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# Delaware Register of Regulations

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Issue Date: April 1, 2026

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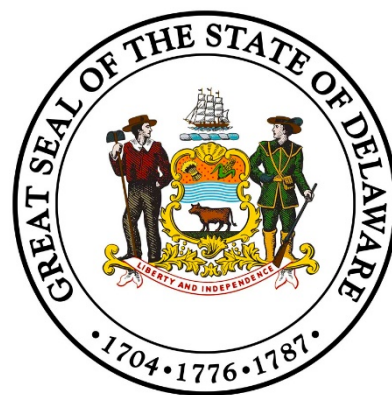
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Pursuant to 29 Del.C. Chapter 11, Subchapter III, this issue of the *Register* contains all documents required to be published, and received, on or before March 15, 2026.

*Cover Photo by  
Dr. Brian Kutner*

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# INFORMATION ABOUT THE DELAWARE REGISTER OF REGULATIONS

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## DELAWARE REGISTER OF REGULATIONS

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

The *Delaware Register* will publish any regulations that are proposed to be adopted, amended, or repealed and any emergency regulations promulgated.

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

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

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## 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.

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## 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.

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## CITIZEN PARTICIPATION IN THE REGULATORY PROCESS

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other interested parties may participate in the process by which administrative regulations are adopted, amended, or repealed, and may initiate the process by which the validity and applicability of regulations is determined.

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shall file notice and full text of the proposals as they relate to the existing regulation being adopted, amended, or repealed, with the Registrar for publication in the *Register of Regulations* pursuant to 29 **Del.C.** §1134.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

The opportunity for public comment shall be held open for a minimum of 30 days after the proposal is published in the *Register of Regulations*. At the conclusion of all hearings and after receipt, within the time allowed, of

# INFORMATION ABOUT THE DELAWARE REGISTER OF REGULATIONS

all written materials, upon all the testimonial and written evidence and information submitted, together with summaries of the evidence and information by subordinates, the agency shall determine whether a regulation should be adopted, amended, or repealed and shall issue its conclusion in an order which shall include: (1) A brief summary of the evidence and information submitted; (2) A brief summary of its findings of fact with respect to the evidence and information, except where a rule of procedure is being adopted or amended; (3) A narrative addressing the potential impact of the regulation on the State's greenhouse gas emissions reduction targets or a statement that the regulation does not; (4) A decision to adopt, amend, or repeal a regulation or to take no action and the decision is supported by its findings on the evidence and information received; (5) The exact text and citation of the regulation adopted, amended, or repealed; (6) The effective date of the order; (7) Any other findings or conclusions required by the law under which the agency has the authority to act; and (8) The signature of at least a quorum of the agency members.

The effective date of an order which adopts, amends, or repeals a regulation shall be not less than 10 days from the date the order adopting, amending, or repealing a regulation has been published in its final form in the *Register of Regulations*, unless the adoption, amendment, or repeal 29 **Del.C.** §10119.

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

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

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

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

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## CLOSING DATES AND ISSUE DATES FOR THE DELAWARE REGISTER OF REGULATIONS

ISSUE DATE	CLOSING DATE	CLOSING TIME
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.
October 1	September 15	4:30 p.m.

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	29 <b>DE Reg.</b> 794 (Final)
2500 Board of Pharmacy .....	29 <b>DE Reg.</b> 82 (Emer.)
	29 <b>DE Reg.</b> 453 (Emer.)
	29 <b>DE Reg.</b> 625 (Final)
3900 Board of Social Work Examiners .....	29 <b>DE Reg.</b> 103 (Prop.)
	29 <b>DE Reg.</b> 545 (Final)
1100 Board of Dentistry and Dental Hygiene .....	29 <b>DE Reg.</b> 203 (Prop.)
	29 <b>DE Reg.</b> 505 (Prop.)
	29 <b>DE Reg.</b> 793 (Final)
2700 Board of Registration for Professional Land Surveyors .....	29 <b>DE Reg.</b> 223 (Final)
3700 Board of Examiners of Speech/Language Pathologists, Audiologists and Hearing Aid Dispensers .....	29 <b>DE Reg.</b> 226 (Final)
	29 <b>DE Reg.</b> 315 (Final)
3500 Board of Examiners of Psychologists .....	29 <b>DE Reg.</b> 288 (Prop.)
	29 <b>DE Reg.</b> 507 (Prop.)
	29 <b>DE Reg.</b> 796 (Final)
	29 <b>DE Reg.</b> 797 (Final)
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3000 Board of Professional Counselors of Mental Health and Chemical Dependency Professionals .....	29 <b>DE Reg.</b> 591 (Prop.)
	29 <b>DE Reg.</b> 761 (Prop.)
101 Regulations Governing Bingo .....	29 <b>DE Reg.</b> 679 (Prop.)
102 Regulations Governing Raffles .....	29 <b>DE Reg.</b> 680 (Prop.)
2900 Real Estate Commission .....	29 <b>DE Reg.</b> 685 (Prop.)
	29 <b>DE Reg.</b> 757 (Prop.)
2925 Real Estate Commission Education Committee .....	29 <b>DE Reg.</b> 688 (Prop.)
	29 <b>DE Reg.</b> 761 (Prop.)
100 Board of Accountancy .....	29 <b>DE Reg.</b> 757 (Prop.)

# CUMULATIVE TABLES

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1601 The Delaware Sports Tourism Capital Investment Fund .....	29 DE Reg. 203 (Prop.)
	29 DE Reg. 419 (Final)

## Public Service Commission

1001 Rules of Practice and Procedure of the Delaware Public Service Commission Effective May 10, 1999.....	29 DE Reg. 104 (Prop.)
	29 DE Reg. 547 (Final)
3014 Regulations Governing Certificates of Public Convenience and Necessity for the Siting of Renewable Energy Interconnection Facilities .....	29 DE Reg. 140 (Final)
8002 Rules to Establish an Excavation Damage Prevention Program .....	29 DE Reg. 105 (Prop.)
	29 DE Reg. 548 (Final)
3007 Electric Service Reliability and Quality Standards .....	29 DE Reg. 205 (Prop.)
3001 Rules for Certification and Regulation of Electric Suppliers.....	29 DE Reg. 293 (Prop.)
	29 DE Reg. 689 (Prop.)
3002 Regulations Governing Termination of Residential Electric or Natural Gas Service by Public Utilities for Non-Payment During Extreme Seasonal Temperature Conditions.....	29 DE Reg. 294 (Prop.)
3012 Rules for Regulation of Net Metering .....	29 DE Reg. 299 (Prop.)
	29 DE Reg. 798 (Final)
3013 Rules for and Regulation of Community Energy Facilities .....	29 DE Reg. 382 (Prop.)
	29 DE Reg. 710 (Final)

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2311 Long-Term Lease Policies and Practices .....	29 DE Reg. 112 (Prop.)
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2312 Regulations Governing the Practice and Procedure for Administering the Transportation Infrastructure Investment Fund .....	29 DE Reg. 591 (Prop.)
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### Division of Transportation Solutions

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2406 Policies and Procedures for Acquisition of Certain Real Property .....	29 DE Reg. 113 (Prop.)
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801 Delaware Council on Police Training .....	29 DE Reg. 762 (Prop.)
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The Fostering Independence Through Education Tuition Waiver Program.....	29 DE Reg. 208 (Prop.) 29 DE Reg. 426 (Final)

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# ERRATA

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## DELAWARE CRIMINAL JUSTICE INFORMATION SYSTEM (DELJIS) BOARD OF MANAGERS

Statutory Authority: 11 Delaware Code, Section 8605 (11 Del.C. §8605)  
1 DE Admin. Code 1301

### ERRATA

#### 1301 Delaware Criminal Justice Information System Rules and Regulations

\* **Please Note:** The Delaware Criminal Justice Information System (DELJIS) Board of Managers proposed regulation for 1301 Delaware Criminal Justice Information System Rules and Regulations was published in the February 01, 2026 issue of the *Delaware Register of Regulations* (29 DE Reg. 659 (02/01/26)). The language and formatting for amendments in certain provisions were inadvertently published incorrectly.

Subsection 6.16 was published as:

6.16 Authorized Agencies that are police agencies must meet Delaware police accreditation standards no later than July 1, 2028, to maintain CJIS access. Upon notification by the Police Officer Standards and Training Commission (POST) that a police agency has failed to achieve, maintain, or take substantial steps toward accreditation, the police agency's access shall be suspended until such accreditation is confirmed by POST.

Subsection 6.16 should have been published as:

6.16 Authorized Agencies that are police agencies must meet Delaware police accreditation standards no later than July 1, 2028, to maintain CJIS access. Upon notification by the Police Officer Standards and Training Commission (POST) that a police agency has failed to achieve, maintain, or take substantial steps toward accreditation, the police agency's access shall be suspended until accreditation is confirmed by POST.

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

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## DEPARTMENT OF AGRICULTURE

### AGLANDS PRESERVATION AND PLANNING

#### Delaware Agricultural Lands Preservation Foundation

Statutory Authority: 3 Delaware Code, Sections 901-930 (3 Del.C. §§901-930)  
3 DE Admin. Code 701

### ERRATA

#### 701 Farmland Preservation Program

\* **Please Note:** The Department of Agriculture, Aglands Preservation and Planning, Delaware Agricultural Lands Preservation Foundation proposed regulation for 701 Farmland Preservation Program was published in the December 01, 2025 issue of the *Delaware Register of Regulations* (29 DE Reg. 456 (12/01/25)). The following provision was inadvertently published incorrectly:

Subsection 19.2.4 was published as:

19.2.4 The survey of the farmland tract on which a Preservation Easement is to be purchased shall show each of the residential lots, if any, designated by the owner pursuant to. The owner may waive the allowed residential use in whole or in part, or reserve the right to designate residential use in the future. The owner's decision regarding residential use shall be noted on the survey.

Subsection 19.2.4 should have been published as:

- 19.2.4 The survey of the farmland tract on which a Preservation Easement is to be purchased shall show each of the residential lots, if any, designated by the owner pursuant to ~~9 Del.C. §909(a)(4)(a)~~ 3 Del.C. §909(a)(4)(a). The owner may waive the allowed residential use in whole or in part, or reserve the right to designate residential use in the future. The owner's decision regarding residential use shall be noted on the survey.

The regulation is corrected and being published as a final regulation in the April 2026 *Register*.

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## DEPARTMENT OF HEALTH AND SOCIAL SERVICES

### DIVISION OF PUBLIC HEALTH

Statutory Authority: 16 Delaware Code, Sections 122(3)(a) and 505 (16 **Del.C.** §§122(3)(a) & 505)  
16 **DE Admin. Code** 4202

### ERRATA

#### 4202 Control of Communicable and Other Disease Conditions

**\* Please Note:** The Department of Health and Social Services, Division of Public Health, proposed regulation for 4202 Control of Communicable and Other Disease Conditions was published in the February 01, 2026 issue of the *Delaware Register of Regulations* (29 **DE Reg.** 674 (02/01/26)). The language and formatting for amendments in certain provisions were inadvertently published incorrectly.

The definition of 'DPHL' was published as:

"**DPHL**" means the Delaware Division of Delaware Public Health Laboratory.

The definition of 'DPHL' should have been published as:

"**DPHL**" means the ~~Division of~~ Delaware Public Health Laboratory.

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

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## Symbol Key

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

## Proposed Regulations

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

## DEPARTMENT OF EDUCATION

### PROFESSIONAL STANDARDS BOARD

Statutory Authority: 14 Delaware Code, Sections 1203, 1204(a), 1205(b), and 1220 (14 **Del.C.** §§1203, 1204(a), 1205(b) & 1220)  
14 **DE Admin. Code** 1571

## PROPOSED

### PUBLIC NOTICE

#### 1571 Special Education Teacher of Students with Disabilities

#### A. TYPE OF REGULATORY ACTION REQUESTED

Amendment to Existing Regulation

#### B. SYNOPSIS OF SUBJECT MATTER OF REGULATION

Pursuant to 14 **Del.C.** §§1203, 1205(b), and 1220, the Professional Standards Board (“Board”), acting in consultation and cooperation with the Delaware Department of Education (“Department”), developed amendments to 14 **DE Admin. Code** 1571 Special Education Teacher of Students with Disabilities. The regulation concerns the requirements for a Special Education Teacher of Students with Disabilities Standard Certificate in accordance with 14 **Del.C.** §1220. The proposed amendments in this regulation include revising subsection 1.1.3 by adding an additional option to obtain the certificate; striking three definitions in Section 2.0; “Immorality”, “Standards Board”, and “Valid and current license or certificate”, and revising the definition of “Regionally accredited” based on the changes the U.S. Department of Education made to its recognition of accrediting bodies; striking subsections 4.1.1.5.1, etc., and renumbering subsequent subsections; and striking subsections in 5.3 and renumbering the application requirements for clarity. The proposed amendments include grammatical and style changes to comply with the *Delaware Administrative Code Drafting and Style Manual*.

Persons wishing to present their views regarding this matter may do so in writing by submitting them to the Department, 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 May 1, 2026. Any person who wishes to receive a copy of the proposed regulation may obtain a copy from the Department at the Office of the Secretary on the second floor of the Townsend Building, 401 Federal Street, Dover, Delaware.

## C. IMPACT CRITERIA

1. Will the amended regulation help improve student achievement as measured against state achievement standards? The education, knowledge, and skill requirements in Section 4.0 are designed to improve the quality of the educator workforce, which will help to improve student achievement.

2. Will the amended regulation help ensure that all students receive an equitable education? The education, knowledge, and skill requirements in Section 4.0 are designed to improve the quality of the educator workforce, which will help to ensure students in Delaware public schools receive an equitable education.

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

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

5. Will the amended regulation preserve the necessary authority and flexibility of decision-makers at the local board and school level? The amended regulation does not change authority and flexibility of decision makers at the local board and school level. By statute ([14 Del.C. §1224](#)), a school district or charter school may request that the Secretary of Education review the credentials of an applicant who does not meet the requirements for a Special Education Teacher of Students with Disabilities Standard Certificate but whose effectiveness is documented by the district or school. The amended regulation does not change a school district or charter school's ability to submit such a request. Section 6.0 is consistent with the statute.

6. Will the amended regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? The amended regulation does not place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels. The application requirements in Section 5.0 apply to individual applicants. In addition, the requirements in Section 10.0 apply to individual applicants and educators.

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

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

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

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

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

<https://regulations.delaware.gov/register/april2026/proposed/29 DE Reg 826RFA 04-01-26.pdf>

## 1571 Special Education Teacher of Students with Disabilities

### 1.0 Content

1.1 This regulation shall apply to the issuance of a Special Education Teacher of Students with Disabilities (~~Category~~) Standard Certificate pursuant to [14 Del.C. §1220\(a\)](#).

1.1.1 The Special Education Teacher of Students with Disabilities Standard Certificate is required for an educator whose primary assignment is teaching children with disabilities in grades K to 12 in Delaware public schools.

1.1.1.1 The Early Childhood Exceptional Children Special Education Teacher Standard Certificate may be used for grades K to 2 in lieu of Special Education Teacher of Students with Disabilities Standard Certificate.

1.1.1.2 The Teacher of Students with Autism or with Severe Intellectual Disabilities Standard Certificate, Teacher of Students Who Are Deaf or Hard of Hearing Standard Certificate, and

Teacher of Students with Visual Impairments Standard Certificate shall be used when the teacher's primary assignment providing instruction to the category of students designated within those category certifications.

- 1.1.2 The Special Education Teacher of Students with Disabilities Standard Certificate is a category Standard Certificate and does not certify an educator to practice in a particular area or teach a particular subject. A category Standard Certificate only establishes that an educator has met the prescribed education, knowledge, or skill to instruct a particular category of students. The Special Education Teacher of Students with Disabilities Standard Certificate is limited to the category of teaching students with disabilities.
- 1.1.3 An educator shall hold ~~at least 1 content area Standard Certificate.~~ 1 of the following:
- 1.1.3.1 At least 1 content area Standard Certificate.
- 1.1.3.2 A valid and current license or certificate from another state or jurisdiction in teaching students with disabilities.

## 2.0 Definitions

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

**"Department"** means the Delaware Department of Education.

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

**"Employing authority"** means any entity which employs educators, and includes school districts, charter schools, boards of directors, and management companies.

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

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

~~"Regionally accredited" means 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.~~ educational accreditation by a regional accrediting agency that is recognized by the U.S. Secretary of Education as a reliable authority concerning the quality of education offered by the institutions of higher education it accredits, including Middle States Commission on Higher Education.

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

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

**"Students with disabilities"** means the same as "child with a disability" as provided in 14 **Del.C.** §3101(2).

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

## 3.0 Issuance of a Standard Certificate

- 3.1 In accordance with 14 **Del.C.** §1220(a), the Department shall issue a Special Education Teacher of Students with Disabilities Standard Certificate to an applicant who:
- 3.1.1 Holds a valid Delaware Initial, Continuing, or Advanced License ~~or a Standard or Professional Status Certificate issued by the Department prior to August 31, 2003~~ and meets the requirements set forth in Section 4.0 of this regulation; or
- 3.1.2 Has met the requirements for an educator's license in Delaware and holds a valid and current license or certificate in special education or teaching students with disabilities by another state or jurisdiction.
- 3.2 Notwithstanding any provision to the contrary herein, the Department shall not act on an application for a Special Education Teacher of Students with Disabilities Standard Certificate if the applicant is under official investigation by any national, state, or local authority with the power to issue educator licenses or certifications. The Department shall not act where the allegations include conduct such as immorality,

misconduct in office, incompetence, willful neglect of duty, disloyalty, or falsification of credentials until the applicant provides evidence of the investigation's resolution.

**4.0 Prescribed Education, Knowledge, and Skill Requirements**

- 4.1 An applicant shall have satisfied the requirements in subsections 4.1.1 through 4.1.3.
  - 4.1.1 An applicant shall have satisfied 1 of the following education requirements:
    - 4.1.1.1 Obtained and currently maintain an ~~Exceptional Needs Specialist certificate~~Certificate from the National Board for Professional Teaching Standards; or
    - 4.1.1.2 Earned a bachelor's, master's, or doctoral degree from a regionally accredited college or university with a minimum of 30 semester hours of coursework in special education or teaching students with disabilities from an educator preparation program approved or recognized by the Council for the Accreditation of Educator Preparation (CAEP) or a state where the state approval body employed the appropriate standards; or
    - 4.1.1.3 Satisfactorily completed an alternative routes for licensure or certification program to teach students with disabilities as provided in [14 Del.C. §§1260 – 1266](#); or
    - 4.1.1.4 Satisfactorily completed a Department-approved educator preparation program in special education; or
    - 4.1.1.5 Earned a bachelor's degree from a regionally accredited college or university in any content area and also satisfactorily completed ~~15 college credits~~semester hours with a focus in special education or in students with disabilities in the areas provided in ~~subsection 4.1.1.5.3~~or an equivalent number of hours in professional development with 1 credit equating to 15 hours ~~subsection 4.1.1.6~~taken either as part of a degree program or in addition to a degree program from a regionally accredited college or university or a professional development provider approved by the Department in the areas provided in subsection 4.1.1.5.3.
      - 4.1.1.5.1 ~~For the purpose of subsection 4.1.1.5, professional development means a combination of focused, in-depth learning, practice, feedback, reflection, and expert support experiences designed to change the participants' attitudes, insights, and perspectives and ultimately results in improved professional practice.~~
      - 4.1.1.5.2 ~~Professional development hours may be approved if the applicant shows that the activity meets all of the following criteria:~~
        - 4.1.1.5.2.1 ~~Relevant courses from a regionally accredited college or university in special education are not available to the applicant online or in the applicant's county of residence; and~~
        - 4.1.1.5.2.2 ~~The activity is grounded in research and current best practices as judged by the Department's content specialist in special education; and~~
        - 4.1.1.5.2.3 ~~The activity is documented by the provider to provide knowledge and skills that are required for the special education certification; and~~
        - 4.1.1.5.2.4 ~~The activity is part of a professional development program that includes knowledge acquisition, skill mastery, descriptive feedback, and refinement of practice in the work setting.~~
    - 4.1.1.5.3 ~~For the purpose of subsection 4.1.1.5, the areas are the areas specified in subsections 4.1.1.5.3.1 through 4.1.1.5.3.5, are:~~
      - 4.1.1.5.3.1 ~~4.1.1.6.1~~ 4.1.1.6.1 ~~Diagnosis and Instruction for Reading / Literacy (3 credits); and~~
      - 4.1.1.5.3.2 ~~4.1.1.6.2~~ 4.1.1.6.2 ~~Education Evaluation and IEP Development (3 credits); and~~
      - 4.1.1.5.3.3 ~~4.1.1.6.3~~ 4.1.1.6.3 ~~Curriculum and Instruction in Special Education (3 credits); and~~
      - 4.1.1.5.3.4 ~~4.1.1.6.4~~ 4.1.1.6.4 ~~Applied Behavior Analysis (3 credits); and~~
      - 4.1.1.5.3.5 ~~4.1.1.6.5~~ 4.1.1.6.5 ~~One of the following areas:~~
        - 4.1.1.5.3.5.1 ~~4.1.1.6.5.1~~ 4.1.1.6.5.1 ~~Legislation, Policy & Procedures/ Special Issues in Special Education (3 credits); or~~
        - 4.1.1.5.3.5.2 ~~4.1.1.6.5.2~~ 4.1.1.6.5.2 ~~Transitions from Secondary Special Education or Secondary Transition Planning (3 credits); or~~
        - 4.1.1.5.3.5.3 ~~4.1.1.6.5.3~~ 4.1.1.6.5.3 ~~Collaborative Teaming in Special Education (3 credits); or~~
        - 4.1.1.5.3.5.4 ~~4.1.1.6.5.4~~ 4.1.1.6.5.4 ~~Assistive Technology (3 credits).~~
  - 4.1.2 An applicant ~~applying~~submitting a completed application after June 30, 2027 shall also have satisfactorily completed 6 college credits in evidence-based reading instruction under [14 Del.C. §1280\(c\)\(3\)](#) or an equivalent number of hours in professional development with 1 credit equating to 15

hours taken either as part of a degree program or in addition to a degree program from a regionally accredited college or university or a professional development provider approved by the Department.

