
Delaware Register of Regulations

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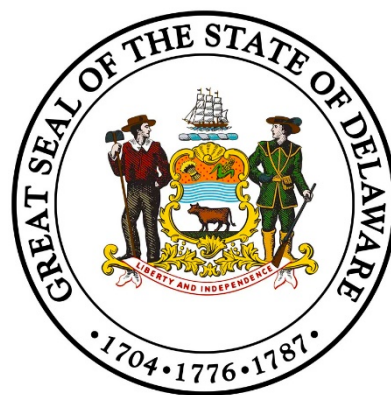
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Pursuant to 29 Del.C. Chapter 11, Subchapter III, this issue of the *Register* contains all documents required to be published, and received, on or before February 15, 2026.

Cover Photo
Legislative Hall

INFORMATION ABOUT THE DELAWARE REGISTER OF REGULATIONS

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The *Delaware Register* will publish any regulations that are proposed to be adopted, amended, or repealed and any emergency regulations promulgated.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other interested parties may participate in the process by which administrative regulations are adopted, amended, or repealed, and may initiate the process by which the validity and applicability of regulations is determined.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shall file notice and full text of the proposals as they relate to the existing regulation being adopted, amended, or repealed, with the Registrar for publication in the *Register of Regulations* pursuant to 29 **Del.C.** §1134.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

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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
April 1	March 16	4:30 p.m.
May 1	April 15	4:30 p.m.
June 1	May 15	4:30 p.m.
July 1	June 15	4:30 p.m.
August 1	July 15	4:30 p.m.
September 1	August 17	4:30 p.m.

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DEPARTMENT OF STATE

DIVISION OF PROFESSIONAL REGULATION

Board of Dentistry and Dental Hygiene

Statutory Authority: 24 Delaware Code, Sections 1106(a)(1) and 1106(a)(17) (24 Del.C.

§§1106(a)(1) and (17))

24 DE Admin. Code 1100

ERRATA

1100 Board of Dentistry and Dental Hygiene

* **Please Note:** The Department of State, Division of Professional Regulation, proposed regulation for 1100 Board of Dentistry and Dental Hygiene was published in the December 01, 2025 issue of the *Delaware Register of Regulations* (29 DE Reg 505 (12/01/25)). The language and formatting for amendments in certain provisions were inadvertently published incorrectly.

Subsection 2.1.1 was published as:

- 2.1.1 Those procedures which require professional judgement and skill, such as diagnosis and treatment planning, and the cutting of hard ~~and/or~~ or soft tissues, or any intra-oral procedure which would lead to the fabrication of an appliance ~~and/or~~ or restoration which, when received by the patient, would come in direct contact with hard or soft tissue and which could result in tissue irritation or injury. These procedures must be performed by a licensed dentist.

Subsection 2.1.1 should have been published as:

- 2.1.1 Those procedures which require professional judgement and skill, such as diagnosis and treatment planning, and the cutting of hard ~~and/or~~ or soft tissues, or any intra-oral procedure which would lead to the fabrication of an appliance ~~and/or~~ or restoration which, when received by the patient, would come in direct contact with hard or soft tissue and which could result in tissue irritation or injury. These procedures must be performed by a licensed dentist.

Subsection 6.7.1 was published as:

- 6.7.1 An exception will be granted to any s who can demonstrate to the Board an acceptable cause as to why ~~he/she/they~~ should be relieved of this obligation. Exemptions will be granted only in unusual or extraordinary circumstances. Licensees must petition the Board for exemptions. Should the Board deny the request, the licensee must complete the requirements. Examples of circumstances for which the Board might grant exemptions include prolonged illness, extended absence from the country, or the like.

Subsection 6.7.1 should have been published as:

- 6.7.1 An exception will be granted to any ~~dentist~~ dentists who can demonstrate to the Board an acceptable cause as to why ~~he/she/they~~ should be relieved of this obligation. Exemptions will be granted only in unusual or extraordinary circumstances. Licensees must petition the Board for exemptions. Should the Board deny the request, the licensee must complete the requirements. Examples of circumstances for which the Board might grant exemptions include prolonged illness, extended absence from the country, or the like.

Subsection ~~40.6.2.4~~ 10.6.3 was published as:

- ~~40.6.2.10.6.3~~ 10.6.3 The appeal panel may only consider documents, radiographs, and materials submitted during the examination that remain in the possession of the Board. The panel will not consider documentation or evidence that was not part of the examination, including opinions of the candidate or any other party, academic records, or letters of reference. The panel will not consider radiographs, photographs, or models of a patient taken after the completion of the examination.

Subsection ~~10.6.2.1~~10.6.3 should have been published as:

~~10.6.2.1~~10.6.3 The appeal panel may only consider documents, radiographs, and materials submitted during the examination that remain in the possession of the Board. The panel will not consider documentation or evidence that was not part of the examination, including opinions of the candidate or any other party, academic records, or letters of reference. The panel will not consider radiographs, photographs, or models of a patient taken after the completion of the examination.

Certain language in Section 11.0 was published as:

~~“Substantially similar crimes in another state or jurisdiction”~~ Substantially similar crimes in another state or jurisdiction includes all crimes prohibited by or punishable under Title 18 of the United States Code Annotated (U.S.C.A.) such as, ~~but not limited to,~~as Federal Health Care offenses.

That language in Section 11.0 should have been published as:

~~“Substantially similar crimes in another state or jurisdiction”~~ Substantially similar crimes in another state or jurisdiction includes all crimes prohibited by or punishable under Title 18 of the United States Code Annotated (U.S.C.A.) such as, ~~but not limited to,~~as Federal Health Care offenses.

This regulation is corrected and being published as a final regulation in the March 2026 *Register*.

DIVISION OF PROFESSIONAL REGULATION Board of Occupational Therapy Practice

Statutory Authority: 24 Delaware Code, Section 2006(a)(1) (24 **Del.C.** §2006(a)(1))
24 **DE Admin. Code** 2000

ERRATA

2000 Board of Occupational Therapy

* **Please Note:** The Department of State, Division of Professional Regulation, proposed regulation for 2000 Board of Occupational Therapy Practice was published in the August 01, 2025 issue of the *Delaware Register of Regulations* (29 **DE Reg.** 102 (08/01/25)). Subsection 3.6.8.1 was inadvertently published incorrectly.

Subsection 3.6.8.1 was published as:

3.6.8.1 Serve as the primary or co-presenter at a state, national, or international workshop, seminar, or conference. Credit is available 1 time per presentation per topic. 1 hour = 2 CEUs. Documentation for a presentation shall be a copy of the presentation and a copy of the program listing that includes the presenter name, times and title of the presentation.

Subsection 3.6.8.1 should have been published as:

3.6.8.1 Serve as the primary or co-presenter at a state, national, or international workshop, seminar, or conference. One Credit is available 1 time per presentation per topic. 1 hour = 2 CEUs. Documentation for a presentation shall be a copy of the presentation and a copy of the program listing that includes the presenter name, times and title of the presentation.

This regulation is corrected and being published as a final regulation in the March 2026 *Register*.

Symbol Key

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

Proposed Regulations

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

DEPARTMENT OF AGRICULTURE

PLANT INDUSTRIES

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

PROPOSED

PUBLIC NOTICE

806 Regulations for Invasive Plants

Summary

The Delaware Department of Agriculture ("Department") proposes to amend its Regulation adopted in accordance with Title 3, Section 2904(a) of the Delaware Code. The proposed changes include amendments to subsections 3.1 and 3.3, as well as the addition of subsection 3.4. The proposed changes to subsection 3.1 include removing Water hyacinth (*Eichhornia crassipes*) from and adding Chinese fountaingrass (*Cenchrus purpurascens*), Chinese silvergrass (*Miscanthus sinensis*), Linden viburnum (*Viburnum dilatatum*), and Mimosa, Silk tree (*Albizia julibrissin*) to the Invasive Plant List. The proposed changes to subsection 3.3 include 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 changes also include a new subsection 3.4 outlining when the Department will begin enforcing additions to the Invasive Plant List. Other regulations issued by the Department are not affected by this proposal. The Department is issuing this proposed regulation in accordance with Title 3 of the Delaware Code. This notice is issued pursuant to the requirements of Chapter 101 of Title 29 of the Delaware Code.

Comments

A copy of the proposed regulation is being published in the March 1, 2026 edition of the *Delaware Register of Regulations*. A copy is also on file in the office of the Delaware Department of Agriculture, 2320 South DuPont Highway, Dover, Delaware 19901 and is available for inspection during regular office hours. Copies are also published online at the *Register of Regulations* website: https://regulations.delaware.gov/register/current_issue.shtml.

Interested parties may offer written comments on the proposed regulations or submit written suggestions, data, briefs or other materials to the Delaware Department of Agriculture at the above address as to whether this proposed regulation should be adopted, rejected or modified. Pursuant to [29 Del.C. §10118\(a\)](#), public comments must be received on or before March 31, 2026. Written materials submitted will be available for inspection at the above address.

***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/march2026/proposed/29 DE Reg 738RFA 03-01-26.pdf>

806 Regulations for Invasive Plants

1.0 Purpose

- 1.1 The purpose of ~~these regulations~~ this regulation is to clarify how the Department will eradicate, repress, and prevent the spread of plant pests as authorized in Title 3, Chapter 11 of the Delaware Code.
- 1.2 The Department will work with the Delaware Native Species Commission for expertise and advice on maintaining the Invasive Plant List and Plant Watch list and review of sterility exemption.
- 1.3 The Department will be responsible for enforcement of the Invasive Plant Law during routine inspections of businesses or inspections resulting from a complaint. During inspections, the Department will survey for plants on the Invasive Plant List and ensure businesses' compliance with signage requirements for plants on the Plant Watch List.

2.0 Definitions

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

"Annual" means a plant that completes its life cycle, from germination to the production of seeds, within 1 growing season, and then dies.

"Commission" means the Delaware Native Species Commission.

"Cultivar" means a plant variety that has been produced in cultivation by selective breeding.

"Department" means the Delaware Department of Agriculture.

"Invasive plant" means any living part, cultivar, variety, species or subspecies not native to Delaware identified by the Secretary having the potential to do all of the following:

- a. Result in widespread dispersal and establishment.
- b. Out-compete other species in the same area.
- c. Exhibit rapid growth or high seed or propagule productions.
- d. Become established in natural areas in the State.

"Invasive Plant List" means the list of invasive plants maintained by the Secretary.

"Perennial" means a plant that lives more than 2 years with little or no woody growth.

"Plant Watch List" means the list of potentially invasive plants maintained by the Secretary.

"Secretary" means the Secretary of the Delaware Department of Agriculture.

"Sterility" means unable to produce reproductive structures.

"Woody ornamental" means a plant, including trees and shrubs, that produces wood as its structural tissue and survives the winter above ground.

3.0 The Invasive Plant List, Plant Watch List, and the Exemptions to the Invasive Plant List

- 3.1 The Invasive Plant List. Conditionally exempt cultivars are listed in subsection 3.3.

3.1.1 Amur honeysuckle, *Lonicera maackii*

3.1.2 Autumn olive, *Elaeagnus umbellata*

3.1.3 Callery pear, *Pyrus calleryana*

3.1.4 Chinese fountaingrass, *Cenchrus purpurascens*, syn. *Pennisetum alopecuroides*

3.1.5 Chinese silvergrass, *Miscanthus sinensis*

3.1.6 Chinese wisteria, *Wisteria sinensis*

3.1.7 Creeping water primrose, *Ludwigia peploides* subsp. *glabrescens*

3.1.8 English ivy, *Hedera helix*

3.1.9 European privet, *Ligustrum vulgare*

3.1.10 European reed, *Phragmites australis* subsp. *australis*

3.1.11 European sweetflag, *Acorus calamus*

3.1.12 Garlic mustard, *Alliaria petiolata*

- 3.1.143.1.13 Hydrilla, *Hydrilla verticillata*
3.1.123.1.14 Japanese barberry, *Berberis thunbergii*
3.1.133.1.15 Japanese honeysuckle, *Lonicera japonica*
3.1.143.1.16 Japanese knotweed, *Fallopia japonica*
3.1.153.1.17 Japanese pachysandra, *Pachysandra terminalis*
3.1.163.1.18 Japanese stiltgrass, *Microstegium vimineum*
3.1.173.1.19 Lesser celandine, *Ficaria verna*
3.1.183.1.20 Lesser periwinkle, *Vinca minor*
3.1.21 Linden viburnum, *Viburnum dilatatum*
3.1.193.1.22 Marsh dewflower, *Murdannia keisak*
3.1.203.1.23 Mile-a-minute weed, *Persicaria perfoliata*
3.1.24 Mimosa, Silktree, *Albizia julibrissin*
3.1.243.1.25 Morrow's honeysuckle, *Lonicera morrowii*
3.1.223.1.26 Multiflora rose, *Rosa multiflora*
3.1.233.1.27 Norway maple, *Acer platanoides*
3.1.243.1.28 Orange daylily, *Hemerocallis fulva*
3.1.253.1.29 Oriental bittersweet, *Celastrus orbiculatus*
3.1.263.1.30 Parrot-feather, *Myriophyllum aquaticum*
3.1.273.1.31 Porcelain berry, *Ampelopsis glandulosa*
3.1.283.1.32 Purple loosestrife, *Lythrum salicaria*
3.1.293.1.33 Spotted knapweed, *Centaurea stoebe subsp. micranthos*
3.1.303.1.34 Tatarian honeysuckle, *Lonicera tatarica*
3.1.313.1.35 Tree of heaven, *Ailanthus altissima*
3.1.32 ~~Water hyacinth, *Eichhornia crassipes*~~
3.1.333.1.36 Wineberry, *Rubus phoenicolasius*
3.1.343.1.37 Winged euonymus, *Euonymus alatus*
3.1.353.1.38 Yam-leaved clematis, *Clematis terniflora*
3.1.363.1.39 Yellow flag iris, *Iris pseudoacorus*
- 3.2 The Plant Watch List. Plants listed on the Plant Watch List must be identified with a tag, label, or sign on each plant or in the general vicinity of the plants for sale.
- 3.2.1 Creeping Jenny, *Lysimachia nummularia*
- 3.3 Exemptions to the Invasive Plant List.
- 3.3.1 The following cultivars of Chinese fountaingrass, *Cenchrus purpurascens*, syn. *Pennisetum alopecuroides*, are conditionally exempted from subsection 3.1.4 of the Invasive Plant List by the Department:
- 3.3.1.1 Praline™ PP30724
3.3.1.2 Hush Puppy™ PP31027
3.3.1.3 Cayenne™ PP31097
3.3.1.4 Etouffee™ PP31062
3.3.1.5 Jambalaya™ PP31176
- 3.3.2 The following cultivars of Chinese silvergrass, *Miscanthus sinensis*, are conditionally exempted from subsection 3.1.5 of the Invasive Plant List by the Department:
- 3.3.2.1 Scout™ PP30402
3.3.2.2 Bandwidth™ PP29460
3.3.2.3 High Frequency™ PP34712
3.3.2.4 My Fair Maiden™ PP26387
- 3.3.13.3.3 The following cultivars of Japanese barberry, *Berberis thunbergia*, are conditionally exempted from subsection 3.1.423.1.14 of the Invasive Plant List by the Department:
- 3.3.1.13.3.3.1 'UCONNBTC4N'; Trademark Name - Crimson Cutie
3.3.1.23.3.3.2 'UCONNBTC4N'; Trademark Name - Lemon Cutie
3.3.1.33.3.3.3 'UCONNBTC4N'; Trademark Name - Lemon Glow
- 3.4 The Department will begin enforcement action for additions to the Invasive Plant List as follows:
- 3.4.1 Annuals – 1 year from effective date.
3.4.2 Perennials – 2 years from effective date.
3.4.3 Woody ornamentals – 3 years from effective date.

4.0 Maintenance of the Invasive Plant List and Plant Watch List

- 4.1 The Secretary shall maintain the Invasive Plant List and Plant Watch List with the advice of the Commission, so long as the Commission exists.
- 4.1.14.2 Should the Department receive requests for review of plants to be added or removed from the Invasive Plant List or Plant Watch List, the Department shall submit requests to the Commission for advice, within 30 days of the request for review.
- 4.1.24.3 The Department and the Commission shall review any plants recommended to be added to or removed from the Invasive Plant List and Plant Watch List. The Department shall seek the advice of the Commission, or any subcommittee as designated by the Commission, to add or remove plants from the Invasive Plant List or Plant Watch List.
- 4.1.34.4 Should the Commission receive requests for review of plants to add or remove from the Invasive Plant List or Plant Watch List, the Commission shall provide its recommendations via email to the Secretary or during a Commission meeting within 60 days of the initial request for review. Recommendations must include, at a minimum, a detailed methodology used by the Commission to make a determination about each plant under consideration to be added to or removed from the Invasive Plant List and Plant Watch List.
- 4.1.44.5 The Secretary shall respond to the Commission with a decision or a request for additional information within 60 days of the date of the recommendation.
- 4.1.54.6 The Secretary shall initiate any required regulatory changes to the Invasive Plant List and Plant Watch List within 30 days of the date that a determination has been made.

5.0 Allowance for Sterility

- 5.1 The Department recognizes that the level of sterility of a plant impacts its potential to:
- 5.1.1 Result in widespread dispersal and establishment.
- 5.1.2 Out-compete other species in the same area.
- 5.1.3 Exhibit rapid growth or high seed propagule productions.
- 5.1.4 Become established in natural areas in the State.
- 5.2 The Department reserves the right to consider cultivars of plants based on level of sterility at their point of sale or delivery into the State of Delaware. The Department may grant an exemption for cultivars of plants listed on the Invasive Plant List.
- 5.3 Persons requesting that a cultivar be exempted from the Invasive Plant List must petition the Department by submitting a Petition to Exempt a Specific Cultivar form. Persons may request that plant cultivars be exempted from the Invasive Plant List based on sterility level and seed viability and must provide an explanation and references to justify the request.
- 5.4 The Department, with advice of the Commission, will consider submitted cultivars for exemption when there is independent, peer reviewed, scientific research evaluating the invasiveness of the cultivar. Petitions require burden of proof to be held by the breeder or plant representative and leave no responsibility to the State of Delaware.
- 5.4.1 Any requests brought to the Department for a cultivar to be exempted from the Invasive Plant List shall be submitted to the Commission via email within 30 days of the request for advice.
- 5.4.2 The Commission shall provide recommendations via email to the Secretary within 60 days of receiving the Petition to Exempt a Specific Cultivar form. The recommendations must include, at a minimum, a detailed methodology used by the Commission to make a determination about each cultivar under consideration to be exempted from the Invasive Plant List.
- 5.4.3 The Secretary shall respond to the Commission with a decision or a request for additional information via email within 60 days of the date of the recommendations.
- 5.4.4 The Secretary shall initiate any required regulatory changes to the Invasive Plant List within 30 days of the date that a determination has been made, with the advice of the Commission, to exempt a cultivar from the Invasive Plant List.
- 5.5 Exemptions are conditional and subject to revocation by the Department.
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DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Sections 122(b) and 4152 (14 **Del.C.** §§122(b) and 4152)
14 **DE Admin. Code** 503

PROPOSED

PUBLIC NOTICE

503 Instructional Program Requirements

A. TYPE OF REGULATORY ACTION REQUIRED

Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF THE REGULATION

Pursuant to 14 **Del.C.** §§122(b) and 4152, the Delaware Department of Education ("Department") developed amendments to 14 **DE Admin. Code** 503 Instructional Program Requirements. The Department made changes to the regulation as a result of recent statutory changes.

Persons wishing to present their views regarding this matter may do so in writing by submitting them to the Department of Education, Office of the Secretary, Attn: Regulation Review, 401 Federal Street, Suite 2, Dover, Delaware 19901 or through the Department's online submission form at <https://de.gov/doeregs> by the close of business (4:30 p.m. EST) on or before March 31, 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? No.
2. Will the amended regulation help ensure that all students receive an equitable education? Yes.
3. Will the amended regulation help to ensure that all students' health and safety are adequately protected? No.
4. Will the amended regulation help to ensure that all students' legal rights are respected? Yes.
5. Will the amended regulation preserve the necessary authority and flexibility of decision making at the local board and school level? Yes.
6. Will the amended regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? No.
7. Will the decision-making authority and accountability for addressing the subject to be regulated be placed in the same entity? No.
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? Yes.
9. Is there a less burdensome method for addressing the purpose of the regulation? No.
10. What is the cost to the State and to the local school boards of compliance with the regulation? Not applicable.

***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/march2026/proposed/29 DE Reg 742RFA 03-01-26.pdf>

503 Instructional Program Requirements

(Break in Continuity of Sections)

5.0 Physical Education

- 5.1 School districts and charter schools shall provide instructional programs in physical education for each grade K to 12. James H. Groves High School program is not required to provide instructional programs in physical education to its students and is exempt from the provisions of this subsection.

- 5.2 All public school students in each grade K through 8 shall be enrolled in a comprehensive physical education program that demonstrates alignment to the Department of Education's adopted physical education content standards.
- 5.3 All public school students in grades 9 to 12 shall complete the credit in physical education necessary to graduate from high school through courses that demonstrate alignment to the Department of Education's adopted physical education content standards. In addition to the 1 credit required for high school graduation, only 1 additional elective credit in physical education may be used to fulfill the graduation requirements.
- 5.4 The physical education requirements may be waived only for students who either have an excuse from a qualified licensed healthcare provider, which is defined as anyone lawfully authorized to diagnose and prescribe medical treatment or restriction, or objections based on religious beliefs. The school district or charter school shall have the authority to grant such waivers. The school district or charter school shall maintain records of the waivers granted and upon request, make them available for review consistent with Federal and state confidentiality laws.
- 5.5 School districts and charter schools shall annually assess the physical fitness of each student in grades 4 and 7, and in grade 9 or 10. The physical fitness assessment tool used by the districts and charter schools shall be 1 designated by the Delaware Department of Education.
 - 5.5.1 School districts and charter schools shall provide the results of the physical fitness assessment to the parents, guardians, or relative caregiver of each student. The school districts and charter schools shall also report this information to the Delaware Department of Education in a format determined by the Department.
 - 5.5.2 The Delaware Department of Education shall annually report the statewide grade level results of the physical fitness assessment to the public.

(Break in Continuity of Sections)

10.0 Financial Literacy

- 10.1 School districts and charter schools shall provide Financial Literacy programming for grades K through 8 that demonstrates alignment to the Department of Education's adopted Financial Literacy Content Standards.
- 10.2 All public school students in grades 9 through 12 shall complete ½ credit in Financial Literacy necessary to graduate from high school through programming that demonstrates alignment to the Department of Education's adopted Financial Literacy Content Standards.

