative Code of Regulations for the Department.

VI. 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 13th day of April 2026

Department of Education
Cynthia Marten, Secretary of Education

***Please note that no changes were made to the regulation as originally proposed and published in the February 2026 issue of the *Register* at page 670 (29 DE Reg. 670). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

<https://regulations.delaware.gov/register/may2026/final/29 DE Reg 936 05-01-26>

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DIVISION OF PUBLIC HEALTH

Statutory Authority: 16 Delaware Code, Section 203 (16 Del.C. §203)
[16 DE Admin. Code 4101](#)

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ORDER

4101 Birth Defect Surveillance and Registry Program

NATURE OF THE PROCEEDINGS:

Pursuant to [16 Del.C. §203](#), the Delaware Department of Health and Social Services (“DHSS”), Division of Public Health (Agency) published proposed regulation 4101 Birth Defect Surveillance and Registry Program on February 1, 2026 (29 DE Reg. 674). Revisions included technical changes to bring the regulation into compliance with the *Delaware Administrative Code Style Manual*, updates to Appendix A (Delaware Birth Defects Registry Reportable Diagnoses), and Appendix B (Registry Reporting Form).

The Division of Public Health requested that written materials and suggestions from the public concerning the proposed regulation be delivered to DHSS by March 3, 2026, after which time DHSS would review information, factual evidence, and public comment on the proposed regulation.

SUMMARY OF EVIDENCE:

Written comments were accepted on the proposed regulation during the public comment period (February 1, 2026 through March 3, 2026). Public comments were submitted by Bradley Iseminger, on behalf of Susannah Eaton-Ryan, Chairperson, State Council for Persons with Disabilities, suggesting the Agency reconsider the repeated use of the term

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“surveillance”. The Agency appreciates and acknowledges the comments that were submitted. A change at this time would create inconsistency with other Division regulations, but we will consider related updates in the future.

IMPACT ON THE STATE’S GREENHOUSE GAS EMISSIONS REDUCTION TARGETS AND RESILIENCY TO CLIMATE CHANGE:

Division of Public Health Director Steven Blessing has reviewed the proposed regulation as required by [29 Del.C. §10118\(b\)\(3\)](#) and has determined that if promulgated, the regulation would have a *de minimis* impact on the State’s resiliency to climate change because neither implementation nor compliance with the regulation would reasonably involve the increase in greenhouse gas emissions.

FINDINGS OF FACT:

After reviewing the evidence and public comments, the Agency determined no changes would be made to the regulation since publication as proposed. DHSS finds that the proposed regulation, as set forth in the attached copy, should be adopted in the best interest of the public of the State of Delaware.

THEREFORE, IT IS ORDERED that the proposed amendments to regulation 4101 Birth Defect Surveillance and Registry Program shall become effective May 11, 2026, 10 days after publication of the final regulation in the *Delaware Register of Regulations*.

4/9/2026

Date

Christen Linke Young
Cabinet Secretary
Delaware Department of Health and Social Services

***Please note that no changes were made to the regulation as originally proposed and published in the February 2026 issue of the *Register* at page 674 (29 DE Reg. 674). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

<https://regulations.delaware.gov/register/may2026/final/29 DE Reg 937 05-01-26>

DIVISION OF PUBLIC HEALTH

Statutory Authority: 16 Delaware Code, Section 122(3)u.1. (16 **Del.C.** §122(3)u.1.)
16 **DE Admin. Code** 4458A

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ORDER

4458A Cottage Food Regulations

NATURE OF THE PROCEEDINGS:

Pursuant to 16 **Del.C.** §§122(3)u.1., the Delaware Department of Health and Social Services (“DHSS”), Division of Public Health (“DPH”) published proposed revisions to 4458A Cottage Food Regulations on February 1, 2026 (29 **DE Reg.** 675). Changes included revisions to guidelines for permits and other technical edits to bring the regulation into compliance with the *Delaware Administrative Code Style Manual (May 2025 Edition)*.

DPH requested that written materials and suggestions from the public concerning the proposed regulation be delivered to DHSS by March 3, 2026, after which time DHSS would review information, factual evidence, and public comment on the proposed regulation.

