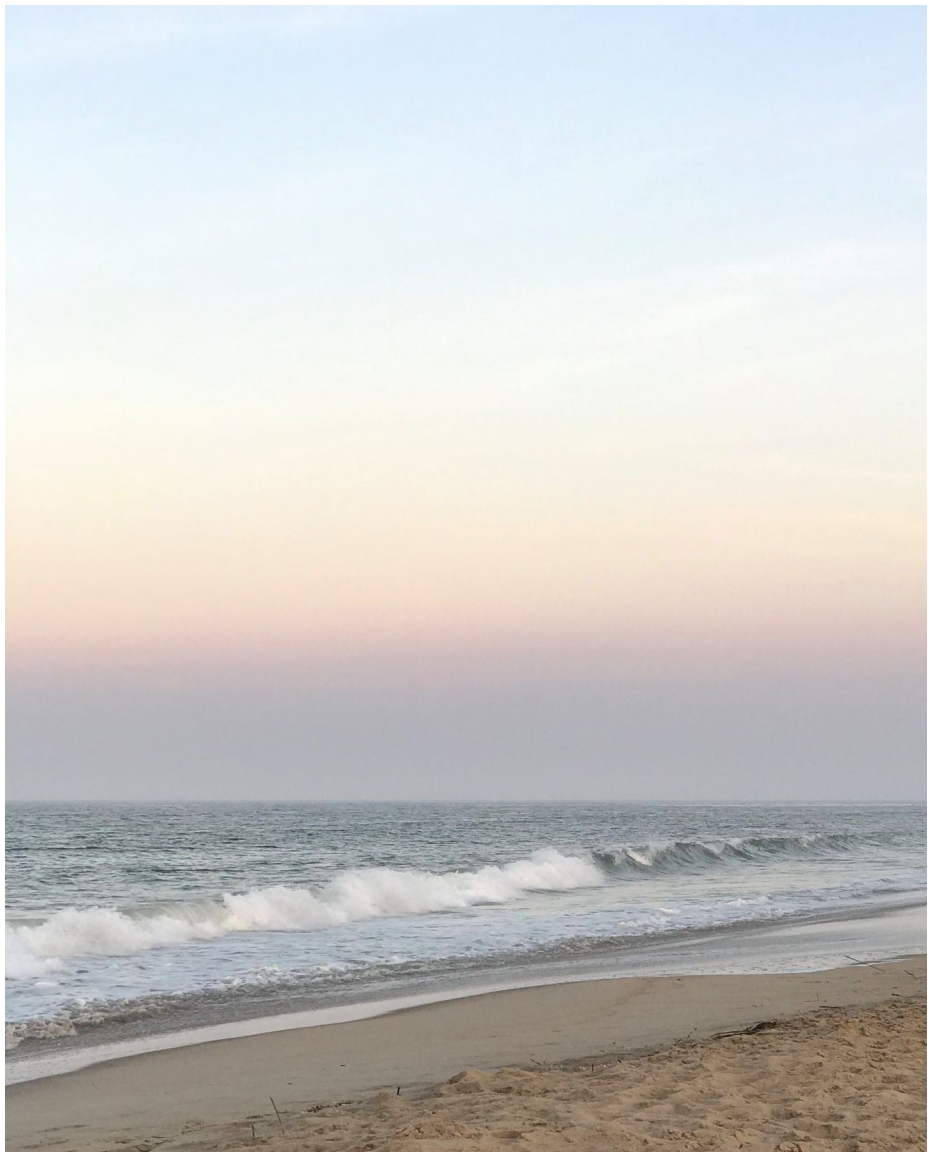
Office of the Registrar of Regulations,
Legislative Council,
State of Delaware

Delaware Register of Regulations

Issue Date: August 1, 2026

Volume 30 - Issue 2, Pages 66-99



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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, 2026.

Cover Photo
Rehoboth Beach

INFORMATION ABOUT THE DELAWARE REGISTER OF REGULATIONS

DELAWARE REGISTER OF REGULATIONS

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

The *Delaware Register* will publish any regulations that are proposed to be adopted, amended, or repealed and any emergency regulations promulgated.

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

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

CITATION TO THE DELAWARE REGISTER

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

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

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

SUBSCRIPTION INFORMATION

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

CITIZEN PARTICIPATION IN THE REGULATORY PROCESS

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other interested parties may participate in the process by which administrative regulations are adopted, amended, or repealed, and may initiate the process by which the validity and applicability of regulations is determined.

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shall file notice and full text of the proposals as they relate to the existing regulation being adopted, amended, or repealed, with the Registrar for publication in the *Register of Regulations* pursuant to 29 **Del.C.** §1134.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

The opportunity for public comment shall be held open for a minimum of 30 days after the proposal is published in the *Register of Regulations*. At the conclusion of all hearings and after receipt, within the time allowed, of 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 17	4:30 p.m.
October 1	September 15	4:30 p.m.
November 1	October 15	4:30 p.m.
December 1	November 16	4:30 p.m.
January 1	December 15	4:30 p.m.
February 1	January 15	4:30 p.m.

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Board of Charitable Gaming

Statutory Authority: 28 Delaware Code, Section 1508(a)(2) (28 **Del.C.** §1508(a)(2))
10 **DE Admin. Code** 101

ERRATA

101 Regulations Governing Bingo

*** Please Note:** The Department of State, Division of Professional Regulation, Board of Charitable Gaming final regulation for 101 Regulations Governing Bingo was published in the June 01, 2026 issue of the *Delaware Register of Regulations* (29 **DE Reg.** 1005 (06/01/26)). The following subsections were inadvertently published incorrectly.

Subsection 4.23 was published as:

> 4.23 No person shall conduct or assist in conducting any game except an active member of the organization to which the license is ~~issued~~ issued, except as noted in subsection 4.3.

Subsection 4.23 should have been published as:

> 4.23 No person shall conduct or assist in conducting any game except an active member of the organization to which the license is ~~issued~~ issued, except as noted in subsection 4.3.

Subsection 4.29.2 was published as:

> 4.29.2 Sealed bingo paper sheets for a break open or game event bingo game may be sold throughout the bingo occasion. Additional bingo paper sheets for a break open or game event bingo game shall not be sold after the organization resumes calling letters and numbers when the game is played on the .

Subsection 4.29.2 should have been published as:

> 4.29.2 Sealed bingo paper sheets for a break open or game event bingo game may be sold throughout the bingo occasion. Additional bingo paper sheets for a break open or game event bingo game shall not be sold after the organization resumes calling letters and numbers when the game is played on the ~~program~~ program.

This regulation will be corrected in the Administrative Code.

Symbol Key

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

Proposed Regulations

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

DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 122(a) (14 **Del.C.** §122(a))
14 **DE Admin. Code** 255

PROPOSED

PUBLIC NOTICE

255 Definitions of Types of Schools

A. TYPE OF REGULATORY ACTION REQUIRED
Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF THE REGULATION
Pursuant to 14 **Del.C.** §122(a), the Delaware Department of Education (“Department”) developed amendments to 14 **DE Admin. Code** 255 Definitions of Types of Schools. 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://de.gov/doeregs by the close of business (4:30 p.m. EST) on or before August 31, 2026. Any person who wishes to receive a copy of the proposed regulation may obtain a copy from the Department at the Office of the Secretary on the second floor of the Townsend Building, 401 Federal Street, Dover, Delaware.

C. IMPACT CRITERIA
1. Will the amended regulation help improve student achievement as measured against state achievement standards? Yes
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? Yes.

