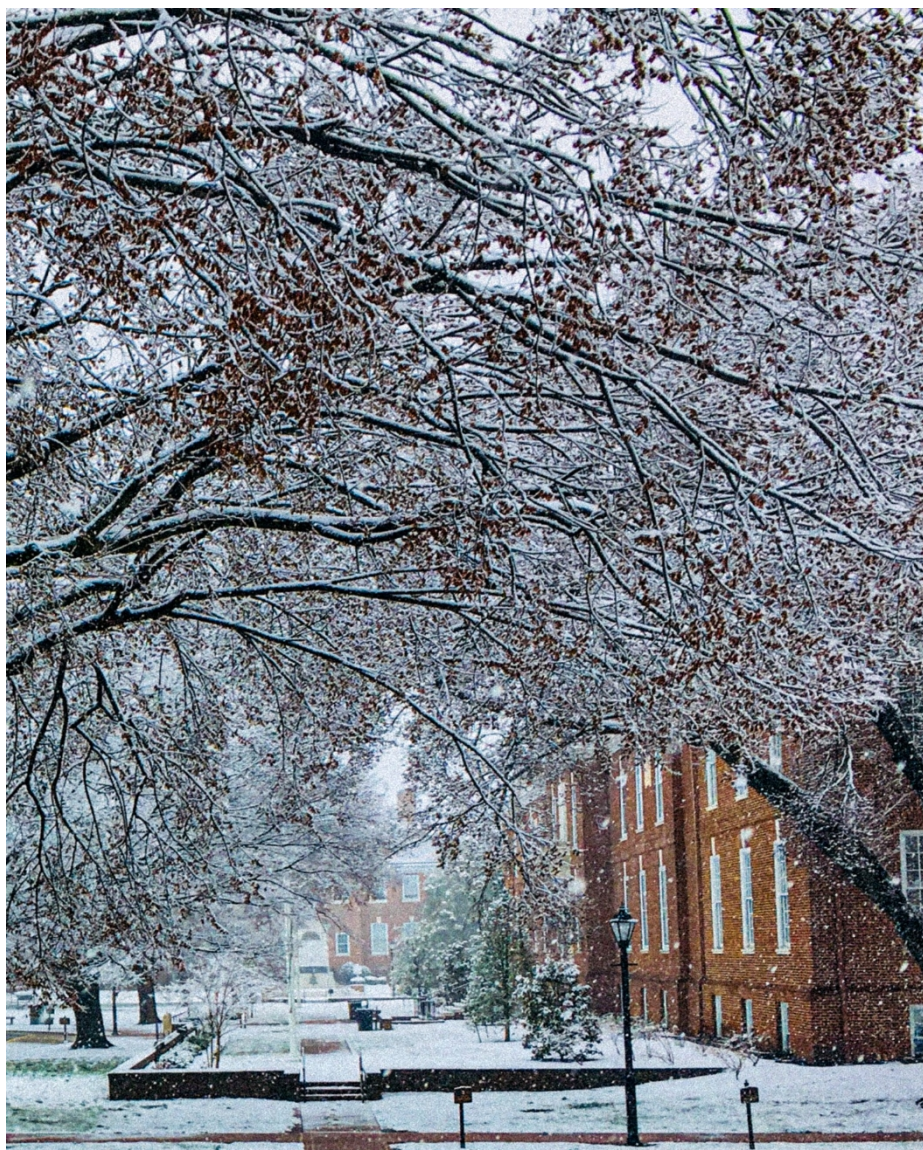

Delaware Register of Regulations

Issue Date: December 1, 2025

Volume 29 - Issue 6, Pages 440-561



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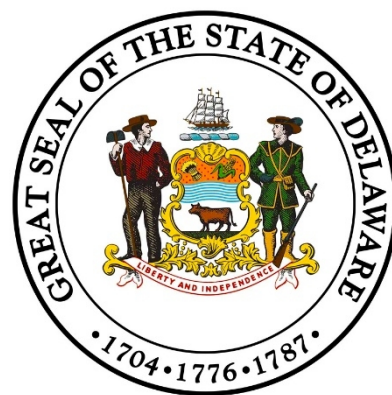
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Pursuant to 29 **Del.C.** Chapter 11, Subchapter III, this issue of the *Register* contains all documents required to be published, and received, on or before November 15, 2025.

Cover Photo
Dover

INFORMATION ABOUT THE DELAWARE REGISTER OF REGULATIONS

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DELAWARE REGISTER OF REGULATIONS

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

The *Delaware Register* will publish any regulations that are proposed to be adopted, amended, or repealed and any emergency regulations promulgated.

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

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

CITATION TO THE DELAWARE REGISTER

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

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

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

SUBSCRIPTION INFORMATION

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

CITIZEN PARTICIPATION IN THE REGULATORY PROCESS

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other interested parties may participate in the process by which administrative regulations are adopted, amended, or repealed, and may initiate the process by which the validity and applicability of regulations is determined.

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

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

INFORMATION ABOUT THE DELAWARE REGISTER OF REGULATIONS

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

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

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

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

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

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

CLOSING DATES AND ISSUE DATES FOR THE DELAWARE REGISTER OF REGULATIONS

ISSUE DATE	CLOSING DATE	CLOSING TIME
January 1	December 15	4:30 p.m.
February 1	January 15	4:30 p.m.
March 1	February 16	4:30 p.m.
April 1	March 16	4:30 p.m.
May 1	April 15	4:30 p.m.
June 1	May 15	4:30 p.m.

Published by
DIVISION OF LEGISLATIVE SERVICES
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Statutory Authority: 14 Delaware Code, Sections 1203, 1205(b), and 1220 (14 **Del.C.** §§1203, 1205(b) & 1220)
14 **DE Admin. Code** 1534

ERRATA

1534 Middle Level Social Studies Teacher

* **Please Note:** The Department of Education proposed regulation for 1534 Middle Level Social Studies Teacher was published in the September 01, 2025 issue of the *Delaware Register of Regulations* (29 **DE Reg.** 182 (09/01/25)). The following provision was inadvertently published incorrectly:

Subsection 4.1.3 was published as:

4.1.3 Notwithstanding the requirement in subsection 4.1.2, if the applicant did not achieve the minimum score on 1 of the examinations in subsection 4.1.2, the applicant shall meet the requirements set forth in 14 **DE Admin. Code** 1519 Multiple Measures for Demonstrating Content Knowledge.

Subsection 4.1.3 should have been published as:

4.1.3 Notwithstanding the requirement in subsection 4.1.2, if the applicant did not achieve the minimum score on 1 of the examinations in subsection 4.1.2, the applicant shall meet the requirements set forth in 14 **DE Admin. Code** 1519 Multiple Measures for Demonstrating Content Knowledge.

The regulation is corrected and being published as a final regulation in the December 2025 *Register*.

DEPARTMENT OF STATE PUBLIC SERVICE COMMISSION

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

ERRATA

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

* **Please Note:** The Department of State, Public Service Commission, proposed regulation for 1001 Rules of Practice and Procedure of the Delaware Public Service Commission Effective May 10, 1999 was published in the August 01, 2025 issue of the *Delaware Register of Regulations* (29 **DE Reg.** 104 (08/01/25)). The following provision was inadvertently published incorrectly:

Subsection 1.12 was published as:

1.12 Ex Parte Communications. No Commissioner or staff assigned to participate in any way in the rendering of a case decision shall discuss or communicate, directly or indirectly, respecting any issue of fact or law with any party or person except upon notice to, and opportunity for, all parties to participate. This subsection shall not apply to communications required for the disposition of ex parte matters as authorized by law, or to communications, not prohibited by law, by and among Commissioners and staff.

Subsection 1.12 should have been published as:

- 1.12 Ex Parte Communications. No Commissioner or staff assigned to participate in any way in the rendering of a case decision shall discuss or communicate, directly or indirectly, respecting any issue of fact or law with any party or person except upon notice to, and opportunity for, all parties to participate. This subsection shall not apply to communications required for the disposition of ex parte matters as authorized by law, or to communications, not prohibited by law, by and among Commissioners and staff.

The regulation is corrected and being published as a final regulation in the December 2025 *Register*.

PUBLIC SERVICE COMMISSION

Statutory Authority: 26 Delaware Code, Section 803 (26 **Del.C.** §803)
26 **DE Admin. Code** 8002

ERRATA

8002 Rules to Establish an Excavation Damage Prevention Program

* **Please Note:** The Department of State, Public Service Commission, proposed regulation for 8002 Rules to Establish an Excavation Damage Prevention Program was published in the August 01, 2025 issue of the *Delaware Register of Regulations* (29 **DE Reg.** 105 (08/01/25)). The following provision was inadvertently published incorrectly:

Subsection 7.4 was published as:

- 7.4 Service. Service of the citation, warning letter, or NOPV shall only be complete upon service on the respondent's registered agent by U.S. Postal Service first class mail delivery or to a person designated by the respondent to receive service from staff by either U.S. Postal Service or by email. Staff shall serve citations, warning letters, or NOPVs by U.S. Postal Service first class mail delivery and to a person designated by the respondent to receive service from the Commission to those respondents who have requested both methods of service.

Subsection 7.4 should have been published as:

- ~~7.27.4~~ Service. Service of the citation, warning letter, or NOPV shall only be complete upon service on the respondent's registered agent by U.S. Postal Service first class mail delivery or to a person designated by the respondent to receive service from staff by either U.S. Postal Service or by email. Staff shall serve citations, warning letters, or NOPVs by U.S. Postal Service first class mail delivery and to a person designated by the respondent to receive service from the Commission to those respondents who have requested both methods of service.

The regulation is corrected and being published as a final regulation in the December 2025 *Register*.

Symbol Key

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

Emergency Regulations

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

§10119. Emergency regulations.

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

- (1) The agency may proceed to act without prior notice or hearing or upon any abbreviated notice and hearing that it finds practicable;
- (2) The order adopting, amending or repealing a regulation shall state, in writing, the reasons for the agency's determination that such emergency action is necessary;
- (3) The order effecting such action may be effective for a period of not longer than 120 days and may be renewed once for a period not exceeding 60 days;
- (4) When such an order is issued without any of the public procedures otherwise required or authorized by this chapter, the agency shall state as part of the order that it will receive, consider and respond to petitions by any interested person for the reconsideration or revision thereof; and
- (5) The agency shall submit a copy of the emergency order to the Registrar for publication in the next issue of the *Register of Regulations*. (60 Del. Laws, c. 585, § 1; 62 Del. Laws, c. 301, § 2; 71 Del. Laws, c. 48, § 10.)

DEPARTMENT OF STATE DIVISION OF PROFESSIONAL REGULATION Board of Pharmacy

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

EMERGENCY

ORDER

2500 Board of Pharmacy

Pursuant to 29 **Del.C.** §10119(3), the Board of Pharmacy ("Board") is renewing emergency amendments to its regulation. Emergency regulations may be promulgated pursuant to the Administrative Procedures Act, so long as an agency determines there exists "an imminent peril to the public health, safety or welfare." 29 **Del.C.** §10119. Such regulation will only be effective for a maximum of 120 days but may be renewed once for an additional period of 60 days. 29 **Del.C.** §10119(3).

The Board determined that mass closure of Rite Aid pharmacies throughout Delaware threatened to disrupt access to essential medications for residents, particularly those managing chronic conditions. The sudden influx of prescription transfers and patient care responsibilities to remaining pharmacies could overwhelm existing pharmacy staff and infrastructure. The threat to public health created by Rite Aid pharmacy closures was imminent. SB 180 - SA 1, 153rd General Assembly, was signed by the Governor on June 30 and was effective immediately. This Bill amended 24 **Del.C.** §2523 pertaining to licensure exemptions to provide that nothing in the chapter prevented "[a] pharmacist who is licensed in a jurisdiction or territory of the United States from providing pharmacy services in this State during emergency circumstances, as determined by the Board in coordination with the Secretary of State, or a declared local, jurisdictional, or national disaster. This exemption applied for a period as determined by the Board and the Secretary of State, so long as such person abides by Delaware laws, rules, and regulations relating to pharmacy. In order to be eligible for this exemption, the pharmacist must notify the Board of the pharmacist's intent to practice in this State pursuant to this paragraph." 24 **Del.C.** §2523(10).

