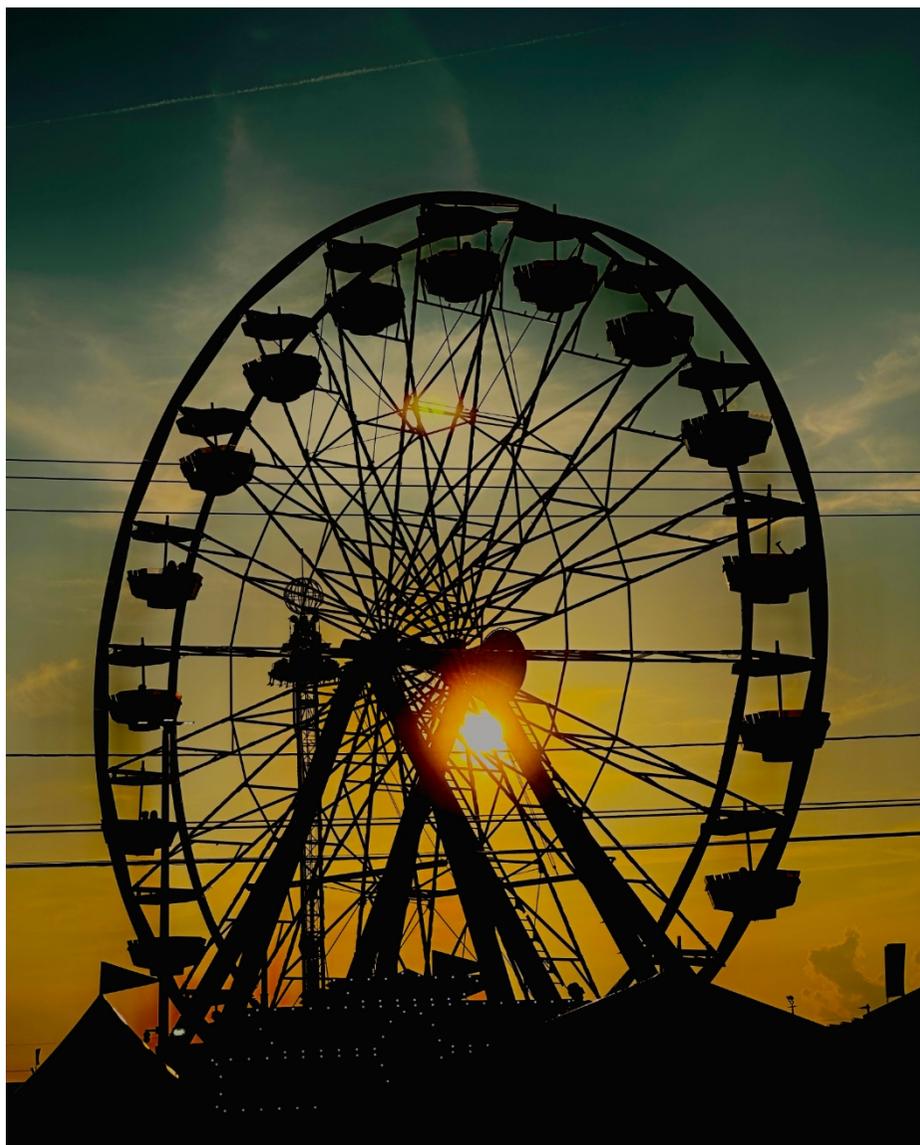

Delaware Register of Regulations

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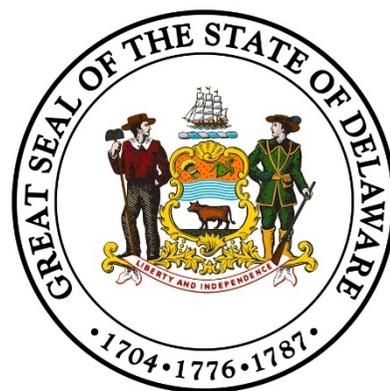
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Pursuant to 29 **Del.C.** Chapter 11, Subchapter III, this issue of the Register contains all documents required to be published, and received, on or before July 15, 2025.

Cover Photo
Delaware State Fair

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DELAWARE REGISTER OF REGULATIONS

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

The *Delaware Register* will publish any regulations that are proposed to be adopted, amended, or repealed and any emergency regulations promulgated.

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

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

CITATION TO THE DELAWARE REGISTER

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

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

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

SUBSCRIPTION INFORMATION

The cost of a yearly subscription (12 issues) for the *Delaware Register of Regulations* is \$135. Single copies are available at a cost of \$12 per issue, including postage. For more information contact the Division of Legislative Services at 302-744-4114 or 1-800-282-8545 in Delaware.

CITIZEN PARTICIPATION IN THE REGULATORY PROCESS

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other interested parties may participate in the process by which administrative regulations are adopted, amended, or repealed, and may initiate the process by which the validity and applicability of regulations is determined.

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

INFORMATION ABOUT THE DELAWARE REGISTER OF REGULATIONS

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

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

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

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

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

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

CLOSING DATES AND ISSUE DATES FOR THE DELAWARE REGISTER OF REGULATIONS

ISSUE DATE	CLOSING DATE	CLOSING TIME
September 1	August 15	4:30 p.m.
October 1	September 15	4:30 p.m.
November 1	October 15	4:30 p.m.
December 1	November 17	4:30 p.m.
January 1	December 15	4:30 p.m.
February 1	January 15	4:30 p.m.

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Mark J. Cutrona, Director

Holly Vaughn Wagner, Deputy Director

Office of the Registrar of Regulations:

Yvette W. Smallwood, Registrar of Regulations

Erika Schrader, Assistant Registrar of Regulations

Arun Reddy, IT Support

Natalie White, Legal Publications Editor

Leanne Voshell, Legal Publications Editor

Legislative Print Shop:

Robert Lupo, Graphics and Printing Supervisor

Nathan Poore, Graphics and Printing Technician

Quran Hernandez, Graphics and Printing Technician

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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.

Emergency Regulations

Under 29 **Del.C.** §10119 an agency may promulgate a regulatory change as an Emergency under the following conditions:

§10119. Emergency regulations.

If an agency determines that an imminent peril to the public health, safety or welfare requires the adoption, amendment or repeal of a regulation with less than the notice required by §10115, the following rules shall apply:

(1) The agency may proceed to act without prior notice or hearing or upon any abbreviated notice and hearing that it finds practicable;

(2) The order adopting, amending or repealing a regulation shall state, in writing, the reasons for the agency's determination that such emergency action is necessary;

(3) The order effecting such action may be effective for a period of not longer than 120 days and may be renewed once for a period not exceeding 60 days;

(4) When such an order is issued without any of the public procedures otherwise required or authorized by this chapter, the agency shall state as part of the order that it will receive, consider and respond to petitions by any interested person for the reconsideration or revision thereof; and

(5) The agency shall submit a copy of the emergency order to the Registrar for publication in the next issue of the *Register of Regulations*. (60 Del. Laws, c. 585, § 1; 62 Del. Laws, c. 301, § 2; 71 Del. Laws, c. 48, § 10.)

**DEPARTMENT OF STATE
DIVISION OF PROFESSIONAL REGULATION
BOARD OF PHARMACY**

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

EMERGENCY

ORDER

2500 Board of Pharmacy

AUTHORITY

On July 1, 2025, the Board of Pharmacy ("Board") held an emergency meeting with less than 7 days' notice on the basis that the meeting was "necessary for the immediate preservation of the public peace, health, or safety." 29 **Del.C.** § 10004(e)(1). The purpose of the meeting was to consider the adoption of emergency regulatory amendments to [24 DE Admin. Code 2500](#). Further, 29 **Del.C.** § 10119 authorizes the Board to adopt emergency regulations where an agency determines that an imminent peril to the public health, safety or welfare requires amendment of a regulation with less than the notice required by 29 **Del.C.** § 10115.

REASON FOR THE EMERGENCY ORDER

The anticipated mass closure of Rite Aid pharmacies throughout Delaware threatens to disrupt access to essential medications for residents, particularly those managing chronic conditions. The sudden influx of prescription transfers and patient care responsibilities to remaining pharmacies may overwhelm existing pharmacy staff and infrastructure. The threat to public health created by Rite Aid pharmacy closures is imminent. SB 180 - SA 1, 153rd General Assembly, was signed by the Governor on June 30 and is effective immediately. This Bill amends 24 **Del.C.** § 2523 pertaining to licensure exemptions to provide that nothing in the chapter prevents "[a] pharmacist who is licensed in a jurisdiction or

territory of the United States from providing pharmacy services in this State during emergency circumstances, as determined by the Board in coordination with the Secretary of State, or a declared local, jurisdictional, or national disaster. This exemption applies for a period as determined by the Board and the Secretary of State, so long as such person abides by Delaware laws, rules, and regulations relating to pharmacy. In order to be eligible for this exemption, the pharmacist must notify the Board of the pharmacist's intent to practice in this State pursuant to this paragraph." 24 Del.C. § 2523(10).

The anticipated mass closure of Rite Aid pharmacies in Delaware presents "emergency circumstances" warranting application of the licensure exemption set forth in 24 Del.C. § 2523(10). The emergency regulatory amendments adopted herein serve to implement the temporary practice of out-of-state pharmacists in Delaware. This Emergency Order also temporarily amends the regulation to facilitate the processing of prescriptions to ensure that Delaware residents are able to obtain essential medications in a timely manner. These temporary, emergency amendments to the regulation are adopted with the concurrence of the Secretary of State.

EFFECTIVE DATE OF ORDER

It is hereby ordered that 24 DE Admin. Code 2500 is temporarily modified as shown by underline as follows:

21. Temporary Authorization for the Use of Non-Delaware Licensed Pharmacists.

A pharmacy holding a permit issued by the Board may employ or otherwise use the services of pharmacists holding active, unrestricted licenses in good standing in other states or territories of the United States provided that the permit holder submits to the Board a Notification of Intent to Practice in Delaware with licensure verifications for each out-of-state licensed pharmacist. The permit holder will be responsible for the practice of the out-of-state pharmacist, who shall attest to compliance with all applicable state and federal laws and regulations. The permit holder is responsible for uploading the Notification of Intent to Practice in Delaware to DELPROS, the licensing system used by the Board.

22. Expanded Role for Pharmacy Technicians.

22.1 Pharmacy technicians who are either certified or trained pursuant to subsection 19.1 are temporarily authorized to assist in the processing of prescription transfers, by obtaining and documenting necessary information, under the supervision of a licensed pharmacist.

22.2 Pharmacists remain responsible for verifying and approving all prescription transfers.

23. Faxed prescription transfers of non-controlled medications may be used as written transfers if all required information is included in the faxed prescription.

24. Pharmacists are authorized to dispense a one-time emergency refill of non-controlled medications if all of the following requirements are met:

24.1 The pharmacist obtains prescription information from: a prescription label, a prescription record within the pharmacy, a prescription record from another pharmacy, a common database, or other healthcare record, if unable to obtain refill authorization from the prescriber after reasonable effort.

24.2 The pharmacist notes on the prescription record the date, the quantity dispensed, and the pharmacist's name or initials.

24.3 In the pharmacist's professional judgment, the interruption of medication therapy may produce undesirable consequences or may be detrimental to the patient's health and welfare.

25. Offsite pharmacists are authorized to enter and verify patient data and conduct telehealth services from a remote location if the patient is on site at the pharmacy.

26. The Board shall expedite the following;

26.1 Licensure of new graduate pharmacists.

26.2 Approvals of renovation plans for existing pharmacies to expand their footprint to make more workstations and more room for pharmacy operations in existing pharmacies.

This Emergency Order shall take effect on July 1, 2025 and shall remain in effect for 120 days. At the expiration of 120 days, the Board, with the concurrence of the Secretary of State, may renew this Emergency Order once for a period not to exceed 60 days, consistent with 29 **Del.C.** §10119(3).

PETITION FOR RECOMMENDATIONS

Pursuant to 29 **Del. C.** § 10119(4), the Board will receive, consider, and respond to petitions by any interested person for recommendations or revisions of this Emergency Order. Petitions should be presented to the Delaware Board of Pharmacy, 861 Silver Lake Boulevard, Dover, Delaware 19904 or by or by email to ruthm.dixon@delaware.gov.

ORDER

It is hereby ordered this 1st day of July 2025 that the above referenced amendments to 24 DE Admin. Code 2500, a copy of which is hereby attached, is adopted, pursuant to 29 **Del. C.** § 10119, as referenced above, and supported by the evidence contained herein. The Board agency will submit a copy of this Emergency Order to the Registrar of Regulations for publication in the next issue of the Register of Regulations as required by 29 **Del. C.** § 10119(5).

DELAWARE BOARD OF PHARMACY

/s/ Joshua Coffield, PharmD

President

/s/ Cheri Briggs, PharmD

Vice President

/s/ Nicholas Juliano, PharmD

ABSENT

Solomon Ezembakwe, PharmD

/s/ Vincent Madaline, PharmD

/s/ Safwat Ibrahim, RPh

/s/ Lakeisha Cunningham

SECRETARY OF STATE

Charuni Patibanda-Sanchez

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

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

[https://regulations.delaware.gov/register/august2025/emergency/29 DE Reg 82 08-01-25](https://regulations.delaware.gov/register/august2025/emergency/29%20DE%20Reg%2008-01-25)

Symbol Key

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

Proposed Regulations

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

DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Sections 1508 and 1803 (14 **Del.C.** §§1508 & 1803)
14 **DE Admin. Code** 734

PROPOSED

PUBLIC NOTICE

734 Financial Responsibility Training

A. TYPE OF REGULATORY ACTION REQUIRED

Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF THE REGULATION

Pursuant to 14 **Del.C.** §§1508 and 1803, the Delaware Department of Education (“Department”) developed amendments to 14 **DE Admin. Code** 734 Financial Responsibility Training. The Department reviewed this regulation in compliance with 29 **Del.C.** §10407 which requires regulations to be reviewed on a recurring basis every four years. The Department made minor changes to the regulation as well as amended to comply with the Delaware Administrative Code Drafting and Style Manual.

Persons wishing to present their views regarding this matter may do so in writing by submitting them to the Department of Education, Office of the Secretary, Attn: Regulation Review, 401 Federal Street, Suite 2, Dover, Delaware 19901 or through the Department's online submission form at <https://education.delaware.gov/community/delaware-education-laws-and-regulations/provide-public-comment/> by the close of business (4:30 p.m. EST) on or before September 2, 2025. Any person who wishes to receive a copy of the proposed regulation may obtain a copy from the Department at the Office of the Secretary on the second floor of the Townsend Building, 401 Federal Street, Dover, Delaware.

C. IMPACT CRITERIA

1. Will the amended regulation help improve student achievement as measured against state achievement standards? No.
2. Will the amended regulation help ensure that all students receive an equitable education? Yes.
3. Will the amended regulation help to ensure that all students' health and safety are adequately protected? No.
4. Will the amended regulation help to ensure that all students' legal rights are respected? No.

5. Will the amended regulation preserve the necessary authority and flexibility of decision making at the local board and school level? Yes.
6. Will the amended regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? No.
7. Will the decision-making authority and accountability for addressing the subject to be regulated be placed in the same entity? No.
8. Will the amended regulation be consistent with and not an impediment to the implementation of other state educational policies, in particular to state educational policies addressing achievement in the core academic subjects of mathematics, science, language arts and social studies? Yes.
9. Is there a less burdensome method for addressing the purpose of the regulation? No.
10. What is the cost to the State and to the local school boards of compliance with the regulation? Not applicable.

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

<https://regulations.delaware.gov/register/august2025/proposed/29 DE Reg 85RFA 08-01-25.pdf>

734 Financial Responsibility Training

1.0 Purpose

The purpose of this regulation is to outline the criteria and process for the required one-time ~~Financial Responsibility Training~~ financial responsibility training for members of School District boards, including vocational technical school boards, boards of charter schools pursuant to 14 ~~Del.C.~~ §1803, members of ~~Citizen Budget Oversight Committees~~ citizen budget oversight committees (CBOC) pursuant to 14 ~~Del.C.~~ §1508, and ~~School District and Charter School Leaders~~ school district and charter school leaders. ~~Financial Responsibility Training~~ responsibility training provides instruction to members of school boards, CBOCs and ~~School District and Charter School Leaders~~ school district and charter school leaders as to how to properly ensure that public funds are appropriately managed and expended, as well as to provide training on state and local funding of public education.

2.0 Definitions

The following words and terms, for the purposes of this regulation, shall have the following meaning ~~unless the context clearly indicates otherwise~~:

- "~~Certificate of Completion~~ completion" means the document provided by the Department of Education indicating the individual has attended and completed the ~~Financial Responsibility Training~~ financial responsibility training.
- "~~Charter School~~ school" means a non-home based full-time public school that is operated in an approved physical plant under a charter granted by, or transferred to, the Department or other authorizing body for the personal physical attendance of all students.
- "~~Charter School Board~~ school board" means the board of directors of a charter school that shall be a public body subject to the requirements of 29 ~~Del.C.~~ Ch. 100 and shall have the same standing and authority as a Reorganized School District Board of Education, except the power to tax.
- "~~Charter School Leader~~ school leader" means the head of school or chief financial officer of a charter school.
- "~~Citizen Budget Oversight Committee (CBOC)~~ budget oversight committee" or CBOC means a group of parents, educators, and taxpayers that oversee the financial position of a Local School District or Charter School pursuant to 14 ~~Del.C.~~ §1508.
- "~~Department~~" means the Delaware Department of Education.
- "~~School Board Member~~ board member" means a ~~School District Board~~ school district board or ~~Charter School Board~~ charter school board member whether that person is elected, appointed, or is a volunteer.
- "~~School District~~ district" means a reorganized school district or vocational technical school district established pursuant to 14 ~~Del.C.~~ Ch. 10.
- "~~School District Board~~ district board" means reorganized School District Board or vocational technical school district boards duly appointed or elected pursuant to 14 ~~Del.C.~~ Ch. 10.
- "~~School District Leader~~ district leader" means the superintendent of a ~~School District~~ school district or the chief financial officer.
- "~~Trainer~~" means ~~an individual or organization approved by the Department of Education to provide Financial Responsibility Training.~~

3.0 Financial Responsibility Training Components

- 3.1 The ~~Financial Responsibility Training~~ financial responsibility training shall be developed and coordinated by the Department's Finance Office. This training ~~may~~will be provided ~~in-person or online at the discretion of the Department~~ and shall cover the following topics:
 - 3.1.1 Overview of education budget process and timelines;
 - 3.1.2 Instruction in the basic rules of budgeting, including State of Delaware funds, local funds, and federal funds;
 - 3.1.3 Information regarding the State's financial management system; and
 - 3.1.4 Reporting requirements.

4.0 Requirements

- 4.1 Each member of a ~~School District Board or Charter School Board~~ school district board or charter school board shall attend and receive a ~~Certificate of Completion for Financial Responsibility Training~~ certificate of completion for financial responsibility training within ~~three (3)~~ 3 months of election, appointment, or voluntary service to a ~~School District Board or Charter School Board~~ school district or charter school. Provided further, additional training may be required from time to time as determined by the Department. Notification of any additional training shall be provided to the district or charter school.
- 4.2 Each member of a CBOC shall attend and receive a ~~Certificate of Completion for the Financial Responsibility Training~~ certificate of completion for the financial responsibility training within ~~three (3)~~ 3 months of appointment to a CBOC. Provided further, additional training may be required from time to time as determined by the Department. Notification of any additional training shall be provided to the district or charter school.
- 4.3 Each ~~School District Leader~~ school district leader shall attend and receive a ~~Certificate of Completion for the Financial Responsibility Training~~ certificate of completion for the financial responsibility training within ~~three (3)~~ 3 months of appointment to their position. Provided further, additional training may be required from time to time as determined by the Department. Notification of any additional training shall be provided to the district.
- 4.4 Each ~~Charter School Leader~~ charter school leader shall attend and receive a ~~Certificate of Completion for the Financial Responsibility Training~~ certificate of completion for the financial responsibility training within ~~three (3)~~ 3 months of appointment to their position. Provided further, additional training may be required from time to time as determined by the Department. Notification of any additional training shall be provided to the charter school.

5.0 School District and Charter School Leaders

- 5.1 ~~Effective June 30, 2020, each~~Every ~~School District and Charter School Leader~~ school district and charter school leader is required to complete ~~Financial Responsibility Training~~ financial responsibility training.
 - 5.1.1 In the event that an individual has a dual capacity such as serving as both the school leader and chief financial officer, the ~~School District or Charter School~~ school district or charter school shall designate a designee, so that ~~two (2)~~ 2 individuals at all times have completed ~~Financial Responsibility Training~~ financial responsibility training.
- 5.2 Any individual employed in a ~~School District or Charter School Leader~~ school district or charter school leader position prior to July 1, 2020 is not required to complete ~~Financial Responsibility Training~~ financial responsibility training.

6.0 Financial Responsibility Training Availability

- 6.1 The Department shall provide the required training opportunity in a self-paced, online format as approved by the Department's ~~Finance Office~~ finance office.
- 6.2 ~~Financial Responsibility Training~~ responsibility training shall be available to any additional employees, volunteers or stakeholders as requested by any ~~School District or Charter School~~ school district or charter school.

7.0 Notification of Attendance

- 7.1 The Department shall periodically, but not less than annually, provide a list of those ~~School Board~~ school board members, CBOC members and ~~School District and Charter School Leaders~~ school district and charter school leaders that have not satisfied the requirement of subsections 4.1 and 4.2 to their respective ~~School District or Charter School~~ school district or charter school.

PROPOSED REGULATIONS

- 7.2 ~~The Department shall notify the School District or Charter School~~ school district or charter school upon successful completion of the ~~Financial Responsibility Training~~ financial responsibility training by any ~~School District or Charter School Leader~~ school district or charter school.
- 7.3 Under 14 Del.C. §1803, the board president of a district or charter shall inform new members of their obligation to complete training and by January 15 annually shall send a letter to members who have not completed the training.

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Sections 122, 1508, and 1509 (14 Del.C. §§122, 1508 & 1509)

14 DE Admin. Code 735

PROPOSED

PUBLIC NOTICE

735 Standardized Financial Reporting and Transparency

A. TYPE OF REGULATORY ACTION REQUIRED

Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF THE REGULATION

Pursuant to 14 Del.C. §§122, 1508 and 1509, the Delaware Department of Education ("Department") developed amendments to 14 DE Admin. Code 735 Standardized Financial Reporting and Transparency. The Department reviewed this regulation in compliance with 29 Del.C. §10407 which requires regulations to be reviewed on a recurring basis every four years. The Department made minor changes to the regulation as well as amended to comply with the Delaware Administrative Code Drafting and Style Manual.

Persons wishing to present their views regarding this matter may do so in writing by submitting them to the Department of Education, Office of the Secretary, Attn: Regulation Review, 401 Federal Street, Suite 2, Dover, Delaware 19901 or through the Department's online submission form at <https://education.delaware.gov/community/delaware-education-laws-and-regulations/provide-public-comment/> by the close of business (4:30 p.m. EST) on or before September 2, 2025. Any person who wishes to receive a copy of the proposed regulation may obtain a copy from the Department at the Office of the Secretary on the second floor of the Townsend Building, 401 Federal Street, Dover, Delaware.

C. IMPACT CRITERIA

1. Will the amended regulation help improve student achievement as measured against state achievement standards? No.
2. Will the amended regulation help ensure that all students receive an equitable education? Yes.
3. Will the amended regulation help to ensure that all students' health and safety are adequately protected? No.
4. Will the amended regulation help to ensure that all students' legal rights are respected? No.
5. Will the amended regulation preserve the necessary authority and flexibility of decision making at the local board and school level? Yes.
6. Will the amended regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? No.
7. Will the decision-making authority and accountability for addressing the subject to be regulated be placed in the same entity? No.
8. Will the amended regulation be consistent with and not an impediment to the implementation of other state educational policies, in particular to state educational policies addressing achievement in the core academic subjects of mathematics, science, language arts and social studies? Yes.
9. Is there a less burdensome method for addressing the purpose of the regulation? No.
10. What is the cost to the State and to the local school boards of compliance with the regulation? Not applicable.

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

<https://regulations.delaware.gov/register/august2025/proposed/29 DE Reg 88RFA 08-01-25.pdf>

735 Standardized Financial Reporting and Transparency

1.0 Purpose

The purpose of this regulation is to outline the criteria and process for the required standardized financial reporting pursuant to [14 Del.C. §122\(b\)\(11\)](#); and the uniformity and transparency in the financial practices of the school districts and charter schools pursuant to [14 Del.C. §§1508 and 1509](#).

2.0 Definitions

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

"Charter Schoolschool" means a non-home based full-time public school that is operated in an approved physical plant under a charter granted by, or transferred to, the Delaware Department of Education or other authorizing body for the personal physical attendance of all students.

"District" means a reorganized school district or vocational technical school district established pursuant to [14 Del.C. Ch. 10](#).