***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/march2026/proposed/29 DE Reg 742 03-01-26>

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 122(b)(6) (14 **Del.C.** §122(b)(6))
14 **DE Admin. Code** 505

PROPOSED

PUBLIC NOTICE

505 High School Graduation Requirements and Diplomas

A. TYPE OF REGULATORY ACTION REQUIRED

Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF THE REGULATION

Pursuant to 14 **Del.C.** §122(b)(6), the Delaware Department of Education ("Department") developed amendments to [14 DE Admin. Code 505](#) High School Graduation Requirements and Diplomas. The Department made changes to the regulation as a result of recent statutory changes. The Department utilized information gathered from the Financial Literacy Alignment Study report from May 1, 2025 as well as previous conversations with local education agencies to

determine the appropriate inclusion of the requirements of House Bill 203 from the 153rd General Assembly. The Financial Literacy Alignment Study report can be found on the Delaware Department of Education website.

Persons wishing to present their views regarding this matter may do so in writing by submitting them to the Department of Education, Office of the Secretary, Attn: Regulation Review, 401 Federal Street, Suite 2, Dover, Delaware 19901 or through the Department's online submission form at <https://de.gov/doeregs> by the close of business (4:30 p.m. EST) on or before March 31, 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? No.
2. Will the amended regulation help ensure that all students receive an equitable education? Yes.
3. Will the amended regulation help to ensure that all students' health and safety are adequately protected? No.
4. Will the amended regulation help to ensure that all students' legal rights are respected? Yes.
5. Will the amended regulation preserve the necessary authority and flexibility of decision making at the local board and school level? Yes.
6. Will the amended regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? No.
7. Will the decision-making authority and accountability for addressing the subject to be regulated be placed in the same entity? No.
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? Yes.
9. Is there a less burdensome method for addressing the purpose of the regulation? No.
10. What is the cost to the State and to the local school boards of compliance with the regulation? Not applicable.

*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/march2026/proposed/29 DE Reg 743RFA 03-01-26.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/march2026/proposed/29 DE Reg 743 03-01-26>

OFFICE OF THE SECRETARY

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

PROPOSED

PUBLIC NOTICE

877 Tobacco and Smoking Policy

A. TYPE OF REGULATORY ACTION REQUIRED

Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF THE REGULATION

Pursuant to 14 Del.C. § 122(b)(2), the Delaware Department of Education ("Department") developed amendments to 14 DE Admin. Code 877 Tobacco and Smoking Policy. The Department reviewed this regulation in compliance with 29 Del.C. §10407 which requires regulations to be reviewed on a recurring basis every four years. The Department has

made several substantive changes to the regulations as well as amending to comply with the *Delaware Administrative Code Drafting and Style Manual*.

This regulation was previously published as proposed on December 1, 2025. After the last publication, based on a public comment received, an additional substantive amendment was identified as needing inclusion in the regulations. The original amendments and additional amendments are included in this proposed regulation.

Below is the response to the public comment submitted by the American Lung Association from the last publication in December 2025.

Issue: The American Lung Association recommends that the Department include nicotine analogs within the definition of an electronic smoking device. Nicotine analogs are chemically similar to nicotine but are sufficiently modified to avoid classification as nicotine, allowing manufacturers to circumvent existing tobacco and nicotine regulations. This practice creates regulatory gaps and undermines efforts to protect students from exposure to emerging nicotine-like products.

Response: The Department appreciates the American Lung Association's comment and agrees that emerging products, including nicotine analogs, present enforcement and public health concerns when they fall outside existing regulatory definitions. To address this issue and reduce the potential for regulatory circumvention, the Department will revise the definition of "electronic smoking device"

"Electronic Smoking Device" means any product containing or delivering nicotine or any other similar substance intended for human consumption that can be used by a person to simulate Smoking through inhalation of vapor or aerosol from the product. The term includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor or as this term may be amended by **smoking device**" shall have the same definition as provided in 16 Del.C. §2902. For purposes of this regulation, the term also includes nicotine analogs and any component, part, or accessory of an electronic smoking device, whether or not sold separately, including e-liquids, e-juice, cartridges, pods, or other substances intended for use with such a device.

Persons wishing to present their views regarding this matter may do so in writing by submitting them to the Department of Education, Office of the Secretary, Attn: Regulation Review, 401 Federal Street, Suite 2, Dover, Delaware 19901 or through the Department's online submission form at <https://de.gov/doeregs> by the close of business (4:30 p.m. EST) on or before March 31, 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? No.
2. Will the amended regulation help ensure that all students receive an equitable education? Yes.
3. Will the amended regulation help to ensure that all students' health and safety are adequately protected? Yes.
4. Will the amended regulation help to ensure that all students' legal rights are respected? Yes.
5. Will the amended regulation preserve the necessary authority and flexibility of decision making at the local board and school level? Yes.
6. Will the amended regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? No.
7. Will the decision-making authority and accountability for addressing the subject to be regulated be placed in the same entity? Yes.
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? Yes.
9. Is there a less burdensome method for addressing the purpose of the regulation? No.
10. What is the cost to the State and to the local school boards of compliance with the regulation? Not applicable.

***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/march2026/proposed/29 DE Reg 744RFA 03-01-26.pdf>

877 Tobacco and Smoking Policy

1.0 Purpose

- 1.1 ~~The purpose of this regulation is to specify for district and charter schools the elements of a required Tobacco and Smoking Policy, including specifying areas where the policy is in effect, and outlining reporting requirements and timelines. This regulation requires school districts and charter schools to establish a written tobacco and smoking policy, specifies the minimum requirements that must be included in that policy, and requires submission of the original policy and any subsequent revisions to the Department of Education.~~
- 1.2 ~~This regulation aligns with 16 Del.C., Chapter 29, Delaware's Clean Indoor Air Act, and 11 Del.C., Chapter 5, Subchapter V.~~

2.0 Definitions

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

"Department" means the Delaware Department of Education established pursuant to [14 Del.C. §101](#).

"Electronic Smoking Device" ~~means any product containing or delivering nicotine or any other similar substance intended for human consumption that can be used by a person to simulate Smoking through inhalation of vapor or aerosol from the product. The term includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor or as this term may be amended by 16 Del.C. §2902.~~ **"smoking device"** shall have the same definition as provided in [16 Del.C. §2902](#). For the purposes of this regulation, the term also includes nicotine analogs and any component, part, or accessory of an electronic smoking device, whether or not sold separately, including e-liquids, e-juice, cartridges, pods, or other substances intended for use with such a device.

"School environment" shall have the same definition as provided in [14 DE Admin Code 614](#) and include any academic or non-academic instructional time conducted through virtual lessons or home visits.

"Smoking" means:

- ~~The burning of a lighted cigarette, cigar, pipe or any other matter or substance that contains tobacco; or~~
- ~~The use of an Electronic Smoking Device which creates an aerosol or vapor, in any manner or in any form or as this term may be amended by 16 Del.C. §2902.~~ shall have the same definition as provided in [16 Del.C. §2902](#).

"Tobacco Product" means:

- ~~Any product that is made from or derived from tobacco or that contains nicotine, including: cigarettes, cigars, pipe tobacco, hookah tobacco, chewing tobacco, snuff, snus, or smokeless tobacco and is intended for human consumption by any means including Smoking, heating, chewing, absorbing, dissolving, inhaling, or ingesting as this term may be amended by 11 Del.C. §1115; or~~
- ~~A component or accessory used in the consumption of a Tobacco Product, including filters, rolling papers, and pipes or as this term may be amended by 11 Del.C. §1115.~~ **"product"** shall have the same definition as provided in [11 Del.C. §1115](#).

~~Tobacco Product does not mean a drug, device, or combination product authorized for sale by the United States Food and Drug Administration under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. §301 et seq.) or as this term may be amended by 11 Del.C. §1115.~~

"Tobacco Substitute" ~~substitute~~ means:

- ~~An Electronic Smoking Device employing a mechanical heating element, battery, or circuit to produce aerosol or vapor for inhalation into the body of an individual or as this term may be amended by 11 Del.C. §1115,~~ **orelectronic smoking device.**
- ~~A liquid used in a device under paragraph a. above, including liquids that contain nicotine and liquids that do not contain nicotine or as this term may be amended by 11 Del.C. §1115.~~ **A liquid used for an electronic smoking device as defined in 11 Del.C. §1115.**

~~Tobacco Substitute does not mean a drug, device, or combination product authorized for sale by the United States Food and Drug Administration under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. § 301 et seq.) or as this term may be amended by 11 Del.C. §1115.~~

- ~~Tobaccoless nicotine pouches.~~

3.0 Required Written Policy

- 3.1 ~~To improve the health of students, school personnel, and visitors, each~~ Each school district and charter school in Delaware shall have a Tobacco and Smoking Policy which at a minimum:written tobacco and smoking policy that applies to all individuals and school environments.
- 3.2 ~~At a minimum, the policy must include the following elements:~~
- 3.1.13.2.1 ~~Prohibits smoking and the use of~~Prohibit smoking, and the use of, or distribution of tobacco products and electronic smoking devices in school buildings, on school grounds, in school leased or owned vehicles, even when they are not used for student purposes, and at all school affiliated functions.within the school environment.
- 3.1.23.2.2 ~~Includes~~Include procedures for communicating the policy to students, school staff,employees, parents, guardians ~~guardians,~~ or relative caregivers, families, visitorsvisitors, and the community at large.
- 3.1.33.2.3 ~~Makes~~Make provisions for or ~~refers~~refer individuals to voluntary cessation education and support programs, including online or digital resources, that address the physical and social issues associated with nicotine addiction ~~and other substance use.~~

4.0 ~~The Tobacco and Smoking Policy Shall Apply to~~

- 4.1 ~~Any building, property or vehicle leased, owned or operated by a school district, charter school or assigned contractor.~~
- 4.1.1 ~~School bus operators under contract shall be considered staff for this policy.~~
- 4.2 ~~Any private building or other property including automobiles or other vehicles used for school activities when students and staff are present.~~
- 4.3 ~~Any non-educational groups utilizing school buildings or other educational assets.~~
- 4.4 ~~Any individual or a volunteer who supervises students off school grounds.~~

5.04.0 ~~No School or School District Property May Be Used for the Advertising of any Tobacco Product, Tobacco Substitute or Electronic Smoking Device~~Prohibition

No school district or charter school building, property, or vehicle may be used for advertising any tobacco product, tobacco substitute, or electronic smoking device.

6.05.0 ~~Reporting Requirements and Timelines~~Submission of Information to the Department

- 6.15.1 ~~Each school district and charter school shall have an electronic copy of its current Tobacco and Smoking Policy on file with the Department of Education.~~submit an electronic copy of its tobacco and smoking policy to the Department.
- 6.25.2 ~~Each school district and charter school shall provide an electronic copy of any Tobacco and Smoking Policy~~revised tobacco and smoking policy within ninety ~~(90)~~90 days of such revisions regardless of whether said revisions were made as a result of changes to federal, state or local law, regulations, guidanceguidance, or policies.

PROFESSIONAL STANDARDS BOARD

Statutory Authority: 14 Delaware Code, Sections 1203, 1204(a), 1205(b) and 1216A(a)(1) (14 Del.C. §§1203, 1204(a), 1205(b) & 1216A(a)(1))

PROPOSED

PUBLIC NOTICE

1526 Contractor Permit

A. TYPE OF REGULATORY ACTION REQUESTED

New Regulation

B. SYNOPSIS OF SUBJECT MATTER OF REGULATION

Pursuant to 14 Del.C. §§1203, 1204(a), 1205(b) and 1216A(a)(1), the Professional Standards Board ("Board"), acting in consultation and cooperation with the Delaware Department of Education ("Department"), developed 14 DE Admin. Code 1526 Contractor Permit. The proposed regulation concerns the requirements for an Intern Permit in

accordance with 14 Del.C. §§1203, 1204(a), 1205(b) and 1216A(a)(1). Proposed Section 1.0 states that the regulation outlines the qualification and training for the Contractor Permit; Section 2.0 provides definitions for the proposed regulation; Section 3.0 explains those individuals required to have a Contractor Permit; Section 4.0 provides the prescribed requirements for the issuance of a Contractor Permit; Section 5.0 provides the application requirements; Section 6.0 concerns the validity of a Contractor Permit; Section 7.0 concerns disciplinary actions; Section 8.0 concerns applicants' and permit holders' contact information with the Department and specifies how they can change their name or address; and Section 9.0 lists the effective date of the regulation.

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 March 31, 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 proposed 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 education workforce, which will help to improve student achievement.

2. Will the proposed 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 education workforce, which will help to ensure students in Delaware public schools receive an equitable education.

3. Will the proposed regulation help to ensure all students' health and safety are adequately protected? The proposed regulation addresses a permit for interns and is not designed to help ensure students' health and safety is protected.

4. Will the proposed regulation help to ensure that all students' legal rights are respected? The proposed regulation addresses a permit for interns and is not designed to help ensure students' legal rights are respected.

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

6. Will the proposed regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? The proposed 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.

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 the licensure and certification, and permits of educators and other student support personnel.

8. Will the proposed regulation be consistent with and not an impediment to the implementation of other state educational policies, in particular to state educational policies addressing achievement in the core academic subjects of mathematics, science, language arts, and social studies? The proposed 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 proposed regulation? There is not a less burdensome method for addressing the purpose of this proposed regulation.

10. What is the cost to the state and to the local school boards of compliance with the proposed regulation? There is no expected cost to the state and to the local school boards to comply with this proposed 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/march2026/proposed/29 DE Reg 747RFA 03-01-26.pdf>

1526 Contractor Permit

1.0 Content

This regulation provides the qualifications and training required for an individual to be issued a Contractor Permit pursuant to [14 Del.C. §1216A\(a\)\(1\)](#).

2.0 Definitions

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

“**Contractor**” means a person who is not otherwise licensed or permitted under [14 Del.C. §§1210, 1211, 1212, 1216A](#), or Title 24 and who is employed or self-employed for compensation and contracts with a school district or charter school in Delaware to provide direct services to students.

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

“**Direct services**” means services to students provided face-to-face, in person or virtual, and which are performed primarily unsupervised.

“**Permit**” means a document issued by the Delaware Department of Education that verifies an individual's qualifications and training to serve as a contractor in a Delaware public school.

3.0 Individuals Required to Have a Contractor Permit

3.1 Individuals are required to have a Contractor Permit if they:

3.1.1 Have the opportunity to have personal, unsupervised contact with students during the course of one's assigned duties; and

3.1.2 Are working in a public school in Delaware for compensation; and

3.1.3 Are not otherwise licensed or permitted under [14 Del.C. §§1210, 1211, 1212, 1216A](#), or Title 24; and

3.1.4 Are employed by a contracting agency to provide direct services to students.

3.2 Substitute teachers who work for a contracting agency will not be issued a Contractor Permit but may be required to obtain a Long-Term Substitute Permit.

3.3 It would be considered misconduct for an individual with a Contractor Permit to duplicate the work requiring a license under [14 Del.C. §§1210, 1211, 1212](#), or under Title 24.

4.0 Requirements for Issuance of a Contractor Permit

4.1 The Department will not process an application for a Contractor Permit:

4.1.1 Until the applicant has submitted all the required documentation. If the applicant fails to submit all the required documentation within 90 days of the initial submission, the Department may close the application, taking no further action.

4.1.2 If the applicant is under official investigation by any national, state, or local authority with the power to issue educator licenses or certifications.

4.2 The Department may issue a Contractor Permit to an applicant who:

4.2.1 Provides proof of at least 10 hours of current employer-provided training in working with children or youth completed in the areas of academic or behavioral intervention relating to the area of work.

4.2.2 Has not engaged in conduct in violation of [14 Del.C. §1218\(a\)](#) or (b).

5.0 Application Requirements

5.1 Applicants for an initial Contractor Permit are required to provide the following for the Department to consider the Contractor Permit complete:

5.1.1 A completed initial application; and

5.1.2 Verification of identity; and

5.1.3 Disclosure of the applicant's criminal conviction history; and

5.1.4 Documentation of completion of training as provided in subsection 4.2.1 of this regulation; and

5.1.5 Documentation that the applicant is employed by a contracting agency or self-employed as a contractor; and

5.1.6 Additional documentation as required by the Department.

5.2 Applicants for the re-issuance of a Contractor Permit are required to provide the following for the Department to consider the Contractor Permit complete:

5.2.1 A completed application; and

5.2.2 Disclosure of the applicant's criminal conviction history; and

5.2.3 Verification of continued employment with the same agency.

5.3 Applicants who change employment to a different agency must complete an initial application as provided in subsection 5.1.

6.0 Validity of a Contractor Permit

- 6.1 For an applicant who applied for and met the requirements of the Contractor Permit, the Contractor Permit shall be issued for up to 1 school year and will expire on August 31, and may be re-issued for additional 1-year periods, if:
- 6.1.1 The individual remains employed with the same contracting agency and provides proof of 10 hours of contracted work in a Delaware public school within the previous year.
- 6.1.2 The individual changes employment to a different contracting agency and provides proof of at least 10 hours of current employer provided training as provided in subsection 4.2.1 of this regulation.
- 6.1.3 The individual has had a lapse of at least 1 year in the permit and provides proof of at least 10 hours of current employer provided training as provided in subsection 4.2.1 of this regulation.

7.0 Disciplinary Action

- 7.1 A Contractor Permit may be revoked, suspended or limited for cause as provided in [14 Del.C. §1218](#).
- 7.2 A permit holder whose Contractor Permit 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 Contact Information and Change of Name or Address

- 8.1 All applicants and permit holders are required to update the contact information in Delaware Educator Data System (DEEDS) if the contact information changes.
- 8.2 A permit holder who legally changes the permit holder's name and wishes to change the name on the Contractor Permit shall provide a notarized copy of evidence of the name change such as a marriage license or court action.
- 8.3 An applicant or permit holder 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.

9.0 Effective Date

The effective date of this regulation shall be August 1, 2026.

PROFESSIONAL STANDARDS BOARD

Statutory Authority: 14 Delaware Code, Sections 1203, 1204(a), 1205(b) and 1216A(a)(1) (14 Del.C. §§1203, 1204(a), 1205(b) & 1216A(a)(1))

PROPOSED**PUBLIC NOTICE****1527 Student Support Personnel Permit****A. TYPE OF REGULATORY ACTION REQUESTED**

New Regulation

B. SYNOPSIS OF SUBJECT MATTER OF REGULATION

Pursuant to [14 Del.C. §§1203](#), 1204(a), 1205(b) and 1216A(a)(1), the Professional Standards Board ("Board"), acting in consultation and cooperation with the Delaware Department of Education ("Department"), developed [14 DE Admin. Code](#) 1527 Student Support Personnel Permit. The proposed regulation concerns the requirements for a Student Support Personnel Permit in accordance with [14 Del.C. §§1203](#), 1204(a), 1205(b) and 1216A(a)(1). Proposed Section 1.0 states that the regulation outlines the qualification and training for the Student Support Personnel Permit; Section 2.0 provides definitions for the proposed regulation; Section 3.0 explains those individuals required to have a Student Support Personnel Permit; Section 4.0 provides the prescribed requirements for the issuance of a Student Support Personnel Permit; Section 5.0 provides the prescribed requirements for the reissuance of an expired Student Support Personnel Permit; Section 6.0 provides the application requirements; Section 7.0 provides the professional development requirements for the renewal of a Student Support Personnel Permit; Section 8.0 provides the required

activities for the renewal of a Student Support Personnel Permit; Section 9.0 concerns the validity of a Student Support Personnel Permit; Section 10.0 concerns disciplinary actions; and Section 11.0 concerns applicants' and permit holders' contact information with the Department and specifies how they can change their name or address.

Persons wishing to present their views regarding this matter may do so in writing by submitting them to the Department, 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 March 31, 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 proposed 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 education workforce, which will help to improve student achievement.

2. Will the proposed 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 education workforce, which will help to ensure students in Delaware public schools receive an equitable education.

3. Will the proposed regulation help to ensure all students' health and safety are adequately protected? The proposed regulation addresses a permit for interns and is not designed to help ensure students' health and safety is protected.

4. Will the proposed regulation help to ensure that all students' legal rights are respected? The proposed regulation addresses a permit for interns and is not designed to help ensure students' legal rights are respected.

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

6. Will the proposed regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? The proposed 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.

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 the licensure and certification, and permit of educators and other student support personnel.

8. Will the proposed regulation be consistent with and not an impediment to the implementation of other state educational policies, in particular to state educational policies addressing achievement in the core academic subjects of mathematics, science, language arts, and social studies? The proposed 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 proposed regulation? There is not a less burdensome method for addressing the purpose of this proposed regulation.

10. What is the cost to the state and to the local school boards of compliance with the proposed regulation? There is no expected cost to the state and to the local school boards to comply with this proposed 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/march2026/proposed/29 DE Reg 750RFA 03-01-26.pdf>

1527 Student Support Personnel Permit

1.0 Content

This regulation provides the qualifications and training required for an individual to be issued and to renew a Student Support Personnel Permit pursuant to [14 Del.C. §§1204\(a\) and 1216A\(a\)\(1\)](#).

2.0 Definitions

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

“Activity Documentation Form” means the official form approved by the Delaware Department of Education that includes specific details about the activity to be used for the Student Support Personnel Permit renewal.

“Clock hour” means actual time spent in professional development, not credit hours.

“Department” means the Delaware Department of Education.

“Employing authority” means any entity which employs educators, and includes school districts, charter schools, and management companies.

“Human services” means experience in diverse roles focused on supporting people with various needs, which may include mental health, public health, social work, life skills, and child welfare.

“Permit” means a document issued by the Delaware Department of Education that verifies an individual’s qualifications and training to serve as student support personnel.

“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.

“Regionally accredited” means 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 educational quality.

“Student support personnel” means a public-school employee or contracted employee who works in a student instructional support or behavior support role and is not otherwise licensed or permitted under [14 Del.C. §§1210, 1211, 1212, 1216A](#), or under Title 24 as provided in [14 Del.C. §1202](#).

3.0 Individuals Required to Have a Student Support Personnel Permit

3.1 Individuals are required to have a Student Support Personnel Permit if they:

- 3.1.1 Have the opportunity to have personal, unsupervised contact with students during the course of one’s assigned duties; and
- 3.1.2 Are employed by a public school in Delaware or employed by another agency and working in a public school in Delaware; and
- 3.1.3 Are not otherwise licensed or permitted under [14 Del.C. §§1210, 1211, 1212, 1216A](#), or under Title 24 as provided in [14 Del.C. §1202](#); and
- 3.1.4 Work with individuals or small groups to provide academic, behavior, or other support to students and families.