By Emergency Order effective July 1, 2025, the Board, in coordination with the Secretary of State, found that the anticipated mass closure of Rite Aid pharmacies in Delaware presented “emergency circumstances” warranting application of the licensure exemption set forth in [24 Del.C. §2523\(10\)](#). The emergency regulatory amendments served to implement the temporary practice of out-of-state pharmacists in Delaware. The Emergency Order also temporarily amended the regulation to facilitate the processing of prescriptions to ensure that Delaware residents are able to obtain essential medications in a timely manner. These temporary, emergency amendments to the regulation were adopted with the concurrence of the Secretary of State.

The Emergency Order took effect July 1, 2025 and was effective for 120 days. The imminent peril to the public health, safety, and welfare posed by the mass closure of Rite Aid pharmacies in Delaware continues. Therefore, the renewal of the Emergency Order is required to ensure the continued temporary practice of out-of-state pharmacists in Delaware. This renewal shall take effect October 30, 2025 and shall remain in effect for 60 days as authorized by [29 Del.C. §10119\(3\)](#).

The Board will accept, consider, and respond to petitions by any interested person for the reconsideration or revision of this regulation by addressing the same to the attention of the Board of Pharmacy, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. A copy of this Emergency Order will be submitted to the Registrar of Regulations for publication in the next Delaware *Register of Regulations*.

NOW, THEREFORE, IT IS ORDERED this 23rd day of October 2025:

The above referenced amendments to the Board of Pharmacy regulation, a copy of which is attached as Exhibit A, is renewed, pursuant to [29 DEL.C. §10119\(3\)](#), as supported by the evidence contained herein.

DELAWARE BOARD OF PHARMACY

/s/ Joshua Coffield, PharmD
President

/s/ Cheri Briggs, PharmD
Vice President

/s/ Nicholas Juliano, PharmD

/s/ Solomon Ezembakwe, PharmD

Vincent Madaline, PharmD (absent)

/s/ Safwat Ibrahim, RPh

/s/ Lakeisha Cunningham

SECRETARY OF STATE
Charuni Patibanda-Sanchez

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

2500 Board of Pharmacy

(Break in Continuity of Sections)

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

A pharmacy holding a permit issued by the Board may employ or otherwise use the services of pharmacists holding active, unrestricted licenses in good standing in other states or territories of the United States provided that the permit holder submits to the Board a Notification of Intent to Practice in Delaware with licensure verifications for each out-of-state licensed pharmacist. The permit holder will be responsible for the practice of the out-of-state pharmacist.

who shall attest to compliance with all applicable state and federal laws and regulations. The permit holder is responsible for uploading the Notification of Intent to Practice in Delaware to DELPROS, the licensing system used by the Board.

22.0 Expanded Role for Pharmacy Technicians.

- 22.1 Pharmacy technicians who are either certified or trained pursuant to subsection 19.1 are temporarily authorized to assist in the processing of prescription transfers, by obtaining and documenting necessary information, under the supervision of a licensed pharmacist.
- 22.2 Pharmacists remain responsible for verifying and approving all prescription transfers.

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

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

- 24.1 The pharmacist obtains prescription information from: a prescription label, a prescription record within the pharmacy, a prescription record from another pharmacy, a common database, or other healthcare record, if unable to obtain refill authorization from the prescriber after reasonable effort.
- 24.2 The pharmacist notes on the prescription record the date, the quantity dispensed, and the pharmacist's name or initials.
- 24.3 In the pharmacist's professional judgment, the interruption of medication therapy may produce undesirable consequences or may be detrimental to the patient's health and welfare.

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

26.0 The Board shall expedite the following:

- 26.1 Licensure of new graduate pharmacists.
- 26.2 Approvals of renovation plans for existing pharmacies to expand their footprint to make more workstations and more room for pharmacy operations in existing pharmacies.

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

<https://regulations.delaware.gov/register/december2025/emergency/29 DE Reg 453 12-01-25>

Symbol Key

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

Proposed Regulations

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

DEPARTMENT OF AGRICULTURE

AGLANDS PRESERVATION AND PLANNING

Delaware Agricultural Lands Preservation Foundation

Statutory Authority: 3 Delaware Code, Sections 901-949 (3 **Del.C.** §§901-949)
3 **DE Admin. Code** 701

PROPOSED

PUBLIC NOTICE

701 Farmland Preservation Program

SUMMARY

In compliance with the State's Administrative Procedures Act (APA – Title 29, Chapter 101 of the Delaware Code) and under the authority of Title 3 of the Delaware Code, Chapter 9, Sections 901-949 (3 **Del.C.** §§901-949), the Agricultural Lands Preservation Foundation (the "Foundation") is proposing amendments to regulations governing the Farmland Preservation Program.

The regulations are being revised to include adding language to the preamble reflecting the purpose, policy, and intent of the Farmland Preservation Program; adding clarifying language to Sections 1.0, 3.0, 5.0, 6.0, 7.0, 12.0, 16.0, 17.0, 18.0, 19.0, 21.0; removing the timeframe for meeting with a landowner concerning a proposed District in subsection 3.6.1; referencing the Secretary's ability to waive a right of rejection in subsection 4.2; adding new subsection 7.3 concerning the expansion of Easement lands; revising language regarding alternative appraisals in Section 17.0; adding subsection 21.3 regarding combining District Agreement property and Easement property; deleting Section 22.0 to remove reference to the Strategy Map; adding new Sections 22.0-27.0 concerning the process for Easement Termination and Repurchase. Other changes are typographical.

COMMENTS

A copy of the proposed regulations is being published in the December 1, 2025, edition of the *Delaware Register of Regulations*. A copy is also on file in the office of the Department of Agriculture, 2320 S Dupont Hwy, Dover, Delaware 19901, and is available for inspection during regular office hours. Copies are also published online at the Register of Regulations website: http://regulations.delaware.gov/services/current_issues.html.

A public hearing will be held on December 30, 2025, at 10:00 a.m. in the conference room of the Department of Agriculture, 2320 S Dupont Hwy, Dover, Delaware 19901. Persons wishing to submit written comments may forward

these to the Foundation at the above address. In accordance with 29 Del.C. §10118(a), written comments will be accepted until January 15, 2026.

The Board will deliberate on all the public comments at its regularly scheduled meeting.

***Please Note:**

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

<https://regulations.delaware.gov/register/december2025/proposed/29 DE Reg 456RFA 12-01-25.pdf>

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

<https://regulations.delaware.gov/register/december2025/proposed/29 DE Reg 456 12-01-25>

AGLANDS PRESERVATION AND PLANNING

Statutory Authority: 3 Delaware Code, Sections 931-941 (3 Del.C. §§931-941)

3 DE Admin. Code 702

PROPOSED

PUBLIC NOTICE

702 Regulations Governing the Delaware Agricultural Forestlands Preservation Program

SUMMARY

In compliance with the State's Administrative Procedures Act (APA – Title 29, Chapter 101 of the Delaware Code) and under the authority of Title 3 of the Delaware Code, Chapter 9, Sections 901-949 (3 Del.C. §§901-949), the Agricultural Lands Preservation Foundation (the "Foundation") is proposing amendments to regulations governing the Delaware Agricultural Forestlands Preservation Program.

The regulations are being revised to clarify and update provisions allowing the State Forester to extend forest management plans where no changes are needed and explicitly authorize the State Forester to delegate decision-making responsibilities to staff. The amendments also refine and clarify restrictions on the use of lands within Forestland Preservation Areas to ensure consistency with statutory requirements and conservation goals. In addition, the regulations simplify and streamline the process for submitting and reviewing alternative appraisals as part of the Easement purchase process. Other changes are typographical.

COMMENTS

A copy of the proposed regulations is being published in the December 1, 2025, edition of the Delaware Register of Regulations. A copy is also on file in the office of the Department of Agriculture, 2320 S Dupont Hwy, Dover, Delaware 19901, and is available for inspection during regular office hours. Copies are also published online at the Register of Regulations website: http://regulations.delaware.gov/services/current_issues.html.

A public hearing will be held on December 30, 2025, at 10:00 a.m. in the conference room of the Department of Agriculture, 2320 S Dupont Hwy, Dover, Delaware 19901. Persons wishing to submit written comments may forward these to the Foundation at the above address. In accordance with 29 Del.C. §10118(a), written comments will be accepted until January 15, 2025.

The Board will deliberate on all the public comments at its regularly scheduled meeting.

***Please Note:**

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

<https://regulations.delaware.gov/register/december2025/proposed/29 DE Reg 457RFA 12-01-25.pdf>

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

<https://regulations.delaware.gov/register/december2025/proposed/29 DE Reg 457 12-01-25>

THOROUGHBRED RACING COMMISSION

Statutory Authority: 3 Delaware Code, Section 10103(c) (3 **Del.C.** §10103(c))
3 **DE Admin. Code** 1001

PROPOSED

PUBLIC NOTICE

1001 Thoroughbred Racing Commission

Summary

The Delaware Thoroughbred Racing Commission ("Commission") proposes to amend its Regulation adopted in accordance with Title 3, Section 10103(c) of the Delaware Code. The proposed changes include amendments to subsections 10.2, 11.11, 17.4, 19.2, 19.3, 19.4, and 19.5. The proposed changes also include minor technical corrections to Sections 10, 17, and 19. The proposed changes to subsection 10.2 clarifies that microchip is an acceptable form of identification and that purse money will be withheld until an approved identification process is completed to the satisfaction of the Stewards. The proposed change to subsection 11.11 deletes the subsection in its entirety and subsequent sections are renumbered accordingly. The proposed change to subsection 17.4 makes the Stewards' determinations of objections and inquiries based on interference by a horse, improper course run by a horse, foul riding by a Jockey, and all other matters occurring during and incident to the running of a race, including disqualification, final and not appealable to the Commission. The proposed changes to subsections 19.2, 19.3, 19.4, and 19.5 make corrections to conform to the proposed changes to subsection 17.4 by clarifying which matters are appealable to the Commission. The remaining changes to Sections 10, 17, and 19 include minor technical corrections to defined terms to conform with drafting guidelines. Other regulations issued by the Delaware Thoroughbred Racing Commission are not affected by this proposal. The Delaware Thoroughbred Racing Commission is issuing this proposed regulation in accordance with Title 3 of the Delaware Code. This notice is issued pursuant to the requirements of Chapter 101 of Title 29 of the Delaware Code.

Comments

A copy of the proposed regulation is being published in the December 1, 2025 edition of the *Delaware Register of Regulations*. A copy is also on file in the office of the Delaware Thoroughbred Racing Commission, 777 Delaware Park Boulevard, Wilmington, Delaware 19804 and is available for inspection during regular office hours. Copies are also published online at the *Register of Regulations* website: https://regulations.delaware.gov/register/current_issue.shtml.

Interested parties may offer written comments on the proposed regulations or submit written suggestions, data, briefs or other materials to the Delaware Thoroughbred Racing Commission at the above address as to whether this proposed regulation should be adopted, rejected or modified. Pursuant to **29 Del.C. §10118(a)**, public comments must be received on or before December 31, 2025. Written materials submitted will be available for inspection at the above address.