"First State Financials" or **"FSF"** means the State of Delaware's system for managing financial transactions.

"Open Checkbook" means the State of Delaware's official online checkbook that provides the ability to view payment information by state agency, expenditure category, or vendor and includes information on credit card transactions of state employees.

"PHRST" means the State of Delaware's payroll and human resources system.

3.0 Standardized Financial Report

Standardized financial reports shall provide a summary of the ~~District's or Charter School's~~ district's or charter school's financial data provided in a format approved by the Delaware Department of Education that ~~includes, but is not limited to, the District's or Charter School's~~ includes the district's or charter school's most current expenditure and revenue budgets. This documentation shall include encumbrances, expenditures, and remaining balances by category as prescribed in the approved format. Districts and ~~Charter Schools~~ charter schools shall indicate on the reports whether the most current expenditure and revenue budgets are preliminary, ~~amended~~ amended, or have been finalized by its approving entity.

4.0 Uniformity and Transparency in Financial Recording and Bookkeeping Practices

4.1 Each ~~District and Charter School~~ district and charter school shall be required to use the following:

4.1.1 FSF or successor ~~thereof~~ of that system for all financial ~~transaction~~ transactions maintained in that system;

4.1.2 PHRST or successor of that system for payroll purposes; and

4.1.3 All other financial reporting formats or templates as provided by the Delaware Department of Education.

5.0 Reporting Requirements and Timelines

5.1 Each ~~District and Charter School~~ district and charter school, no later than ~~fifteen (15)~~ 15 working days after the most recent ~~District or Charter School~~ district and charter school board meeting, shall post the most current standardized financial report on its website. Provided further, the ~~District or Charter School~~ district and charter school shall post the final ~~Standardized Financial Report~~ standardized financial report for the past school year, no later than September 1st 1 of each year.

5.2 Each ~~District and Charter School~~ district and charter school shall provide a link on its website to the Open Checkbook, which includes state employee credit card transactions.

5.3 Each ~~District and Charter School~~ district and charter school shall provide a link on its website to the Delaware Report Card, which includes additional financial reporting data.

PROPOSED REGULATIONS

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Sections 121, 122, and 4111 (14 Del.C. §§121, 122, & 4111)

14 DE Admin. Code 742

PROPOSED

PUBLIC NOTICE

742 Compensation of School District and Charter School Personnel Under Federal Projects

A. TYPE OF REGULATORY ACTION REQUIRED

Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF THE REGULATION

Pursuant to 14 Del.C. §121, 122 and 4111, the Delaware Department of Education (“Department”) developed amendments to 14 DE Admin. Code 742 Compensation of School District and Charter School Personnel Under Federal Projects. The Department reviewed this regulation in compliance with 29 Del.C. §10407 which requires regulations to be reviewed on a recurring basis every four years. The Department made minor changes to the regulation as well as amended to comply with the Delaware Administrative Code Drafting and Style Manual.

Persons wishing to present their views regarding this matter may do so in writing by submitting them to the Department of Education, Office of the Secretary, Attn: Regulation Review, 401 Federal Street, Suite 2, Dover, Delaware 19901 or through the Department’s online submission form at <https://education.delaware.gov/community/delaware-education-laws-and-regulations/provide-public-comment/> by the close of business (4:30 p.m. EST) on or before September 2, 2025. Any person who wishes to receive a copy of the proposed regulation may obtain a copy from the Department at the Office of the Secretary on the second floor of the Townsend Building, 401 Federal Street, Dover, Delaware.

C. IMPACT CRITERIA

1. Will the amended regulation help improve student achievement as measured against state achievement standards? No.
2. Will the amended regulation help ensure that all students receive an equitable education? No.
3. Will the amended regulation help to ensure that all students' health and safety are adequately protected? No.
4. Will the amended regulation help to ensure that all students' legal rights are respected? No.
5. Will the amended regulation preserve the necessary authority and flexibility of decision making at the local board and school level? Yes.
6. Will the amended regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? No.
7. Will the decision-making authority and accountability for addressing the subject to be regulated be placed in the same entity? No.
8. Will the amended regulation be consistent with and not an impediment to the implementation of other state educational policies, in particular to state educational policies addressing achievement in the core academic subjects of mathematics, science, language arts and social studies? Yes.
9. Is there a less burdensome method for addressing the purpose of the regulation? No.
10. What is the cost to the State and to the local school boards of compliance with the regulation? Not applicable.

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

<https://regulations.delaware.gov/register/august2025/proposed/29 DE Reg 90RFA 08-01-25.pdf>

742 Compensation of School District and Charter School Personnel Under Federal Projects

1.0 Use of Federal Funds

- 1.1 A school district or charter school may use federal funds, if allowable per grant guidance or regulation to:
 - 1.1.1 Employ additional administrative, supervisory and teaching personnel, or other necessary personnel beyond those allocated in Title 14 of the Delaware Code, in order to implement a federally supported project.

- 1.1.2 Extend the employment of a ~~ten or eleven-month~~ 10-month or 11-month employee through the eleventh and twelfth month for purposes of conducting a federally supported program. Part time assignments shall be paid a pro rata share.
- 1.1.3 Employ teachers of the school district or charter school during the school year for additional hours each week to support such federally supported programs.
- 1.1.4 Employ full time instructional personnel who are qualified for administrative or supervisory positions to carry on administrative or supervisory activities of a federally supported program beyond the regular school day or school week.
- 1.1.5 Pay a salary equal to the combined state and local salary of other persons in similar assignments at the same rank.
- 1.1.6 Pay an hourly rate for a part time assignment as an amount pro-rated against the annual salary for the same rank and assignment and in accordance with the qualifications of the individual so assigned and in accordance with previous sections of this statement.

2.01.2 A School District or Charter School Shall Not ~~school district or charter school shall not:~~

- 2.11.2.1 Supplant funds for a local or state position by substituting federal funds for payment of that position.
- 2.21.2.2 Pay a salary to cover paid vacation days during intended federal employment when that federal employment is an extension of a ~~ten or eleven-month~~ 10-month or 11-month school year as assigned and paid by the state.

~~3.0 For Federal Project Proposals that Require the Approval of the Department of Education, the Applicant Shall~~

2.0 Requirements

- 2.1 For federal project proposals that require the approval of the Department of Education, the applicant shall:
 - 3.12.1.1 Describe any new or additional position, align it with a recognized rank as described in Title 14 of the Delaware Code or in the case of a nonpublic school institution describe the position in terms of a rank already existing in the institution and assigned to comparable work.
 - 3.22.1.2 Include in the benefits of the employee all of those benefits that accrue to an employee of the state or the local school district or charter school except that the benefit of the provisions of 14 Del.C. Ch. 14 shall not apply to any person whose salary is paid from federal funds in whole or in part.
 - 3.32.1.3 Seek and obtain approval of the project through the Department of Education via a subgrant application prior to the assignment of personnel for the assumption of duties and payment of wages or salary.

~~4.02.2 Local School Districts Shall Comply with the Maximum Hourly Compensation Rates as Published~~ school districts shall comply with the maximum hourly compensation rates as published by the Department of Education.

5.0 3.0 Additional Requirement

All local school districts and charter schools shall be required to follow the U.S. Office of Management and Budget's 2 CFR Parts ~~220 and 225,200~~, or any subsequent change thereto.

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 122(b) (14 Del.C. §122(b))
14 DE Admin. Code 881

PROPOSED

PUBLIC NOTICE

881 Releasing Students to Persons Other Than Their Parent, Guardian or Relative Caregiver

A. TYPE OF REGULATORY ACTION REQUIRED

Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF THE REGULATION

Pursuant to [14 Del.C. §122\(b\)](#), the Delaware Department of Education (“Department”) developed amendments to [14 DE Admin. Code 881](#) Releasing Students to Persons Other Than Their Parent, Guardian or Relative Caregiver. The Department reviewed this regulation in compliance with [29 Del.C. §10407](#) which requires regulations to be reviewed on a recurring basis every four years. The Department made minor changes to the regulation as well as amended to comply with the Delaware Administrative Code Drafting and Style Manual.

Persons wishing to present their views regarding this matter may do so in writing by submitting them to the Department of Education, Office of the Secretary, Attn: Regulation Review, 401 Federal Street, Suite 2, Dover, Delaware 19901 or through the Department's online submission form at <https://education.delaware.gov/community/delaware-education-laws-and-regulations/provide-public-comment/> by the close of business (4:30 p.m. EST) on or before September 2, 2025. Any person who wishes to receive a copy of the proposed regulation may obtain a copy from the Department at the Office of the Secretary on the second floor of the Townsend Building, 401 Federal Street, Dover, Delaware.

C. IMPACT CRITERIA

1. Will the amended regulation help improve student achievement as measured against state achievement standards? No.
2. Will the amended regulation help ensure that all students receive an equitable education? Yes.
3. Will the amended regulation help to ensure that all students' health and safety are adequately protected? Yes.
4. Will the amended regulation help to ensure that all students' legal rights are respected? Yes.
5. Will the amended regulation preserve the necessary authority and flexibility of decision making at the local board and school level? Yes.
6. Will the amended regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? No.
7. Will the decision-making authority and accountability for addressing the subject to be regulated be placed in the same entity? Yes.
8. Will the amended regulation be consistent with and not an impediment to the implementation of other state educational policies, in particular to state educational policies addressing achievement in the core academic subjects of mathematics, science, language arts and social studies? Yes.
9. Is there a less burdensome method for addressing the purpose of the regulation? No.
10. What is the cost to the State and to the local school boards of compliance with the regulation? Not applicable.

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

<https://regulations.delaware.gov/register/august2025/proposed/29 DE Reg 91RFA 08-01-25.pdf>

881 Releasing Students to Persons Other Than Their Parent, Guardian or Relative Caregiver

1.0 Required Policy

- 1.1 Each local school district shall have a student release policy which outlines the procedures for releasing students from schools to persons other than their parent, guardian-guardian, or relative caregiver.
- 1.2 The student release policy shall, at a minimum, include:
 - 1.2.1 ~~The policy shall, at a minimum, include a~~ A procedure for allowing the release of a student to a person other than their parent, guardianguardian, or relative caregiver in the event of an emergency care ~~situation.situation; and~~
 - 1.2.2 ~~The policy shall, at a minimum, include the~~ The procedures and instances in which a student who has reached his/her 18th birthday is 18 years old may release him/herself be released from school without a parent, guardian, or relative caregiver.

2.0 Distribution of Student Release Policy

- 2.1 Each district shall~~shall~~:
 - 2.1.1 ~~post~~Post the student release policy on its ~~website-website~~;
 - 2.1.2 ~~and notify~~Notify a parent, guardian-guardian, or relative caregiver of each student in writing where this policy can be ~~accessed-accessed~~; and
 - 2.1.3 ~~A Provide~~ A hard copy shall ~~be provided~~ to a parent, guardian-guardian, or relative caregiver upon request.

3.0 Reporting Requirements and Timelines

- 3.1 Each public school district school shall have an electronic copy of its current student release policy on file with the Department of Education.
- 3.2 Each public school district shall provide the Department of Education with an electronic copy of any revised student release policy within ~~ninety (90)~~ 90 days of such ~~revision(s)~~ the revision regardless of whether said ~~the revisions were~~ revision was made as a result of changes to Federal, state or local law, regulations, ~~guidance~~guidance, or policies.

PROFESSIONAL STANDARDS BOARD

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

14 DE Admin. Code 1596

PROPOSED

PUBLIC NOTICE

1596 Charter School Leader

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 1596** Charter School Leader. The regulation concerns the requirements for a Charter School Leader Standard Certificate in accordance with **14 Del.C. §1220**. The proposed amendments in this regulation include revising the title to Charter School Instructional Administrator, Section 1.0 to add instructional administrators and clarifying who is required and who is exempt; adding a definition of the term “instructional administrator” and “non-instructional administrator” in Section 2.0; revising the term “Regionally Accredited” based on the changes the U.S. Department of Education made to its recognition of accrediting bodies in Section 2.0; adding reciprocity language and striking a redundant phrase in Section 3.0; revising the requirements in Section 4.0; adding Section 5.0, which concerns reciprocity; and revising the application requirements in Section 6.0. The proposed amendments include grammatical and style changes to comply with the *Delaware Administrative Code Drafting and Style Manual*.

Notice of the proposed regulation was originally published in the *Register of Regulations* on October 1, 2024. At the November 7, 2024 and December 5, 2024 Board meetings, the Board deliberated on the public comments and votes to move the regulation forward failed. Subsequently, the Board voted to revise and republish the regulation. The revised regulation was published in the *Register of Regulations* on February 1, 2025. The Board deliberated on the revised regulation at its meeting on March 6, 2025. While the Board voted to approve the regulation as proposed, the final regulation was NOT approved by the State Board of Education. Therefore, the Board withdraws the proposed regulation published on February 1, 2025 and submits the proposed revisions set forth below.

Persons wishing to present their views regarding this matter may do so in writing by submitting them to the Department, Office of the Secretary, Attn: Regulation Review, 401 Federal Street, Suite 2, Dover, Delaware 19901 or through the Department’s online submission form at <https://education.delaware.gov/community/governance/regulations-code/post-a-comment/> by the close of business (4:30 p.m. EST) on or before September 2, 2025. 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 and the requirements for reciprocity in Section 5.0 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 and the requirements for reciprocity in Section 5.0 are designed to improve the quality of the educator workforce, which will help to ensure students in Delaware public schools receive an equitable education.

3. Will the 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 Charter School Leader Standard Certificate but whose effectiveness is documented by the school. The amended regulation does not change a charter school's ability to submit such a request. Section 7.0 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 6.0 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/august2025/proposed/29 DE Reg 93RFA 08-01-25.pdf>

1596 Charter School Leader Instructional Administrator

1.0 Content

1.1 This regulation shall apply to the issuance of a Charter School ~~Leader Instructional Administrator~~ Standard Certificate pursuant to [14 Del.C. §1220\(a\)](#). The Charter School ~~Leader Instructional Administrator~~ Standard Certificate is required for ~~leaders-instructional administrators~~ of Charter Schools in Delaware ~~who were hired prior to June 30, 2023~~. The Charter School ~~Leader Instructional Administrator~~ Standard Certificate authorizes an individual to practice as a ~~leader-an instructional administrator~~ in a Charter School ~~charter school~~. Heads of charter schools exempt under [14 Del.C. §507\(c\)](#) and non-instructional administrators are not required to hold a Charter School Instructional Administrator Standard Certificate.

1.2 The Charter School ~~Leader Instructional Administrator~~ Standard Certificate shall not be used to practice as a school leader in a traditional or vocational-technical public school in Delaware.

1.3 ~~The Charter School Leader Standard Certificate shall not be used for any Charter School Leader hired after June 30, 2023. In order to practice as a leader in a Charter School, the individual must In lieu of the Charter School Instructional Administrator Standard Certificate, an instructional administrator in a charter school~~ may hold 1 of the following Standard Certificates:

1.3.1 School Principal and Assistant School Principal Standard Certificate ([14 DE Admin. Code 1591](#)); or

- 1.3.2 Certified Central Office Personnel ([14 DE Admin. Code 1592](#)); or
- 1.3.3 Superintendent or Assistant Superintendent Standard Certificate ([14 DE Admin. Code 1593](#)); or
- 1.3.4 Special Education Director ([14 DE Admin. Code 1594](#)).

2.0 Definitions

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

"Charter School school" means a public school that operates under a charter granted by a public school district or the Department pursuant to [14 Del.C. Ch. 5](#).

~~**"Charter School Leader"** means an administrator at a charter school.~~

"Department" means the Delaware Department of Education.

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

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

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

~~**"Instructional administrator"** means a charter school administrator who supervises and evaluates educators, instructs students by means of designing and implementing curriculum, or instructs, trains, mentors, or coaches teachers.~~

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

~~**"Non-instructional administrator"** means a charter school administrator whose role is to oversee and manage operational aspects of the school that focus on supporting the logistical and functional aspects of the school environment and ensure that essential services and resources are effectively coordinated and utilized. A non-instructional administrator's responsibilities may include finance, transportation, nutrition, facilities management, safety and security, human resources, and technology infrastructure.~~

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

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

"Standards Board" means the Professional Standards Board established pursuant to [14 Del.C. §1201](#).

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

3.0 Issuance of a Standard Certificate

3.1 In accordance with [14 Del.C. §1220\(a\)](#), the Department shall issue a Charter School Leader ~~Instructional Administrator~~ Standard Certificate to an applicant who:

3.1.1 Holds a valid Delaware Initial, Continuing, or Advanced License or a Standard or Professional Status Certificate issued by the Department prior to August 31, 2003 and meets the requirements set forth in Section 4.0 of this regulation; or

3.1.2 Has met the requirements for an educator's license in Delaware and presents proof of a ~~Valid and Current License or Certificate~~ valid and current license or certificate as a charter school leader ~~instructional administrator~~ issued by another state or jurisdiction ~~jurisdiction~~ whose requirements are substantially similar to the requirements in Section 4.0 of this regulation; or

3.1.3 Has met the requirements for an educator's license in Delaware and meets the requirements set forth in Section 5.0 of this regulation.

3.2 Notwithstanding any provision to the contrary herein, the Department shall not act on an application for a Charter School Leader–Instructional Administrator Standard Certificate if the applicant is under official investigation by any national, state, or local authority with the power to issue educator licenses or certifications. The Department shall not act where the allegations include ~~but are not limited to~~ conduct such as ~~immorality~~ immorality, misconduct in office, incompetence, willful neglect of duty, disloyalty, or falsification of credentials until the applicant provides evidence of the investigation's resolution.

4.0 Prescribed Education, Knowledge, and Skill Requirements

4.1 The applicant shall have satisfied the requirements in subsections 4.1.1 and ~~4.1.2~~ through 4.1.3.

4.1.1 The applicant earned a bachelor's degree from a ~~Regionally Accredited~~ regionally accredited college or university in any content area.

4.1.2 The applicant ~~completed a charter leader portfolio by June 30, 2024 and earned a rating of accomplished based on the Delaware Performance Appraisal System II for administrators~~ satisfactorily completed an alternative routes for licensure or certification program for charter school instructional administrators approved by the Department as provided in 14 **Del.C.** §1260-1266 and 14 **DE Admin. Code** 291, which is aligned to the 14 **DE Admin. Code** 1590 Delaware Administrator Standards.

4.1.3 The applicant shall have completed a minimum of 4 years of 1 or any combination of the following experience requirements in subsections 4.1.3.1 through 4.1.3.4.

4.1.3.1 Experience as an educator in a charter school.

4.1.3.2 Related services in a charter school.

4.1.3.3 Teaching or leadership experience in a public school, independent or private school, or postsecondary institution.

4.1.3.4 A record of effective leadership in any instructional, developmental, or training setting, such as military, charter, nonprofit, or workforce preparation environments, demonstrating success in improving systems, supporting learner growth, or advancing organizational goals.

4.1.4 The educators who utilize the Charter School Instructional Administrator alternative routes to certification program may either be issued an emergency certificate that allows the individual to work as an instructional administrator in a charter school or may be an individual seeking certification and aspiring to a role as an instructional administrator.

4.1.4.1 Educators issued an emergency certificate must have undergone an extensive hiring process that ensures the applicant has effective leadership skills that meet the needs of students, staff, community, and the mission of the school.

4.1.4.2 Applicants of the alternative routes to certification program who are not employed by a charter school are eligible to enroll only after completing an extensive application process that includes proof of a track record of effective leadership success that equates to leading and educating adults.

5.0 Reciprocity

5.1 If an applicant is already licensed or certified as a charter school instructional administrator in a state or jurisdiction whose requirements are not substantially similar to the requirements in Section 4.0 of this regulation, the applicant shall have satisfied the requirements in subsections 5.1.1 through 5.1.3 in order for the Department to issue a Charter School Instructional Administrator Standard Certificate.

5.1.1 The applicant shall hold a valid and current license or certificate as a charter school instructional administrator.

5.1.2 The applicant shall have completed a preparation program for charter school instructional administrators.

5.1.3 The applicant shall have earned a bachelor's degree from a regionally accredited college or university.

5.06.0 Application Requirements

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

5.26.2 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 Charter School Leader-Instructional Administrator Standard Certificate.

5.36.3 For an applicant who is applying under subsection 3.1.1 of this regulation, the following documentation is required with the application for a Charter School Leader-Instructional Administrator Standard Certificate:

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

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

or

5.3.1.26.3.1.2 Sealed paper transcripts may be submitted.

5.3.1.36.3.1.3 The Department will not accept copies of transcripts; and

5.3.26.3.2 Documentation verifying completion ~~a charter leader portfolio and a rating of accomplished based on the Delaware Performance Appraisal System II for administrators, if applicable of an alternative routes for licensure or certification program for charter school instructional administrators as required in subsection 4.1.2 of this regulation;~~ and

5.3.36.3.3 Additional documentation as required by the Department.

5.46.4 For an applicant who is applying under subsection 3.1.2 of this regulation, the following documentation is required with the application for a Charter School Leader-Instructional Administrator Standard Certificate:

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

5.4.26.4.2 Additional documentation as required by the Department.

6.5 For an applicant who is applying under subsection 3.1.3 of this regulation, the following documentation is required with the application for a Charter School Instructional Administrator Standard Certificate:

6.5.1 An official copy of the valid and current license or certificate; and

6.5.2 Official transcript from the applicant's regionally accredited college or university.

6.5.2.1 Electronic transcripts may be submitted by the employing authority or by the applicant's regionally accredited college or university; or

6.5.2.2 Sealed paper transcripts may be submitted.

6.5.2.3 The Department will not accept copies of transcripts; and

6.5.3 Proof of completion of a preparation program for charter school instructional administrators; and

6.5.4 Additional documentation as required by the Department.

6.07.0 Secretary of Education Review

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

7.08.0 Validity of a Standard Certificate

7.18.1 A Charter School Leader-Instructional Administrator Standard Certificate is valid regardless of the assignment or employment status of the holder provided that the ~~Educator's License~~ educator's license remains current and valid.

7.28.2 A Charter School Leader-Instructional Administrator Standard Certificate is not subject to renewal.

8.09.0 Disciplinary Action

8.19.1 An Educator's educator's Charter School Leader-Instructional Administrator 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.

8.29.2 An Educator's educator's Charter School Leader-Instructional Administrator Standard Certificate shall be revoked if the Educator's educator's Initial, Continuing, or Advanced License or Professional Status Certificate is revoked or the Educator-educator made a materially false or misleading statement in the Educator's educator's application in accordance with [14 Del.C. §1222](#).

PROPOSED REGULATIONS

8.39.3 An ~~Educator~~ educator whose certificate is noticed for disciplinary action is entitled to a full and fair hearing before the Standards Board. Hearings shall be conducted in accordance with **14 DE Admin. Code 1515** Hearing Procedures and Rules.

9.010.0 Contact Information and Change of Name or Address

9.410.1 All applicants and ~~Educators~~ educators are required to update their contact information in DEEDS if their contact information changes.

9.210.2 An ~~Educator~~ educator who legally changes the ~~Educator's~~ educator's name and wishes to change the name on the Charter School ~~Leader~~ Instructional Administrator Standard Certificate shall provide a notarized copy of evidence of the name change such as a marriage license or court action.

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

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DIVISION OF PUBLIC HEALTH

Statutory Authority: 16 Delaware Code, Sections 122(3) & 3103 (16 **Del.C.** §§122(3) & 3103)
16 **DE Admin. Code** 4204

PROPOSED

PUBLIC NOTICE

4204 Care and Transportation of the Dead

Pursuant to **16 Del.C. §122(3)** and 3103, the Delaware Department of Health and Social Services, Division of Public Health previously published proposed amendments to regulation 4204 Care and Transportation of the Dead in the September 2024 issue of the *Delaware Register of Regulations* (**28 DE Reg. 204**), with a public comment period of September 1, 2024, through October 1, 2024, per Delaware law. While no public comments were received, additional agency review identified a need for substantial additional amendments to the regulation as proposed in September 2024. As a result, the Division of Public Health is re-proposing amendments to regulation 4204 Care and Transportation of the Dead and intends to hold them open for public comment. The revisions include:

- The addition of new sections outlining the purpose and scope of the regulation;
- Updated definitions;
- New language regarding natural organic reduction (pursuant to HS 1 for HB 162 (**84 Del. Laws, c. 261**, signed May 16, 2024); and
- Technical changes to bring the regulation into compliance with the *Delaware Administrative Code Style Manual*.

Copies of the proposed regulation are available for review in the August 1, 2025, issue of the *Delaware Register of Regulations*, accessible online at: <http://regulations.delaware.gov> or by calling the Division of Public Health at 302-744-4951.