- 4.1.3 The applicant shall have achieved a minimum score on 1 of the following examinations:
- 4.1.3.1 A minimum score of 151 on the Praxis Subject Assessment - Special Education: Core Knowledge and Applications (ETS Test Code #5354); or
- 4.1.3.2 A minimum score of 145 on the Praxis Special Education: Foundational Knowledge (ETS Test Code # 5355).

## 5.0 Application Requirements

- 5.1 If an applicant is applying for an Initial License, a Standard Certificate must be applied for simultaneously with application for an Initial License, and the applicant shall also provide all required documentation for the license.
- 5.2 If the applicant is also applying for the issuance or renewal of an educator's license or paraeducator's permit, the applicant must disclose the applicant's criminal conviction history upon application. Failure to disclose a criminal conviction history is grounds for denial of the license or permit application as specified in [14 Del.C. §1219](#) and it could delay the processing or result in the denial of the application for a Special Education Teacher of Students with Disabilities Standard Certificate.
- 5.3 The following documentation is required with the application for a Special Education Teacher of Students with Disabilities Standard Certificate:
- ~~5.3.1 Evidence of obtaining an Exceptional Needs Specialist certificate from the National Board for Professional Teaching Standards, if applicable; and~~
- ~~5.3.2 Official transcript from the applicant's regionally accredited college or university.~~
- ~~5.3.2.1 Electronic transcripts may be submitted by the applicant's employing authority or regionally accredited college or university.~~
- ~~5.3.2.2 Sealed paper transcripts may be submitted by the applicant, the applicant's Employing Authority, or the applicant's Regionally Accredited college or university.~~
- ~~5.3.2.3 The Department will not accept copies of transcripts; and~~
- ~~5.3.3 Documents verifying successful completion of Department-approved professional development, if applicable; and~~
- ~~5.3.4 Official score on the *Praxis* Subject Assessment as provided in subsection 4.1.2 of this regulation.~~
- ~~5.3.5 Additional documentation as required by the Department.~~
- 5.4 For applicants who have met the requirements for licensure as an educator in Delaware and hold a valid and current license or certificate in special education or teaching students with disabilities from another state or jurisdiction, the following documentation is required in the application for a Special Education Teacher of Students with Disabilities Standard Certificate:
- 5.4.1 An official copy of the educator license or certificate from another state or jurisdiction.
- 5.4.2 Additional documentation as required by the Department.
- 5.3.1 Official transcript from the applicant's regionally accredited college or university.
- 5.3.1.1 Electronic or sealed paper transcripts may be submitted by the applicant's employing authority or regionally accredited college or university.
- 5.3.1.2 The Department will not accept copies of transcripts; and
- 5.3.2 One of the following:
- 5.3.2.1 A valid and current Exceptional Needs Specialist Certificate from the National Board for Professional Teaching Standards; or
- 5.3.2.2 Evidence of completion of an approved ARTC program. Evidence of completion must include verification that the applicant:
- 5.3.2.2.1 Was issued a welcome letter upon enrollment and the applicant completed the requirements listed in the welcome letter; and
- 5.3.2.2.2 Was issued and worked under a certificate of eligibility as a special education teacher of students with disabilities for the duration of the ARTC program; and
- 5.3.2.2.3 Received 2 successful summative evaluations.
- 5.3.2.3 Evidence of completion of a Department-approved program for a special education teacher of students with disabilities.
- 5.3.2.4 A valid and current license or certificate issued by another state or jurisdiction that qualified the applicant to teach students with disabilities.
- 5.3.3 If applying without a valid and current license and certificate from another state or jurisdiction, an official score on the examination as provided in subsection 4.1.3 of this regulation.

5.3.4 If submitting an application after June 30, 2027, verification of the successful completion of the literacy requirement as specified in subsection 4.1.3 of this regulation.

5.3.5 Additional documentation as required by the Department.

## **6.0 Secretary of Education Review**

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

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

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

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

## **7.0 Validity of a Standard Certificate**

7.1 A Special Education Teacher of Students with Disabilities Standard Certificate is valid regardless of the assignment or employment status of the holder provided that the educator's license remains current and valid.

7.2 A Special Education Teacher of Students with Disabilities Standard Certificate is not subject to renewal.

## **8.0 Disciplinary Action**

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

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

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

## **9.0 Past Certificate Recognized**

The Department shall recognize a Special Education Teacher of Students with Disabilities Standard Certificate that was issued by the Department prior to the effective date of this regulation. An educator holding such a Standard Certificate shall be considered certified to instruct students with disabilities.

## **10.0 Contact Information and Change of Name or Address**

10.1 All applicants and educators are required to update ~~their~~the contact information in ~~DEEDS~~Delaware Educator Data System (DEEDS) if ~~their~~the contact information changes.

10.2 An educator who legally changes the educator's name and wishes to change the name on the Special Education Teacher of Students with Disabilities Standard Certificate shall provide a notarized copy of evidence of the name change such as a marriage license or court action.

10.3 An applicant or educator whose mailing address, email address, or phone number changes shall provide the Department with the new mailing address, email address, or phone number within 14 calendar days of the change.

# PROPOSED REGULATIONS

## PROFESSIONAL STANDARDS BOARD

Statutory Authority: 14 Delaware Code, Sections 1203, 1204(a), 1205(b), and 1220 (14 Del.C. §§1203, 1204(a), 1205(b) & 1220)  
14 DE Admin. Code 1573

### PROPOSED

### PUBLIC NOTICE

#### 1573 Teacher of Students with Autism or Students with Severe Intellectual Disabilities

#### A. TYPE OF REGULATORY ACTION REQUESTED

Amendment to Existing Regulation

#### B. SYNOPSIS OF SUBJECT MATTER OF REGULATION

Pursuant to 14 Del.C. §§1203, 1205(b), and 1220, the Professional Standards Board (“Board”), acting in consultation and cooperation with the Delaware Department of Education (“Department”), developed amendments to 14 DE Admin. Code 1573 Teacher of Students with Autism or Students with Severe Intellectual Disabilities. The regulation concerns the requirements for a Teacher of Students with Autism or Students with Severe Intellectual Disabilities Standard Certificate in accordance with 14 Del.C. §1220. The proposed amendments in this regulation include revising subsection 1.1.1 and adding 1.1.2, which adds two additional options to obtain the certificate; striking three definitions in Section 2.0 “Immorality”, “Standards Board”, and “Valid and current license or certificate” and revising the definition of “Regionally accredited” based on the changes the U.S. Department of Education made to its recognition of accrediting bodies; striking subsections 4.1.1.5.1, etc., and renumbering subsequent subsections; and striking subsections in 5.3 and renumbering the application requirements for clarity. The proposed amendments include grammatical and style changes to comply with the *Delaware Administrative Code Drafting and Style Manual*.

Persons wishing to present their views regarding this matter may do so in writing by submitting them to the Department, 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 May 1, 2026. Any person who wishes to receive a copy of the proposed regulation may obtain a copy from the Department at the Office of the Secretary on the second floor of the Townsend Building, 401 Federal Street, Dover, Delaware.

#### C. IMPACT CRITERIA

1. Will the amended regulation help improve student achievement as measured against state achievement standards? The education, knowledge, and skill requirements in Section 4.0 are designed to improve the quality of the educator workforce, which will help to improve student achievement.

2. Will the amended regulation help ensure that all students receive an equitable education? The education, knowledge, and skill requirements in Section 4.0 are designed to improve the quality of the educator workforce, which will help to ensure students in Delaware public schools receive an equitable education.

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

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

5. Will the amended regulation preserve the necessary authority and flexibility of decision-makers at the local board and school level? The amended regulation does not change authority and flexibility of decision makers at the local board and school level. By statute (14 Del.C. §1224), a school district or charter school may request that the Secretary of Education review the credentials of an applicant who does not meet the requirements for a Teacher of Students with Autism or Students with Severe Intellectual Disabilities Standard Certificate but whose effectiveness is documented by the district or school. The amended regulation does not change a school district or charter school’s ability to submit such a request. Section 6.0 is consistent with the statute.

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

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

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

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

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

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

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

<https://regulations.delaware.gov/register/april2026/proposed/29 DE Reg 832RFA 04-01-26.pdf>

## 1573 Teacher of Students with Autism or Students with Severe Intellectual Disabilities

### 1.0 Content

1.1 This regulation shall apply to the issuance of a Teacher of Students with Autism or Students with Severe Intellectual Disabilities (~~Category~~) Standard Certificate pursuant to **14 Del.C. §1220(a)**.

~~1.1.1.2~~ The Teacher of Students with Autism or Students with Severe Intellectual Disabilities Standard Certificate is required for an educator whose primary assignment is teaching students with autism or severe intellectual disabilities in an approved program or in Delaware public schools. For the purpose of this regulation, "approved program" means a program encompassing or within a public school designated by the Department and the State Board of Education as a component of the Delaware Autism Program disabilities.

~~1.1.2~~ The Teacher of Students with Autism or Students with Severe Intellectual Disabilities Standard Certificate is a category Standard Certificate and does not certify an educator to practice in a particular area or teach a particular subject. A category Standard Certificate only establishes that an educator has met the prescribed education, knowledge, or skill to instruct a particular category of students. This certification is limited to the category of students with autism or severe intellectual disabilities.

~~1.1.3~~ An educator shall hold at least 1 content area Standard Certificate.

1.2.1 An educator shall have 1 of the following:

1.2.1.1 At least 1 content area certificate; or

1.2.1.2 A minimum score of 148 on Praxis Assessment Fundamental Subjects: Content Knowledge (ETS Test Code 5511); or

1.2.2 Has met the requirements for licensure and holds a valid and current license or certificate that qualifies the educator to teach students with autism or students with severe intellectual disabilities from another state or jurisdiction.

### 2.0 Definitions

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

"**Autism**" shall have the same meaning as provided in **14 DE Admin. Code 925**, subsection 6.6.

"**Department**" means the Delaware Department of Education.

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

"**Employing authority**" means any entity which employs educators, and includes school districts, charter schools, boards of directors, and management companies.

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

~~"Intellectual disability" shall have the same meaning as provided in 14 DE Admin. Code 925, subsection 6.12.~~

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

~~"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. educational accreditation by a regional accrediting agency that is recognized by the U.S. Secretary of Education as a reliable authority concerning the quality of education offered by the institutions of higher education it accredits, including Middle States Commission on Higher Education.~~

~~"Severe intellectual disability" shall have the same meaning as provided in 14 DE Admin. Code 925, subsection 6.12. 6.12.1.3.~~

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

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

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

### 3.0 Issuance of a Standard Certificate

- 3.1 In accordance with 14 Del.C. §1220(a), the Department shall issue a Teacher of Students with Autism or Students with Severe Intellectual Disabilities Standard Certificate to an applicant who:
- 3.1.1 Holds a valid Delaware Initial, Continuing, or Advanced License ~~or a Standard or Professional Status Certificate issued by the Department prior to August 31, 2003~~ and meets the requirements set forth in Section 4.0 of this regulation; or
- 3.1.2 Has met the requirements for an educator's license in Delaware and holds a valid and current license or certificate in teaching students with autism or severe intellectual disabilities ~~issued by another state or jurisdiction.~~
- 3.2 Notwithstanding any provision to the contrary herein, the Department shall not act on an application for a Teacher of Students with Autism or Students with Severe Intellectual Disabilities Standard Certificate if the applicant is under official investigation by any national, state, or local authority with the power to issue educator licenses or certifications. The Department shall not act where the allegations include conduct such as immorality, misconduct in office, incompetence, willful neglect of duty, disloyalty, or falsification of credentials until the applicant provides evidence of the investigation's resolution.

### 4.0 Prescribed Education, Knowledge, and Skill Requirements

- 4.1 An applicant shall have satisfied the requirements in subsections 4.1.1 and 4.1.2.
- 4.1.1 An applicant shall have satisfied 1 of the following education requirements:
- 4.1.1.1 Obtained and currently maintain an Exceptional Needs Specialist ~~certificate~~ Certificate in the specialty area of Mild/Moderate Disabilities or Severe and Multiple Disabilities from the National Board for Professional Teaching Standards; or
- 4.1.1.2 Earned a bachelor's or master's degree from a regionally accredited college or university with a minimum of 30 semester hours of coursework in special education with a concentration in autism and severe intellectual disabilities from an educator preparation program approved or recognized by the Council for the Accreditation of Educator Preparation (CAEP) or a state where the state approval body employed the appropriate standards; or
- 4.1.1.3 Satisfactorily completed an alternative routes for licensure or certification program to teach students with autism and severe intellectual disabilities as provided in 14 Del.C. §§1260 - 1266; or
- 4.1.1.4 Satisfactorily completed a Department-approved educator preparation program to teach students with autism and severe intellectual disabilities; or

4.1.1.5 Earned a bachelor's or master's degree from a regionally accredited college or university with a minimum of 30 semester hours of coursework in special education and satisfactorily completed 15 college credits ~~semester hours~~ with a focus in autism and severe intellectual disabilities in the areas provided in subsection 4.1.1.5.3 or an equivalent number of hours in professional development with 1 credit equating to 15 hours taken either as part of a degree program or in addition to a degree program from a regionally accredited college or university or a professional development provider approved by the Department in the areas provided in subsection 4.1.1.5.3. 4.1.1.6 taken as either part of a degree program or in addition to a degree program from a regionally accredited college or university.

4.1.1.5.1 For the purpose of subsection 4.1.1.5, professional development means a combination of focused, in-depth learning, practice, feedback, reflection, and expert support experiences designed to change the participants' attitudes, insights, and perspectives and ultimately results in improved professional practice.

4.1.1.5.2 Professional development hours may be approved if the applicant shows that the activity meets all of the following criteria:

4.1.1.5.2.1 Relevant courses from a regionally accredited college or university in special education are not available to the applicant online or in the applicant's county of residence; and

4.1.1.5.2.2 The activity is grounded in research and current best practices as judged by the Department's content specialist in special education; and

4.1.1.5.2.3 The activity is documented by the provider to provide knowledge and skills that are required for the special education certification; and

4.1.1.5.2.4 The activity is part of a professional development program that includes knowledge acquisition, skill mastery, descriptive feedback, and refinement of practice in the work setting.

4.1.1.5.34.1.1.6 For the purpose of subsection 4.1.1.5, the areas are the areas specified in subsections 4.1.1.5.3.1 through 4.1.1.5.3.5 are:

4.1.1.5.3.14.1.1.6.1 Introduction to autism and severe intellectual disabilities (3 credits); and

4.1.1.5.3.24.1.1.6.2 Methods of Instruction in Academic Standards and Functional Skills (3 credits); and

4.1.1.5.3.34.1.1.6.3 Functional Communication Training (3 credits); and

4.1.1.5.3.44.1.1.6.4 Applied Behavior Analysis for Educators (3 credits); and

4.1.1.5.3.54.1.1.6.5 Competency-Based Practicum in Behaviorally Based Teaching Techniques (3 credits); or

4.1.1.64.1.1.7 Currently hold a Special Education Teacher of Students with Disabilities Standard Certificate (14 DE Admin. Code 1571) and satisfactorily completed 15 college credits ~~semester hours~~ with a focus in autism and severe intellectual disabilities in the areas provided in subsection 4.1.1.5.3 or an equivalent number of hours in professional development with 1 credit equating to 15 hours 4.1.1.6 taken either as part of a degree program or in addition to a degree program from a regionally accredited college or university or a professional development provider approved by the Department in the areas provided in subsection 4.1.1.5.3. university.

4.1.2 An applicant ~~applying~~ submitting a completed application after June 30, 2027 shall also have satisfactorily completed 6 college credits in evidence-based reading instruction pursuant to 14 Del.C. §1280(c)(3) or an equivalent number of hours in professional development with 1 credit equating to 15 hours taken either as part of a degree program or in addition to a degree program from a regionally accredited college or university or a professional development provider approved by the Department.

**5.0 Application Requirements**

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

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

- 5.3 The following documentation is required with the application for a Teacher of Students with Autism or Students with Severe Intellectual Disabilities Standard Certificate:
- 5.3.1 ~~Evidence of obtaining and maintaining an Exceptional Needs Specialist certificate from the National Board for Professional Teaching Standards, if applicable; and~~
  - 5.3.2 ~~Official transcript from the applicant's regionally accredited college or university.~~
    - 5.3.2.1 ~~Electronic transcripts may be submitted by the applicant's employing authority or regionally accredited college or university; or~~
    - 5.3.2.2 ~~Sealed paper transcripts may be submitted by the applicant, the applicant's employing authority, or the applicant's regionally accredited college or university.~~
    - 5.3.2.3 ~~The Department will not accept copies of transcripts; and~~
  - 5.3.3 ~~Documents verifying successful completion of Department-approved professional development, if applicable; and~~
  - 5.3.4 ~~Additional documentation as required by the Department.~~
- 5.4 ~~For applicants who have met the requirements for licensure and hold a valid and current license or certificate in teaching students with autism or severe intellectual disabilities, the following documentation is required in the application for a Teacher of Students with Autism or Students with Severe Intellectual Disabilities Standard Certificate:~~
- 5.4.1 ~~An official copy of the valid and current license or certificate; and~~
  - 5.4.2 ~~Additional documentation as required by the Department.~~
  - 5.3.1 Official transcript from the applicant's regionally accredited college or university.
    - 5.3.1.1 Electronic or sealed paper transcripts may be submitted by the applicant's employing authority or regionally accredited college or university.
    - 5.3.1.2 The Department will not accept copies of transcripts; and
  - 5.3.2 One of the following:
    - 5.3.2.1 A valid and current Exceptional Needs Specialist Certificate from the National Board for Professional Teaching Standards; or
    - 5.3.2.2 Evidence of completion of an approved ARTC program. Evidence of completion must include verification that the applicant:
      - 5.3.2.2.1 Was issued a welcome letter upon enrollment and the applicant completed the requirements listed in the welcome letter; and
      - 5.3.2.2.2 Was issued and worked under a certificate of eligibility as a teacher of students with autism or with severe intellectual disabilities for the duration of the ARTC program; and
      - 5.3.2.2.3 Received 2 successful summative evaluations.
    - 5.3.2.3 Evidence of completion of a Department-approved program for a teacher of students with autism or with severe intellectual disabilities.
    - 5.3.2.4 A valid and current license or certificate from another state or jurisdiction that qualified the applicant to teach students with autism or students with severe intellectual disabilities.
  - 5.3.3 If applying without a valid and current license and certificate from Delaware or from another state or jurisdiction, an official score on the examination as provided in subsection 1. 2.1.2 of this regulation.
  - 5.3.4 An applicant submitting a completed application after June 30, 2027, verification of the successful completion of the literacy requirement as specified in subsection 4.1.2 of this regulation.
  - 5.3.5 Additional documentation as required by the Department.

## 6.0 Secretary of Education Review

- 6.1 The Secretary of Education may, upon the written request of a local school district or charter school, review credentials submitted in an application for a Teacher of Students with Autism or Students with Severe Intellectual Disabilities Standard Certificate on an individual basis and grant such a Standard Certificate to an applicant who otherwise does not meet the requirements for a Teacher of Students with Autism or Students with Severe Intellectual Disabilities Standard Certificate but whose effectiveness is documented by the local school district or charter school.
- 6.2 The request shall be approved as provided in subsections 6.2.1 and 6.2.2.
- 6.2.1 For school districts, requests shall be approved by the superintendent of the school district.
  - 6.2.2 For charter schools, requests concerning the head of school of the charter school shall be approved by the charter school's board of directors and requests concerning all other applicants shall be approved by the charter school's head of school.

## 7.0 Validity of a Standard Certificate

- 7.1 A Teacher of Students with Autism or Students with Severe Intellectual Disabilities Standard Certificate is valid regardless of the assignment or employment status of the holder provided that the educator's license remains current and valid.
- 7.2 A Teacher of Students with Autism or Students with Severe Intellectual Disabilities Standard Certificate is not subject to renewal.