***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/december2025/proposed/29 DE Reg 458RFA 12-01-25.pdf>

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

<https://regulations.delaware.gov/register/december2025/proposed/29 DE Reg 458 12-01-25>

DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

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

14 DE Admin. Code 282

PROPOSED

PUBLIC NOTICE

282 Private Business and Trade 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, the Delaware Department of Education ("Department") developed amendments to 14 DE Admin. Code 282 Private Business and Trade 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 clarifying 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 December 31, 2025. Any person who wishes to receive a copy of the proposed regulation may obtain a copy from the Department at the Office of the Secretary on the second floor of the Townsend Building, 401 Federal Street, Dover, Delaware.

C. IMPACT CRITERIA

1. Will the amended regulation help improve student achievement as measured against state achievement standards? No
2. Will the amended regulation help ensure that all students receive an equitable education? No
3. Will the amended regulation help to ensure that all students' health and safety are adequately protected? No
4. Will the amended regulation help to ensure that all students' legal rights are respected? 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/december2025/proposed/29 DE Reg 459RFA 12-01-25.pdf>

282 Private Business and Trade Schools

1.0 Definitions

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

"Agent" means a person employed by a ~~Private Business or Trade School~~, private business or trade school located within or outside Delaware, to act as an agent, solicitor, broker, or independent contractor to directly procure students or enrollees for ~~such the~~ school by solicitation.

"Agent Card"card" means the pocket card which contains the name and address of the ~~Agent~~agent of the employing ~~Private Business or Trade School~~private business or trade school which signifies that this person is an authorized agent of the school.

"Certificate of Approval" means the document issued by the Department that permits a private school to conduct courses in business or trades.

"Department" means the Delaware Department of Education.

"~~Private Business or Trade School~~business or trade school" means an educational institution privately owned and operated for profit or nonprofit by an owner, partnership, or corporation, offering business or trade and industrial courses for which tuition may or may not be charged, and which may include those courses usually associated with business training schools, trade schools, specialized skill training schools, or institutes.

2.0 General Provisions

- 2.1 The distinguishing characteristic of a ~~Private Business or Trade School~~private business or trade school shall be the potential for wage earning by its graduates.
- 2.2 ~~Private Business or Trade Schools~~business or trade schools shall include:
 - 2.2.1 Correspondence school courses offered as post high school courses in trade or business subjects; and
 - 2.2.2 Programs that may also be available as high school introductory courses in trade or business subjects, without regard for the age or the prior educational attainment of the student.
- 2.3 A ~~Private Business or Trade School~~private business or trade school which actively seeks enrollees from the State of Delaware, or which sends an ~~Agent~~agent into the State of Delaware to solicit enrollees, shall ensure that each ~~Agent~~agent maintains a current ~~Agent~~agent permit issued by the Department.
- 2.4 An ~~Agent~~agent shall include individuals who solicit enrollees in Delaware even though the institution the ~~Agent~~agent represents does not conduct classes within Delaware.
- 2.5 All advertising by a ~~Private Business or Trade School~~private business or trade school shall be in accordance with the statutes, ~~rules~~rules, and regulations for advertising administered and supervised by the Department of Justice Consumer Protection Division.
- 2.6 [14 DE Admin. Code 225](#) Prohibition of Discrimination shall apply to all ~~Private Business or Trade Schools~~private business or trade schools and ~~Agents~~agents approved by the Department.

3.0 Certificates of Approval

- 3.1 Applications for an initial Certificate of Approval to conduct a ~~Private Business or Trade School~~private business or trade school, and for annual renewal of ~~such the~~ Certificates of Approval, shall be made on forms approved by the Department and include ~~such~~ information and fees as required by the Department. Applications are not considered complete until all required information and fees are received by the Department. The application can be found on the Department's website at www.doe.k12.de.us <https://www.education.delaware.gov>.
- 3.2 A ~~Private Business or Trade School~~private business or trade school offering more than one program of instruction must have each program approved by the Department.
- 3.3 The Department may conduct an on site evaluation of any applicant for a Certificate of Approval or for renewal of a Certificate of Approval. The Secretary of Education may waive an on site evaluation if the applicant is accredited by a ~~regional or national accrediting association~~an accreditation association and recognized by the Department, or is certified to conduct a similar program or school by the state education agency of another state with comparable standards for ~~such~~ schools.
- 3.4 If a ~~Private Business or Trade School~~private business or trade school makes any material change in its operation, ~~such as, but not limited to,~~including corporate structure or financial structure, the school shall notify the Department of the change within ~~thirty~~30 days. The school shall also identify the change in its next renewal application.
- 3.5 The fees charged as filing and renewal fees are not refundable.
- 3.6 For purposes for this section, the following definitions shall apply: first calendar quarter, January 1st through March 31st; 31; second calendar quarter, April 1st through June 30; third calendar quarter, July 1st through September 30th; 30; and fourth calendar quarter, October 1st through December 31st. 31.
- 3.6.1 ~~Any current and valid Certificate of Approval with an expiration date of December 31, 2005, shall automatically be extended to the end of the calendar quarter in which the Private Business or Trade School~~

was originally granted its Certificate of Approval, conditioned on the school providing the Department with evidence of continuation of surety bond at least through the extension period.

3.6.2 Beginning with the fourth quarter of 2005, a Private Business or Trade School will be required to renew its certification by the end of the calendar quarter in which the Department originally granted the Certificate of Approval.

3.6.33.7 ~~Private Business or Trade Schools~~ Private business or trade schools with multiple campuses may request the Department to renew all campuses on a single renewal date based on initial approval of any ~~one~~ 1 of the campuses.

4.0 Agent Permits

- 4.1 Applications for an initial ~~Agent~~ agent permit, and for renewal of ~~such~~ these permits, shall be made on forms approved by the Department and include ~~such~~ information and fees as required by the Department. Applications are not considered complete until all required information and fees are received by the Department.
- 4.2 An ~~Agent~~ agent representing more than ~~one Private Business or Trade School~~ 1 private business or trade school must apply for separate permits for each school.
- 4.3 Agents shall apply to renew ~~their~~ the agent's permit each year at the same time that the school the ~~Agent~~ agent represents makes application to renew ~~their~~ the school's respective Certificates of Approval. In the case of a school not conducting classes in Delaware, but sending ~~Agents~~ agents into Delaware, the application for an ~~Agent~~ agent permit must be accompanied by a notarized verification of employment from the school represented and must be received by the Department on or before the expiration of the current permit. No permit shall be issued for a period of more than ~~twelve~~ 12 calendar months.
- 4.4 No ~~Agent~~ agent shall solicit Delaware enrollees on behalf of the ~~Private Business or Trade School~~ private business and trade school represented until the Department issues the appropriate ~~Agent Card~~ agent card.
- 4.5 The lapse, suspension, revocation, or non renewal of a ~~Private Business or Trade School~~ private business or trade school Certificate of Approval for any cause shall terminate all ~~Agent~~ agent permits for that institution.
- 4.6 A school shall report the discharge or resignation of any ~~Agent~~ agent to the Department within ~~thirty~~ 30 days.
- 4.7 The fee for the ~~Agent~~ agent permit will be waived for the owner or chief executive officer of a ~~Private Business or Trade School~~ private business or trade school who also serves as its ~~Agent~~ agent. Each ~~such~~ individual must still apply for and obtain the ~~Agent~~ agent permit. Any additional ~~Agents~~ agents must obtain permits as otherwise described.
- 4.8 The fees charged as filing and renewal fees are not refundable.

5.0 Complaints

- 5.1 Each ~~Private Business or Trade School~~ private business or trade school shall adopt a policy and procedures to address complaints by its students. The school catalogue shall contain its complaint policy and procedures or a reference to where the policy and procedures can be obtained.
- 5.2 In addition to the complaint procedures adopted by a ~~Private Business or Trade School~~ private business or trade school for its students, the Department will investigate complaints by any person alleging facts that, if true, would constitute grounds for refusing or revoking a Certificate of Approval or an ~~Agent~~ agent permit. In either event, the Department will notify the complainant of its conclusions and provide the complainant with a copy of the school or ~~Agent's~~ agent's initial response, if any.
 - 5.2.1 ~~Such complaints~~ Complaints must be in writing and verified by the signature of the person making the complaint. Oral, ~~anonymous~~ anonymous, or unsigned complaints will not be investigated.
 - 5.2.2 A copy of the written complaint will be provided to the affected ~~Private Business or Trade School~~ or ~~Agent~~ private business or trade school or agent for their ~~its~~ written response. The Department may require that the complainant provide written permission for the Department to forward the complaint to the school or ~~Agent~~ agent.
 - 5.2.2.1 If, after reviewing the school or ~~Agent's~~ agent's response, the Department concludes that there is insufficient evidence to believe that the school or ~~Agent~~ agent has violated applicable law or a standard, ~~rule~~ rule, or regulation of the Department, the Department may close the complaint without further investigation. In ~~such~~ this case, the Department will notify the complainant and the school or ~~Agent~~ agent of this conclusion and provide the complainant with a copy of the school or ~~Agent's~~ agent's response.
 - 5.2.2.2 If, after reviewing the school or ~~Agent~~ agent response, the Department concludes that there is sufficient evidence to believe that the school or ~~Agent~~ agent has violated applicable law or a

PROPOSED REGULATIONS

standard, ~~rule~~rule, or regulation of the Department, the Department may continue its investigation or begin revocation or other action against the school or agent as the Department determines appropriate. The Department may also continue its investigation or begin revocation or other action if the school or ~~Agent~~agent fails to respond to a complaint within the time established by the Department.

- 5.3 The Department may also investigate circumstances that would constitute grounds for refusing or revoking a Certificate of Approval or an ~~Agent~~agent permit on its own initiative.

6.0 Denials and Revocations of Certificates and Permits

In view of an apparent conflict between the statutory statement in [14 Del.C. §8516](#) (for any combination of the following) and [14 Del.C. §8517](#) (for any cause enumerated in §8516), the Department interprets and shall administer §8516 to mean that a Certificate of Approval or an ~~Agent~~agent permit may be denied or revoked for any one or combination of the causes identified in that section.

7.0 Bonds

- 7.1 Applications for an initial Certificate of Approval or renewal of certificates shall include evidence that the required surety bond is valid from the date of the complete application through the new Certificate of Approval expiration date.
- 7.2 The amount of the surety bond required of a school shall be determined as provided in [14 Del.C. §8505\(b\)](#). In no event shall a bond be for less than \$25,000 per calendar year.
- 7.3 The Department interprets and shall administer the phrase “fail to provide the services called for in a contract or agreement with a student,” as used in [14 Del.C. §8523](#) to mean failure to substantially provide the essential services.
- 7.4 Forfeiture
- 7.4.1 In the event a surety bond is forfeited, the Department shall notify the students identified on the last available school roster of ~~their~~the student's right to submit a claim for reimbursement. ~~Such students~~Students shall have ~~thirty~~30 days from the date they are notified by the Department to submit a claim for reimbursement. Claims received more than ~~thirty~~30 days after the Department's notification shall not be considered.
- 7.4.2 Other students wishing to submit a claim for reimbursement must contact the Department within ~~thirty~~30 days of the schools closing to submit ~~their~~a claim for reimbursement. Claims received more than ~~thirty~~30 days after the schools closing shall not be considered.
- 7.4.3 Claims for reimbursement shall be submitted and documented as directed by the Department. The Department shall consider only appropriately documented claims in distributing the proceeds of any surety bond.

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 122 (14 [Del.C. §122](#))
14 [DE Admin. Code 605](#)

PROPOSED

PUBLIC NOTICE

605 Student Rights and Responsibilities

A. TYPE OF REGULATORY ACTION REQUIRED

Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF THE REGULATION

Pursuant to [14 Del.C. §122](#), the Delaware Department of Education (“Department”) developed amendments to [14 DE Admin. Code 605](#) Student Rights and Responsibilities. 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 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 December 31, 2025. Any person who wishes to receive a copy of the proposed regulation may obtain a copy from the Department at the Office of the Secretary on the second floor of the Townsend Building, 401 Federal Street, Dover, Delaware.