Public comments will be accepted until 4:30 p.m. on September 2, 2025. Comments will be accepted in written form via email to DHSS_DPH_regulations@delaware.gov, or by U.S. mail to the following address:

Vicki Schultes, Hearing Officer
Division of Public Health
417 Federal Street
Dover, DE 19901

*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/august2025/proposed/29 DE Reg 98RFA 08-01-25.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/august2025/proposed/29 DE Reg 98 08-01-25>

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

DIVISION OF FISH AND WILDLIFE

Statutory Authority: 7 Delaware Code, Sections 102(a), 103(a) and (b), and Section 801 (7 Del.C. §§102(a), 103(a) & (b) & 801)
7 DE Admin. Code 3900

PROPOSED

PUBLIC NOTICE

3900 Wildlife

SAN # 2025-06
DOCKET # 2025-R-F-0011

1. **TITLE OF THE REGULATIONS:**

Amendments to 7 DE Admin Code 3900 Wildlife

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

The Division of Fish and Wildlife is proposing to amend regulatory requirements related to the following:

- Expand the age range for the participation of youth hunters in special hunt days for waterfowl, turkeys, and deer.
- Update text related to the hunting of gamebirds on Sundays following amendments to 7 Del.C. Chapter 7 Regulations and Prohibitions Concerning Game and Fish.
- Eliminate outdated text related to the harvest reporting of wild turkeys, coyotes, and gray fox now that the Division has implemented a revised system for such.
- Permit the use of motorized electric carts/wagons/wheelbarrows for the use of transporting hunting equipment or harvest game on lands administered by the Division. Such carts are not to be ridden.
- Fixed typos related to method of take and issuance of permits to release game birds.
- Extend the hunting season for coyotes to better manage this species and provide increased opportunities for hunters.

3. **POSSIBLE TERMS OF THE AGENCY ACTION:**

NONE

4. **STATUTORY BASIS OR LEGAL AUTHORITY TO ACT:**

Statutory basis for these proposed regulation changes is authorized under Title 7, Delaware Code, Chapter 1, Sections 102(a), 103 (a) and (b), and Chapter 7, Section 801.

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

The agency does not believe that other regulations will be impacted.

6. **NOTICE OF PUBLIC COMMENT:**

A virtual public hearing (Docket #2025-R-F-0011) will be held on Wednesday August 27, 2025, beginning at 6 p.m. The web link to the virtual hearing can be accessed through the DNREC Public Hearings site at <https://de.gov/dnrehearings>. If prompted for a password, please use: 109943. To access the audio-only portion of the virtual hearing, dial 1-646-931-3860 and enter the Meeting ID 827 9247 1910. Closed captioning in over 20 languages, including English and Spanish, is available to attendees via the Zoom platform utilized for all DNREC Public Hearings. Those wishing to offer verbal comments during DNREC public hearings must pre-register no later than noon on the date of the virtual hearing at <https://de.gov/dnrecomments> or by telephone at 302-739-9001

The proposed amendments may be inspected online starting August 1, 2025 at https://regulations.delaware.gov/register/current_issue, or in-person, by appointment only, by contacting Danielle Patone by phone at 302-739-9912 or by email at danielle.patone@delaware.gov.

PROPOSED REGULATIONS

The Department will accept public comment through the close of business on Thursday, September 11, 2025. Comments will be accepted in written form via email to DNRECHearingComments@delaware.gov, or by using the online form at <https://de.gov/dnrecomments> or by U.S. mail to the following address:

Lisa Vest, Hearing Officer
DNREC – Office of the Secretary
89 Kings Highway, Dover, DE 19901

***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/august2025/proposed/29 DE Reg 99RFA 08-01-25.pdf](https://regulations.delaware.gov/register/august2025/proposed/29%20DE%20Reg%2099RFA%2008-01-25.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/august2025/proposed/29 DE Reg 99 08-01-25](https://regulations.delaware.gov/register/august2025/proposed/29%20DE%20Reg%2099%2008-01-25)

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

PROPOSED

PUBLIC 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.

An amendment is proposed to delete subsection 10.1.6 because the work previously exempted from licensure is now included within the National Electrical Code. Thus, individuals performing the work described in the existing subsection must be licensed and are no longer eligible to be exempt from licensing pursuant to 24 Del.C., Chapter 14.

Amendments are proposed to subsection 13.2 to clarify that the Board’s “complaint officer” and “education officer” must be professional Board members, licensed as electricians in the State of Delaware.

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

The Board will hold a public hearing on September 3, 2025, 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 rules and regulations 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.

In accordance with [29 Del.C. §10118\(a\)](#), the final date to receive written comments will be September 18, 2025. The Board will deliberate on all the public comments at its regularly scheduled meeting thereafter.

***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/august2025/proposed/29 DE Reg 100RFA 08-01-25.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/august2025/proposed/29 DE Reg 100 08-01-25>

**DIVISION OF PROFESSIONAL REGULATION
Board of Medical Licensure and Discipline**

Statutory Authority: 24 Delaware Code, Section 1713(a)(12) (24 Del.C. §1713(a)(12))
24 DE Admin. Code 1700

PROPOSED

PUBLIC NOTICE

1700 Board of Medical Licensure and Discipline

Pursuant to [24 Del.C. §1713\(a\)\(12\)](#), the Delaware Board of Medical Licensure and Discipline (“Board”) has proposed revisions to its regulation. Subsection 17.11.2 of the Board’s Disciplinary Guidelines has been revised to provide that failure to comply with CME requirements will result in a minimum fine of \$5,000.

A public hearing will be held on September 9, 2025 at 2:30 p.m. in the second floor conference room A of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware. Anyone wishing to receive a copy of the proposed rules and regulations may obtain a copy from the Delaware Board of Medical Licensure and Discipline, 861 Silver Lake Boulevard, Dover, Delaware 19904. Persons wishing to submit written comments may forward these to the Board at the above address or to alison.warren@delaware.gov.

In accordance with [29 Del.C. §10118\(a\)](#), the final date to receive written comments will be September 24, 2025. The Board will deliberate on all public comments at its next regularly scheduled meeting.

***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/august2025/proposed/29 DE Reg 101RFA 08-01-25.pdf>

1700 Board of Medical Licensure and Discipline

(Break in Continuity of Sections)

17.0 Disciplinary Guidelines [Authority: [24 Del.C. §1713 \(f\)](#)]

(Break in Continuity Within Section)

17.11 Administrative Misconduct is conduct that fails to adhere to the standards required for the regulation of the profession. All licensees in their practice have not only professional medical requirements but administrative requirements that are integral to their performance as a licensed physician. Administrative misconduct includes, but is not limited to, disregard of continuing medical education requirements.

17.11.1 Failure to comply with other administrative requirements of the Board – \$1,000 fine and letter of reprimand - §1763; §1769; §1769A.

17.11.2 Failure to comply with CME requirements - ~~\$1,000~~ \$5,000 fine and requirement to complete CME within 60 days and license suspended until CME completed, if not completed within 60 days.

17.11.3 Violation of a Board Order (§1731(b)(17)) – Suspension until compliance of Board Order is accomplished to revocation.

***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/august2025/proposed/29 DE Reg 101 08-01-25>

**DIVISION OF PROFESSIONAL REGULATION
Board of Occupational Therapy Practice**

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

PROPOSED

PUBLIC NOTICE

2000 Board of Occupational Therapy

Pursuant to [24 Del.C. §2006\(a\)\(1\)](#), the Delaware Board of Occupational Therapy Practice (“Board”) has proposed revisions to its Rules and Regulations.

Proposed amendments to subsection 1.1 add defined terms used throughout the regulation.

Proposed amendments to subsection 1.2.3 remove the requirement for documentation of an occupational therapy practitioner’s supervision of occupational therapy to provide flexibility for the supervisory relationship.

Proposed amendments to section 2.0 correct a previous oversight with respect to the total number of hours of continuing education during every 2-year period for individuals seeking reactivation or applying more than 3 years after the completion of the required examination.

The newly proposed subsection 2.8 requires all applicants to attest that they have read and agree to be bound by the code of ethics promulgated by the American Occupational Therapy Association.

The newly proposed subsection 3.4.4 will require mandatory continuing education of at least 2 hours in elder abuse or child abuse. Those mandatory hours must be completed without regard for proration otherwise provided by the Board’s regulations concerning continuing education.

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

The Board will hold a public hearing on September 3, 2025, at 4:30 p.m. in the second-floor conference room A of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware. Anyone wishing to receive a copy of the proposed rules and regulations may obtain a copy from the Delaware Board of Occupational Therapy Practice, 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 Jessica.Lobaccaro@delaware.gov.

In accordance with [29 Del.C. §10118\(a\)](#), the final date to receive written comments will be **September 18, 2025**. The Board will deliberate on all public comments at its next regularly scheduled meeting.

***Please Note:**

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

<https://regulations.delaware.gov/register/august2025/proposed/29 DE Reg 102RFA 08-01-25.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/august2025/proposed/29 DE Reg 102 08-01-25>

**DIVISION OF PROFESSIONAL REGULATION
Board of Social Work Examiners**

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

PROPOSED

PUBLIC NOTICE

3900 Board of Social Work Examiners

The Delaware Board of Social Work Examiners (“Board”), pursuant to [24 Del.C. §3906\(a\)\(1\)](#), proposes to amend its regulation.

On April 1, 2025, proposed revisions to the regulation were published in the Delaware *Register of Regulations*, Volume 28, Issue 10. Subsection 3.1.2.1 was revised to provide that up to 25 hours of the required 100 hours of direct professional supervision may be obtained through group supervision. Group supervision may include no more than 7 supervisees. Subsection 7.2.1, concerning acceptable continuing education activities, was amended to clarify that courses taken to satisfy degree requirements do not qualify as continuing education.

A public hearing was held on April 21, 2025 before the Board. The Board deliberated on the evidence presented at its meeting on May 19, 2025. Based on those deliberations, the Board has proposed further revisions to the regulation. Therefore, the Board withdraws the proposed regulation published April 1, 2025, and submits a revised proposed regulation attached as Exhibit A.

The Board will hold a public hearing on the proposed regulation changes on September 15, 2025, at 9:00 a.m., virtually and in the Second Floor Conference Room A, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Anyone wishing to receive a copy of the proposed regulation may obtain a copy from the Delaware Board of Social Work Examiners, 861 Silver Lake Boulevard, Dover, Delaware 19904. Written comments should be sent to Jennifer Jacoby, Administrative Specialist for the Board, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904 or to jennifer.jacoby@delaware.gov. Written comments will be accepted until September 30, 2025, 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/august2025/proposed/29 DE Reg 103RFA 08-01-25.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/august2025/proposed/29 DE Reg 103 08-01-25>

PROPOSED REGULATIONS

PUBLIC SERVICE COMMISSION

Statutory Authority: 26 Delaware Code, Section 503(a) (26 **Del.C.** §503(a))
26 **DE Admin. Code** 1001

PROPOSED

PUBLIC NOTICE

1001 Rules of Practice and Procedure of the Delaware Public Service Commission Effective May 10, 1999

PSC REGULATION DOCKET NO. 99-9

Opened: January 6, 1999

Reopened: June 18, 2025 (PSC Order No. 10749)

PUBLIC NOTICE OF PROPOSED REGULATIONS

The Delaware Public Service Commission (“Commission” or “PSC”) proposes to revise the *Rules of Practice and Procedure of the Delaware Public Service Commission* codified at **26 DE Admin. Code 1001** (the “Regulation”) to provide flexibility to create hearing transcripts without a court reporter and to bring the Regulation into compliance with the updated Delaware Administrative Code Drafting and Style Manual.

You can review the proposed regulations in the August 2025 issue of the *Delaware Register of Regulations*. You can also review the Commission Order and the proposed regulations in the PSC’s electronic filing system, Delafile, located at <https://delafile.delaware.gov/> (for docket #, input “99-9”). If you wish to obtain written copies of the Order and proposed regulations, please contact the PSC at (302)736-7500. Copies in excess of the first twenty (20) pages are \$0.10 per page. Payment is expected prior to copying (if you wish the copies to be mailed) or at the time the copies are retrieved (if you retrieve them in person).

Written comments can be filed electronically in Delafile at <https://delafile.delaware.gov/> by filling out the “Public Comment Form” located under “Public Links”. Written comments can also be mailed to: Crystal Beenick, Public Service Commission, Cannon Building, 861 Silver Lake Blvd., Suite 100, Dover, DE 19904, or via email to psc@delaware.gov, with the subject line “Regulation Docket No. 1001.” Written comments will be accepted on or before September 18, 2025, pursuant to **29 Del.C. §10118(a)**.

The Commission will hold a public hearing on the proposed regulation on September 3, 2025 at 1:00 p.m. in the hearing room located at 861 Silver Lake Blvd., Suite 100, Dover, DE 19904. To be considered at the September 3, 2025 hearing, written comments must be submitted on or before August 27, 2025. Pursuant to **29 Del.C. §10118(a)**, written comments will be accepted after the hearing until September 18, 2025.

If adopted by the Commission, the amendments shall take effect 10 days after being published as final in the *Delaware Register of Regulations*.

***Please Note:**

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

<https://regulations.delaware.gov/register/august2025/proposed/29 DE Reg 104RFA 08-01-25.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/august2025/proposed/29 DE Reg 104 08-01-25>

PUBLIC SERVICE COMMISSION

Statutory Authority: 26 Delaware Code, Sections 803 and 810 (26 Del.C. §§803 and 810)
26 DE Admin. Code 8002

PROPOSED

PUBLIC NOTICE

8002 Rules to Establish an Excavation Damage Prevention Program

PSC DOCKET NO. 19-0713

Opened: October 22, 2019

Reopened: June 18, 2025 (PSC Order No. 10750)

PUBLIC NOTICE OF PROPOSED REGULATIONS

The Delaware Public Service Commission (“Commission” or “PSC”), pursuant to its regulatory authority found at 26 Del.C. §803 and 26 Del.C. §810, proposes to revise the *Rules to Establish an Excavation Damage Prevention Program* codified at 26 DE Admin. Code 8002 (the “Regulation”) to update the method of paying penalties in the Regulation to comply with policies of the State of Delaware and to bring the Regulation into compliance with the updated Delaware Administrative Code Drafting and Style Manual.

You can review the proposed regulations in the August 2025 issue of the *Delaware Register of Regulations*. You can also review the Commission Order and the proposed regulations in the PSC’s electronic filing system, Delafile, located at <https://delafile.delaware.gov/> (for docket #, input “19-0713”). If you wish to obtain written copies of the Order and proposed regulations, please contact the PSC at (302)736-7500. Copies in excess of the first twenty (20) pages are \$0.10 per page. Payment is expected prior to copying (if you wish the copies to be mailed) or at the time the copies are retrieved (if you retrieve them in person).

Written comments can be filed electronically in Delafile at <https://delafile.delaware.gov/> by filling out the “Public Comment Form” located under “Public Links”. Written comments can also be mailed to: Crystal Beenick, Public Service

PROPOSED REGULATIONS

Commission, Cannon Building, 861 Silver Lake Blvd., Suite 100, Dover, DE 19904, or via email to psc@delaware.gov, with the subject line "Regulation Docket No. 8002." Written comments will be accepted on or before September 18, 2025, pursuant to [29 Del.C. §10118\(a\)](#).

The Commission will hold a public hearing on the proposed regulation on September 3, 2025 at 1:00 p.m. in the hearing room located at 861 Silver Lake Blvd., Suite 100, Dover, DE 19904. To be considered at the September 3, 2025 hearing, written comments must be submitted on or before August 27, 2025. Pursuant to [29 Del.C. §10118\(a\)](#), written comments will be accepted after the hearing until September 18, 2025.

If adopted by the Commission, the amendments shall take effect 10 days after being published as final in the *Delaware Register of Regulations*.

***Please Note:**

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

<https://regulations.delaware.gov/register/august2025/proposed/29 DE Reg 105RFA 08-01-25.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/august2025/proposed/29 DE Reg 105 08-01-25>

DEPARTMENT OF TRANSPORTATION

DIVISION OF PLANNING AND POLICY

Statutory Authority: 17 Delaware Code, Section 507 and Chapters 1 and 5 (17 [Del.C. §507 & Chs. 1 & 5](#))

2 DE Admin. Code 2308

PROPOSED

PUBLIC NOTICE

2308 Development Related Improvements Requiring New Rights-of-Way

Pursuant to the authority provided by 17 Del.C. §507, Chapters 1 and 5, the Delaware Department of Transportation (DelDOT) adopted 2308 Development Related Improvements Requiring New Rights-of-Way.

DelDOT, through its Division of Planning and Policy, seeks to adopt revisions to its existing regulation.

The changes are administrative in nature and serve in part to clarify the intent of DelDOT as enacted through these regulations.

Public Comment Period

DelDOT will take written comments on these proposed general revisions to Section 2308 of Title 2, Delaware Administrative Code, from August 1, 2025 through September 2, 2025. The public may submit their comments to:

Monroe Hite, III, P.E., Chief of Right of Way, Division of Transportation Solutions
(Monroe.Hite@delaware.gov) or in writing to his attention:

Chief of Right of Way

Delaware Department of Transportation
P.O. Box 778
Dover, DE 19903

***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/august2025/proposed/29 DE Reg 106RFA 08-01-25.pdf>

2308 Development Related Improvements Requiring New Rights-of-way

1.0 BACKGROUND

- 1.1** Developers proposing rezoning, subdivision or land development applications in Delaware municipalities and counties are required to improve the local transportation system that serves the property if their proposed development triggers the need for the improvement. Many developers are able to make the necessary improvements, while others are hindered by their inability to secure the necessary road right-of-way. Often, prior development along the roadway has already absorbed the capacity created when the road was first built and the surrounding landowners may not feel that there is any benefit in selling the needed right-of-way to enable the next round of development. Prior to these regulations, state law did not authorize acquisition of rights-of way necessary for development-related improvements.
- 1.2** Fundamentally these road improvements are for the public good, as the general public will receive the travel benefits. The need for improvements is most often triggered by new development in combination with pre-existing traffic growth patterns in the area. DelDOT's plan for making roadway improvements is outlined in its Capital Transportation Program (CTP). The needed roadway improvement may be on a different schedule or it may not be in the CTP at all. A further concern is implementing roadway improvements without sufficient public involvement. When the project is DelDOT's, DelDOT utilizes a formal public participation process. However, when a private sector developer carries out the improvements, a similar public participation process may not be followed, may be insufficient.

2.0 MAJOR ISSUES

- 2.1** ~~The regulations herein address~~ This regulation addresses the following issues and barriers to implementing transportation improvements; ~~improvements~~, the need for which is triggered by development:
- 2.1.1** Developer's inability to secure right-of-way for necessary improvements which are required when counties and municipalities approve rezoning of property or new subdivisions or land developments.
- 2.1.2** DelDOT's Capital Transportation Program (CTP) schedule being different than the developer's schedule or not including the needed improvement.
- 2.1.3** Lack of a public participation process during the planning and design of development-related improvements.
- 2.1.4** Lack of clarity and definition regarding DelDOT's role in assuring project quality.

4.03.0 Purpose

- 3.1** The Delaware State Senate passed SB 284 on June 8, 2004 and the Delaware House of Representatives passed it on July 1, 2004. SB 284 was signed into law on July 22, 2004 and it is codified at 17 **Del.C. Section 507** ~~§507~~. The essence of this legislation was to address the need for transportation improvements that are required to be made by developers when new development has been approved by local government
- 3.2** Section 507 directs DelDOT to establish rules and regulations to determine where and under what conditions it will:
- 3.2.1** Use its real estate process to acquire the necessary right-of-way for public purpose improvements;
- 3.2.2** Enforce the maintenance of safe operating conditions for the public during construction;
- 3.2.3** Involve the public and inform them of the reason for and scope of improvements; and
- 3.2.4** Assure compliance with applicable environmental and legal requirements.
- 3.3** Developers whose proposals trigger the need for improvements, or necessitate an acceleration of the timing of previously recognized DelDOT projects, shall contribute funds towards the necessary right-of-way acquisitions. Improvements are limited to those that do not negatively impact the State's ability to meet the conformity requirements of the Federal Clean Air Act and its several amendments.

- 3.4 DeIDOT's use of this authority is limited to areas where the State's own land use policies support the type and scale of the proposed development. As part of the approval process for transportation improvements built pursuant to this authority, DeIDOT is required to consult with area representatives of state and local government. DeIDOT retains the discretionary authority to use the provisions of Section 507 and its implementing regulations, or to decide not to make use of this authority in a given instance.

2.04.0 Relationship to Strategies for State Policies and Spending

- 4.1 Delawareans are concerned about the threat of sprawl, traffic congestion, loss of farmland and open space, diminished air and water quality, and a shortage of affordable housing.
- 4.2 *Strategies for State Policies and Spending* was adopted by Governor Ruth Ann Minner and published by the Office of State Planning Coordination to coordinate land use decision-making with the provision of infrastructure and services in a manner that makes the best use of Delaware's natural and fiscal resources. There are ~~two~~ 2 fundamental policies that guide the State Strategies:
- 4.2.1 State spending should promote quality, efficiency, and compact growth; and
- 4.2.2 State policies should foster order and resource protection, not degradation.
- 4.3 *Strategies for State Policies and Spending* includes a map that serves as a graphic representation of the areas favored for growth. The map depicts ~~four~~ 4 investment levels, of which the first ~~three~~ 3 are appropriate locations for the application of these regulations: Level 1, Level 2, and Level 3. Level 3, however, is intended for longer term phased growth or land preservation. For a full description of the investment levels as well as the map, please visit: www.state.de.us/planning/strategies. The strategies of the State's Livable Delaware initiative complement the Strategies for State Policies and Spending. They are intended to support growth in areas that the State has agreed are most appropriate for and capable of accommodating this growth in an efficient and cost-effective manner, with a focus on existing communities and growth areas. Through ~~these regulations, detailed herein~~ this regulation, DeIDOT is empowered to secure right-of-way for roadway improvements that are consistent with and support this key objective of Livable Delaware.

3.05.0 Regulatory Procedures

- 5.1 The construction of the necessary transportation improvements may occur in ~~one~~ 1 of the following ~~two~~ 2 ways:
- 5.1.1 Alternative ~~One~~ 1: DeIDOT shall enter into an agreement with the entity seeking development approval whereby the developing entity takes the project lead and assumes direct responsibility and all costs for the planning, design, right-of-way acquisition, construction, and inspection of improvements. The agreement must include terms giving DeIDOT appropriate provisions for quality assurance and quality control. This is the preferred alternative.
- 5.1.2 Alternative ~~Two~~ 2: If DeIDOT determines that the aforementioned agreement is not feasible and practical, DeIDOT may take the project lead and assume responsibility for the scheduling, planning, design, right-of-way acquisition, construction, and inspection of the off-site improvements as a DeIDOT project. The following include, ~~but are not limited to~~, conditions that may cause DeIDOT to take the lead, but not the cost, for the project:
- 5.1.2.1 The project is particularly complex. The project will still be wholly funded by the entity seeking development approval.
- 5.1.2.2 The project is already in the DeIDOT's CTP, planning and design are complete, but right-of-way has not been acquired. The developer shall contribute funds towards the necessary right-of-way acquisition and be responsible for any additional costs incurred as a result of the portion of the project being modified.
- 5.1.2.3 The development and related improvements are part of a Transportation Investment District or similar master planned area. The developer will pay their fair share of the cost based on trip generation. The specific responsibilities of these several parties will be described in a Memorandum of Agreement.

3.15.2 Project Eligibility

- 5.2.1 If a project or improvement is not in DeIDOT's CTP, or in the CTP but not yet under design and found to need right-of-way, it may be considered for eligibility if the following conditions in the development project for which the improvements are required are met:

The development project for which the improvements are required is

- ~~5.2.1.1~~ 5.2.1.1 ~~Consistent~~ The project is consistent with the local comprehensive plan;
- ~~5.2.1.2~~ 5.2.1.2 ~~Consistent~~ The project is consistent with Strategies for State Policies and Spending, including location in a Level 1, 2, or 3 State Strategy investment area; and

~~5.2.1.3~~ ~~In~~The project is in conformance with the requirements of the Clean Air Act (CAA) regulations.

5.2.2 The need for the transportation improvement project must be documented and confirmed during the land use process as part of the preliminary plan approval from the local land use agency.

5.2.3 The transportation improvement is located adjacent to the public right-of-way. Improvements include ~~but are not limited to~~, intersection upgrades, roadway widening, and improvements required at the entrance to the proposed development.

5.2.4 When the project has been found to be eligible, DeIDOT may still choose to defer or deny advancement of the project. Project deferral may be considered in cases where a project is located in an active transportation study area, or in an area where a study is about to be initiated, where the results could have a significant impact on or eliminate the need for the subject project.

5.2.5 Project denial may be considered in cases where the project would cause abutting property to lose access or be reduced in value to the extent that it would be rendered unusable, economically. Deferral or denial under these conditions shall be at DeIDOT's discretion.

3.25.3 Plan Preparation

5.3.1 After the project is accepted by DeIDOT, plan preparation for preliminary engineering and final design of transportation improvements (also known as "construction plans") shall be in accordance with DeIDOT plan development standards.