## 8.0 Disciplinary Action

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

## 9.0 Past Certificate Recognized

- 9.1 The Department shall recognize a Standard Teacher of the Autistic Child or Professional Status Certificate issued by the Department between January 1, 1982 and August 31, 2005, if otherwise valid. An educator holding a Standard Teacher of the Autistic Child or a Professional Status Certificate issued between January 1, 1982 and August 31, 2005 shall be considered certified to instruct students with autism or severe intellectual disabilities.
- 9.2 The Department shall recognize a Teacher of Students with Autism or Students with Severe Intellectual Disabilities Standard Certificate issued by the Department prior to the effective date of this regulation. An educator holding such a Standard Certificate shall be considered certified to instruct students with autism or severe intellectual disabilities.

## 10.0 Contact Information and Change of Name or Address

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

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## DEPARTMENT OF HEALTH AND SOCIAL SERVICES

### DIVISION OF HEALTH CARE QUALITY

Statutory Authority: 16 Delaware Code, Section 1119C(a) and 29 Delaware Code, Section 7971(d)(19) (16 [Del.C. §1119C\(a\)](#) & 29 [Del.C. §7971\(d\)\(19\)](#))

### PROPOSED

### PUBLIC NOTICE

### 3103 Division of Health Care Quality Temporary Staffing Agencies

Pursuant to 16 Del.C. §1119C(a) and 29 Del.C. §7971(d)(19), the Department of Health and Social Services, Division of Health Care Quality, is proposing new regulations governing the registration, oversight, and monitoring of temporary staffing agencies serving long-term care facilities.

The proposed regulation implements statutory requirements enacted by the General Assembly relating to temporary staffing agencies that provide personnel to long-term care facilities. The regulation establishes standards for registration and renewal, reporting and recordkeeping, insurance coverage, personnel documentation, and Departmental oversight, including inspections.

Copies of the proposed regulation are available for review in the April 1, 2026 issue of the *Delaware Register of Regulations*, accessible online at: <http://regulations.delaware.gov>

Public comments will be accepted until 4:30 PM on May 1, 2026. Comments will be accepted in written form via email to [DHSS\\_DHCQ\\_PublicComment@delaware.gov](mailto:DHSS_DHCQ_PublicComment@delaware.gov), or by U.S. mail to the following address:

Amanda Levering, Director  
 Division of Health Care Quality  
 253 Chapman Road  
 Newark, DE 19720

**\*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/april2026/proposed/29 DE Reg 837RFA 04-01-26.pdf>

## 3103 Division of Health Care Quality Temporary Staffing Agencies

### **1.0 Purpose**

The Delaware Department of Health and Social Services adopts this regulation pursuant to the authority vested by [16 Del.C. §1119C\(a\)](#) and [29 Del.C. §7971\(d\)\(19\)](#). This regulation establishes standards with respect to oversight and monitoring of temporary staffing agencies, as defined under [16 Del.C. §1102](#).

### **2.0 Definitions**

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

**“Agency”** means a temporary staffing agency registered with the Department.

**“Department”** means the Delaware Department of Health and Social Services.

**“Governing body”** means the individual, partnership, agency, group, or corporation designated to assume full legal responsibility for the policy determination, management, operation and financial liability of the temporary staffing agency.

**“Long-term care facility”** means a facility licensed pursuant to [16 Del.C. §1102](#).

**“Majority interest”** means the largest percentage of ownership interest.

**“Minority interest”** means any percentage of ownership less than the majority interest.

**“Modification of ownership and control”** and **“MOC”** means the sale, purchase, transfer or re-organization of ownership rights.

**“Office”** means the physical location in which the business of the temporary staffing agency is conducted and in which the records of personnel of the agency are stored.

**“Owner”** means an individual or legal entity with ownership rights of the agency.

**“Ownership”** means the state or fact of exclusive possession and control of the agency.

**“Ownership interest”** means the percentage of ownership an individual or legal entity possesses.

**“Personnel”** means any individual assigned to a long-term care facility who provides services for the long-term care facility.

**“Temporary staffing agency”** means a business entity or subdivision that provides temporary staff to a long-term care facility within this State

### **3.0 Registration Requirements and Procedures**

#### **3.1 General Requirements**

**3.1.1** No person shall establish, conduct or maintain in this State any temporary staffing agency that provides direct care services to a long-term care facility without first registering with and obtaining approval from the Department.

- 3.1.1.1 Temporary staffing agencies operating as of January 1, 2026, must register with the Department within 6 months after publication of the final regulation in the *Delaware Register of Regulations*.
- 3.1.1.2 Temporary staffing agencies operating after this regulation goes into effect must register with the Department 30 days prior to the first day of operation.
- 3.1.2 A separate registration shall be required for each temporary staffing agency in Delaware. The registration is not transferable between office locations. An agency providing services in Delaware that does not maintain an office in Delaware shall file a single registration covering its operations in the state.
- 3.1.3 The temporary staffing agency shall advise the Department in writing at least 30 calendar days prior to any change in office location.
- 3.1.4 Any temporary staffing agency that undergoes a modification of ownership and control (MOC) is required to re-register as a new agency.
- 3.1.5 A registration is not transferable from person to person or from entity to entity.
- 3.1.6 The submission of a registration application form is in no way a guarantee that the completed application will be accepted or that a registration will be issued by the Department.
- 3.2 Registration Process
  - 3.2.1 All persons or entities wanting to apply to open a temporary staffing agency shall submit to the Department the following information:
    - 3.2.1.1 A completed registration application, including registration fee.
    - 3.2.1.2 Identity of:
      - 3.2.1.2.1 Each officer and director of the corporation, if the entity is organized as a corporation;
      - 3.2.1.2.2 Each general partner or managing member, if the entity is organized as an unincorporated;
      - and
      - 3.2.1.2.3 The governing body.
    - 3.2.1.3 The names and addresses of each person having an ownership interest in the temporary staffing agency.
    - 3.2.1.4 The names, addresses, and types of agencies owned or managed by the applicant;
    - 3.2.1.5 Disclosure of any officer, director, partner, employee, managing member, or member of the governing body with a felony criminal record;
    - 3.2.1.6 Name of the individual who is responsible for the management of the temporary staffing agency.
    - 3.2.1.7 Any other information required by the Department.
  - 3.2.2 Applications not completed within 90 days of submission will be deemed incomplete and will be closed. Application fees are non-refundable.
- 3.3 Issuance of Registrations
  - 3.3.1 A registration shall be granted for a period 1 calendar year to every agency that completes the application process consistent with this regulation and whose policies and procedures demonstrate compliance with this regulation. A temporary staffing agency shall renew the registration annually.
  - 3.3.2 To renew a registration, the temporary staffing agency must submit a completed renewal application and any additional information requested by the Department.
  - 3.3.3 A temporary staffing agency must apply for renewal of registration at least 30 calendar days prior to the expiration date of the registration.
- 3.4 Modification of Ownership and Control
  - 3.4.1 Any proposed MOC must be reported to the Department a minimum of 30 calendar days prior to the change.
  - 3.4.2 A MOC voids the current registration in possession of the agency.
  - 3.4.3 A MOC may include:
    - 3.4.3.1 Transfer of full ownership rights;
    - 3.4.3.2 Transfer of the majority interest;
    - 3.4.3.3 Transfer of ownership interests that result in the owner with the majority interest becoming a minority interest owner;
    - 3.4.3.4 Transfer or re-organization that results in an additional majority interest that is equal in ownership rights; or
    - 3.4.3.5 Transfer resulting in a measurable impact upon the operational control of the agency.
- 3.5 Fees
  - 3.5.1 Fees shall be in accordance with [16 Del.C. §1119D\(e\)](#).

3.5.2 The Department will evaluate the registration fees annually.

3.6 Inspection. A representative of the Department shall periodically inspect every temporary staffing agency for which a registration has been issued under this regulation. Inspections by authorized representatives of the Department may occur at any time and may be scheduled or unannounced.

3.7 Notice to long-term care facilities. The temporary staffing agency shall notify each long-term care facility at least 30 calendar days before the voluntary surrender of its registration, or as directed under an order of denial, revocation or suspension of registration issued by the Department.

#### **4.0 General Requirements**

4.1 All records maintained by the temporary staffing agency shall at all times be open to inspection by the authorized representatives of the Department.

4.2 The temporary staffing agency must permit photocopying, or electronic transfer, of any records or other information by, or on behalf of, authorized representatives of the Department, as necessary to determine or verify compliance with this regulation.

4.3 No policies shall be adopted by the temporary staffing agency which are in conflict with this regulation.

4.4 A temporary staffing agency may not require, as a condition of employment, assignment, or referral, that an employee of the temporary staffing agency or staff contracted to the temporary staffing agency recruit new employees for the temporary staffing agency from among the permanent employees of the long-term care facility to which the temporary staffing agency employees or contracted staff have been assigned or referred.

4.5 The temporary staffing agency shall be in compliance with federal, state and local laws and codes.

4.6 The temporary staffing agency shall:

4.6.1 Carry medical malpractice insurance of not less than \$500,000 per incident to insure against loss, damages or expenses incident to a claim arising out of the death or injury of any individual as the result of negligence or malpractice in the provision of healthcare services by a temporary staffing agency employee, agent, or contractor; and

4.6.2 Carry for each employee a dishonesty bond in the amount of \$10,000.

4.6.3 Maintain insurance coverage for workers' compensation for all personnel of the temporary staffing agency.

4.6.4 Provide, upon request, evidence of malpractice insurance to the long-term care facility.

#### **5.0 Personnel Records**

5.1 A temporary staffing agency shall ensure that each employee the staffing agency assigns or refers for a position at a long-term care facility meets state and federal qualification requirements and has the appropriate work experience for that position.

5.1.1 The personnel's required professional qualifications must be current in the state of Delaware and in good standing.

5.1.2 If the temporary staffing agency has been informed, or has reason to know, that a personnel's professional credentials are no longer in good standing, the temporary staffing agency must notify the long-term care facility.

5.2 A temporary staffing agency shall maintain a record for each employee that must include documented evidence of:

5.2.1 Credentials;

5.2.2 Required immunizations;

5.2.3 Orientation;

5.2.4 In-service education;

5.2.5 Completion of training or educational program required by law; and

5.2.6 All other pertinent requirements relating to the health and other qualifications of personnel employed in long-term care facilities.

5.3 A temporary staffing agency shall keep current the complete personnel record of each temporary staffing agency employee.

5.4 A temporary staffing agency shall provide, upon request, the complete personnel record to the long-term care facility where the employee is assigned and to authorized representatives of the Department.

5.5 The temporary staffing agency may not restrict in any manner the employment opportunities of health care personnel. This provision shall not be construed as prohibiting an agreement by a long-term care facility to pay an agency a placement fee if the facility hires the agency's personnel on a permanent basis.

## **6.0 Records**

- 6.1 The temporary staffing agency must maintain the following records for at least 10 years, and make them available to the Department upon request:
  - 6.1.1 Personnel applications for employment that include:
    - 6.1.1.1 The name and address of the applicant;
    - 6.1.1.2 The date of application;
    - 6.1.1.3 A description of the types of employment the applicant is seeking;
    - 6.1.1.4 A description of past work experience, and types of employment being sought, and, if necessary, proof of professional authorizations required to perform services;
  - 6.1.2 Proof that the temporary staffing agency verified any professional credentials needed for personnel to perform services to be provided by the personnel;
  - 6.1.3 All requests from long-term care facilities seeking to hire personnel that include:
    - 6.1.3.1 The name and address of the long-term care facility;
    - 6.1.3.2 The date of the request;
    - 6.1.3.3 A description of the type of personnel being sought;
    - 6.1.3.4 The type of professional credentials needed for the personnel to perform the services being sought; and
    - 6.1.3.5 The address or location at which the work is being performed;
  - 6.1.4 Copies of all contracts between personnel and the agency;
  - 6.1.5 Copies of all contracts between the agency and the long-term care facility;
  - 6.1.6 A record of fees charged, collected, and refunded, and the accounting record as may be necessary to verify fees charged, fees collected and refunds made;
  - 6.1.7 All records related to employee competency evaluations and testing;
  - 6.1.8 All records related to employee performance; and
  - 6.1.9 All records related to the temporary staffing agencies policies related to personnel assignments.

## **7.0 Annual Report**

- 7.1 Each temporary staffing agency must provide an annual report to the Department that includes all the following information:
  - 7.1.1 The number of total employees placed, the long-term care facilities where they were placed, the average duration of the placements, and the state of licensure for those employees.
  - 7.1.2 The total and average amounts charged during each quarter of the reporting period to a long-term care facility per employee providing services to the long-term care facility.
  - 7.1.3 Documentation showing that the temporary staffing agency has records that each employee contracted to a long-term care facility during the reporting period had a current, unrestricted license or certification in good standing and met the training and continuing education standards required by state and federal law for the position with the long-term care facility throughout the entirety of the reporting period. An agency that documents that an employee holds a valid license or certification shall be deemed to have documented compliance with any training or continuing education required for license or certification.
  - 7.1.4 Documentation showing that the temporary staffing agency has records that each employee contracted to a long-term care facility had satisfied all background checks required by federal and state law relating to the position and long-term care facility in which the employee was placed during the reporting period.
  - 7.1.5 Failure to comply with statutory or regulatory reporting requirements may result in the imposition of corrective action by the Division.

## **8.0 Severability**

In the event any clause or section of this regulation should be declared invalid or unconstitutional by any court of competent jurisdiction, the remaining portions shall remain in full force and effect.

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# PROPOSED REGULATIONS

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

## PROPOSED

## PUBLIC NOTICE

### Medicaid Recovery Audit Contractor's (RAC) Program

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the **Delaware Code**) and under the authority of 31 **Del. C.** §512, Delaware Health and Social Services ("Department") / Division of Medicaid and Medical Assistance (DHSS/DMMA) is proposing to amend Title XIX Medicaid State Plan regarding Medicaid Recovery Audit Contractor's (RAC) Program, specifically, to request an extension of the exception from participation in the RAC Program.

Any person who wishes to make written suggestions, compilations of data, testimony, briefs, or other written materials concerning the proposed new regulations must submit same to, Planning and Policy Unit, Division of Medicaid and Medical Assistance, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906, by email to [DHSS\\_DMMA\\_Publiccomment@Delaware.gov](mailto:DHSS_DMMA_Publiccomment@Delaware.gov), or by fax to 302-255-4413 by 4:30 p.m. on May 1, 2026. Please identify in the subject line: Medicaid Recovery Audit Contractor's (RAC) Program

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

### **SUMMARY OF PROPOSAL**

The purpose of this notice is to advise the public that Delaware Health and Social Services (DHSS)/Division of Medicaid and Medical Assistance (DMMA) is proposing to amend the Title XIX Medicaid State Plan regarding Medicaid Recovery Audit Contractor's (RAC) Program.

#### **Statutory Authority**

- §1902(a)(42)(b) of the Social Security Act
- The Patient Protection and Affordable Care Act, Public Law 111-148, Section 6411, Expansion of the RAC Program
- 42 CFR §455 Subpart A
- 42 CFR §455 Subpart F

#### **Background**

Under Section 1902(a)(42)(B)(i) of the Act, states and territories are required to establish programs to contract with one or more Medicaid Recovery Audit Contractors (RACs) to identify underpayments and overpayments, as well as recouping overpayments, under the Medicaid State Plan and any Medicaid State Plan Waivers. This applies to all services for which payment is made to any entity under such plan or waiver. States must establish these programs in a manner consistent with State law and generally in the same way as the Secretary contracts with contingency fee contractors for the Medicaid RAC program.

Section 1902(a)(42)(B)(i) of the Act specifies that States shall establish programs under which they contract with Medicaid RACs subject to such exceptions or requirements as the Secretary may require for purposes of a particular State. This provision enables the Centers for Medicare and Medicaid Services (CMS) to vary the Medicaid RAC program requirements. For example, CMS may exempt a State from the requirement to pay Medicaid RACs on a contingent basis for collecting overpayments when State law expressly prohibits contingency fee contracting. However, another fee structure could be required under any such exception (e.g., a flat fee arrangement).

#### **Summary of Proposal**

##### *Purpose*

The purpose of this proposed regulation is to amend the RAC requirements.

##### *Summary of Proposed Changes*

Effective July 1, 2026, the DHSS/DMMA proposes to amend the Title XIX Medicaid State Plan to request an extension of the exception from participation in the RAC program.

## *Public Notice*

In accordance with the *federal* public notice requirements established in Section 1902(a)(13)(A) of the Social Security Act and 42 CFR 440.386 and the *state* public notice requirements of Title 29, Chapter 101 of the **Delaware Code**, DHSS/DMMA gives public notice and provides an open comment period for 30 days to allow all stakeholders an opportunity to provide input on the proposed regulation. Comments must be received by 4:30 p.m. on May 1, 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 provide other pertinent information regarding DMAP updates. DMAP updates are available on the Delaware Medical Assistance Portal website: <https://medicaid.dhss.delaware.gov/provider>

## **Fiscal Impact**

There is no anticipated fiscal impact.

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

<https://regulations.delaware.gov/register/april2026/proposed/29 DE Reg 842RFA 04-01-26.pdf>

## **Medicaid Recovery Audit Contractor's (RAC) Program**

**\*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/April2026/77A756EB-0439-428B-B7A6-9CC4A90D2F8F>

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## **DEPARTMENT OF LABOR**

### **DIVISION OF EMPLOYMENT AND TRAINING**

Statutory Authority: 19 Delaware Code, Section 202 (19 **Del.C.** §202)  
19 **DE Admin. Code** 1101

## **PROPOSED**

## **PUBLIC NOTICE**

### **1101 Apprenticeship and Training Regulations**

In compliance with the State's Administrative Procedures Act (Title 29, Chapter 101 of the Delaware Code) and under the authority of 19 Del.C. §202, the Delaware Department of Labor, Division of Employment and Training, State Apprenticeship Agency proposes to modify 19 DE Admin. Code 1101, Sections 1.0 through 13.0 regarding the regulation of State Registered Apprenticeship Programs.

In accordance with 29 Del.C. §10116, persons wishing to submit written comments, suggestions, briefs, and compilations of data or other written materials concerning the proposed modifications to Rule No. 11 should direct them to the following address:

Joseph Olivere  
Delaware Department of Labor  
Division of Employment and Training  
4425 North Market Street, 3rd Floor  
Wilmington, DE 19802

Comments may also be directed via electronic mail to [Joseph.Olivere@Delaware.gov](mailto:Joseph.Olivere@Delaware.gov). Any written submission in response to this notice and relevant to the proposed rules must be received by the above contact at the Delaware Department of Labor no later than 4 p.m. EST, May 1, 2026.

#### Background

The Delaware Department of Labor is granted the authority to regulate the State registration of Apprentices and Apprenticeship Programs consistent with [19 Del.C. §202](#) of the Delaware Code. Such rules shall be for the purpose of establishing standards for apprenticeship in conformity Delaware Code and applicable statutes and regulations of the federal government; studying the effectiveness of apprenticeship programs and making recommendations in accordance with such programs for their improvement and to terminate, cancel or modify any apprenticeship programs in accordance with such programs; Encouragement and promotion of the standards established in accordance with this chapter and with the basic standards of the Bureau of Apprenticeship and Training, United States Department of Labor. The Delaware Department of Labor ("Department") is further authorized to promulgate rules and regulations not inconsistent with Title 19 or of any other law of the state; provided, however that no such rule or regulation shall extend, modify or conflict with any law of this state or the reasonable implications thereof; and provided further, however, that such rules and regulations, as established by the Department, shall focus primarily on the State Registered Apprenticeship.

#### Summary of Proposal

The proposed changes to Sections 1.0 through 13.0 of this regulation proposes updates to terminology, as well as administrative updates that align the State Apprenticeship Agency with federal regulation found in 29 CFR Part 29

#### Statutory Authority

##### **19 Del.C. §105**

19 Del.C. §105 enables the Delaware Department of Labor to adopt and promulgate rules and regulations not inconsistent with Title 19 Chapter 2 of the Delaware Code; provided that no such rule or regulation shall extend, modify or conflict with any law of the State of Delaware or the reasonable implications thereof.

##### **19 Del.C. §202**

19 Del.C. §202 enables the Department of Labor to establish standards for apprenticeship in conformity with Delaware Code and applicable statutes and regulations of the federal government As well as, adopting such rules and regulations as may be necessary to carry out the intent and purpose of Title 19 Chapter 2 of the Delaware Code.

#### **\*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/april2026/proposed/29 DE Reg 843RFA 04-01-26.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/april2026/proposed/29 DE Reg 843 04-01-26>

## DIVISION OF INDUSTRIAL AFFAIRS

Statutory Authority: 19 Delaware Code, Section 1114 (19 Del.C. §1114 )  
19 DE Admin. Code 1328

### PROPOSED

### PUBLIC NOTICE

#### 1328 Rules Regulating Deductions from Wages for Wage Payment and Collection

In compliance with the State's Administrative Procedures Act (Title 29, Chapter 101 of the Delaware Code) and under the authority of 19 Del.C. §1114 the Delaware Department of Labor, Division of Industrial Affairs, Office of Wage and Hour Enforcement proposes to modify to amend its regulations for the Wage Payment and Collection as described in 19 Del.C. Chapter 11.