C. IMPACT CRITERIA

1. Will the amended regulation help improve student achievement as measured against state achievement standards? No
2. Will the amended regulation help ensure that all students receive an equitable education? Yes
3. Will the amended regulation help to ensure that all students' health and safety are adequately protected? Yes
4. Will the amended regulation help to ensure that all students' legal rights are respected? Yes.
5. Will the amended regulation preserve the necessary authority and flexibility of decision making at the local board and school level? Yes.
6. Will the amended regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? No.
7. Will the decision-making authority and accountability for addressing the subject to be regulated be placed in the same entity? 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/december2025/proposed/29 DE Reg 462RFA 12-01-25.pdf>

605 Student Rights and Responsibilities

1.0 Required Policy

All local school districts and charter schools shall have their own policies on student rights and responsibilities. These policies shall be based on the most current version or reauthorization of **Delaware Code, Delaware Administrative Code**, and federal legislation such as, but not limited to, including the Individuals with Disabilities Education Act (~~IDEA~~), or IDEA, Civil Rights Act, Elementary and Secondary Education Act (~~ESEA~~), or ESEA, Section 504 of the Rehabilitation Act, Americans with Disabilities Act (~~ADA~~), or ADA, and the Patsy T. Mink Equal Opportunity in Education Act (~~Title IX~~), or Title IX.

2.0 Distribution of Student Rights and Responsibilities Policy

- 2.1 Each local school district and charter school shall distribute and explain these policies to every student at the beginning of each school year.
- 2.2 Each local school district and charter school shall distribute and explain these policies to each student enrolling or re-enrolling during the school year.
- 2.3 Each local school district and charter school shall post the policies on student rights and responsibilities on its website and notify a parent, ~~guardian or Relative Caregiver~~ guardian, or relative caregiver of each student in writing where this ~~policy(s)~~ policy can be accessed. A hard copy shall be provided to a parent, ~~guardian or Relative Caregiver~~ guardian, or relative caregiver upon request.

3.0 Reporting Requirements and Timelines

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

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Sections 4161, 4164, and 4168 (14 Del.C. §§4161, 4164 & 4168)
14 DE Admin. Code 624

PROPOSED

PUBLIC NOTICE

624 School District/Charter School Policy Prohibiting Cyberbullying

A. TYPE OF REGULATORY ACTION REQUIRED

Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF THE REGULATION

Pursuant to 14 Del.C. §§4161, 4164, and 4168, the Delaware Department of Education ("Department") developed amendments to 14 DE Admin. Code 624 School District/Charter School Policy Prohibiting Cyberbullying. 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 updates to the regulation in addition to amendments 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 December 31, 2025. Any person who wishes to receive a copy of the proposed regulation may obtain a copy from the Department at the Office of the Secretary on the second floor of the Townsend Building, 401 Federal Street, Dover, Delaware.

C. IMPACT CRITERIA

1. Will the amended regulation help improve student achievement as measured against state achievement standards? No
2. Will the amended regulation help ensure that all students receive an equitable education? Yes
3. Will the amended regulation help to ensure that all students' health and safety are adequately protected? Yes
4. Will the amended regulation help to ensure that all students' legal rights are respected? Yes.
5. Will the amended regulation preserve the necessary authority and flexibility of decision making at the local board and school level? Yes.
6. Will the amended regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? No.
7. Will the decision-making authority and accountability for addressing the subject to be regulated be placed in the same entity? 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/december2025/proposed/29 DE Reg 464RFA 12-01-25.pdf>

624 School District/Charter School Policy Prohibiting Cyberbullying

1.0 Cyberbullying Forbidden

In addition to the policy prohibiting bullying put in place by school districts and charter schools pursuant to [14 Del.C. §§4161 and 4164](#), each school district and charter school shall also prohibit ~~cyberbullying (as defined herein)~~cyberbullying, as defined in this regulation, by students directed at other students. Incidents of cyberbullying shall be treated by each school district and charter school in the same manner as incidents of bullying, and notice of each school district's and charter school's policy against cyberbullying shall be provided to students, staff, and faculty in the same manner as notice of the school district's and charter school's policy against bullying.

2.0 Definition of Cyberbullying

- 2.1 Cyberbullying means the use of uninvited and unwelcome electronic communication directed at an identifiable student or group of students, through means other than face-to-face interaction, which ~~(1)~~ interferes with a student's physical well-being; or ~~(2)~~ is threatening or intimidating; or ~~(3)~~ is so severe, persistent, or pervasive that it is reasonably likely to limit a student's ability to participate in or benefit from the educational programs of the school district or charter school. Communication shall be considered to be directed at an identifiable student or group of students if it is sent directly to that student or group or posted in ~~a medium~~social media platforms or other online forums that the speaker knows is likely to be available to a broad audience within the school community.
- 2.2 Whether speech constitutes cyberbullying will be determined from the standpoint of a reasonable student of the same grade and other circumstances as the victim.
- 2.3 The place of origin of speech otherwise constituting cyberbullying is not material to whether it is considered cyberbullying under this policy, nor is the use of school district or charter school materials.
- 2.4 Upon implementation of this policy, and again at the beginning of each academic year, each school district and charter school shall inform students in writing of ~~medium~~social media platforms and other online forums where the posting of speech will be presumed to be available to a broad audience within the school community, regardless of privacy settings or other limitations on those postings. ~~Postings on Facebook, Twitter, MySpace, YouTube, and Pinterest shall be included in each district's and charter school's list of mediums where posting of speech will be presumed to be available to a broad audience within the school community, regardless of privacy settings or other limitations on those postings. Postings on social media sites or forums similar to the enumerated examples above will also be presumed to be available to a broad audience within the school community, regardless of privacy settings or other limitations on those postings.~~School districts and charter schools shall ensure that the list reflects current, widely used platforms.
- 2.5 Nothing in this policy shall limit in any way a school district's or charter school's ability to regulate student conduct, including bullying, in any manner provided for by existing law, regulation, or policy.

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 122 (14 Del.C. §122)
14 DE Admin. Code 725

PROPOSED

PUBLIC NOTICE

725 School Administrator Contracts and Agreements

A. TYPE OF REGULATORY ACTION REQUIRED

Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF THE REGULATION

Pursuant to [14 Del.C. §122](#), the Delaware Department of Education ("Department") developed amendments to [14 DE Admin. Code 725](#) School Administrator Contracts and Agreements. 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 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 December 31, 2025. Any person who wishes to receive a copy of the proposed regulation may obtain a copy from the Department at the Office of the Secretary on the second floor of the Townsend Building, 401 Federal Street, Dover, Delaware.

C. IMPACT CRITERIA

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

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

<https://regulations.delaware.gov/register/december2025/proposed/29 DE Reg 465RFA 12-01-25.pdf>

725 School Administrator Contracts and Agreements

1.0 Duties of a School Administrator

The ~~Administrator~~administrator shall faithfully perform those duties which may be assigned by the local ~~Board of Education~~board of education and shall serve the ~~School District~~school district in a professional manner. The ~~Administrator~~administrator shall observe and comply with the laws of the State of Delaware and with the regulations of the State of Delaware Department of Education and the local ~~Board of Education~~board of education as currently in force and as from time to time amended, enacted~~enacted~~, or promulgated.

2.0 Non Renewal of the Existing Contract and Agreements

Failure on the part of the local ~~Board of Education or the Administrator~~board of education or the ~~administrator~~ to notify the other in writing by certified mail, no later than six ~~(6)~~6 months prior to the expiration of the ~~Agreement~~agreement, of either party's intent not to renew the ~~Agreement~~agreement will automatically result in a ~~one-year~~1-year extension of the existing ~~Agreement~~agreement.

3.0 Termination of a Contract with a School Administrator Prior to Expiration of the Agreement

- 3.1 The ~~Administrator~~administrator shall not vacate his ~~or her~~the position during the term of this ~~Agreement~~agreement without the written consent of the local ~~Board of Education~~board of education.
- 3.2 The local ~~Board of Education~~board of education shall not terminate the ~~Contract~~contract prior to the expiration date, except for good and just cause and shall provide the opportunity for a fair hearing before the local ~~Board of Education~~board of education or before a ~~Hearing Officer~~hearing officer designated by the local ~~Board of Education~~board of education. Prior to any hearing in regard to the termination of the ~~Administrator~~administrator, the local ~~Board of Education~~board of education shall serve the ~~Administrator~~administrator with a written statement of the reasons for termination.
- 3.3 If the local ~~Board of Education~~board of education designates a ~~Hearing Officer~~hearing officer to conduct such a hearing, a majority of the local ~~Board of Education~~board of education shall convene to review the record of the proceedings before the ~~Hearing Officer and the Hearing Officer's~~hearing officer and hearing officer's report and recommendation to the local ~~Board of Education~~board of education, and within fifteen

- (15)15 days of the hearing before the ~~Hearing Officer~~, hearing officer shall submit to the ~~Administrator~~administrator its decision in writing.
- 3.4 If the ~~Administrator~~administrator chooses to be represented by legal counsel, all legal expenses incurred by the ~~Administrator~~administrator in connection with any termination hearing shall be borne by the ~~Administrator~~administrator.
- 3.5 Appeal from a decision of the local ~~Board of Education~~board of education concerning the provisions of the ~~Agreement~~agreement may be made to the State of Delaware Board of Education.
-

OFFICE OF THE SECRETARY

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

PROPOSED

PUBLIC NOTICE

877 Tobacco and Smoking Policy

A. TYPE OF REGULATORY ACTION REQUIRED

Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF THE REGULATION

Pursuant to 14 **Del.C.** §122(b)(2), the Delaware Department of Education (“Department”) developed amendments to 14 **DE Admin. Code** 877 Tobacco and Smoking Policy. The Department reviewed this regulation in compliance with 29 **Del.C.** §10407 which requires regulations to be reviewed on a recurring basis every four years. The Department has made several changes to the regulations as well as amending 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 December 31, 2025. Any person who wishes to receive a copy of the proposed regulation may obtain a copy from the Department at the Office of the Secretary on the second floor of the Townsend Building, 401 Federal Street, Dover, Delaware.

C. IMPACT CRITERIA

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

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

<https://regulations.delaware.gov/register/december2025/proposed/29 DE Reg 467RFA 12-01-25.pdf>

877 Tobacco and Smoking Policy

1.0 Purpose

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

2.0 Definitions

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

"Department" means the Delaware Department of Education established pursuant to 14 Del.C. §101.

"Electronic Smoking Device" means any product containing or delivering nicotine or any other similar substance intended for human consumption that can be used by a person to simulate Smoking through inhalation of vapor or aerosol from the product. The term includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor or as this term may be amended by 16 Del.C. §2902. **"smoking device"** shall have the same definition as provided in 16 Del.C. §2902.

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

"Smoking" means:

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

"Tobacco Product" means:

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

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

"Tobacco Substitute" substitute means:

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

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

- Tobaccoless nicotine pouches.

3.0 Required Written Policy

- 3.1 ~~To improve the health of students, school personnel, and visitors, each Each school district and charter school in Delaware shall have a Tobacco and Smoking Policy which at a minimum: written tobacco and smoking policy that applies to all individuals and school environments.~~
- 3.2 At a minimum, the policy must include the following elements:

~~3.1.13.2.1~~ ~~Prohibits smoking and the use of~~ Prohibit smoking, and the use of, or distribution of tobacco products and electronic smoking devices ~~in school buildings, on school grounds, in school leased or owned vehicles, even when they are not used for student purposes, and at all school affiliated functions within the school environment.~~

~~3.1.23.2.2~~ ~~Includes~~ Include procedures for communicating the policy to students, school staff, ~~employees,~~ parents, ~~guardians~~ guardians, or relative caregivers, families, ~~visitors~~ visitors, and the community at large.