3.2 Student support personnel may include behavior or academic intervention personnel, school climate liaisons, behavior or family support coordinators, student advisors, college and career advisors, visiting teachers and other similar roles.

3.3 It would be considered misconduct for an individual with a Student Support Personnel Permit to duplicate the work requiring a license under [14 Del.C. §§1210, 1211, 1212](#), or under Title 24 as provided in [14 Del.C. §1202](#).

4.0 Requirements for a Student Support Personnel Permit

4.1 The Department will not process an initial or renewal application for a Student Support Personnel Permit:

- 4.1.1 Until the applicant has submitted all the required documentation. If the applicant fails to submit all the required documentation within 90 days of the initial submission, the Department may close the application, taking no further action.
- 4.1.2 If the applicant is under official investigation by any national, state, or local authority with the power to issue educator licenses or certifications.

4.2 The Department may issue a Student Support Personnel Permit to an applicant who has satisfied 1 of the following requirements:

- 4.2.1 The applicant holds a bachelor’s degree or higher from a regionally accredited college or university in 1 of the following areas:
 - 4.2.1.1 Behavioral Science
 - 4.2.1.2 Counseling
 - 4.2.1.3 Education or Educational Studies
 - 4.2.1.4 Health or Rehabilitation Sciences, including Orientation and Mobility
 - 4.2.1.5 Human Services
 - 4.2.1.6 Psychology
 - 4.2.1.7 Social Sciences
 - 4.2.1.8 Social Work

- 4.2.2 The applicant holds a bachelor's degree or higher from a regionally accredited college or university in any area and has 2 years of full-time work experience in a human services field. Experience as a behavior intervention paraeducator may only be counted after the applicant completed the required 40-hour training as specified in [14 DE Admin. Code 1517](#) Paraeducator Permit.

5.0 Requirements for Reissuance of an Expired Delaware Student Support Personnel Permit

- 5.1 The Department may reissue a Student Support Personnel Permit to an applicant who meets both of the following requirements:
- 5.1.1 The applicant must have previously held a Delaware Student Support Personnel Permit that expired prior to the date of the application; and
- 5.1.2 The applicant must have completed 15 clock hours of professional development within 5 years prior to the date of the application.

6.0 Application Requirements for Issuance of a Student Support Personnel Permit

- 6.1 Applicants for a Student Support Personnel Permit are required to provide the following for the Department to consider the Student Support Personnel Permit:
- 6.1.1 A completed initial application; and
- 6.1.2 Disclosure of the applicant's criminal conviction history; and
- 6.1.3 Official transcripts showing that the applicant meets the educational requirements listed in subsection 4.2 of this regulation. The Department will accept electronic transcripts submitted by the employing authority or by the applicant's regionally accredited college or university or sealed paper transcripts. The Department will not accept copies of transcripts; and
- 6.1.4 Documentation of 2 years of experience in a human services field, if applicable. The Department ultimately determines whether the applicant's documentation and experience satisfy the requirements; and
- 6.1.5 Additional documentation a required by the Department.
- 6.2 Applicants for a renewal of a Student Support Personnel Permit must submit:
- 6.2.1 A completed renewal application prior to the permit expiration date; and
- 6.2.2 Documentation to verify participation in and completion of 15 clock hours of professional development activities as required in Sections 7.0 and 8.0 of this regulation; and
- 6.2.3 Additional documentation as required by the Department.
- 6.3 The Department will not process an initial or renewal application for a Student Support Personnel Permit:
- 6.3.1 Until the applicant has submitted all the required documentation. If the applicant fails to submit all the required documentation within 90 days of the initial submission, the Department may close the application, taking no further action.
- 6.3.2 If the applicant is under official investigation by any national, state, or local authority with the power to issue educator permits, licenses, or certification.

7.0 Professional Development Activity Requirements for Renewal of a Student Support Personnel Permit

- 7.1 The Department uses the following criteria to determine if a professional development activity is acceptable for clock hour credit:
- 7.1.1 The activity must be 1 of the renewal activities listed in the chart in Section 8.0 of this regulation; and
- 7.1.2 The activity must be completed during the term of the permit holders current Student Support Personnel Permit; and
- 7.1.3 Completion of the activity must be documented.
- 7.2 The permit holder is responsible for obtaining approval from their employing authority before participating in a professional development or professional learning activity.
- 7.3 The permit holder is responsible for obtaining documentation as detailed in the chart in Section 8.0 of this regulation of participation in and completion of a professional development or professional learning activity from the individual, school or school district, or other entity that organizes and conducts the activity.
- 7.4 Activities for which permit holders receive compensation may be submitted in fulfillment of the 15-clock hour requirement for renewal.
- 7.5 Each activity must be verified by the applicant's employing authority as provided in Section 8.0 of this regulation. Even if an activity has been verified by the applicant's employing authority the Department ultimately determines whether an activity satisfies the requirements for renewal of a Student Support Personnel Permit according to Section 8.0 of this regulation.

PROPOSED REGULATIONS

- 7.6 If, at the time of application, the applicant is not employed by an employing authority in Delaware, the applicant must submit the documentation required to verify the applicant's participation in and completion of each activity to the Department as provided in Section 8.0 of this regulation.

8.0 Professional Development and Professional Learning Activities for Renewal of a Student Support Personnel Permit

ACTIVITY	HOURLY VALUE	CRITERIA	VERIFICATION
<u>Action research or other educational project</u>	<u>Verified clock hours completing action research or other educational project.</u>	<u>The verified clock hours shall be accrued during the action research or other educational project. The documented goal for the permit holder shall be a product and a new set of knowledge and skills. These shall complement the school, district, or charter school's success plan or State's initiative and shall be focused on student support. A product shall be made available for verification.</u>	<u>A certificate of participation or a completed Activity Documentation Form as well as the final product which documents the goals and results of the action research or other education project.</u>
<u>College course</u>	<u>Clock hours may be accrued where 1 semester hour equals 15 hours and 1 quarter semester hour or Continuing Education Unit (CEU) equals 10 hours.</u>	<u>The course shall be completed within a matriculated bachelor's, master's, or doctoral program or a graduate level course of study at or through a regionally accredited college or university or other Department-approved provider. The course shall be taken at a regionally accredited college or university for credit. The educator shall attain a grade of "C" or better (or a "P" in Pass / Fail course).</u>	<u>Official transcripts, original grade slips, or an original certificate of completion for Continuing Education Units (CEUs).</u>
<u>Mentoring or coaching</u>	<u>Verified clock hours involved in mentoring or coaching activities.</u>	<u>Documentation of activities that involve observation, feedback, training, presentations, facilitation of professional learning, and other activities directly related to the preparation and guidance of the student support personnel.</u>	<u>A completed Activity Documentation Form.</u>
<u>Micro-credential</u>	<u>Verified clock hours of completed Micro-credentials through a Department-approved issuer.</u>	<u>Verified hours for successfully completing, preparing, and submitting evidence based on evaluation criteria. Permit holders must demonstrate competence via evidence submitted and reviewed by trained evaluators.</u>	<u>The permit holder's credentialing documentation must be completed and approved by the Micro-credential evaluator.</u>
<u>Planned professional development activity or program</u>	<u>Verified clock hours of service or experience.</u>	<u>The planned professional development activity or program shall focus on student academic or behavior supports or another identified need or shall be related to the student support personnel's work with students or staff. The activity or program may be in-state or out-of-state and held in-person or virtually.</u>	<u>A certificate of participation or other documentation to verify attendance.</u>
<u>Professional committee, conference, workshop,</u>	<u>Verified clock hours or service or experience.</u>	<u>The permit holder may include time spent in those portions of the professional committee, conference, workshop, institute, or academy that contribute to the student support</u>	<u>The completed Activity Documentation Form, the original certificate of attendance or completion or a letter from the professional</u>

<u>institute or academy</u>		<u>personnel's knowledge and skills, competence, performance or effectiveness in education. This activity includes workshops offered by districts or other employing authorities either as part of a professional development day or during after school hours. The professional committee, conference, workshop, institute, or academy may be in-state or out-of-state and held in-person or virtually.</u>	<u>committee, conference, workshop, institute or academy staff.</u>
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9.0 Validity of a Student Support Personnel Permit

For an applicant who applied for and met the requirements of the Student Support Personnel Permit, the permit will be issued for a period of 5 years and may be renewed for additional 5-year periods upon submission of 15 clock hours of professional development as specified in Sections 7.0 and 8.0 of this regulation.

10.0 Disciplinary Action

- 10.1 A Student Support Personnel Permit may be revoked, suspended or limited for cause as provided in [14 Del.C. §1218](#).
- 10.2 A Student Support Personnel Permit shall be revoked if the permit holder made a materially false or misleading statement in the permit holder's application in accordance with [14 Del.C. §1218](#).
- 10.3 A permit holder whose Student Support Personnel Permit 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.

11.0 Contact Information and Change of Name or Address

- 11.1 All applicants and student support personnel are required to update the contact information in Delaware Educator Data System (DEEDS) if the contact information changes.
- 11.2 A permit holder who legally changes the permit holder's name and wishes to change the name on the Student Support Personnel Permit shall provide a notarized copy of evidence of the name change such as a marriage license or court action.
- 11.3 An applicant or permit holder 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 NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

DIVISION OF FISH AND WILDLIFE

Statutory Authority: 7 Delaware Code, Section 903 (7 Del.C. §903)

PROPOSED

PUBLIC NOTICE

3560 Total Length

SAN # 2025-15
Docket # 2025-R-F-0025

BRIEF SYNOPSIS OF THE SUBJECT, SUBSTANCE AND ISSUES:

This action proposes to create a new regulation 3560 Total Length that will provide a detailed definition of total fish length. This action will allow DNREC to enforce a standardized total length measure for fisheries regulations that use total length to define legal minimum and/or maximum fish length. Although this action is required for Delaware to remain in compliance with the Atlantic States Marine Fisheries Commission's Atlantic Striped Bass Fisheries Management Plan, the Division of

Fish and Wildlife is opting to create a standalone regulation for total length that will apply to all tidal finfish species regulations that use total length as the legal measure of fish length, not solely to striped bass.

POSSIBLE TERMS OF THE AGENCY ACTION:

None.

STATUTORY BASIS OR LEGAL AUTHORITY TO ACT:

7 Del.C. §903

OTHER REGULATIONS THAT MAY BE AFFECTED BY THE PROPOSAL:

This regulation will improve the enforceability of those regulations comprising 7 Delaware Administrative Code 3500 Tidal Finfish that use the Total Length measurement to establish a legal minimum and/or maximum fish length. By clearly explaining the legal definition of Total Length, this proposed regulation should eliminate disputes about the length of a fish.

NOTICE OF PUBLIC COMMENT:

A virtual public hearing (Docket #2025-R-F-0025) will be held on Wednesday, March 25, 2026, beginning at 6 p.m. The web link to the virtual hearing can be accessed through the DNREC Public Hearings site at <https://de.gov/dnrechearings>. If prompted, use Meeting ID: 827 9244 2257 and Passcode: 515819. To access the audio-only portion of the virtual hearing, dial 1-646-931-3860 and enter the Meeting ID and Passcode noted above. Language assistance is available by request within 10 business days of the hearing. Closed captioning is available via the Zoom virtual meeting tool.

Those wishing to offer verbal comments during DNREC public hearings must pre-register no later than noon on the date of the virtual hearing at de.gov/dnrecomments or by telephone at 302-739-9001.

The proposed amendments may be inspected online starting March 1, 2026 at https://regulations.delaware.gov/register/current_issue, or in-person, by appointment only, by contacting John Clark by phone at 302-739-9914 or by email at John.Clark@delaware.gov.

Public comments will be accepted through the close of business on Friday, April 10, 2026. Comments will be accepted in written form via email to DNRECHearingComments@delaware.gov, or by using the online form at <https://de.gov/dnrecomments>, or by U.S. mail to the following address:

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

***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/march2026/proposed/29 DE Reg 755RFA 03-01-26.pdf>

3560 Total Length

1.0 Total Length

Unless otherwise defined in 3500 Tidal Finfish, Total Length (TL) means the greatest straight-line length in inches as measured on a fish from the anterior most tip of the jaw or snout to the farthest extremity of the tail with the upper and lower fork of the tail squeezed together.

DEPARTMENT OF STATE
DIVISION OF PROFESSIONAL REGULATION
Board of Accountancy

Statutory Authority: 24 Delaware Code, Section 105(a)(1) (24 **Del.C.** §105(a)(1))
24 **DE Admin. Code** 100

PROPOSED

PUBLIC NOTICE

100 Board of Accountancy

Pursuant to [24 Del.C. §105\(a\)\(1\)](#), the Delaware Board of Accountancy (“Board”) has proposed revisions to its regulations.

Proposed amendments to subsection 6.2.4 and 6.2.5 integrate the new “120-hour + experience” pathway alongside the traditional 150-hour model for licensure.

Proposed amendments to subsection 7.1 clarify and update the requirements for reciprocity.

Proposed amendments to section 8.0 clarify and update the requirements for practice privileges for individuals whose principal place of business is and remains outside Delaware.

Additional revisions are technical and style changes consistent with the *Delaware Administrative Code Drafting and Style Manual*.

Anyone wishing to receive a copy of the proposed regulations may obtain a copy from the Delaware Board of Accountancy, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments should be sent to Stacey Sadler, Administrator of the Delaware Board of Accountancy, at the above address or to stacey.sadler@delaware.gov. Written comments will be accepted until 5:00 p.m. on March 31, 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/march2026/proposed/29 DE Reg 757RFA 03-01-26.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/march2026/proposed/29 DE Reg 757 03-01-26>

DIVISION OF PROFESSIONAL REGULATION
Real Estate Commission

Statutory Authority: 24 Delaware Code, Section 2906(a)(1) (24 **Del.C.** §2906(a)(1))
24 **DE Admin. Code** 2900

PROPOSED

PUBLIC NOTICE

2900 Real Estate Commission

Pursuant to [24 Del.C. §2906\(a\)\(1\)](#), the Delaware Real Estate Commission (“Commission”) proposes to revise its regulations. Proposed amendments clarify and update the requirements for continuing education. Additional revisions are technical and style changes consistent with the *Delaware Administrative Code Drafting and Style Manual*.

On February 1, 2026, proposed revisions to the Commission's regulations were published in the *Delaware Register of Regulations*, Volume 29, Issue 8. The Commission hereby withdraws the proposed revisions to the regulations published on February 1, 2026, and submits the attached proposed revisions to the regulations.

Anyone wishing to receive a copy of the proposed revisions to the regulations may obtain a copy from the Delaware Real Estate Commission, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments should be sent to Jennifer Jacoby, Administrator of the Delaware Real Estate Commission, at the above address or to jennifer.jacoby@delaware.gov. Written comments will be accepted until 5:00 p.m. on March 31, 2026, pursuant to 29 Del.C. § 10118(a).

***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/march2026/proposed/29 DE Reg 757aRFA 03-01-26.pdf>

2900 Real Estate Commission

(Break in Continuity of Sections)

14.0 Continuing Education, New Licensee Education [24 Del.C. §2910(d)]

14.1 Continuing Education (CE) Requirements

14.1.1 Purpose. The CE requirement is intended to maintain Licensees' licensees' professional competence in the practice of real estate.

14.1.2 ~~Licensees must complete 21 acceptable CE hours in the following 7 Modules during the previous licensure period in order to renew their licenses:~~

~~14.1.2.1 Three (3) hours in agency and fair housing (Module 1).~~

~~14.1.2.2 Three (3) hours in professional standards (Module 2).~~

~~14.1.2.3 Three (3) hours in real estate documents (Module 3).~~

~~14.1.2.4 Three (3) hours in office management (Module 4).~~

~~14.1.2.5 Three (3) hours in legislative issues (Module 5).~~

~~14.1.2.6 Three (3) hours in practices of real estate (Module 6).~~

~~14.1.2.7 Three (3) hours in elective courses (Module 7).~~

14.1.2 Continuing education requirements for licensees

14.1.2.1 Continuing education courses are arranged in 8 "Modules." Additional information regarding the content of these modules is available in the Commission's Education Guidelines. [24 DE Admin. Code 2925.](#)

14.1.2.1.1 Module 1: Fair housing

14.1.2.1.2 Module 2: Professional standards

14.1.2.1.3 Module 3: Real estate documents

14.1.2.1.4 Module 4: Risk management

14.1.2.1.5 Module 5: Agency and license law

14.1.2.1.6 Module 6: Legislative updates and contemporary issues

14.1.2.1.7 Module 7: Practices of real estate elective courses

14.1.2.1.8 Module 8: Broker supervisory course (for brokers and designated office supervisors)

14.1.2.2 During the biennial renewal period, all licensed brokers must complete 24 acceptable CE hours in Modules 1-8.

14.1.2.3 During the biennial renewal period, all licensed associate brokers must complete 21 acceptable CE hours in Modules 1-7, or any licensed associate broker who is a designated office supervisor must complete 24 acceptable CE hours in Modules 1-8.

14.1.2.4 During the biennial renewal period, all licensed salespersons must complete 21 acceptable CE hours in Modules 1-7, or any licensed salesperson who is a designated office supervisor must complete 24 acceptable CE hours in Modules 1-8.

14.1.3 Courses approved for Modules 1 – 6 automatically qualify for credit for Module 7. Students are not required to submit a separate application for Module 7 approval for courses in Modules 1 – 6. This subsection does not apply to out-of-state courses.

14.2 Proration. CE hours shall be prorated in accordance with the following schedule:

- 14.2.1 No continuing education is required for fewer than ~~six~~6 months of licensure, except that new licensees must meet the requirements set forth in subsection 14.13.
- 14.2.2 Six (~~6~~) hours of continuing education are required after at least ~~six~~6 months but less than ~~twelve~~12 months of licensure. The required ~~six~~6 hours shall consist of ~~two~~2 different modules, as set forth in subsection 14.1.2.
- 14.2.3 Twelve (~~12~~) hours of continuing education are required after at least ~~twelve~~12 months but less than ~~eighteen~~18 months of licensure. The required ~~twelve~~12 hours shall consist of ~~four~~4 different modules, as set forth in subsection 14.1.2.
- 14.2.4 Eighteen (~~18~~) hours of continuing education are required after at least ~~eighteen~~18 months but less than ~~twenty-four~~24 months of licensure. The required ~~eighteen~~18 hours shall consist of ~~six~~6 different modules, as set forth in subsection 14.1.2.
- 14.2.5 Twenty-one (~~21~~) hours of continuing education are required after ~~twenty-four~~24 months of licensure, as set forth in subsection 14.1.2.
- 14.3 For persons who have successfully completed either the broker or salesperson pre-licensing course but who have not yet made application:
 - 14.3.1 ~~Twelve~~ (~~12~~)12 hours of continuing education are required more than ~~twelve~~12 months but less than ~~eighteen~~18 months after course completion. The required ~~twelve~~12 hours shall consist of ~~four~~4 different modules, as set forth in Rule 14.1.2.
 - 14.3.2 ~~Twenty-one~~ (~~21~~)21 hours of continuing education are required more than ~~eighteen~~18 months but less than ~~twenty-four~~24 months after course completion, in compliance with the requirements of subsection 14.1.2.
 - 14.3.3 For more than ~~twenty-four~~24 months after course completion, ~~twenty-one~~ (~~21~~)21 hours of CE are required for each biennial renewal period, in compliance with the requirements of subsection 14.1.2.
- 14.4 At the time of renewal, the Licensee shall attest to completion of the required CE. Attestation shall be completed electronically.
- 14.5 The Licensee's attestation as to completion of CE does not relieve the Broker of the Broker's duty to ensure that the Licensee has completed the required CE during the licensure renewal period. Each Broker shall maintain copies of CE certificates for the Broker's Salespersons and Associate Brokers for at least ~~three~~3 years after the conclusion of each renewal period.
- 14.6 Audits
 - 14.6.1 Licensees selected for random audit are required to supplement the attestation with attendance verification as provided in subsection 14.6.5.
 - 14.6.2 Random audits shall be performed by the Commission to ensure compliance with the CE requirements.
 - 14.6.3 The Commission shall notify Licensees within ~~sixty~~ (~~60~~)60 days after May 31 of each biennial renewal period that they have been selected for audit.
 - 14.6.4 Licensees selected for random audit shall be required to submit verification within ~~twenty~~ (~~20~~)20 business days of receipt of notification of selection for audit. Audit notices sent to Salespeople and Associate Broker licensees shall also be sent to that licensee's current Broker, where applicable.
 - 14.6.5 Verification shall include the continuing education log, co-signed by the Licensee's broker, where applicable, and such information necessary for the Commission to assess whether the course meets the CE requirements in Section 14.0. While course brochures may be used to verify CE hours, they are not considered to be acceptable proof for use of verification of course attendance. Verification shall include the official certificate of completion, as provided by the course provider.
 - 14.6.6 The Commission shall review all documentation submitted by Licensees pursuant to the continuing education audit. If the Commission determines that the Licensee has met the continuing education requirements, the Licensee's license shall remain in effect. If the Commission determines that the Licensee has not met the continuing education requirements, the Licensee shall be notified and a hearing may be held pursuant to the Administrative Procedures Act. The hearing will be conducted to determine if there are any extenuating circumstances justifying noncompliance with the continuing education requirements. Unjustified noncompliance with the continuing education requirements set forth in ~~these Rules and Regulations~~this regulation shall constitute a violation of [24 Del.C. §2912\(a\)\(9\)](#).
 - 14.6.7 Sanctions for Unjustified Noncompliance. The minimum penalty for the first finding of unjustified noncompliance shall be a \$250.00 monetary penalty, and any of the additional penalties specified in [24 Del.C. §2914](#). The minimum penalty for the second finding of unjustified noncompliance shall be a \$1,000 monetary penalty, and any of the additional penalties specified in [24 Del.C. §2914](#).