In accordance with 29 Del.C. §10116, persons wishing to submit written comments, suggestions, briefs, and compilations of data or other written materials concerning the proposed modifications to Rule No. 11 should direct them to the following address:

Dyron Green  
Delaware Department of Labor  
Division of Industrial Affairs  
4425 N. Market Street  
Wilmington DE 19802

Comments may also be directed via electronic mail to [Dyron.Green@delaware.gov](mailto:Dyron.Green@delaware.gov). Any written submission in response to this notice and relevant to the proposed rules must be received by the above contact at the Delaware Department of Labor no later than 4 p.m. EST, May 1, 2026.

#### Background

The Delaware Wage Payment and Collection Act require employers to pay all wages due to employees, including benefits, on regular, designated paydays, and specifically governs payment methods, final pay, and deductions.

#### Summary of Proposal

The proposed amendments will clarify the types of activity which fall under the wage payment statute; modify investigative procedures; provides the scope of the circumstances under which the Department shall hold administrative hearings; and the conduct of those hearings themselves. Minor amendments and changes are also inserted regarding other portions of the regulations.

#### Statutory Authority

**19 Del.C. Chapter 11**

**19 Del.C. §1114** enables the Delaware Department of Labor to adopt and promulgate rules and regulations to implement the provisions of 19 Del.C. Chapter 11 "Wage Payment and Collection."

#### \*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/april2026/proposed/29 DE Reg 845RFA 04-01-26.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/april2026/proposed/29 DE Reg 845 04-01-26>

# PROPOSED REGULATIONS

## 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

## PROPOSED

## PUBLIC NOTICE

### 5001 Rules of the Office of the Marijuana Commissioner

#### Notice of Proposed Amendments to Regulations of the Office of the Marijuana Commissioner

#### Summary

The Office of the Marijuana Commissioner proposes to amend its Regulations adopted in accordance with Title 4 of the Delaware Code, Chapter 13, Section 1331. The Office of the Marijuana Commissioner proposes: changes to Section 8.3 Marijuana product package size, and Section 9.3 Edible marijuana product and marijuana beverage packaging and labeling requirements, to align with industry standards; and changes to Section 6.7 Marijuana cultivation facility general requirements to clarify the types of products that a cultivation facility is permitted to sell. The Office of the Marijuana Commissioner is issuing these proposed regulations in accordance with Title 4 of the Delaware Code. This notice is issued pursuant to the requirements of Chapter 101 of Title 29 of the Delaware Code.

#### Comments

A copy of the proposed regulations will be published in the April 1, 2026 edition of the Delaware Register of Regulations, accessible online at <http://regulations.delaware.gov>. Any person who wishes to make any written suggestions, compilations of data, briefs or other written materials concerning the proposed new regulations must submit same to Taylor Shannon, Delaware Office of the Marijuana Commissioner, 1128 South Bradford Street, Dover, DE 19904 or by email to [OMC@delaware.gov](mailto:OMC@delaware.gov). Pursuant to 29 Del.C. §10118(a), the final date to receive written comments is May 1, 2026.

#### Adoption of Proposed Regulation

On or after May 2, 2026, following review of the public comment, the Office of the Marijuana Commissioner will determine whether to adopt the proposed rules as originally published or make additional changes because of the public comments received.

#### Effective Date of Amendments to Regulations

If adopted by the Office of the Marijuana Commissioner, the amendments will take effect 10 days after being published as final in the Delaware Register of Regulations.

**\*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/april2026/proposed/29 DE Reg 846RFA 04-01-26.pdf>

### 5001 Rules of the Office of the Marijuana Commissioner

#### *(Break in Continuity of Sections)*

#### 6.0 General Compliance

#### *(Break in Continuity Within Section)*

- 6.7 Marijuana cultivation facility general requirements
  - 6.7.1 Marijuana cultivation facilities are permitted to:
    - 6.7.1.1 Plant and cultivate marijuana plants, subject to the limits associated with each tier of license;
    - 6.7.1.2 Harvest, trim, dry, and cure marijuana plants;
    - 6.7.1.3 Store harvested marijuana flower, including kief and marijuana trim;
    - 6.7.1.4 Sell and distribute marijuana flower, including kief and marijuana trim to marijuana cultivation facilities, marijuana product manufacturing facilities, and retail marijuana stores;

- 6.7.1.5 Provide samples of marijuana and marijuana products to the Division for mandatory compliance testing in accordance with Section 11.0 of this regulation at the direction of the Commissioner;
- 6.7.1.6 Collect samples of marijuana and marijuana products for research and development testing and transport those samples to a marijuana testing facility;
- 6.7.1.7 Prepare, package, and label marijuana flower into individual retail units for wholesale to a retail marijuana store;
- 6.7.1.8 Transport marijuana to marijuana products manufacturing facilities and retail marijuana stores; and
- 6.7.1.9 Destroy marijuana plants and marijuana in accordance with Section 12.0 of this regulation.
- 6.7.2 Marijuana cultivation facilities may not:
  - 6.7.2.1 Produce marijuana concentrates, tinctures, extracts, or other marijuana products;
  - 6.7.2.2 Sell marijuana or marijuana products directly to consumers; and
  - 6.7.2.3 Permit marijuana or marijuana products to be consumed on the premises of the marijuana cultivation facility.
- 6.7.3 Standard operating procedures. A marijuana cultivation facility must establish standard operating procedures in accordance with subsection 6.4.2 of this regulation for all aspects of the planting, cultivating, harvesting, trimming, drying, curing, storing, selling, distributing, sampling, preparing, packaging, labeling, transporting, tracking, and destroying of marijuana plants. The standard operating procedures must include:
  - 6.7.3.1 The creation and timely entry of accurate data into an inventory control system that identifies and tracks the marijuana cultivation facility's inventory of marijuana from the seed or immature plant to the time they are sold or transferred to another marijuana establishment;
  - 6.7.3.2 The safe and sanitary storage of marijuana and marijuana products, including maintaining the cleanliness of any building or equipment used to store or display marijuana or marijuana products;
  - 6.7.3.3 The procedure for providing a sample of its marijuana to the Division for testing and research purposes as required by Section 11.0 of this regulation;
  - 6.7.3.4 The creation and maintenance of a record of samples provided to the Division for the purposes of mandatory compliance testing, the identity of the marijuana testing facility that tested the samples, and the results of the mandatory compliance testing;
  - 6.7.3.5 The proper packaging and labeling of marijuana to be sold to retail marijuana stores, as required by Section 9.0 of this regulation;
  - 6.7.3.6 The selling or transferring of marijuana, including seeds, immature plants, mature plants, and packaged and labeled marijuana, to retail marijuana stores, marijuana product manufacturing facilities, and other marijuana cultivation facilities;
  - 6.7.3.7 The proper disposal and segregated storage of marijuana that is outdated, damaged, deteriorated, misbranded, or adulterated;
  - 6.7.3.8 The training of all personnel in the standard operating procedures and retention of attendance records; and
  - 6.7.3.9 A copy of the standard operating procedures must be readily available on-site for inspection by the Commissioner.
- 6.7.4 A marijuana cultivation facility must have an environmental and sustainability plan that includes efforts the facility will take to minimize the environmental impact of its operations and plans to minimize water usage.
- 6.7.5 Batch size. Marijuana cultivation facilities may not package marijuana in batches larger than 10 pounds.
- 6.7.6 Marijuana cultivation facility security requirements
  - 6.7.6.1 Marijuana cultivation facilities must comply with the following facility protocols:
    - 6.7.6.1.1 Ensure all activities related to the cultivation of marijuana plants take place within a fully enclosed secure indoor facility or within a secured fenced area;
    - 6.7.6.1.2 Have sufficient gas, suction, electrical outlets, sinks, hot and cold running water, and bathroom facilities;
    - 6.7.6.1.3 Have adequate temperature and humidity controls;
    - 6.7.6.1.4 Prominently display a list of all trained personnel inside or immediately outside of the extraction area; and
    - 6.7.6.1.5 Process only marijuana that has been harvested in areas designated for processing.
  - 6.7.6.2 Marijuana cultivation facilities must comply with the following safety and security protocols:

- 6.7.6.2.1 Update their safety, security, and prevention and diversion plan upon requesting a 1-tier increase in size each renewal period; and
- 6.7.6.2.2 Implement the general security requirements required in subsection 6.3 of this regulation.

*(Break in Continuity of Sections)*

**8.0 Marijuana and Marijuana Product Health Standards**

*(Break in Continuity Within Section)*

- 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~~10~~ standardized servings per package;
    - 8.3.1.2 For multi-serving marijuana beverages, contain no greater than ~~60~~100 milligrams of THC per package; and
    - 8.3.1.3 For marijuana tinctures, contain no greater than ~~300~~500 milligrams of THC per package.
  - 8.3.2 Edible marijuana products formulated with less than 5~~10~~ standardized servings may package multiple products together to reach the 5~~10~~ 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.

**9.0 Packaging and Labeling Requirements for Marijuana and Marijuana Products**

*(Break in Continuity Within Section)*

- 9.3 Edible marijuana product and marijuana beverage packaging and labeling requirements
  - 9.3.1 Edible marijuana product packaging must:
    - 9.3.1.1 Contain no greater than 10 milligrams of THC per serving.
    - 9.3.1.2 Contain no greater than ~~50~~100 milligrams of THC per package; and
    - 9.3.1.3 Clearly indicate the size of a serving.
    - 9.3.1.4 If impracticable to clearly demark each serving of marijuana or to make each serving easily separable, contain not more than 10 milligrams of THC per package or be sold in a package that contains more than 1 individually wrapped single-serving edible marijuana product.
  - 9.3.2 Marijuana beverage packaging must:
    - 9.3.2.1 Contain no greater than 10 milligrams of THC and not less than 12 ounces of liquid per serving.
    - 9.3.2.2 Contain no greater than 60 milligrams of THC per package; and
    - 9.3.2.3 Clearly indicate the size of a serving.
  - 9.3.3 In addition to requirements in subsection 9.2 of this regulation, edible marijuana product and marijuana beverage labels must include:
    - 9.3.3.1 Total contents of THC and CBD, and any other advertised or marketed cannabinoid, stated in milligrams, as provided by the Certificate of Analysis. The total contents of THC and CBD must be provided for both individual servings and total servings within a package;
      - 9.3.3.1.1 For edible marijuana products and marijuana beverages containing at least 5 milligrams of THC or CBD, there may not be a variance of more than 10% from the actual THC and CBD content.
      - 9.3.3.1.2 For edible marijuana products and marijuana beverages containing less than 5 milligrams of THC or CBD, there may not be a variance of more than 20% from the actual THC and CBD content.
    - 9.3.3.2 The number of servings per package;
    - 9.3.3.3 If applicable, the recommended size of a serving;
    - 9.3.3.4 A nutritional fact panel;
    - 9.3.3.5 A list of all the active and inactive ingredients in descending order of predominance by weight in the edible marijuana product or marijuana beverage;
    - 9.3.3.6 The net weight of the edible marijuana product or marijuana beverage in grams; and
    - 9.3.3.7 The following warning statements:
      - 9.3.3.7.1 A statement to read "Caution: When eaten or swallowed, the intoxicating effects of this product may be delayed by 2 or more hours."; and
      - 9.3.3.7.2 For any product intended for topical application, a statement identifying that the product is "not intended for human consumption, ingestion, or inhalation."

**\*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/april2026/proposed/29 DE Reg 846 04-01-26>

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## DEPARTMENT OF STATE

### DIVISION OF PROFESSIONAL REGULATION

#### Board of Landscape Architecture

Statutory Authority: 24 Delaware Code, Section 205(a)(1) (24 **Del.C.** §205(a)(1))  
24 **DE Admin. Code** 200

### PROPOSED

#### PUBLIC NOTICE

#### 200 Board of Landscape Architecture

Pursuant to 24 **Del.C.** §205(a)(1), the Delaware Board of Landscape Architecture (“Board”) has proposed revisions to its regulation. The amendments update the regulation with respect to the application process, licensure renewal and reactivation, continuing education requirements, and the continuing education audit. In addition, technical and style changes have been made to ensure consistency with the *Delaware Administrative Code Drafting and Style Manual*.

In accordance with 29 **Del.C.** §10116, persons wishing to submit written comments, suggestions, or other materials regarding the proposed regulation should direct them to the Board, Attn: Maya Echols, Administrative Specialist for the Board, 861 Silver Lake Boulevard, Dover, DE 19904, or by email to [maya.echols@delaware.gov](mailto:maya.echols@delaware.gov). Any written submission in response to this Notice or the proposed regulation must be received by the Board no later than 4:30 p.m. on May 1, 2026. A copy of the proposed regulation may be obtained from the Board of Landscape Architecture, 861 Silver Lake Boulevard, Dover, DE 19904.

**\*Please Note:**

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

<https://regulations.delaware.gov/register/april2026/proposed/29 DE Reg 849RFA 04-01-26.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/april2026/proposed/29 DE Reg 849 04-01-26>

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## DIVISION OF PROFESSIONAL REGULATION

### Council on Real Estate Appraisers

Statutory Authority: 24 Delaware Code, Section 4006(a)(1) (24 **Del.C.** §4006(a)(1))  
24 **DE Admin. Code** 2930

### PROPOSED

#### PUBLIC NOTICE

#### 2930 Council on Real Estate Appraisers

Pursuant to 24 **Del.C.** §4006(a)(1), the Delaware Council on Real Estate Appraisers (“Council”) has proposed revisions to its regulation.

Proposed amendments to subsection 2.1.3 clarify the inspection and experience log requirements for the Trainee Real Property Appraiser classification.

Proposed amendments to subsection 2.1.4 clarify the experience log requirements for the Licensed Residential Real Property Appraiser classification.

Proposed amendments to subsection 2.1.5 clarify the experience log requirements for the Certified Residential Real Property Appraiser classification.

Proposed amendments to subsection 2.1.6 clarify the experience log requirements for the Certified General Real Property Appraiser classification.

Proposed amendments to subsection 2.14 update the percentage of random audits to be conducted by the Division of Professional Regulation.

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 regulation may obtain a copy from the Delaware Council on Real Estate Appraisers, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments should be sent to Jaime Johnson Administrator of the Delaware Council on Real Estate Appraisers, at the above address or to [jaime.a.johnson@delaware.gov](mailto:jaime.a.johnson@delaware.gov). Written comments will be accepted until 5:00 p.m. on May 1, 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/april2026/proposed/29 DE Reg 849aRFA 04-01-26.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/april2026/proposed/29 DE Reg 849a 04-01-26>

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## **GENERAL ASSEMBLY**

### **DIVISION OF LEGISLATIVE SERVICES**

Statutory Authority: 29 Delaware Code, Section 1134(a)(4) (29 **Del.C.** §1134(a)(4))  
29 **DE Admin. Code** 101

## **PROPOSED**

### **PUBLIC NOTICE**

#### **101 Regulation Governing Administrative Rulemaking Procedures**

The Registrar of Regulations of the Division of Legislative Services of the Legislative Council, pursuant to [29 Del.C. §1134\(a\)\(4\)](#), proposes to amend [29 DE Admin. Code 101](#) Regulation Governing Administrative Rulemaking Procedures. The purpose of the amendments is to provide updated guidance on the procedures for the filing of regulations under the Administrative Procedures Act, [29 Del.C. Ch. 101](#), and for publication in the *Delaware Register of Regulations* and the Delaware Administrative Code that align with the most current practices. The regulation was presented at the March 19, 2026 meeting of the Legislative Council.

Persons wishing to present their views regarding the proposed amendments must do so in writing by 4:30 pm on Friday, May 1, 2026 to Office of the Registrar of Regulations by email to [Regulations@delaware.gov](mailto:Regulations@delaware.gov). Copies of the regulation are available for review in the April 1, 2026 issue of the *Delaware Register of Regulations*, accessible online at: <https://regulations.delaware.gov>.

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

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**DELAWARE REGISTER OF REGULATIONS, VOL. 29, ISSUE 10, WEDNESDAY, APRIL 1, 2026**

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<https://regulations.delaware.gov/register/april2026/proposed/29 DE Reg 850RFA 04-01-26.pdf>

**101 Regulation Governing Administrative Rulemaking Procedures Filing and Publication of Regulations**

**1.0 Authority and Purpose**

- 1.1 This regulation establishes procedures for filing and publication of agency regulations under 29 Del.C. Ch. 101.
- 1.2 The procedures of this regulation constitute minimum requirements for regulation filing and publication. Other governing statutes, federal laws, or federal regulations may require additional regulation filing and publication procedures, including the Regulatory Flexibility Act, 29 Del.C. Ch. 104.

**2.0 Definitions**

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

- "Agency" means agency as defined in 29 Del.C. §10102.
- "Codify" means the process of collecting, arranging, and publishing administrative regulations systematically in the *Delaware Administrative Code*, and includes the process of verifying that each amendment was marked as required in Section 6.0 of this regulation.
- "Division" means the Division of Research of Legislative Council/Legislative Services as established pursuant to under 29 Del.C. Ch. 11.
- "File" means an agency's electronic submission of regulatory documents to the Registrar of Regulations for publication.
- "Holiday" means an official holiday of the State of Delaware designated by 1 Del.C. §501.
- "Official regulation" means a regulation in its final form as adopted by an order as defined in 29 Del.C. §10118 and filed with the Registrar of Regulations.
- "Publish" means to compile and make regulations available to the public by full text or summary and includes availability in an electronic format.
- "Register" means the ~~Delaware~~*Delaware Register of Regulations*, a publication authorized and recognized by law published for public information purposes, providing public notice of changes in agency regulations, whether new, ~~modified~~ modified, or repealed, together with supplemental information as deemed appropriate by the Registrar, as outlined in 29 Del.C. §1134.
- "Registrar" means the Registrar of Regulations, an employee of the Division charged with the responsibility of compiling, maintaining, and publishing the *Delaware Register of Regulations*.
- "Regulation" means regulation as defined in 29 Del.C. §10102.
- "Regulation Drafting Manual" means the *Delaware Administrative Code Drafting and Style Manual*, a manual of composition and style guidelines and requirements for drafting documents to be published in the ~~Delaware~~*Delaware Register of Regulations* and the *Delaware Administrative Code*.

**3.0 Publication Dates and Deadlines**

- 3.1 Pursuant to Under 29 Del.C. §§10115 and 10118, an agency shall file its regulation and its public notice or final order by 4:30 p.m. on the fifteenth day of the month for publication in the *Register* issued on the first of the next month.
- 3.2 If the fifteenth day is a Saturday, Sunday, or holiday, the agency shall file the regulation and public notice or final order by 4:30 p.m. on the next regular business day.
- 3.3.2 Any regulation received after the deadlines provided in subsections 3.1 and 3.2 subsection 3.1 for publication in the next calendar month shall be held for publication in the *Register* for the calendar month that follows the missed publication date.
- 3.4.3.3 The official date of publication for the *Register* is the first day of each calendar month as required by 29 Del.C. §1136.

**4.0 Public Comment Period or Public Hearing Date for a Proposed Regulation**

- 4.1 For the purposes of 29 Del.C. §10118, "30 days" is computed by:
  - 4.1.1 Counting the day after publication of the regulation as the first day; and
  - 4.1.2 Counting the thirtieth consecutive day after the day of publication as the thirtieth day; day; unless
  - 4.1.3 The thirtieth consecutive day is a Saturday, Sunday, or holiday, in which event the thirtieth day is the next regular business day.

- 4.2 The extended "15 days" of public written comment under [29 Del.C. §10118](#) is computed by:
- 4.2.1 Counting the day after the final public hearing on the proposed regulation, if applicable, as the first day; and
  - 4.2.2 Counting the fifteenth consecutive day after the day of the public hearing as the fifteenth ~~day~~day; unless
  - 4.2.3 The fifteenth consecutive day is a Saturday, Sunday, or holiday, in which event the fifteenth day is the next regular business day.
- 4.3 For purposes of [29 Del.C. §10115](#), "20 days" is computed by:
- 4.3.1 Counting the day after publication of the regulation as the first day; and
  - 4.3.2 Counting the twentieth consecutive day after the day of publication as the twentieth day; unless
  - 4.3.3 The twentieth consecutive day is a Saturday, Sunday, or holiday, in which event the twentieth day is the next regular business day.

## 5.0 Final Order and Effective Date for a Final Regulation or Withdrawal

### 5.1 Final Order

- ~~5.15.1.1~~ Pursuant to ~~Under~~ [29 Del.C. §10118](#), upon expiration of the public comment period designated in the regulation analysis and filed with the regulation public notice of a proposed regulation, and before expiration of 12 months after the end of the public comment period for the regulation or the last public hearing, whichever is later, the agency proposing the regulation shall notify the Registrar of the date the regulation is to become effective and enforceable by filing an order with the Registrar as specified in [29 Del.C. §10118](#).
- ~~5.25.1.2~~ The agency shall notify the Registrar after determining that the proposed regulation, in the form published, shall be the final form of the regulation, and after informing the Registrar of any nonsubstantive changes in the regulation as provided for in [29 Del.C. §10118](#) and marked as described in the *Regulation Drafting Manual*.
- ~~5.35.1.3~~ The agency shall file with the Registrar a final order and copy of the regulation, which shall clearly identify the proposed regulation, state the date the proposed regulation was published in the *Register*, and state its effective date.
- ~~5.45.1.4~~ The date designated as the effective date shall be at least 10 days after the date the final regulation is to be published in the *Register*. The earliest effective date is the 11th of the month of publication of the final regulation.
- ~~5.55.1.5~~ The Registrar shall publish the final order, effective date, and the final regulation, in full or as a summary, in the next issue of the *Register*, subject to ~~section~~Section 3.0 of this regulation.