~~3.1.33.2.3~~ ~~—~~ Makes ~~Make~~ provisions for or ~~refers~~ refer individuals to voluntary cessation education and support programs, including online or digital resources, that address the physical and social issues associated with nicotine ~~addiction and other substance use.~~

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

~~4.1~~ ~~Any building, property or vehicle leased, owned or operated by a school district, charter school or assigned contractor.~~

~~4.1.1~~ ~~School bus operators under contract shall be considered staff for this policy.~~

~~4.2~~ ~~Any private building or other property including automobiles or other vehicles used for school activities when students and staff are present.~~ ~~4.3~~ ~~Any non-educational groups utilizing school buildings or other educational assets.~~ ~~4.4~~ ~~Any individual or a volunteer who supervises students off school grounds.~~

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

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

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

~~6.15.1~~ Each school district and charter school shall have ~~an electronic copy of its current Tobacco and Smoking Policy on file with the Department of Education.~~ submit an electronic copy of its tobacco and smoking policy to the Department.

~~6.25.2~~ Each school district and charter school shall provide an electronic copy of any ~~Tobacco and Smoking Policy~~ revised tobacco and smoking policy within ~~ninety (90)~~ 90 days of such revisions regardless of whether ~~said~~ revisions were made as a result of changes to federal, state or local law, regulations, ~~guidance~~ guidance, or policies.

OFFICE OF THE SECRETARY

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

PROPOSED

PUBLIC NOTICE

1210 Scholarship Incentive Program (ScIP)

A. TYPE OF REGULATORY ACTION REQUIRED

Repeal Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF THE REGULATION

Pursuant to 14 Del.C. §3411, the Secretary of Education seeks the consent of the State Board of Education to amend 14 DE Admin. Code 1217 Mental Health Services Scholarship Program. The Department reviewed this regulation and based on changes in the [14 DE Admin. Code 1211](#) Needs Based Scholarship Programs Administered by the Delaware Higher Education Office excluding Memorial Scholarships which was proposed in the October 1 *Register of Regulations*, related to this program, the Department is repealing this regulation. Requirements as outlined in this regulation for this program have been added to 14 DE Admin. Code 1211 Needs Based Scholarship Programs Administered by the Delaware Higher Education Office excluding Memorial Scholarships.

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 December 31, 2025. Any person who wishes to receive a copy of the proposed regulation may obtain a copy from the Department at the Office of the Secretary on the second floor of the Townsend Building, 401 Federal Street, Dover, Delaware.

C. IMPACT CRITERIA

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

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

<https://regulations.delaware.gov/register/december2025/proposed/29 DE Reg 469RFA 12-01-25.pdf>

1210 Scholarship Incentive Program (ScIP)

1.0 — Purpose

The purpose of this regulation is to provide eligibility criteria and to delineate the application and award processes for the Scholarship Incentive Program (ScIP), pursuant to 14 Del.C. §3411.

2.0 — Definitions

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

"Delaware Higher Education Office" or **"DHEO"** means the Department of Education's office which administers specific programs related to higher education, including, but not limited to, student financial assistance programs.

"Free Application for Federal Student Aid" or **"FAFSA"** means the data supplied in connection with the federal government's application for federal financial aid which DHEO uses to determine an applicant's eligibility for a ScIP scholarship.

"Full-Time Student" means a student enrolled in a minimum of college credit hours as required by the student's college or university for full-time status. Generally, for an undergraduate program, this is a minimum of 12 credit hours per term and for a graduate program, a minimum of 9 credit hours.

"Satisfactory Academic Progress" means that a student is successfully completing coursework according to the standards of the college or university in which the student is enrolled and the student is eligible to continue to receive financial aid.

"Semester" means a half-year term in a school or college, typically lasting 15 to 18 weeks.

"Student Account Access Site" means the webpage on the DHEO's website where students can access scholarship opportunities.

"Undergraduate Student" means a full-time student at a regionally accredited college or university who has not yet earned a bachelor's or equivalent degree.

3.0 — Application Acceptance and Submission Period

- 3.1 — The application acceptance and submission period for the SciP scholarship shall be posted on the DHEO's website by December 1 of each calendar year.
 - 3.1.1 — Applications shall not be accepted outside of the posted application acceptance period under any circumstances.
 - 3.1.2 — Incomplete applications shall not be accepted or processed.
- 3.2 — In order for an application to be considered complete, an applicant must:
 - 3.2.1 — Complete the FAFSA for the school year in which the scholarship is sought by the state deadline for Delaware that is posted online at FAFSA.ed.gov.
 - 3.2.2 — Complete an online application through the Student Account Access Site by the last date of the application acceptance period.
 - 3.2.3 — Submit the applicant's major and the name of the higher education institution with accreditation from an accrediting agency recognized by the U.S. Secretary of Education in which the applicant will be enrolled for the school year in which the scholarship is sought through the Student Account Access Site by the last date of the application acceptance period.
 - 3.2.3.1 — Applicants may update their enrollment information on the Student Account Access Site through the last date of the application acceptance period.
 - 3.2.3.2 — A first time applicant must establish an account and provide the applicant's valid email address and permanent mailing address before being permitted to submit the information required in subsection 3.2.3 of this regulation.

4.0 — Eligibility

- 4.1 — Applicants must meet all of the following requirements to be eligible for the SciP:
 - 4.1.1 — Meet the definition of residency as defined in 14 Del.C. §3402(f); and
 - 4.1.2 — Be a Full-Time Student enrolled in:
 - 4.1.2.1 — An undergraduate degree program at a higher education institution that is located in Delaware and has accreditation from an accrediting agency recognized by the U.S. Secretary of Education; or
 - 4.1.2.2 — An undergraduate degree program at a higher education institution that is located outside of Delaware and has accreditation from an accrediting agency recognized by the U.S. Secretary of Education and that is not offered by a publicly assisted college or university in Delaware; or
 - 4.1.2.3 — A graduate degree program at a higher education institution that is located outside of Delaware and has accreditation from an accrediting agency recognized by the U.S. Secretary of Education and that is not offered by a publicly assisted college or university in Delaware.

5.0 — Awards

- 5.1 — DHEO determines the number and amount of scholarships to be awarded annually. The number and amount of awards each year will vary and is based on and subject to DHEO receiving funds appropriated for the SciP.
- 5.2 — To determine an applicant's financial need for the purpose of SciP, DHEO will consider the applicant's EFC; the expense of attending the college or university in which the applicant is enrolled; and the applicant's eligibility for Pell grants and other federal, state, or private grant assistance. For the purpose of this regulation, EFC means the Expected Family Contribution, which is the number that is calculated using the financial information an applicant provides on the applicant's Free Application for Federal Student Aid (FAFSA) to determine the applicant's eligibility for federal student aid.
- 5.3 — An award shall be used for, and not in excess of, tuition, mandatory fees, room, board, books, and other direct and indirect educational expenses.
- 5.4 — An award shall not be renewable. Students must submit a new application each school year, maintain Satisfactory Academic Progress at their educational institution, and continue to meet the other eligibility requirements set forth in Section 4.0.
- 5.5 — No student may receive more than 5 annual scholarships for either undergraduate or graduate study.

6.0 — Award Payment

- 6.1 — DHEO shall contact a recipient's college or university to verify the recipient's financial and enrollment status and to verify that the student is making Satisfactory Academic Progress each semester prior to the scholarship funds being disbursed.
- 6.2 — All payments shall be disbursed directly to the eligible recipient's college or university only.

6.3 — If a recipient withdraws from school or otherwise does not qualify for full payment at the end of the add/drop period for a semester, DHEO will apply the refund policies set forth in 14 Del.C. §3402(k).

OFFICE OF THE SECRETARY

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

PROPOSED

PUBLIC NOTICE

1213 Speech-Language Pathologist Student Loan Repayment Program

A. Type of Regulatory Action Required

Repeal Existing Regulation

B. Synopsis of Subject Matter of the Regulation

Pursuant to 14 Del.C. §3435(b), the Secretary of Education seeks the consent of the State Board of Education to repeal 14 DE Admin. Code 1213 Speech-Language Pathologist Student Loan Repayment Program. The Department reviewed this regulation and based on changes in 14 DE Admin. Code 1215 Public School Employee Support Program for High Needs Areas which was published in the October 1 *Register of Regulations*, related to this program, the Department is repealing this regulation. Requirements as outlined in this regulation for this program have been added to 14 DE Admin. Code 1215 Public School Employee Support Program for High Need Areas.

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 December 31, 2025. Any person who wishes to receive a copy of the proposed regulation may obtain a copy from the Department at the Office of the Secretary on the second floor of the Townsend Building, 401 Federal Street, Dover, Delaware.

C. Impact Criteria

1. Will the amended regulation help improve student achievement as measured against state achievement standards? No
2. Will the amended regulation help ensure that all students receive an equitable education? No
3. Will the amended regulation help to ensure that all students' health and safety are adequately protected? No
4. Will the amended regulation help to ensure that all students' legal rights are respected? No
5. Will the amended regulation preserve the necessary authority and flexibility of decision making at the local board and school level? No
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? No
9. Is there a less burdensome method for addressing the purpose of the regulation? Yes
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/december2025/proposed/29 DE Reg 472RFA 12-01-25.pdf>

1213 Speech-Language Pathologist Student Loan Repayment Program

1.0 — Purpose

The purpose of this regulation is to provide the eligibility criteria, application requirements, and award process for the Speech-Language Pathologist Student Loan Repayment Program pursuant to 14 Del.C. §3435(b).

2.0 — Definitions

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

"Award" means the Delaware Higher Education Office's decision to make a loan payment on an applicant's behalf.

"Delaware Higher Education Office" or **"DHEO"** means the Department of Education's office which administers specific programs related to higher education, including student financial assistance programs.

"Qualified Educational Loan" means a government, commercial, or foundation loan for actual costs paid for tuition and reasonable educational expenses related to an applicant's undergraduate or graduate degree program. Reasonable educational expenses do not include tools or supplies (other than textbooks) that are retained by the recipient after the course of instruction; meals, lodging, or transportation; or education involving sports, games, or hobbies unless such education is required as part of a degree program.

3.0 — Eligibility

3.1 — In order to be eligible for an Award under the Speech-Language Pathologist Student Loan Repayment Program, an applicant shall meet the requirements of subsections 3.1.1 and 3.1.2.

3.1.1 — The applicant shall be employed full-time as a speech-language pathologist in a Delaware public school for a minimum of 1 school year.

3.1.2 — The applicant must have secured a Qualified Educational Loan prior to submitting the application.

4.0 — Application Requirements

4.1 — The application acceptance and submission period for the Speech-Language Pathologist Student Loan Repayment Program shall be posted on the DHEO's website by December 1 of each calendar year.

4.1.1 — Applications shall not be accepted outside of the posted application acceptance period under any circumstances.

4.1.2 — Incomplete applications shall not be accepted or processed.

4.2 — In order for an application to be considered complete, the applicant shall complete all of the requirements in subsections 4.2.1 through 4.2.3.

4.2.1 — The applicant shall certify to DHEO that the applicant meets all of the eligibility requirements in Section 3.0.

4.2.2 — The applicant shall provide the applicant's current employment information, lender, and loan amount to DHEO.

4.2.3 — The applicant shall provide substantiation to DHEO that the Award will be used for a Qualified Educational Loan as defined in Section 2.0.

5.0 — Awards

5.1 — The ability to make Awards each year is contingent upon the availability of funds.

5.2 — If possible, DHEO shall make an Award to every applicant who satisfies the requirements of this regulation, consistent with Section 6.0 of this regulation. Awards will be determined based on the pool of eligible applicants in the given year.

5.2.1 — If there are insufficient funds to make a loan payment on behalf of every applicant who satisfies the requirements of this regulation, DHEO shall give priority to applicants who have the greatest financial need as determined by DHEO.

5.2.2 — To determine an applicant's financial need, DHEO shall request the applicant provide the applicant's income and total amount of Qualified Educational Loans.