SUMMARY OF EVIDENCE:

Written comments were accepted on the proposed regulation during the public comment period (February 1, 2026 through March 3, 2026). No public comments were received.

IMPACT ON THE STATE'S GREENHOUSE GAS EMISSIONS REDUCTION TARGETS AND RESILIENCY TO CLIMATE CHANGE:

DPH Director Steven Blessing has reviewed the proposed regulation as required by [29 Del.C. §10118\(b\)\(3\)](#) and has determined that if promulgated, the regulation would have a *de minimis* impact on the State's resiliency to climate change because neither implementation nor compliance with the regulation would reasonably involve the increase in greenhouse gas emissions.

FINDINGS OF FACT:

No changes were made to the regulation since publication as proposed. DHSS finds that the proposed regulation, as set forth in the attached copy, should be adopted in the best interest of the public of the State of Delaware.

THEREFORE, IT IS ORDERED that the proposed amendments to 4458A Cottage Food Regulations shall become effective May 11, 2026, 10 days after publication of the final regulation in the *Delaware Register of Regulations*.

4/8/26

Date

Christen Linke Young
Cabinet Secretary
Delaware Department of Health and Social Services

***Please note that no changes were made to the regulation as originally proposed and published in the February 2026 issue of the *Register* at page 675 (29 DE Reg. 675). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

<https://regulations.delaware.gov/register/may2026/final/29 DE Reg 938 05-01-26>

DEPARTMENT OF STATE

DIVISION OF PROFESSIONAL REGULATION

Delaware Manufactured Home Installation Board

Statutory Authority: 24 Delaware Code, Section 4416(b)(1) (24 **Del.C.** §4416(b)(1))
24 **DE Admin. Code** 4400

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ORDER

4400 Delaware Manufactured Home Installation Board

After due notice in the Delaware Register of Regulations and two Delaware newspapers, a public hearing was held on October 13, 2025, at a scheduled meeting of the Delaware Manufactured Home Installation Board ("Board") to receive comments regarding proposed amendments to the Board's regulation. Specifically, the Board proposes to add subsection 5.4, which provides that the Board proposes to accept a passing score on the United States Department of Housing and Urban Development's certification course final examination in lieu of the State's otherwise-designated examination. Proposed amendments to section 7.0 modify the process and requirements for entering and maintaining inactive licensure status. The other proposed amendments reflect corrections to embedded links and technical and style changes consistent with the *Delaware Administrative Code Drafting and Style Manual*.

The proposed amendments were published on page 441 of the December 1, 2024 issue of the *Delaware Register of Regulations* (28 **DE Reg.** 441(12/01/24)). The Board planned to hold a hearing on January 13, 2025, but the hearing was cancelled, as was the scheduled hearing on April 14, 2025 (28 **DE Reg.** 613 (02/01/25)). The Board published a general notice in the *Delaware Register of Regulations*, Volume 29, Issue 3, on September 1, 2025, giving notice of an October 13, 2025 public hearing at 9:00 a.m. Notice of the hearing was also published in the *News Journal* (Board Exhibit 1) and the *Delaware State News* (Board Exhibit 2). Pursuant to 29 **Del.C.** § 10118(a), the date to receive final written comments was October 28, 2025, 15 days following the public hearing. The Board deliberated on the proposed amendments at its regularly scheduled meeting on January 12, 2026.

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.

At the public hearing on October 13, 2025, no public comment was received.

No written comments were submitted.

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 regulation. No comments were received.

Pursuant to 28 **Del.C.** § 4416(b)(1), the Board has the statutory authority to promulgate rules and regulations in accordance with the procedures specified in the Administrative Procedures Act. The Board finds reason to amend its regulation as proposed.

The Board has reviewed the proposed regulation as required by 29 **Del.C.** § 10118(b)(3) and has determined that if promulgated, the regulation would have a de minimis impact on the State's resiliency to climate change because neither implementation nor compliance with the regulation would reasonably involve the increase in greenhouse gas emissions.

Decision and Effective Date

The Board hereby adopts the changes to the regulation as proposed, to be effective 10 days following publication of this Order in the *Register of Regulations*. The new regulation is attached.