### 5.2 Withdrawal

- ~~5.2.1~~ Under [29 Del.C. §10118](#), if a proposed regulation will not be adopted as final before the expiration of 12 months after the end of the public comment period for the regulation or the last public hearing, whichever is later, the agency proposing the regulation shall file a notice of withdrawal.
- ~~5.2.2~~ The notice of withdrawal shall clearly identify the proposed regulation and the date the proposed regulation was published in the *Register*.
- ~~5.2.3~~ The Registrar shall publish the notice of withdrawal in the next issue of the *Register*, subject to Section 3.0 of this regulation.

## 6.0 Regulation Drafting Manual; Underscoring and Striking Out

### 6.1 Drafting Manual

- 6.1.1 An agency shall follow the guidelines for drafting regulations set out in the *Regulation Drafting Manual*.
- 6.1.2 The *Regulation Drafting Manual* is available in hard copy from the Division and can be found online at: [http://regulations.delaware.gov/services/style\\_manual.shtml](http://regulations.delaware.gov/services/style_manual.shtml)  
[https://regulations.delaware.gov/style\\_manual](https://regulations.delaware.gov/style_manual).
- 6.2 An agency shall ~~request~~must utilize the official regulation text from the Registrar prior to drafting and filing ~~regulation changes to draft and submit regulatory amendments.~~
- 6.3 Underscoring and Striking Out
- 6.3.1 ~~An~~Using Track Changes in the official regulation document, an agency shall underscore language to be added and strike out language to be deleted in changes in proposed regulations, emergency regulations, and nonsubstantive changes.
- 6.3.2 When an agency proposes to make a new regulation or section, the entire proposed text shall be underscored.
- 6.3.3 Repealing a Regulation

6.3.3.1 When an agency proposes to repeal a complete regulation, it shall include as part of the information provided in the regulation public notice or final order a brief summary of the deleted language and a brief explanation of why the regulation is being repealed.

6.3.3.2 The agency shall file with the regulation public notice or final order a copy of the text to be deleted in one of the following formats:

6.3.3.2.1 ~~Each page annotated "repealed in its entirety"; or~~

6.3.3.2.2 ~~The entire with the text of the regulation struck out in its entirety.~~

6.3.3.3 The Registrar may refuse to publish the full text of repealed regulations unless space is available within the page limits of the *Register*.

6.4 When an agency fails to mark a change as described in this section, the Registrar may refuse to codify the change. When determining whether or not to codify an unmarked change, the Registrar shall consider:

6.4.1 Whether the unmarked change is substantive or nonsubstantive; and

6.4.2 If the purpose of public notification has been adequately served.

6.5 The Registrar's refusal to codify an unmarked change means that the change is not operative for the purposes of 29 **Del.C.** Ch. 101 and that the agency must comply with regular administrative rulemaking procedures in 29 **Del.C.** Ch. 101 to make the change.

**7.0 Refusal to Publish or Codify a Regulation or Regulation Change**

7.1 The Registrar may not publish a proposed regulation or regulation change when the Registrar determines the agency has not met the requirements of 29 **Del.C.** Ch. 101 and Ch. 104 and this regulation.

7.2 The Registrar may not publish an agency's final order and effective date, nor codify the regulation or regulation change in the *Delaware Administrative Code*, if the agency exceeds the 12-month limit required by 29 **Del.C.** §10118(f).

7.3 The Registrar shall notify the agency of a refusal to publish or codify a regulation or regulation change, and shall advise and assist the agency in correcting any error or omission, and in re-filing to meet statutory and regulatory criteria.

**8.0 Use of Incorporation by Reference in Regulations**

8.1 An agency incorporating materials by reference shall comply with the following standards:

8.1.1 The regulation shall state specifically that the cited material is "incorporated by reference."

8.1.2 If the material contains options, or is modified in its application, the options selected and modifications made shall be stated in the regulation.

8.1.3 If the incorporated material is substantively changed at a later time, and the agency intends to enforce the revised material, the agency shall amend its regulation through administrative rulemaking procedures to incorporate by reference any applicable changes as soon as practicable.

8.1.4 An agency shall describe substantive changes that appear in the materials incorporated by reference as part of the public notice or final order filed with the regulation.

8.2 An agency shall comply with copyright requirements when it provides the Registrar a copy of material incorporated by reference.

**9.0 Agency Contact**

9.1 An agency shall submit the name and contact information of the contact person responsible for filing the agency's regulations with the Office of the Registrar.

9.2 The agency shall update the contact information with the Office of the Registrar within 15 days after a change in the contact person for the agency.

**10.0 Errata and Corrections**

10.1 As soon as practicable after publication, the agency regulatory contact or other designated individual shall compare the published regulation to the submitted regulation to ensure accuracy of the published text.

10.2 The agency shall notify the Registrar in writing of any errors found in the published text. The written communication must include the following information:

10.2.1 The name of the agency;

10.2.2 The volume, issue, and date of the publication and the chapter and page number where the error appears;

10.2.3 The nature of the error.

10.3 Corrections of errors will be published as soon as possible.

### Symbol Key

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

### Final Regulations

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

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

## DELAWARE CRIMINAL JUSTICE INFORMATION SYSTEM (DELJIS) BOARD OF MANAGERS

Statutory Authority: 11 Delaware Code, Section 8605 (11 **Del.C.** §8605)  
1 **DE Admin. Code** 1301

**FINAL**

**ORDER**

### 1301 Delaware Criminal Justice Information System Rules and Regulations

#### NATURE OF THE PROCEEDINGS

At **29 DE Reg. 659 (02/01/26)**, the Delaware Criminal Justice Information System Board of Managers (DELJIS Board of Managers), pursuant to **11 Del.C. §8605**, and in accordance with **29 Del.C. §10115**, published notice of its intent to amend the adopted rules in **1 DE Admin. Code 1301** Delaware Criminal Justice Information System Rules and Regulations. The Board proposed to add a subsection to Rule 6.0 Responsibilities of Authorized Agencies intended to facilitate and ensure compliance with the legislative directive in **11 Del.C. §8404(d)** that every police agency be accredited by the Delaware Police Accreditation Commission no later than July 1, 2028. Additional revisions are technical and style changes consistent with the Delaware Administrative Code Drafting and Style Manual. At the same time, the DELJIS Board of Managers submitted a Regulatory Flexibility Analysis and Impact Statement for this proposed revised regulation, as required by 29 Del. C. Ch. 104. The DELJIS Board of Managers solicited written comments from the public for thirty (30) days as mandated by 29 Del. C. §10118(a).

#### SUMMARY OF THE EVIDENCE

In accordance with law, public notice regarding the proposed revised regulation was published in the *Delaware Register of Regulations*, **29 DE Reg. 659 (02/01/26)**. The public comment period was open from February 1, 2026 through March 3, 2026. During this period, the DELJIS Board of Managers did not receive any written responses.

#### FINDINGS OF FACT AND CONCLUSIONS

The public was given the required notice of the DELJIS Board of Managers' intention to adopt the proposed revised regulation and was given opportunity to submit comments. The required Regulatory Flexibility Analysis and Impact Statement for this proposed revised regulation was submitted. No written responses were received during the comment period. Thus, the DELJIS Board of Managers finds that the proposed revised regulations should be adopted as submitted by DELJIS.

## 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 11<sup>th</sup> day of March, 2026**, under the statutory authority and for the reasons set forth above, the DELJIS Board of Managers does hereby ORDER that:

1. The proposed regulation revisions are hereby adopted as set forth below; 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.

/s/ Colonel James Leonard	/s/ Lt. Colonel Jeremiah Lloyd
/s/ Chris McGonigle	/s/ Jeffrey Horvath
/s/ Phillip Winder	/s/ Chief Rick McCabe
/s/ Renee Ciconte	

**\*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 February 2026 issue of the *Register* at page 659 (29 DE Reg. 659). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

**<https://regulations.delaware.gov/register/april2026/final/29 DE Reg 854 04-01-26>**

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## DEPARTMENT OF AGRICULTURE

### AGLANDS PRESERVATION AND PLANNING

### Delaware Agricultural Lands Preservation Foundation

Statutory Authority: 3 Delaware Code, Sections 901-930 (3 [Del.C. §§901-930](#))

3 [DE Admin. Code 701](#)

## FINAL

## ORDER

### 701 Farmland Preservation Program

## I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the Delaware Code) and under the authority of Title 3 of the Delaware Code, Chapter 9, Section 904(b)(20) and (21), the Agricultural Lands Preservation Foundation (the "Foundation") seeks to amend the regulations governing the Farmland Preservation Program. These regulations are being amended to include language to the preamble reflecting the purpose, policy, and intent of the Farmland Preservation Program; include clarifying language to Sections 1.0, 3.0, 5.0, 6.0, 7.0, 12.0, 16.0, 17.0, 18.0, 19.0, 21.0; remove the timeframe for meeting with a landowner concerning a proposed District in Section 3.6.1; include reference the Secretary's ability to waive a right of rejection in Section 4.2; add new Section 7.3 concerning the expansion of Easement lands; revise language regarding alternative appraisals in Section 17.0; add a new subsection 21.1.2.4 to clarify requirements to move residential lots; add new Section 21.2 regarding combining District Agreement property and Easement property; delete Section 22.0 to remove reference to the Strategy Map; add

new Sections 22.0-27.0 concerning the process for Easement Termination and Repurchase. Other changes are typographical or were made to bring the regulation into compliance with the Delaware Administrative Code Drafting and Style Manual.

Notice of the proposed regulation was published in the *Delaware Register of Regulations* on December 1, 2025. The proposed regulation was presented at a public hearing on December 30, 2025. Jimmy Kroon, Chief of Planning for the Foundation, suggested additional changes to further provide clarification and to reflect the current policies and practices of the Foundation, including amending Section 1.4 to clarify the role of the LESA score as a consideration and not as the primary factor in evaluating eligibility for purchase of preservation easements and consideration of Requests for Termination of easements, and amending Section 5.7 to include clarifying language regarding prohibited activities that materially interfere with or diminish the agricultural use of the land. No formal comments were received from members of the public at that time. Pursuant to Delaware law, the record remained open for fifteen (15) days subsequent to the date of the public hearing for the purpose of allowing additional public comment to be received regarding this matter. The hearing record closed for comment on January 15, 2026, with no public comment having been received during any phase of this matter.

## II. FINDINGS OF FACT

The Foundation finds that the proposed amendments to **3 DE Admin. Code 701** Farmland Preservation Program, with additions, are supported by the record, consistent with statutory authority, and appropriate for adoption. The Foundation further finds that the proposed amendments do not require further public notice or comment under the APA pursuant to **29 Del.C. §10118(c)**.

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

The Foundation 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.

## IV. DECISION TO AMEND THE REGULATION

For the foregoing reasons, the Foundation concludes that it is appropriate to amend **3 DE Admin. Code 701** Farmland Preservation Program. Therefore, pursuant to **3 Del.C. §§904(b)(20)** and **(21)**, and **29 Del.C. §§10113(b)(2)** and **(b)(4)**, **3 DE Admin. Code 701** Farmland Preservation Program is hereby amended in the form attached hereto.

## V. TEXT AND CITATION

The text of **3 DE Admin. Code 701** Farmland Preservation Program amended hereby shall be in the form attached hereto, and said regulation shall be cited as **3 DE Admin. Code 701** Farmland Preservation Program in the *Administrative Code of Regulations* for the Department of Agriculture.

## VI. EFFECTIVE DATE OF ORDER

The actions hereinabove referred to were taken by the Foundation pursuant to **3 Del.C. §§904(b)(20)** and **(21)** on March 11, 2026. The effective date of this Order shall be ten (10) days from the date this Order is published in the *Delaware Register of Regulations*.

IT IS SO ORDERED the 11<sup>th</sup> day of March, 2026.

### Delaware Agricultural Lands Preservation Foundation Board of Trustees

/s/ Mark Collins – Chairman

/s/ James Vanderwende

/s/ Janice Truitt

/s/ Patrick Emory (designee for Sec. Greg Patterson, DNREC)

s/ Robert Emerson

/s/ H. Grier Stayton

/s/ William Narvel

/s/ Robert Walls

/s/ Dorothy Abbott

/s/ Colleen Davis

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

## 701 Farmland Preservation Program

*(Break in Continuity of Sections)***1.0 Criteria for District Eligibility**

- 1.1 In order to qualify for the Agricultural Lands Preservation Program, the lands proposed as an Agricultural Preservation District in the application must meet the following minimum criteria:
  - 1.1.1 ~~owner(s)~~The owner or owners shall hold fee simple title to all land allowed to be placed in a District and must be actively using the property for "agricultural and related uses";
  - 1.1.2 ~~must~~The land must constitute at least 200 acres of contiguous farmland or lesser acreage if the farmlands are located within ~~three (3)~~3 miles of an established District;
  - 1.1.3 ~~shall~~The land shall be zoned to allow for agricultural purposes and shall not be subject to any major subdivision plan;
  - 1.1.4 ~~applicant(s)~~The applicant or applicants, including all fee simple title holders, must sign a written agreement ("District Agreement") committing to District restrictions set forth in this Section and [3 Del.C. §909](#) and other adopted requirements;
  - 1.1.5 ~~must~~The land must be viable and productive agricultural land comprising a farm property unit and meet the minimum County Land Evaluation and Site Assessment (LESA) scoring requirements for eligibility as established by the Foundation; ~~{3 Del.C. §908(a)(3)}~~
  - 1.1.6 ~~must~~The land proposed for inclusion shall include all of the eligible real property located in the tax parcel or tax parcels subject to application, provided, however, a partial tax parcel or parcels separated by a natural or permanent manmade barrier may be excluded from a District application, subject to the approval of the Foundation.
- 1.2 For the purposes stated in this ~~chapter~~ regulation, the phrase "viable and productive agricultural land" is defined as land that qualifies under provisions of the Farmland Assessment Act. [[9 Del.C. §§8329 - 8333](#)]
- 1.3 The minimum LESA score for an eligible District or Expansion shall be 170 points out of a possible 300 points for each county in the State as computed under the currently approved LESA program of the Delaware Department of Agriculture.
- 1.4 The LESA score for agricultural lands ~~[is the primary factor shall be considered]~~ in evaluating the eligibility of agricultural lands for inclusion in Districts and expansions, including the eligibility for purchase of preservation easements and consideration of Requests for Termination of easements pursuant to [3 Del.C. §917](#).

*(Break in Continuity of Sections)***5.0 District Restrictions**

- 5.1 Any rezoning or major subdivision of real property included in an Agricultural Preservation District is prohibited. [[3 Del.C. §909\(a\)\(1\)](#)]
- 5.2 The submission of applications or preliminary rezoning or subdivision plans for any property within an Agricultural Preservation District to a county or municipality shall be considered evidence of the intent to rezone or subdivide and no action shall be taken by any county or municipality on any ~~such~~ application until the expiration of the District Agreement.
- 5.3 During the term of the District Agreement, the property shall be used for "agricultural and related uses" and shall be used ~~in such a way~~ so that the property continues to qualify as "viable and productive agricultural land" as defined under provisions of the Farmland Assessment Act. [[9 Del.C. §§8329 - 8333](#)] No more than 1 acre of land for each 20 acres of usable land, subject to a maximum of 10 acres, shall be allowed for dwelling housing. For purposes of calculating the number of acres allowable for dwelling housing, fractions of any acre shall not be allowed. By way of example, if a farm consists of 45 acres of usable farmland, the number of acres allowed for dwelling housing shall be 2, and not 2.25.
- 5.4 The phrase 'agricultural and related uses' shall have the meaning set forth in [3 Del.C. §909](#), as the same may be amended from time to time.
- 5.5 Excavation or filling, borrow pits, extraction, processing and removal of sand, gravel, loam, rock or other minerals is prohibited unless ~~such the~~ action is currently required by or ancillary to any preparation for, or operation of any activities including, ~~but not limited to~~: aquaculture, farm ponds, cranberry operations, manure handling facilities, and other activities directly related to agricultural production.
- 5.6 Activities that would be detrimental to drainage, flood control, water conservation, erosion control or soil conservation are prohibited.

- 5.7 Any ~~[other]~~ activity that ~~[might negatively affect the continued]~~ materially interferes with or diminishes ~~the~~ agricultural use of the land is prohibited, including the ~~[commercial installation of solar energy systems which do not primarily support farming operations on the land]~~ installation, construction, operation, or leasing of any facility, structure, equipment, or infrastructure used for the generation, storage, conversion, sale, or on-site distribution of electricity or other forms of energy not primarily sized and designed to serve agricultural operations on the property].
- 5.8 The term "usable land owned in the district" [3 Del.C. §909(a)(2)], shall be defined as any land meeting the requirements for agricultural, horticultural or forest land in the Farmland Assessment Act of 1968 [9 Del.C., Chapter 83] and [3 Del.C. §403] or criteria for farm definition as established by the National Agricultural Statistics Service.
- 5.9 The District Agreement and District requirements and benefits shall be binding on the heirs, successors and assigns of property owners of lands within a District. A property owner in a District shall provide written notice to the Foundation of any proposed transfer of property subject to the District Agreement at least ~~ten~~ (10)10 days in advance of the transfer, and shall give written notice to any successor or assign at least ~~ten~~ (10)10 days in advance of the date of transfer of the property that the property is subject to District restrictions. The party taking title shall execute a document as required by [3 Del.C. §909(a)(2)c.] acknowledging the acreage allowed for dwelling housing and the restrictions which apply to the property. The failure of the property owner to notify the transferee as provided herein shall not affect the transferee's obligation to comply with the terms and conditions of the District Agreement upon the transfer of title.
- 5.10 Under 3 Del.C. §909(a)(3), all restrictions shall be covenants which run with and bind the lands in the District for a minimum of ~~ten~~ (10)10 years, beginning when the District Agreement takes effect as specified in the District Agreement.

**\*Please note that no additional changes were made to the regulation as originally proposed and published in the December 2025 issue of the *Register* at page 456 (29 DE Reg. 456). 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/april2026/final/29 DE Reg 855 04-01-26>**

## AGLANDS PRESERVATION AND PLANNING

### Delaware Agricultural Lands Preservation Foundation

Statutory Authority: 3 Delaware Code, Sections 904 and 931-941 (3 Del.C. §§904 & 931-941)  
3 DE Admin. Code 702

FINAL

ORDER

### 702 Regulations Governing the Delaware Agricultural Forestlands Preservation Program

#### I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the Delaware Code) and under the authority of Title 3 of the Delaware Code, Chapter 9, Section 904(b)(20) and (21), the Agricultural Lands Preservation Foundation (the "Foundation") seeks to amend the regulations governing the Delaware Agricultural Forestlands Preservation Program. These regulations are being amended to clarify and update provisions allowing the State Forester to extend forest management plans where no changes are needed and explicitly authorize the State Forester to delegate decision-making responsibilities to staff. The amendments also refine and clarify restrictions on the use of lands within Forestland Preservation Areas to ensure consistency with statutory requirements and conservation goals. In addition, the regulations simplify and streamline the process for submitting and reviewing alternative appraisals as part of the Easement purchase process. Other changes are typographical or were made to bring the regulation into compliance with the Delaware Administrative Code Drafting and Style Manual.

Notice of the proposed regulation was published in the *Delaware Register of Regulations* on December 1, 2025. The proposed regulation was presented at a public hearing on December 30, 2025. No formal comments were received from members of the public at that time. Pursuant to Delaware law, the record remained open for fifteen (15) days subsequent to the date of the public hearing for the purpose of allowing additional public comment to be received

regarding this matter. The hearing record closed for comment on January 15, 2026, with no public comment having been received during any phase of this matter. While considering adoption of the final amendments at the Foundation’s meeting on March 11, 2026, Colleen Davis, Foundation Trustee and Delaware State Treasurer, suggested a change to Section 21.0 to clarify that delegation of authority provided to the State Forester was for administrative decisions of the State Forester and not decisions that are the responsibility of the Foundation. This final addition to Section 21.0 is non-substantive and included in the amendment to the regulation.

**II. FINDINGS OF FACT**

The Foundation finds that the proposed amendments to **3 DE Admin. Code 702** Regulations Governing the Delaware Agricultural Forestlands Preservation Program, with the final addition, are supported by the record, consistent with statutory authority, and appropriate for adoption.

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

The Foundation 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.

**IV. DECISION TO AMEND THE REGULATION**

For the foregoing reasons, the Foundation concludes that it is appropriate to amend **3 DE Admin. Code 702** Regulations Governing the Delaware Agricultural Forestlands Preservation Program. Therefore, pursuant to **3 Del.C. §§904(b)(20)** and **(21)**, and **29 Del.C. §§10113(b)(2)-(4)**, **3 DE Admin. Code 702** Regulations Governing the Delaware Agricultural Forestlands Preservation Program is hereby amended.