5.3.2 Right-of-Way (ROW) plans shall be in accordance with *DeIDOT's Right-of-Way Manual*. Additionally, right-of-way shall be verified through deed research, examination of plot plans and DeIDOT highway, bridge and subdivision archives.

3.35.4 Public Input Process

5.4.1 Public input for land development is most critical during the exploratory sketch plan phase of the land use process and should be part of the local land use agency's process. During the design of transportation improvements, DeIDOT and the developer will solicit public input in a formal setting and provide information such as the implementation process, maintenance and protection of traffic (MOT), and potential impacts (e.g. travel time charts showing different alternative routes and projections showing how long the public will be inconvenienced).

5.4.2 DeIDOT's Public Involvement Policy O-03 illustrates the range and levels at which the public has an opportunity to participate in the planning process. This policy states that public involvement processes shall be proactive and provide complete information, timely public notice, full public access to key decisions, and opportunities for early and continuing involvement. DeIDOT shall consult with state and local governmental representatives once the concept plan is submitted. DeIDOT, with the participation of the relevant developer, is committed to educating the public about transportation issues, services and projects, as well as soliciting information, reaching consensus, and providing a way for the general public to express their needs, ideas, concerns, and perspectives relating to the transportation system.

5.4.3 Public input under the road improvement process shall be in accordance with DeIDOT's Public Involvement Policy O-03.

5.4.4 Regardless of whether a developer or DeIDOT takes the lead in making the transportation improvement, a minimum of one public meeting shall be held after preliminary plan review. The need for other meetings, for example showing implementation and maintenance of traffic, will be determined by DeIDOT and included in the agreement between DeIDOT and the entity seeking development approval. The scope of these additional meetings can vary, depending on the impacts of the proposed transportation improvements. All adjacent property owners shall be notified by regular mail in writing 14 days prior to the public ~~meeting,~~meeting and offered an opportunity to comment. A notice shall be placed in a local newspaper of general circulation advertising the public meeting date and location for the proposed improvement, its scope, an indication of the expected project duration and the opportunity to discuss to what extent the public will be affected by the project.

3.45.5 Review Process

5.5.1 The developer's engineer, who must be a Delaware-registered professional engineer, shall prepare and submit to DeIDOT for review and approval all construction plans, right-of-way plans, specifications, and estimates for the project. The design of roadway improvements shall be in accordance with the latest standards published by the American Association of State Highway and Transportation Officials (AASHTO), *DeIDOT's Road Design Manual*, and the *Manual on Uniform Traffic Control Devices (MUTCD)*.

5.5.2 The plan submissions will be required to undergo separate reviews for construction and right-of-way plans:

PROPOSED REGULATIONS

- 5.5.3 The construction plan submission will consist of a preliminary, semi-final, and final (or contract) plan submission.
- 5.5.4 The submittals shall include design plans, specifications and cost estimates for construction of the project.
- 5.5.5 The right-of-way plan submissions shall include a semi-final and final plan submission.
- 5.5.6 The developer's engineer shall establish review dates with concurrence from DeIDOT for all construction and right-of-way plans. These plans shall be reviewed by DeIDOT's Chief Engineer. The developer's engineer shall coordinate with the utility companies to determine existing utility locations and possible relocations.
- 5.5.7 Existing deeds and recorded plot plans shall be acquired and applicable DeIDOT highway, bridge and subdivision plans shall be obtained to establish and verify the existing right-of-way. The engineer shall attest to the right-of-way shown on the plans.
- 5.5.8 The engineer will work through DeIDOT's Development Coordination Section and the Pavement Management Section for pavement evaluation and design verification. This may include the need for pavement cores and subgrade soils analysis.
- 5.5.9 The engineer will work with DeIDOT's Design Services for hazardous material ~~and/or~~ and contaminated site delineation. The developer shall be responsible for any site remediation required. The engineer shall prepare, apply for, and obtain all necessary permits and environmental or historic documentation required by federal, state, and local authorities. Copies of the permits and supporting documentation shall be provided to DeIDOT prior to a Notice to Proceed being issued for construction of the project.
- ~~3.4.15.6~~ Inspection. DeIDOT will determine the level of inspection required for each project. Inspection will be provided by DeIDOT Public Works staff, DeIDOT construction staff, or an inspection consultant currently under contract with DeIDOT for inspection services.
- ~~3.5.5.7~~ Real Estate Process
- 5.7.1 DeIDOT's Real Estate right-of-way acquisition process can be used to secure roadway improvements triggered by development, only after the developer has exhausted all efforts to obtain the needed private property through voluntary good faith negotiations. The developer shall consult with the Real Estate Section, develop an acquisition plan and implement that plan with DeIDOT oversight. Land acquisition shall be in accordance with DeIDOT's most current ~~Real Estate Management~~ Right-of-Way Manual. DeIDOT engages the property owners and tenants in a process of notification, appraisal, and negotiations. DeIDOT's Real Estate Section, or a qualified entity, with prior approval by DeIDOT, shall procure the necessary rights-of-way.
- 5.7.2 Based on the complexity, DeIDOT's Real Estate Section will determine whether an appraisal is necessary or if a valuation waiver method can be used. In instances where temporary access to a property is required, DeIDOT shall determine the lease value of the property for the duration of the project.
- 5.7.3 Process Steps:
- ~~3.5.15.7.3.1~~ Notification: property owners and tenants will be notified in ~~one~~ one or both of the following ways: they will be contacted by a DeIDOT Real Estate representative or notified of public workshops. This notification will occur at least ~~six~~ six months in advance of any eminent domain action, should good faith negotiations fail to result in a signed contract.
- ~~3.5.25.7.3.2~~ Valuation: property owners will receive fair market value for any land ~~and/or~~ and buildings they are required to sell. A qualified, licensed independent appraiser may complete the appraisal, which is approved by an independent authority (DeIDOT). If the offer of just compensation is estimated to be less than \$10,000, DeIDOT may authorize the use of ~~one of two~~ (2) 1 of 2 appraisal waiver valuation methods and the offer to purchase may be made in the form of an Administrative Offer Summary (AOS). If the offer of just compensation is estimated to be more than \$10,000, but less than \$25,000, DeIDOT may authorize the use of ~~one of two~~ (2) 1 of 2 appraisal waiver valuation methods and the offer to purchase may be made in the form of an Administrative Offer Summary (AOS) with the consent of the owner. Property owners may, at their own cost, obtain their own appraisal.
- ~~3.5.35.7.3.3~~ Negotiations: a DeIDOT Real Estate representative will contact the property owner with a plan showing the amount of land needed and written confirmation of the amount of compensation being offered. The property owner will be given 60 calendar days to consider the offer. If the offer is accepted, both parties (DeIDOT and the seller) sign a binding contract and settlement is held.

~~3.5.45.7.3.4~~ Acquisition: A deed of conveyance is signed over when the check is delivered at settlement. If the fair market value offer is not accepted, state law recognizes the right of the property owner to refuse the purchase offer and to have the value of the property established through the courts utilizing DelDOT's power of eminent domain (the right of the government to acquire private property for public use). That approach will only be used as an action of last resort. If DelDOT uses its power of eminent domain to obtain required right-of-way, DelDOT and DelDOT's legal counsel will assume responsibility for pursuing the legal action and the developer will deposit an amount equal to the property owner's estimate of valuation, plus estimated attorney's fees with DelDOT.

~~3.6.5~~ 3.6.8 Design and Construction Administration

~~3.6.15.8.1~~ 3.6.8.1 Alternative ~~One~~1:

5.8.1.1 The developer shall hire a Delaware-registered professional engineering firm possessing a Certificate of Authorization for all offsite improvement projects. If the developer designs the transportation improvements, the cost of which the developer has responsibility, (Alternative ~~One~~1), the developer shall provide DelDOT with 100% of the right-of-way costs upon completion of the preliminary engineering and final determination of right-of-way. DelDOT or a qualified entity, with prior approval by DelDOT, will acquire the determined right-of way in accordance with the real estate process in ~~section B.3.5~~ subsection 5.7 and DelDOT's ~~Real Estate Management~~Right-of-Way Manual.

5.8.1.2 The developer shall hire a qualified contractor as determined by DelDOT to implement the identified improvements. The contractor shall be one that is listed on the DelDOT Registry of Contractors.

5.8.1.3 The developer shall also enter into a construction inspection agreement with a firm currently under contract to DelDOT or a firm currently on the Registry of Contractors to provide such services with DelDOT.

~~3.6.25.8.2~~ 3.6.8.2 Alternative ~~Two~~2:

5.8.2.1 If DelDOT designs and constructs the transportation improvements (Alternative ~~Two~~2), prior to initiation of design services the developer shall provide DelDOT with a certified check for the estimated total cost of preliminary engineering and final design costs as approved by DelDOT. Upon final determination of the required improvements and at the same time as final site plan and preliminary entrance plan is submitted for DelDOT's review and approval, the developer and DelDOT will reconcile any differences between the estimated design costs and actual costs.

5.8.2.2 Prior to DelDOT acquiring right-of-way for the offsite improvements, the developer shall provide DelDOT with security in the amount of 100% of the estimated final construction and right-of-way acquisition costs as approved by DelDOT. The following forms of security shall be acceptable:

- ~~5.8.2.2.1~~ 5.8.2.2.1 Surety Bond issued by a bonding company licensed in Delaware.
- ~~5.8.2.2.2~~ 5.8.2.2.2 Commercial letter of credit issued by a lending institution licensed in Delaware.
- ~~5.8.2.2.3~~ 5.8.2.2.3 Certified check with escrow agreement.

5.8.2.3 DelDOT shall issue a Notice to Proceed (NTP) for the construction after the right-of-way acquisition is completed. Upon final determination of the required right-of-way acquisition and construction costs, the developer and DelDOT will reconcile any differences between the estimated right-of-way acquisition and construction costs and the actual costs.

5.8.2.4 At no time will DelDOT have responsibility for the cost of scheduling, planning, public participation, design, right-of-way acquisition, construction or inspection related to improvements except as provided for in the ~~section 4.0~~Section 6.0 of these regulations.

4.06.0 Finance

Except in those instances where DelDOT has entered into an agreement to fund certain portions or phases of a transportation project or projects, DelDOT will not provide financing for any portion or phase of a transportation project or projects covered by these regulations. Except in the instances cited above, the developer shall pay directly for all costs and expenses associated with said project. The developer may avail his or herself of the several types of financial vehicles commonly used for such purposes including bonds, letters of credit and escrow accounts.

PROPOSED REGULATIONS

DIVISION OF PLANNING AND POLICY

Statutory Authority: 17 Delaware Code, Sections 132, 137 and 149; 29 Delaware Code, Section 8404 (17 Del.C. §§132, 137 & 149; 29 Del.C. §8404)
2 DE Admin. Code 2311

PROPOSED

PUBLIC NOTICE

2311 Long-Term Lease Policies and Practices

Pursuant to the authority provided by 17 Del.C. §§132, 137, and 149, and 29 Del.C. §8404, the Delaware Department of Transportation (DelDOT), adopted 2311 Long-Term Lease Policies and Practices.

The Department, through its Division of Transportation Solutions, seeks to adopt changes which are administrative in nature and serve in part to clarify the intent of the Department as enacted through these regulations.

Public Comment Period

DelDOT will take written comments on these proposed general revisions to Section 2406 of Title 2, Delaware Administrative Code, from August 1, 2025, through September 2, 2025. The public may submit their comments to:

Monroe Hite, Chief of Right of Way, Division of Transportation Solutions
(Monroe.Hite@delaware.gov) or in writing to his attention:

Chief of Right of Way
Delaware Department of Transportation
P.O. Box 778
Dover, De. 19903

***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/august2025/proposed/29 DE Reg 112RFA 08-01-25.pdf>

2311 Long-Term Lease Policies and Practices

1.0 Long-Term Leases

Any future lease of Department-owned property for a term of ~~five (5)~~5 years or more inclusive of any renewal option shall be deemed a "long-term lease", and ~~DelDOT~~the Department shall follow the regulation below to determine the value of the leasehold interest. This regulation shall not apply to any leaseback transactions; i.e. any lease by and between ~~DelDOT~~the Department and the owner /tenant in legal occupancy on the date the property was originally acquired by ~~DelDOT~~the Department.

2.0 Competitive Sealed Bid Process

Unless ~~DelDOT~~the Department seeks to proceed under Section 3.0 below, ~~DelDOT~~the Department will provide an opportunity for parties to publicly bid on the lease of the property through a competitive sealed bid process. ~~DelDOT~~the Department shall retain the right to reject all bids. Notice of the proposed leasing will be advertised at least ~~twenty (20)~~20 calendar days prior to bid opening in a newspaper of general circulation in the county in which the parcel is located. Conspicuous notice shall also be displayed on the property in question at least 20 calendar days prior to bid opening. The second notice will be published approximately ~~ten (10)~~10 calendar days prior to bid opening in a newspaper of general circulation in the county in which the parcel is located. The Department shall offer the property for lease beginning at not less than the lowest approved market value range established by a qualified licensed ~~fee~~ appraiser.

3.0 Economic and Civic/Benevolent Purpose Consideration.

- 3.1 In the event ~~DeIDOT should be~~ that the Department is asked by a party ~~party~~, or otherwise considers entering into a long-term lease for economic development consideration or civic/benevolent purposes, ~~DeIDOT the Department~~ will first determine market value rent through a qualified licensed appraiser. For purposes of this regulation, an economic development or civic/benevolent purpose proposal is defined as changes to material conditions under the lease that result in less direct monetary value to ~~DeIDOT the Department~~ in exchange for the development of jobs, economic growth ~~and/or~~ or the furtherance of a civic/benevolent purpose. The purpose of this value determination is to allow for a fair, thorough and transparent consideration of the proposed incentive or grant being considered.
- 3.2 In cases where the request involves a potential economic development opportunity, ~~DeIDOT~~, after making the value determination referenced above, shall refer the matter to the Delaware Economic Development Office ("DEDO") for its determination of whether the economic development benefits justify the value of the reduced lease. ~~To the extent DEDO recommends moving forward with the lease transaction, DEDO and DeIDOT shall first present such proposal to the Council on Development Finance ("CDF") for CDF review and approval, following the required notice provisions for CDF proceedings. In addition, DeIDOT shall provide conspicuous notice on the property in question at least 20 day prior to the CDF meeting where the proposal is considered. If approved by the CDF, DeIDOT may enter into the lease agreement on the condition that the nature of the lease, terms of rent and other material conditions are consistent with the recommendations of DEDO and approval of CDF. DeIDOT will continue to manage the properties during the lease term.~~
- 3.3.2 In the cases where the request involves a potential civic or other benevolent purpose, ~~DeIDOT the Department~~ shall hold a public meeting in the general vicinity of property in question. The notice shall clearly state the proposed lessee, the proposed lease term, the estimated value of the reduced lease terms and such notice will be advertised at least ~~twenty (20)~~ 20 calendar days prior to the hearing in a newspaper of general circulation in the county in which the parcel is located. Conspicuous notice shall also be displayed on the property in question at least ~~20~~ 20 calendar days prior to bid opening. A second notice will be published approximately ~~ten (10)~~ 10 calendar days prior to bid opening in a newspaper of general circulation in the county in which the parcel is located. In addition, ~~DeIDOT the Department~~ shall notify in writing and seek input from the elected State Representative and Senator of the district where the property is located. Upon conclusion of the hearing and a period of ~~40~~ 10 calendar days for additional written comments, the Secretary will determine whether or not ~~DeIDOT the Department~~ will lease the property as proposed.
- 4.0 General Policies Governing Long-Term Leases of DeIDOT Department Owned Property**
- 4.1 Form leases shall be prepared by ~~in-house~~ legal counsel for the Department and such forms may be revised as needed for particular lease transactions.
- 4.2 ~~All~~ To be valid, all long-term leases or modifications thereof shall require the review of ~~in-house~~ legal counsel for the Department and the signature of the Secretary or the Secretary's designee.
- 4.3 If Federal aid was used to acquire the property suggested for lease, ~~DeIDOT the Department~~ will request permission approval from the FHWA to lease the property at ~~less than fair market rental value, if no bids are received in any higher amount at the proposed terms. If the FHWA does not provide its approval, then the Department shall not lease the property at those terms.~~
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DIVISION OF TRANSPORTATION SOLUTIONS

Statutory Authority: 17 Delaware Code, Section 137 (17 Del.C. §137)

2 DE Admin. Code 2406

PROPOSED

PUBLIC NOTICE

2406 Policies and Procedures for Acquisition of Certain Real Property

Pursuant to the authority provided by 17 Del.C. §137, the Delaware Department of Transportation (DeIDOT), adopted the 2406 Policy and Procedures for Acquisition of Certain Real Property.

The Department, through its Division of Transportation Solutions, seeks to adopt a word change to its existing regulation and to address changes made to [17 Del.C. §137](#) by 2022 Delaware Laws Chapter 470 (H.B. 418).

The changes are administrative in nature and serve in part to clarify the intent of the Department as enacted through these regulations.

Public Comment Period

DelDOT will take written comments on these proposed general revisions to Section 2406 of Title 2, Delaware Administrative Code, from August 1, 2025, through September 2, 2025. The public may submit their comments to:

Monroe Hite, Chief of Right of Way, Division of Transportation Solutions
(Monroe.Hite@delaware.gov) or in writing to his attention:

Chief of Right of Way
Delaware Department of Transportation
P.O. Box 778
Dover, De. 19903

***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/august2025/proposed/29 DE Reg 113RFA 08-01-25.pdf>

2406 Policies and Procedures for Acquisition of Certain Real Property

1.0 Purpose

- 1.1 The Department of Transportation has limited statutory authority to acquire public or private property and property rights in connection with the Department's jurisdiction. Traditionally, the Department has acquired the necessary property rights upon final right-of-way plan approval for a project or parcel. In certain instances, the best interests of the state and individual property owners may be better served if such interests are either acquired or reserved by the Department prior to final right-of-way plan approval. The purpose of this regulation is to enumerate the specific policies and procedures governing the advanced acquisition of real property by the Department, as contemplated by [17 Del.C. §137\(a\)\(2\)](#).
- 1.2 Property acquisitions pursued in accordance with an approved final right-of-way plan prepared for a Department project as defined herein are specifically exempt from this regulation.
- 1.3 The Department, when acting as the agent of the Delaware Transportation Authority for special property acquisitions in accordance with [2 Del.C. §1309\(5\)](#), shall seek a consistency review from the Committee established under [§137\(a\)\(2\)](#) prior to settlement with owners to verify the transaction is in the public interest, unless otherwise subject to approval by another public body or federal agency.

2.0 Definitions

"Advanced acquisition" means the acquisition by the Department of any interest in real property prior to approval of final right-of-way plans for the project or parcel for which such real property interest is being acquired. For purposes of this regulation and the Department's Real Estate Manual, "advanced acquisitions" ~~shall include, without limitation,~~ includes reservation agreements.

"Advanced Acquisition Committee" or **"Committee"** means the committee created and defined pursuant to [17 Del.C. §137\(a\)\(2\)](#).

"Consistency review" ~~shall mean~~ means the review by the Committee to determine the consistency of such action with the State's overall goals for land use planning pursuant to [17 Del.C. §137\(a\)\(2\)](#).

"Corridor" means a particular route of ~~one~~^{one} or more highways of this State, serving predominantly statewide ~~and/or~~ regional travel needs. By way of example and not limitation, State Routes 1, 2, and 141, and U.S. Routes 13, 113, and 202 are corridors under this definition.

"Department" means the Delaware Department of Transportation.

"Hardship acquisition" ~~shall mean~~ means an advanced acquisition to resolve a specific hardship imposed upon the owner as a result of a project. Hardship acquisitions shall include situations in which an owner must demonstrate the need to relocate for personal reasons (e.g., job transfer, death in the family, retirement plans, or medical reasons) and is unable to sell ~~his or her~~the property as a result of a project.

“**Owner**” shall mean the owner of the real property interest which the Department seeks to acquire or reserve.

“**Project**” means an undertaking for a capital improvement by the Department acquisition of real property as part of the Corridor Capacity Preservation Program, or certain Special Property Acquisitions, and which uses state ~~and/or~~ federal funds.

“**Protective acquisition**” shall mean an advanced acquisition to allow the Department to protect from development real property within a project area, in instances where development would increase the eventual cost of property acquisition to taxpayers, or would limit location alternatives for the project. Protective acquisitions shall include, without limitation, long-term leases and reservations to allow the Department to protect from development real property within a project area.

“**Reservation**” means a commitment by the Department to compensate an owner of any interest in real property, in exchange for an agreement by the owner to refrain from further developing ~~his or her~~ the property or designated portions thereof.

“**Special Property Acquisitions**” shall mean the acquisition of real property in fee simple or lesser interest pursuant to [2 Del.C. §1309\(5\)](#).

3.0 Hardship Acquisition

- 3.1 Depending upon the availability of funding, the Department may consider requests by owners for hardship acquisitions.
- 3.2 Written Request - The owner of the real property must submit to the Department a written request for a hardship acquisition. A request for hardship acquisition of property shall be submitted to the:
 - Delaware Department of Transportation
 - Right-of-Way Section
 - Chief of Right-of-Way
 - P.O. Box 778
 - Dover, DE 19903
- 3.3 Criteria. Upon receipt of a written request for a hardship acquisition, the Department and its legal counsel shall initiate an internal review process to determine whether the property meets the criteria set forth herein. At a minimum, the request must demonstrate to the Department’s satisfaction that:
 - 3.3.1 The property has been marketed for at least ~~six (6)~~ 6 months; and
 - 3.3.2 The realtor, or owner in absence of a realtor, must certify and provide evidence that ~~he or she~~ the owner is unable to sell the property at a reasonable price as a result of the proposed project; and
 - 3.3.3 The owner must be able to document a compelling reason for ~~his or her~~ move moving from the property, e.g., job transfer, death in the family, retirement plans or for medical reasons.
- 3.4 If an owner demonstrates to the Department’s satisfaction that a hardship acquisition is appropriate, then such proposed acquisition shall be considered in accordance with the procedures set forth in Section 6.0.

4.0 Protective Acquisition by Owner

- 4.1 Depending upon the availability of funding, the Department may consider requests from owners to purchase all or a portion of ~~their~~ the owner’s property. The Department will consider such requests when there is an anticipated need for the property as part of a planned project and acquiring it prior to final right-of-way plan approval would protect the availability of the property for use by the project.
- 4.2 Written Request - All requests for a protective acquisition by an owner must be in writing. A request for protective acquisition of property shall be submitted to the:
 - Delaware Department of Transportation
 - Right-of-Way Section
 - Chief of Right-of-Way
 - P.O. Box 778
 - Dover, DE 19903
- 4.3 Criteria. Upon receipt of a written request for a protective acquisition, the Department and its legal counsel shall initiate an internal review process to determine whether the property meets the criteria for a protective acquisition. At minimum, the request must demonstrate to the Department’s satisfaction that:
 - 4.3.1 Development would increase the ultimate cost of the acquisition to taxpayers; or
 - 4.3.2 Development would limit location alternatives for a project.

5.0 Protective Acquisition Recommended by DeIDOT

- 5.1 Depending upon the availability of funding, in instances where development would increase the eventual cost of property acquisition to taxpayers, or would limit location alternatives for the project, the Department may consider contacting property owners for possible protective acquisitions.
- 5.2 Recommendation. Prior to contacting owners of potential protective acquisition properties, the Chief Engineer must certify that all or part of the property will be required for a future project which complies with the purpose of this regulation as stated in Section 1.0 of this regulation.
- 5.3 Criteria. Upon the certification of need for a protective acquisition, the Department and its legal counsel shall initiate an internal review process to determine whether the property meets the criteria for a protective acquisition. At minimum, the request must demonstrate to the Department's satisfaction that:
 - 5.3.1 Development would increase the ultimate cost of the acquisition to taxpayers; or
 - 5.3.2 Development would limit location alternatives for a project;
 - 5.3.3 The request does not violate the National Environmental Policy Act (NEPA) or other Federal or State Regulations.

6.0 Procedures for Review and Approval of Advanced Acquisitions

- 6.1 For advanced acquisitions satisfying the criteria set forth in subsection 3.3, 4.3 or 5.3 or for Special Property Acquisitions, as the case may be, the Department shall have an appraisal performed by an independent appraiser in accordance with the Department's Real Estate Manual.
- 6.2 Following receipt of the appraisal, the Department and its legal counsel shall discuss the potential terms of an agreement and the justifications therefor, including the nature of the interest to be acquired (i.e., acquisition, reservation, leasehold); the necessity of acquiring such interest and the existence of any alternative transactions; the fair market value of such interest; the amount of land required; the duration of the agreement; and such other factors as may be relevant. Following such discussion, counsel shall prepare a detailed term sheet reflecting the material terms of the proposed transaction.
- 6.3 The Department will present the term sheet to the Advanced Acquisition Committee at a scheduled meeting as soon as reasonably practicable. The Committee shall consider the terms of and rationale for the proposed transaction and may either ~~approve,~~ approve or reject such transaction. If the Committee approves the proposed transaction, the Department shall negotiate the final terms with the owner.
 - 6.3.4 For Special Property Acquisitions made under the authority of [2 Del.C. §1309\(5\)](#), the Committee's review shall be considered an advisory opinion.
- 6.4 The material terms of all advanced acquisitions shall be reflected in an agreement prepared or reviewed by the Department's legal counsel and signed by the owner and an authorized representative of the Department.