5.3 — DHEO shall have the sole discretion to prioritize applications and determine Awards consistent with the requirements of the Program as noted in this regulation.

5.4 — DHEO shall make a loan payment directly to the applicant's lending agency, on behalf of the applicant, to retire a portion of the applicant's Qualified Educational Loan.

5.5 — An Award is not renewable.

5.6 — To be considered for a second and third Award, an applicant shall submit a new, completed application and meet all of the requirements in Section 3.0 of this regulation each year.

5.7 — An applicant may receive only 1 Award per year and may not receive more than 3 Awards in the applicant's lifetime.

6.0 — Award Payment

6.1 — An Award shall not exceed \$5,000 per year.

6.2 — If an applicant knowingly submits false information or commits fraud in connection with the application process, DHEO may reevaluate the applicant's eligibility for a loan payment and may withdraw its decision to make a loan payment on the applicant's behalf.

OFFICE OF THE SECRETARY

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

PROPOSED

PUBLIC NOTICE

1216 Educator Support Scholarship Program

A. Type of Regulatory Action Required
Repeal Existing Regulation

B. Synopsis of Subject Matter of the Regulation

Pursuant to 14 Del.C. §3438, the Secretary of Education seeks the consent of the State Board of Education to repeal 14 DE Admin. Code 1216 Educator Support Scholarship Program. The Department reviewed this regulation and based on changes in 14 DE Admin. Code 1211 Needs Based Scholarship Programs Administered by the Department of Higher Education Office excluding Memorial Scholarships which was published in the October 1 *Register of Regulations*, related to this program, the Department is repealing this regulation. Requirements as outlined in this regulation for this program have been added to 14 DE Admin. Code 1211 Needs Based Scholarship Programs Administered by the Delaware Higher Education Office excluding Memorial Scholarships.

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 December 31, 2025. Any person who wishes to receive a copy of the proposed regulation may obtain a copy from the Department at the Office of the Secretary on the second floor of the Townsend Building, 401 Federal Street, Dover, Delaware.

C. Impact Criteria

1. Will the amended regulation help improve student achievement as measured against state achievement standards? No
2. Will the amended regulation help ensure that all students receive an equitable education? No
3. Will the amended regulation help to ensure that all students' health and safety are adequately protected?
No
4. Will the amended regulation help to ensure that all students' legal rights are respected? No
5. Will the amended regulation preserve the necessary authority and flexibility of decision making at the local board and school level? No
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? No
9. Is there a less burdensome method for addressing the purpose of the regulation? Yes

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/december2025/proposed/29 DE Reg 474RFA 12-01-25.pdf>

1216 Educator Support Scholarship Program

1.0 Purpose

The purpose of this regulation is to provide the eligibility criteria, application requirements, and award process for the Educator Support Scholarship Program pursuant to 14 Del.C. §3438.

2.0 Definitions

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

"**Area of need**" means 1 of the specific areas of need in which there is a shortage of teachers or specialists in Delaware as determined by the DHEO pursuant to 14 Del.C. §3438(b).

"**Award**" means a scholarship awarded under the Educator Support Scholarship Program.

"**Delaware Higher Education Office**" or "**DHEO**" means the Department of Education's office which administers specific programs related to higher education, including student financial assistance programs.

"**Student Account Access Site**" means the webpage on the DHEO's website where students can access scholarship opportunities.

3.0 Eligibility

3.1 In order to be eligible for an award under the Educator Support Scholarship Program, an applicant shall meet the requirements of subsections 3.1.1 through 3.1.3.

3.1.1 The applicant shall be enrolled in an undergraduate or graduate program of study leading to a career as a teacher or specialist in an area of need.

3.1.1.1 Applicants who are enrolled in an undergraduate program of study shall be enrolled full-time. For the purpose of subsection 3.1.1.1, full-time means the minimum college credit hours for full-time status as an undergraduate student as required by the applicant's college or university. Generally, this is a minimum of 12 credit hours per term.

3.1.1.2 Applicants who are enrolled in a graduate program of study shall be enrolled full-time or part-time.

3.1.1.2.1 For the purpose of subsection 3.1.1.2, full-time means the minimum college credit hours for full-time status as a graduate student as required by the applicant's college or university. Generally, this is a minimum of 9 credit hours.

3.1.1.2.2 For the purpose of subsection 3.1.1.2, part-time means the minimum college credit hours for part-time status as a graduate student as required by the applicant's college or university. Generally, this is less than 9 credit hours.

3.1.2 The applicant shall meet the definition of residency as defined in 14 Del.C. §3402(f).

3.1.3 The applicant shall be enrolled at a college or university that is located in Delaware and is accredited by an accrediting agency recognized by the U.S. Secretary of Education.

4.0 Application Requirements

4.1 The application acceptance and submission period for the Educator Support Scholarship Program shall be posted on the DHEO's website by December 1 of each calendar year.

4.1.1 Applications shall not be accepted outside of the posted application acceptance period under any circumstances.

4.1.2 Incomplete applications shall not be accepted or processed.

4.2 In order for an application to be considered complete, an applicant shall fulfill the requirement in subsection 4.2.1.

4.2.1 The applicant shall complete an online application through the Student Account Access Site by the last date of the application acceptance period.

4.2.1.1 Applicants may update their enrollment information on the Student Account Access Site through the last date of the application acceptance period.

PROPOSED REGULATIONS

4.2.1.2 — A first time applicant must establish an account and provide the applicant's valid email address and permanent mailing address before being permitted to submit the information required in subsection 4.2 of this regulation.

4.2.2 — Reserved.

5.0 — Awards

- 5.1 — DHEO determines the amount of scholarships to be awarded annually. Contingent upon funding appropriated for the Educator Support Scholarship Program and based on the size of the applicant pool, at least 1 applicant in each area of need will be awarded a scholarship annually.
- 5.2 — To determine an applicant's financial need for the purpose of the Educator Support Scholarship, DHEO will consider the expense of attending the applicant's college or university and the applicant's eligibility for state or private grant assistance.
- 5.3 — An award shall be used for, and not in excess of, tuition, mandatory fees, room, board, books, and other direct and indirect educational expenses.
- 5.4 — An award is renewable for up to 3 additional years.
- 5.5 — To be eligible to renew an award, a student shall update the student's enrollment information on the Student Account Access Site; continue to enrolled in a program of study leading to a career as a teacher or specialist in an area of need; maintain satisfactory academic progress by successfully completing coursework according to the standards of the college or university in which the student is enrolled; and continue to be eligible receive financial aid.
- 5.6 — A student shall not receive more than 4 annual awards.

6.0 — Award Payment

- 6.1 — Award payments shall be disbursed directly to the student's college or university only.
- 6.2 — If a student withdraws from school or otherwise does not qualify for full payment at the end of the add/drop period for a semester, DHEO will apply the refund policies set forth in 14 Del.C. §3402(k). For the purpose of this regulation, semester means a half-year term in a school or college, typically lasting 15 to 18 weeks.

OFFICE OF THE SECRETARY

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

PROPOSED

PUBLIC NOTICE

1217 Mental Health Services Scholarship Program

A. TYPE OF REGULATORY ACTION REQUIRED

Repeal Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF THE REGULATION

Pursuant to 14 Del.C. §3439(a), the Secretary of Education seeks the consent of the State Board of Education to amend 14 DE Admin. Code 1217 Mental Health Services Scholarship Program. The Department reviewed this regulation and based on changes in 14 DE Admin. Code 1211 Needs Based Scholarship Programs Administered by the Department of Higher Education Office excluding Memorial Scholarships which was published in the October 1 *Register of Regulations*, related to this program, the Department is repealing this regulation. Requirements as outlined in this regulation for this program have been added to 14 DE Admin. Code 1211 Needs Based Scholarship Programs Administered by the Delaware Higher Education Office excluding Memorial Scholarships.

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 December 31, 2025. Any person who wishes to receive a copy of the proposed regulation may obtain a copy from the Department at the Office of the Secretary on the second floor of the Townsend Building, 401 Federal

Street, Dover, Delaware.

C. IMPACT CRITERIA

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

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

<https://regulations.delaware.gov/register/december2025/proposed/29 DE Reg 476RFA 12-01-25.pdf>

1217 Mental Health Services Scholarship Program

1.0 Purpose

The purpose of this regulation is to provide the eligibility criteria, application requirements, and award process for the Mental Health Services Scholarship Program pursuant to 14 ~~Del.C.~~ §3439(a).

2.0 Definitions

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

~~"Award" means a scholarship awarded under the Mental Health Services Scholarship Program.~~

~~"Delaware Higher Education Office" or "DHEO" means the Department of Education's office which administers specific programs related to higher education, including, but not limited to, student financial assistance programs.~~

~~"Full-time student" means a graduate student enrolled in 9 or more credit hours.~~

~~"High need field" means 1 of the specific fields identified as an area of need in Delaware by the committee established pursuant to 14 ~~Del.C.~~ §3416(b).~~

~~"Student Account Access Site" means the webpage on the DHEO's website where students can access scholarship opportunities.~~

3.0 Eligibility

~~3.1 In order to be eligible for an award under the Mental Health Services Scholarship Program, an applicant shall meet the requirements of subsections 3.1.1 and 3.1.2.~~

~~3.1.1 The applicant shall be enrolled as a full-time student in a master's degree program in a Delaware postsecondary institution that will lead to certification as a school counselor, school psychologist, or school social worker in a Delaware public school.~~

~~3.1.2 The applicant shall meet the definition of residency as defined in 14 ~~Del.C.~~ §3402(f).~~

4.0 Application Requirements

~~4.1 The application acceptance and submission period for the Mental Health Services Scholarship Program shall be posted on the DHEO's website by December 1 of each calendar year.~~

~~4.1.1 Applications shall not be accepted outside of the posted application acceptance period under any circumstances.~~

~~4.1.2 Incomplete applications shall not be accepted or processed.~~

PROPOSED REGULATIONS

- 4.2 — In order for an application to be considered complete, an applicant shall fulfill the requirement in subsection 4.2.1.
- 4.2.1 — The applicant shall complete an online application through the Student Account Access Site by the last date of the application acceptance period.
- 4.2.1.1 — Applicants may update their enrollment information on the Student Account Access Site through the last date of the application acceptance period.
- 4.2.1.2 — A first time applicant must establish an account and provide the applicant's valid email address and permanent mailing address before being permitted to submit the information required in subsection 4.2 of this regulation.
- 4.2.2 — Reserved.

5.0 — Awards

- 5.1 — DHEO determines the number and amount of awards to be given annually. The number and amount of awards each year will vary and is based on and subject to the General Assembly appropriating funds for the Mental Health Services Scholarship Program.
- 5.2 — To determine an applicant's financial need for the purpose of the Mental Health Services Scholarship, DHEO will consider the expense of attending the applicant's college or university and the applicant's eligibility for state or private grant assistance.
- 5.3 — An award shall be used for, and not in excess of, tuition, mandatory fees, room, board, books, and other direct and indirect educational expenses.
- 5.4 — An award is renewable for up to 1 year.
- 5.5 — To be eligible to renew an award, a student shall update the student's enrollment information on the Student Account Access Site; continue to be enrolled in a master's degree program in a Delaware postsecondary institution that will lead to certification as a school counselor, school psychologist, or school social worker in a Delaware public school; maintain satisfactory academic progress by successfully completing coursework according to the standards of the college or university in which the student is enrolled; and continue to be eligible receive financial aid.
- 5.6 — A student shall not receive more than 2 annual awards.

6.0 — Award Payment

- 6.1 — Award payments shall be disbursed directly to the student's college or university only.
- 6.2 — If a student withdraws from school or otherwise does not qualify for full payment at the end of the add/drop period for a semester, DHEO will apply the refund policies set forth in 14 **Del.C.** §3402(k). For the purpose of this regulation, semester means a half-year term in a school or college, typically lasting 15 to 18 weeks.