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

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

https://regulations.delaware.gov/register/august2026/proposed/30 DE Reg 74RFA 08-01-26.pdf

255 Definitions of Types of Schools

1.0 Purpose

The purpose of this regulation is to define various types of schools and educational entities operating in the State of Delaware identified in Title 14 of the Delaware Code.

2.0 Definitions

The following words and terms, when used in ~~this regulation~~ Title 14 of the Delaware Administrative Code, have the following meaning:

"**Charter ~~School~~school**" means a public school that is operated under a charter granted by, or transferred to, the Delaware Department of Education or other authorizing body pursuant to 14 **Del.C.** Ch. 5.

"**Homeschool**" means a nonpublic school pursuant to 14 **Del.C.** §2703A.

"**Local ~~Education Agency~~education agency**" or "**LEA**" means a reorganized traditional school district, vocational-technical school district, or charter school, legally constituted and established under Delaware law for either administrative control or direction of public elementary or secondary schools.

"**Magnet ~~School~~school**" means a physical plant having any or all of grades kindergarten through ~~twelve,~~12, supported primarily from public funds and under the supervision of public school administrators. It exists under a designation granted by a reorganized school district.

"**Nonpublic ~~School~~school**" means a private school or home school pursuant to 14 **Del.C.** §2703A.

"**Private ~~School~~school**" means a school having any or all of grades kindergarten through ~~twelve,~~12, operating under a board of trustees and maintaining a faculty and physical plant in Delaware which are properly supervised.

"**Public ~~School~~school**" means a physical plant having any or all grades kindergarten through ~~twelve,~~12, supported primarily from public funds and under the supervision of public school administrators.

"**Reorganized ~~School District~~school district**" means a clearly defined geographic subdivision of the ~~state~~ State organized for the purposes of administering public education pursuant to 14 **Del.C.** Ch. 10.

"**School ~~District~~district**" means a reorganized school district or a vocational-technical school district or both depending upon the context in which the term is used.

"**Vocational-~~Technical School District~~technical school district**" means a subdivision of the ~~state~~State, the boundaries of which are co-extensive with the boundaries of the county in which it is located, organized for the purposes of administering vocational and technical education pursuant to 14 **Del.C.** Ch. 10.

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DIVISION OF PUBLIC HEALTH

Statutory Authority: 16 Delaware Code, Section 9706(g)(2) (16 **Del.C.** §9706(g)(2))
16 **DE Admin. Code** 4305

PROPOSED

PUBLIC NOTICE

4305 Trauma System

Pursuant to 16 **Del.C.** §9706(g)(2), the Department of Health and Social Services, Division of Public Health, Emergency Medical Services & Preparedness Section, is proposing revisions to the trauma system regulation (16 **DE Admin. Code** 4305).

The proposed amendments will introduce several important changes to better serve and protect Delawareans. Changes include updates to the qualifications and responsibilities of a Trauma Medical Director (TMD).

Copies of the proposed regulation are available for review in the August 1, 2026 issue of the *Delaware Register of Regulations*, accessible online at: http://regulations.delaware.gov or by calling the Division of Public Health at 302-424-7149.

Public comments will be accepted until 4:30 PM on September 1, 2026. 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
Delaware Division of Public Health
253 N.E. Front Street
Milford, DE 19963

***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/august2026/proposed/30 DE Reg 76RFA 08-01-26.pdf

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

https://regulations.delaware.gov/register/august2026/proposed/30 DE Reg 76 08-01-26

Symbol Key

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

Final Regulations

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

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

DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

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

FINAL

ORDER

610 Limitations on Use of Seclusion and Restraint

I. Summary of the Evidence and Information Submitted

Pursuant to 14 **Del.C.** §4112F, the Delaware Department of Education ("Department") developed amendments to 14 **DE Admin. Code** 610 Limitations on Use of Seclusion and Restraint. The Department has made several changes to align the regulation with the most recent changes to Delaware Code.

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

The Department received two written comment submissions from the State Council for Persons with Disabilities and the Delaware Association of School Administrators. The written comments resulted in no additional amendments to the regulation.

Issue: The State Council for Persons with Disabilities (SCPD) recommends that the regulation require staff to be trained in safe restraint techniques that minimize the risk of injuries, and that this be added to subsection 4.1.1.

Response: The Department thanks the SCPD for its comment. Revisions to this regulation were made to align with the most recent amendments to Delaware Code. The Code requires annual training in crisis prevention and intervention techniques through nationally recognized training programs. Those programs include instruction in safe restraint practices designed to minimize the risk of injury to students and staff. Therefore, no additional regulatory language is necessary.

Issue: The SCPD recommends that the frequency of training for staff responsible for reporting be increased to annually.

Response: The regulation reflects the training frequency established in the most recent amendments to Delaware Code. No additional changes are made through this regulation.

Issue: The SCPD recommends that DDOE include data identifying districts or schools that failed to comply with reporting requirements, as well as data regarding waiver requests, in the annual reporting required under subsection 7.0.

Response: The regulation aligns with the reporting requirements established in Delaware Code. Data will continue to be collected and reported consistently with statutory requirements.

Issue: The SCPD questions the rationale for continuing to include a waiver process for these practices that are widely accepted as inhumane.

Response: The waiver process is included to comply with Delaware Code, which provides for such a process under specified conditions. The regulation reflects the statutory framework established by the General Assembly.

Issue: The SCPD questions whether DDOE will be making those reports available to the public.

Response: Reports are publicly available on the Educational Data Reports page of the Department's website.

Issue: The SCPD recommends that notification to the parent should be in the parent's preferred language.

Response: DDOE supports ensuring notifications are accessible to parents in their preferred language. Districts and charter schools are encouraged to continue complying with applicable federal and state language-access requirements.

Issue: The Delaware Association of School Administrators (DASA) commented on the Department's proposed addition of the phrase "significant and" in Sections 3.2.5 and 3.2.8 as part of the criteria for intervention. DASA expressed concern that the term "significant" is not clearly defined in this context, which may create ambiguity for educators when assessing immediate physical risks. DASA noted that requiring educators to determine the "significance" of harm during an active altercation may be impractical and could impact staff and student safety. DASA recommended refining the language to provide clearer guidance or relying on the established standard of "imminent risk."

Response: The DDOE appreciates the recommendation. However, the addition of the phrase "significant and" reflects recent amendments to Delaware Code. Because the language in the regulation is intended to align with the statutory requirements, the Department does not have the flexibility to modify this terminology in the regulation.

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

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

III. Findings of Facts

The Department finds that amendments to 14 **DE Admin. Code** 610 Limitations on Use of Seclusion and Restraint are necessary. Accordingly, the Department finds that it is appropriate to amend 14 **DE Admin. Code** 610 Limitations on Use of Seclusion and Restraint beyond the amendments made to comply with the *Delaware Administrative Code Drafting and Style Manual.*

IV. Decision to AMEND the Regulation

For the foregoing reasons, the Department concludes that it is appropriate to amend 14 **DE Admin. Code** 610 Limitations on Use of Seclusion and Restraint and to conform with the *Delaware Administrative Code Drafting and Style Manual.* Therefore, pursuant to 14 **Del.C.** §4112F, 14 **DE Admin. Code** 610 Limitations on Use of Seclusion and Restraint is amended.

V. Text and Citation

The text of 14 **DE Admin. Code** 610 Limitations on Use of Seclusion and Restraint is amended, and said regulation shall be cited as 14 **DE Admin. Code** 610 Limitations on Use of Seclusion and Restraint in the Administrative Code of Regulations for the Department.