7.0 Consistency Review of Proposed Advanced Acquisitions

- 7.1 The Committee shall conduct a consistency review of proposed advanced acquisitions of real properties determined by the Department as necessary for its projects prior to approval of final right-of-way plans, real property acquisitions by the Corridor Capacity Preservation Program and for Special Property Acquisitions. This review shall be conducted prior to initiating any real property acquisitions with owners.
- 7.2 At the scheduled meeting for the consistency review, the Department shall present to the Committee such evidence as it deems necessary to demonstrate that the proposed acquisitions are consistent with state planning goals. This evidence shall include:
 - 7.2.1 ~~a~~ detailed visual depiction of the proposed acquisitions;
 - 7.2.2 ~~the~~The relevant project pages from the Capital Improvement Program adopted by the Council on Transportation, pursuant to [29 Del.C. §§8409 and 8419](#);
 - 7.2.3 ~~the~~The relevant project authorizations as described in the relevant Bond and Capital Improvements Acts adopted by the General Assembly;
 - 7.2.4 ~~where~~Where applicable, the Department's Corridor Capacity Preservation plan for the corridor adopted in accordance with the procedures set forth in [17 Del.C. §145\(d\)](#) for which the proposed acquisition would be made, along with other evidence showing how the acquisition furthers the Department's goals under that Program;
 - 7.2.5 ~~for~~For Special Property Acquisitions, evidence showing how the proposed acquisition furthers the Department's goals for the particular project purpose, including a cost/benefit analysis and other relevant data;
 - 7.2.6 ~~a~~A description of the State's Strategies for Policies and Spending, and how the project fits with those strategies.

7.3 The Committee shall conclude its consistency review indicating its support or denial of the proposed acquisition by simple majority vote of its members. A quorum must be present. The vote shall be recorded in the meeting minutes.

7.3.4 For Special Property Acquisitions made under the authority of [2 Del.C. §1309\(5\)](#), the Committee's determination shall be considered an advisory opinion.

8.0 Dispute Resolution Process

8.1 If after negotiations with the owner as identified above for advanced acquisitions satisfying the criteria set forth in subsection 3.3, 4.3 or 5.3 or for Special Property Acquisitions, the Department and the owner cannot reach an agreement upon the acquisition price or terms, the owner may request the following options:

8.1.1 Alternative Dispute Resolution

8.1.1.1 Upon notification from the Department that an impasse has been reached, the owner may request to follow the Alternative Dispute Resolution (ADR) process as identified in DeIDOT Regulation 2407.

8.1.1.2 As per Regulation 2407, the owner and the Department will agree prior to commencing the ADR if the process shall be binding or non-binding. If the process is non-binding, the owner shall retain their rights under subsection 8.1.2.

8.1.2 Ceasing Advanced Acquisition

8.1.2.1 Upon notification from the Department that an impasse has been reached, the owner may notify the Department that they are no longer interested in an Advanced Acquisition and do not wish to continue with either negotiations or ADR. The Department at that time shall cease all acquisition activities and notify the Advanced Acquisition Committee.

8.1.2.2 If the Department ceases advanced acquisition activities at the request of the owner, advanced acquisition activities may not be re-initiated without first obtaining approval of the Advanced Acquisition Committee.

DIVISION OF TRANSPORTATION SOLUTIONS

Statutory Authority: 17 Delaware Code, Sections 137 and 145 (17 [Del.C. §§137 and 145](#))
2 DE Admin. Code 2407

PROPOSED

PUBLIC NOTICE

2407 Alternative Dispute Resolution Process for Acquisition of Certain Real Property

Pursuant to the authority provided by [17 Del.C. §§137 and 145](#), the Delaware Department of Transportation (DeIDOT) adopted 2407 Alternative Dispute Resolution Process for Acquisition of Certain Real Property.

DeIDOT, through its Division of Transportation Solutions, seeks to adopt revisions to its existing regulation.

The changes are administrative in nature and serve in part to clarify the intent of DeIDOT as enacted through these regulations.

Public Comment Period

DeIDOT will take written comments on these proposed general revisions to Section 2407 of Title 2, Delaware Administrative Code, from August 1, 2025 through September 2, 2025. The public may submit their comments to:

Monroe Hite, III, P.E., Chief of Right of Way, Division of Transportation Solutions
(Monroe.Hite@delaware.gov) or in writing to his attention:

Chief of Right of Way
Delaware Department of Transportation
P.O. Box 778
Dover, DE 19903

***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/august2025/proposed/29 DE Reg 117RFA 08-01-25.pdf>

2407 Alternative Dispute Resolution Process for Acquisition of Certain Real Property

1.0 Purpose

The Department may initiate an Alternative Dispute Resolution (ADR) process, at the discretion of the Chief Engineer, ~~on a per project basis~~ to provide a property owner the opportunity to initiate ~~and/or or~~ agree to a binding or non-binding review to determine the ~~Just Compensation~~ just compensation for ~~the an~~ acquisition by the Department. This review will be held in an attempt to amicably settle the ~~case~~matter without ~~going to a formal court hearing~~process. The results of this review ~~will~~may be either binding or non-binding on ~~either party~~the parties as they may agree in writing. If non-binding, either party ~~can request the case~~may proceed thereafter ~~to~~with a formal ~~hearing~~court process. The results of ~~the a~~ non-binding review will be considered privileged information and any part of the review, including ~~value~~value, shall not be admissible in any future valuation hearings by either party.

2.0 Requirements

- 2.1 ~~Both~~For the ADR process to proceed, ~~both~~ parties must agree to the ADR and the process listed below. Any changes to the process must be approved by both parties and a DAG assigned to the case. The ADR process shall not proceed if either party does not agree.
- 2.2 The ADR review ~~can~~may only take place after an Order for Possession has occurred. However, an agreement to proceed to an ADR is allowed at anytime prior to the Order for Possession if agreed upon by the parties.
- 2.3 Expenses related to the conducting of the ADR review shall be borne by ~~DeIDOTthe Department~~, except for any cost incurred by the ~~defendant~~property owner, ~~their attorney~~the property owner's attorney, or witnesses in preparing or presenting ~~their~~the case.
- 2.4 No discovery shall take place other than the ~~transfer~~exchange of appraisals, ~~engineering~~engineering, or other documentation typically available during negotiations ~~is allowed.~~
- 2.5 All information related to the case shall be held as confidential in ~~the a~~ non-binding ADR.

3.0 Steps

- 3.1 Upon the entering of an Order for Possession by ~~the Courts~~a court of competent jurisdiction, either party (~~DeIDOTthe Department~~ or the property owner, or their respective representatives) may request an ADR review. This request must be in writing and may be submitted any time after the initiation of negotiations, but no later than ~~within~~ 90 days from the issuance of the Order for Possession.
- 3.2 A response agreeing to the ADR request must be sent to the requesting party within 15 calendar days of receipt of the request. Non-response by the party receiving the request within the 15 day period shall be construed as a refusal to the request for an ADR review.
- 3.3 ~~All~~ To be valid, all ADR requests or responses to a request made to ~~DeIDOTthe Department~~, or activities/determinations performed by ~~DeIDOTthe Department~~ as part of the review process must have approval of the DeIDOT Chief of Right of Way with concurrence from a Deputy Attorney General. In cases with ~~Just Compensation~~ just compensation in excess of \$500,000, approval of the Secretary is also required.
- 3.4 If no request is made or response received within the time frames identified, ~~no~~this ADR process shall ~~be allowed~~not occur. If any activity or determination of either party is not performed within the identified time frames during the ADR process, without a written request and agreement for additional time to meet the obligation, the ADR process will be considered canceled by the obliged party.
- 3.5 Both parties shall have the right to cancel the ADR at any time. However if the ADR review is canceled by the property owner less than 30 calendar days prior to the hearing, they shall be responsible for any costs incurred by ~~DeIDOTthe Department~~ related to the conducting of the ADR review.
- 3.6 Within 30 calendar days of agreement between the parties to meet, each party shall submit the name of one Delaware Licensed Real Estate Appraiser that is qualified to appraise the property being acquired, who shall act as a review panel member.
- 3.7 The parties shall mutually select a third, independent, qualified member for the ADR review panel. If no agreement for a third member is reached, the parties shall request the Board of Realtors for the County the property is located in to appoint a Delaware Licensed Real Estate Broker, or Delaware Licensed Real Estate

Appraiser, whose expertise includes the type of property being acquired, to act as the Chief ADR officer. This person shall be compensated for their time at the review as well as any travel in accordance with ~~DeIDOT's~~ the Department's reimbursement for Fee Appraisers.

- 3.8 The Chief ADR Officer will act as the lead for the review panel and will be responsible to prepare the final report for the panel.
- 3.9 The date and place of the review shall be arranged between the ~~two~~ parties and the members of the ADR review panel.
- 3.10 All documentation to be supplied by the parties shall be presented to the ADR officers and the opposing party no less than 15 calendar days prior to the review.
- 3.11 The members of the ADR review panel shall meet in private to discuss the merits of each party's appraisal and documentation. Prior to this discussion, both sides may make a short opening statement, and the owner may make an owner's statement. There will not be any testimony or input required from either party for the review unless requested by the ADR review panel. Copies of any testimony or input required of the parties shall be made available to the opposing party.
- 3.12 The ADR review panel shall then reach a value conclusion based upon the information provided. A majority vote of the members ~~must agree to approve~~ shall be required for approval of the final value determination.
- 3.13 The Chief ADR officer, with assistance from the other members, shall present a report detailing the determination of value as well as the justification for the determination. The amount of detail required is to be determined by the ADR panel members; however, the report must clearly justify the panel's findings and reference any materials, testimony or input used to arrive at the determination.
- 3.14 The final report shall be transmitted in writing to the parties within 30 calendar days of the review meeting.
- 3.15 If the ADR is a non-binding review, each party shall have 20 calendar days to accept or reject the ADR determination in writing to the other party. If both parties accept, the parties shall proceed to settlement. If either party rejects the determination, the case shall continue the normal eminent domain process. If neither party provides written notice of rejection within 20 calendar days, then the ADR determination shall be deemed final.
- 3.16 The parties shall notify the other party as well as the ADR of their determination in writing.
- 3.17 Upon final receipt of the ADR report, the ADR review panel shall be dismissed and any compensation will be made to the members.
- 3.18 ~~The~~ Subject to any requirements or exemptions of the Freedom of Information Act, the ADR report ~~is~~ shall be considered a ~~protected~~ privileged document and may not be distributed to any outside third party without consent by both parties and the members of the ADR panel prior to completion of all portions of the real estate transaction or any ancillary activities relating to the real estate transaction.
-

Symbol Key

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

Final Regulations

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

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

DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 122(b)(26) (14 **Del.C.** §122(b)(26))
14 **DE Admin. Code** 614

FINAL

ORDER

614 Uniform Definitions for Student Conduct which may Result in Alternative Placement or Expulsion

I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

Pursuant to 14 **Del.C.** §122(b)(26), the Delaware Department of Education developed amendments to 14 **DE Admin. Code** 614 Uniform Definitions for Student Conduct Which May Result in Alternative Placement or Expulsion. This regulation is being amended pursuant to 29 **Del.C.** §10407 which requires regulations to be reviewed on a recurring basis every four years. The proposed amendments include adding suspensions to the title of the regulation and Section 1.0, updating the general definitions related to student conduct in Section 2.0, changing Section 3.0 to add definitions for alleged criminal conduct in Attorney General's reports, and adding Section 4.0., which updates the definitions used by school districts and charter schools in Student Codes of Conduct.

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

The Department received two written submittals concerning the proposed regulation. The first was from Javonne Rich, the Policy & Advocacy Director for the American Civil Liberties Union (ACLU) of Delaware, and Marissa L. Band, Esq., the Project Director for the Community Legal Aid Society, Inc. (CLASI).

Issue: The ACLU and CLASI commented that the new definitions proposed in Section 4.0, including terms like "disruptive behavior" and "defiance of school authority", are expansive and vague, and interpretation will necessarily require subjective judgment on the part of school personnel. The ACLU and CLASI further commented that definitions in Section 4.0 that could be considered subjective should be removed.

Agency Response: The Department finds that the definitions referenced are currently in use by local education agencies (LEAs) and are included in their student codes of conduct. The Department noticed that these LEAs had different definitions for these types of infractions. The Department recognizes that LEAs must retain the flexibility to address disruptive student behavior, with disciplinary actions ranging from conferences and detention to alternative placement and expulsion. These definitions support the establishment of a consistent framework across the state without mandating specific disciplinary outcomes, such as suspension, alternative placement, or expulsion. Uniform definitions will facilitate accurate data collection related to behaviors that lead to these disciplinary actions. The Department further finds that technical assistance can be provided to LEAs to help reduce unnecessary student removals.

Issue: The ACLU and CLASI commented that DDOE should explicitly provide students facing long-term suspension and alternative placement with the same appeal rights as students facing expulsion under the new definition of long-term suspension in Section 2.0.

Agency Response: The Department finds that appeal rights are addressed in [14 DE Admin. Code 616](#). This regulation is currently being prepared and will be published for public notice and comment.

The second submittal was received from Ann C. Fisher, Chairperson of the Governor's Advisory Council for Exceptional Citizens ("GACEC").

Issue: The GACEC commented it is unclear whether DDOE has the authority to expand the application of regulation 614 to suspensions.

Agency Response: The Department appreciates the GACEC's comment regarding the scope of the Department's authority. The Department finds that it has permissive authority under 14 *Del. C.* § 122(b)(26), which authorizes the development of regulations relating to student discipline. The inclusion of suspensions under Regulation 614 aligns with this authority and directly supports the regulation's purpose of ensuring fairness, consistency, and due process in student discipline procedures. Additionally, long-term suspensions carry significant implications for students, which are tantamount to alternative placement and expulsion due to lengthy removals from the typical learning environment, and merit similar procedural safeguards.

Issue: The GACEC commented that DDOE clarify that its application refers to both short and long-term suspensions and ensure that students facing long-term or alternative placement are aware of and provided the same appeal rights as students facing expulsion.

Agency Response: The Department finds that appeal rights are addressed in [14 DE Admin. Code 616](#). This regulation is currently being prepared and will be published for public notice and comment.

Issue: The GACEC commented that the proposed definition for short-term suspension also presents an inconsistency with the current 616 regulations.

Agency Response: The Department appreciates the GACEC's observation regarding the potential inconsistency between the proposed definition of short-term suspension and the current language in [14 DE Admin. Code 616](#). The Department notes that Regulation 616 is currently being prepared, and this feedback will be taken into consideration as part of that process.

Issue: The GACEC commented that DDOE include a definition for "informal school removal" and a prohibition on this practice.

Agency Response: The Department finds that the purpose of this regulation is to establish uniform definitions for student conduct that may result in suspension, alternative placement, or expulsion. While the Department acknowledges the concerns related to informal removals, those issues fall outside the scope of this regulation.

Issue: The GACEC commented that DDOE amend its description of an Attorney General's Report and provided revised language.

Agency Response: The Department appreciates the GACEC's suggested revision to the description of an Attorney General's Report. However, the Department finds that the suggested change does not substantively alter the definition in a way that warrants revision. The current language accurately reflects the intended meaning and aligns with existing usage and understanding.

Issue: The GACEC commented that DDOE remove from the regulations any conduct, which could be considered "subjective." The following definitions are concerning and should be removed: Careless and reckless behavior, Disruptive behavior, Dress code violation, Safety violation, Unsafe item, Leaving school grounds without permission, Skipping and leaving class, Tardiness to school and class, and Other school crime.

Agency Response: The Department finds that the definitions referenced are currently in use by local education agencies (LEAs) and are included in their student codes of conduct. The Department recognizes that LEAs must retain the flexibility to address disruptive student behavior, with disciplinary actions ranging from conferences and detention to alternative placement and expulsion. These definitions support the establishment of a consistent framework across the state without mandating specific disciplinary outcomes, such as suspension, alternative placement, or expulsion. Uniform definitions will facilitate accurate data collection related to behaviors that lead to these disciplinary actions. The Department further finds that technical assistance can be provided to LEAs to help reduce unnecessary student removals.

Issue: The GACEC commented that one other term that DDOE proposes to add is “[p]hysical restraint – no code violation” which it proposes to define as the physical restraint of a student where no code of conduct violation occurred. This term is very concerning for several reasons....

Agency Response: The Department appreciates the feedback regarding the proposed definition of “Physical restraint – no code violation.” This term has been included for reporting purposes to ensure accurate documentation in accordance with [14 DE Admin. Code 610](#) and to align with student discipline data requirements in the state’s student information system. Including this category helps distinguish incidents involving restraint that are not connected to a student code of conduct violation, thereby improving transparency and supporting appropriate data analysis and oversight.

Issue: The GACEC commented that the Council also appreciates DDOE for proposing to remove “repeated violations of the student code of conduct.” However, Council recommends that DDOE confirm with LEAs that repeated violations are not being used as a basis for further removal of students.

Agency Response: The Department appreciates the Council’s support for the removal of “repeated violations of the student code of conduct” as a standalone category. The Department agrees that monitoring implementation is important and will address this concern through technical assistance if data indicate that repeated violations are being used inappropriately as a basis for student removal.

Issue: The GACEC commented that the Council is confused by and inquires why DDOE proposes to remove cyberbullying. Cyberbullying is a problem in our schools and should be included. Council recommends that it be added to the proposed definition of “bullying” for purposes of this regulation.

Agency Response: The Department appreciates the Council’s concern regarding the removal of cyberbullying. Cyberbullying is already addressed in [14 DE Admin. Code 624](#), which provides specific guidance for schools on identifying, reporting, and responding to bullying, including incidents that occur through electronic means. It was removed from Section 3.0, Uniform Definitions for Attorney General’s Reports, because cyberbullying, while serious, is not a criminal offense and therefore not applicable in that context. However, schools are still required to document and report all cyberbullying incidents under the broader definition of bullying and indicate whether the behavior was electronic, physical, verbal, or written.

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

In accordance with 29 Del.C. §10118(c), the Secretary determined that no additional changes are needed other than those included in the proposed regulation.

IV. DECISION TO AMEND THE REGULATION

For the foregoing reasons, the Department concludes that it is appropriate to amend 14 DE Admin. Code 614 Uniform Definitions for Student Conduct which may Result in Alternative Placement or Expulsion. Therefore, pursuant to 14 Del.C. §122(b)(26), 14 DE Admin. Code 614 Uniform Definitions for Student Conduct which may Result in Alternative Placement or Expulsion, attached hereto as Exhibit A, is hereby amended.

V. TEXT AND CITATION

The text of 14 DE Admin. Code 614 Uniform Definitions for Student Conduct which may Result in Alternative Placement or Expulsion amended hereby shall be in the form attached hereto as Exhibit A and said regulation shall be cited as 14 DE Admin. Code 614 Uniform Definitions for Student Conduct which may Result in Alternative Placement or 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 10th day of June 2025

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 May 2025 issue of the *Register* at page 783 (28 DE Reg. 783). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:

<https://regulations.delaware.gov/register/august2025/final/29 DE Reg 120 08-01-25>

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DIVISION OF MEDICAID AND MEDICAL ASSISTANCE

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

FINAL

ORDER

Nursing Facility Rates

NATURE OF THE PROCEEDINGS:

Delaware Health and Social Services ("Department") / Division of Medicaid and Medical Assistance initiated proceedings to amend Title XIX Medicaid State Plan regarding Nursing Facility Rates, specifically, to modify the rates for nursing facilities. 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 December 2024 *Delaware Register of Regulations*, requiring written materials and suggestions from the public concerning the proposed regulations to be produced by December 31, 2024, at which time the Department would receive information, factual evidence and public comment to the said proposed changes to the regulations.

SUMMARY OF PROPOSAL

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

Background

Per the Delaware Medicaid State Plan, the reimbursement methodology for pediatric nursing facility care presently applies only for members up to age 21; the proposed revisions allow for the continuation of the existing reimbursement methodology for a limited number of individuals who were admitted to the pediatric nursing facility as children but have "aged in place" into young adulthood.

Statutory Authority

- 42 CFR §447

Purpose

The purpose of this regulation to expand the current Medicaid pediatric nursing facility reimbursement structure for pediatric members who have reached young adulthood, and with medical needs best served by them remaining in the pediatric nursing facility.

Summary of Proposed Changes

Effective January 1, 2025, the DHSS/DMMA proposes to amend Title XIX Medicaid State Plan to modify the rates for nursing facilities.

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 December 31, 2024.

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

	Federal Fiscal Year 2025	Federal Fiscal Year 2026
General (State) funds	\$1,404,713	\$1,907,730
Federal funds	\$2,120,288	\$2,792,270

Summary of Comments Received with Agency Response and Explanation of Changes

Comment: The State Council for Persons with Disabilities (SCPD) would ask for clarification regarding who qualifies? Are individuals who have been residents as children allowed to remain at Exceptional Care for Children (ECC) into adulthood, and be paid for under pediatric rates?

Agency Response: SCPD's understanding is correct: pediatric nursing facility residents best served by remaining in the facility into adulthood would be allowed to do so until a suitable placement is found for their needs, and for which the facility would be reimbursed by Medicaid at the resident's respective pediatric rate.

Comment: Further, the SCPD would ask for DMMA to clarify whether the census referred to in the regulation is the total census (pediatric plus adult) or just the pediatric census.

Agency Response: The census referenced in the proposed regulation refers to the facility's total census, or pediatric plus adult.

Comment: The SCPD would also ask why ECC cannot just claim the adult nursing home per diem for adult residents? Why is the rate change necessary?

Agency Response: This proposal does not include a rate change; it only seeks to expand the existing pediatric nursing facility reimbursement methodology / levels of care to address a small population of pediatric residents who have otherwise "aged out" of the pediatric facility into young adulthood, residents whose needs may be best served by remaining in the pediatric nursing facility until suitable placement is found.

Comment: Can DMMA further clarify why the amendment fails to place a limit on the age or duration of adult stays, why does it not define "young adult," and why does it not indicate this is a transitional program?

Agency Response: ECC did express to DMMA that their Bridge program is intended to be transitional, up to a point where the resident reaches approximately 26 years of age. However, the proposed amendment was written to allow some flexibility for use with other existing or new pediatric nursing facilities in the future.

Comment: DMMA is essentially creating a new definition of a pediatric nursing facility in a state plan amendment. The SCPD questions why DMMA is taking this action when are regulated by the Division of Health Care Quality (DHCQ) and when DHCQ needs to address the regulatory status of these facilities.

Agency Response: The intent of DMMA's update to the pediatric nursing State Plan language is to account for a small, unique population of children in pediatric nursing facilities, who, while have technically aged out of the facility have needs best served by remaining there until those needs can be adequately met elsewhere. This change should not have any material effect on any of the existing licensing and certification requirements managed by the Division of Healthcare Quality.

Comment: And finally, the SCPD would like to know what comparable investment DMMA is doing into community-based services for this demographic? How does DMMA intend to demonstrate Olmstead and community integration compliance otherwise?

Agency Response: DMMA continues to strive for appropriate home and community-based services as well as prioritizing member choice to meet the needs of our members through various DMMA and sister agency programs. We understand that all members have unique circumstances and are reviewed on case-by-case basis in compliance with the state plan as well as state and federal laws.

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

- State Council for Persons with Disabilities (SCPD)

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 December 2024 *Register of Regulations* should be adopted.

THEREFORE, IT IS ORDERED, that the proposed regulation to amend Title XIX Medicaid State Plan regarding Nursing Facility Rates, specifically, to modify the rates for nursing facilities and shall be final effective August 11, 2025.

7/23/2025 | 9:19 AM EDT

Date of Signature

Dava Newnam for

Josette D. Manning Esq., Secretary, DHSS

Nursing Facility Rates

Attachment 4.19-D
Page 19

IX. Reimbursement for Pediatric Nursing Facility Care

A Pediatric Nursing Facility is a facility that maintains an average daily census of 80 percent or more serving children under 21 years of age. Such a facility may also serve a limited number of individuals who were admitted to the facility as children but have "aged in place" into young adulthood. The number of such individuals is limited to the remaining 20 percent of the average daily census of the facility.

The level of reimbursement of client for clients under 21 years of age in pediatric nursing facilities specialized nursing facilities that serve pediatric clients will be based on one of three levels of care as determined by the DMMA Medical Evaluation Team. A per diem rate shall be established for the three levels as follows:

1. Pediatric Skilled Care - the base level
2. Advanced Pediatric Skilled Care - an enhanced level that includes increased services and costs above the base level that are necessary to meet the medical needs of children at this level
3. Advanced Pediatric Skilled Care Plus - a higher level of reimbursement than the previous level that includes increased cost of care for clients who are ventilator dependent.