OFFICE OF THE SECRETARY

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

PROPOSED

PUBLIC NOTICE

1218 Mental Health Services Student Loan Repayment Program

A. Type of Regulatory Action Required

Repeal Existing Regulation

B. Synopsis of Subject Matter of the Regulation

Pursuant to 14 **Del.C.** §3439, the Secretary of Education seeks the consent of the State Board of Education to repeal 14 **DE Admin. Code** 1218 Mental Health Services Student Loan Repayment Program. The Department reviewed this regulation and based on changes in 14 **DE Admin. Code** 1215 Public School Employee Support Program for High Needs Areas which was published in the October 1 *Register of Regulations*, related to this program, the Department is repealing this regulation. Requirements as outlined in this regulation for this program have been added to 14 **DE Admin. Code** 1215 Public School Employee Support Program for High Need Areas.

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 December 31, 2025. Any person who wishes to receive a copy of the proposed regulation may obtain a copy from the Department at the Office of the Secretary on the second floor of the Townsend Building, 401 Federal Street, Dover, Delaware.

C. Impact Criteria

1. Will the amended regulation help improve student achievement as measured against state achievement standards? No
2. Will the amended regulation help ensure that all students receive an equitable education? No
3. Will the amended regulation help to ensure that all students' health and safety are adequately protected? No
4. Will the amended regulation help to ensure that all students' legal rights are respected? No
5. Will the amended regulation preserve the necessary authority and flexibility of decision making at the local board and school level? No
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? No
9. Is there a less burdensome method for addressing the purpose of the regulation? Yes
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/december2025/proposed/29 DE Reg 478RFA 12-01-25.pdf>

1218 Mental Health Services Student Loan Repayment Program

1.0 Purpose

The purpose of this regulation is to provide the eligibility criteria, application requirements, and award process for the Mental Health Services Student Loan Repayment Program pursuant to 14 Del.C. §3439(b).

2.0 Definitions

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

"Award" means the Delaware Higher Education Office's decision to make a loan payment on an applicant's behalf.

"Delaware Higher Education Office" or "DHEO" means the Department of Education's office which administers specific programs related to higher education, including student financial assistance programs.

"Qualified Educational Loan" means a government, commercial, or foundation loan for actual costs paid for tuition and reasonable educational expenses related to an applicant's undergraduate or graduate degree program. Reasonable educational expenses do not include tools or supplies (other than textbooks) that are retained by the recipient after the course of instruction; meals, lodging, or transportation; or education involving sports, games, or hobbies unless such education is required as part of a degree program.

3.0 Eligibility

3.1 In order to be eligible for an award under the Mental Health Services Student Loan Repayment Program, an applicant shall meet the requirements of subsections 3.1.1 and 3.1.2.

3.1.1 The applicant shall be employed full-time as a school counselor, school psychologist, or school social worker in a Delaware public school for a minimum of 1 school year.

3.1.2 The applicant shall have secured a Qualified Educational Loan prior to submitting the application.

4.0 — Application Requirements

- 4.1 — The application acceptance and submission period for the Mental Health Services Student Loan Repayment Program shall be posted on the DHEO's website by December 1 of each calendar year.
- 4.1.1 — Applications shall not be accepted outside of the posted application acceptance period under any circumstances.
- 4.1.2 — Incomplete applications shall not be accepted or processed.
- 4.2 — In order for an application to be considered complete, the applicant shall complete all of the requirements in subsections 4.2.1 through 4.2.3.
- 4.2.1 — The applicant shall certify to DHEO that the applicant meets all of the eligibility requirements in Section 3.0.
- 4.2.2 — The applicant shall provide the applicant's current employment information, lender, and loan amount to DHEO.
- 4.2.3 — The applicant shall provide substantiation to DHEO that the award will be used for a Qualified Educational Loan as defined in Section 2.0.

5.0 — Awards

- 5.1 — The ability to make awards each year is contingent upon the availability of funds.
- 5.2 — If possible, DHEO shall make an award to every applicant who satisfies the requirements of this regulation, consistent with Section 6.0 of this regulation. Awards will be determined based on the pool of eligible applicants in the given year.
- 5.2.1 — If there are insufficient funds to make a loan payment on behalf of every applicant who satisfies the requirements of this regulation, DHEO shall give priority to applicants who have the greatest financial need as determined by DHEO.
- 5.2.2 — To determine an applicant's financial need, DHEO shall request the applicant provide the applicant's income and total amount of Qualified Educational Loans.
- 5.3 — DHEO shall have the sole discretion to prioritize applications and determine awards consistent with the requirements of the Program as noted in this regulation.
- 5.4 — DHEO shall make a loan payment directly to the applicant's lending agency, on behalf of the applicant, to retire a portion of the applicant's Qualified Educational Loan.
- 5.5 — An award is not renewable.
- 5.6 — To be considered for a second and third award, an applicant shall submit a new, completed application and meet all of the requirements in Section 3.0 of this regulation each year.
- 5.7 — An applicant may receive only 1 award per year and may not receive more than 3 awards in the applicant's lifetime.

6.0 — Award Payment

- 6.1 — An award shall not exceed \$5,000 per year.
- 6.2 — If an applicant knowingly submits false information or commits fraud in connection with the application process, DHEO may reevaluate the applicant's eligibility for a loan payment and may withdraw its decision to make a loan payment on the applicant's behalf.

PROFESSIONAL STANDARDS BOARD

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

PROPOSED**PUBLIC NOTICE****1503 Comprehensive Educator Induction Programs****A. TYPE OF REGULATORY ACTION REQUESTED**

Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF REGULATION

Pursuant to **14 Del.C. §§1203, 1205(b), 1210(b)(1), and 1212(a)**, the Professional Standards Board (“Board”), acting in consultation and cooperation with the Delaware Department of Education (“Department”), developed amendments to **14 DE Admin. Code 1503** Comprehensive Educator Induction Programs. The regulation concerns the requirements for the Comprehensive Educator Induction Programs in accordance with **14 Del.C. §1220**. The proposed amendments in this regulation include clarifying definitions; adding guidelines for pairing coaches and mentees, and spelling out a minimum number of meetings and a last month to start the program in Sections 4.0 and 7.0; and moving requirements to be paid the salary supplement payments from various sections to Section 16.0. The proposed amendments include grammatical and style changes to comply with the *Delaware Administrative Code Drafting and Style Manual*.

Persons wishing to present their views regarding this matter may do so in writing by submitting them to the Department, Office of the Secretary, Attn: Regulation Review, 401 Federal Street, Suite 2, Dover, Delaware 19901 or through the Department’s online submission form at <https://de.gov/doeregs> by the close of business (4:30 p.m. EST) on or before December 31, 2025. Any person who wishes to receive a copy of the proposed regulation may obtain a copy from the Department at the Office of the Secretary on the second floor of the Townsend Building, 401 Federal Street, Dover, Delaware.

C. IMPACT CRITERIA

1. Will the amended regulation help improve student achievement as measured against state achievement standards? The requirements for comprehensive educator induction programs are designed to improve the quality of the educator workforce, which will help to improve student achievement.

2. Will the amended regulation help ensure that all students receive an equitable education? The requirements for comprehensive educator induction programs are designed to improve the quality of the educator workforce, which will help to ensure students in Delaware public schools receive an equitable education.

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

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

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

6. Will the amended regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? The amended regulation does not place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels. The Department collects data from schools to evaluate comprehensive educator induction programs and reports such data to the Board upon the Board’s request (Section 17.0).

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

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

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

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

*Please Note:

(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/december2025/proposed/29 DE Reg 480RFA 12-01-25.pdf>

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

<https://regulations.delaware.gov/register/december2025/proposed/29 DE Reg 480 12-01-25>

PROFESSIONAL STANDARDS BOARD

Statutory Authority: 14 Delaware Code, Sections 1203, 1205(b), and 1220 (14 Del.C. §§1203, 1205(b), & 1220)
14 DE Admin. Code 1517

PROPOSED

PUBLIC NOTICE

1517 Paraeducator Permit

A. TYPE OF REGULATORY ACTION REQUESTED

Amendment to Existing Regulation

B. SYNOPSIS OF SUBJECT MATTER OF REGULATION

Pursuant to 14 Del.C. §§1203, 1205(b), and 1220, the Professional Standards Board (“Board”), acting in consultation and cooperation with the Delaware Department of Education (“Department”), developed amendments to 14 DE Admin. Code 1517 Paraeducator Permit. The regulation concerns the requirements for a Paraeducator Permit in accordance with 14 Del.C. §1220. The proposed amendments in this regulation include adding definitions; adding a new examination in Section 4.0; creating a new Section 6.0 listing the requirements for a Behavior Intervention Paraeducator Permit requiring renumbering forward; adding subsequent application requirements in subsection 8.5; and mandating the requirement date of the new permit in Section 15.0. The proposed amendments include grammatical and style changes to comply with the *Delaware Administrative Code Drafting and Style Manual*.

Persons wishing to present their views regarding this matter may do so in writing by submitting them to the Department, Office of the Secretary, Attn: Regulation Review, 401 Federal Street, Suite 2, Dover, Delaware 19901 or through the Department’s online submission form at <https://de.gov/doeregs> by the close of business (4:30 p.m. EST) on or before December 31, 2025. Any person who wishes to receive a copy of the proposed regulation may obtain a copy from the Department at the Office of the Secretary on the second floor of the Townsend Building, 401 Federal Street, Dover, Delaware.

C. IMPACT CRITERIA

1. Will the amended regulation help improve student achievement as measured against state achievement standards? The education, knowledge, and skill requirements in Sections 4.0 and 6.0 are designed to improve the quality of the educator workforce, which will help to improve student achievement.

2. Will the amended regulation help ensure that all students receive an equitable education? The education, knowledge, and skill requirements in Section 4.0 and 6.0 are designed to improve the quality of the educator workforce, which will help to ensure students in Delaware public schools receive an equitable education.

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

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

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

6. Will the amended regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? The amended regulation does not place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels. The application requirements in Section 7.0 and 8.0 apply to individual applicants.

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

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

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

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

***Please Note:**

(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/december2025/proposed/29 DE Reg 482RFA 12-01-25.pdf>

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

<https://regulations.delaware.gov/register/december2025/proposed/29 DE Reg 482 12-01-25>

PROFESSIONAL STANDARDS BOARD

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

PROPOSED

PUBLIC NOTICE

1523 Long-Term Substitute Permit

A. TYPE OF REGULATORY ACTION REQUESTED

New Regulation

B. SYNOPSIS OF SUBJECT MATTER OF REGULATION

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

Persons wishing to present their views regarding this matter may do so in writing by submitting them to the Department, Office of the Secretary, Attn: Regulation Review, 401 Federal Street, Suite 2, Dover, Delaware 19901 or through the Department’s online submission form at <https://de.gov/doeregs> by the close of business (4:30 p.m. EST) on or before December 31, 2025. Any person who wishes to receive a copy of the proposed regulation may obtain a copy from the Department at the Office of the Secretary on the second floor of the Townsend Building, 401 Federal Street, Dover, Delaware.