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

IT IS SO ORDERED the 13th day of July 2026
Department of Education

Cynthia Marten, Secretary of Education

***Please note that no changes were made to the regulation as originally proposed and published in the February 2026 issue of the *Register* at page 662 (29 DE Reg. 662). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**
https://regulations.delaware.gov/register/august2026/final/30 DE Reg 77 08-01-26

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 Suspension, 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 Suspension, Alternative Placement, or Expulsion.

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

The Department did not receive any written submittals concerning the proposed regulation

II. ASSESSMENT OF THE IMPACT ON ACHIEVEMENT OF THE STATE'S GREENHOUSE GAS EMISSIONS REDUCTION TARGETS AND RESILIENCY TO CLIMATE CHANGE
The Secretary of Education has reviewed the proposed regulation as required by 29 Del.C. §10118(b)(3) and has determined that any assessment of the impact of the proposed regulation is not practical.

III. FINDINGS OF FACTS
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 Suspension, 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 Suspension, Alternative Placement, or Expulsion 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 and said regulation shall be cited as 14 **DE Admin. Code** 614 Uniform Definitions for Student Conduct Which May Result in Suspension, 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 13th day of July 2026.

Department of Education
Cynthia Marten, Secretary of Education

614 Uniform Definitions for Student Conduct Which May Result in Suspension, Alternative Placement, or Expulsion

1.0 Purpose

Pursuant to 14 **Del.C.** §122(b)(26), this regulation provides uniform definitions for student conduct which may result in suspension, alternative placement, or expulsion. This regulation shall apply to all school districts and charter schools. Nothing contained here shall be interpreted to require the suspension, alternative placement, or expulsion of a student, nor shall this regulation be interpreted to restrict the ability of school districts and charter schools to determine which student conduct shall result in suspension, alternative placement, or expulsion.

2.0 Definitions

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

"**Alternative placement**" means the removal of a student from the student's school on a temporary basis and assignment to an alternative program for a duration not to exceed the total number of student days in a school year from the date of approval by the district or charter school level coordinator.

"**Charter school**" means a charter school board established pursuant to 14 **Del.C.** Ch. 5.

"**Commission by a student**" means that a student has engaged in behavior equivalent to that which is prohibited by law regardless of whether the student has been criminally convicted of the same.

"**Crime**" shall have the same definition as provided in 14 **Del.C.** §4112.

"**Dangerous instrument**" shall have the same definition as provided in 11 **Del.C.** §222.

"**Deadly weapon**" shall have the same definition as provided in 11 **Del.C.** §222.

"**District**" means a reorganized school district or vocational technical school district established pursuant to 14 **Del.C.** Ch. 10.

"**Drug**" means any "controlled substance" or "counterfeit controlled substance" as defined in 16 **Del.C.** §4701.

"**Drug paraphernalia**" shall have the same definition as provided in 16 **Del.C.** §4701.

"**Expulsion**" means the exclusion from the regular school setting for a period determined by the local district board or charter school board.

"**Gun Free Schools Violation**" means the prohibited bringing to school, or possession while in school, of a firearm by a student.

"**Long-term suspension**" means disciplinary action approved by the superintendent upon recommendation of the principal or pending a decision by the district or charter school level coordinator regarding an alternative placement, the board of education's decision regarding an expulsion hearing, or other formalized disciplinary action hearing for the student, resulting in the student being removed from the regular school program for 11 consecutive school days or more and not to exceed the total number of school days in a school year.

"**School environment**" means within or on school property, and at school sponsored or supervised activities, including, for example, on school buses, at functions held on school grounds, at school sponsored extracurricular activities held on and off school grounds, on field trips, and at functions held at the school in the evening.

"**School property**" means any building, structure, athletic field, sports stadium, or real property that is owned, operated, leased, or rented by any public school district or charter school including any kindergarten, elementary, secondary, vocational-technical school, or charter school, or any motor vehicle owned, operated, leased, rented, or subcontracted by any public school or charter school.

"**Short-term suspension**" means disciplinary action approved by the principal or school discipline team resulting in the student being removed from the student's regular school program for at least 1/2 school day and not more than 10 consecutive school days.

"**Student code of conduct**" means the district or charter school approved document which specifies the rights and responsibilities of students, defines conduct that disrupts, threatens, or disrupts and threatens a positive and safe school environment, standardizes procedures for consequences and disciplinary action, and defines due process and grievance procedures.

3.0 Uniform Definitions for Attorney General's Reports

Attorney General's reports are reports received by school districts and charter schools when a student has engaged in alleged criminal conduct, regardless of jurisdiction, which demonstrates the propensity to show disregard for the health, safety and welfare of others, including serious acts of violence, weapons offenses, and drug offenses. The following words and terms shall be used to understand the student's alleged criminal conduct in Attorney General's reports.

"**Assault**" means any offense defined by 11 **Del.C.** §§611 through 613.

"**Criminal Deadly Weapons/Dangerous Instrument Offense, Commission of**" means the commission by a student of an offense prohibited by 11 **Del.C.** §1442 through 1463 inclusive.

"**Criminal Drug Offense, Commission of**" means the commission by a student of any controlled substances prohibited by Title 16.

"**Criminal Sexual Offense, Commission of**" means the commission by a student of an offense prohibited by 11 **Del.C.** §§763 through 780, 783 through 783A, 787, 1100A, 1108 through 1112B, 1335, 1352 through 1353, and 1361.

"**Criminal Violent Felony Offense, Commission of**" means the commission by a student of any violent felony as specified in 11 **Del.C.** §4201.

"**Sexual assault** " means any unwanted sexual behavior committed by a perpetrator who is a stranger to the victim or by a perpetrator who is known by the victim or related to the victim by blood, marriage, or civil union. Behaviors that fall under this definition include: sexual harassment as defined in §763 of Title 11; sexual contact as defined in §761 of Title 11; Sexual Intercourse as defined in §761 of Title 11; sexual penetration as defined in §761 of Title 11; and child sexual abuse as defined in §901 of Title 10.

"**Sexual offense**" means any offense defined by 11 **Del.C.** §§763 through 780, 783 through 783A, 787, 1100A, 1108 through 1112B, 1335, 1352 through 1353, and 1361.

"**Theft**" means those acts described in 11 **Del.C.** §§841 through 847 inclusive.

4.0 Uniform Definitions for Student Codes of Conduct

The following definitions shall be used whenever a school district or charter school uses such conduct as a basis for suspension, alternative placement, or expulsion of a student:

"**Academic dishonesty**" means fraudulent deception in preparing or presenting course work or class assignments as a student's own work when it is not. This includes: (1) copying another student's work, (2) unauthorized use of notes or sharing answers during a test, (3) presenting another person's work as one's own, (4) presenting quotations, words, or ideas without proper references or credit (plagiarism), (5) unauthorized use of AI for completion of student assignments, and (6) collusion, working together to provide or receive answers on an independent assignment or assessment.

"**Assault causing physical injury**" means students who intentionally engage in an act that causes physical injury or serious physical injury to another person. This includes bruises, lacerations, puncture and stab wounds, dislocations, sprains, or bone fracture. This offense is not used for students under the age of 12, unless the student causes a serious physical injury, which are injuries that create the risk of death or cause disfigurement, impairment of health, or loss or impairment of the function of any bodily organ or limb.