A Pediatric Nursing Facility's reimbursement shall be ~~Until such time as a methodology based on reported facility cost can be developed, Pediatric Nursing Facility reimbursement shall be based on reasonable and allowable cost for comparable DMMA services that have a demonstrated cost history and that serve a similar population, adjusted as necessary to reflect the operation of a specialized inpatient facility. Rates for each level of care shall be computed annually based on prior year actual reasonable allowable costs as reported by the facility and may be inflated as described in Section II.1.3. Such rates shall be prospective and final and not subject to cost settlement. In addition to all nursing and operational costs, per diem rates are inclusive of all services, including but not limited to all therapies, supplies, non-custom durable medical equipment and over-the-counter (OTC) drugs required to treat the child's medical condition but to not include custom durable medical equipment for the individual use of a client or prescription ("legend product") drugs, which may be billed directly to Medicaid by the appropriate medical care provider in accordance with Medicaid policy.~~

Eligible children in Pediatric Nursing Facilities located outside of Delaware are reimbursed at the rate for the Delaware Pediatric Nursing facility level of care to which they are assigned after being assessed by the DMMA Medical Evaluation Team.

TN No. SPA # 07-004 24-0018Approval Date ~~December 19, 2008~~

Supersedes

TN No. # 413 07-004Effective Date ~~October 1, 2007~~ January 1, 2025

DIVISION OF MEDICAID AND MEDICAL ASSISTANCE

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

FINAL

ORDER

Physician Administered Drugs

NATURE OF THE PROCEEDINGS:

Delaware Health and Social Services (“Department”) / Division of Medicaid and Medical Assistance initiated proceedings to amend Title XIX Medicaid State Plan regarding Physician Administered Drugs, specifically, to reimburse physician administered drugs with the Medicare fee schedule rate. 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 May 2025 *Delaware Register of Regulations*, requiring written materials and suggestions from the public concerning the proposed regulations to be produced by June 2, 2025, at which time the Department would receive information, factual evidence and public comment to the said proposed changes to the regulations.

SUMMARY OF PROPOSAL

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

Background

The Cell and Gene Therapy (CGT) Access Model aims to improve the lives of people with Medicaid living with rare and severe diseases by increasing access to potentially transformative treatments. Cell and gene therapies have high upfront costs but have the potential to reduce health care spending over time by addressing the underlying causes of disease, reducing the severity of illness, and reducing health care utilization. Initially, the model will focus on access to gene therapy treatments for people living with sickle cell disease, a genetic blood disorder that disproportionately affects Black Americans. This is an amended State Plan Amendment to Cellular and Gene Therapy that was published in the Register as final January 1, 2025. This amendment is to clarify the reimbursement process that will be used to calculate payment for physician administered drugs (PAD). We are not expecting any change in pricing for PAD medications.

Statutory Authority

- Executive Order 14087

Purpose

The purpose of this regulation is to update the reimbursement methodology of physician administered drugs.

Summary of Proposed Changes

Effective July 1, 2025, the DHSS/DMMA proposes to amend Title XIX Medicaid State Plan to reimburse physician administered drugs with the Medicare fee schedule rate.

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 June 2, 2025.

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

	Federal Fiscal Year 2025	Federal Fiscal Year 2026
General (State) funds	\$1,700,000	\$1,700,000
Federal funds	\$1,700,000	\$1,700,000

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 May 2025 *Register of Regulations* should be adopted.

THEREFORE, IT IS ORDERED, that the proposed regulation to amend Title XIX Medicaid State Plan regarding Physician Administered Drugs, specifically, to reimburse physician administered drugs with the Medicare fee schedule rate and shall be final effective August 11, 2025.

7/24/2025 | 2:35 PM EDT

Date of Signature

Dava Newnam for

Josette D. Manning Esq., Secretary, DHSS

Physician Administered Drugs

Attachment 4.19-B
Page 14

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT
STATE/TERRITORY: **DELAWARE**
METHODS AND STANDARDS FOR ESTABLISHING PAYMENT RATES - OTHER TYPES OF CARE
REIMBURSEMENT FOR PHARMACEUTICALS

Overview

The Delaware Medical Assistance Program (DMAP) will reimburse pharmaceuticals using the lower of:

1. All prescribed drugs, including DMAP covered non-legend and legend products that are prescribed by an authorized prescriber, DMAP will reimburse using the following hierarchy methodology.

- National Average Drug Acquisition Cost (NADAC); if no NADAC,

~~National Average Drug Acquisition Cost (NADAC);~~

- Delaware Maximum Allowable Cost, (DMAC) which includes all types of medication, including specialty and hemophilia products). If no NADAC or DMAC.
- Wholesale Acquisition Cost (WAC) plus 0% for legend and WAC minus 2% for non-legend.
 - ~~Wholesale Acquisition Cost (WAC), o WAC for legend~~
 - ~~WAC minus 2% for non-legend~~
- The usual and customary charge submitted by the provider if it is lower.

2. Federal Supply Schedule purchased drugs will be reimbursed at the provider's actual acquisition cost (AAC). AAC is defined as the providers' submitted invoice cost.

3. Drugs acquired at Nominal Price (outside of 340B or Fee for Service) will be reimbursed at the provider's acquisition cost.

4. Long-term care pharmacy providers supplying covered drugs to participants in long-term care facilities shall be reimbursed as outlined in items 1-3 above in this section.

5. Drugs not distributed by a retail community pharmacy and distributed primarily through a Specialty Pharmacy, or the mail (such as specialty drugs) will be reimbursed as outlined in items 4-6 1-3 above in this section. DMAC is ~~market based~~ market-based and includes all drug types.

6. Clotting factors from Specialty ~~Pharmacies~~, Pharmacies and Hemophilia Treatment Centers (HTC) will be reimbursed as outlined in items 1-3 in this section.

7. Physician Administered Drugs (PAD) will be reimbursed using the Medicare Fee Schedule.

8. Investigational Drugs that are prior authorized by DMAP will be reimbursed at provider's AAC.

The High Investment Medication list is available on the state's Medicaid website.

Delaware will pay for High Investment list medications, including cellular and gene therapy medication, as listed on the state's website by ~~using~~ using the lesser of AAC or the Medicare fee schedule.

DMAP will meet the reimbursement of ~~FUL~~ Federal Upper Limit (FUL) defined drugs in the aggregate by reviewing that

the NADAC does not exceed the FUL levels.

TN No. SPA # 24-0014 25-005

Approval Date: June 2, 2027

Supersedes

TN No. SPA # 17-002 24-0014

Effective Date: January 1, 2017 July 1, 2025

Attachment 4.19-B
Page 14 cont.

Entities that purchase Section 340B of the Public Health Service Act products must request to use these drugs for all DMAP patients, including Medicaid fee-for-service patients and for patients whose care is covered by Medicaid Managed Care Organizations.

Professional Dispensing Fee

There is one-time professional dispensing fee per thirty (30)-day period unless the class of drugs is routinely prescribed for a limited number of days.

The professional dispensing fee for ~~covered-outpatient~~ prescribed drugs is \$10.00.

The professional dispensing fee for specialty drugs-mailed and clotting factors is \$27.00.

TN No. SPA # 24-0014 25-005

Approval Date: June 2, 2027

Supersedes

TN No. SPA # 17-002 24-0014

Effective Date: January 1, 2017 July 1, 2025

DIVISION OF PUBLIC HEALTH

Statutory Authority: 16 Delaware Code, Section 122(3) (16 **Del.C.** §122(3))
16 **DE Admin. Code** 4104

FINAL

ORDER

4104 Delaware Conrad State 30 / J-1 Visa Waiver Program

NATURE OF THE PROCEEDINGS:

Delaware Health and Social Services (“DHSS”), Division of Public Health recently initiated proceedings to amend regulation 4104 Delaware Conrad State 30/J-1 Visa Waiver Program. These proceedings were initiated pursuant to 29 **Del.C.** Ch. 101 and the authority as prescribed by 16 **Del.C.** §122(3).

On March 1, 2025 (28 **DE Reg.** 654), DHSS published in the *Delaware Register of Regulations* its notice of the proposed amendments, pursuant to 29 **Del.C.** §10115. The Division of Public Health requested that written materials and suggestions from the public concerning the proposed regulation be delivered to DHSS by April 1, 2025, after which time DHSS would review information, factual evidence, and public comment to the proposed regulation. No comments were received during the public comment period.

On June 1, 2025 (28 **DE Reg.** 884), DHSS published in the *Delaware Register of Regulations* its notice of the final amendments, pursuant to 29 **Del.C.** §10118. After publication, it was determined that the title of Appendix D was incorrectly referenced as “Appendix C Annual Practice Report” within the document. This exempt final regulation addresses the error, correcting the title to “Appendix D Annual Practice Report”.

SUMMARY OF EVIDENCE:

In accordance with [29 Del.C. §10113\(b\)\(4\)](#), nonsubstantive changes in existing regulations to alter style or form or to correct technical errors are exempt from the public comment period required for proposed regulation. The Division of Public Health is publishing this final exempt regulation pursuant to this statute.

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 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 additional changes are being made to the regulation published as final in the June 2025 issue of the *Delaware Register of Regulations*. The Department finds that the final exempt 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 final exempt amendments to regulation 4104 Delaware Conrad State 30/J-1 Visa Waiver Program shall become effective August 11, 2025, 10 days after publication of the final regulation in the *Delaware Register of Regulations*.

7/8/2025 | 2:05 PM EDT

Date

Josette D. Manning, Esq.
Cabinet Secretary
Delaware Department of Health and Social Services

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

<https://regulations.delaware.gov/register/august2025/final/29 DE Reg 130 08-01-25>

DIVISION OF PUBLIC HEALTH

Statutory Authority: 16 Delaware Code, Section 9705(p)(1) (16 **Del.C. §9705(p)(1)**)
16 **DE Admin. Code 4303**

FINAL**ORDER****4303 Automatic External Defibrillation****NATURE OF THE PROCEEDINGS:**

Pursuant to [16 Del.C. §9705\(p\)\(1\)](#), the Department of Health and Social Services (DHSS), Division of Public Health, Emergency Medical Services Section, proposed revisions to the regulation governing automatic external defibrillation ([16 DE Admin. Code 4303](#)).

The proposed amendments introduced several important changes to better serve and protect Delawareans. Changes include updates to the definitions section, AED/SAED deployment guidelines, and additional technical changes to bring the regulation into compliance with the *Delaware Administrative Code Style Manual*.

Copies of the proposed regulation were published in the June 1, 2025 issue of the *Delaware Register of Regulations* ([28 DE Reg. 849 \(06/01/25\)](#) (Prop.)). Public comments were accepted until 4:30 PM on July 1, 2025.

SUMMARY OF EVIDENCE:

In accordance with Delaware law, public notice regarding the proposed DHSS regulation [16 DE Admin. Code 4303](#) was published in the *Delaware Register of Regulations*. No comments were received during the public comment period (June 1, 2025 through July 1, 2025).

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

The statutory mandate within [29 Del.C. §10118\(b\)\(3\)](#) requires each agency to address impact on the State's greenhouse gas emissions reduction targets and resiliency to climate change. Division of Public Health Director Steven Blessing reviewed the proposed regulation as required and determined that any assessment of the impact of the proposed regulation is not practical.

FINDINGS OF FACT:

No changes were made to the regulation since publication as proposed. The Department 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 [16 DE Admin. Code 4303](#) Automatic External Defibrillation shall become effective August 11, 2025, 10 days after publication of the final regulation in the *Delaware Register of Regulations*.

7/10/2025 | 11:47 AM EDT

Date

Josette D. Manning, Esquire

Cabinet Secretary

Delaware Department of Health and Social Services

4303 Automatic External Defibrillation

1.0 Purpose

1.1 This regulation establishes:

- 1.1.1 The criteria for administering semi-automatic external cardiac defibrillation by the general public in the pre-hospital environment.
- 1.1.2 The State Emergency Medical Director's standards and training requirements for authorized semi-automatic external defibrillation equipment throughout the State of Delaware.
- 1.1.3 The procedures to assure quality assurance and uniform data collection.

2.0 Authority

This regulation is ~~written~~ and promulgated by the Delaware Department of Health and Social Services pursuant to 16 ~~Del.C. Chapter Ch.~~ 9705 and 16 ~~Del.C. Chapter Ch.~~ 30C.

3.0 Definitions

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

"AED" means an automated external defibrillator, which is a device capable of: (1) analyzing cardiac rhythm, (2) determining the need for defibrillation, (3) automatically charging, and (4) advising a provider to deliver an electrical impulse or automatically deliver an impulse to restore the sudden cardiac arrest victim to a normal sinus rhythm.

"CPR" means Cardiopulmonary Resuscitation cardiopulmonary resuscitation.

"Delaware Early Defibrillation Program" means a coordinated program provides early access to defibrillation for individuals experiencing sudden cardiac arrest using automated external defibrillation and related care.

"Early defibrillation service" means a person or agency who is registered to provide care to victims of cardiac arrest, who wishes to employ or retain personnel within their organization who are trained in the use of automated external defibrillation and related care.

"Emergency Medical Service" or "EMS" means an ambulance, paramedic or prehospital service that provide urgent prehospital treatment and stabilization for serious illness or injuries and transport to definitive care facilities.

"FDA" means Federal ~~the~~ Food and Drug Administration of the U.S. federal government.

“First Responder Team responder team” means an organized group of individuals within a ~~Public Access Defibrillation public access defibrillation~~ agency designated by that agency to respond to emergency situations.

“Office or OEMS” “Office” or “OEMS” means the Delaware State Office of Emergency Medical Services Services.

“SAED” means ~~Semi-Automated External Defibrillator. A~~ a semi-automatic external defibrillator, an electronic device capable of, of: (1) analyzing cardiac rhythm, (2) determining the need for defibrillation, (3) automatically charging, and (4) advising a provider to deliver an electrical impulse to restore the sudden cardiac arrest victim to a normal sinus rhythm.

“Service” means an organization that provides an early defibrillation program.

“Service Coordinator coordinator” means the appointed possessor of an SAED who coordinates the ~~agency’s Early Defibrillation Program~~ an organization’s early defibrillation program.

“State Coordinator” means the Director of the State Office of Emergency Medical Services appointee who administers the Early Defibrillation Program at the state level.

“State Medical Director” means the State Office of Emergency Medical Services State EMS Medical Director who provides medical control supervision and quality control for the Delaware Early Defibrillation Program.

“The Board” means ~~the Delaware Board of Medical Licensure and Discipline.~~

4.0 General Provisions

- 4.1 This regulation applies to any organization or ~~individuals~~ individual participating in the Delaware Early Defibrillation Program.
- 4.2 The OEMS, or its designee, shall retain the right to inspect any ~~Early Defibrillation Service’s state~~ early defibrillation service’s State funded defibrillation equipment or any records or documentation associated with that agency’s ~~Early Defibrillation Program~~ early defibrillation program.
- 4.3 ~~Semi-Automated External Defibrillators~~ Automated or semi-automated external defibrillators are classified as medical devices by the Delaware Board of Medical Licensure and Discipline.
- 4.4 SAED manufacturers, AED manufacturers and their representatives or agents are required to notify the OEMS of the sale and placement of an SAED within the State of Delaware.
- 4.5 The OEMS shall be responsible for notifying the jurisdictional public safety answering point of the placement of an SAED AED/SAED within the boundaries of their ~~jurisdiction~~ jurisdiction.
- 4.6 ~~SAED Providers, SAED agencies and SAED~~ AED/SAED providers, agencies, and training organizations have limited immunity protection as specified in ~~Chapter 14~~ Section 11.0 of this regulation.

5.0 Eligibility

- 5.1 Any individual, agency, school, ~~organization~~ organization, or business, within the State of Delaware is eligible to become an ~~Early Defibrillation Service~~ early defibrillation service.
- 5.2 Any agency, school, ~~organization~~ organization, or business from another state operating within the State of Delaware, is eligible to become an ~~Early Defibrillation Service~~ early defibrillation service as approved by the State Emergency Medical Services Medical Director.

6.0 Early Defibrillation Service Requirements

- 6.1 Agencies, schools, ~~corporations~~ corporations, or businesses desiring to provide ~~Early Defibrillation Services~~ early defibrillation services must make application to the OEMS prior to implementation of the program.
- 6.2 Information to be provided with the application package shall include:
 - 6.2.1 The OEMS approved application; and
 - 6.2.2 Other information as required by the OEMS.
- 6.3 Responsibility of the Service
 - 6.3.1 The Service service shall:
 - 6.3.1.1 Appoint a Service Coordinator service coordinator to act as a liaison between the ~~Service~~ service and the State Coordinator.
 - 6.3.1.2 Notify the OEMS of changes of any information contained in the original application within 14 days of the changes. This includes changes in the ~~Service Coordinator~~ service coordinator or changes in equipment or operational procedure.
 - 6.3.1.3 Ensure defibrillators used by the service are of the type specified by this regulation.
 - 6.3.1.4 Supply appropriate resources to providers to assure the capability to comply with the reporting procedures required under this regulation.

7.0 State Coordinator Responsibilities

7.1 A State Coordinator shall:

7.1.1 Be appointed by the State EMS Director.

7.1.2 Act as a liaison between the OEMS and the recognized training agencies, services, ~~providers~~ providers, and medical facilities.

8.0 Service Coordinator

A Service Coordinator ~~will~~ shall have successfully completed an SAED training course.

9.0 Early Defibrillation Provider Requirements

9.1 Guidelines for the validation of credentials of ~~Early Defibrillation Providers~~ early defibrillation providers are established by the Board of Medical Licensure and Discipline.

9.2 Individuals requesting validation as an ~~Early Defibrillation Provider~~ shall: early defibrillation provider shall apply for AED/SAED training through a training agency recognized by the OEMS.

9.2.1 ~~Apply for SAED training through an SAED training agency recognized by the OEMS.~~

10.0 Defibrillation Equipment

10.1 Defibrillators acceptable for use in the State of Delaware ~~will~~ shall:

10.1.1 Be FDA approved;

10.1.2 Be of the ~~semi-automatic~~ automated type requiring no provider intervention to deliver an electrical impulse, or be of the ~~semi-automated~~ type requiring provider intervention to initiate a defibrillation shock or other device as an electrical impulse approved by the State EMS Medical Director; Director.

~~10.1.3 Be capable of automatically collecting data;~~

~~10.1.4 Be capable of producing a printed summary report as approved by the State EMS Medical Director.~~

~~10.1.5 SAED's utilizing alternate waveform technologies are approved for use provided that the treatment algorithm has been approved by the FDA.~~

10.2 Defibrillation Equipment Modification

10.2.1 No modifications are to be made to defibrillation equipment, by a provider ~~on~~ in the service, which results in:

10.2.1.1 Deviation from the original manufacturer's specification; or

10.2.1.2 Deviation from Early Defibrillation Program protocols.

10.2.2 Defibrillation ~~Protect~~ protocol changes may only be authorized by the State EMS Medical Director.

10.2.3 Necessary defibrillator modifications shall be coordinated by the ~~Service Coordinator~~ service coordinator.

10.2.4 Defibrillator preventive maintenance will be maintained in accordance with manufacturer's recommendations.

10.3 ~~Financial Responsibility~~ Responsibility.

~~10.3.4~~ Purchase of SAED AED/SAED units, electrodes or pads, data collection hardware/software hardware/software, and any required inspections, ~~repairs~~ repairs, or replacement parts shall be the sole responsibility of the service.

11.0 Provisions of Limited Immunity Protections

Persons using an SAED AED/SAED in attempt to resuscitate another person have limited immunity protection under 16 ~~Del.C. Chapter Ch.~~ 3005C.

12.0 SAED AED/SAED Deployment Guidelines

12.1 SAEDs AEDs/SAEDs are to be used in cases of cardiac arrest and in accordance with manufacturer's guidelines only.

12.2 SAED AED/SAED providers shall follow the most current American Heart Association/Emergency Cardiac Association's Emergency Cardiovascular Care Committee guidelines ~~and/or~~ and additional guidelines as promulgated by the State EMS Medical Director.

12.3 EMS and ~~First Responder Agencies~~ first responder agencies must transport to the closest appropriate medical facility when a paramedic unit has not arrived on the scene.

~~12.3.4~~ EMS and ~~First Responder~~ first responder agencies must contact medical control while enroute for additional orders.

12.4 ~~Non-EMS/First Responders~~ Non-EMS/first responders must continue CPR and repeat rhythm analysis until EMS arrives.

- ~~12.4.1 Non-EMS/First Responders must re-contact 911 assuring Non-EMS/first responders must redial 911 until confirmation that help is on the way is established.~~
- 12.5 Complete the SAED download data management form. the public access AED use report as follows:
- 12.5.1 ~~For non-EMS/First Responders~~ Non-EMS/first responders without download capabilities: capabilities shall complete the public access AED use report and restock the AED/SAED. The AED/SAED shall be placed back in service and ready for use.
- 12.5.1.1 ~~Turn the SAED over to the responding EMS agency for data download.~~
- 12.5.1.2 ~~After the data has been downloaded and printed out have the EMS agency return the SAED to the owner agency.~~
- 12.5.1.3 ~~Send a hard copy of all data downloads to the State AED Coordinator.~~
- 12.5.2 Non-EMS/first responders with download capabilities shall complete the public access AED use report, download/print the AED report, and send a copy of all the data to the State AED coordinator.
- 12.5.3 EMS/first responders shall include all AED data in the patient care/police documentation. Police and correction agencies shall forward all AED documentation to the State Coordinator.
-

DEPARTMENT OF LABOR

DIVISION OF PAID LEAVE

Statutory Authority: 19 Delaware Code, Section 105 (19 Del.C. §105)

19 DE Admin. Code 1401

FINAL

ORDER

1401 Rules Defining and Regulating the Healthy Delaware Families Act, Family and Medical Leave Insurance Program and the Division of Paid Leave

SUMMARY OF THE EVIDENCE

1. Title 19, Sections 105 and 3720 of the Delaware Code authorize the Department of Labor (“Department”) to establish, amend and repeal regulations necessary for the internal administration of the Department, and for the proper conduct of any necessary hearings before the Department or its authorized agents and in relation to the administration and enforcement of the Healthy Delaware Families Act (the “Act”) and the Division of Paid Leave (the “Division”).
2. The Department’s purpose in proposing the regulations was to set forth additional definitions, guidance, procedures, and standards for the implementation of the Act and the Paid Family Medical Leave Insurance Program (“PFML Program”). The Division will administer the Act and this Program in accordance with these regulations.
3. Notice of the proposed regulation was published in the June 1, 2025 edition of the *Delaware Register of Regulations*.
4. The Department invited a period of 30 days, until June 30, 2025, for written comment from the public, and received 1 written submission with comments from an organization representing businesses and community members.

FINDINGS OF FACT AND CONCLUSIONS

1. The public was given notice and an opportunity to provide the Department with comments in writing.
2. Some comments requested revisions to the proposed amendments that would contradict the Act or the Department’s interpretation of the Act. One comment requested clarification for specific hypotheticals, which is not permitted in regulations, but the Department will provide these in instruction manuals. The Department will

continue to work with the public, especially organizations representing community members, to best administer the PFML Program.

3. The Department has statutory authority to promulgate rules and regulations clarifying specific statutory sections of its statute pursuant to [19 Del.C. §§105 and 3720](#).
4. The proposed amendments clarify definitions of the average weekly wage calculation and how employers of different sizes calculate employee count.
5. Having solicited and requested public comment on the proposed regulations in accordance with the Delaware Administrative Procedures Act, 29 Del.C. Ch. 101, et. seq., and determining that no substantive changes are required to the proposed regulations, this is the Department's Decision and Order adopting the proposed regulations with the non-substantive edits to the proposed regulation published on June 1, 2025, as set forth herein, and with the rest of the proposed rules as published remaining unchanged.
6. The Department reviewed the proposed regulation as required by [29 Del.C. §10118\(b\)\(3\)](#) and 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.
7. For the reasons stated above, the Department finds no reason to substantively amend the regulations.

DECISION AND ORDER

1. For the foregoing reasons, the Department concludes that it is appropriate to promulgate regulations regarding the PFML Program and in which the text of the final regulation shall be in the form referenced herein. Therefore, the regulations shall be adopted in accordance with this 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 this 14th day of July, 2025.

Department of Labor
LaKresha Moultrie, Secretary of Labor

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

<https://regulations.delaware.gov/register/august2025/final/29 DE Reg 135 08-01-25>

DEPARTMENT OF STATE DIVISION OF SMALL BUSINESS

Statutory Authority: 29 Delaware Code, Section 8705A (29 Del.C. §8705A)
1 DE Admin. Code 1901

FINAL

ORDER

1901 The STEM Talent Advancement and Retention

SUMMARY OF THE EVIDENCE

1. Senate Bill 327 of the 152nd General Assembly and [29 Del.C. §8705A](#) authorize the Department of State, Division of Small Business to promulgate regulations in relation to the powers, duties, and functions for the administration of The STEM Talent Advancement and Retention ("STAR") Fund.