**V. TEXT AND CITATION**

The text of **3 DE Admin. Code 702** Regulations Governing the Delaware Agricultural Forestlands Preservation Program shall be in form originally published in the December 1, 2025 *Register of Regulations*, and said regulation shall be cited as **3 DE Admin. Code 702** Regulations Governing the Delaware Agricultural Forestlands Preservation Program in the *Administrative Code of Regulations* for the Department of Agriculture.

**VI. EFFECTIVE DATE OF ORDER**

The actions hereinabove referred to were taken by the Foundation on March 11, 2026. The effective date of this Order shall be ten (10) days from the date this Order is published in the *Delaware Register of Regulations*.

**IT IS SO ORDERED** the 11th day of March, 2026.

**Delaware Agricultural Lands Preservation Foundation Board of Trustees**

/s/ Mark Collins – Chairman	/s/ H. Grier Stayton
/s/ James Vanderwende	/s/ William Narvel
/s/ Janice Truitt	/s/ Robert Walls
/s/ Pat Emory (designee for Secretary Greg Patterson, DNREC)	/s/ Dorothy Abbott
/s/ Robert Emerson	/s/ Colleen Davis

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

**702 Regulations Governing the Delaware Agricultural Forestlands Preservation Program**

*(Break in Continuity of Sections)*

**21.0 Delegation of Authority**

Whenever it is indicated under **3 Del.C. Chapter 9** or this regulation, the State Forester shall be entitled to delegate the responsibility for making decisions [on administrative matters] to a member or members of State Forest office staff. Any decisions made pursuant to this delegation shall become final unless rescinded by the State Forester.

\*Please note that no additional changes were made to the regulation as originally proposed and published in the December 2025 issue of the *Register* at page 457 (29 DE Reg. 457). 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/april2026/final/29 DE Reg 858 04-01-26>

## DEPARTMENT OF EDUCATION

### OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 122 (14 Del.C. §122)  
14 DE Admin. Code 225

### FINAL

### ORDER

#### 225 Prohibition of Discrimination

#### 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 225 Prohibition of Discrimination. 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 October 1, 2025, and January 1, 2026.

The Department received one written submittal concerning the proposed regulation. The written submittal was received from the State Council for Persons with Disabilities (SCPD). The SCPD was complimentary of the Department in the revisions provided in the regulation. However, the SCPD did have two comments that the Department needs to respond to in the Final Order.

Issue: The SCPD commented regarding how the Department intends to enforce this rulemaking

Agency Response: The Department appreciates the SCPD’s review of the proposed rulemaking. Upon legal review, the Department will allow the appropriate Departments to enforce any violations of related law.

Issue: The SCPD commented suggesting that the Department include a complaint structure to receive and adjudicate reports of alleged violations of this regulation.

Agency Response: The Department appreciates the SCPD’s review of the proposed rulemaking. Upon review, the Department will refer complainants to the appropriate Departments that address alleged violations of discrimination.

#### 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 225 Prohibition of Discrimination are necessary due to updates made Delaware Statute. Accordingly, the Department finds that it is appropriate to amend 14 DE Admin. Code 225 Prohibition of Discrimination 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 225 Prohibition of Discrimination and to conform with the *Delaware Administrative Code Drafting and Style Manual*. Therefore, pursuant to 14 Del.C. §122, 14 DE Admin. Code 225 Prohibition of Discrimination is amended.

## V. Text and Citation

The text of [14 DE Admin. Code 225](#) Prohibition of Discrimination is amended, and said regulation shall be cited as [14 DE Admin. Code 225](#) Diversity and Prohibition of Discrimination 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 6<sup>th</sup> day of March 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 January 2026 issue of the *Register* at page 577 (29 DE Reg. 577). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

<https://regulations.delaware.gov/register/april2026/final/29 DE Reg 860 04-01-26>

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## OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 122(b)(26) (14 Del.C. §122(b)(26))  
14 DE Admin. Code 616

**FINAL**

**ORDER**

## 616 Uniform Due Process Procedures for Alternative Placement Meetings and Expulsion Hearings

### I. Summary of the Evidence and Information Submitted

Pursuant to [14 Del.C. §122\(b\)\(26\)](#), the Delaware Department of Education (“Department”) developed amendments to [14 DE Admin. Code 616](#) Uniform Due Process Procedures for Alternative Placement Meetings and Expulsion Hearings. 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 July 1, 2025, September 1, 2025, November 1, 2025, and February 1, 2026.

The Department received one written comment submission, which was subsequently resubmitted with an additional comment included, while posted in the February 1, 2026, *Register of Regulations*. Previous written comments were addressed in previous publications of the regulation.

**Issue:** The State Council for Persons with Disabilities (SCPD) notes that some districts appear to conduct Manifestation Determination Reviews (MDR) before Alternative Placement Team (APT) meetings, which does not align with IDEA requirements. They encourage the Department to provide guidance or training.

**Agency Response:** The Department thanks SCPD for the recommendation regarding guidance and training on the timelines for APT and MDR meetings. This feedback will be shared with the Exceptional Children Resources Workgroup for further consideration and incorporation into professional development.

**Issue:** The SCPD requests an explanation of why students in district-run alternative programs have fewer rights and appeal levels than those in consortium discipline alternative programs (CDAPs).

**Agency Response:** Schools follow Regulation 616 when referring students to alternative programs. Variations in appeal procedures may exist because grievance procedures are specific to individual district or charter schools and are detailed in the student codes of conduct. In addition, CDAP placement removes the student from their resident school district or charter school, and such a removal requires additional processes.

**Issue:** The SCPD contests the removal of the phrase “include the allegedly offending student or parent in the preliminary investigation,” expressing concern about reduced involvement and delays in return to school.

**Agency Response:** The Department appreciates this recommendation; however, the previous language was vague and inconsistently applied. Section 4.0 of the regulation clarifies student and parent involvement, allowing the student to present their side and any evidence. Proposed revisions specify that students and parents (for students under 18) receive an explanation of evidence supporting the allegations “as soon as practicable, but no later than three business days from notification by the principal.” This requirement will be reinforced through training rather than included in the regulation text.

**Issue:** The SCPD recommends that written notice of disciplinary action, basis, and appeal/grievance process be provided before a student serves a suspension.

**Agency Response:** The Department thanks SCPD for the recommendation. Subsection 5.4 requires verbal notification prior to suspension and written notice “as soon as practicable, but no later than three business days from day one of the suspension.” Students and parents also receive information about the grievance or appeal process annually through the district or charter school’s student code of conduct. This emphasis will be reinforced through training rather than additional language in the regulation text.

**Issue:** The SCPD recommends language to allow participation by phone/virtual means and flexibility to reschedule based on parent availability.

**Agency Response:** The Department appreciates this recommendation. Proposed subsection 6.2.6 already allows alternative means of participation and rescheduling if needed; in-person attendance is not required. Subsection 6.2.6.3.2 provides guidance for situations where families are uncooperative. Districts and charter schools already implement these practices, and emphasis will be reinforced through training rather than regulation text.

**Issue:** The SCPD expresses concern that DOE appears to prioritize district convenience over student due process and timely parental notification.

**Agency Response:** The Department values and prioritizes the due process rights of students. Proposed revisions to Regulation 616 are intended to clarify and reinforce these rights, including timely notification, opportunities for participation, and access to grievance and appeal processes. Training and guidance will further support consistent implementation to ensure that students’ procedural protections are upheld in all disciplinary matters.

**Issue:** The SCPD recommends certified mailing, or if using regular mail, an additional modality to ensure timely receipt.

**Agency Response:** The Department appreciates this recommendation. While regulation text does not mandate multiple modalities, training will emphasize that schools should use practices that ensure timely notification of parents regarding APT meetings.

**Issue:** The SCPD recommends collecting and publicly reporting data on district/charter use of disciplinary placement procedures, including appeal outcomes.

**Agency Response:** The Department appreciates the SCPD’s recommendation. The Department will explore this further but cannot commit to this in regulations at this time. However, the Department will continue to support districts and charter schools through monitoring and technical assistance to promote compliance with existing regulatory requirements.

## 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 616](#) Uniform Due Process Procedures for Alternative Placement Meetings and Expulsion Hearings are necessary. Accordingly, the Department finds that it is appropriate to amend [14 DE Admin. Code 616](#) Uniform Due Process Procedures for Alternative Placement Meetings and Expulsion Hearings 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 616](#) Uniform Due Process Procedures for Alternative Placement Meetings and Expulsion Hearings and to conform with the *Delaware*

*Administrative Code Drafting and Style Manual*. Therefore, pursuant to [14 Del.C. §122\(b\)\(26\)](#), [14 DE Admin. Code 616](#) Uniform Due Process Procedures for Alternative Placement Meetings and Expulsion Hearings is amended.

## V. Text and Citation

The text of [14 DE Admin. Code 616](#) Uniform Due Process Procedures for Alternative Placement Meetings and Expulsion Hearings is amended, and said regulation shall be cited as [14 DE Admin. Code 616](#) Uniform Due Process Procedures for Suspension, Alternative Placement, and Expulsion 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 13<sup>th</sup> day of March 2026

Department of Education  
Cynthia Marten, Secretary of Education

**\*Please note that no changes were made to the regulation as originally proposed and published in the February 2026 issue of the *Register* at page 664 (29 DE Reg. 664). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

<https://regulations.delaware.gov/register/april2026/final/29 DE Reg 861 04-01-26>

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## OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 122(b)(2) (14 **Del.C.** §122(b)(2))  
**14 DE Admin. Code 817**

## FINAL

## ORDER

### 817 Medications and Treatments

## I. Summary of the Evidence and Information Submitted

Under the authority vested in the Secretary of the Delaware Department of Education ("Department"), pursuant to [14 Del.C. §122\(b\)\(2\)](#) and [29 Del.C. §10113\(b\)\(4\)](#), The Department hereby revises [14 DE Admin Code 817](#) Medications and Treatments to correct a clerical error found subsequent to the final adoption of this regulation as set forth previously in the Final Order, February 1, 2026.

## II. Findings of Facts

Based on Delaware law and the record as reflected in the prior Final Order referenced above, I make the following findings of fact:

1. The proposed regulation is not in conflict with Delaware law; and
2. The proposed regulation is an appropriate exercise of the Department's responsibilities and authority

## III. Decision to AMEND the Regulation

**NOW THEREFORE**, under the above-described statutory authority, and for the reasons set forth above, I hereby ORDER that the revisions to [14 DE Admin. Code 817](#) Medications and Treatments, be adopted and promulgated as follows, to wit:

1. Section 2.0 shall be modified by changing "maloxone" to "naloxone"

## IV. 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 6<sup>th</sup> day of March 2026

# FINAL REGULATIONS

Department of Education  
Cynthia Marten, Secretary of Education

## 817 Medications and Treatments

### *(Break in Continuity of Sections)*

#### 2.0 Definitions

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

#### *(Break in Continuity Within Section)*

"**Opioid antagonist**" means ~~maloxone~~ naloxone or any other opioid antagonist that is approved by the United States Food and Drug Administration for emergency reversal of known or suspected opioid overdose.

"**Other school employees**" means coaches or persons hired or contracted by schools.

"**Paraeducators**" mean teaching assistants or aides in a school.

"**Prescription medication**" means a legal drug that has a written order for an individual student by a licensed healthcare provider licensed to prescribe medication.

"**School**" means an educational facility serving students in kindergarten through grade 12 and any associated pre-kindergarten program in the facility.

"**School nurse**" means a Registered Nurse licensed to practice in the State of Delaware, who is employed by a school district, charter school, or private school.

"**Self-use of hand sanitizer**" means a student using hand sanitizer in a legally permissible manner.

"**Traditional school day**" means the hours within the days counted to meet the state minimum number of school days each year and summer school.

"**Trained assistant for self-administration**" means an educator or other school employee who has completed the training to assist a student with self-administration of medications. This person may render emergency care, including injection, to any student unable to self-administer medication for life-threatening symptoms of a diagnosed condition based on the healthcare provider's order and parent permission.

"**Trained person**" means an educator or other school employee who has completed the training to administer emergency medication to diagnosed and undiagnosed students with symptoms of a life-threatening allergic reaction or for emergency reversal of known or suspected opioid overdose in the school setting.

**\*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/april2026/final/29 DE Reg 863 04-01-26>

### PROFESSIONAL STANDARDS BOARD

Statutory Authority: 14 Delaware Code, Sections 1203, 1205(b), 1210(b)(1), and 1212(a) (14 Del.C. §§1203, 1205(b), 1210(b)(1) & 1212(a))  
14 DE Admin. Code 1503

FINAL

ORDER

### 1503 Comprehensive Educator Induction Programs

#### I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

Pursuant to 14 Del.C. §§1203, 1205(b), 1210(b)(1), and 1212(a), the Professional Standards Board ("Board"), acting in consultation and cooperation with the Delaware Department of Education ("Department"), developed amendments to 14 DE Admin. Code 1503 Comprehensive Educator Induction Programs. The regulation concerns the requirements for the Comprehensive Educator Induction Programs. The proposed amendments in this regulation include clarifying definitions; adding guidelines for pairing coaches and mentees and spelling out a minimum number of

meetings and a last month to start the program in Sections 4.0 and 7.0; and moving requirements to be paid the salary supplement payments from various sections to Section 16.0. 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 for the State Council for Persons with Disabilities, commented that the council supports the proposed amendments to **14 DE Admin. Code 1503** because strengthening educator induction, mentoring, and coaching is designed to improve the quality of the educator workforce and promote student achievement and equity, which can indirectly benefit students with disabilities through more effective and equitable instruction.

## 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 1503** Comprehensive Educator Induction Programs 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 1503** Comprehensive Educator Induction Programs.

## IV. DECISION TO AMEND THE REGULATION

For the foregoing reasons, the Department concludes that it is appropriate to amend **14 DE Admin. Code 1503** Comprehensive Educator Induction Programs subject to the State Board of Education's approval. On January 15, 2026, the State Board of Education approved amending **14 DE Admin. Code 1503** Comprehensive Educator Induction Programs. Therefore, pursuant to **14 Del.C. §§1203, 1205(b), 1210(b)(1), and 1212(a)**, **14 DE Admin. Code 1503** Comprehensive Educator Induction Programs, is hereby amended.

## V. TEXT AND CITATION

The text of **14 DE Admin. Code 1503** Comprehensive Educator Induction Programs amended hereby shall be cited as **14 DE Admin. Code 1503** Comprehensive Educator Induction Programs in the *Administrative Code of Regulations* for the Department.

## VI. EFFECTIVE DATE OF ORDER

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

**IT IS SO ORDERED** the 15<sup>th</sup> day of January, 2026.

**Department of Education**  
Cynthia Marten, Secretary of Education

Approved this 15<sup>th</sup> day of January, 2026.

**State Board of Education**

(Absent)

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Shawn Brittingham, President

/s/ Deborah Stevens

\_\_\_\_\_  
Deborah Stevens, Vice President

(Absent)

# FINAL REGULATIONS

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 480 (29 DE Reg. 480). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

**<https://regulations.delaware.gov/register/april2026/final/29 DE Reg 864 04-01-26>**

## 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

### 1525 Intern 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 1525 Intern 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 Intern Permit; Section 2.0 provides definitions for the proposed regulation; Section 3.0 provides the requirements for individuals to have an Intern Permit; Section 4.0 provides the prescribed requirements for the issuance of an Intern Permit; Section 5.0 provides application requirements; Section 6.0 concerns the validity of an Intern 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 provides the effective date of the regulation. The final regulation includes one non-substantive change in subsection 4.2.1 to correct a typographical error.

Notice of the proposed regulation was published in the *Register of Regulations* on January 1, 2026. The Professional Standards Board 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

On February 5, 2026, the Professional Standards Board voted to propose 14 DE Admin. Code 1525 Intern 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 is designed to improve the quality of the Delaware educator workforce and to improve student performance. Accordingly, the Department finds that it is appropriate to propose 14 **DE Admin. Code** 1525 Intern Permit.

#### IV. DECISION TO AMEND THE REGULATION

For the foregoing reasons, the Department concludes that it is appropriate to adopt 14 **DE Admin. Code** 1525 Intern Permit subject to the State Board of Education's approval. On February 19, 2026, the State Board of Education approved adopting 14 **DE Admin. Code** 1525 Intern Permit. Therefore, pursuant to 14 **Del.C.** §§1203, 1204(a), 1205(b) and 1216A(a)(1), 14 **DE Admin. Code** 1525 Intern Permit is hereby adopted.

#### V. TEXT AND CITATION

The text of 14 **DE Admin. Code** 1525 Intern Permit adopted hereby shall be in the form attached hereto as Exhibit A and said regulation shall be cited as 14 **DE Admin. Code** 1525 Intern 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 19<sup>th</sup> day of February, 2026.

**Department of Education**  
Cynthia Marten, Secretary of Education

Approved this 19<sup>th</sup> day of February, 2026.

#### State Board of Education

/s/ Jonathan V. Sheehan

Jonathan V. Sheehan, President

/s/ Deborah Stevens

Deborah Stevens, Vice President

/s/ Meredith L. Griffin, Jr.

Meredith L. Griffin, Jr.

/s/James L. Simmons, III

James L. Simmons, III

\_\_\_\_\_  
Vacant

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

**1525 Intern Permit**

***(Break in Continuity of Sections)***

**4.0 Requirements for Issuance of an Intern Permit**

- 4.1 The Department will not process an application for an Intern 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 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 an Intern Permit to an applicant who has satisfied at least 1 of the following requirements provided the applicant has not engaged in conduct in violation of [14 Del.C. §1218\(a\)](#) or (b):
- 4.2.1 Is enrolled in an educator preparation program and has been approved by the enrolling program to proceed ~~to a~~ capstone clinical experience.
- 4.2.2 Is enrolled in a program leading to an approved professional license as specified in [14 Del.C. §1202](#) and will be completing part or all the applicant's clinical experiences in a Delaware public school.
- 4.2.3 The applicant has been hired under the 91-day in lieu of student teaching pathway in accordance with [14 Del.C. §1210\(a\)\(1\)](#) and the Department has approved the applicant's eligibility for the program.

**\*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 581 (29 DE Reg. 581). 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/april2026/final/29 DE Reg 866 04-01-26>**

**DEPARTMENT OF FINANCE****OFFICE OF THE STATE LOTTERY**

Statutory Authority: 29 Delaware Code, Section 4805 (29 **Del.C.** §4805)  
10 **DE Admin. Code** 203

**FINAL****ORDER****203 Video Lottery and Table Game Regulations**

The Director of the Office of the State Lottery ("Director") issues this Order to take effect ten (10) days after it has been published in the Delaware *Register of Regulations*:

- Pursuant to the Director's statutory authority, the Director proposed for adoption revisions to the Office of the State Lottery's existing video lottery and table game regulations (subsections 17.3.1, 17.3.2, 17.4, 17.5, 17.6 (added), 17.7 and 17.8) in [10 DE Admin. Code 203](#)) to update, simplify and clarify the current regulations regarding the opening and closing of table games and are primarily administrative in nature. Other regulations issued by the Director are not affected by this Order.
- The statutory authority for these revisions is 29 **Del.C.** § 4805.
- A copy of the proposed regulations was published in the February 1, 2026, edition of the Delaware *Register of Regulations* and has been available for inspection in the Office of the State Lottery, 1575 McKee Road, Suite 102, Dover, Delaware 19904 during regular office hours.
- The Director did not receive any written comments on the proposed regulations during the thirty-day period following publication of the proposed regulations on February 1, 2026.
- The Director finds that the proposed changes as set forth in the February 2026 *Register of Regulations* should be adopted.

6. Pursuant to 29 Del. C. §10118(b)(3), this regulation has no impact on the achievement of the State's greenhouse gas emissions reduction targets or the State's resiliency to climate change. Such assessment is not practical for this regulation.

## DECISION AND ORDER CONCERNING THE REGULATIONS

NOW THEREFORE, under the statutory authority and for the reasons set forth above, the Director of the Office of the State Lottery does hereby ORDER that the regulations be, and that they hereby are, enacted as set forth below. The effective date of this Order is ten days from the date of its publication in the Delaware Register of Regulations, in accordance with 29 Del.C. §10118(g).

Helene M. Keeley, Director

3/13/2026  
Date

**\*Please note that no changes were made to the regulation as originally proposed and published in the February 2026 issue of the Register at page 672 (29 DE Reg. 672). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

**<https://regulations.delaware.gov/register/april2026/final/29 DE Reg 868 04-01-26>**

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## DEPARTMENT OF HEALTH AND SOCIAL SERVICES

### DIVISION FOR THE VISUALLY IMPAIRED

Statutory Authority: 29 Delaware Code, Sections 7903(9) and 7929(a) (29 Del.C. §§7903(9) & 7929(a))  
16 DE Admin. Code 9101

### FINAL

### ORDER

### 9101 Rules and Regulations of the Statewide Contracts to Support Employment for Individuals with Disabilities

#### NATURE OF THE PROCEEDINGS:

Delaware Health and Social Services ("Department") / Division for the Visually Impaired ("DVI") initiated proceedings to amend 16 DE Admin. Code 9101, *Rules and Regulations of the Statewide Contracts to Support Employment for Individuals with Disabilities*. The Department's proceedings to amend its regulations were initiated pursuant to 29 Delaware Code, Sections 7903(9) and 7929(a).