"**Attorney General's report**" means a report received by the Delaware Department of Justice regarding students in regular school programs who engage in alleged out-of-school criminal conduct, regardless of jurisdiction, which demonstrates the propensity to show disregard for the health, safety, and welfare of others, including, serious acts of violence, weapons offenses, and drug offenses.

"**Bullying**" means any intentional written, electronic, verbal, or physical act or actions against another student, school volunteer, or school employee that a reasonable person under the circumstances should know will have the effect of: (1) placing a student, school volunteer, or school employee in reasonable fear of substantial harm to a student's, school volunteer's, or school employee's emotional or physical well-being or substantial damage to a student's, school volunteer's, or school employee's property; or (2) creating a hostile, threatening, humiliating, or abusive educational environment due to the pervasiveness or persistence of actions or due to a power differential between the bully and the target; or (3) interfering with a student having a safe school environment that is necessary to facilitate educational performance, opportunities, or benefits; or (4) perpetuating bullying by inciting, soliciting, or coercing an individual or

group to demean, dehumanize, embarrass, or cause emotional, psychological, or physical harm to another student, school volunteer, or school employee.

"**Careless and reckless behavior**" means unintentional behavior that threatens to or causes injury or property damage or intentional behavior that causes or may cause unintentional injury or property damage.

"**Consensual sexual misconduct**" means consensual sexual acts between students within the school environment. This may require a report to the Delaware Department of Services for Children, Youth and Their Families Division of Family Services.

"**Defiance of school authority**" means a verbal or non-verbal refusal to comply with a reasonable request from school personnel, or refusal to identify oneself at the request of school personnel, or refusal to comply with disciplinary action that causes either a substantial disruption or material interference with school activities. This does not include a student who walks away to deescalate or manage the student's emotions.

"**Destruction of property**" means students who damage or deface school property or the personal property of another person. This includes tampering with security, medical, or fire protective equipment.

"**Disruptive behavior**" means students who intentionally disrupt the school environment by not following expectations or interrupt learning or school activities despite non-verbal and verbal redirection. This can include excessive talking that limits others' ability to learn and behaviors by the student or with other students that are distracting to other persons.

"**Distribution of alcohol or drugs**" means students who are found to be selling or distributing alcohol, drugs, or other substances in the school environment. This includes inhalants, marijuana (cannabis, edible, liquid, etc.), drug like substances, look alike substances, nonprescription medication, and prescription medications.

"**Dress code violation**" means failure to comply with the school-level dress code. Dressing in a manner that is unsafe or disrupts the learning environment. This includes clothing that promotes drugs, alcohol, or profanity.

"**Exposure**" means students who expose the student's genitals, breasts, or buttocks to another person.

"**Falsely signing and impersonating**" means falsely or fraudulently signing or altering a document or electronic record such as hall pass, early dismissal note, progress report, absence excuse, etc. Forgery shall also include impersonating another student or falsely identifying oneself or others inaccurately via electronic, verbal, or written means.

"**Fighting**" means students who willingly engage in a one-on-one physical altercation. This is a physical altercation in which none of the participants are identified as victims.

"**Harassment**" means students who engage in unwelcome verbal, written, electronic, graphic, or physical conduct relating to another person's actual or perceived sex, gender, age, race, color, national origin, sexual orientation, gender identity expression, pregnancy or related conditions, religion, disability, English language proficiency, socioeconomic status, or physical appearance. The behavior must be considered severe, persistent, or pervasive to be considered harassment. The behavior does not have to include intent to harm, be directed at a specific target, or involve repeated incidents.

"**Hate speech and conduct**" means verbal or electronic communication or actions directed toward a member or members of a protected class of individuals for the explicit purpose of creating alarm, fear, or causing emotional distress.

"**Inappropriate language and gestures**" means cursing, swearing, or using written or spoken language, gestures, electronic images, photos, or actions, directed towards another person, that are considered sexually explicit, offensive, obscene, or vulgar.

"**Inappropriate touch**" means students who intentionally engage in physical aggression towards a school employee, volunteer, or another student either with the student's own body or with an object and it does not result in physical injury. This includes pushing, pinching, punching, kicking, slapping, grabbing, scratching, poking with an object, throwing an object at, or spitting on a school employee or volunteer. The behavior does not have to include intent to harm. This offense should be used for students under the age of 12 who caused a physical injury to a school employee, volunteer, or another student that is not classified as serious.

"**Instigation**" means students incite aggressive or physical conflict between 2 or more students that resulted in a confrontation without directly participating in the confrontation.

"**Leaving school grounds without permission**" means leaving the school building or the school grounds during school hours without required staff permission.

"**Loitering**" means student's unauthorized presence in any school area for an extended period of time or student's failure to leave the school grounds at the time designated.

"**Misuse of technology**" means any use of school technology for unauthorized purposes such as, copying software, inappropriate internet or email usage, unauthorized use of school issued electronic devices, tampering with databases, passwords or configurations, or deletion of files. This also includes the use of school technology equipment in: soliciting, using, or posting on social media; ~~receiving or sending~~receiving, sending, or the creation of inappropriate images or materials; accessing unauthorized email; the unauthorized downloading or installing of files; or intentionally damaging technology equipment in the school environment.

"**Mutual group fight**" means students who willingly engage in a physical altercation with multiple willing participants. This is a physical altercation in which none of the participants are identified as victims.

"**Other school crime**" means any significant incident resulting in disciplinary action not classified previously but required to be reported under the School Crimes Reporting Law (14 **Del.C.** §4112). This may include arson, manslaughter, or violent felonies as defined by 11 **Del.C.** §4201.

"**Physical restraint - no code violation**" means a student was physically restrained by an employee or contractor of a public school district or charter school, private program, or alternative program, but there was no violation of the student code of conduct by the student.

"**Possession or production of pornography**" means students who possess, share, or produce any known pornographic or obscene material in the school environment. This would include a student who distributes photos or videos of another student who did not consent to getting the student's photos taken or shared, or cannot consent to the photos due to the student's age (under age 12).

"**Possession or use of alcohol or drugs**" means students who use or are under the influence of alcohol, drugs, or other substances, or who are found to be in possession of alcohol, drugs, other substances, or drug paraphernalia in the school environment. This includes inhalants, marijuana (cannabis, edible, liquid, etc.), drug like substances, and look alike substances.

"**Possession or use of dangerous instrument**" means students who possess or use any object, device, or instrument in the school environment classified as a dangerous instrument under 11 **Del.C.** §222. This includes pellet guns, air guns, tasers, mace, or other dangerous instruments.

"**Possession or use of deadly weapons**" means students who possess or use any object, device, or instrument in the school environment classified as a deadly weapon under 11 **Del.C.** §222. This includes a knife of any sort, switchblade knife, billy, blackjack, bludgeon, metal knuckles, slingshot, or razor. This does not include toys, or ordinary objects including pocket knives with blades less than ~~3~~3.75 inches. Firearms and bombs are captured under separate offenses.

"**Possession or use of explosive devices**" means students who are found to be in possession or use incendiary devices such as fireworks, firecrackers, pipe bombs, or other explosives in the school environment.

"**Possession or use of firearms**" means students who possess or use any firearm in the school environment. This includes handguns, rifles, shotguns, starter guns, or other firearms identified in 11 **Del.C.** §222, whether loaded or not. BB guns are included per 11 **Del.C.** §1457 and §1457A. This does not include toys, pellet, or air guns; these should be captured under possession or use of dangerous instruments.