IT IS SO ORDERED this 13th day of April 2026.

Delaware Manufactured Home Installation Board

/s/ Adam L. Rones
Adam L. Rones, Installer

/s/ Anderson E. Wright
Anderson E. Wright, Inspector

/s/ John A. Campanella
John A. Campanella, Public Member

/s/ Michael W. Gray
Michael W. Gray, Public Member

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

***Please note that no changes were made to the regulation as originally proposed and published in the December 2024 issue of the *Register* at page 441 (28 DE Reg. 441). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

<https://regulations.delaware.gov/register/may2026/final/29 DE Reg 939 05-01-26>

DEPARTMENT OF TRANSPORTATION

DIVISION OF TRANSPORTATION SOLUTIONS

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

GENERAL NOTICE

NOTICE

Senate Bill 89 as amended by Senate Amendment 1 – The Oaks - Millsboro

March 31, 2026

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 The Oaks Subdivision in Millsboro

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

CALENDAR OF EVENTS/HEARING NOTICES

DEPARTMENT OF EDUCATION STATE BOARD OF EDUCATION PUBLIC NOTICE Notice of Monthly Meeting

The State Board of Education meets monthly, generally at 5 p.m. on the third Thursday of the month. These meetings are open to the public. The Board rotates locations of regular meetings among the 3 counties. The State Board of Education provides information about meeting dates and times, materials, minutes, and audio recordings on its website: <https://education.delaware.gov/community/governance/state-board-of-education/sbe-monthly-meetings/>

DEPARTMENT OF HEALTH AND SOCIAL SERVICES DIVISION OF MEDICAID AND MEDICAL ASSISTANCE PUBLIC NOTICE 5000 Fair Hearing Practice and Procedures

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

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 by mail to Planning and Policy Unit, Division of Medicaid and Medical Assistance, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906; by email to DHSS_DMMA_Publiccomment@Delaware.gov; or by fax to 302-255-4413 by 4:30 p.m. on June 1, 2026. Please identify in the subject line: Fair Hearing Part 1

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 HEALTH AND SOCIAL SERVICES DIVISION OF MEDICAID AND MEDICAL ASSISTANCE PUBLIC NOTICE 14000 Medicaid General Eligibility Requirements

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

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 by mail to Planning and Policy Unit, Division of Medicaid and Medical Assistance, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906; by email to DHSS_DMMA_Publiccomment@Delaware.gov; or by fax to 302-255-4413 by 4:30 p.m. on June 1, 2026. Please identify in the subject line: Fair Hearing Part 2

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.

CALENDAR OF EVENTS/HEARING NOTICES

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DEPARTMENT OF STATE
DIVISION OF PROFESSIONAL REGULATION
Board of Medical Licensure and Discipline
PUBLIC NOTICE
1770 Respiratory Care Practice Advisory Council

The Delaware Respiratory Care Practice Advisory Council of the Board of Medical Licensure and Discipline, pursuant to 24 **Del.C.** § 1775(c), proposes to amend its rules and regulations. The proposed regulation changes clarify when students are qualified to practice as working student respiratory care practitioners and set forth the parameters under which such practice may occur. The proposed changes also eliminate provisions which are duplicative of the statute and implement grammar and style changes to comply with the *Delaware Administrative Code Drafting and Style Manual*.

The Council will hold a public hearing on the proposed regulation changes on July 8, 2026 at 3:00 p.m., both virtually and in-person. The in-person hearing will take place at the Second Floor Conference Room B, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904, and the virtual link will be published on the meeting agenda at least seven days prior to the hearing. Written comments should be sent to Alison Warren, Administrative Specialist of the Delaware Board of Medical Licensure and Discipline, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments will be accepted until July 23, 2026 pursuant to 29 **Del.C.** § 10118(a).