- 14.6.8 Licensees who renew their licenses under the late renewal provision shall be audited for CE completion. These Licensees shall submit documents that evidence satisfactory completion of their CE requirements for the prior licensure period.
- 14.7 All CE activities shall be pre-approved by the Commission, pursuant to the Commission's Real Estate Education Guidelines.
- 14.8 The Commission may waive or postpone all or part of the continuing education requirements of these Rules and Regulations if a Licensee submits a written request for a waiver and provides evidence to the satisfaction of the Commission of an illness, injury, financial hardship, family hardship, or other similar extenuating circumstance which precluded the Licensee's completion of the requirements. Application for waiver or postponement shall be made in writing to the Commission and shall be received by the Commission no later than 60 days prior to the biennial license renewal date.
- 14.9 The Commission shall appoint an Education Committee to assist in the Commission's educational objectives.
- 14.10 Members of the Real Estate Commission who attend at least ~~eighty percent (80%)~~ 80% of Commission meetings during a biennial licensure period may receive ~~one~~ 1 hour of CE for each Commission meeting attended and said hour may be applied to any CE required for licensure renewal.
- 14.11 Completion of broker's licensing course.
- 14.11.1 Delaware broker's licensing course: Upon successful completion of an approved Delaware broker's licensing course, a licensee shall receive ~~24~~ 24 hours of continuing education credit. These ~~24~~ 24 hours shall satisfy the continuing education requirements (Modules ~~4—7~~ 1 - 8) for the biennial licensing period in which the course was completed. The course provider shall provide the licensee with a certificate stating that Modules ~~4—7~~ 1 - 8 have been satisfied upon successful completion of the broker's licensing course.
- 14.11.2 Out-of-state broker's licensing course: Upon successful completion of a broker's licensing course in a state outside of Delaware, consisting of at least 99 hours of education, a licensee shall receive 18 hours of continuing education credit, satisfying ~~Modules 1—4 and 6—7~~ Modules 1 - 5 and 7 for the biennial licensing period in which the course was completed.
- 14.12 Advanced Courses
- 14.12.1 Licensees successfully completing a minimum of ~~6~~ 3 hours of a National Accreditation Program during a licensure renewal period and receiving a nationally recognized designation or providing proof of successfully completing a section towards a nationally recognized designation may submit ~~six (6)~~ a minimum of 3 credit hours ~~to satisfy Modules 6 and 7~~. The instructor shall be considered an approved instructor.
- 14.12.2 A Licensee may submit for review and approval a request for up to 3 continuing education credits for advanced courses, such as, but not limited to, college courses and certifications by the National Association of Realtors. Such credits may satisfy Modules 6 or 7.
- 14.12.3 After a minimum of 3 renewal cycles, a Licensee may submit for review and approval a request for up to 18 continuing education credits for advanced courses, such as, but not limited to, college courses and certifications by the National Association of Realtors. Such credits may satisfy any continuing education module, other than Module 5.
- 14.13 New Licensees.
- 14.13.1 ~~Effective the renewal period beginning May 1, 2022, in addition to meeting the continuing education requirements set forth in Section 14.0, all~~ All newly licensed individuals, other than individuals licensed by reciprocity, shall also complete the following ~~twelve~~ 12 hours of continuing education, specifically for new licensees, no later than 90 days after the date of issuance of the individual's license:
- 14.13.1.1 ~~Three (3) hours in professional standards for new licensees.~~
- 14.13.1.2 ~~Three (3) hours in agreement of sale and buyer representation for new licensees.~~
- 14.13.1.3 ~~Three (3) hours in real estate documents and seller representation for new licensees.~~
- 14.13.1.4 ~~Three (3) hours in real estate professionalism for new licensees.~~
- 14.13.1.1 Module A: Professional standards in real estate (3 hours)
- 14.13.1.2 Module B: Agreement of sale, buyer representation (3 hours)
- 14.13.1.3 Module C: Real estate documents (3 hours)
- 14.13.1.4 Module D: Real estate professionalism (3 hours)
- 14.13.2 The ~~twelve~~ 12 hours of required continuing education for new licensees shall be in addition to the continuing education required for licensure renewal and shall be included in the biennial continuing education audit referenced in subsection 14.6.

***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/march2026/proposed/29 DE Reg 757a 03-01-26>

DIVISION OF PROFESSIONAL REGULATION

Real Estate Commission

Statutory Authority: 24 Delaware Code, Section 2906(a)(1) (24 **Del.C.** §2906(a)(1))
24 **DE Admin. Code** 2925

PROPOSED

PUBLIC NOTICE

2925 Real Estate Commission Education Committee

Pursuant to 24 **Del.C.** §2906(a)(1), the Delaware Real Estate Commission ("Commission") proposes to revise its regulations. Proposed amendments clarify and update the guidelines for all Real Estate salesperson pre-licensing courses and broker and associate broker licensing courses, and continuing education. Additional revisions are technical and style changes consistent with the *Delaware Administrative Code Drafting and Style Manual*.

On February 1, 2026, proposed revisions to the Commission's regulations were published in the Delaware *Register of Regulations*, Volume 29, Issue 8. The Commission hereby withdraws the proposed revisions to the regulations published on February 1, 2026, and submits the attached proposed revisions to the regulations.

Anyone wishing to receive a copy of the proposed revisions to the regulations may obtain a copy from the Delaware Real Estate Commission, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments should be sent to Jennifer Jacoby, Administrator of the Delaware Real Estate Commission, at the above address or to jennifer.jacoby@delaware.gov. Written comments will be accepted until 5:00 p.m. on March 31, 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/march2026/proposed/29 DE Reg 761RFA 03-01-26.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/march2026/proposed/29 DE Reg 761 03-01-26>

DIVISION OF PROFESSIONAL REGULATION

Board of Mental Health and Chemical Dependency Professionals

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

PROPOSED

PUBLIC NOTICE

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

Pursuant to 24 **Del.C.** § 3006(a)(1), the Delaware Board of Mental Health and Chemical Dependency Professionals ("Board") has proposed revisions to its regulation. The proposed amendments seek to clarify the supervision requirements for LPCMHs, LCDPs, and LMFTs, including the required qualifications of supervisors and documentation

applicants are required to submit when applying. The changes clarify the requirements to apply by reciprocity and attempt to eliminate inconsistencies throughout the regulations. Finally, the proposed changes add the American Counseling Association's code of ethics to the regulations.

These amendments were published on page 591 of the January 1, 2026 issue of the *Delaware Register of Regulations* (29 DE Reg. 591 (01/01/26)). The Board planned to hold a hearing on January 28, 2026, at 12:00 p.m., but the hearing was cancelled. The Board will not hold a hearing. Instead, any written comments should be sent to Maya Echols, Administrator of the Delaware Board of Mental Health and Chemical Dependency Professionals, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments will be accepted until March 31, 2026.

***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/march2026/proposed/29 DE Reg 761aRFA 03-01-26.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/march2026/proposed/29 DE Reg 761a 03-01-26>

POLICE OFFICER STANDARDS AND TRAINING COMMISSION

Statutory Authority: 11 Delaware Code, Section 8404(a)(14) (11 Del.C. §8404(a)(14))
1 DE Admin. Code 801

PROPOSED

PUBLIC NOTICE

801 Delaware Council on Police Training

The Police Officer Standards and Training Commission (POST), formerly the Council on Police Training (COPT), pursuant to 11 Del. C. 8404 (a)(14), proposes to amend 801 Regulations of the Delaware Council on Police Training. The proposed amendments, which were voted on during public meetings of the COPT on May 6, 2025 and November 18, 2025, seek comprehensive changes to the Regulations to, among other things, align the Regulations with amendments made to POST's enabling statute in 2023.

The POST will allow for the submission of written comments, suggestions, or other materials regarding the proposed rules to the POST Attn: Amishia Bucknor, POST Administrator, 1128 S. Bradford Street, Dover, DE 19901 or e-mail ameshia.bucknor@delaware.gov. Any written submission in response to this notice and the relevant proposed regulations must be received by the COPT no later than 4:30 p.m. (EST) on March 31, 2026. A copy of this regulation may be viewed online at the Registrar of Regulation's website, https://regulations.delaware.gov/register/current_issue.

DECISION AND ORDER CONCERNING THE REGULATIONS

NOW THEREFORE, under the statutory authority and for the reasons sent forth above, the POST does hereby ORDER that the regulations be, and that they hereby are, proposed to be enacted as set forth below.

Joshua Bushweller, Chairman POST

***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/march2026/proposed/29 DE Reg 762RFA 03-01-26.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/march2026/proposed/29 DE Reg 762 03-01-26>

Symbol Key

Arial type indicates the text existing prior to the regulation being promulgated. Underlined text indicates new text added at the time of the proposed action. Language which is ~~stricken through~~ indicates text being deleted.

[Bracketed Bold language] indicates text added at the time the final order was issued. ~~**[Bracketed bold stricken through]**~~ indicates language deleted at the time the final order was issued.

Final Regulations

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

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

DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 122 (14 **Del.C.** §122)
14 **DE Admin. Code** 258

FINAL

ORDER

258 Federal Programs General Complaint Procedures*

I. Summary of the Evidence and Information Submitted

Pursuant to 14 **Del.C.** §122, the Delaware Department of Education ("Department") developed amendments to 14 **DE Admin. Code** 258 Federal Programs General Complaint Procedures. 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 November 1, 2025.

The Department received two written submittals concerning the proposed regulation. The first was from William Doolittle Chairperson for the Governor's Advisory Council for Exceptional Citizens (GCEC), and Susanna Eaton-Ryan, Chairperson, State Council for Persons with Disabilities (SCPD). Additionally, in the Department's review, the Department made one non-substantive change in the Final Regulation. The non-substantive change was to remove a line from subsection 5.2 as notated in the final order.

Issue: The GACEC and SCPD commented regarding the change to file an appeal from 60 days to 30 days and asked for clarification.

Agency Response: In making this change to the regulation, the Department followed 34 CFR 299.17 which states "(a) A party appealing a SEA's written resolution of a complaint, or failure to resolve a complaint, must include the following

in its request within 30 days of either the SEA's resolution or the 45-day time limit." The Department did not make this change and kept the 30-day appeal timeframe in this regulation.

Issue: The GACEC and SCPD suggested the Department explore appeal alternatives such as appealing to Superior Court.

Agency Response: The Department finds that making this change would require a legislative change. The Department did not make this change in 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 258 Federal Program General Complaint Procedures are necessary to maintain, administer, and supervise the State of a general and efficient system of free public schools in accordance with Federal programs. Additionally, the Department made a non-substantive change and removed "Office of Elementary and Secondary Education" from subsection 5.2. Accordingly, the Department finds that it is appropriate to amend 14 DE Admin. Code 258 Federal Programs General Complaint Procedures 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 258 Federal Programs General Complaint Procedures and to conform with the *Delaware Administrative Code Drafting and Style Manual*. Therefore, pursuant to 14 Del.C. §122, 14 DE Admin. Code 258 Federal Programs General Complaint Procedures is amended.

V. Text and Citation

The text of 14 DE Admin. Code 258 Federal Programs General Complaint Procedures is amended, and said regulation shall be cited as 14 DE Admin. Code 258 Federal Programs General Complaint Procedures 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 9th day of December 2025

Department of Education
Cynthia Marten, Secretary of Education

258 Federal Programs General Complaint Procedures*

(Break in Continuity of Sections)

5.0 Complaints and appeals to the Delaware Department of Education shall be mailed to the following address:~~Appeals~~

5.1 Complaints and appeals to the Delaware Department of Education shall be mailed to the following address:

Secretary of Education
Delaware Department of Education
401 Federal Street
Suite 2
Dover, Delaware 19901-3639

5.2 Complaints and appeals to the U.S. Department of Education shall be mailed to the following address:

U.S. Department of Education
[Office of Elementary and Secondary Education]
400 Maryland Avenue, SW
Washington, DC 20202

Non-regulatory Note: *IDEA Part B, as amended, has other specific remedies and procedural safeguards specified under Section 615 of the Act to protect students with disabilities. See [14 DE Admin. Code 923](#) Children with Disabilities Subpart B General Duties and Eligibility of Agencies.

***Please note that no additional changes were made to the regulation as originally proposed and published in the November 2025 issue of the *Register* at page 352 (29 DE Reg. 352). Therefore, the final regulation is not being republished here in its entirety. A copy of the final regulation is available at:**

<https://regulations.delaware.gov/register/march2026/final/29 DE Reg 763 03-01-26>

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 1605 (14 Del.C. §1605)
14 DE Admin. Code 609

FINAL

ORDER

609 District and School Based Intervention Services

I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

Pursuant to [14 Del.C. §1605](#), the Delaware Department of Education developed amendments to [14 DE Admin. Code 609](#) District and School Based Intervention Services. This regulation is being amended pursuant to [29 Del.C. §10407](#) which requires regulations to be reviewed on a recurring basis every four years. The proposed amendments include clarifying that the regulation establishes requirements for school districts and charter schools to provide school-based intervention services for students whose behavior disrupts the classroom learning environment. The amendments to the regulation include updated information in Section 3.0. Additionally, it clarifies language in Sections 5.0 and Section 6.0. The proposed amendments include grammatical and style changes to comply with the *Delaware Administrative Code Drafting and Style Manual*.

Notice of the proposed regulation was published in the Register of Regulations on November 1, 2025.

The Department received one written submittal from the State Council for Persons with Disabilities

Issue: The State Council for Persons with Disabilities (SCPD) asks the Department to clarify how the Multi-Tiered System of Support (MTSS) framework will interact with existing Individual Education Plan (IEP) and Section 504 processes, ensuring students are not diverted from appropriate special education services.

Agency Response: The Department appreciates the SCPD's comment. Regulation 508, which establishes the MTSS framework, has been in place for several years. The MTSS framework is designed to complement, not replace, existing IEP and Section 504 processes. Participation in MTSS interventions does not alter a student's eligibility for special education or Section 504 services. Schools must continue following all federal and state requirements for identifying, evaluating, and serving students with disabilities, ensuring that no student is diverted from appropriate supports or services.

Issue: The SCPD recommends that the Department include disability-focused performance metrics in the statewide evaluation template to monitor the effectiveness of interventions for students with disabilities.

Agency Response: The Department appreciates the SCPD's recommendation and will give careful consideration to including disability-focused performance metrics in the statewide evaluation template.

Issue: The SCPD requests the Department provide an opportunity for SCPD to review the template and provide feedback.

Agency Response: The Department appreciates the SCPD's request and will make the template available for review. The Department will consider any input received as appropriate, with final decisions regarding the content of the template remaining with the Department.

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 the amendments to 14 DE Admin. Code 609 District and School Based Intervention Services are necessary to implement and enforce 14 Del.C. §1605. The Department finds that it is appropriate to amend 14 DE Admin. Code 609 District and School Based Intervention Services as included in the proposed regulation.

IV. DECISION TO AMEND THE REGULATION

For the foregoing reasons, the Department concludes that it is appropriate to amend 14 DE Admin. Code 609 District and School Based Intervention Services. Therefore, pursuant to 14 Del.C. §1605, 14 DE Admin. Code 609 District and School Based Intervention Services is hereby amended.

V. TEXT AND CITATION

The text of 14 DE Admin. Code 609 District and School Based Intervention Services amended hereby shall be amended and said regulation shall be cited as 14 DE Admin. Code 609 District and School Based Intervention Services 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 9th day of January 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 November 2025 issue of the *Register* at page 355 (29 DE Reg. 355). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:

<https://regulations.delaware.gov/register/march2026/final/29 DE Reg 765 03-01-26>

**OFFICE OF THE SECRETARY
DIAA**

Statutory Authority: 14 Delaware Code, Section 303 (14 Del.C. §303)
14 DE Admin. Code 1034

FINAL**ORDER****1034 DIAA Health and Safety Requirements****I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED**

Pursuant to 14 Del.C. § 303, the Delaware Interscholastic Athletic Association Board of Directors ("Board") proposes amendments to 14 DE Admin. Code 1034 DIAA Health and Safety Requirements. The proposed amendments seek to bring DIAA into compliance with a newly enacted law requiring the Board to adopt regulations pertaining to CPR training for coaches and automated external defibrillator (AED) accessibility and emergency action plans for members schools. The proposed amendments further clarify what is required of emergency action plans as well AED availability, accessibility, and maintenance. Other grammar and style changes were made to comply with the *Delaware Administrative Code Drafting and Style Manual*.

Notice of the proposed regulation was published in the *Register of Regulations* on January 1, 2026. On January 27, 2026, the State Council for Persons with Disabilities (SCPD) submitted comments commending DIAA for the proposed amendments but recommended the Board add a requirement that districts and charters provide caregivers and athletes with an annual concussion and head injury information sheet, consistent with the American Association of Neurology recommendations. On January 28, 2026, the American Heart Association (AHA) submitted a written comment also commending DIAA but recommending that proposed subsection 9.3.1 change the word “response” to “action plan” in accordance with the AHA’s Emergency Action Plan Checklist and Template.

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

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.

III. FINDINGS OF FACTS

In regard to the January 27, 2026 comment from the State Council for Persons with Disabilities (SCPD), the DIAA Board found that all stakeholders, including parents or caregivers, are currently provided a concussion sheet every year with the physical examination packet. In regard to the comment submitted by the AHA, the Board found that changing “response” to “action plan” in subsection 9.3.1 would be an appropriate technical change to conform to the new law and remainder of the proposed regulation. As such, the Board found that regulation 9.3.1 will be amended in the Final Order but otherwise there was no basis to make any additional changes to the proposed regulation, **14 DE Admin. Code 1034 DIAA Health and Safety Requirements**.

IV. DECISION TO AMEND THE REGULATION

For the foregoing reasons, the Board concludes that it is appropriate to amend **14 DE Admin. Code 1034 DIAA Health and Safety Requirements**. Therefore, pursuant to **14 Del.C. § 303(b)(1)**, **14 DE Admin. Code 1034 DIAA Health and Safety Requirements**, attached hereto as Exhibit A, is hereby amended.

V. TEXT AND CITATION

The text of **14 DE Admin. Code 1034 DIAA Health and Safety Requirements** amended hereby shall be in the form attached hereto as Exhibit A and said regulation shall be cited as **14 DE Admin. 1034 DIAA Health and Safety Requirements** 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 12th day of February 2026.

/s/ J. Christian Beretta
Father Christian Beretta, Chairperson

(absent)
Dorrell Green, Vice Chairperson

(absent)
Amber Hickman-Taylor

(absent)
Bradley Bley, D.O., FAAP, RMSK, CSCS

/s/ Trisha Stiles
Trisha Stiles

/s/ Chad Jones
Chad Jones

/s/ Freeman Williams
Freeman Williams, III

/s/ Kristin DiGregory
Kristin DiGregory

/s/ Jason Bastianelli
Jason Bastianelli

/s/ Kathleen Kenney
Kathleen Kenney

/s/ Von Homer
Von Homer

(absent)
William Schultz

/s/ Clarence Armstrong
Clarence Armstrong

/s/ Lauren DiSabitino
Lauren DiSabitino

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

1034 DIAA Health and Safety Requirements

(Break in Continuity of Sections)

9.0 Emergency Action Plan Requirements

- 9.1 Each member school with an interscholastic athletic program must develop and maintain a written Emergency Action Plan (EAP) for responding to incidents of sudden cardiac arrest and other life-threatening emergencies.
- 9.2 The EAP shall be venue-specific for each indoor and outdoor athletic facility used for practices, competitions, and conditioning activities.
- 9.3 The EAP must:
 - 9.3.1 Be consistent with nationally recognized emergency [responseaction plan] guidelines;
 - 9.3.2 Be distributed annually to all athletic staff;
 - 9.3.3 Be posted conspicuously at each athletic venue; and
 - 9.3.4 Be rehearsed at least annually with coaches, athletics staff, and available medical personnel.
- 9.4 Member schools shall maintain documentation of the annual EAP review and rehearsal and shall make such documentation available to the Executive Director upon request.

***Please note that no additional changes were made to the regulation as originally proposed and published in the January 2026 issue of the *Register* at page 579 (29 DE Reg. 579). Therefore, the final regulation is not being republished here in its entirety. A copy of the final regulation is available at:**

<https://regulations.delaware.gov/register/march2026/final/29 DE Reg 766 03-01-26>

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 3411 (14 Del.C. §3411)
14 DE Admin. Code 1210

FINAL

ORDER

1210 Scholarship Incentive Program (ScIP)

I. Summary of the Evidence and Information Submitted

Pursuant to 14 Del.C. §3411, the Delaware Department of Education ("Department") wishes to repeal 14 DE Admin. Code 1210 Scholarship Incentive Program (ScIP). The Department wishes to repeal as it has been determined that this regulation is no longer needed as the information for this program has been included in 14 DE Admin Code 1211 Needs Based Scholarship Programs Administered by the Delaware Higher Education Office excluding Memorial Scholarships.

Notice of the proposal to repeal the regulation was published in the *Register of Regulations* on December 1, 2025. The Department did not receive any written submittals 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 no opposition to the repeal of this regulation was submitted, and the Department wishes to move forward with repealing [14 DE Admin. Code 1210](#) Scholarship Incentive Program (ScIP).

IV. Decision to Repeal the Regulation

For the foregoing reasons, the Department concludes that it is appropriate to repeal [14 DE Admin. Code 1210](#) Scholarship Incentive Program (ScIP). Therefore, pursuant to [14 Del.C. §3411](#), [14 DE Admin. Code 1210](#) Scholarship Incentive Program (ScIP) is repealed.

V. Text and Citation

The text of [14 DE Admin. Code 1210](#) Scholarship Incentive Program (ScIP) is repealed and said regulation shall be cited as [14 DE Admin. Code 1210](#) Scholarship Incentive Program (ScIP) (repealed) 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 15th day of January 2026

Department of Education

Cynthia Marten, Secretary of Education

Approved this 15th day of January 2026

State Board of Education

(Absent)

Shawn Brittingham, President

/s/ Deborah Stevens

Deborah Stevens, Vice President

(Absent)

Meredith L Griffin, Jr

/s/ Rajalakshmi Lodhavia

Rajalakshmi Lodhavia

/s/ Provey Powell, Jr.

Rev. Provey Powell, Jr.

/s/ James L. Simmons III

James L. Simmons III

***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 2025 issue of the *Register* at page 469 (29 DE Reg. 469). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

<https://regulations.delaware.gov/register/march2026/final/29 DE Reg 768 03-01-26>

FINAL REGULATIONS

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 3435(b) (14 **Del.C.** §3435(b))
14 **DE Admin. Code** 1213

FINAL

ORDER

1213 Speech-Language Pathologist Student Loan Repayment Program

I. Summary of the Evidence and Information Submitted

Pursuant to 14 **Del.C.** §3435(b), the Delaware Department of Education ("Department") wishes to repeal 14 **DE Admin. Code** 1213 Speech-Language Pathologist Student Loan Repayment Program. The Department wishes to repeal as it has been determined that this regulation is no longer needed as the information for this program has been included in 14 **DE Admin Code** 1215 Public School Employee Support Program for High Need Areas.

Notice of the proposal to repeal the regulation was published in the *Register of Regulations* on December 1, 2025. The Department did not receive any written submittals 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 no opposition to the repeal of this regulation was submitted, and the Department wishes to move forward with repealing 14 **DE Admin. Code** 1213 Speech-Language Pathologist Student Loan Repayment Program.

IV. Decision to Repeal the Regulation

For the foregoing reasons, the Department concludes that it is appropriate to repeal 14 **DE Admin. Code** 1213 Speech-Language Pathologist Student Loan Repayment Program. Therefore, pursuant to 14 **Del.C.** §3435(b), 14 **DE Admin. Code** 1213 Speech-Language Pathologist Student Loan Repayment Program is repealed.