"**Possession or use of nonprescription or prescription medications**" means students who use or are under the influence of nonprescription or prescription medications, or who are found to be in possession of nonprescription or prescription medications in the school environment without proper documentation.

"**Possession or use of tobacco or electronic smoking devices**" means students who use or possess any tobacco product or any electronic smoking device in the school environment. This includes products containing tobacco, electronic cigarettes, and any vape device.

"**Rape**" means the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without consent, including when a person is unable to give consent. All persons, regardless of sex, sexual orientation, or gender identity, can be victims of rape.

"**Robbery**" means students who take or attempt to take anything of value that is owned by another person or organization, under confrontational circumstances by force or threat of force or violence, or by putting the victim in fear. A key difference between robbery and theft is that robbery involves a threat or assault.

"**Safety violation**" means students who engage in any behavior that is not appropriate for school and has the potential to put the students or others in danger.

"**Sexual assault**" means any sexual act directed against another person without consent, including when a person is unable to give consent. It includes threatened rape, fondling, indecent liberties, or child molestation. Rape is not included. All persons, regardless of sex, sexual orientation, or gender identity, can be victims of sexual assault. Classification of these incidents should take into consideration the age and developmentally appropriate behavior of the offender.

"**Skipping and leaving class**" means absence from school or class without authorization or permission or leaving the assigned classroom without permission.

"**Tardiness to school and class**" means unexcused lateness to school or class without authorization or permission.

"**Theft ($1500 or more)**" means students who take school property or the personal property of another person.

"**Theft (less than $1500)**" means students who take, obtain, or intentionally have possession of school property or the personal property of another person.

"**Threat of physical attack with weapon**" means students who threaten to engage in an act that causes harm and introduces fear in another person, and the threat is made while displaying, brandishing, or discharging a weapon but with no actual physical contact of any person. A threat may or may not be made in person. A threat of physical attack using words that refer to a weapon would be considered a threat without a weapon.

"**Threat of physical attack without weapon**" means students who threaten to engage in an act that causes harm and introduces fear in another school community member. Threats can be made verbally, in writing, or with gestures and may refer to a weapon that is not present. A threat may or may not be made in person.

"**Threatening mass violence**" means students who threaten to engage in an act that causes serious physical harm or creates a substantial risk of serious physical harm in the school environment. This includes bomb threats and other threats that are likely to cause an evacuation of a building.

"**Unauthorized use of an electronic device**" means students who engage in non-educational activities in the school environment, including creating, capturing, distributing, displaying, sharing, or posting of inappropriate images, videos, movies, or music from personal devices. Engaging in social media, texting, playing games, or streaming that disrupts the learning environment.

"**Unsafe item**" means any item, device, or substance that may be deemed disruptive or is used for a purpose in which it was not intended.

PROFESSIONAL STANDARDS BOARD

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

14 **DE Admin. Code** 1520

FINAL

ORDER

1520 Early Childhood Teacher

I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

Pursuant to 14 **Del.C.** §§1203, 1204(a), 1205(b), and 1220, the Professional Standards Board ("Board"), acting in consultation and cooperation with the Delaware Department of Education ("Department"), developed amendments to 14 **DE Admin. Code** 1520 Early Childhood Teacher. The regulation concerns the requirements for an Early Childhood Teacher Standard Certificate in accordance with 14 **Del.C.** §1220. The proposed amendments include revising the definition of regionally accredited and deleting 3 definitions; striking language in subsection 3.1.1; striking subsections 4.1.1 with subsequent numbering and clarifying subsection 4.2 qualifications to obtain the certificate; striking subsections in 5.3 reincorporating their contents in one subsection; amended text in subsection 5.4.1; and clarifying Section 6.0. The proposed amendments include grammatical and style changes to comply with the *Delaware Administrative Code Drafting and Style Manual*. The final regulation includes one non-substantive change from the proposed regulation: a misspelled word in subsection 10.1 to correct a typographical error.

Notice of the proposed regulation was published in the *Register of Regulations* on May 1, 2026. The Professional Standards Board did not receive any written submittals concerning the proposed regulation.

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

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

III. FINDINGS OF FACTS

On June 4, 2026, the Professional Standards Board voted to propose 14 **DE Admin. Code** 1520 Early Childhood Teacher for adoption by the Department subject to the State Board of Education's approval.

The Department finds that the proposed amendments to the regulation are necessary to implement 14 **Del.C.** Ch. 12 and are designed to improve the quality of the Delaware educator workforce and to improve student performance. Accordingly, the Department finds that it is appropriate to amend 14 **DE Admin. Code** 1520 Early Childhood Teacher.

IV. DECISION TO AMEND THE REGULATION

For the foregoing reasons, the Department concludes that it is appropriate to amend 14 **DE Admin. Code** 1520 Early Childhood Teacher subject to the State Board of Education's approval. On June 18, 2026, the State Board of Education approved amending 14 **DE Admin. Code** 1520 Early Childhood Teacher. Therefore, pursuant to 14 **Del.C.** §§1203, 1204(a), 1205(b), and 1220, 14 **DE Admin. Code** 1520 Early Childhood Teacher is hereby amended.

V. TEXT AND CITATION

The text of 14 **DE Admin. Code** 1520 Early Childhood Teacher amended hereby shall be cited as 14 **DE Admin. Code** 1520 Early Childhood Teacher 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 18th day of June, 2026.

Department of Education

Cynthia Marten, Secretary of Education

Approved this 18th day of June, 2026.

State Board of Education

/s/ Jonathan V. Sheehan
Jonathan V. Sheehan, President

/s/ Deborah Stevens
Deborah Stevens, Vice President

/s/ Timothy Banks, Sr.
Timothy Banks, Sr.

/s/ Meredith L. Griffin, Jr.
Meredith L. Griffin, Jr.

/s/ Michele Marinucci
Michele Marinucci

/s/ James Simmons, III
James L. Simmons, III

Vacant

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

1520 Early Childhood Teacher

1.0 Content

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

2.0 Definitions

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

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

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

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

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

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

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

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

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

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

3.0 Issuance of a Standard Certificate

3.1 In accordance with 14 **Del.C.** §1220(a), the Department shall issue an Early Childhood Teacher Standard Certificate to an applicant who:

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

3.1.2 Has met the requirements for an educator's license in Delaware and presents proof of a ~~Valid and Current License or Certificate~~ valid and current license or certificate as an early childhood teacher issued by another state or jurisdiction.

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

4.0 Prescribed Education, Knowledge, and Skill Requirements

4.1 For an applicant who does not hold a content area Standard Certificate, the applicant shall have satisfied 1 of the ~~requirements in subsections 4.1.1 and 4.1.2.~~following requirements:

~~4.1.1 The applicant shall have satisfied 1 of the following education requirements:~~

~~4.1.1.1~~4.1.1 Obtained and currently maintain an Early Childhood Generalist ~~certificate~~ Certificate from the National Board for Professional Teaching Standards; or

~~4.1.1.2~~4.1.2 Earned a ~~bachelor's~~bachelor's, master's, or doctoral degree from a ~~Regionally Accredited~~ regionally accredited college or university with a minimum of 30 semester hours of coursework in early childhood education from an educator preparation program approved or recognized by the Council for the Accreditation of Educator Preparation (CAEP) or a state where the state approval body employed the appropriate standards; or

~~4.1.1.3~~4.1.3 Satisfactorily completed an alternative routes for licensure or certification program to teach early childhood education as provided in 14 **Del.C.** §§1260 – 1266; or

~~4.1.1.4~~4.1.4 Satisfactorily completed a Department-approved educator preparation program in early childhood education.