The Department published its notice of proposed regulation changes pursuant to 29 Del.C. §§7903(9) and 7929(a) in the June 2025 Delaware Register of Regulations, requiring written materials and suggestions from the public concerning the proposed regulations to be produced by July 1, 2025, at which time the Department would receive information, factual evidence, and public comment on the proposed change

#### **SUMMARY OF PROPOSAL**

The purpose of this notice is to advise the public that Delaware Health and Social Services (DHSS)/Division for the Visually Impaired (DVI) is adopting updated regulations for the Commission for Statewide Contracts to Support Employment for Individuals with Disabilities.

#### **Background**

The Commission for Statewide Contracts to Support Employment for Individuals with Disabilities ("Commission") is established under 16 Del.C. Ch. 96 to assure an expanded and constant market for products and services of individuals with disabilities. The Commission approves proposed contracts and sets the price of all products and services provided by community rehabilitation programs (CRPs) offered to State agencies.

#### **Statutory Authority**

- 29 Del.C. §§7903(9) and 7929(a)

# FINAL REGULATIONS

## **Purpose**

The purpose of this regulation is to update and clarify the operational structure, meeting requirements, subcommittee composition, and conflict of interest provisions for the Commission for Statewide Contracts to Support Employment for Individuals with Disabilities.

## **Summary of Proposed Changes**

The DHSS/Division for the Visually Impaired (DVI) proposes to amend 16 DE Admin to update and clarify provisions related to the Commission

## **Public Notice**

In accordance with the public notice requirements of 29 Del.C. Ch. 101, DHSS/DVI 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 July 1, 2025

## **Fiscal Impact Statement**

There is no fiscal impact to the State's General Fund or other funds as a result of these amendments

## **Summary of Comments Received with Agency Response and Explanation of Changes**

No public comments were received regarding this regulation. Therefore, no changes were made to the proposed text.

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

The 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 June 2025 Register of Regulations should be adopted. The Department finds that the proposed amendments do not require further public notice or comment under the Administrative Procedures Act because no substantive changes were made.

THEREFORE, IT IS ORDERED that the proposed regulation 16 DE Admin. Code 9101, *Rules and Regulations of the Statewide Contracts to Support Employment for Individuals with Disabilities*, is adopted and shall be final effective April 11, 2026.

3/16/2026

Date of Signature

Christen Linke Young, Secretary, DHSS

**\*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 854 (28 DE Reg. 854). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

**<https://regulations.delaware.gov/register/april2026/final/29 DE Reg 869 04-01-26>**

## **DIVISION FOR THE VISUALLY IMPAIRED**

Statutory Authority: 29 Delaware Code, Sections 7903(9) and 7929(a) (29 Del.C. §§7903(9) & 7929(a))

**16 DE Admin. Code 9102**

**FINAL**

**ORDER**

**9102 Regulations for Set Aside Contracts**

## **NATURE OF THE PROCEEDINGS:**

Delaware Health and Social Services ("Department") / Division for the Visually Impaired ("DVI") initiated proceedings to amend 16 DE Admin. Code 9102, *Regulations for Set Aside Contracts*.

The Department published its notice of proposed regulation changes pursuant to 29 Del.C. §10115 in the

June 2025 Delaware Register of Regulations, requiring written materials and suggestions from the public concerning the proposed regulations to be produced by July 1 2025, at which time the Department would receive information, factual evidence, and public comment on the proposed changes.

## **SUMMARY OF PROPOSAL**

The purpose of this notice is to advise the public that Delaware Health and Social Services (DHSS)/Division for the Visually Impaired (DVI) is adopting updated regulations governing set aside contracts administered by the Commission for Statewide Contracts to Support Employment for Individuals with Disabilities.

### **Background**

The Commission for Statewide Contracts to Support Employment for Individuals with Disabilities (“Commission”) was established under 16 Del.C. Ch. 96 to ensure that Delaware citizens who are visually impaired or have other disabilities have increased employment opportunities through set aside contracts. The Commission works with Central Nonprofit Agencies (CNAs) and Community Rehabilitation Programs (CRPs) to approve, manage, and promote these contracts.

### **Statutory Authority**

- 29 Del.C. §§7903(9) and 7929(a)

### **Purpose**

The purpose of this regulation is to update and clarify procedures governing the designation of CNAs, the duties of CNAs and CRPs, the review and approval of set aside contracts, and requirements for maintaining and transferring contracts.

### ***Summary of Proposed Changes***

The DHSS/Division for the Visually Impaired (DVI) proposes to amend 16 DE Admin. Code 9102 – Regulations for Set Aside Contracts to clarify provisions related to CNA selection, duties, semi-annual reviews, contract approval, and maintenance requirements.

### ***Public Notice***

In accordance with the public notice requirements of 29 Del.C. Ch. 101, DHSS/DVI 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 July 1, 2025.

### **Fiscal Impact Statement**

There is no fiscal impact to the State’s General Fund or other funds as a result of these amendments

### **Summary of Comments Received with Agency Response and Explanation of Changes**

No public comments were received regarding this regulation. Therefore, no changes were made to the proposed text.

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

The 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 June 2025 Register of Regulations should be adopted. The Department finds that the proposed amendments do not require further public notice or comment under the Administrative Procedures Act because no substantive changes were made.

**THEREFORE, IT IS ORDERED** that the proposed regulation 16 DE Admin. Code 9102, *Regulations for Set Aside Contracts*, is adopted and shall be final effective April 11, 2026.

3/16/2026

Date of Signature

Christen Linke Young, Secretary, DHSS

**\*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 858 (28 DE Reg. 858). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

**<https://regulations.delaware.gov/register/april2026/final/29 DE Reg 870 04-01-26>**

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# FINAL REGULATIONS

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**DIVISION OF MEDICAID AND MEDICAL ASSISTANCE**  
Statutory Authority: 31 Delaware Code, Section 512 (31 **Del.C.** §512)  
16 **DE Admin. Code** 15000

## FINAL

## ORDER

### 15000 Family and Community Medicaid Eligibility Groups

#### NATURE OF THE PROCEEDINGS:

Delaware Health and Social Services (“Department”) / Division of Medicaid and Medical Assistance initiated proceedings to amend the Division of Social Services Manual (DSSM) regarding Former Foster Care, specifically, to simplify eligibility determinations and enrollment processes for former foster youth population. 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 the Division of Social Services Manual (DSSM), regarding Former Foster Care.

#### **Background**

The SUPPORT Act establishes that individuals are eligible for the Former Foster Care Group if they were receiving Medicaid while in foster care under the responsibility of any state at the time they age out of foster care. These individuals can also be eligible for but not be receiving benefits in other mandatory Medicaid groups.

#### **Statutory Authority**

- Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment and Communities (SUPPORT) Act Section 1002(a)(1)
- State Health Official (SHO) Letter 22-003

#### **Purpose**

The purpose of this regulation is to simplify eligibility determinations and enrollment processes for the former foster care youth population.

#### *Summary of Proposed Changes*

Effective April 11, 2026, the DHSS/DMMA proposes to amend the DSSM regarding Former Foster Care.

#### *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 Division of Social Services Manual (DSSM) regarding Former Foster Care, specifically, to simplify eligibility determinations and enrollment processes for former foster youth population is adopted and shall be final effective April 11, 2026.

3/16/2026

Date of Signature

Christen Linke Young, Secretary, DHSS

**\*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 585 (29 DE Reg. 585). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

**<https://regulations.delaware.gov/register/april2026/final/29 DE Reg 872 04-01-26>**

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## **DIVISION OF PUBLIC HEALTH**

Statutory Authority: 16 Delaware Code, Sections 122(3)(a) and 505 (16 Del.C. §§122(3)(a) & 505)  
16 DE Admin. Code 4202

**FINAL**

**ORDER**

**4202 Control of Communicable and Other Disease Conditions**

## **NATURE OF THE PROCEEDINGS:**

Pursuant to 16 Del.C. §§122(3)(a) and 505, the Delaware Department of Health and Social Services ("DHSS"), Division of Public Health published proposed regulation 4202 Control of Communicable and Other Disease Conditions on February 1, 2026 (29 DE Reg. 674). Changes include revision to the guidelines for vaccine preventable diseases, revision to the guidelines for notification of emergency medical care providers of exposure to communicable diseases, and additional technical changes to bring the regulation into compliance with the *Delaware Administrative Code Style Manual (May 2025 Edition)*.

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

## **SUMMARY OF EVIDENCE:**

# FINAL REGULATIONS

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

## **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 4202 Control of Communicable and Other Disease Conditions shall become effective April 11, 2026, 10 days after publication of the final regulation in the *Delaware Register of Regulations*.

3/13/2026

Date

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

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

<https://regulations.delaware.gov/register/april2026/final/29 DE Reg 873 04-01-26>

## DEPARTMENT OF INSURANCE

### OFFICE OF THE COMMISSIONER

Statutory Authority: 18 Delaware Code, Section 311 (18 Del.C. §311) and 75 Del. Laws, c. 350 (2006)  
18 DE Admin. Code 2201

**FINAL**

**ORDER**

### 2201 Implementation of Medical Malpractice Relief Initiative Pilot Program

#### I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

In the November 1, 2025 edition of the *Register of Regulations*, at [29 DE Reg. 378 \(11/01/25\)](#), the Commissioner of the Delaware Department of Insurance (Commissioner) published a notice of intent to repeal Regulation 2201.

The pilot program created through Regulation 2201, Implementation of Medical Malpractice Relief Initiative Pilot Program, expired by operation of law 12 months after its effective date in accordance with Senate Bill 350 of the 143<sup>rd</sup> General Assembly.

The Department received no public comments regarding the proposal

#### II. FINDINGS OF FACTS

The Commissioner finds that the repeal of Regulation 2201, as proposed in the November 1, 2025 Register of Regulations, having been properly noticed and open for public comment, should be adopted for the reasons set forth in the proposal.

### III. ASSESSMENT OF IMPACT

The Commissioner has reviewed Regulation 2201 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.

### IV. DECISION TO ADOPT THE PROPOSED REPEAL

For the foregoing reasons, the Commissioner concludes that it is appropriate to repeal 18 DE Admin. Code 2201, as discussed in the above Findings of Fact.

### V. EFFECTIVE DATE OF ORDER

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

**IT IS SO ORDERED.**

The 16 day of January, 2026

Trinidad Navarro  
Commissioner  
Delaware Department of Insurance

\*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 378 (29 DE Reg. 378). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:

<https://regulations.delaware.gov/register/april2026/final/29 DE Reg 874 04-01-26>

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## DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

### DIVISION OF CLIMATE, COASTAL AND ENERGY

Statutory Authority: 16 Delaware Code, Section 7602 (16 Del.C. §7602)  
7 DE Admin. Code 2101

**FINAL**

**ORDER**

**2101 Regulations for State Energy Conservation Code**

**RE: Secretary's Order No.: 2026-CCE-0002**  
**Approving Final Regulations to Amend 7 DE Admin. Code 2101: *Regulations for State Energy Conservation Code***

**Date of Issuance: March 10, 2026**  
**Effective Date of the Amendment: April 11, 2026**

Under the authority vested in the Secretary of the Department of Natural Resources and Environmental Control ("Department" or "DNREC"), pursuant to 7 Del.C. §§6006 and 6010, and all other relevant statutory authority, the following findings of fact based on the record, reasons and conclusions are entered as an Order of the Secretary in the above-referenced promulgation.

### **Background, Procedural History and Findings of Fact**

This Order relates to the proposed amendments ("Amendments") to 7 DE Admin. Code 2101: *Regulations for State Energy Conservation Code* ("Regulation"). Pursuant to 16 Del. C. §7602, Delaware's *Energy Conservation Code Act*, the Department proposes to adopt the most recent or highest available version of the International Energy

Conservation Code (“IECC”), and the latest American Society of Heating, Refrigerating and Air-Conditioning Engineers/Illuminating Engineering Society of North America (“ASHRAE”) energy standard, as determined by the Department on a triennial basis. The Department is also required to implement measures under 16 *Del. C.* § 7605 and 16 *Del. C.* Ch.80.

In June of 2020, pursuant to 16 *Del.C.* § 7602, the Department adopted by reference the 2018 IECC and ASHRAE 90.1-2016 in their entirety. The Department began its next triennial review in the Fall of 2022 to review the two available adoption options (2021 and 2024 IECC) by holding two stakeholder meetings and reviewing technical analyses. In addition, the Department reviewed appendices of the 2024 IECC pursuant to 16 *Del. C.* § 7605, which requires the Department to implement measures mandating that all new commercial and high-rise residential building construction include a solar-ready zone and to also establish requirements for electric vehicle (“EV”) charging infrastructure for new residential construction, pursuant to 16 *Del. C.* Ch.80.

Codified in 16 *Del. C.* § 7602(c), all new residential building construction in Delaware must be Zero Net Energy (“ZNE”)-capable by December 31, 2025, and all new commercial and high-rise residential building construction must be ZNE-capable by December 31, 2030. A ZNE-capable building is constructed to a level of energy efficiency such that, with the addition of on-site renewable energy generation, it could achieve zero net energy consumption from the utility provider. Pursuant to 7 *Del. C.* § 6010, and in consideration of Delaware’s ongoing housing affordability challenges, the Department determined that implementation of these ZNE-capable provisions is not appropriate at this time. The Department defers to the General Assembly and the Governor to consider whether and how to address the statutory ZNE-capable mandate during the 2026 legislative session.

Having determined that the ZNE-capable mandate will not be implemented at this time, the Department considered the remaining statutory requirements and the appropriate method of compliance.

Based on the triennial review and with the consideration of Delaware’s ongoing housing affordability challenges, the Department proposes to adopt by reference the 2024 IECC for new residential construction buildings. The Department has included all compliance paths of the 2024 IECC for new residential buildings: (1) the Prescriptive Path, (2) the Simulated Building Performance Path (3) the Energy Rating Index (ERI) Path and (4) the Tropical Climate Region Path.

In addition, the Department proposes to adopt three compliance options for new commercial and high-rise residential building construction: (1) the 2024 IECC Prescriptive compliance option, (2) the 2024 IECC Simulated Building Performance option, and (3) ASHRAE 90.1-2022.

Finally, to align with requirements established in 16 *Del. C.* Ch. 80 and 16 *Del. C.* §7605, the Department also proposes to adopt, with amendments, Appendix RE: *EV Charging Infrastructure* and Appendix CB: *Solar-Ready Zone*.

Pursuant to 16 *Del. C.* Ch.80, the Department proposes to adopt Appendix RE: *EV Charging Infrastructure* with amendments, to set requirements for Electric Vehicles (“EV”) charging infrastructure in new residential buildings (single-family, townhouses, low-rise multifamily) in order to make future EV charging easier and less expensive. It provides that new 1 and 2 dwelling units and townhouses with a designated attached or detached garage, or other on-site private parking adjacent to the dwelling unit, shall have one EV Ready or EV Space per dwelling unit available. Additionally, low-rise multifamily buildings (R-2 occupancies) in mixed-use development shall be provided with an EV Ready space or EV Supply Equipment space for 20 percent of the dwelling units or automobile parking spaces, whichever is less.

Pursuant to 16 *Del. C.* §7605, the Department proposes to adopt Appendix CB: *Solar-Ready Zone* with amendments to ensure that new commercial and high-rise residential building construction is designed and constructed to facilitate future installation of solar systems. It defines a “solar-ready zone” as 40% of the gross roof area with orientation between 110 and 270 degrees of true north. Construction documents must indicate the solar-ready zone area and pathways for routing conduit, and must also reserve space on the electric service panel. This requirement does not mandate installation of a solar system.

The Department anticipates that the benefits of adopting the 2024 IECC for residential buildings and the 2024 IECC/ASHRAE 90.1- 2022 for commercial and high-rise residential buildings, along with Appendix RE: *EV Charging Infrastructure* and Appendix CB: *Solar-Ready Zone*, with amendments, will increase energy efficiency, reduce emissions, reduce costs for residential and commercial building owners seeking to install energy efficiency measures, and provide improved health and comfort for occupants.

The Department published its initial proposed amendments in the July 1, 2025, *Delaware Register of Regulations*, and then subsequently revised the proposed amendments, that were thoroughly vetted at time of the virtual public hearing regarding this matter that was held on July 22, 2025. The revisions included a correction to the Register Notice published in the July 1st *Delaware Register of Regulations* to reflect Appendix RE and Appendix CB as the only adopted appendices; and adding R408.2.1.4 in Table R408.2 as written for Zone 4 in the 2024 IECC.

Pursuant to 29 *Del. C.* §10118(a), the Hearing Record (“Record”) remained open for receipt of written comment for 15 days following the public hearing. The Record formally closed for comment in this matter on August 6, 2025, with a total of forty (40) comments received by the Department throughout the regulatory development process. At the

request of Hearing Officer, Theresa Smith, the Department's Division of Climate Control and Energy ("DCCE"), provided a Technical Response Memorandum ("TRM"), dated September 2, 2025, that provided a detailed review of the *revised* proposed Amendments, identified all the concerns raised by the public, and responded to the concerns in a balanced manner, accurately reflecting the information contained in the Record of information. As a result of technical feedback from public comment, the Department has made additional revisions to the *revised* proposed amendments to improve clarity and consistency. These non-substantive revisions included ensuring consistent terminology (e.g., Phius verifiers versus raters) and clarifying window U-factor values in Table R408.2.1.2.

In accordance with 7 *Del. C.* § 6010, a review of the Record, the comments received, and with the consideration of Delaware's ongoing housing affordability crisis, the Department re-proposed modified amendments as published in the December 1, 2025, *Delaware Registrar of Regulations*. At that time, the Department re-opened the public comment period of an additional 30-days. Subsequently, the DCCE provided a Supplemental TRM, dated February 10, 2026, that also responded to comments received in a balanced manner, accurately reflecting the information contained in the Record of information. There were no additional changes made to the *modified* proposed amendments.

Thereafter, Hearing Officer Theresa Smith prepared her report dated March 2, 2026 ("Report"), which expressly incorporated into the Record the *modified* proposed Amendments the TRM, the Supplemental TRM, are attached thereto as Appendix "A", Appendix "B", and Appendix "C", respectively. Mrs. Smith's Report set forth the procedural history, summarized and established the Record relied on in the Report and provided findings of fact, reasons, and conclusions that recommend the approval of the proposed *modified* amendments pending before the Department.

The Department has the statutory basis and legal authority to act with regard to the formal promulgation of these proposed *modified* amendments, pursuant to 16 *Del. C.* §§ 7602 & 7605, and 16 *Del. C.* Ch.80. All notification and noticing requirements concerning this matter were met by the Department and proper notice of the hearing was provided as required by law.

### Reasons and Conclusions

Currently pending before the Department are the *modified* proposed regulatory amendments to 7 DE Admin. Code 2101: *Regulations for State Energy Conservation Code*. Based on the record developed by the Department's staff in the Division of Coastal, Climate, and Energy, and established by the Hearing Officer's Report, I find that the *modified* proposed regulatory amendments are well-supported and will enable the Department to adopt by reference the 2024 IECC for new residential building construction, the 2024 IECC/ASHRAE 90.1- 2022 for commercial and high-rise residential building construction, and Appendix RE: *EV Charging Infrastructure* and Appendix CB: *Solar-Ready Zone* with amendments, pursuant to 16 *Del. C.* §§ 7602 & 7605, and 16 *Del. C.* Ch.80. I also find that the *modified* proposed amendments comply with all applicable federal and state laws and regulations. Further, the proposed amendments as published in the July 1, 2025, *Delaware Register of Regulations*, and subsequently *revised*, are reflective of the Department's authority under 16 *Del. C.* §§ 7602 & 7605, and 16 *Del. C.* Ch.80, to ensure continued protection of public health and the environment.