V. Text and Citation

The text of 14 **DE Admin. Code** 1213 Speech-Language Pathologist Student Loan Repayment Program is repealed and said regulation shall be cited as 14 **DE Admin. Code** 1213 Speech-Language Pathologist Student Loan Repayment Program (repealed) 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 15th day of January 2026

Department of Education

Cynthia Marten, Secretary of Education

Approved this 15th day of January 2026

State Board of Education

(Absent)

Shawn Brittingham, President

/s/ Deborah Stevens

Deborah Stevens, Vice President

(Absent)

Meredith L Griffin, Jr

/s/ Rajalakshmi Lodhavia

Rajalakshmi Lodhavia

/s/ Provey Powell, Jr.

Rev. Provey Powell, Jr.

/s/ James L. Simmons III

James L. Simmons III

***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 2025 issue of the *Register* at page 472 (29 DE Reg. 472). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

<https://regulations.delaware.gov/register/march2026/final/29 DE Reg 770 03-01-26>

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 3438 (14 Del.C. §3438)
14 DE Admin. Code 1216

FINAL

ORDER

1216 Educator Support Scholarship Program

I. Summary of the Evidence and Information Submitted

Pursuant to 14 Del.C. §3438, the Delaware Department of Education ("Department") wishes to repeal 14 DE Admin. Code 1216 Educator Support Scholarship Program. The Department wishes to repeal as it has been determined that this regulation is no longer needed as the information for this program has been included in 14 DE Admin Code 1211 Needs Based Scholarship Programs Administered by the Delaware Higher Education Office excluding Memorial Scholarships.

Notice of the proposal to repeal the regulation was published in the *Register of Regulations* on December 1, 2025. The Department did not receive any written submittals 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

FINAL REGULATIONS

The Department finds that no opposition to the repeal of this regulation was submitted, and the Department wishes to move forward with repealing 14 DE Admin. Code 1216 Educator Support Scholarship Program.

IV. Decision to AMEND the Regulation

For the foregoing reasons, the Department concludes that it is appropriate to repeal 14 DE Admin. Code 1216 Educator Support Scholarship Program. Therefore, pursuant to 14 Del.C. §3438, 14 DE Admin. Code 1216 Educator Support Scholarship Program is repealed.

V. Text and Citation

The text of 14 DE Admin. Code 1216 Educator Support Scholarship Program is repealed and said regulation shall be cited as 14 DE Admin. Code 1216 Educator Support Scholarship Program (repealed) 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 15th day of January 2026

Department of Education

Cynthia Marten, Secretary of Education

Approved this 15th day of January 2026

State Board of Education

(Absent)

Shawn Brittingham, President

/s/ Deborah Stevens

Deborah Stevens, Vice President

(Absent)

Meredith L Griffin, Jr

/s/ Rajalakshmi Lodhavia

Rajalakshmi Lodhavia

/s/ Provey Powell, Jr.

Rev. Provey Powell, Jr.

/s/ James L. Simmons III

James L. Simmons III

*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 2025 issue of the *Register* at page 474 (29 DE Reg. 474). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:

<https://regulations.delaware.gov/register/march2026/final/29 DE Reg 771 03-01-26>

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 3439(a) (14 **Del.C.** §3439(a))
14 **DE Admin. Code** 1217

FINAL**ORDER****1217 Mental Health Services Scholarship Program****I. Summary of the Evidence and Information Submitted**

Pursuant to 14 **Del.C.** §3439(a), the Delaware Department of Education ("Department") wishes to repeal 14 **DE Admin. Code** 1217 Mental Health Services Scholarship Program. The Department wishes to repeal as it has been determined that this regulation is no longer needed as the information for this program has been included in 14 **DE Admin Code** 1211 Needs Based Scholarship Programs Administered by the Delaware Higher Education Office excluding Memorial Scholarships.

Notice of the proposal to repeal the regulation was published in the *Register of Regulations* on December 1, 2025. The Department did not receive any written submittals 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 no opposition to the repeal of this regulation was submitted, and the Department wishes to move forward with repealing 14 **DE Admin. Code** 1217 Mental Health Services Scholarship Program.

IV. Decision to Repeal the Regulation

For the foregoing reasons, the Department concludes that it is appropriate to repeal 14 **DE Admin. Code** 1217 Mental Health Services Scholarship Program. Therefore, pursuant to 14 **Del.C.** §3439(a), 14 **DE Admin. Code** 1217 Mental Health Services Scholarship Program is repealed.

V. Text and Citation

The text of 14 **DE Admin. Code** 1217 Mental Health Services Scholarship Program is repealed and said regulation shall be cited as 14 **DE Admin. Code** 1217 Mental Health Services Scholarship Program (repealed) 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 15th day of January 2026

Department of Education

Cynthia Marten, Secretary of Education

Approved this 15th day of January 2026

State Board of Education

(Absent)

Shawn Brittingham, President

/s/ Deborah Stevens

Deborah Stevens, Vice President

(Absent)

Meredith L Griffin, Jr

/s/ Rajalakshmi Lodhavia

Rajalakshmi Lodhavia

/s/ Provey Powell, Jr.

Rev. Provey Powell, Jr.

/s/ James L. Simmons III

James L. Simmons III

***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 2025 issue of the *Register* at page 476 (29 DE Reg. 476). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

<https://regulations.delaware.gov/register/march2026/final/29 DE Reg 773 03-01-26>

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 3439(b) (14 Del.C. §3439(b))
14 DE Admin. Code 1218

FINAL

ORDER

1218 Mental Health Services Student Loan Repayment Program

I. Summary of the Evidence and Information Submitted

Pursuant to 14 Del.C. §3439(b), the Delaware Department of Education ("Department") wishes to repeal 14 DE Admin. Code 1218 Mental Health Services Student Loan Repayment Program. The Department wishes to repeal as it has been determined that this regulation is no longer needed as the information for this program has been included in 14 DE Admin Code 1215 Public School Employee Support Program for High Need Areas.

Notice of the proposal to repeal the regulation was published in the *Register of Regulations* on December 1, 2025. The Department did not receive any written submittals 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 no opposition to the repeal of this regulation was submitted, and the Department wishes to move forward with repealing 14 DE Admin. Code 1218 Mental Health Services Loan Repayment Program.

IV. Decision to Repeal the Regulation

For the foregoing reasons, the Department concludes that it is appropriate to repeal [14 DE Admin. Code 1218](#) Mental Health Services Student Loan Repayment Program. Therefore, pursuant to [14 Del.C. §3439\(b\)](#), [14 DE Admin. Code 1218](#) Mental Health Services Student Loan Repayment Program is repealed.

V. Text and Citation

The text of [14 DE Admin. Code 1218](#) Mental Health Services Student Loan Repayment Program is repealed and said regulation shall be cited as [14 DE Admin. Code 1218](#) Mental Health Services Student Loan Repayment Program (repealed) 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 15th day of January 2026

Department of Education

Cynthia Marten, Secretary of Education

Approved this 15th day of January 2026

State Board of Education

(Absent)

Shawn Brittingham, President

/s/ Deborah Stevens

Deborah Stevens, Vice President

(Absent)

Meredith L Griffin, Jr

/s/ Rajalakshmi Lodhavia

Rajalakshmi Lodhavia

/s/ Provey Powell, Jr.

Rev. Provey Powell, Jr.

/s/ James L. Simmons III

James L. Simmons III

***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 2025 issue of the *Register* at page 478 (29 DE Reg. 478). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

<https://regulations.delaware.gov/register/march2026/final/29 DE Reg 774 03-01-26>

FINAL REGULATIONS

PROFESSIONAL STANDARDS BOARD

Statutory Authority: 14 Delaware Code, Sections 1203, 1204(a), 1205(b), and 1216A(a)(1) (14 Del.C. §§1203, 1204(a), 1205(b), & 1216A(a)(1))
14 DE Admin. Code 1517

FINAL

ORDER

1517 Paraeducator Permit

I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

Pursuant to 14 Del.C. §§1203, 1204(a), 1205(b), and 1216A(a)(1), the Professional Standards Board ("Board"), acting in consultation and cooperation with the Delaware Department of Education ("Department"), developed amendments to 14 DE Admin. Code 1517 Paraeducator Permit. The regulation concerns the requirements for a Paraeducator Permit in accordance with 14 Del.C. §1216A(a)(1). The proposed amendments in this regulation include adding definitions; adding a new examination in Section 4.0; creating a new Section 6.0 listing the requirements for a Behavior Intervention Paraeducator Permit requiring renumbering forward; adding subsequent application requirements in subsection 8.5; and mandating the requirement date of the new permit in Section 15.0. The proposed amendments include grammatical and style changes 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. The Professional Standards Board received one written comment from the public. Susannah Eaton-Ryan, chairperson of the State Council for Persons with Disabilities, commented that the council supports higher and clearer standards for paraeducator education, knowledge, and skills (including behavior-focused permits) as they can improve support quality in classrooms where many paraeducators work directly with students with disabilities.

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

On January 8, 2026, the Professional Standards Board deliberated on the proposed regulation. Prior to deliberations the Board reviewed the written submittal. The Board found that no further amendments were necessary, and voted to propose 14 DE Admin. Code 1517 Paraeducator Permit for adoption by the Department subject to the State Board of Education's approval.

The Department finds that the proposed amendments to the regulation are necessary to implement 14 Del.C. Ch. 12 and are designed to improve the quality of the Delaware educator workforce and to improve student performance. Accordingly, the Department finds that it is appropriate to amend 14 DE Admin. Code 1517 Paraeducator Permit.

IV. DECISION TO AMEND THE REGULATION

For the foregoing reasons, the Department concludes that it is appropriate to amend 14 DE Admin. Code 1517 Paraeducator Permit subject to the State Board of Education's approval. On January 15, 2026, the State Board of Education approved amending 14 DE Admin. Code 1517 Paraeducator Permit. Therefore, pursuant to 14 Del.C. §§1203, 1204(a), 1205(b), and 1216A(a)(1), 14 DE Admin. Code 1517 Paraeducator Permit, is hereby amended.

V. TEXT AND CITATION

The text of 14 DE Admin. Code 1517 Paraeducator Permit amended hereby shall be cited as 14 DE Admin. Code 1517 Paraeducator Permit 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 15th day of January, 2026.

Department of Education
Cynthia Marten, Secretary of Education

Approved this 15th day of January, 2026.

State Board of Education

Shawn Brittingham, President (Absent)

/s/ Deborah Stevens, Vice President

Meredith L. Griffin, Jr. (Absent)

/s/ Rajalakshmi Lodhavia

/s/ Provey Powell, Jr.

/s/ James L. Simmons III

***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 2025 issue of the *Register* at page 482 (29 DE Reg. 482). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

<https://regulations.delaware.gov/register/march2026/final/29 DE Reg 776 03-01-26>

PROFESSIONAL STANDARDS BOARD

Statutory Authority: 14 Delaware Code, Sections 1203, 1204(a), 1205(b), and 1216A(a)(1) (14 Del.C. §§1203, 1204(a), 1205(b), & 1216A(a)(1))

FINAL

ORDER

1523 Long-Term Substitute Permit

I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

Pursuant to 14 Del.C. §§1203, 1204(a), 1205(b), and 1216A(a)(1), the Professional Standards Board ("Board"), acting in consultation and cooperation with the Delaware Department of Education ("Department"), developed 14 DE Admin. Code 1523 Long-Term Substitute Permit. The proposed regulation concerns the requirements for a Long-Term Substitute Permit in accordance with 14 Del.C. §1216A(a)(1). Proposed Section 1.0 states that the regulation outlines the qualification and training for the Long-Term Substitute Permit; Section 2.0 provides definitions for the proposed regulation; Section 3.0 concerns the individual required to have a Long-Term Substitute Permit; Section 4.0 provides the prescribed requirements for the issuance of a Long-Term Substitute Permit; Section 5.0 provides the application requirements; Section 6.0 concerns the validity of a Long-Term Substitute Permit; Section 7.0 concerns disciplinary actions; Section 8.0 concerns applicants' and educators' contact information with the Department and specifies how they can change their name or address; and Section 9.0 lists the effective date of the regulation.

Notice of the proposed regulation was published in the *Register of Regulations* on December 1, 2025. The Professional Standards Board received one written submission from the public. Susannah Eaton-Ryan, chairperson of the State Council for Persons with Disabilities, commented that the council requests clarification from the Department

of Education on how districts and charter schools ensure that individuals serving under a Long-Term Substitute Permit receive timely and appropriate guidance regarding students' Individualized Education Programs (IEP's) and Section 504 Plans, so that substitutes assigned for extended periods are properly informed of required special education and related supports.

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

On January 8, 2026, the Professional Standards Board deliberated on the proposed regulation. Prior to deliberations the Board reviewed the written submittal. The Board found that providing guidance regarding students' Individualized Education Programs (IEP's) and Section 504 Plans was an employer responsibility and that no further amendments were necessary in the regulation. The Board voted to propose 14 **DE Admin. Code** 1523 Long-Term Substitute Permit for adoption by the Department subject to the State Board of Education's approval.

The Department finds that the proposed regulation is necessary to implement 14 **Del.C.** Ch. 12 and are designed to improve the quality of the Delaware educator workforce and to improve student performance. Accordingly, the Department finds that it is appropriate to adopt 14 **DE Admin. Code** 1523 Long-Term Substitute Permit.

IV. DECISION TO AMEND THE REGULATION

For the foregoing reasons, the Department concludes that it is appropriate to adopt 14 **DE Admin. Code** 1523 Long-Term Substitute Permit subject to the State Board of Education's approval. On January 15, 2026, the State Board of Education approved adopting 14 **DE Admin. Code** 1523 Long-Term Substitute Permit. Therefore, pursuant to [14 Del.C. §§1203, 1204\(a\), 1205\(b\), and 1216A\(a\)\(1\)](#), 14 **DE Admin. Code** 1523 Long-Term Substitute Permit, is hereby adopted.

V. TEXT AND CITATION

The text of 14 **DE Admin. Code** 1523 Long-Term Substitute Permit adopted hereby shall be cited as 14 **DE Admin. Code** 1523 Long-Term Substitute Permit 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 15th day of January, 2026.

Department of Education

Cynthia Marten, Secretary of Education

Approved this 15th day of January, 2026.

State Board of Education

(Absent)

Shawn Brittingham, President

/s/ Deborah Stevens

Deborah Stevens, Vice President

(Absent)

Meredith L. Griffin, Jr.

/s/ Rajalakshmi Lodhavia

Rajalakshmi Lodhavia

/s/ Provey Powell, Jr.

Rev. Provey Powell, Jr.

/s/ James L. Simmons III

James L. Simmons III

***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 2025 issue of the *Register* at page 483 (29 DE Reg. 483). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

<https://regulations.delaware.gov/register/march2026/final/29 DE Reg 777 03-01-26>

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DIVISION OF MEDICAID AND MEDICAL ASSISTANCE

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

FINAL

ORDER

Medication Assisted Treatment (MAT)

NATURE OF THE PROCEEDINGS:

Delaware Health and Social Services ("Department") / Division of Medicaid and Medical Assistance initiated proceedings to amend Title XIX Medicaid State Plan regarding Medication Assisted Treatment (MAT), specifically, to clean up the language and remove the end date. The Department's proceedings to amend its regulations were initiated pursuant to [29 Del.C. §10114](#) and its authority as prescribed by [31 Del.C. §512](#).

The Department published its notice of proposed regulation changes pursuant to [29 Del. C. §10115](#) in the January 2026 *Delaware Register of Regulations*, requiring written materials and suggestions from the public concerning the proposed regulations to be produced by February 2, 2026, at which time the Department would receive information, factual evidence and public comment to the said proposed changes to the regulations.

SUMMARY OF PROPOSAL

The purpose of this notice is to advise the public that Delaware Health and Social Services (DHSS)/Division of Medicaid and Medical Assistance (DMMA) is proposing to amend Title XIX Medicaid State Plan regarding Medication Assisted Treatment (MAT).

Background

Section 1006(b) of the SUPPORT Act, signed into law on October 24, 2018, amends section 1902(a)(10)(A) of the Social Security Act (the Act) to require state Medicaid plans to include coverage of MAT for those who are eligible to enroll in the state plan or waiver of state plan. States are also required to cover counseling services and behavioral therapies associated with provision of the required drug and biological coverage.

Statutory Authority

- Section 1006(b) of the SUPPORT Act
- 1902(a)(29) of the Social Security Act (SSA)

Purpose

The purpose of this regulation is to clean up the language and remove the end date.

Summary of Proposed Changes

Effective October 1, 2025, the DHSS/DMMA proposes to amend Title XIX Medicaid State Plan to clarify MAT.

Public Notice

In accordance with the *federal* public notice requirements established at Section 1902(a)(13)(A) of the Social Security Act and 42 CFR 440.386 and the *state* public notice requirements of Title 29, Chapter 101 of the **Delaware Code**, DHSS/DMMA gave public notice and provided an open comment period for 30 days to allow all stakeholders an opportunity to provide input on the proposed regulation. Comments were to have been received by 4:30 p.m. on February 2, 2026.

Centers for Medicare and Medicaid Services Review and Approval

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

Provider Manuals and Communications Update

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

Fiscal Impact Statement

There is no anticipated fiscal impact.

Summary of Comments Received with Agency Response and Explanation of Changes

There were no public comments received.

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

The DMMA Division Director 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:

The Department finds that the proposed changes as set forth in the January 2026 *Register of Regulations* should be adopted.

THEREFORE, IT IS ORDERED, that the proposed regulation to amend Title XIX Medicaid State Plan regarding MAT, specifically, to clean up the language and remove the end date is adopted and shall be final effective March 11, 2026.

2/12/2026

Date of Signature

Christen Linke Young, Secretary, DHSS

Medication Assisted Treatment (MAT)

***Please Note: Due to formatting of certain amendments to the regulation, they are not being published here. A copy of the document is available at:**

<https://regulations.delaware.gov/register/March2026/4C3756E7-A0EB-4B8A-B2BD-BB77AE271F88>

DIVISION OF PUBLIC HEALTH

Statutory Authority: 18 Delaware Code, Section 3365 (18 **Del.C.** §3365)
16 **DE Admin. Code** 4102

FINAL

ORDER

4102 School-Based Health Centers

NATURE OF THE PROCEEDINGS:

The Delaware Department of Health and Social Services ("DHSS"), Division of Public Health recently initiated proceedings to amend regulation 4102 School-Based Health Centers (SBHCs) on December 1, 2025 (29 **DE Reg.** 489). These proceedings were initiated pursuant to 29 **Del.C.** §10115 and the statutory authority as prescribed by 16 **Del.C.** §122.

The Division of Public Health requested that written materials and suggestions from the public concerning the proposed regulation be delivered to DHSS by January 2, 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 (December 1, 2025 through January 2, 2026). Entities offering written comments include the State Council for Persons with Disabilities.

Public comments and the DHSS (Agency) response are as follows:

State Council for Persons with Disabilities (SCPD), Susannah Eaton-Ryan, Chairperson:

The SCPD has reviewed the proposed regulation and has the following comments:

Recommendations:

The SCPD supports the amendments as they remove cost barriers for services delivered in SBHCs. Prevent inappropriate billing for IDEA/504 evaluations and IEP/504 supports and protect families from financial liability for federally mandated special education services.

Thank you for your consideration of our comments. Please do not hesitate to contact us with any questions.

Agency Response: The Division of Public Health appreciates and acknowledges these comments.

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:

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 regulation 4102 School-Based Health Centers shall become effective March 11, 2026, 10 days after publication of the final regulation in the *Delaware Register of Regulations*.

2/16/2026

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 December 2025 issue of the *Register* at page 489 (29 DE Reg. 489). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:

<https://regulations.delaware.gov/register/march2026/final/29 DE Reg 781 03-01-26>

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** 4457

FINAL

ORDER

4457 Regulations Governing the Manufacture and Sale Of Ice

NATURE OF THE PROCEEDINGS:

Delaware Health and Social Services ("DHSS"), Division of Public Health recently initiated proceedings to amend the regulation governing the manufacture and sale of ice. These proceedings were initiated pursuant to 29 **Del.C.** Ch. 101 and the authority as prescribed by 16 **Del.C.** §122(3)u.1..

On October 1, 2025 (29 **DE Reg.** 273), DHSS published in the *Delaware Register of Regulations* its notice of the proposed amendments, pursuant to 29 **Del.C.** §10115. The Division of Public Health requested that written materials and suggestions from the public concerning the proposed regulation be delivered to DHSS by November 3, 2025, after which time DHSS would review information, factual evidence, and public comment to the proposed regulation.

No comments were received during the public comment period.

SUMMARY OF EVIDENCE:

In accordance with Delaware law, the public notice regarding the proposed amendments to the regulation governing the manufacture and sale of ice was published in the *Delaware Register of Regulations*. Written comments were accepted on the proposed regulation during the public comment period (October 1, 2025, through November 3, 2025).

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:

A non-substantive, final amendment correcting the statutory authority in subsection 1.1 of the regulation was made after publication of the proposed regulation. The Department finds that the proposed revised 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 4457 Regulations Governing the Manufacture and Sale Of Ice shall become effective March 11, 2026, 10 days after publication of the final regulation in the *Delaware Register of Regulations*.

2/18/2026

Date

Christen Linke Young

Cabinet Secretary

Delaware Department of Health and Social Services

4457 Regulations~~Regulation~~ Governing the Manufacture and Sale Of~~of~~ Ice

1.0 Preamble

- 1.1 ~~These Regulations are~~ This regulation is adopted by the Division of Public Health pursuant to the authority invested in the ~~Board~~ Division of Public Health by 16 Del.C. §122(1), (3)(a,b,c,f and j) [~~§122(1); (3)a., b., c., f., and j.~~§122(3)u.1.]. It is hereby declared that it is the purpose of this ~~section~~ regulation is to protect, ~~preserve~~ preserve, and promote the public health and well-being of the people of Delaware, to minimize the incidence of communicable diseases, and to regulate the manufacture of ice-ice, and to provide for the examination and labeling of ice for the purpose of maintaining minimal adequate sanitation standards.
- 1.2 ~~These Regulations~~ This regulation was initially adopted October 1, 2011-2011, by the Division of Public Health have Health, with an effective date of October 11, 2011.