~~4.1.2~~4.2 ~~The applicant shall have achieved a minimum score of 160 on the Praxis Subject Assessment – Education of Young Children (ETS Test Code # 5024). Notwithstanding the foregoing, if the applicant did not achieve the minimum score, the applicant shall meet the requirements set forth in 14 **DE Admin. Code** 1519 Multiple Measures for Demonstrating Content Knowledge.~~ For an applicant who holds at least 1 content area Standard Certificate, the applicant shall have satisfactorily completed 15 semester hours in early childhood education from a regionally accredited college or university.

~~4.2 For an applicant who holds at least 1 content area Standard Certificate, the applicant shall have achieved the minimum score on the examination as provided in subsection 4.1.2. Notwithstanding the foregoing, if the applicant did not achieve the minimum score, the applicant shall meet the requirements set forth in 14 **DE Admin. Code** 1519 Multiple Measures for Demonstrating Content Knowledge.~~

5.0 Application Requirements

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

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

5.3 For an applicant who does not hold a content area Standard Certificate, the following documentation is required with the application for an Early Childhood Teacher Standard Certificate:

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

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

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

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

~~5.3.2.3~~5.3.2.2 The Department will not accept copies of ~~transcripts; and~~transcripts.

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

~~5.3.4~~5.3.3 Additional documentation as required by the Department.

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

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

5.4.2 Additional documentation as required by the Department.

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

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

5.5.2 Additional documentation as required by the Department.

6.0 Secretary of Education Review

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

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

~~6.1.1~~6.2.1 For school districts, requests shall be approved by the superintendent of the school district.

~~6.1.2~~6.2.2 For charter schools, requests concerning the head of school of the charter school shall be approved by the charter school's board of directors and requests concerning all other applicants shall be approved by the charter school's head of school.

7.0 Validity of a Standard Certificate

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

7.2 An Early Childhood Teacher Standard Certificate is not subject to renewal.

8.0 Disciplinary Action

8.1 An ~~Educator's~~educator's Early Childhood Teacher Standard Certificate may be revoked, suspended, or limited for cause as provided in 14 **DE Admin. Code** 1514 Limitation, Suspension, and Revocation of Licenses, Certificates, and Permits.

8.2 An ~~Educator's~~educator's Early Childhood Teacher Standard Certificate shall be revoked if the ~~Educator's~~educator's Initial, Continuing, or Advanced License or Professional Status Certificate is revoked or the ~~Educator~~ educator made a materially false or misleading statement in the ~~Educator's~~educator's application in accordance with 14 **Del.C.** §1222.

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

9.0 Past Certificate Recognized

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

10.0 Contact Information and Change of Name or Address

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

10.2 An ~~Educator~~ educator who legally changes the ~~Educator's~~educator's name and wishes to change the name on the Early Childhood Teacher Standard Certificate shall provide a notarized copy of evidence of the name change such as a marriage license or court action.

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

PROFESSIONAL STANDARDS BOARD

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

14 **DE Admin. Code** 1570

FINAL

ORDER

1570 Early Childhood Exceptional Children Special Education Teacher

I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

Pursuant to 14 **Del.C.** §§1203, 1204(a), 1205(b), and 1220, the Professional Standards Board ("Board"), acting in consultation and cooperation with the Delaware Department of Education ("Department"), developed amendments to 14 **DE Admin. Code** 1570 Early Childhood Exceptional Children Special Education Teacher. The regulation concerns the requirements for an Early Childhood Exceptional Children Special Education Teacher Standard Certificate in accordance with 14 **Del.C.** §1220. The proposed amendments include adding a definition of ARTC, revising the definition of regionally accredited and deleting 6 definitions; striking language in subsection 3.1.1; amending language in subsection 3.1.2; adding new subsection 4.1 with subsequent renumbering; revising subsection 4.1.1.5, which concerns the requirements for an applicant who has completed a minimum of 30 semester hours of coursework and 15 college credits, adding subsection 4.1.2 regarding literacy requirements, revising and adding subsection 4.2 clarifying Praxis requirements, revising Section 5.0 clarifying the application requirements; renumbering and clarifying Section 6.0 from Section 8.0 and subsequent renumbering; and adding Section 10.0. The proposed amendments include grammatical and style changes to comply with the *Delaware Administrative Code Drafting and Style Manual*. The final regulation includes one non-substantive change from the proposed regulation: a misspelled word in subsection 10.1 to correct a typographical error.

Notice of the proposed regulation was published in the *Register of Regulations* on May 1, 2026. The Professional Standards Board did not receive any written submittals concerning the proposed regulation.

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

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

III. FINDINGS OF FACTS

On June 4, 2026, the Professional Standards Board voted to propose 14 **DE Admin. Code** 1570 Early Childhood Exceptional Children Special Education Teacher for adoption by the Department subject to the State Board of Education's approval.

The Department finds that the proposed amendments to the regulation are necessary to implement 14 **Del.C.** Ch. 12 and are designed to improve the quality of the Delaware educator workforce and to improve student performance. Accordingly, the Department finds that it is appropriate to amend 14 **DE Admin. Code** 1570 Early Childhood Exceptional Children Special Education Teacher.

IV. DECISION TO AMEND THE REGULATION

For the foregoing reasons, the Department concludes that it is appropriate to amend 14 **DE Admin. Code** 1570 Early Childhood Exceptional Children Special Education Teacher subject to the State Board of Education's approval. On June 18, 2026, the State Board of Education approved amending 14 **DE Admin. Code** 1570 Early Childhood Exceptional Children Special Education Teacher. Therefore, pursuant to 14 **Del.C.** §§1203, 1204(a), 1205(b), and 1220, 14 **DE Admin. Code** 1570 Early Childhood Exceptional Children Special Education Teacher is hereby amended.

V. TEXT AND CITATION

The text of 14 **DE Admin. Code** 1570 Early Childhood Exceptional Children Special Education Teacher amended hereby shall be cited as 14 **DE Admin. Code** 1570 Early Childhood Exceptional Children Special Education Teacher 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 18th day of June, 2026.
Department of Education
Cynthia Marten, Secretary of Education

Approved this 18th day of June, 2026.
State Board of Education

/s/ Jonathan V. Sheehan
Jonathan V. Sheehan, President

/s/ Deborah Stevens
Deborah Stevens, Vice President

/s/ Timothy Banks, Sr.
Timothy Banks, Sr.

/s/ Meredith L. Griffin, Jr.
Meredith L. Griffin, Jr.

/s/ Michele Marinucci
Michele Marinucci

/s/ James L. Simmons, III
James L. Simmons, III

Vacant

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

1570 Early Childhood Exceptional Children Special Education Teacher

1.0 Content

1.1 This regulation shall apply to the issuance of an Early Childhood Exceptional Children Special Education Teacher Standard Certificate ~~(Category)~~ pursuant to 14 **Del.C.** §1220(a).

1.1.1 This Standard Certificate is required for an ~~Educator~~ educator whose primary assignment is teaching ~~Students with Disabilities from Birth to Grade~~ students with disabilities from birth to grade 2 in Delaware public schools.

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

1.1.1.2 The Teacher of Students with Autism or with Severe Intellectual Disabilities Standard Certificate, Teacher of Students Who Are Deaf or Hard of Hearing Standard Certificate, and Teacher of Students with Visual Impairments Standard Certificate shall be used when the teacher's primary assignment is providing instruction to the category of students designated within those category certifications.