The following reasons and conclusions are hereby entered:

1. The Department has the statutory basis and legal authority to adopt and enforce these *modified* proposed regulatory amendments pursuant to 16 *Del. C.* §§ 7602 & 7605, and 16 *Del. C.* Ch.80;
2. The Department has jurisdiction under its statutory authority, pursuant to 7 *Del. C.* Chapter 60, to issue an Order adopting these *modified* proposed amendments as final;
3. The Department provided adequate public notice of the initially proposed amendments and all proceedings in a manner required by the law and regulations, and provided the public with an adequate opportunity to comment on the *modified* proposed amendments, including at the time of the virtual public hearing held on July 22, 2025, during the 15 days subsequent to the hearing (through August 6, 2025), and the 30 days subsequent to the December 1, 2025 publication of the *modified* proposed amendments, before making any final decision;
4. Promulgation of the *revised* proposed amendments to 7 DE Admin. Code 2101: *Regulations for State Energy Conservation Code* will enable the Department to adopt by reference the 2024 IECC for residential buildings, the 2024 IECC/ASHRAE 90.1- 2022 for commercial and high-rise residential buildings, and Appendix RE: *EV Charging Infrastructure* and Appendix CB: *Solar-Ready Zone*, with amendments;
5. The Department has reviewed the *modified* proposed amendments in light of the *Regulatory Flexibility Act*, consistent with 29 *Del.C.* §104, and believes the same to be lawful, feasible and desirable, and the recommendations as proposed should be applicable to all Delaware citizens equally;
6. The Department has reviewed the *modified* proposed regulatory promulgation in the light of 7 *Del. C.* §10003 and 29 *Del. C.* §10118(b)(3), and has determined a full assessment of all impacts are needed

- to further evaluate greenhouse gas emissions, based on the PNNL study, showing a 6.32% reduction of CO<sub>2</sub> by adopting the 2024 IECC, compared to the 2021 IECC;
7. The Department's Hearing Officer's Report, including its established record and the recommended *modified* proposed amendments as set forth in Appendix "A," are hereby adopted to provide additional reasons and findings for this Order;
  8. The Department's proposed regulatory amendments, as published in the December 1, 2025, *Delaware Register of Regulations*, are set forth in Appendix "A" hereto, and are adequately supported, are not arbitrary or capricious, and are consistent with the applicable laws and regulations. Consequently, they are approved as final regulatory amendments, which shall go into effect ten days after their publication in the next available issue of the *Delaware Register of Regulations*;
  9. The Department has an adequate Record of its decision, and no further public hearing is appropriate or necessary;
  10. The Department shall submit this Order approving the proposed amendments as final regulations to the *Delaware Register of Regulations* for publication in its next available issue, and provide such other notice as the law and regulation require, and the Department determines is appropriate; and
  11. The Department shall serve and publish its Order on its internet site.

Gregory Patterson  
Secretary

**\*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 499 (29 DE Reg. 499). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

<https://regulations.delaware.gov/register/april2026/final/29 DE Reg 875 04-01-26>

## DEPARTMENT OF STATE

### DIVISION OF PROFESSIONAL REGULATION

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

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

24 DE Admin. Code 1800

### FINAL

### ORDER

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

After due notice in the Delaware Register of Regulations and two Delaware newspapers, a public hearing was held on January 13, 2026, at a scheduled meeting of the Delaware Board of Plumbing, Heating, Ventilation, Air Conditioning and Refrigeration ("Board") to receive comments regarding proposed amendments to the Board's regulation. The proposed change to subsection 2.2.2 clarifies that plumbing applicants who fail a qualifying exam three times must wait at least a year to apply for any type of plumbing license, and the proposed change to subsection 3.1.6 clarifies that HVACR applicants who fail a qualifying exam three times must wait at least a year to apply for any type of HVACR license.

These amendments were published in the Delaware *Register of Regulations*, Volume 29, Issue 6, on December 1, 2025, giving notice of a January 13, 2026 public hearing at 8:30 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 28, 2026, 15 days following the public hearing. The Board deliberated on the proposed revisions at its regularly scheduled meeting on March 10, 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 January 13, 2026, the only public comment was in favor of the proposed amendments.

### Findings of Fact and Conclusions

The Public was given notice and an opportunity to provide the Board with comments in writing and by testimony on the proposed amendments to the Board's regulation. The only comment submitted to the Board supported the Board's proposed amendments.

Pursuant to [24 Del.C. §1806\(a\)\(2\)](#), the Board has the statutory authority to promulgate regulations in accordance with the procedures specified in the Administrative Procedures Act. The Board finds reason to amend its regulation 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 regulation as proposed, to be effective 10 days following publication of this Order in the *Register of Regulations*. The new regulation with amendments is attached.

**IT IS SO ORDERED** this 10th day of March 2026

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

*/s/ Phillip Sharp*

Phillip Sharp, Plumber Professional Member, President

*/s/ Russell Yetter*

Russell Yetter, HVACR, Professional Member, Vice-President

*/s/ Jonathan Cochran*

Jonathan Cochran, Plumber, Professional Member, Secretary

*/s/ James Nickerson*

James Nickerson, HVACR, Professional Member

*/s/ Andrew Segner*

Andrew Segner, HVACR, 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 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/april2026/final/29 DE Reg 878 04-01-26>**

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# GENERAL NOTICES

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## DEPARTMENT OF INSURANCE

### OFFICE OF THE COMMISSIONER

Statutory Authority: 18 Delaware Code, Sections 3366 and 3570A (18 **Del.C.** §§3366 & 3570A)

## GENERAL NOTICE

### NOTICE

#### Autism Spectrum Disorders Coverage

The purpose of this notice is to comply with 18 **Del.C.** §§ 3366(b) (Health Insurance Contracts – Autism spectrum disorders coverage) and 3570A(b) (Group and Blanket Health Insurance – Autism spectrum disorders coverage), which require that:

After December 31, 2012, the Insurance Commissioner shall, on or before April 1 of each calendar year, publish in the *Delaware Register of Regulations* an adjustment to the maximum benefit [for coverage for applied behavior analysis services, which is] equal to the change in the United States Department of Labor Consumer Price Index for all Urban Consumers (CPI-U) in the preceding year and the published adjusted maximum benefit shall be applicable to all health insurance policies issued or renewed thereafter.

The General Assembly established the maximum benefit on August 13, 2012 at \$36,000 per twelve-month period per person (See SB No. 22/SA Nos 1&3, 146<sup>th</sup> Gen. Assem. (2011-2012)) and specified that the benefit “shall not be subject to any limits on the number of visits an individual may make to an autism services provider, or that a provider may make to an individual, regardless of the locations in which services are provided.”

Using the CPI-U Historical Tables published by the U.S. Bureau of Labor Statistics at [https://www.bls.gov/regions/mid-atlantic/data/consumerpriceindexhistorical\\_us\\_table.htm](https://www.bls.gov/regions/mid-atlantic/data/consumerpriceindexhistorical_us_table.htm), the maximum benefit for coverage for applied behavior analysis services per person for 2026 is \$38,601.65. The maximum per person 2026 benefit shall go into effect on April 1, 2026 and shall remain in effect until March 31, 2027.

Questions concerning this notice should be directed to:

Delaware Department of Insurance

ATTN: Consumers Division – Autism spectrum disorders coverage

1351 West North St., Ste. 101

Dover, DE 19904

[compliance@delaware.gov](mailto:compliance@delaware.gov) (please put “Autism spectrum disorders coverage” in the subject line of the email).

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## DEPARTMENT OF STATE

### DIVISION OF PROFESSIONAL REGULATION

#### Board of Electrical Examiners

Statutory Authority: 24 Delaware Code, Section 1406(a)(1) (24 **Del.C.** §1406(a)(1))

24 **DE Admin. Code** 1400

## GENERAL NOTICE

### NOTICE

#### 1400 Board of Electrical Examiners

Pursuant to 24 **Del.C.** §1406(a)(1), the Delaware Board of Electrical Examiners (“Board”) has proposed revisions to its regulations.

Amendments are proposed to add new subsection 3.4.6 which establishes onsite supervision ratios for apprentices to supervising electricians under various jobsite circumstances.

An amendment is proposed to delete subsection 6.3 because elevator mechanics are now separately governed by the Board of Elevator Mechanics pursuant to 24 **Del.C.**, Chapter 61.

In Section 17.0, a new crime substantially related to the work of an electrician is added.

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

These amendments were published on page 684 of the February 1, 2026 issue of the *Delaware Register of Regulations* (29 **DE Reg.** 684 (2/1/26)). The Board planned to hold a hearing on March 4, 2026, at 8:30 a.m., but the hearing was cancelled. As a result, the Board will now hold a public hearing on May 6, 2026, at 8:30 a.m. in conference Room A on the second floor of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware. Anyone wishing to receive a copy of the proposed regulation may obtain a copy from the Delaware Board of Electrical Examiners, 861 Silver Lake Boulevard, Dover, Delaware 19904. Persons wishing to submit written comments may forward these to the Board at the above address or at [jazmine.peebles@delaware.gov](mailto:jazmine.peebles@delaware.gov).

In accordance with 29 **Del.C.** §10118(a), the final date to receive written comments will be May 21, 2026. The Board will deliberate on all the public comments at its regularly scheduled meeting thereafter.

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## 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 - Felton Manor

March 3, 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.

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# GENERAL NOTICES

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

“No Trucks Over 2 Axles Except Local Services” on all local streets in the Felton Manor Subdivision

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

Thank you,  
Peter Haag  
Chief of Traffic Engineering

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# CALENDAR OF EVENTS/HEARING NOTICES

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## **DELAWARE RIVER BASIN COMMISSION** **PUBLIC NOTICE** **Notice of Quarterly Business Meeting and Public Hearing**

The Delaware River Basin Commission will hold a public hearing on **Wednesday, May 6, 2026**, commencing at **1:30 p.m.** The public hearing will be conducted remotely. The draft docket decisions that will be subjects of the public hearing, along with details about the remote platform and how to attend, will be posted on the Commission's website, [www.drbc.gov](http://www.drbc.gov), at least ten (10) days prior to the meeting date.

The Commission's quarterly business meeting will be held on **Thursday, June 11, 2026**, commencing at **10:00 a.m.** The business meeting also will be held remotely. An agenda, along with details about the remote platform and how to attend, will be posted on the Commission's website, [www.drbc.gov](http://www.drbc.gov), at least ten (10) days prior to the meeting date.

For additional information, including links to live streams of these events, please visit the DRBC website at [www.drbc.gov](http://www.drbc.gov) or [contact@drbc.gov](mailto:contact@drbc.gov).

Pamela M. Bush, J.D., M.R.P.  
Commission Secretary and Assistant General Counsel

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

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

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## **DEPARTMENT OF HEALTH AND SOCIAL SERVICES** **DIVISION OF HEALTH CARE QUALITY** **PUBLIC NOTICE** **3103 Division of Health Care Quality Temporary Staffing Agencies**

Pursuant to 16 Del.C. §1119C(a) and 29 Del.C. §7971(d)(19), the Department of Health and Social Services, Division of Health Care Quality, is proposing new regulations governing the registration, oversight, and monitoring of temporary staffing agencies serving long-term care facilities.

The proposed regulation implements statutory requirements enacted by the General Assembly relating to temporary staffing agencies that provide personnel to long-term care facilities. The regulation establishes standards for registration and renewal, reporting and recordkeeping, insurance coverage, personnel documentation, and Departmental oversight, including inspections.

Copies of the proposed regulation are available for review in the April 1, 2026 issue of the *Delaware Register of Regulations*, accessible online at: <http://regulations.delaware.gov>

Public comments will be accepted until 4:30 PM on May 1, 2026. Comments will be accepted in written form via email to [DHSS\\_DHCQ\\_PublicComment@delaware.gov](mailto:DHSS_DHCQ_PublicComment@delaware.gov), or by U.S. mail to the following address:

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# CALENDAR OF EVENTS/HEARING NOTICES

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Amanda Levering, Director  
Division of Health Care Quality  
253 Chapman Road  
Newark, DE 19720

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## DEPARTMENT OF HEALTH AND SOCIAL SERVICES

### DIVISION OF MEDICAID AND MEDICAL ASSISTANCE PUBLIC NOTICE

#### Medicaid Recovery Audit Contractor's (RAC) Program

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the **Delaware Code**) and under the authority of 31 **Del. C.** §512, Delaware Health and Social Services ("Department") / Division of Medicaid and Medical Assistance (DHSS/DMMA) is proposing to amend Title XIX Medicaid State Plan regarding Medicaid Recovery Audit Contractor's (RAC) Program, specifically, to request an extension of the exception from participation in the RAC Program.

Any person who wishes to make written suggestions, compilations of data, testimony, briefs, or other written materials concerning the proposed new regulations must submit same to, Planning and Policy Unit, Division of Medicaid and Medical Assistance, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906, by email to [DHSS\\_DMMA\\_Publiccomment@Delaware.gov](mailto:DHSS_DMMA_Publiccomment@Delaware.gov), or by fax to 302-255-4413 by 4:30 p.m. on May 1, 2026. Please identify in the subject line: Medicaid Recovery Audit Contractor's (RAC) Program

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

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## DEPARTMENT OF LABOR

### DIVISION OF EMPLOYMENT AND TRAINING PUBLIC NOTICE

#### 1101 Apprenticeship and Training Regulations

In compliance with the State's Administrative Procedures Act (Title 29, Chapter 101 of the Delaware Code) and under the authority of 19 Del.C. §202, the Delaware Department of Labor, Division of Employment and Training, State Apprenticeship Agency proposes to modify 19 DE Admin. Code 1101, Sections 1.0 through 13.0 regarding the regulation of State Registered Apprenticeship Programs.

In accordance with 29 Del.C. §10116, persons wishing to submit written comments, suggestions, briefs, and compilations of data or other written materials concerning the proposed modifications to Rule No. 11 should direct them to the following address:

Joseph Olivere  
Delaware Department of Labor  
Division of Employment and Training  
4425 North Market Street, 3rd Floor  
Wilmington, DE 19802

Comments may also be directed via electronic mail to [Joseph.Olivere@Delaware.gov](mailto:Joseph.Olivere@Delaware.gov). Any written submission in response to this notice and relevant to the proposed rules must be received by the above contact at the Delaware Department of Labor no later than 4 p.m. EST, May 1, 2026.

Background

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# CALENDAR OF EVENTS/HEARING NOTICES

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The Delaware Department of Labor is granted the authority to regulate the State registration of Apprentices and Apprenticeship Programs consistent with [19 Del.C. §202](#) of the Delaware Code. Such rules shall be for the purpose of establishing standards for apprenticeship in conformity Delaware Code and applicable statutes and regulations of the federal government; studying the effectiveness of apprenticeship programs and making recommendations in accordance with such programs for their improvement and to terminate, cancel or modify any apprenticeship programs in accordance with such programs; Encouragement and promotion of the standards established in accordance with this chapter and with the basic standards of the Bureau of Apprenticeship and Training, United States Department of Labor. The Delaware Department of Labor ("Department") is further authorized to promulgate rules and regulations not inconsistent with Title 19 or of any other law of the state; provided, however that no such rule or regulation shall extend, modify or conflict with any law of this state or the reasonable implications thereof; and provided further, however, that such rules and regulations, as established by the Department, shall focus primarily on the State Registered Apprenticeship.

## Summary of Proposal

The proposed changes to Sections 1.0 through 13.0 of this regulation proposes updates to terminology, as well as administrative updates that align the State Apprenticeship Agency with federal regulation found in 29 CFR Part 29

## Statutory Authority

### **19 Del.C. §105**

19 Del.C. §105 enables the Delaware Department of Labor to adopt and promulgate rules and regulations not inconsistent with Title 19 Chapter 2 of the Delaware Code; provided that no such rule or regulation shall extend, modify or conflict with any law of the State of Delaware or the reasonable implications thereof.

### **19 Del.C. §202**

19 Del.C. §202 enables the Department of Labor to establish standards for apprenticeship in conformity with Delaware Code and applicable statutes and regulations of the federal government As well as, adopting such rules and regulations as may be necessary to carry out the intent and purpose of Title 19 Chapter 2 of the Delaware Code.

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## DEPARTMENT OF LABOR DIVISION OF INDUSTRIAL AFFAIRS PUBLIC NOTICE

### **1328 Rules Regulating Deductions from Wages for Wage Payment and Collection**

In compliance with the State's Administrative Procedures Act (Title 29, Chapter 101 of the Delaware Code) and under the authority of [19 Del.C. §1114](#) the Delaware Department of Labor, Division of Industrial Affairs, Office of Wage and Hour Enforcement proposes to modify to amend its regulations for the Wage Payment and Collection as described in [19 Del.C. Chapter 11](#).

In accordance with [29 Del.C. §10116](#), persons wishing to submit written comments, suggestions, briefs, and compilations of data or other written materials concerning the proposed modifications to Rule No. 11 should direct them to the following address:

Dyron Green  
Delaware Department of Labor  
Division of Industrial Affairs  
4425 N. Market Street  
Wilmington DE 19802

Comments may also be directed via electronic mail to [Dyron.Green@delaware.gov](mailto:Dyron.Green@delaware.gov). Any written submission in response to this notice and relevant to the proposed rules must be received by the above contact at the Delaware Department of Labor no later than 4 p.m. EST, May 1, 2026.

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# CALENDAR OF EVENTS/HEARING NOTICES

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## DEPARTMENT OF SAFETY AND HOMELAND SECURITY OFFICE OF THE MARIJUANA COMMISSIONER PUBLIC NOTICE 5001 Rules of the Office of the Marijuana Commissioner

### Summary

The Office of the Marijuana Commissioner proposes to amend its Regulations adopted in accordance with Title 4 of the Delaware Code, Chapter 13, Section 1331. The Office of the Marijuana Commissioner proposes: changes to Section 8.3 Marijuana product package size, and Section 9.3 Edible marijuana product and marijuana beverage packaging and labeling requirements, to align with industry standards; and changes to Section 6.7 Marijuana cultivation facility general requirements to clarify the types of products that a cultivation facility is permitted to sell. The Office of the Marijuana Commissioner is issuing these proposed regulations in accordance with Title 4 of the Delaware Code. This notice is issued pursuant to the requirements of Chapter 101 of Title 29 of the Delaware Code.

### Comments

A copy of the proposed regulations will be published in the April 1, 2026 edition of the Delaware Register of Regulations, accessible online at <http://regulations.delaware.gov>. Any person who wishes to make any written suggestions, compilations of data, briefs or other written materials concerning the proposed new regulations must submit same to Taylor Shannon, Delaware Office of the Marijuana Commissioner, 1128 South Bradford Street, Dover, DE 19904 or by email to [OMC@delaware.gov](mailto:OMC@delaware.gov). Pursuant to [29 Del.C. §10118\(a\)](#), the final date to receive written comments is May 1, 2026.

### Adoption of Proposed Regulation

On or after May 2, 2026, following review of the public comment, the Office of the Marijuana Commissioner will determine whether to adopt the proposed rules as originally published or make additional changes because of the public comments received.

### Effective Date of Amendments to Regulations

If adopted by the Office of the Marijuana Commissioner, the amendments will take effect 10 days after being published as final in the Delaware Register of Regulations.

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## DEPARTMENT OF STATE DIVISION OF PROFESSIONAL REGULATION Board of Landscape Architecture PUBLIC NOTICE 200 Board of Landscape Architecture

Pursuant to [24 Del.C. §205\(a\)\(1\)](#), the Delaware Board of Landscape Architecture (“Board”) has proposed revisions to its regulation. The amendments update the regulation with respect to the application process, licensure renewal and reactivation, continuing education requirements, and the continuing education audit. In addition, technical and style changes have been made to ensure consistency with the *Delaware Administrative Code Drafting and Style Manual*.

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

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# CALENDAR OF EVENTS/HEARING NOTICES

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**DEPARTMENT OF STATE**  
**DIVISION OF PROFESSIONAL REGULATION**  
**Council on Real Estate Appraisers**  
**PUBLIC NOTICE**  
**2930 Council on Real Estate Appraisers**

Pursuant to [24 Del.C. §4006\(a\)\(1\)](#), the Delaware Council on Real Estate Appraisers (“Council”) has proposed revisions to its regulation.

Proposed amendments to subsection 2.1.3 clarify the inspection and experience log requirements for the Trainee Real Property Appraiser classification.

Proposed amendments to subsection 2.1.4 clarify the experience log requirements for the Licensed Residential Real Property Appraiser classification.

Proposed amendments to subsection 2.1.5 clarify the experience log requirements for the Certified Residential Real Property Appraiser classification.

Proposed amendments to subsection 2.1.6 clarify the experience log requirements for the Certified General Real Property Appraiser classification.

Proposed amendments to subsection 2.14 update the percentage of random audits to be conducted by the Division of Professional Regulation.

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 regulation may obtain a copy from the Delaware Council on Real Estate Appraisers, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments should be sent to Jaime Johnson Administrator of the Delaware Council on Real Estate Appraisers, at the above address or to [jaim.e.a.johnson@delaware.gov](mailto:jaim.e.a.johnson@delaware.gov). Written comments will be accepted until 5:00 p.m. on May 1, 2026, pursuant to [29 Del.C. §10118\(a\)](#).

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**GENERAL ASSEMBLY**  
**DIVISION OF LEGISLATIVE SERVICES**  
**PUBLIC NOTICE**  
**101 Regulation Governing Administrative Rulemaking Procedures**

The Registrar of Regulations of the Division of Legislative Services of the Legislative Council, pursuant to [29 Del.C. §1134\(a\)\(4\)](#), proposes to amend [29 DE Admin. Code 101](#) Regulation Governing Administrative Rulemaking Procedures. The purpose of the amendments is to provide updated guidance on the procedures for the filing of regulations under the Administrative Procedures Act, [29 Del.C. Ch. 101](#), and for publication in the *Delaware Register of Regulations* and the Delaware Administrative Code that align with the most current practices. The regulation was presented at the March 19, 2026 meeting of the Legislative Council.

Persons wishing to present their views regarding the proposed amendments must do so in writing by 4:30 pm on Friday, May 1, 2026 to Office of the Registrar of Regulations by email to [Regulations@delaware.gov](mailto:Regulations@delaware.gov). Copies of the regulation are available for review in the April 1, 2026 issue of the *Delaware Register of Regulations*, accessible online at: <https://regulations.delaware.gov>.