2. Pursuant to this authority, the Division of Small Business proposes amendments to the regulations to clarify the application process for the STAR Fund.
3. Notice of the proposed amendments were published in the June 1, 2025 edition of the *Delaware Register of Regulations*, and the public was given 30 days to provide written comment.
4. The Division did not receive any comments.
5. Having provided the opportunity for public comment on the proposed amendments in accordance with the Delaware Administrative Procedures Act, 29 Del.C. Ch. 101, et. seq., this is the Order adopting the proposed amended regulations published previously.

FINDINGS OF FACT

1. The Director of the Division of Small Business finds that it is necessary to propose amendments to clarify the application process and remove one category of documents required for submission in the application process.

IMPACT ON GREENHOUSE GAS EMISSIONS

An assessment of the impact of the proposed amendments on the achievement of the State's greenhouse gas emissions reduction targets is not practical for The STAR Fund.

DECISION AND ORDER

For the foregoing reasons, the Director concludes that it is appropriate to promulgate regulations regarding The STAR Fund and in which the text of the final regulation shall be in the form referenced herein. Therefore, the amended regulations shall be adopted in accordance with this 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 this 2 day of July, 2025.

CJ Bell, Director
Division of Small Business
Department of State

1901 The STEM Talent Advancement and Retention ("STAR") Fund

1.0 Statutory Authority and Enabling Legislation

The STAR Fund was established pursuant to Section 37 of the Fiscal Year 2025 Grants-in-Aid Act, Senate Bill 327 of the 152nd General Assembly, which directs the Division of Small Business (the "Division") to prescribe such regulations as may be necessary to administer the STAR Fund.

2.0 Purpose and Intent

- 2.1 The purpose of the STAR Fund is to incentivize, retain, and attract graduates from an accredited post-secondary institution of higher education who are employed or considering employment in Delaware in the STEM fields by providing awards for ~~reimbursement~~ assistance with payment of their higher education loans.
- 2.2 This regulation contains procedures governing the process for applying to the Division for an award under the STAR Fund and criteria for the Division's approval or disapproval of an application for an award under the STAR Fund.

3.0 Definitions

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

"Applicant" means any individual with an associate's, bachelor's, graduate, or post-graduate degree from an accredited post-secondary institution of higher learning, with accompanying education loan repayment expenses, who is employed or has an offer of employment as a full-time employee (minimum of 35 hours per week) with a Delaware-based employer, filling a position located in the State.

"Application" means an application made to the Division of Small Business on such Division approved form or forms, together with all relevant attachments, and signed by the applicant.

"Award" means funding provided from the STAR Fund to applicants for the reimbursement assistance with payment of higher education loans.

"Awardee" means an applicant who has been selected by the Fund Committee to receive an award from the STAR Fund.

"Award letter" means a letter from the Fund Committee notifying applicants who have been selected to receive an award from the STAR Fund.

"Division" means the Division of Small Business created by § 8703A of Title 29 of the Delaware Code.

"Eligibility period" means a term of up to 4 consecutive service periods beginning on the date that an awardee receives initial notice of an award from the STAR Fund and ending at the conclusion of the fourth service period.

"Eligible expenses" means annual higher education loan repayment expenses, including principal, interest, and fees (excluding late fees or other penalties for late payment).

"Fund Committee" means the group of individuals designated by the Delaware Division of Small Business and the Delaware Center for Life Science Education and Training, including the Director of the Delaware Division of Small Business and the Executive Director of the Delaware Center for Life Science Education and Training, or their designees, to review applications and select awardees.

"Service Period" means 1 calendar year of education loan repayments.

"State" means the State of Delaware.

4.0 Eligibility

4.1 The applicant shall have graduated from an accredited post-secondary institution of higher learning with an associate's, bachelor's, graduate, or post-graduate degree with accompanying education loan repayment expenses.

4.2 The applicant shall be offered employment as a full-time employee (minimum of 35 hours per week) with a Delaware-based employer filling a position located in this State throughout the eligibility period. Employment must be in 1 or more of the following fields:

4.2.1 Life, natural, or environmental sciences;

4.2.2 Computer information or software technology;

4.2.3 Advanced mathematics or finance;

4.2.4 Engineering; or

4.2.5 Medical device technology.

4.3 Preference will be given to applicants who are permanent residents of the State or who attended an institution of higher education located in the State when they incurred the eligible expenses.

5.0 Timeline

The Fund Committee shall complete its review of the applications within 60 days from the application deadline.

6.0 Application Process

6.1 The application will be available through an application portal located on the Delaware Center for Life Science Education and Training's website. Every application that includes all required responses and attachments will be reviewed and evaluated by the Fund Committee. All applicants will be notified of the Fund Committee's decision upon the conclusion of the Fund Committee's review of all applications.

6.2 Applicants are required to submit the following documents in addition to the application:

6.2.1 Employer Endorsement Form.

6.2.2 Resume, including applicant's current position and current employer.

6.2.3 Transcripts from post-secondary educational institution. Transcripts do not need to be "official" transcripts, but must include the college or university's name, student's name, course work and grades, and GPA.

~~6.2.4 Twelve months of individual loan statements and proof of payment for the entire service period to prove the applicant's minimum monthly payment amount for all lenders.~~

~~6.2.5~~ 6.2.4 Documentation for each student loan account that includes the following information:

~~6.2.5-16.2.4.1~~ 6.2.4.1 Account holder information (name, address, account number).

~~6.2.5-26.2.4.2~~ 6.2.4.2 Loan provider information.

~~6.2.5-36.2.4.3~~ 6.2.4.3 Loan terms and payment schedule, including minimum required payment amount.

~~6.2.5-46.2.4.4~~ 6.2.4.4 Total loan amount and interest rate.

~~6.2.5-56.2.4.5~~ Evidence of other loan repayment programs, if applicable, including income based repayment letters and employer-run program agreements.

7.0 Selection Process

- 7.1 Applications will be reviewed and evaluated by the Fund Committee, which shall consist of 5 members chosen by the ~~Delaware Division of Small Business Division~~ and the Delaware Center for Life Science Education and Training. The Director of the ~~Delaware Division of Small Business Division~~ and the Executive Director of the Delaware Center for Life Science Education and Training, or their designees, must be members of the Fund Committee.
- 7.2 The remaining 3 members of the Fund Committee shall be selected based on their knowledge and expertise in STEM employment trends and STEM hiring needs in Delaware. The Fund Committee may include representatives from STEM industries, a representative from a Delaware higher education institution, and a representative from a workforce development organization.
- 7.3 The Fund Committee will review applications on a name-blind basis.
- 7.4 Upon receipt of an application from an eligible applicant, the Fund Committee shall select applicants, on a competitive basis, to receive an award for the service period for which the applicant is applying, as follows:
 - 7.4.1 A maximum award of \$1,000 for an associate degree holder.
 - 7.4.2 A maximum award of \$4,000 for a bachelor's degree holder.
 - 7.4.3 A maximum award of \$6,000 for a graduate or post-graduate degree holder.
- 7.5 The Fund Committee shall email an award letter to each applicant selected for an award. The applicant shall have 30 days from the date the award letter is emailed to accept the award by countersigning the award letter and delivering an executed copy to the Division. An award shall be deemed withdrawn if not timely accepted by an applicant.
- 7.6 In addition to the terms provided by subsections 7.4, 7.5, and 8.2 of this regulation, the award letter shall require that the applicant:
 - 7.6.1 Submit annual reports, in the form and on the dates as required, in order to confirm that the applicant continues to meet all of the eligibility requirements contained in this regulation; and
 - 7.6.2 Consent to the public disclosure of the receipt of any award, including disclosure of the applicant's:
 - 7.6.2.1 Name;
 - 7.6.2.2 Post-secondary institution of higher learning; and
 - 7.6.2.3 Employer.

8.0 Annual Certification

- 8.1 Within 6 months after the end of each service period, awardees shall submit documentation certifying the following information:
 - 8.1.1 The amount of eligible expenses the awardee has actually incurred and paid.
 - 8.1.2 That the awardee continues to meet the eligibility requirements throughout the service period.
 - 8.1.3 That the award amount does not exceed the original student loan amount, plus any capitalized interest, excluding any award previously received from the STAR Fund.
 - 8.1.4 That the awardee is current on ~~their~~ the awardee's student loan repayment obligations.
 - 8.2 Awardee shall submit a notarized certification attesting to the truth and accuracy of the information provided in response to subsections 8.1.1 through 8.1.4, in the form to be provided with the award letter. The Division reserves the right to request additional documentation, in its sole discretion.
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FINAL REGULATIONS

PUBLIC SERVICE COMMISSION

Statutory Authority: 26 Delaware Code, Sections 203F and 209 (26 Del.C. §§203F & 209)

FINAL

ORDER

3014 Regulations Governing Certificates of Public Convenience and Necessity for the Siting of Renewable Energy Interconnection Facilities

IN THE MATTER OF THE ADOPTION OF)	
RULES AND REGULATIONS TO)	
IMPLEMENT THE PROVISIONS OF TITLE)	PSC REGULATION DOCKET
26 § 203F DELAWARE CODE)	NO. 67
RELATING TO RENEWABLE ENERGY)	
INTERCONNECTION FACILITIES)	
(OPENED JANUARY 14, 2025))	

ORDER NO. 10726

AND NOW, this 23rd day of July 2025, the Delaware Public Service Commission (“Commission”) determines and orders the following:

WHEREAS, on September 5, 2024, the Governor of the State of Delaware signed Senate Bill 265 which, in relevant part, amended Title 26 of the Delaware Code by adding section 203F related to the siting of Renewable Energy Interconnection Facilities;

WHEREAS, on January 25, 2025, the Commission issued Order 10643 and determined that good cause existed to promulgate regulations to comply with Senate Bill 265 related to Renewable Energy Interconnection Facilities;

WHEREAS, the Commission empowered Staff and its Deputy Attorney General in Order No. 10643 to submit the proposed Regulations and appropriate documents to the Office of the Registrar of Regulations (the “Registrar”) for publication of the proposed Regulations in the *Delaware Register of Regulations*;

WHEREAS, pursuant to [26 Del.C. §102A](#), the Secretary of the Commission published the proposed Regulations and accompanying Public Notice submitted to the Registrar on the Commission’s website located at <https://depsec.delaware.gov> as required;

WHEREAS, the Commission held a public hearing on the proposed Regulations as provided by the published Public Notice on April 23, 2025;

WHEREAS, the Commission received no public comments on the proposed Regulations.

WHEREAS, Commission Staff made one grammatical, non-substantive change to the proposed regulation;

WHEREAS, the proposed amendments will help achieve the State's greenhouse gas emission reduction targets, as specified in § 10003 of Title 7 by facilitating the proliferation of more renewable energy interconnection and production in the State.

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

1. Pursuant to [26 Del.C. §209\(a\)\(1\)](#) and [29 Del.C. §10111](#) *et seq.*, the Commission shall publish the proposed Regulations as amended in the attached Exhibit A as final.
2. Staff shall work with its Deputy Attorney General and submit the appropriate documents required by [29 Del.C. §10111](#) *et seq.* to the Registrar for final publication in the *Delaware Register of Regulations*, and revise such documents as recommended by the Registrar.
3. The effective date of this order shall be 10 days after the date the Regulations are published as final in the *Register of Regulations*.
4. The Commission reserves the jurisdiction and authority to enter such further Orders in this matter as may be deemed necessary or proper.

Dated: July 23, 2025

BY ORDER OF THE COMMISSION:

Dallas Winslow, Chairman

Joann Conaway, Commissioner

Harold Gray, Commissioner

Manubhai "Mike" Karia, Commissioner

Kim Drexler, Commissioner

ATTEST:

Crystal Beenick, Commission Secretary

3014 Regulations Governing Certificates of Public Convenience and Necessity for the Siting of Renewable Energy Interconnection Facilities

1.0 General

This regulation is adopted pursuant to the authority granted to the Public Service Commission under [26 Del.C. §209](#) and [26 Del.C. §203F](#) and shall govern the process for a person or entity to obtain a Certificate of Public Convenience and Necessity to begin the business of a renewable energy interconnection facility.

2.0 Definitions

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

"Applicant" means any person or entity seeking a certificate of public convenience and necessity for a renewable energy interconnection facility.

"Certificate" means a certificate of public convenience and necessity required by the provisions of [26 Del.C. §203F](#).

"Commission" means the Delaware Public Service Commission.

"DOT" means the Delaware Department of Transportation

"Offshore wind interconnection facility" means all transmission lines, conduits, and any other equipment that serve to connect an offshore wind power generation project or projects to the PJM transmission grid through any part of the State of Delaware or its territorial waters, whether those facilities are part of the PJM network or serving individual generation owners. This includes all equipment located within the State of Delaware, including within 3 miles of the Delaware coast, through to the substation that connects the offshore wind power project to the PJM transmission grid.

"PJM" means the Regional Transmission Organization ("RTO") that is responsible for wholesale energy markets and the interstate transmission of energy throughout a multi-state area including Delaware, or its successor organizations.

"Renewable energy interconnection facility" means any transmission facilities which include transmission lines, conduits, or any other equipment necessary to connect any solar, wind, or other renewable energy project with 30 MW of capacity or higher to the PJM transmission grid. This includes all offshore wind interconnection facilities as defined in this regulation.

"Staff" means the Staff of the Public Service Commission.

"Transmission facility" means electric facilities located in Delaware, developed by public utilities or companies that are not public utilities, including those in offshore waters, and integrated with onshore electric facilities, and owned by a public utility that operate at voltages above 34,500 volts and that are used to transmit and deliver electricity to customers, including any customers taking electric service under interruptible rate schedules as of December 31, 1998, up through and including the point of physical connection with electric facilities [owner] owned] by the customer. This includes offshore wind interconnection facilities and renewable energy interconnection facilities.

3.0 Application for a Certificate of Public Convenience and Necessity for a Renewable Energy Interconnection Facility

3.1 Before an applicant may begin the business of constructing and operating a renewable energy interconnection facility, the applicant must obtain a certificate from the Commission.

3.2 Certification requirements. All applicants shall file with the Commission an original and 5 copies of an application for a certificate or comply with the electronic filing requirements of [26 DE Admin. Code 1001](#). The application shall contain all the information and exhibits hereinafter required and may contain additional information as the applicant deems appropriate to demonstrate to the Commission that it possesses the technical, financial, managerial, and operational ability to adequately serve the public consistent with applicable State laws. An application shall not be considered complete and filed until all required information and supporting documentation has been submitted to the Commission. Applications shall contain at least the following information:

3.2.1 Identifying information. The legal name and, if applicable, tax identification number or employer identification number of the applicant, as well as the trade names under which the applicant proposes to do business in Delaware. List any other names under which the applicant or its affiliated interests have previously done business in Delaware.

3.2.2 Certifications. Certifications issued by the state of formation or incorporation certifying that the applicant is in good standing and qualified to do business in that state.

3.2.3 Authorization. Documentation from the Delaware Secretary of State issued within 90 days of filing, that the applicant is legally authorized and qualified to do business in the State of Delaware.

3.2.4 Registered agent. The name, phone number, email address, and post office address of a registered agent, under [26 Del.C. §401](#), within the State upon whom service of any notice, order or process may be made.

3.2.5 Leadership. The names, titles, addresses, email addresses, and telephone numbers of the applicant's principal officers, directors, partners, or other similar officials.

3.2.6 Corporate structure. A description of the applicant's corporate structure, including all parent, affiliated, and subsidiary companies. A graphical depiction of the applicant's corporate structure shall be included.

3.2.7 Contact information. The name, title, email address, mailing address, and telephone number of the applicant and the applicant's regulatory contact person responsible for the applicant's operations.

- 3.2.8 Attorney. The name, address, email address, and telephone number of the applicant's attorney.
- 3.2.9 Consent to jurisdiction. A statement consenting to the jurisdiction of the Delaware courts for acts or omissions arising from the applicant's or its agent's activities in the State.
- 3.2.10 Criminal activities. A statement detailing any criminal activities, except for misdemeanors or lesser violations, of which the applicant or any of its affiliated interests, officers, and directors (and prior officers and directors who left the applicant's employ less than 3 months before the filing of the application) have been convicted. Any criminal activity disclosure shall include a copy of any order of conviction and restitution.
- 3.2.11 Project description. A complete description of the project that the applicant intends to develop in Delaware, to include:
- 3.2.11.1 A detailed description of the renewable energy interconnection facilities for which the applicant seeks a certificate, including its functions and operating characteristics.
- 3.2.11.2 Complete plans as to all structures, including underground construction and transmission facilities associated with the proposed facility.
- 3.2.11.3 One-line diagrams showing all transmission facilities to be constructed.
- 3.2.11.4 A description of the construction design to include a pictorial representation of design type.
- 3.2.11.5 An aerial map showing the proposed location and route of planned renewable energy interconnection facilities.
- 3.2.11.6 A cost estimate for the project.
- 3.2.11.7 Copies of any analysis undertaken by the applicant or of which applicant is aware that demonstrates the reliability-based or economics-based need for the renewable energy interconnection facility and any impacts on electricity costs, including transmission, energy, capacity, and ancillary services charges within Delaware.
- 3.2.11.8 The engineering and technical design of the transmission facility proposed by the applicant.
- 3.2.12 DOT right of way. If a renewable energy interconnection facility will operate in a DOT right of way, the applicant must describe the extent to which the facilities impact the safe and effective operation of other utility facilities, or any other facilities, already in the right of way.
- 3.2.13 Offshore wind interconnection facilities. For offshore wind interconnection facilities, provide the written approval obtained from the State Energy Office confirming compliance with [26 Del.C. §203F\(e\)](#).
- 3.2.14 Entity designation. A copy of documentation certifying the applicant as the PJM entity designated to contract new renewable energy transmission facilities. If the applicant is not a PJM designated entity, the applicant must submit additional information under subsections 3.2.15, 3.2.16, and 3.2.17.
- 3.2.15 Financial information. If the applicant is not a PJM designated entity, evidence of long-term financial viability of the applicant to provide service in the State, including:
- 3.2.15.1 If publicly traded, the applicant's:
- 3.2.15.1.1 Certified financial statements current within 12 months of the filing; and
- 3.2.15.1.2 Most recent annual report to shareholders and SEC Form 10-K (or a link to the report on the SEC website).
- 3.2.15.2 If not publicly traded, the applicant's accounting statements, including balance sheet and income statements, audited financial statements, bank account statements, tax returns, or other indicia of financial capability, or, if applicable, the certified financial statements of a publicly traded parent.
- 3.2.15.3 Applicants submitting European-style financial statements shall include a statement of similarity.
- 3.2.15.4 Staff may request other indicia of financial capability.
- 3.2.16 Bankruptcy. If the applicant is not a PJM designated entity, the applicant shall disclose whether it, or any of its affiliated interests, or any current or previous officer, director, or manager, has filed for bankruptcy in the past 24 months.
- 3.2.17 Operational experience. If the applicant is not a PJM designated entity, evidence of technical and operational fitness to construct and operate renewable energy interconnection facilities, including:
- 3.2.17.1 A description of the applicant's experience, including:
- 3.2.17.1.1 A description of the applicant's experience in constructing and operating renewable energy interconnection facilities in other states and an assessment of its long-term viability as a renewable energy interconnection facility.
- 3.2.17.1.2 A description of the applicant's experience with any transmission project in the PJM region.

- 3.2.17.2 Documentation on the need for and the impact of the proposed renewable energy interconnection facilities on the safe, adequate and reliable operation of delivery of electric supply services.
- 3.2.17.3 Detailed information on the engineering and technical design of the proposed facility.
- 3.2.17.4 Staff may request other indicia of technical or operation fitness.
- 3.2.18 Economic impact. The applicant's assessment of the impact of granting the certificate on the State's economy and the benefits to the State's ratepayers. All studies and forecasts, complete with the information, data, methodology, and assumptions on which they are based, on which the applicant intends to rely in supporting this assessment of economic impact, shall be included.
- 3.2.19 Climate impact. The applicant's assessment of how the granting of the certificate will impact the State's greenhouse gas emission reduction targets as specified in [7 Del.C. §10003](#). All studies and forecasts, complete with the information, data, methodology, and assumptions on which they are based, on which the applicant intends to rely in supporting this assessment of climate impact, shall be included.
- 3.2.20 The applicant's assessment of whether the proposed renewable energy interconnection facilities preclude or limit the ability of future renewable energy projects to use the same or nearby access locations or rights of way.
- 3.2.21 The applicant's assessment of whether the proposed renewable energy interconnection facilities allow for future construction by other developers so as to minimize the environmental impacts of multiple entry points along the Delaware shore or through Delaware rights of way.
- 3.2.22 The applicant's assessment of the impact of granting the certificate on the health, safety and welfare of the general public. All studies and forecasts, complete with the information, data, methodology, and assumptions on which they are based, on which the applicant intends to rely in supporting this assessment, shall be included.
- 3.2.23 Other proceedings. A list of states or federal jurisdictions in which the applicant or any of its affiliated interests has:
- 3.2.23.1 Been denied approval to construct or operate a transmission facility.
- 3.2.23.2 Been found to be in violation of a state's laws, rules, or regulations related to the provision of transmission facility construction.
- 3.2.23.3 Had its transmission authority revoked, modified or suspended.
- 3.2.23.4 Had any other adverse judicial or regulatory action pertaining to the provision of electric transmission, including any formal docketed complaints filed against:
- 3.2.23.4.1 The applicant;
- 3.2.23.4.2 Any of the applicant's affiliated interests;
- 3.2.23.4.3 Any officer, principal, or director of the applicant; or
- 3.2.23.4.4 Any prior officer, principal or director serving in that capacity at the time of the judicial or regulatory action.
- 3.2.23.5 Entered into a stipulation or consent decree in a formal docketed proceeding in the past 5 year concerning its transmission facilities construction or operation in which the applicant agreed to pay a civil penalty, provide any restitution, or make changes to its operations.
- 3.2.24 Other proceeding documents. The applicant shall provide a copy of any document, order or decree identified in response to subsection 3.2.23.
- 3.2.25 Copy of settlement, adjudication, or court order. A copy of any settlement, adjudication, or court order with respect to an action filed by a state Attorney General, the Federal Trade Commission, or US Department of Justice concerning the applicant's participation in transmission facility projects.
- 3.2.26 Other information. The Commission or its staff may consider any other information submitted by the applicant if it can show the financial, operational, managerial and technical abilities of an applicant.
- 3.2.27 Verification of application. The application must be accompanied by a signed, notarized verification of a principal or officer of the applicant stating that all information in the application is true and correct as filed to the best of the principal's or officer's belief. Where the applicant is a corporation or an association, the verification shall be signed by an officer of the applicant and notarized.
- 3.3 Application fee. An applicant for a certificate shall submit a non-refundable application fee of \$750 with the application.
- 3.4 Notice. An applicant shall publish notice of the filing of its application in accordance with [26 Del.C. §102A](#). Notice of the application shall be sent by the applicant to:
- 3.4.1 The State Energy Office within the Department of Natural Resources and Environmental Control;
- 3.4.2 The DOT; and

- 3.4.3 Any local government bodies where the facility will be wholly or partially located within the government bodies' boundaries.
- 3.5 Incomplete or abandoned applications. The Commission may reject an application that is not complete or that does not contain subsequent information requested by the staff within 4 months of a failure by the applicant to respond to the requests.
- 3.6 Waiver of certification requirements. Upon the request of any applicant, the Commission, upon notice and opportunity for comment, may, for good cause, waive any of the requirements of these regulations that are not required by statute. The waiver may not be inconsistent with the purpose of these regulations or [26 Del.C. §1001](#) et seq.
- 3.7 Review of the application. After the close of the comment period, staff shall make a recommendation to the Commission to approve, conditionally approve, or deny the application. The Commission may choose to approve, approve with conditions, modify, or deny a certificate to an applicant where it finds that doing so is in the public interest.
- 3.8 Timing of application decision. The Commission shall act on an application in accordance with [26 Del.C. §203F\(k\)](#).
- 3.9 Material change in application information. Applicants shall inform staff of any material changes in any information submitted in the application that occur from the time the application is submitted to the time the Commission considers the application. The failure to provide this notice within 10 business days after the change may be grounds for rejection of the application.
- 3.10 Accuracy of information. Failure to provide accurate and factual information, or the submission of false or misleading information, or the omission of material information in any communication with staff or the Commission, may be grounds for rejection of the application. Nothing in this section shall preclude the Commission or the State of Delaware from undertaking any action to address the provision of false information in an application.
- 3.11 Terms. Certificates are valid until revoked by the Commission or abandoned in accordance with Section 6.0 of this regulation.
- 3.12 Financial surety. The Commission may require financial assurance, including a bonding requirement, as part of any certificate to ensure appropriate decommissioning of the facilities. If a financial surety for decommissioning is required as part of another agencies or government bodies permitting requirements, the applicant shall submit proof of the financial surety with the application. In this case, the Commission would not ask for additional financial surety for decommissioning purposes.