1.1.2 This ~~Certification~~ certification is a category Standard Certificate and does not certify an ~~Educator~~ educator to practice in a particular area or teach a particular subject. A category Standard Certificate

only establishes that an ~~Educator~~ educator has met the prescribed education, knowledge, or skill requirements to instruct a particular category of students. This ~~Certification~~ certification is limited to the category of teaching ~~Students with Disabilities from Birth to Grade~~ students with disabilities from birth to grade 2 in Delaware public schools.

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

2.0 Definitions

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

~~"**15 Credits or the Equivalent in Professional Development**" means college credits or an equivalent number of hours with one credit equating to 15 hours taken either as part of a degree program or in addition to a degree program from a Regionally Accredited college or university or a professional development provider approved by the Department. College credit means undergraduate or graduate level coursework and continuing education units (CEUs) completed at or through a Regionally Accredited college or university or other Department-approved provider.~~

"**ARTC**" means Alternative Routes to Certification Programs as set forth in 14 **DE Admin. Code** 291.

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

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

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

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

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

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

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

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

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

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

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

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

3.0 Issuance of a Standard Certificate

3.1 In accordance with 14 **Del.C.** §1220(a), the Department shall issue an Early Childhood Exceptional Children Special Education Teacher Standard Certificate to an ~~Educator~~ applicant who:

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

3.1.2 Has met the requirements for ~~licensure~~ an educator's license in Delaware and holds a ~~Valid and Current License or Certificate~~ valid and current license or certificate in early childhood exceptional children special education issued by another state or jurisdiction.

3.2 Notwithstanding any provision to the contrary herein, the Department shall not act on an application for an Early Childhood Exceptional Children Special Education Teacher Standard Certificate if the applicant is under official investigation by any national, state, or local authority with the power to issue educator licenses or certifications. The Department shall not act where the allegations include ~~but are not limited to~~ conduct such as ~~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 An applicant shall have satisfied the requirements in subsections 4.1.1 and 4.1.2.

~~4.1~~4.1.1 An applicant shall have satisfied ~~one~~ 1 of the following education requirements:

~~4.1.1~~4.1.1.1 Obtained and currently maintain an Exceptional Needs Specialist ~~certificate~~ Certificate from the National Board for Professional Teaching Standards; or

~~4.1.2~~4.1.1.2 Earned a bachelor's, master's, or doctoral degree from a ~~Regionally Accredited~~ regionally accredited college or university with a ~~Major or Its Equivalent~~ minimum of 30 semester hours of coursework in early childhood ~~exceptional children special~~ education that includes at least 15 semester hours in early childhood exceptional children special education from an educator preparation program approved or recognized by ~~the National Council for the Accreditation of Teacher Education (NCATE),~~ the Council for the Accreditation of Educator Preparation ~~(CAEP),~~(CAEP) or a state where the state approval body employed the appropriate standards; or

~~4.1.3~~4.1.1.3 Satisfactorily completed an alternative routes for licensure or certification program to teach early childhood exceptional children as provided in 14 **Del.C.** §§1260 – 1266; or

~~4.1.4~~4.1.1.4 Satisfactorily completed a Department-approved educator preparation program in early childhood exceptional children education; or

~~4.1.5~~4.1.1.5 Earned a bachelor's degree from a ~~Regionally Accredited~~ regionally accredited college or university in any content area and satisfactorily completed 15 ~~Credits or the Equivalent in Professional Development in the following areas that~~ semester hours taken either as part of or in addition to a degree program from a regionally accredited college or university with a focus in special education areas. For the purpose of this subsection and subsection 4.1.1.2, the following special education areas are guided by and include the following Council for Exceptional Children's (CEC) Early Childhood Special Education (ECSE) Initial Preparation Standards:

~~4.1.5.1~~4.1.1.5.1 Child development and early learning for young children with special needs;

~~4.1.5.2~~4.1.1.5.2 Partnering with families of young children with special needs;

~~4.1.5.3~~4.1.1.5.3 Collaboration and teaming to meet the needs of young children with exceptionalities;

~~4.1.5.4~~4.1.1.5.4 Assessment processes for young children with special needs;

~~4.1.5.5~~4.1.1.5.5 Application of curriculum frameworks in the planning and facilitation of meaningful learning experiences for young children with special needs;

~~4.1.5.6~~4.1.1.5.6 Using responsive and reciprocal interactions, interventions, and instruction for young children with special needs; and

~~4.1.5.7~~4.1.1.5.7 Professionalism and ethical practice.

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

4.2 An applicant shall have completed 1 of the following:

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

4.2.2 A minimum score of 160 on the Praxis Subject Assessment – Education of Young Children (ETS Test Code #5024). Notwithstanding the foregoing, if the applicant did not achieve the minimum, the applicant shall meet the requirements set forth in 14 **DE Admin. Code** 1519 Multiple Measures for Demonstrating Content Knowledge.

5.0 Application Requirements

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

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

~~5.2~~5.3 The following documentation is required with the application for an Early Childhood Exceptional Children Special Education Teacher Standard Certificate:

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

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

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

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

~~5.2.2.3 The Department will not accept copies of transcripts.~~

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

~~5.2.4 Additional documentation as required by the Department.~~

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

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

~~5.3.2 Additional documentation as required by the Department.~~

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

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

5.3.1.2 The Department will not accept copies of transcripts; and

5.3.2 One of the following:

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

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

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

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

5.3.2.2.3 Received 2 successful summative evaluations.

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

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

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

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

5.3.5 Additional documentation as required by the Department.

6.0 Secretary of Education Review

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

Education Teacher Standard Certificate but whose effectiveness is documented by the local school district or charter school.

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

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

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

~~6.0~~7.0 Validity of a Standard Certificate

~~6.1~~7.1 An Early Childhood Exceptional Children Special Education Teacher Standard Certificate is valid regardless of the assignment or employment status of the holder provided that the ~~Educator's License~~ educator's license remains current and valid.

~~6.2~~7.2 An Early Childhood Exceptional Children Special Education Teacher Standard Certificate is not subject to renewal.

~~7.0~~8.0 Disciplinary Action

~~7.1~~8.1 An ~~Educator's~~educator's Early Childhood Exceptional Children Special Education Teacher Standard Certificate may be limited, suspended, or revoked for cause as provided in 14 **DE Admin. Code** 1514 Limitation, Suspension, and Revocation of Licenses, Certificates, and Permits.

~~7.2~~8.2 An ~~Educator's~~educator's Early Childhood Exceptional Children Special Education Teacher Standard Certificate shall be revoked if the ~~Educator's~~educator's Initial, Continuing, or Advanced License or Professional Status Certificate is revoked or the ~~Educator~~ educator made a materially false or misleading statement in the ~~Educator's~~educator's application in accordance with 14 **Del.C.** §1222.

~~7.3~~8.3 An ~~Educator~~ educator whose certificate is noticed for disciplinary action is entitled to a full and fair hearing before the Professional Standards Board. Hearings shall be conducted in accordance with 14 **DE Admin. Code** 1515 Hearing Procedures and Rules.