***Please note that no additional changes were made to the regulation as originally proposed and published in the October 2025 issue of the Register at page 273 (29 DE Reg. 273). Therefore, the final regulation is not being republished here in its entirety. A copy of the final regulation is available at:**

<https://regulations.delaware.gov/register/march2026/final/29 DE Reg 782 03-01-26>

DIVISION OF PUBLIC HEALTH

Statutory Authority: 16 Delaware Code, Section 2511C(a)(1) (16 Del.C. §2511C(a)(1))

FINAL**ORDER****4603 End-of-Life Options****NATURE OF THE PROCEEDINGS:**

The Delaware Department of Health and Social Services ("DHSS"), Division of Public Health (Agency) published new regulation 4603 End-of-Life Options on January 1, 2026 (29 DE Reg. 586). This regulation aligns with 16 Del.C. Ch. 25C, regarding the self-administration of medication to end life in a humane and dignified manner by a terminally ill adult, and the facilitation of the collection of information for reporting purposes. House Bill 140 (85 Del. Laws, c. 19), known as "The Ron Silverio/Heather Block End of Life Options Law", was signed on May 20, 2025.

The Division of Public Health requested that written materials and suggestions from the public concerning the proposed regulation be delivered to DHSS by February 2, 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 (January 1, 2026 through February 2, 2026). Entities offering written comments included the State Council for Persons with Disabilities, Compassion and Choices, Neil S. Kaye, MD, DLFAPA, Medical Society of Delaware, Patients Rights Action Fund, and ChristianaCare.

The Agency appreciates and acknowledges all comments that have been provided. Minor technical changes were made as a result of evidence review to ensure uniformity in terms between Appendix B and E, clarify confusion over "Place of Death" in Appendix F, and separate the references of "hospice" and "palliative care" in the regulation and Appendix F. Some suggested technical changes were not included since they do not conform to regulatory drafting standards, or they need to be addressed by the legislature.

One commenter asked about when a practicing psychiatrist should prescribe medication to someone contemplating suicide. Under the End-of-Life Options Act, only an attending physician or attending APRN may prescribe medication to a requesting patient going through a thorough process outlined in the law. A provider that does not have primary responsibility for the patient's terminal illness would be unable to guide a patient through this process or prescribe.

Some comments requested an expansion of the regulation and/or its appendices to clarify or expand on the patient-provider relationship, provide a list of prescribers participating in medical-aid-in-dying and to expand on medication safety. Other commenters felt the regulation left questions around the practices of providers when going through the

process. Per the law, the Agency has the authority to promulgate regulations around the required reporting and annual report. This regulation is consistent with that authority.

A few comments requested the addition of certain data points, such as motivations, length of patient-provider relationship, specific medications, and the number of doctors prescribing. The agency acknowledges the small population of patients participating in this process and that this is an intensely personal process between a patient and their attending provider, and for that reason data reporting is generally limited to understand utilization of medical-aid-in-dying.

Finally, two suggestions were made that will be explored for possible incorporation into a frequently asked questions (FAQ) document and posted on the Agency's End-of-Life Options page: The first to consider is clarification on whether providers must include medical-aid-in-dying as a treatment option based on the following language: "(b) An attending physician or attending APRN must provide sufficient information to an individual with a terminal illness regarding all available treatment options, and the alternatives and the foreseeable risks and benefits of each, so that the individual can make an independent decision regarding the individual's end of life health care." The second is about what information is placed on the death certificate when a patient participates in Medical-Aid-In-Dying (MAID).

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:

Minor technical changes were made to the regulation and Appendices B, C, E, and F 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 4603 End-of-Life Options shall become effective March 11, 2026, 10 days after publication of the final regulation in the *Delaware Register of Regulations*.

2/17/2026

Date

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

4603 End-of-Life Options

1.0 Scope and Purpose

- 1.1 A terminally ill adult individual who has decision-making capacity has the right to request and self-administer medication to end the individual's life in a humane and dignified manner.
- 1.2 A terminally ill individual should not be coerced, pressured, or otherwise compelled to self-administer medication to end the individual's life and the decision to self-administer medication to end life must be made voluntarily by a terminally ill adult individual with decision-making capacity, not by a guardian or other surrogate health-care decision maker or by the individual in an advance health-care directive.
- 1.3 Health-care providers shall not be subject to civil or criminal liability or professional discipline for honoring a request from a terminally ill adult individual for medication to end the individual's life in a humane and dignified manner that is made in compliance with the requirements of 16 Del.C. Ch. 25C.
- 1.4 The self-administration of medication to end life in a humane and dignified manner by a terminally ill adult shall not impact life insurance or annuity policies.
- 1.5 This regulation facilitates the collection of information regarding compliance with 16 Del.C. Ch. 25C End of Life Options.

2.0 Authority

This regulation is promulgated pursuant to the statutory authority provided under [85 Del. Laws, c. 19](#) and [16 Del.C. §2511C\(a\)\(1\)](#).

3.0 Reporting (Pursuant to 16 Del.C. §2511C)

- 3.1 Within 30 calendar days of writing a prescription for medication to end the life of a qualified patient, the attending physician or attending APRN shall send the following completed, signed, and dated documentation by USPS mail to the Health Statistics Center at the Bureau of Vital Records and Health Statistics, James Williams State Service Center, Suite 109, 805 River Road, Dover, DE 19901 or secure electronic email to the Bureau of Vital Records and Health Statistics at DE_HealthStatistics@delaware.gov:
 - 3.1.1 A copy of the patient's completed written request for medication to end life, either using the Written Request for Medication to End My Life in a Humane and Dignified Manner (Appendix A of this regulation) form or in substantially the form described in [16 Del.C. §2505C](#);
 - 3.1.2 Attending Physician or Attending APRN Compliance Form (Appendix B of this regulation);
 - 3.1.3 Consulting Physician or Consulting APRN Compliance Form (Appendix C of this regulation);
 - 3.1.4 Psychiatrist or Psychologist Compliance Form (Appendix D of this regulation), if an evaluation was performed.
- 3.2 Within 30 calendar days of dispensing medication, the dispensing health care provider shall send a copy of the Medication Dispensing Form (Appendix E of this regulation) to the Bureau of Vital Records and Health Statistics, by USPS mail or secure electronic mail. Information to be reported shall include:
 - 3.2.1 The patient's name and date of birth;
 - 3.2.2 The prescribing physician or APRN's name, phone number, and drug enforcement administration certificate number, pursuant to [16 Del.C. §2508C\(12\)\(a\)](#);
 - 3.2.3 The dispensing health care provider's name, address, phone number, and pharmacist license number;
 - 3.2.4 The medication dispensed and quantity;
 - 3.2.5 The date the prescription was written; and
 - 3.2.6 The date the medication was dispensed.
- 3.3 Within 20 calendar days of a patient's ingestion of lethal medication obtained pursuant to the Act, or death from any other cause, whichever comes first, the attending physician or attending APRN shall complete the Attending Physician or Attending APRN Follow-Up Form (Appendix F of this regulation) to the Bureau of Vital Records and Health Statistics by USPS mail or secure electronic mail.
- 3.4 The Division shall make the forms accessible on the Department website <https://dhss.delaware.gov/dph/eolo/>.

4.0 Annual Report (Pursuant to 16 Del.C. §2511C)

- 4.1 The Division shall generate and make available to the public an annual statistical report of information collected. Data will be aggregated to ensure the protection of the individual's privacy. This annual statistical report will be made available online at <https://dhss.delaware.gov/dph/eolo/>.
- 4.2 Data elements to be included in the annual statistical report shall include, at a minimum, the following:
 - 4.2.1 The number of individuals who received prescriptions (written or filled);
 - 4.2.2 The number of individuals who died after ingesting;
 - 4.2.3 The number of individuals who died without having ingested or died from other causes;
 - 4.2.4 Demographics:
 - 4.2.4.1 Sex;
 - 4.2.4.2 Age group;
 - 4.2.4.3 Race/ethnicity
 - 4.2.5 Enrollment in hospice **[or palliative care]** at the time of death;
 - 4.2.6 Underlying illness (also known as the primary terminal diagnosis); and
 - 4.2.7 Place of death.

APPENDIX A**Written Request for Medication to End My Life in a Humane and Dignified Manner**

<https://regulations.delaware.gov/register/March2026/1B7C34A8-86B9-4C19-A4BC-A7D53B145271>

[APPENDIX B**Attending Physician or Attending APRN Compliance Form****APPENDIX B****Attending Physician or Attending APRN Compliance Form**

<https://regulations.delaware.gov/register/March2026/5AC6A754-D04C-4DAF-BA5C-4C665133EF10>]

APPENDIX C**Consulting Physician or Consulting APRN Compliance Form**

<https://regulations.delaware.gov/register/March2026/35A98D00-F2D8-4E5E-A295-AB0BD820C346>

APPENDIX D**Psychiatrist or Psychologist Compliance Form**

<https://regulations.delaware.gov/register/March2026/9D5DB2E5-00A0-45FB-98A3-6FECE65B8B3C>

[APPENDIX E**Medication Dispensing Form****APPENDIX E****Medication Dispensing Form**

<https://regulations.delaware.gov/register/March2026/6D2B6AC2-5C49-4B13-8B0E-A95ED6BA6EEB>

APPENDIX F**Attending Physician or Attending APRN Follow-Up Form****APPENDIX F****Attending Physician or Attending APRN Follow-Up Form**

<https://regulations.delaware.gov/register/March2026/068059EA-3E22-429B-AF61-685DB08AD50C>]

DEPARTMENT OF JUSTICE**OFFICE OF THE ATTORNEY GENERAL**

Statutory Authority: 6 Delaware Code, Section 73-102(b) (6 Del.C. §73-102(b))

FINAL**ORDER****Rules Pursuant to the Delaware Securities Act**

WHEREAS, on January 2, 2026, the Delaware Registrar of Regulations, pursuant to the request of the Investor Protection Director, caused the proposed Rules Pursuant to the Delaware Securities Act to be published in the Delaware Register of Regulations; and

WHEREAS, the proposed rule amendments were held open for public comment until February 2, 2026; and

WHEREAS, no comments were received and therefore no evaluation of summarization of comments is presented in the accompanying “Summary of Evidence”;

NOW, THEREFORE, IT IS HEREBY ORDERED that the information set forth herein shall constitute the required summary of evidence and information submitted; the summary of findings of fact with respect to the evidence; and the decision to adopt the rules.

SUMMARY OF EVIDENCE AND INFORMATION SUBMITTED

The public comment period was open from January 2, 2026 to February 2, 2026. No comments were received, and no changes have been made to the proposed rules.

SUMMARY OF FINDINGS OF FACT

The revision makes relatively minor changes to the Rules Pursuant to the Delaware Securities Act (the “Rules”). The Rules are being changed as follows:

1. Rule 102 is being modified to clarify the process for seeking a request for no action from the Investor Protection Unit.
2. Rule 511 is being modified in conjunction with Rule 102 to clarify the process for seeking confirmation of the availability of an exemption from registration of securities, including that no action guidance may not be used to create an exemption that is not otherwise in the Delaware Securities Act or the Rules.
3. Rules 600, 601, 700 and 701 are being amended to clarify that applicants for registration with the Investor Protection Unit who do not provide requested documentation in the allotted time will have their applications marked “abandoned.” Applicants retain the ability to re-apply at any time.
4. Rules 602, 610 and 710 are being amended to harmonize the Investor Protection Unit’s testing requirements with current requirements of the Financial Industry Regulatory Authority (“FINRA”).
5. Other grammar and style changes were made to comply with the Delaware Administrative Code Drafting and Style Manual.

Impact on the State’s Greenhouse Gas Emissions Reduction Targets and Resiliency to Climate Change

Pursuant to [29 Del.C. §10118\(b\)\(3\)](#), which requires that each agency address impact on the State’s greenhouse gas emissions reduction targets and resiliency to climate change, the Investor Protection Unit respectfully states:

The regulation was reviewed to determine if an assessment is warranted to evaluate the impact to the State’s greenhouse gas emissions reduction targets and the impact on the State’s resiliency to climate change. The review determined the impact will be de minimis as neither implementation nor compliance with the regulation is expected to increase direct or indirect greenhouse gas emissions.

DECISION AND EFFECTIVE DATE

The Rules Pursuant to the Delaware Securities Act, as amended, are adopted effective March 11, 2026.

DATED THIS 25th DAY OF FEBRUARY, 2026.

BY ORDER OF:

Jillian Lazar
Investor Protection Director
For the State of Delaware

***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 589 (29 DE Reg. 589). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

<https://regulations.delaware.gov/register/march2026/final/29 DE Reg 786 03-01-26>

DEPARTMENT OF SAFETY AND HOMELAND SECURITY

OFFICE OF THE MARIJUANA COMMISSIONER

Statutory Authority: 4 Delaware Code, Section 1331 (4 Del.C. §1331)

4 DE Admin. Code 5001

FINAL

ORDER

5001 Rules of the Office of the Marijuana Commissioner

SUMMARY OF THE EVIDENCE

1. Title 4, Section 1331 of the Delaware Code authorizes the Office of Marijuana Commissioner (“OMC”) to establish regulations necessary to implement Chapter 13.

2. OMC published its proposed revisions to 4 DE Admin. Code 5001 in the *Delaware Register of Regulations* on January 1, 2026, in [29 DE Reg. 590 \(01/01/26\)](#). A written comment period was held open for thirty days, through February 2, 2026.

3. OMC's purpose in revising the regulation is to: add a definition for "financial interest" to clarify what constitutes a financial interest in a marijuana establishment; implement changes to Section 3.0 Licensing and 4.0 Application Process and Issuance of Licenses to clarify the types of licenses available; implement changes to Section 8.3 Marijuana product package size to align with industry standards; implement changes to Section 10.0 Advertising modifying permissible colors and images on branding and packaging; and implement changes to Section 11.0 Testing and Sampling to update the process for collection and submission of samples and the number of required samples, and to add additional testing options for microbiological contaminants. Other grammar and style changes were made to comply with the *Delaware Administrative Code Drafting and Style Manual*.

4. OMC solicited and requested public comment on the proposed revisions to the regulation in accordance with the Delaware Administrative Procedures Act, 29 **Del.C.** Ch. 101, et. seq., and one written submission containing public comments was submitted. OMC considered the public comments contained in that submission and, as described in more detail below, determined that the proposed changes to add a definition for "financial interest" and to modify product package size (Section 8.3) require additional consideration before implementing any substantive changes.

5. The remaining proposed changes to Sections 3.0 Licensing and 4.0 Application Process and Issuance of Licenses to clarify the types of licenses available, to Section 10.0 Advertising modifying permissible colors and images on branding and packaging, and to Section 11.0 Testing and Sampling to update the process for collection and submission of samples and the number of required samples, and to add additional testing options for microbiological contaminants, require no additional substantive changes and should be adopted as published.

FINDINGS OF FACT AND CONCLUSIONS

OMC's proposed changes to the regulation fall into two categories: changes intended to clarify existing requirements; and changes intended to modify existing requirements. The clarifying changes included adding a definition for "financial interest" to clarify what constitutes a financial interest in a marijuana establishment, changes to Sections 3.0 Licensing and 4.0 Application Process and Issuance of Licenses to clarify the types of licenses available, and other grammar and style changes to comply with the *Delaware Administrative Code Drafting and Style Manual*. The proposed changes intended to modify existing requirements included changes to Section 8.3 Marijuana product package size to align with industry standards, changes to Section 10.0 Advertising modifying permissible colors and images on branding and packaging, and changes to Section 11.0 Testing and Sampling to update the process for collection and submission of samples and the number of required samples, and to add additional testing options for microbiological contaminants.

OMC received comments on the "financial interest" definition that suggest OMC's proposed definition may be too broad to serve its intended purpose. Thus, OMC intends to revise its proposed definition and re-publish its proposed language in a future publication.

OMC did not receive any public comments on its changes to Sections 3.0 Licensing and 4.0 Application Process and Issuance of Licenses; thus, OMC finds that it is appropriate to adopt the proposed changes to Sections 3.0 and 4.0, as published.

After publication of the proposed changes, OMC determined that its intended changes to the marijuana product package sizes require additional substantive changes beyond those identified in Section 8.3. Therefore, OMC has determined that additional substantive changes to other sections of the regulation must be published before it can implement the intended changes to Section 8.3.

The public comment OMC received on the proposed changes to Section 10.0 Advertising, modifying permissible colors and images on branding and packaging, sought clarification on how the revisions would be implemented, but did not offer commentary indicating substantive issues with the change or proposing any further revisions. Therefore, OMC finds that it is appropriate to adopt the proposed changes to Section 10.0, as published.

Finally, the public comment OMC received regarding the changes to Section 11.0 Testing and Sampling, inquired about the scientific basis for the proposed change and suggested modifying the requirements in a different manner. OMC reviewed and considered the public comment's proposed alternative but finds that the proposed alternative does not adequately address the public safety concern on which this change is founded. Specifically, OMC's change retains the original non-specific contaminant limits thresholds but adds permissible alternative testing options that allows for higher thresholds of certain types of contaminants. Thus, OMC finds that it is appropriate to adopt the proposed changes to Section 11.0 Testing and Sampling, as published.

STATEMENT OF CLIMATE IMPACT

An assessment of the impact of the proposed revised regulations 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.

ORDER

AND NOW this 9th day of February, 2026, it is hereby ordered that:

1. The proposed regulation revisions to Sections 3.0, 4.0, 10.0, and 11.0 are hereby adopted; and
2. The effective date of this order is 10 days from the date of its publication in the *Delaware Register of Regulations* in accordance with [29 Del.C. §10118\(g\)](#).

IT IS SO ORDERED.

Office of the Marijuana Commissioner
Joshua Sanderlin, Commissioner

5001 Rules of the Office of the Marijuana Commissioner

(Break in Continuity of Sections)

2.0 Definitions

The definitions set forth in [4 Del.C. §1302](#) are hereby adopted and incorporated by reference in this regulation. The following words and terms, when used in this regulation, should have the following meaning:

(Break in Continuity Within Section)

"Financial interest" means any direct or indirect ownership or control in a marijuana establishment, including equity ownership, profit or revenue sharing interest, control rights, and de facto ownership. For purposes of this definition, financial interest does not include employment compensation in the form of salary or wages, contracts for the sale of goods or services at fair market value, or holdings of less than 5% in a publicly traded company. Equity ownership means holding any legal or beneficial ownership interest, however small, in an entity. Profit or revenue sharing interest means any right to receive a share of a marijuana establishment's gross revenue, net revenue, or profits, whether through contract, management agreement, consulting agreement, or otherwise. Control rights means any arrangement that provides the ability to influence or direct the management, operations, or policies of the establishment, including through voting rights, veto rights, or contractual provisions. De facto ownership means any relationship or agreement, formal or informal, that effectively allows a person or entity to exercise ownership-like rights or reap the economic benefits of ownership, regardless of whether such interest is recorded in the entity's governing documents.

"Flowering plant" means a marijuana plant from the time it exhibits the first signs of sexual maturity through harvest, which includes budding.

"Inhalable marijuana product" means a marijuana product intended to be consumed through inhalation of smoke or vapor, including but not limited to marijuana flower and marijuana concentrate.

"Kief" means the sand-like excess plant material and loose trichomes resulting from the grinding and sifting of dried and cured marijuana flower; also referred to as "dry sieve."

(Break in Continuity Within Section)

"Universal symbol" means the symbol developed by the Commissioner to be placed on every marijuana product intended for sale, for purposes of identifying the product as regulated and product and sold by a licensed marijuana business.

"Waiting area" means the area of a retail marijuana store where customers enter the facility, have their identification and age verified, and where marijuana, marijuana products, and marijuana accessories are not present for sale.

"Water activity" means a measure of the quantity of water in marijuana or a marijuana product that is available, and therefore capable of, supporting bacteria, yeasts, and fungi.

(Break in Continuity of Sections)

8.0 Marijuana and Marijuana Product Health Standards

8.1 Allowable and prohibited products

8.1.1 Allowable marijuana and marijuana products include:

- 8.1.1.1 Smokable marijuana, including shake, trim, pre-rolled marijuana, and infused pre-rolled marijuana;

- 8.1.1.2 Marijuana concentrates, including any type of hash (water hash, pressed hash), dry sieve (kief), and hash oils (extract oil, shatter, wax, resin, and rosin);
- 8.1.1.3 Non-smokable marijuana products intended for oral consumption, including edible marijuana products, multi-serving marijuana beverages, single-serving marijuana beverages, and tinctures;
- 8.1.1.4 Topical marijuana products, including balms, lotions, ointments, and rubbing alcohol solutions; and
- 8.1.1.5 Transdermal marijuana products, including patches.
- 8.1.2 Marijuana products not listed under subsection 8.1.1 of this regulation must be approved by the Commissioner.
- 8.1.3 Marijuana and marijuana products may not:
 - 8.1.3.1 Contain nicotine;
 - 8.1.3.2 Contain alcohol if the sale of the alcohol would require a license under 4 Del.C. Ch. 5;
 - 8.1.3.3 Contain any non-cannabinoid additive that would increase potency, toxicity, or addictive potential;
 - 8.1.3.4 Require refrigeration to prevent spoilage;
 - 8.1.3.5 Contain compounds such as fruit filling, cream filling, or meat;
 - 8.1.3.6 Take a shape, color, or character that is identical or substantially similar to commercially available candy or ice cream or a real or fictional person, animal, or fruit, including a caricature, cartoon, or artistic rendering; or
 - 8.1.3.7 Be designed or packaged in a way that is likely to appeal to children, such as using bright, cartoon-like colors, shapes associated with children's products, or characters from children's media.
- 8.1.4 Equipment or accessories used for vaporizing marijuana concentrates must be coilless ceramic atomizers or similar products where the oil or concentrate does not touch metal coils.
- 8.1.5 Products developed for inhalation or vaping may not contain: medium-chain triglycerides (MCT), Polyethylene glycol (PEG), Propylene glycol (PG), Vegetable glycerin (VG), Vitamin E acetate, Diacetyl, or Squalene. Any diluent must be 100% naturally occurring plant-derived terpene oil.
- 8.2 Marijuana product serving size
 - 8.2.1 For edible marijuana products, a standardized single serving of a marijuana product must contain no greater than 10 milligrams of THC.
 - 8.2.2 For multi-serving marijuana beverages, contain no greater than 10 milligrams of THC.
 - 8.2.3 For marijuana tinctures using a calibrated dropper or similar measuring device, contain no greater than 10 milligrams of THC per individual serving, as indicated on the calibrated dropper or similar measuring device.
 - 8.2.4 A marijuana product manufacturer must:
 - 8.2.4.1 Determine the total number of standardized servings for each marijuana product, which must not exceed 10 milligrams of THC per serving.
 - 8.2.4.2 Ensure that each standardized serving of an edible marijuana product be physically demarcated or packaged in a manner that a person could reasonably and clearly determine how much of the product constitutes a single serving.
 - 8.2.4.3 Ensure that each standardized serving is easily separable with minimal effort.
 - 8.2.4.4 Comply with the requirements in Section 9.0 for multi-serving liquid edible marijuana products, which must not exceed 10 milligrams of THC per serving; and
 - 8.2.4.5 For products containing multiple servings, ensure that each serving contains the same amount of THC.
- 8.3 Marijuana product package size
 - 8.3.1 A standardized package of a marijuana product must:
 - 8.3.1.1 For edible marijuana products, contain no greater than 5~~[105]~~ standardized servings per package;
 - 8.3.1.2 For multi-serving marijuana beverages, contain no greater than 60~~[10060]~~ milligrams of THC per package; and
 - 8.3.1.3 For marijuana tinctures, contain no greater than 300~~[500-300]~~ milligrams of THC per package.
 - 8.3.2 Edible marijuana products formulated with less than 5~~[105]~~ standardized servings may package multiple products together to reach the 5~~[105]~~ serving maximum per package. Small individual products must comply with appearance standards in accordance with Section 9.0 of this regulation.