DEPARTMENT OF STATE
DIVISION OF PROFESSIONAL REGULATION
Board of Veterinary Medicine
PUBLIC NOTICE
3300 Board of Veterinary Medicine

Pursuant to 24 **Del.C.** §3306(a)(1), the Delaware Board of Veterinary Medicine ("Board") has proposed revisions to its regulation. The amendments add a new Section 18.0 to set forth the requirements for the use of telemedicine in the practice of veterinary medicine. In addition, technical and style changes have been made to ensure consistency with the *Delaware Administrative Code Drafting and Style Manual*.

In accordance with 29 **Del.C.** §10116, persons wishing to submit written comments, suggestions, or other materials regarding the proposed regulation should direct them to the Board, Attn: Theresa Trotta, Administrative Specialist for the Board, 861 Silver Lake Boulevard, Dover, DE 19904, or by email to theresa.trotta@delaware.gov. Any written submission in response to this Notice or the proposed regulation must be received by the Board no later than 4:30 on June 1, 2026. A copy of the proposed regulation may be obtained from the Board of Veterinary Medicine, 861 Silver Lake Boulevard, Dover, DE 19904.

DEPARTMENT OF STATE
DIVISION OF PROFESSIONAL REGULATION
Board of Social Work Examiners
PUBLIC NOTICE
3900 Board of Social Work Examiners

Pursuant to 24 **Del.C.** §3906(a)(1), the Delaware Board of Social Work Examiners ("Board") has proposed revisions to its regulation. The amendments update the roles of the Board officers, the election of officers, and the standards for use of a non-licensed clinical social worker for clinical supervision. In addition, technical and style changes have been made to ensure consistency with the *Delaware Administrative Code Drafting and Style Manual*.

CALENDAR OF EVENTS/HEARING NOTICES

In accordance with [29 Del.C. §10116](#), persons wishing to submit written comments, suggestions, or other materials regarding the proposed regulation should direct them to the Board, Attn: Jennifer Jacoby, Administrative Specialist for the Board, 861 Silver Lake Boulevard, Dover, DE 19904, or by email to jennifer.jacoby@delaware.gov. Any written submission in response to the Notice or the proposed regulation must be received by the Board no later than 4:30 p.m. on June 1, 2026. A copy of the proposed regulation may be obtained from the Board of Social Work Examiners, 861 Silver Lake Boulevard, Dover DE 19904.

DEPARTMENT OF TRANSPORTATION DELAWARE TRANSIT CORP - DART PUBLIC NOTICE 2287 Public Carrier Regulations

In compliance with the State's Administrative Procedures Act (Title 29, Chapter 101 of the Delaware Code) and under the authority of 2 **Del. C.** §1802(b), the Department of Transportation, Delaware Transit Corporation ("Department") proposes to amend its regulations for public carrier law as described in 2 **Del. C.** Ch. 18.

In accordance with [29 Del.C. §10116](#), persons wishing to submit written comments, suggestions, briefs, and compilations of data or other written materials concerning the proposed modifications should direct them to the following address:

Raymond Banks
Delaware Transit Corporation
Office of Public Carrier
119 Lower Beech Street
Wilmington, DE 19805

Comments may also be directed via electronic mail to raymond.banks@delaware.gov. Any written submission in response to this notice and relevant to the proposed rules must be received by the above contact no later than 4 p.m. EST, June 1, 2026.

DEPARTMENT OF TRANSPORTATION DELAWARE TRANSIT CORP - DART PUBLIC NOTICE 2289 Transportation Network Companies

In compliance with the State's Administrative Procedures Act (Title 29, Chapter 101 of the Delaware Code) and under the authority of [21 Del.C. §302](#) and 2 **Del. C.** §1922, the Department of Transportation, Delaware Transit Corporation ("Department") proposes to amend its regulations for transportation network law as described in 2 **Del. C.** Ch. 19.

In accordance with [29 Del.C. §10116](#), persons wishing to submit written comments, suggestions, briefs, and compilations of data or other written materials concerning the proposed modifications should direct them to the following address:

Raymond Banks
Delaware Transit Corporation
Office of Public Carrier
119 Lower Beech Street
Wilmington, DE 19805

Comments may also be directed via electronic mail to raymond.banks@delaware.gov. Any written submission in response to this notice and relevant to the proposed rules must be received by the above contact no later than 4 p.m. EST, June 1, 2026.