4.0 Reports to be Provided to the Commission and DOT

If an applicant is granted a certificate, the applicant shall provide quarterly reports to the Commission regarding the status of construction of the applicant's projects in the State of Delaware until the projects are placed in service. These updates shall include budgeted vs. actual costs, milestones achieved, and the expected in-service date of the project. For any applicants granted a certificate with projects that impact State of Delaware rights of way, this report shall also be provided to DOT.

5.0 Sale or Ownership Transfer of Renewable Energy Interconnection Facility

- 5.1 If a facility that has been granted a certificate from the Commission changes ownership, the new owner must file an application for a new certificate as outlined in Section 3.0 of this regulation.
- 5.2 The existing owner of the facility must file an application to abandon the issued certificate as outlined in Section 6.0 of this regulation.

6.0 Abandonment or Discontinuance of Certificate of Public Convenience and Necessity

- 6.1 No person or entity shall abandon or discontinue any renewable energy interconnection facility without first having received Commission approval for an abandonment or discontinuance.
- 6.2 Applications for approval under Section 6.0 shall be made to the Commission at least 60 days before the abandonment or discontinuance, in writing, verified by oath or affirmation and contain the following:
- 6.2.1 Identity of the applicant, including name, address, telephone, email address, and primary contact person;
- 6.2.2 Original docket number and order number granting the certificate;
- 6.2.3 Reason for abandonment of the certificate;
- 6.2.4 If reason for abandonment of the certificate is sale or change of ownership, the name and contact information of the new owner;

- 6.2.5 If the facility is not being sold or changing ownership, details related to whom will be responsible for the facility, handling operations and maintenance, repairs, and future decommissioning, if applicable.
- 6.3 The Commission may conduct an investigation and hold hearings in the matter as it deems necessary or appropriate and may attach reasonable terms and conditions to the granting of such approval.
- 6.4 The Commission shall approve any application when it finds the applicant has met its burden of proving that the abandonment or discontinuance is reasonable, necessary, and not unduly disruptive to the present or future public convenience and necessity.
- 6.5 If, within 60 days after the filing of an application, the Commission has not acted concerning the application, it shall be deemed to have been approved. The Commission may, within this 60-day period, set the matter for hearing, in which event the Commission shall render a decision concerning the application within 6 months from the date the application was filed or the application shall be deemed in fact and law to be approved.
- 6.6 The Commission may seek injunctive relief in the Court of Chancery to prevent any abandonment in violation of this section and in any proceeding shall not be required to post security for any temporary or preliminary injunction.

DEPARTMENT OF SERVICES FOR CHILDREN, YOUTH AND THEIR FAMILIES

OFFICE OF THE SECRETARY

Statutory Authority: 29 Delaware Code, Section 10401 et seq. (29 Del.C. §10401)

GENERAL NOTICE

NOTICE

NATURE OF PROCEEDINGS

In accordance with the requirements of the Regulatory Flexibility Act, [29 Del.C. §10401](#) et seq. (the “Act”), the Delaware Department of Services for Children, Youth and Their Families (DSCYF) is conducting a review of the agency’s regulations that have not been amended in the last four years to determine which of those regulations should be modified or eliminated.

If you require special assistance or auxiliary aids or services to participate in the public hearing (e.g.: sign language) please call the following contact at least ten (10) days prior to the hearing for arrangements: Meredith Seitz at (302) 633-2562 or by emailing Meredith.Seitz@delaware.gov.

COVERED REGULATIONS

The regulations subject to this review include:

Title 9 Services for Children Youth and Their Families

- [301 Background Checks for Child-Serving Entities](#)
- [302 Child Protection Registry Checks for Persons Working in Health Care Facilities, Public Schools, Private Schools, and Youth Camps](#)
- [303 Entry on to and Expungement from the Central Child Abuse Registry](#)
- [304 Child Protection Registry](#)

NOTICE IS HEREBY GIVEN that DSCYF is conducting one public hearing on the Covered Regulations in each county as follows:

- Tuesday, August 26th, 2025, 10am-11am, Georgetown Library, 123 West Pine St, Georgetown, DE 19947
- Tuesday, August 26th, 2025, 1pm-2pm, Haslet Armory, 122 Martin Luther King Jr. Blvd South, Dover, DE 19901
- Tuesday, August 26th, 2025, 4pm-5pm, DSCYF Administration Building, 1825 Faulkland Rd, Wilmington, DE 19805

Written comments can be submitted through September 10th by submitting such comments on paper or electronic form to DSCYF Office of the Secretary, Delaware Department of Services for Children, Youth and Their Families, 1825 Faulkland Rd. Wilmington, DE 19805 or by email to Meredith.Seitz@delaware.gov.

GENERAL NOTICES

GENERAL ASSEMBLY

DIVISION OF LEGISLATIVE SERVICES

Statutory Authority: 84 Delaware Laws, Chapter 455, Section 20 (84 **Del. Laws**, c. 455, § 20)

GENERAL NOTICE

NOTICE

Effective Date of Chapter 455 of Volume 84 of the Laws of Delaware

July 7, 2025

SENT VIA E-MAIL

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

Dear Mrs. Smallwood:

Chapter 455 of Volume 84 of the Laws of Delaware (formerly Senate Bill No. 16 (152nd General Assembly)) enacted changes to Titles 14, 20, 29, and 31 of the Delaware Code relating to members of the Governor's cabinet. Section 20 of Chapter 455 of Volume 84 of the Laws of Delaware provides that these changes "[take] effect on the date of final passage of an act of the 153rd General Assembly concurring in the amendments to the Delaware Constitution proposed by Senate Bill No. 15 of the 152nd General Assembly". Additionally, Section 20 directs me to provide notice to you when this contingency has been fulfilled and for this notice to be published in the Register of Regulations.

Please accept this letter as notice of all of the following:

- (1) That Senate Bill No. 15 (153rd General Assembly) is the act of the 153rd General Assembly concurring in the amendments to the Delaware Constitution proposed by Senate Bill No. 15 of the 152nd General Assembly.
- (2) That Senate Bill No. 15 received the constitutionally required vote and passed the Senate on May 20, 2025, and received the constitutionally required vote and passed the House of Representatives on June 26, 2025.
- (3) That the date of final passage of Senate Bill No. 15 is June 26, 2025, and, therefore, the changes to Title 14, 20, 29, and 31 of the Delaware Code contained in Chapter 455 of Volume 84 of the Laws of Delaware are now effective.

Sincerely,

Mark J. Cutrona
Director
Division of Legislative Services

CALENDAR OF EVENTS/HEARING NOTICES

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

The Delaware River Basin Commission will hold a public hearing on **Wednesday, August 6, 2025**, 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, at least ten (10) days prior to the meeting date.

The Commission's quarterly business meeting will be held on **Wednesday, September 10, 2025**, commencing at **10:30 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, 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 or contact Patricia Hausler at patricia.hausler@drbc.gov.

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

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

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

The State Board of Education provides information about meeting dates and times, materials, minutes, and audio recordings on its website:

<https://education.delaware.gov/community/governance/state-board-of-education/sbe-monthly-meetings/>

DEPARTMENT OF HEALTH AND SOCIAL SERVICES DIVISION OF PUBLIC HEALTH PUBLIC NOTICE 4204 Care and Transportation of the Dead

Pursuant to [16 Del.C. §122\(3\)](#) and 3103, the Delaware Department of Health and Social Services, Division of Public Health previously published proposed amendments to regulation 4204 Care and Transportation of the Dead in the September 2024 issue of the *Delaware Register of Regulations* (**28 DE Reg. 204**), with a public comment period of September 1, 2024, through October 1, 2024, per Delaware law. While no public comments were received, additional agency review identified a need for substantial additional amendments to the regulation as proposed in September 2024. As a result, the Division of Public Health is re-proposing amendments to regulation 4204 Care and Transportation of the Dead and intends to hold them open for public comment. The revisions include:

- The addition of new sections outlining the purpose and scope of the regulation;
- Updated definitions;
- New language regarding natural organic reduction (pursuant to HS 1 for HB 162 ([84 Del. Laws, c. 261](#), signed May 16, 2024); and

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• Technical changes to bring the regulation into compliance with the *Delaware Administrative Code Style Manual*. Copies of the proposed regulation are available for review in the August 1, 2025, issue of the *Delaware Register of Regulations*, accessible online at: <http://regulations.delaware.gov> or by calling the Division of Public Health at 302-744-4951.

Public comments will be accepted until 4:30 p.m. on September 2, 2025. Comments will be accepted in written form via email to DHSS_DPH_regulations@delaware.gov, or by U.S. mail to the following address:

Vicki Schultes, Hearing Officer
Division of Public Health
417 Federal Street
Dover, DE 19901

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL DIVISION OF FISH AND WILDLIFE PUBLIC NOTICE 3900 Wildlife

SAN # 2025-06
DOCKET # 2025-R-F-0011

1. TITLE OF THE REGULATIONS:

Amendments to 7 DE Admin Code 3900 Wildlife

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

The Division of Fish and Wildlife is proposing to amend regulatory requirements related to the following:

- Expand the age range for the participation of youth hunters in special hunt days for waterfowl, turkeys, and deer.
- Update text related to the hunting of gamebirds on Sundays following amendments to 7 **Del.C.** Chapter 7 Regulations and Prohibitions Concerning Game and Fish.
- Eliminate outdated text related to the harvest reporting of wild turkeys, coyotes, and gray fox now that the Division has implemented a revised system for such.
- Permit the use of motorized electric carts/wagons/wheelbarrows for the use of transporting hunting equipment or harvest game on lands administered by the Division. Such carts are not to be ridden.
- Fixed typos related to method of take and issuance of permits to release game birds.
- Extend the hunting season for coyotes to better manage this species and provide increased opportunities for hunters.

3. POSSIBLE TERMS OF THE AGENCY ACTION:

NONE

4. STATUTORY BASIS OR LEGAL AUTHORITY TO ACT:

Statutory basis for these proposed regulation changes is authorized under Title 7, Delaware Code, Chapter 1, Sections 102(a), 103 (a) and (b), and Chapter 7, Section 801.

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

The agency does not believe that other regulations will be impacted.

6. NOTICE OF PUBLIC COMMENT:

A virtual public hearing (Docket #2025-R-F-0011) will be held on Wednesday August 27, 2025, beginning at 6 p.m. The web link to the virtual hearing can be accessed through the DNREC Public Hearings site at <https://de.gov/dnrehearings>. If prompted for a password, please use: 109943. To access the audio-only portion of the virtual hearing, dial 1-646-931-3860 and enter the Meeting ID 827 9247 1910. Closed captioning in over 20 languages, including English and Spanish, is available to attendees via the Zoom platform utilized for all DNREC Public Hearings. Those wishing to offer verbal comments during DNREC public hearings must pre-register no later than noon on the date of the virtual hearing at <https://de.gov/dnrecomments> or by telephone at 302-739-9001

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The proposed amendments may be inspected online starting August 1, 2025 at https://regulations.delaware.gov/register/current_issue, or in-person, by appointment only, by contacting Danielle Patone by phone at 302-739-9912 or by email at danielle.patone@delaware.gov.

The Department will accept public comment through the close of business on Thursday, September 11, 2025. Comments will be accepted in written form via email to DNRECHearingComments@delaware.gov, or by using the online form at <https://de.gov/dnrecomments> or by U.S. mail to the following address:

Lisa Vest, Hearing Officer
DNREC – Office of the Secretary
89 Kings Highway, Dover, DE 19901

DEPARTMENT OF STATE DIVISION OF PROFESSIONAL REGULATION Board of Electrical Examiners PUBLIC 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.

An amendment is proposed to delete subsection 10.1.6 because the work previously exempted from licensure is now included within the National Electrical Code. Thus, individuals performing the work described in the existing subsection must be licensed and are no longer eligible to be exempt from licensing pursuant to 24 **Del.C.**, Chapter 14.

Amendments are proposed to subsection 13.2 to clarify that the Board’s “complaint officer” and “education officer” must be professional Board members, licensed as electricians in the State of Delaware.

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

The Board will hold a public hearing on September 3, 2025, 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 rules and regulations 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.

In accordance with [29 Del.C. §10118\(a\)](#), the final date to receive written comments will be September 18, 2025. The Board will deliberate on all the public comments at its regularly scheduled meeting thereafter.

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**DIVISION OF PROFESSIONAL REGULATION
Board of Medical Licensure and Discipline
PUBLIC NOTICE
1700 Board of Medical Licensure and Discipline**

Pursuant to [24 Del.C. §1713\(a\)\(12\)](#), the Delaware Board of Medical Licensure and Discipline (“Board”) has proposed revisions to its regulation. Subsection 17.11.2 of the Board’s Disciplinary Guidelines has been revised to provide that failure to comply with CME requirements will result in a minimum fine of \$5,000.

A public hearing will be held on September 9, 2025 at 2:30 p.m. in the second floor conference room A of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware. Anyone wishing to receive a copy of the proposed rules and regulations may obtain a copy from the Delaware Board of Medical Licensure and Discipline, 861 Silver Lake Boulevard, Dover, Delaware 19904. Persons wishing to submit written comments may forward these to the Board at the above address or to alison.warren@delaware.gov.

In accordance with [29 Del.C. §10118\(a\)](#), the final date to receive written comments will be September 24, 2025. The Board will deliberate on all public comments at its next regularly scheduled meeting.

**DIVISION OF PROFESSIONAL REGULATION
Board of Occupational Therapy Practice
PUBLIC NOTICE
2000 Board of Occupational Therapy**

Pursuant to [24 Del.C. §2006\(a\)\(1\)](#), the Delaware Board of Occupational Therapy Practice (“Board”) has proposed revisions to its Rules and Regulations.

Proposed amendments to subsection 1.1 add defined terms used throughout the regulation.

Proposed amendments to subsection 1.2.3 remove the requirement for documentation of an occupational therapy practitioner’s supervision of occupational therapy to provide flexibility for the supervisory relationship.

Proposed amendments to section 2.0 correct a previous oversight with respect to the total number of hours of continuing education during every 2-year period for individuals seeking reactivation or applying more than 3 years after the completion of the required examination.

The newly proposed subsection 2.8 requires all applicants to attest that they have read and agree to be bound by the code of ethics promulgated by the American Occupational Therapy Association.

The newly proposed subsection 3.4.4 will require mandatory continuing education of at least 2 hours in elder abuse or child abuse. Those mandatory hours must be completed without regard for proration otherwise provided by the Board’s regulations concerning continuing education.

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

The Board will hold a public hearing on September 3, 2025, at 4:30 p.m. in the second-floor conference room A of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware. Anyone wishing to receive a copy of the proposed rules and regulations may obtain a copy from the Delaware Board of Occupational Therapy Practice, 861 Silver Lake

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Boulevard, Dover, Delaware 19904. Persons wishing to submit written comments may forward these to the Board at the above address or at Jessica.Lobaccaro@delaware.gov.

In accordance with [29 Del.C. §10118\(a\)](#), the final date to receive written comments will be **September 18, 2025**. The Board will deliberate on all public comments at its next regularly scheduled meeting.

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

The Delaware Board of Social Work Examiners ("Board"), pursuant to [24 Del.C. §3906\(a\)\(1\)](#), proposes to amend its regulation.

On April 1, 2025, proposed revisions to the regulation were published in the Delaware *Register of Regulations*, Volume 28, Issue 10. Subsection 3.1.2.1 was revised to provide that up to 25 hours of the required 100 hours of direct professional supervision may be obtained through group supervision. Group supervision may include no more than 7 supervisees. Subsection 7.2.1, concerning acceptable continuing education activities, was amended to clarify that courses taken to satisfy degree requirements do not qualify as continuing education.

A public hearing was held on April 21, 2025 before the Board. The Board deliberated on the evidence presented at its meeting on May 19, 2025. Based on those deliberations, the Board has proposed further revisions to the regulation. Therefore, the Board withdraws the proposed regulation published April 1, 2025, and submits a revised proposed regulation attached as Exhibit A.

The Board will hold a public hearing on the proposed regulation changes on September 15, 2025, at 9:00 a.m., virtually and in the Second Floor Conference Room A, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Anyone wishing to receive a copy of the proposed regulation may obtain a copy from the Delaware Board of Social Work Examiners, 861 Silver Lake Boulevard, Dover, Delaware 19904. Written comments should be sent to Jennifer Jacoby, Administrative Specialist for the Board, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904 or to jennifer.jacoby@delaware.gov. Written comments will be accepted until September 30, 2025, pursuant to [29 Del.C. §10118\(a\)](#).

PUBLIC SERVICE COMMISSION PUBLIC NOTICE

1001 Rules of Practice and Procedure of the Delaware Public Service Commission Effective May 10, 1999

The Delaware Public Service Commission ("Commission" or "PSC") proposes to revise the *Rules of Practice and Procedure of the Delaware Public Service Commission* codified at [26 DE Admin. Code 1001](#) (the "Regulation") to provide flexibility to create hearing transcripts without a court reporter and to bring the Regulation into compliance with the updated Delaware Administrative Code Drafting and Style Manual.

You can review the proposed regulations in the August 2025 issue of the *Delaware Register of Regulations*. You can also review the Commission Order and the proposed regulations in the PSC's electronic filing system, Delafile, located at <https://delafile.delaware.gov/> (for docket #, input "99-9"). If you wish to obtain written copies of the Order and proposed regulations, please contact the PSC at (302)736-7500. Copies in excess of the first twenty (20) pages are \$0.10 per page. Payment is expected prior to copying (if you wish the copies to be mailed) or at the time the copies are retrieved (if you retrieve them in person).

Written comments can be filed electronically in Delafile at <https://delafile.delaware.gov/> by filling out the "Public Comment Form" located under "Public Links". Written comments can also be mailed to: Crystal Beenick, Public Service Commission, Cannon Building, 861 Silver Lake Blvd., Suite 100, Dover, DE 19904, or via email to psc@delaware.gov.

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with the subject line "Regulation Docket No. 1001." Written comments will be accepted on or before September 18, 2025, pursuant to [29 Del.C. §10118\(a\)](#).

The Commission will hold a public hearing on the proposed regulation on September 3, 2025 at 1:00 p.m. in the hearing room located at 861 Silver Lake Blvd., Suite 100, Dover, DE 19904. To be considered at the September 3, 2025 hearing, written comments must be submitted on or before August 27, 2025. Pursuant to [29 Del.C. §10118\(a\)](#), written comments will be accepted after the hearing until September 18, 2025.

If adopted by the Commission, the amendments shall take effect 10 days after being published as final in the *Delaware Register of Regulations*.

PUBLIC SERVICE COMMISSION PUBLIC NOTICE

8002 Rules to Establish an Excavation Damage Prevention Program

The Delaware Public Service Commission ("Commission" or "PSC"), pursuant to its regulatory authority found at [26 Del.C. §803](#) and [26 Del.C. §810](#), proposes to revise the *Rules to Establish an Excavation Damage Prevention Program* codified at [26 DE Admin. Code 8002](#) (the "Regulation") to update the method of paying penalties in the Regulation to comply with policies of the State of Delaware and to bring the Regulation into compliance with the updated Delaware Administrative Code Drafting and Style Manual.

You can review the proposed regulations in the August 2025 issue of the *Delaware Register of Regulations*. You can also review the Commission Order and the proposed regulations in the PSC's electronic filing system, Delafile, located at <https://delafile.delaware.gov/> (for docket #, input "19-0713"). If you wish to obtain written copies of the Order and proposed regulations, please contact the PSC at (302)736-7500. Copies in excess of the first twenty (20) pages are \$0.10 per page. Payment is expected prior to copying (if you wish the copies to be mailed) or at the time the copies are retrieved (if you retrieve them in person).

Written comments can be filed electronically in Delafile at <https://delafile.delaware.gov/> by filling out the "Public Comment Form" located under "Public Links". Written comments can also be mailed to: Crystal Beenick, Public Service Commission, Cannon Building, 861 Silver Lake Blvd., Suite 100, Dover, DE 19904, or via email to psc@delaware.gov, with the subject line "Regulation Docket No. 8002." Written comments will be accepted on or before September 18, 2025, pursuant to [29 Del.C. §10118\(a\)](#).

The Commission will hold a public hearing on the proposed regulation on September 3, 2025 at 1:00 p.m. in the hearing room located at 861 Silver Lake Blvd., Suite 100, Dover, DE 19904. To be considered at the September 3, 2025 hearing, written comments must be submitted on or before August 27, 2025. Pursuant to [29 Del.C. §10118\(a\)](#), written comments will be accepted after the hearing until September 18, 2025.

If adopted by the Commission, the amendments shall take effect 10 days after being published as final in the *Delaware Register of Regulations*.

DEPARTMENT OF TRANSPORTATION

DIVISION OF PLANNING AND POLICY

PUBLIC NOTICE

2308 Development Related Improvements Requiring New Rights-of-way

Pursuant to the authority provided by 17 Del.C. §507, Chapters 1 and 5, the Delaware Department of Transportation (DelDOT) adopted 2308 Development Related Improvements Requiring New Rights-of-Way.

DelDOT, through its Division of Planning and Policy, seeks to adopt revisions to its existing regulation.

The changes are administrative in nature and serve in part to clarify the intent of DelDOT as enacted through these regulations.

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Public Comment Period

DelDOT will take written comments on these proposed general revisions to Section 2308 of Title 2, Delaware Administrative Code, from August 1, 2025 through September 2, 2025. The public may submit their comments to:

Monroe Hite, III, P.E., Chief of Right of Way, Division of Transportation Solutions
(Monroe.Hite@delaware.gov) or in writing to his attention:

Chief of Right of Way
Delaware Department of Transportation
P.O. Box 778
Dover, DE 19903

DIVISION OF PLANNING AND POLICY PUBLIC NOTICE 2311 Long-Term Lease Policies and Practices

Pursuant to the authority provided by [17 Del.C. §§132](#), 137, and 149, and [29 Del.C. §8404](#), the Delaware Department of Transportation (DelDOT), adopted 2311 Long-Term Lease Policies and Practices.

The Department, through its Division of Transportation Solutions, seeks to adopt changes which are administrative in nature and serve in part to clarify the intent of the Department as enacted through these regulations.

Public Comment Period

DelDOT will take written comments on these proposed general revisions to Section 2406 of Title 2, Delaware Administrative Code, from August 1, 2025, through September 2, 2025. The public may submit their comments to:

Monroe Hite, Chief of Right of Way, Division of Transportation Solutions
(Monroe.Hite@delaware.gov) or in writing to his attention:

Chief of Right of Way
Delaware Department of Transportation
P.O. Box 778
Dover, De. 19903

DIVISION OF TRANSPORTATION SOLUTIONS PUBLIC NOTICE 2406 Policies and Procedures for Acquisition of Certain Real Property

Pursuant to the authority provided by [17 Del.C. §137](#), the Delaware Department of Transportation (DelDOT), adopted the 2406 Policy and Procedures for Acquisition of Certain Real Property.

The Department, through its Division of Transportation Solutions, seeks to adopt a word change to its existing regulation and to address changes made to [17 Del.C. §137](#) by 2022 Delaware Laws Chapter 470 (H.B. 418).

The changes are administrative in nature and serve in part to clarify the intent of the Department as enacted through these regulations.

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Public Comment Period

DeIDOT will take written comments on these proposed general revisions to Section 2406 of Title 2, Delaware Administrative Code, from August 1, 2025, through September 2, 2025. The public may submit their comments to:

Monroe Hite, Chief of Right of Way, Division of Transportation Solutions
(Monroe.Hite@delaware.gov) or in writing to his attention:

Chief of Right of Way
Delaware Department of Transportation
P.O. Box 778
Dover, De. 19903

DIVISION OF TRANSPORTATION SOLUTIONS PUBLIC NOTICE

2407 Alternative Dispute Resolution Process for Acquisition of Certain Real Property

Pursuant to the authority provided by [17 Del.C. §§137 and 145](#), the Delaware Department of Transportation (DeIDOT) adopted 2407 Alternative Dispute Resolution Process for Acquisition of Certain Real Property.

DeIDOT, through its Division of Transportation Solutions, seeks to adopt revisions to its existing regulation.

The changes are administrative in nature and serve in part to clarify the intent of DeIDOT as enacted through these regulations.

Public Comment Period

DeIDOT will take written comments on these proposed general revisions to Section 2407 of Title 2, Delaware Administrative Code, from August 1, 2025 through September 2, 2025. The public may submit their comments to:

Monroe Hite, III, P.E., Chief of Right of Way, Division of Transportation Solutions
(Monroe.Hite@delaware.gov) or in writing to his attention:

Chief of Right of Way
Delaware Department of Transportation
P.O. Box 778
Dover, DE 19903