- 8.3.3 In accordance with Section 9.0 of this regulation, if a marijuana product package contains multiple servings, the package must be a child-resistant container that is resealable.

***Please note that no additional changes were made to the regulation as originally proposed and published in the January 2026 issue of the *Register* at page 590 (29 DE Reg. 590). Therefore, the final regulation is not being republished here in its entirety. A copy of the final regulation is available at:**

<https://regulations.delaware.gov/register/march2026/final/29 DE Reg 787 03-01-26>

STATE BUREAU OF IDENTIFICATION

Statutory Authority: 11 Delaware Code, Section 8572(f) (11 Del.C. §8572(f))

FINAL

ORDER

Firearms Transaction Approval Program Regulations

Summary of the Evidence

Title 11, Section 8572(f) of the Delaware Code authorizes the Delaware State Bureau of Identification to promulgate regulations to enforce and administer the Firearms Transaction Approval Program ("FTAP"). The proposed Regulations were published in the Delaware Register of Regulations on June 2, 2025. A written comment period was held open through July 3, 2025. FTAP did not receive any written comments. The regulations are necessary to administer FTAP effectively.

An assessment of the impact of the proposed regulations 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.

ORDER

These Regulations shall become effective 10 days from the date of the publication in *Delaware Register of Regulations* in accordance with 29 Del. C. §10118(g).

IT IS SO ORDERED, this 25th day of February, 2026:

Captain Michael Dill *468
Director of SBI

***Please note that no changes were made to the regulation as originally proposed and published in the June 2025 issue of the *Register* at page 861 (28 DE Reg. 861). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

<https://regulations.delaware.gov/register/march2026/final/29 DE Reg 791 03-01-26>

FINAL REGULATIONS

DEPARTMENT OF STATE DIVISION OF PROFESSIONAL REGULATION Board of Charitable Gaming

Statutory Authority: 28 Delaware Code, Section 1507 (28 **Del.C.** §1507)
10 **DE Admin. Code** 103

FINAL

ORDER

103 Regulations Governing Charitable Gaming Other Than Raffles

After due notice in the Delaware Register of Regulations and two Delaware newspapers, a public hearing was held on December 17, 2025, at a scheduled meeting of the Delaware Board of Charitable Gaming ("Board") to receive comments regarding proposed amendments to the Board's rules and regulations. Amendments are proposed to Regulation section 1.0 and Regulation subsections 6.4 and 15.2 to make minor changes to the rules for the charitable gaming event called "Queen of Hearts." Additional technical and style changes consistent with the *Delaware Administrative Code Drafting and Style Manual* have also been made.

These amendments were published in the Delaware *Register of Regulations*, Volume 29, Issue 1, on July 1, 2025. The Board planned to hold a hearing on July 23, 2025, at 10:00 a.m., but the hearing was cancelled. The hearing was rescheduled for September 23, 2025, and was cancelled due to a notice error. Notice of a hearing on December 17, 2025, was published in the *Register of Regulations* on November 1, 2025. Notice 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 January 2, 2026. The Board deliberated on the proposed revisions at its regularly scheduled meeting on January 28, 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 December 17, 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 rules and regulations, and no public comments were submitted.

Pursuant to 28 **Del.C.** § 1507, 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 the regulations 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 rules and regulations as proposed, to be effective 10 days following publication of this Order in the *Register of Regulations*. The new rules and regulations are attached.

IT IS SO ORDERED this 28th day of January 2026.

Delaware Board of Charitable Gaming

/s/ Ellen Magee

Ellen Magee, Chairperson, Public Member

/s/ Lynne Newlin

Lynne Newlin, Vice Chair, Non-Profit Member

/s/ William Jester

William Jester, Delaware Firefighters Association Member

/s/ Linda Velott

Linda Velott, State Lottery Office 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 July 2025 issue of the *Register* at page 28 (29 DE Reg. 28). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

<https://regulations.delaware.gov/register/march2026/final/29 DE Reg 792 03-01-26>

DIVISION OF PROFESSIONAL REGULATION Board of Dentistry and Dental Hygiene

Statutory Authority: 24 Delaware Code, Sections 1106(a)(1) and 1106(a)(17) (24 Del.C. §§1106(a)(1) and (17))
24 DE Admin. Code 1100

FINAL

ORDER

1100 Board of Dentistry and Dental Hygiene

I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

The Delaware Board of Dentistry and Dental Hygiene, pursuant to 24 Del.C. §§ 1106(a)(1) and 1106(a)(17), proposed to amend regulation **24 DE Admin. Code 1100** Board of Dentistry and Dental Hygiene. The proposed amendments at section 1.0 and 2.0, clarify the types of tasks that can be delegated to auxiliary personnel and the level of supervision required when such tasks are delegated. The proposed changes to subsection 7.4.1 add certified registered nurse anesthetists to the list of individuals who may administer anesthesia in an approved dental office. Finally, the changes add a subsection 5.3 and section 14.0 in order to “[e]stablish by rule and regulation the requirement to and standards for permits that authorize dental hygienists to administer local anesthesia under the direct supervision of a licensed dentist” in accordance with recently enacted legislation. Other grammar and style changes were made 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. The Board received one written public comment. On January 5, 2026, Ronald Castaldo, President of the Delaware Association of Nurse Anesthetists (DANA) submitted written public comment on behalf of DANA voicing support for the Board’s proposed change to subsection 7.4.1, but requested additional changes to subsections 7.2.2.1.3 and 7.3.2.1. Specifically, DANA requested the Board strike the sentence a “certified registered nurse anesthetist may be utilized for deep sedation or general anesthesia only if the dentist also possesses an Unrestricted Permit” from each of those subsections.

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

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 neutral or positive impact on the State’s resiliency to climate change because compliance with the regulation would not reasonably involve the increase in greenhouse gas emissions.

III. FINDINGS OF FACTS

FINAL REGULATIONS

On January 15, 2026, the Board considered the written submittals. The Board agreed with DANA's suggestion, but found that under Senate Bill 131, the Board was to adopt regulations establishing the requirements and standards to allow dental hygienists to administer local anesthesia by January 1, 2026, and implementing any substantive changes to the proposed regulations would further delay their implementation. The Board noted that DANA's proposed changes could be adopted at a later date but were not urgent such that they should delay the entirety of the proposed changes.

IV. DECISION TO ADOPT THE REGULATION

For the foregoing reasons, the Board concludes that it is appropriate to amend 24 **DE Admin. Code 1100 Board of Dentistry and Dental Hygiene** as published on December 1, 2025. Therefore, pursuant to 24 **Del.C.** §§ 1106(a)(1) and 1106(a)(17), the changes to **11 DE Admin. Code 1100**, attached hereto as Exhibit A, are hereby adopted.

V. EFFECTIVE DATE OF ORDER

The effective date of this Order shall be ten (10) days from the date this Order is published in the *Register of Regulations*.

IT IS SO ORDERED the 15th day of January 2026.

/s/ Andrew Swiatowicz
Andrew Swiatowicz, DDS, President

/s/ Norman Steward
Norman Steward, DDS, Secretary

/s/ Michael Nies
Michael Nies, DDS

/s/Anne Annone
Anne Annone, DMD

/s/ Anthony Vattilana
Anthony Vattilana, DDS

/s/ Carla Rawheiser
Carla Rawheiser, RDH

/s/ Lydia Massey
Lydia Massey, Public Member

/s/ Mike Cebric
Mike Cebric, Public Member

(absent)
Tammy Beebe, RDH, Hygiene Advisory

/s/ Bonnie Thomas
Bonnie Thomas, RDH, Hygiene Advisory

(absent)
Annette Matoni, RDH, Hygiene Advisory

***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 2025 issue of the *Register* at page 505 (29 DE Reg. 505). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

<https://regulations.delaware.gov/register/march2026/final/29 DE Reg 793 03-01-26>

DIVISION OF PROFESSIONAL REGULATION

Board of Occupational Therapy Practice

Statutory Authority: 24 Delaware Code, Section 2006(a)(1) (24 **Del.C.** §2006(a)(1))
24 **DE Admin. Code 2000**

FINAL

ORDER

2000 Board of Occupational Therapy

After due notice in the Delaware Register of Regulations and two Delaware newspapers, a public hearing was held on September 3, 2025, at a scheduled meeting of the Delaware Board of Occupational Therapy Practice ("Board") to receive comments regarding proposed amendments to the Board's rules and regulations. Proposed amendments to

subsection 1.1 add defined terms used throughout the regulation. Proposed amendments to subsection 1.2.3 remove the requirement for documentation of an occupational therapy practitioner's supervision of occupational therapy to provide flexibility for the supervisory relationship. Proposed amendments to section 2.0 correct a previous oversight with respect to the total number of hours of continuing education during every 2-year period for individuals seeking reactivation or applying more than 3 years after the completion of the required examination. The newly proposed subsection 2.8 requires all applicants to attest that they have read and agree to be bound by the code of ethics promulgated by the American Occupational Therapy Association. The newly proposed subsection 3.4.4 will require mandatory continuing education of at least 2 hours in elder abuse or child abuse. Those mandatory hours must be completed without regard for proration otherwise provided by the Board's regulations concerning continuing education. The newly proposed subsection 7.1.93 adds trafficking an individual, forced labor, and sexual servitude as crimes substantially related to the practice of occupational therapy. Additional technical and style changes consistent with the *Delaware Administrative Code Drafting and Style Manual* have also been made.

The proposed changes to the rules and regulations were published in the *Delaware Register of Regulations*, Volume 27, Issue 2 on August 1, 2025, giving notice of a September 3, 2025 public hearing at 4:30 p.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 September 18, 2025, 15 days following the public hearing. The Board deliberated on the proposed revisions at its regularly scheduled meeting on November 5, 2025.

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 September 3, 2025, no public comment was received.

On September 16, 2025, the American Occupational Therapy Association submitted a written comment supporting the Board's addition of subsection 2.8 requiring all applicants to attest that they have read and agree to be bound by the code of ethics promulgated by the American Occupational Therapy Association.

Findings of Fact and Conclusions

The public was given notice and an opportunity to provide the Board with comments in writing and by testimony on the proposed amendments to the Board's rules and regulations. The only comment submitted to the Board supported one of the Board's proposed changes.

Pursuant to 24 **Del.C.** § 2006(a)(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 the regulations as proposed and hereby takes action to do so.

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 rules and regulations as proposed, to be effective 10 days following publication of this Order in the *Register of Regulations*. The new rules and regulations are attached.

IT IS SO ORDERED this 7th day of January 2026.

Board of Occupational Therapy Practice

/s/ Karen Rohrer

Karen Rohrer, President, Professional Member

/s/ Angelita Mosely

Angelita Mosely, Public Member

/s/ Heidi Baist

Heidi Baist, Professional Member

/s/ Tim Parks

Tim Parks, Professional 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 August 2025 issue of the *Register* at page 102 (29 DE Reg. 102). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

<https://regulations.delaware.gov/register/march2026/final/29 DE Reg 794 03-01-26>

**DIVISION OF PROFESSIONAL REGULATION
Board of Examiners of Psychologists**

Statutory Authority: 24 Delaware Code, Section 3506(a)(1) (24 Del.C. §3506(a)(1))
24 DE Admin. Code 3500

FINAL

ORDER

3500 Board of Examiners of Psychologists

After due notice in the Delaware Register of Regulations and two Delaware newspapers, a public hearing was held on November 3, 2025 at a scheduled meeting of the Delaware Board of Examiners of Psychologists ("Board") to receive comments regarding proposed amendments to the Board's rules and regulations. The proposed amendments clarify the number of face-to-face continuing education (CE) credits must be completed for psychology assistants and licensees with pro-rated CE requirements. Additional technical and style changes consistent with the *Delaware Administrative Code Drafting and Style Manual* have also been made.

The proposed changes to the rules and regulations were published in the *Delaware Register of Regulations*, Volume 29, Issue 4 on October 1, 2025, giving notice of a November 3, 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 November 18, 2025, 15 days following the public hearing. The Board deliberated on the proposed revisions at its regularly scheduled meeting on February 6, 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 November 3, 2025, no public comment was received. No written comments were submitted at any time.

Findings of Fact and Conclusions

The public was given notice and an opportunity to provide the Board with comments in writing and by testimony on the proposed amendments to the Board's rules and regulations. Pursuant to 24 Del.C. § 3506(a)(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 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 rules and regulations as proposed, to be effective 10 days following publication of this Order in the *Register of Regulations*. The new rules and regulations are attached.

IT IS SO ORDERED this 6th day of February 2026.

Board of Examiners of Psychologists

<u>/s/ Robert Mapou</u> Dr. Robert Mapou, President	<u>(absent)</u> Dr. Elizabeth Kuneman, Vice President
<u>/s/ Dr. Debbie Harrington</u> Dr. Debbie Harrington, Public Member	<u>/s/ Dr. Megan Cohen</u> Dr. Megan Cohen
<u>(absent)</u> Dr. Laura Cooney-Koss	<u>/s/ Dr. Katherine Elder</u> Dr. Katherine Elder
<u>(absent)</u> Dr. Michael Harpe, Public Member	<u>/s/ Rachel Sandy</u> Rachel Sandy, 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 October 2025 issue of the *Register* at page 288 (29 DE Reg. 288). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

<https://regulations.delaware.gov/register/march2026/final/29 DE Reg 796 03-01-26>

DIVISION OF PROFESSIONAL REGULATION Board of Examiners of Psychologists

Statutory Authority: 24 Delaware Code, Section 3506(a)(1) (24 Del.C. §3506(a)(1))
24 DE Admin. Code 3500

FINAL

ORDER

3500 Board of Examiners of Psychologists

After due notice in the Delaware Register of Regulations and two Delaware newspapers, a public hearing was held on January 5, 2026 at a scheduled meeting of the Delaware Board of Examiners of Psychologists ("Board") to receive comments regarding proposed amendments to the Board's rules and regulations. The proposed amendments seek to allow the Board to waive the requirement that an applicant's supervisor never have been subject to discipline. Specifically, the Board proposes to amend subsection 9.2.1 to allow the Board to waive this prohibition upon a showing of just cause. Additional technical and style changes consistent with the *Delaware Administrative Code Drafting and Style Manual* have also been made.

The proposed changes to the rules and regulations were published in the *Delaware Register of Regulations*, Volume 29, Issue 6 on December 1, 2025, giving notice of a January 5, 2026 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 January 20, 2026, 15 days following the public hearing. The Board deliberated on the proposed revisions at its regularly scheduled meeting on February 6, 2026.

Summary of the Evidence and Information Submitted

The following exhibits were made a part of the record:

FINAL REGULATIONS

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

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

At the public hearing on January 5, 2026, no public comment was received. No written comments were submitted at any time.

Findings of Fact and Conclusions

The public was given notice and an opportunity to provide the Board with comments in writing and by testimony on the proposed amendments to the Board's rules and regulations. Pursuant to 24 **Del.C.** § 3506(a)(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 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 rules and regulations as proposed, to be effective 10 days following publication of this Order in the *Register of Regulations*. The new rules and regulations are attached.

IT IS SO ORDERED this 6th day of February 2026.

Board of Examiners of Psychologists

/s/ Robert Mapou
Dr. Robert Mapou, President

(absent)
Dr. Elizabeth Kuneman, Vice President

/s/ Dr. Debbie Harrington
Dr. Debbie Harrington, Public Member

/s/ Dr. Megan Cohen
Dr. Megan Cohen

(absent)
Dr. Laura Cooney-Koss

/s/ Dr. Katherine Elder
Dr. Katherine Elder

(absent)
Dr. Michael Harpe, Public Member

/s/ Rachel Sandy
Rachel Sandy, 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 2025 issue of the *Register* at page 507 (29 DE Reg. 507). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

<https://regulations.delaware.gov/register/march2026/final/29 DE Reg 797 03-01-26>

PUBLIC SERVICE COMMISSION

Statutory Authority: 26 Delaware Code, Section 209(a) (26 **Del.C.** §209(a))
26 **DE Admin. Code** 3012

FINAL

ORDER

3012 Rules for Regulation of Net Metering

IN THE MATTER OF ADOPTION OF REGULATIONS)	
FOR NET ENERGY METERING TO IMPLEMENT THE)	PSC REGULATION DOCKET
PROVISIONS OF 26 DE ADMIN. CODE § 1014 AS)	NO. 3012
AMENDED (REOPENED MAY 14, 2025))	

ORDER NO. 10908

AND NOW, this 17th day of December 2025, the Delaware Public Service Commission ("Commission") determines and orders the following:

WHEREAS, on May 7, 2025 Commission Staff ("Staff") filed a petition requesting the Commission amend 26 DE Admin. Code §3012 "Rules for Regulation of Net Metering" (the "Regulation");

WHEREAS, Staff noted in its petition the Commission should amend the Regulation to comply with Senate Bill 175 of the 153rd General Assembly and to expand technical options for customers through meter collar adapters;

WHEREAS, the Commission determined good cause existed to amend the Regulation, and empowered Staff and its Deputy Attorney General to submit the proposed Regulation amendments and appropriate documents to the Office of the Registrar of Regulations (the "Registrar") for publication in the *Delaware Register of Regulations*;

WHEREAS, pursuant to 26 Del.C. §102A, the Secretary of the Commission published the proposed amendments to the Regulations and accompanying Public Notice submitted to the Registrar on the Commission's website located at <https://depssc.delaware.gov>;

WHEREAS, the Commission held a public hearing on the proposed Regulation as provided by the published Public Notice on November 5, 2025 and the public comment remained open through November 20, 2025;

WHEREAS, the Commission received one public comments on the proposed Regulation in favor of the inclusion of net meter collar adapters in the Regulation;

WHEREAS, Staff has corrected several formatting and typographical errors in the proposed regulation at the request of the Office of the Registrar of Regulations and these final edits to the regulation are non-substantial in nature;

WHEREAS, the Regulation will allow clean energy to be cheaper and more accessible for Delaware residents which will help achieve the State's greenhouse gas emissions reduction targets, as specified in § 10003 of Title 7; and

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

1. The Commission has determined to amend its Regulation by adopting the proposed amendments including the non-substantive formatting and typographical errors corrected by Staff.

2. Pursuant to 26 Del.C. §209(a) 29 Del.C. §10111 *et seq.*, the Commission determined to publish the proposed amendments to the Regulation as final in the attached Exhibit A.

3. Staff shall work with its Deputy Attorney General and submit the appropriate documents required by 29 Del.C. §10111 *et seq.* to the Registrar for final publication in the *Delaware Register of Regulations*, and revise such documents as recommended by the Registrar.

4. The effective date of this order shall be 10 days after the date the Regulation is published as final in the *Delaware Register of Regulations*.

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

Dated: December 17, 2025

BY ORDER OF THE COMMISSION:

Dallas Winslow, Chairman

Joann Conaway, Commissioner

Harold Gray, Commissioner

Manubhai "Mike" Karia, Commissioner

Kim Drexler, Commissioner

ATTEST:

Crystal Beenick, Commission Secretary

3012 Rules for Regulation of Net Metering

(Break in Continuity of Sections)

4.0 Meter Collar Adapters

- 4.1 An EDC shall approve a meter collar adapter model for installation in its Delaware service area for specific compatible meter configurations and customer applications provided that the meter collar adapter model meets the following criteria:
 - 4.1.1 The meter collar adapter model is approved or listed by a nationally recognized testing laboratory;
 - 4.1.2 The meter collar adapter model is approved for use in the EDC service areas, unless sufficient rationale for ~~[disapproval]~~ is provided by an EDC;
 - 4.1.3 All meter collar model installations, access, testing, inspections, servicing, and removals shall only be performed by a qualified person as agreed between the EDC and the meter collar manufacturer;
 - 4.1.4 The meter collar adapter model design does not impede access to the sealed meter socket compartment, or to the meter itself by a qualified person;
 - 4.1.5 The meter collar adapter model is compatible with the National Electric Code;
 - 4.1.6 The meter collar adapter model is compatible with the specific meter configurations and customer applications to ensure that the meter collar adapter is capable of being safely and reliably inserted into a meter socket to maintain a secure connection with both the meter socket and the electric utility meter.
- 4.2 An EDC shall approve or disapprove a meter collar adapter model for installation in its service area no later than 90 days after a meter collar manufacturer submits a request for approval of **[a]** the meter collar adapter and an EDC's procedures shall be updated within 90 days of approval.
- 4.3 An EDC shall provide an explanation to the requesting meter collar manufacturer explaining the reasons any meter collar adapter model application is denied.
- 4.4 An EDC shall provide public notice of all decisions approving a meter collar adapter model by posting the ~~[information]~~ on the company's website.
- 4.5 An EDC shall authorize the installation and operation of an EDC approved meter collar adapter for a customer installation provided the meter collar adapter meets the following criteria:
 - 4.5.1 The meter collar adapter is qualified to be connected to the supply side of the service disconnect pursuant to the applicable provisions of the National Electric Code;
 - 4.5.2 The meter collar adapter is rated for the meter socket into which it is intended to be installed;
 - 4.5.3 The meter collar adapters does not exceed the weight bearing limits of a meter socket;
 - 4.5.4 Multiple meter collar adapters are not stacked in a meter socket;
 - 4.5.5 The meter collar adapter does not disable this excessive heating detection capability of AMI meters.
- 4.6 An EDC shall uninstall an approved meter collar adapter in the aggregate if any deficiencies are found after installation that result in safety or operational concerns, if these concerns cannot be remediated by a customer for a specific installation or by a meter collar adapter manufacturer, in the aggregate

*Please note that no additional changes were made to the regulation as originally proposed and published in the October 2025 issue of the *Register* at page 299 (29 DE Reg. 299). Therefore, the final regulation is not being republished here in its entirety. A copy of the final regulation is available at:

<https://regulations.delaware.gov/register/march2026/final/29 DE Reg 798 03-01-26>

DEPARTMENT OF TRANSPORTATION**DIVISION OF PLANNING AND POLICY**

Statutory Authority: 29 Delaware Code, Section 8422(d) (29 Del.C. §8422(d))
2 DE Admin. Code 2312

FINAL**ORDER**

2312 Regulations Governing the Practice and Procedure for Administering the Transportation Infrastructure Investment Fund

Pursuant to the authority provided by 29 Del.C. §8422(d), the Delaware Department of Transportation (the "Department") adopted revisions to its existing regulation related to the Transportation Infrastructure Investment Fund ("TIIF") program.