~~**8.0 Secretary of Education Review**~~

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

9.0 Past Certificate Recognized

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

10.0 Contact Information and Change of Name or Address

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

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

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

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DELAWARE HEALTH CARE COMMISSION

Statutory Authority: 16 Delaware Code, Sections 9301 and 9303 (16 **Del.C.** §§9301 & 9303)
16 **DE Admin. Code** 5002

FINAL

ORDER

5002 Delaware Health Resources Management Plan

NATURE OF THE PROCEEDINGS:

Delaware Health and Social Services ("DHSS"), Delaware Health Care Commission recently initiated proceedings to amend the regulation regarding the Delaware Health Resources Management Plan. These proceedings were initiated pursuant to 29 **Del.C.** Ch. 101 and the authority as prescribed by 16 **Del.C.** §§9301 and 9303. Amendments to the regulation have been made to realign with 16 **Del.C.** Ch. 93; House Bill No. 17, as amended by House Amendment No. 1 (85 Del. Laws, ch. 252) was signed on May 12, 2026 and repeals the requirement that a person must apply for a certificate of public review (CPR) prior to the acquisition of major medical equipment. A certificate of public review may still be required if the acquisition meets the capital expenditure threshold under § 9304(a)(2) of Title 16.

On June 1, 2026 (29 **DE Reg.** 977), DHSS published in the *Delaware Register of Regulations* its notice of the proposed amendments, pursuant to 29 **Del.C.** §10115. The Delaware Health Care Commission requested that written materials and suggestions from the public concerning the proposed regulation be delivered to DHSS by July 14, 2026, after which time DHSS would review information, factual evidence, and public comment to the proposed regulation. Additionally, a hybrid public hearing took place on June 29, 2026.

SUMMARY OF EVIDENCE:

In accordance with Delaware law, the public notice regarding the proposed amendments to the regulation governing the Delaware Health Resources Management Plan was published in the *Delaware Register of Regulations*. Written comments were accepted on the proposed regulation during the public comment period (June 1, 2026, through July 14, 2026) and a hybrid public hearing was held on June 29, 2026.

Suggestions focused on further reforms around the certificate of public review process. While this amendment to the regulation is narrow in scope to reflect the statutory changes in House Bill 17, the Delaware Health Care Commission appreciates the recommendations provided and is committed to exploring further reforms.

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

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

FINDINGS OF FACT:

No changes are being made to the regulation since publication was 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 regulation 5002 Delaware Health Resources Management Plan shall become effective 10 days after publication of the final regulation in the *Delaware Register of Regulations*.

7/16/2026
Date

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

5002 Delaware Health Resources Management Plan

This document is provided in PDF due to the size and formatting of the document.

~~Delaware Health Resources Management Plan~~
~~http://regulations.delaware.gov/AdminCode/title16/Department of Health and Social Services/Delaware Health Care Commission/HRMP.pdf~~

Delaware Health Resources Management Plan
https://regulations.delaware.gov/register/August2026/AC3BB76A-EB6B-457B-9451-21CD1AD0FB3B

DEPARTMENT OF STATE

DIVISION OF PROFESSIONAL REGULATION

Board of Accountancy

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

FINAL

ORDER

100 Board of Accountancy

The Delaware Board of Accountancy, pursuant to 24 **Del.C.** § 105(a)(1), proposed to amend regulation 24 **DE Admin. Code** 100 Board of Accountancy.

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

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

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

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

These amendments were published in the *Delaware Register of Regulations*, Volume 29, Issue 9, on March 1, 2026. Pursuant to 29 **Del.C.** § 10118(a), the date to receive final written comments was March 31, 2026. The Board deliberated on the proposed revision at its regularly scheduled meeting on May 20, 2026.

Summary of the Evidence and Information Submitted
No written comments were submitted.

Findings of Fact and Conclusions
The public was given notice and an opportunity to provide the Board with comments in writing on the proposed amendments to the Board's regulation. No comments were received.

Pursuant to 24 **Del.C.** § 105(a)(1), the Board has the statutory authority to promulgate rules and regulations in accordance with the procedures specified in the Administrative Procedures Act. The Board finds reason to amend its regulation as proposed.

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

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

IT IS SO ORDERED this day of 17th day of June 2026.

Delaware Board of Accountancy

/s/ Chadwick Milton
Chadwick Milton, CPA, Professional Member, President

/s/ Angel Hodges
Angel Hodges, CPA, Professional Member, Secretary

/s/ Thomas Shopa
Thomas Shopa, CPA, Professional Member

/s/ Miriam Wilson
Miriam Wilson, PA, Professional Member

/s/ Felicia Farrar
Felicia Farrar, CPA, Professional Member

/s/ Jessica Main
Jessica Main, CPA, Professional Member

/s/ Kristopher Musselman
Kristopher Musselman, Public Member

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

***Please note that no changes were made to the regulation as originally proposed and published in the March 2026 issue of the *Register* at page 757 (29 DE Reg. 757). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**
https://regulations.delaware.gov/register/august2026/final/30 DE Reg 96 08-01-26

DEPARTMENT OF TRANSPORTATION

DIVISION OF TRANSPORTATION SOLUTIONS

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

GENERAL NOTICE

NOTICE

Senate Bill 89 as amended by Senate Amendment 1 – Bridge 3235 525

June 22, 2026

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

Ms. Smallwood,

The Delaware General Assembly introduced Senate Bill 89 as amended by Senate Amendment 1 on March 18, 2021. The legislation which relates to traffic control devices for size and weight of vehicles and loads was subsequently signed by Governor Carney on June 30, 2021.

The legislation, which amends §4505 of Title 21 of the Delaware Code, provides as follows:

> §4505. Traffic control devices.
>
> (d)(1) The Secretary of the Department shall submit an order issued under subsection (c) of this section to the Registrar of Regulations for publication in the *Register of Regulations*. The Secretary shall also publish the order on the Department's website with other similar orders.

In accordance with 21 **Del.C.** §4505(d)(1), Notice is hereby given by the Delaware Department of Transportation, Bridge & Structures Section, as approved and ordered by the Secretary of the Department of Transportation pursuant to 21 **Del.C.** §4505(c), for the following permanent load restrictions for the safe movement of traffic in the area:

> Bridge 3235 525 that carries S525 Coverdale Road over Gravelly Fork northeast of Seaford for the following permanent load restrictions:
>
> S220: 2 Axle Single Unit Vehicle at 26 tons
> S335: 3 Axle Single Unit Vehicle at 21 tons
> S437: 4 Axle Single Unit Vehicle at 21 tons
> SU5: 5 Axle Single Unit Vehicle at 26 tons
> SU6: 6 Axle Single Unit Vehicle at 25 tons
> SU7: 7 Axle Single Unit Vehicle at 25 tons

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

Thank you,
Kevin Lindell, P.E.
Chief of Bridge & Structures

DEPARTMENT OF EDUCATION

STATE BOARD OF EDUCATION

PUBLIC NOTICE

Notice of Monthly Meeting

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

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DIVISION OF PUBLIC HEALTH

PUBLIC NOTICE

4305 Trauma System

Pursuant to 16 **Del.C.** §9706(g)(2), the Department of Health and Social Services, Division of Public Health, Emergency Medical Services & Preparedness Section, is proposing revisions to the trauma system regulation (16 **DE Admin. Code** 4305).

The proposed amendments will introduce several important changes to better serve and protect Delawareans. Changes include updates to the qualifications and responsibilities of a Trauma Medical Director (TMD).

Copies of the proposed regulation are available for review in the August 1, 2026 issue of the *Delaware Register of Regulations*, accessible online at: http://regulations.delaware.gov or by calling the Division of Public Health at 302-424-7149.

Public comments will be accepted until 4:30 PM on September 1, 2026. 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
Delaware Division of Public Health
253 N.E. Front Street
Milford, DE 19963