Findings of Fact and Conclusions of Law

1. The public was given notice and the opportunity to provide comments in writing concerning the proposed regulation.
2. The final version of the proposed regulation includes minor amendments made after the public comment period. The Department clarified the authority referenced in subsection 4.3.1.3.4 and added a comma after the word "corporation" in subsection 7.3. These changes are administrative only and non-substantive in nature.
2. This proposed regulation was originally published in the January 2026 *Register*, and the Department is now finalizing the proposed regulation for the March 2026 *Register*.
3. The proposed regulations are useful and proper, and the Department believes that the adoption of these regulations is appropriate.
4. Per Section 10118 (b)(3) of Title 29 regarding the State's greenhouse gas emissions reduction targets and resiliency to climate change, assessment is not practical for this regulation.

Decision and Effective Date

Based on the provision of Delaware law and the record of this docket, I hereby adopt the regulation related to the TIF program as set forth in the version attached, to be effective within 10 days of publication.

IT IS SO ORDERED 4TH day of February 2026.

Shanté A. Hastings, P.E.
Secretary, Delaware Department of Transportation

2312 Regulations Governing the Practice and Procedure for Administering the Transportation Infrastructure Investment Fund

(Break in Continuity of Sections)

4.0 Infrastructure Grants

- 4.1 Grant Description. Proceeds of a Grantgrant are to be used to reimburse work performed for renovation, construction or any other type of improvements to Transportation Infrastructuretransportation infrastructure.
- 4.2 Eligibility Standards. To be eligible for a Grantgrant, a Projectproject must have at least one Public Endorserpublic endorser and expand employment in the State. Grants would only be authorized for Transportation Infrastructuretransportation infrastructure located within the public right-of-way or on public land.
- 4.3 Project Approval Standards
 - 4.3.1 Findings. As a precondition to approving a Grantgrant, the Councilcouncil shall find that the Projectproject would create a significant number of direct, permanent, quality, full-time jobs, and the associated Transportation Infrastructuretransportation infrastructure improvements would benefit the public by improving infrastructure within the State. The Councilcouncil shall apply the following standards, where applicable, in making suchthose findings and determinations:
 - 4.3.1.1 Employment Standard. The Councilcouncil will review information concerning the Applicantapplicant as submitted in an Applicationapplication. As a condition precedent to making a Grantgrant, the Councilcouncil shall determine that the Applicantapplicant intends to provide gainful employment within the State. The standards to be considered by the Councilcouncil will include, ~~but not be limited to~~, the number of permanent, quality, full-time jobs created as a result of the Projectproject, the wage scale applicable to persons to be employed as a result of the Projectproject, the effect of the Projectproject on the tax base of the State ~~and/or~~ the county or municipality in which the Projectproject is to be located, and the expected impact that the Projectproject will have on the development of new or expanded economic activity within the State.
 - 4.3.1.2 In determining whether the Projectproject will assist in creating "direct, permanent, quality full-time jobs" in the State, the Applicantapplicant shall demonstrate to the Councilcouncil that the Applicantapplicant, operator or principal user thereof has the capability to operate and maintain such Project the project efficiently and that the Applicantapplicant has not been convicted of a major labor law violation or of a violation involving moral turpitude by anyan agency or court of the federal government or agency or court of any state in the 2-year period immediately prior to before the approval of the Applicant's Applicationapplicant's application. In this regard, the

~~Council~~ may, in its discretion, rely on a sworn affidavit of the ~~Applicant~~ or an officer of the ~~Applicant~~ or an opinion of counsel of the ~~Applicant~~ to such the effect. If an ~~Applicant~~ has been convicted of such a violation, the ~~Council~~, in its sole discretion, may decline to consider the ~~Application~~. If requested by the ~~Council~~, ~~the applicant~~ shall ~~provide similar proof~~ be obtained from any ~~an~~ operator or principal user of the ~~Project~~.

4.3.1.3 Financial Stability and Economic Sustainability. The ~~Applicant~~ shall demonstrate to the ~~Council~~ that it possesses financial stability and can also demonstrate that the ~~Project~~ is economically sustainable. The ~~Applicant~~ must meet all of the following:

- 4.3.1.3.1 Validly exist as a corporation, limited liability company, or other regulated entity.
- 4.3.1.3.2 Be in good standing under the laws of this State, duly-qualified to do business.
- 4.3.1.3.3 Be in good standing in ~~each other jurisdiction~~ in which its conduct of business requires ~~such this~~ qualification.
- 4.3.1.3.4 Possess business and professional licenses required under Titles 24 and 30 ~~[of the Delaware Code]~~.

4.3.1.4 Public Purpose Standard. When applying the "public purpose standard", the ~~Council~~ shall take into consideration whether the ~~Transportation Infrastructure transportation infrastructure~~ improvements associated with the ~~Project~~ will enhance the infrastructure of the ~~state, such State and~~ that it would have a positive impact on Delaware's future economic health and competitiveness. Factors to be considered by the ~~Council~~ shall include, ~~but not be limited to~~, whether the ~~Transportation Infrastructure transportation infrastructure~~ improvements will benefit the greater public and not just the ~~Applicant~~, whether the ~~Transportation Infrastructure transportation infrastructure~~ improvements will help attract additional economic development to the area where the ~~Project~~ is being built, whether the ~~Transportation Infrastructure transportation infrastructure~~ would have otherwise required the use of State funding to be completed.

4.3.2 Clawback Provision. The ~~Council~~ shall determine appropriate clawback provisions for ~~each Applicant~~ under which the ~~Applicant~~ may be required to repay some or all of the ~~Grant~~.

4.3.3 Post-Grant Period - Annual Reporting. Unless waived or amended by the ~~Council~~, the ~~Applicant~~ shall, for a period of ~~five (5)~~ 7 years following the award of ~~Grant~~, submit to the Division of Small Business, on an annual basis, financial statements in a form acceptable to the ~~Council~~, a progress report on the status of the project, including, ~~but not limited to~~, the number of permanent, quality, full-time jobs created or saved as a result of the ~~Project~~ and the wage scale applicable to ~~such those persons, any~~ economic impact of the funding (such as sales, costs, etc.) and any other information required by the ~~Council~~. ~~Each applicant Applicants~~ shall report to the Division of Small Business no later than June 30 of ~~each of the~~ years for which the report is required.

(Break in Continuity of Sections)

7.0 Assignment Process

7.1 Following execution of an agreement and before requesting reimbursement for the TIIF scope of work, the grantee may make a request to the council for consideration of assignment of the grant in its entirety to another business entity, provided the grantee is proposing:

- 7.1.1 No changes to the TIIF scope of work;
- 7.1.2 No changes in the previously awarded funding amount; and
- 7.1.3 No changes to the employment standard in the grantee's original application.

7.2 The grantee shall include a written explanation of the reason for the assignment request.

7.3 A business entity under consideration for assignment of the grant shall validly exist as a ~~[corporation corporation,]~~ limited liability company or other regulated entity and shall be in good standing under the laws of the State of Delaware, duly qualified to do business and shall be in good standing in other jurisdictions in which its conduct of business requires this qualification. A business entity shall possess required business and professional licenses in accordance with Titles 24 and 30 of the Delaware Code.

7.4 The grantee shall submit the assignment request with evidence of good standing under the laws of the State of Delaware, proof of qualification to do business, and required business and professional licenses per subsection 7.3 and at least 3 years of financial statements and personal financial statements, incomes

tax returns and other documentation necessary for the Division of Small Business to determine the good standing and financial stability of the business entity under consideration for assignment.

- 7.5 Complete assignment requests will be reviewed by DeIDOT and the Division of Small Business. DeIDOT and the Division of Small Business shall use their reasonable best efforts to complete their review of the assignment request within 60 days from receipt of all required documentation per subsections 7.2 and 7.4. No assignment request shall be considered by the council until it is complete to the satisfaction of DeIDOT and the Division of Small Business.
- 7.6 If the council determines that an assignment request meets the approval standard outlined in subsections 7.1, 7.2, 7.3, 7.4, and 7.5 and that the grant assignment would represent a prudent use of the Fund, then the council shall adopt a resolution recommending the assignment of the grant to the Secretaries for consideration for final approval.
- 7.7 Following the council's recommendation of the assignment, the assignment process shall follow subsections 6.3, 6.4, 6.5, and 6.6 of this regulation.
- 7.8 A grantee that submits an assignment request that proposes changes to the TIF scope of work or changes in the previously awarded funding amount or changes to the employment standard in the grantee's original application shall follow the application procedure in Section 5.0 and approval process in Section 6.0 contained in this regulation.

***Please note that no additional changes were made to the regulation as originally proposed and published in the January 2026 issue of the *Register* at page 591 (29 DE Reg. 591). Therefore, the final regulation is not being republished here in its entirety. A copy of the final regulation is available at:**

<https://regulations.delaware.gov/register/march2026/final/29 DE Reg 800 03-01-26>

DEPARTMENT OF HEALTH AND SOCIAL SERVICES**DIVISION OF PUBLIC HEALTH****Health Systems Protection**

Statutory Authority: 16 Delaware Code, Section 122(3) (16 Del.C. §122(3))

GENERAL NOTICE**NOTICE****Health Equity Framework 2026**

The Delaware Department of Health and Social Services (DHSS), Division of Public Health (DPH), Health Systems Protection Section (HSP) is announcing the availability of the Bureau of Environmental Health Equity's (BEHE) Health Equity Framework for public review and comment.

PURPOSE AND AUTHORITY

The BEHE Health Equity Framework establishes a coordinated, data-informed approach to advancing environmental health equity across HSP programs. The BEHE Health Equity Framework outlines guiding principles, goals, and strategies to identify and reduce disproportionate environmental health burdens affecting underserved and disadvantaged communities throughout Delaware.

The purpose of the BEHE Health Equity Framework is to strengthen how environmental health programs assess, address, and prevent inequities related to housing conditions, drinking water safety, food protection, lead exposure, and other environmental determinants of health. The BEHE Health Equity Framework emphasizes community engagement, cross-agency collaboration, standardized data practices, workforce development, and equitable allocation of resources.

The BEHE Health Equity Framework supports DPH's mission to protect public health and aligns with federal and state priorities related to environmental justice, health equity, and accountability in the use of public funds. It is intended to guide program implementation, policy development, funding decisions, and performance measurements across the HSP portfolio.

SUMMARY OF IMPLEMENTATION

The BEHE Health Equity Framework provides a foundational structure for integrating equity considerations into environmental health practice by: establishing shared definitions, principles, and goals for health equity across HSP programs; promoting standardized data collection and reporting to better identify disparities and track outcomes; strengthening community partnerships and public engagement, particularly in underserved areas; enhancing workforce training in cultural competency and environmental health equity; and prioritizing investment in disadvantaged communities, to direct at least 49% of applicable federal funds to benefit these populations.

The Framework is not a regulation and does not create new enforcement requirements. Rather, it serves as a guiding document to inform program planning, coordination, and continuous improvement.

OPPORTUNITY FOR PUBLIC COMMENT

The opportunity for public comment on the BEHE Health Equity Framework is available for 30 days beginning March 1 through March 31, 2026. Comments may be provided to the Office by mail or email to:

Delaware Division of Public Health
Health Systems Protection
Stockley Center
23421 Lloyd Lane - Building 101LL, Georgetown, Delaware 19947
Email: HSPContact@delaware.gov

Responses to individual questions and comments will not be provided; however, DPH will review and consider all comments and make modifications to the statutory implementation plan that are deemed necessary.

Please Note: Due to the size of the Health Equity Framework it is available here as a PDF document:

<https://regulations.delaware.gov/register/March2026/1FE7F00F-07EE-4559-B39A-5EEA0EE8C84C>

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 - Pleasant Valley Road (N8)

January 27, 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 devices for the safe movement of traffic in the area:

- "No Trucks Over 2 Axles Except Local Services" on Pleasant Valley Road (N8) between Old Baltimore Pike (N26) and Pencader Drive (N140685)

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 AGRICULTURE

PLANT INDUSTRIES

PUBLIC NOTICE

806 Regulations for Invasive Plants

Summary

The Delaware Department of Agriculture ("Department") proposes to amend its Regulation adopted in accordance with Title 3, Section 2904(a) of the Delaware Code. The proposed changes include amendments to subsections 3.1 and 3.3, as well as the addition of subsection 3.4. The proposed changes to subsection 3.1 include 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 include 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 changes also include a new subsection 3.4 outlining when the Department will begin enforcing additions to the Invasive Plant List. Other regulations issued by the Department are not affected by this proposal. The Department is issuing this proposed regulation in accordance with Title 3 of the Delaware Code. This notice is issued pursuant to the requirements of Chapter 101 of Title 29 of the Delaware Code.

Comments

A copy of the proposed regulation is being published in the March 1, 2026 edition of the *Delaware Register of Regulations*. A copy is also on file in the office of the Delaware Department of Agriculture, 2320 South DuPont Highway, Dover, Delaware 19901 and is available for inspection during regular office hours. Copies are also published online at the *Register of Regulations* website: https://regulations.delaware.gov/register/current_issue.shtml.

Interested parties may offer written comments on the proposed regulations or submit written suggestions, data, briefs or other materials to the Delaware Department of Agriculture at the above address as to whether this proposed regulation should be adopted, rejected or modified. Pursuant to [29 Del.C. §10118\(a\)](#), public comments must be received on or before March 31, 2026. Written materials submitted will be available for inspection at the above address.

DEPARTMENT OF EDUCATION

STATE BOARD OF EDUCATION

PUBLIC NOTICE

Notice of Monthly Meeting

The State Board of Education meets monthly, generally at 5:00pm on the third Thursday of the month. These meetings are open to the public. The Board rotates locations of regular meetings among the three 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/>

CALENDAR OF EVENTS/HEARING NOTICES

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DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

DIVISION OF FISH AND WILDLIFE

PUBLIC NOTICE

3560 Total Length

SAN # 2025-15

Docket # 2025-R-F-0025

BRIEF SYNOPSIS OF THE SUBJECT, SUBSTANCE AND ISSUES:

This action proposes to create a new regulation 3560 Total Length that will provide a detailed definition of total fish length. This action will allow DNREC to enforce a standardized total length measure for fisheries regulations that use total length to define legal minimum and/or maximum fish length. Although this action is required for Delaware to remain in compliance with the Atlantic States Marine Fisheries Commission's Atlantic Striped Bass Fisheries Management Plan, the Division of Fish and Wildlife is opting to create a standalone regulation for total length that will apply to all tidal finfish species regulations that use total length as the legal measure of fish length, not solely to striped bass.

POSSIBLE TERMS OF THE AGENCY ACTION:

None.

STATUTORY BASIS OR LEGAL AUTHORITY TO ACT:

[7 Del.C. §903](#)

OTHER REGULATIONS THAT MAY BE AFFECTED BY THE PROPOSAL:

This regulation will improve the enforceability of those regulations comprising 7 Delaware Administrative Code 3500 Tidal Finfish that use the Total Length measurement to establish a legal minimum and/or maximum fish length. By clearly explaining the legal definition of Total Length, this proposed regulation should eliminate disputes about the length of a fish.

NOTICE OF PUBLIC COMMENT:

A virtual public hearing (Docket #2025-R-F-0025) will be held on Wednesday, March 25, 2026, beginning at 6 p.m. The web link to the virtual hearing can be accessed through the DNREC Public Hearings site at <https://de.gov/dnrehearings>. If prompted, use Meeting ID: 827 9244 2257 and Passcode: 515819. To access the audio-only portion of the virtual hearing, dial 1-646-931-3860 and enter the Meeting ID and Passcode noted above. Language assistance is available by request within 10 business days of the hearing. Closed captioning is available via the Zoom virtual meeting tool.

Those wishing to offer verbal comments during DNREC public hearings must pre-register no later than noon on the date of the virtual hearing at de.gov/dnrecomments or by telephone at 302-739-9001.

The proposed amendments may be inspected online starting March 1, 2026 at https://regulations.delaware.gov/register/current_issue, or in-person, by appointment only, by contacting John Clark by phone at 302-739-9914 or by email at John.Clark@delaware.gov.

Public comments will be accepted through the close of business on Friday, April 10, 2026. Comments will be accepted in written form via email to DNRECHearingComments@delaware.gov, or by using the online form at <https://de.gov/dnrecomments>, or by U.S. mail to the following address:

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

CALENDAR OF EVENTS/HEARING NOTICES

DEPARTMENT OF STATE
DIVISION OF PROFESSIONAL REGULATION
Board of Accountancy
PUBLIC NOTICE
100 Board of Accountancy

Pursuant to [24 Del.C. §105\(a\)\(1\)](#), the Delaware Board of Accountancy (“Board”) has proposed revisions to its regulations.

Proposed amendments to subsection 6.2.4 and 6.2.5 integrate the new “120-hour + experience” pathway alongside the traditional 150-hour model for licensure.

Proposed amendments to subsection 7.1 clarify and update the requirements for reciprocity.

Proposed amendments to section 8.0 clarify and update the requirements for practice privileges for individuals whose principal place of business is and remains outside Delaware.

Additional revisions are technical and style changes consistent with the *Delaware Administrative Code Drafting and Style Manual*.

Anyone wishing to receive a copy of the proposed regulations may obtain a copy from the Delaware Board of Accountancy, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments should be sent to Stacey Sadler, Administrator of the Delaware Board of Accountancy, at the above address or to stacey.sadler@delaware.gov. Written comments will be accepted until 5:00 p.m. on March 31, 2026, pursuant to [29 Del.C. §10118\(a\)](#).

DEPARTMENT OF STATE
DIVISION OF PROFESSIONAL REGULATION
Real Estate Commission
PUBLIC NOTICE
2900 Real Estate Commission

Pursuant to [24 Del.C. §2906\(a\)\(1\)](#), the Delaware Real Estate Commission (“Commission”) proposes to revise its regulations. Proposed amendments clarify and update the requirements for continuing education. Additional revisions are technical and style changes consistent with the *Delaware Administrative Code Drafting and Style Manual*.

On February 1, 2026, proposed revisions to the Commission’s regulations were published in the *Delaware Register of Regulations*, Volume 29, Issue 8. The Commission hereby withdraws the proposed revisions to the regulations published on February 1, 2026, and submits the attached proposed revisions to the regulations.

Anyone wishing to receive a copy of the proposed revisions to the regulations may obtain a copy from the Delaware Real Estate Commission, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments should be sent to Jennifer Jacoby, Administrator of the Delaware Real Estate Commission, at the above address or to jennifer.jacoby@delaware.gov. Written comments will be accepted until 5:00 p.m. on March 31, 2026, pursuant to [29 Del.C. § 10118\(a\)](#).

DEPARTMENT OF STATE
DIVISION OF PROFESSIONAL REGULATION
Real Estate Commission
PUBLIC NOTICE
2925 Real Estate Commission Education Committee

Pursuant to [24 Del.C. §2906\(a\)\(1\)](#), the Delaware Real Estate Commission (“Commission”) proposes to revise its regulations. Proposed amendments clarify and update the guidelines for all Real Estate salesperson pre-licensing courses and broker and associate broker licensing courses, and continuing education. Additional revisions are technical and style changes consistent with the *Delaware Administrative Code Drafting and Style Manual*.

CALENDAR OF EVENTS/HEARING NOTICES

809

On February 1, 2026, proposed revisions to the Commission's regulations were published in the *Delaware Register of Regulations*, Volume 29, Issue 8. The Commission hereby withdraws the proposed revisions to the regulations published on February 1, 2026, and submits the attached proposed revisions to the regulations.

Anyone wishing to receive a copy of the proposed revisions to the regulations may obtain a copy from the Delaware Real Estate Commission, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments should be sent to Jennifer Jacoby, Administrator of the Delaware Real Estate Commission, at the above address or to jennifer.jacoby@delaware.gov. Written comments will be accepted until 5:00 p.m. on March 31, 2026, pursuant to 29 Del.C. § 10118(a).

DEPARTMENT OF STATE

DIVISION OF PROFESSIONAL REGULATION

Board of Mental Health and Chemical Dependency Professionals

PUBLIC NOTICE

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

Pursuant to 24 Del.C. § 3006(a)(1), the Delaware Board of Mental Health and Chemical Dependency Professionals ("Board") has proposed revisions to its regulation. The proposed amendments seek to clarify the supervision requirements for LPCMHs, LCDPs, and LMFTs, including the required qualifications of supervisors and documentation applicants are required to submit when applying. The changes clarify the requirements to apply by reciprocity and attempt to eliminate inconsistencies throughout the regulations. Finally, the proposed changes add the American Counseling Association's code of ethics to the regulations.

These amendments were published on page 591 of the January 1, 2026 issue of the *Delaware Register of Regulations* (29 DE Reg. 591 (01/01/26)). The Board planned to hold a hearing on January 28, 2026, at 12:00 p.m., but the hearing was cancelled. The Board will not hold a hearing. Instead, any written comments should be sent to Maya Echols, Administrator of the Delaware Board of Mental Health and Chemical Dependency Professionals, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments will be accepted until March 31, 2026.

POLICE OFFICER STANDARDS AND TRAINING COMMISSION

PUBLIC NOTICE

801 Delaware Council on Police Training

The Police Officer Standards and Training Commission (POST), formerly the Council on Police Training (COPT), pursuant to 11 Del. C. 8404 (a)(14), proposes to amend 801 Regulations of the Delaware Council on Police Training. The proposed amendments, which were voted on during public meetings of the COPT on May 6, 2025 and November 18, 2025, seek comprehensive changes to the Regulations to, among other things, align the Regulations with amendments made to POST's enabling statute in 2023.

The POST will allow for the submission of written comments, suggestions, or other materials regarding the proposed rules to the POST Attn: Amishia Bucknor, POST Administrator, 1128 S. Bradford Street, Dover, DE 19901 or e-mail ameshia.bucknor@delaware.gov. Any written submission in response to this notice and the relevant proposed regulations must be received by the COPT no later than 4:30 p.m. (EST) on March 31, 2026. A copy of this regulation may be viewed online at the Registrar of Regulation's website, https://regulations.delaware.gov/register/current_issue.