C. IMPACT CRITERIA

1. Will the proposed regulation help improve student achievement as measured against state achievement standards? The education, knowledge, and skill requirements in Section 4.0 are designed to improve the quality of the education workforce, which will help to improve student achievement.
2. Will the proposed regulation help ensure that all students receive an equitable education? The education, knowledge, and skill requirements in Section 4.0 are designed to improve the quality of the educator workforce, which will help to ensure students in Delaware public schools receive an equitable education.
3. Will the proposed regulation help to ensure all students' health and safety are adequately protected? The proposed regulation addresses a permit for long-term substitutes and is designed to help ensure students' health and safety is protected.
4. Will the proposed regulation help to ensure that all students' legal rights are respected? The proposed regulation addresses a permit for long-term substitute and is not designed to help ensure students' legal rights are respected.
5. Will the proposed regulation preserve the necessary authority and flexibility of decision-makers at the local board and school level? The proposed regulation does not change authority and flexibility of decision makers at the local board and school level.
6. Will the proposed regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? The proposed regulation does not place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels. The application requirements in Section 5.0 apply to individual applicants.
7. Will decision making authority and accountability for addressing the subject to be regulated be placed in the same entity? The Department implements the rules and regulations promulgated and adopted pursuant to 14 **Del.C.** Ch. 12 relating to the licensure and certification, and permitting of educators and other student support personnel.
8. Will the Proposed regulation be consistent with and not an impediment to the implementation of other state educational policies, in particular to state educational policies addressing achievement in the core academic subjects of mathematics, science, language arts, and social studies? The proposed regulation is consistent with, and not an impediment to, the implementation of other state educational policies, and in particular to state educational policies addressing achievement in the core academic subjects of mathematics, science, language arts, and social studies.
9. Is there a less burdensome method for addressing the purpose of the proposed regulation? There is not a less burdensome method for addressing the purpose of this proposed regulation.
10. What is the cost to the state and to the local school boards of compliance with the proposed regulation? There is no expected cost to the state and to the local school boards to comply with this proposed regulation.

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

<https://regulations.delaware.gov/register/december2025/proposed/29 DE Reg 483RFA 12-01-25.pdf>

1523 Long-Term Substitute Permit

1.0 Content

This regulation provides the qualifications and training required for an individual to be issued and to renew a Long-Term Substitute Permit pursuant to 14 **Del.C.** §§1204(a) and 1216A(a)(1).

2.0 Definitions

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

"Department" means the Delaware Department of Education.

"Employing authority" means any entity which employs long-term substitute teachers, and includes school districts, charter schools, boards of directors, and management companies.

"Permit" means a document issued by the Delaware Department of Education that verifies an individual's qualifications and training to serve as a long-term substitute.

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

"Standards Board" means the Professional Standards Board pursuant to 14 **Del.C.** Ch. 12.

"Long-term substitute" means as it is defined in 14 **Del.C.** §1202(10) and as it is used in 14 **Del.C.** §1205(b).

Long-term substitutes are not "educators" within the meaning of 14 **Del.C.** §1202(6).

3.0 Individuals Required to Have a Long-Term Substitute Permit

- 3.1 Individuals are required to have a Long-Term Substitute Permit when employed, either full time or part time, in long-term substitute teacher, long-term substitute specialist, or long-term substitute paraeducator positions in Delaware public schools unless:
 - 3.1.1 The individual holds a valid and current educator license and certificates under 14 **Del.C.** Ch. 12: or
 - 3.1.2 The individual is otherwise licensed or permitted under Title 24 of the Delaware Code as provided in 14 **Del.C.** §1202; or
 - 3.1.3 The individual works for less than 12 consecutive weeks in 1 public school. Consecutive weeks means working or anticipating working each student contact day during a consecutive period and will only be counted when a long-term substitute is either employed full time by a school district or charter school or if a long-term substitute is hired to fill a position that is projected to last at least 12 week.

4.0 Requirements for Issuance of a Long-Term Substitute Permit

- 4.1 The Department will not process an initial or renewal application for a Long-Term Substitute Permit:
 - 4.1.1 Until the applicant has submitted all the required documentation. If the applicant fails to submit all the required documentation within 90 days of the initial submission the Department may close the application taking no further action.
 - 4.1.2 If the applicant is under official investigation by any national, state, or local authority with the power to issue educator licenses or certifications.
- 4.2 The Department may issue a Long-Term Substitute Permit to an applicant who has satisfied at least 1 of the following requirements provided the applicant has not engaged in conduct in violation of 14 **Del.C.** §1218(a) or (b):
 - 4.2.1 The applicant earned a high school diploma, the equivalent of a high school diploma approved by a state, or a secondary credential approved by a state; or
 - 4.2.2 The applicant earned an associate's degree or higher from an accredited college or university.

5.0 Application Requirements

- 5.1 Applicants for an initial Long-Term Substitute Permit are required to provide the following for the Department to consider the Long-Term Substitute Permit complete:
 - 5.1.1 A completed initial application; and
 - 5.1.2 Disclosure of the applicant's criminal conviction history; and
 - 5.1.3 Official transcripts from the highest level of education the applicant has completed that satisfies 1 of the requirements provided in subsections 4.2.1 and 4.2.2 of this regulation.
 - 5.1.3.1 The Department will accept: electronic transcripts submitted by the employing authority or by the applicant's secondary institution or sealed paper transcripts.
 - 5.1.3.2 The Department will not accept copies of transcripts.
 - 5.1.4 Additional documentation as required by the Department.
- 5.2 Applicants for a renewal of a Long-Term Substitute Permit are required to provide the following for the Department to consider the Long-Term Substitute Permit complete:
 - 5.2.1 A completed renewal application; and
 - 5.2.2 Disclosure of the applicant's criminal conviction history; and
 - 5.2.3 Additional documentation as required by the Department

6.0 Validity of a Long-Term Substitute Permit

For an applicant who applied for and met the requirements of the Long-Term Substitute Permit the Long-Term Substitute Permit is issued for a period of 5 years and may be renewed for additional 5-year periods.

7.0 Disciplinary Action

- 7.1 A long-term substitute's Long-Term Substitute Permit 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.
- 7.2 A long-term substitute's Long-Term Substitute Permit shall be revoked if the long-term substitute made a materially false or misleading statement in the long-term substitute's application in accordance with 14 **Del.C.** §1218.
- 7.3 A long-term substitute whose Long-Term Substitute Permit is noticed for disciplinary action is entitled to a full and fair hearing before the Standards Board. Hearings shall be conducted in accordance with 14 **DE Admin. Code** 1515 Hearing Procedures and Rules.

8.0 Contact Information and Change of Name or Address

- 8.1 All applicants and long-term substitutes are required to update their contact information in Delaware Educator Data System (DEEDS) if their contact information changes.
- 8.2 A long-term substitute who legally changes the long-term substitute's name and wishes to change the name on the Long-Term Substitute Permit shall provide a notarized copy of evidence of the name change such as a marriage license or court action.
- 8.3 An applicant or long-term substitute whose mailing address, email address, or phone number changes shall provide the Department with the new mailing address, email address, or phone number within 14 calendar days of the change.

9.0 Effective Date

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

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

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

PROPOSED**PUBLIC NOTICE****203 Video Lottery and Table Game Regulations****A. Type of Regulatory Action Required**

Amendment to Existing Regulations

B. Synopsis of Subject Matter of the Regulation

Pursuant to 29 Del.C. §4805, the Delaware State Lottery proposes to amend [10 DE Admin. Code 203](#) Video Lottery and Table Game Regulations. The Delaware State Lottery will seek public comments on the issue of whether certain amendments to its current regulation should be adopted.

The proposed amendments are to section 2.0 and subsections 4.3, 4.5.2, 4.22, 5.2.2, 5.5.1.1, 5.5.1.2, 5.5.1.3, 5.5.3, 7.3, 7.15.1.1.8.2, 7.15.2, 7.15.2.2, 7.15.5.1.2, 7.15.5.3, and 7.15.6.2.2 in 10 DE Admin. Code 203. The proposed amendments also include grammatical and style changes to comply with the *Delaware Administrative Code Drafting and Style Manual*.

The amendment to these subsections will update, simplify and clarify current regulations and are primarily administrative in nature.

Persons wishing to present their views regarding this matter may do so by submitting written comments by the close of business on or before December 31, 2025, at the offices of the Delaware State Lottery, Attn: Jayne Gooden, 1575 McKee Road, Suite 102, Dover, DE 19904.

A copy of these regulations is available at the Delaware State Lottery office at the same address above. Copies are also published online at the Register of Regulations website: https://regulations.delaware.gov/register/current_issue.shtml.

C. Summary of Proposal

The first proposed amendment is to section 2.0 and adds count supervisors to the Key employee definition. It was omitted in error.

The second proposed amendment is to subsection 4.3 and increases the transaction threshold for non-gaming vendors from \$10,000 to \$50,000 to minimize the number of non-gaming vendors required to be licensed.

The third proposed amendment is to add subsection 4.5.2 waiving the requirement for certain retailers to complete a vendor registration form.

The fourth proposed amendment is to subsection 4.22 and increases the gaming vendor application fee by \$1,000, which is in line with industry standards.

The fifth proposed amendment is to subsection 5.2.2 and 7.3 and increases the max bet to \$500 which is in alignment with neighboring states.

The sixth proposed amendment is to subsections 5.5.1.1, 5.5.1.2, 5.5.1.3 & 5.5.3 and removes links and references to specific versions of standards that change periodically.

The seventh amendment is to subsections 7.15.1.1.8.2, 7.15.1.1.9 and 7.15.5.1.2 and adds internet Lottery to the subsections.

The eighth amendment is to subsection 7.15.2 and corrects the title of the subsection.

The ninth amendment is to subsection 7.15.2.2 and revises the text to allow virtual exclusions to provide their own photos.

The tenth amendment is to subsection 7.15.5.3 and removes the Lottery Commission from the notification requirement as they have never been involved in this.

The eleventh amendment is to subsection 7.15.6.2.2 and adds Internet lottery to the subsection.

Additional proposed amendments also include grammatical and style changes to comply with the *Delaware Administrative Code Drafting and Style Manual*.

***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/december2025/proposed/29 DE Reg 486RFA 12-01-25.pdf>

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

<https://regulations.delaware.gov/register/december2025/proposed/29 DE Reg 486 12-01-25>

OFFICE OF THE STATE LOTTERY

Statutory Authority: 29 Delaware Code, Section 4826 (29 Del.C. §4826)
10 DE Admin. Code 206

PROPOSED

PUBLIC NOTICE

206 Internet Lottery Rules and Regulations

A. Type of Regulatory Action Required

Amendment to Existing Regulations

B. Synopsis of Subject Matter of the Regulation

Pursuant to 29 Del.C. §4826, the Delaware State Lottery proposes to amend 10 DE Admin. Code 206 Internet Lottery Rules and Regulations.

The proposed amendments are to Section 2.0 and subsections 4.11.1, 5.13, 5.15.1, 7.15, 7.19, 7.23, 13.11, 13.12, 13.13, 13.14, 13.16.6, 13.16.7, 13.21, 13.21.1 and 13.21.2 in [10 DE Admin. Code 206](#). The proposed amendments also include grammatical and style changes to comply with the *Delaware Administrative Code Drafting and Style Manual*.

The Delaware State Lottery will seek public comments on the issue of whether certain amendments to its current regulation should be adopted.

Persons wishing to present their views regarding this matter may do so by submitting written comments by the close of business on or before December 31, 2025, at the offices of the Delaware State Lottery, Attn: Jayne Gooden, 1575 McKee Road, Suite 102, Dover, DE 19904.

A copy of these regulations is available at the Delaware State Lottery office at the same address above. Copies are also published online at the Register of Regulations website: https://regulations.delaware.gov/register/current_issue.shtml.

C. Summary of Proposal

The first proposed amendment is to Section 2 and it simplifies the first paragraphs language.

The second proposed amendment is to subsection 4.11.1 and adds license term information for agent licenses. This was omitted in error and aligns with the terms listed in [10 DE Admin. Code 203](#) Video Lottery and Table Game Regulations.

The third proposed amendment is to subsection 5.13 and increases the technology providers application fee by \$1,000, which is in line with industry standards and the gaming vendor application fee in 203 Video Lottery and Table Game Regulations.

The fourth proposed amendment is to subsection 5.15.1 and adds license term information for technology licenses. This was omitted in error and aligns with the terms listed in 203 Video Lottery and Table Game Regulations.

The fifth proposed amendment is to subsections 7.15, 7.19 and 7.23 and adds license term information for employee licenses. This aligns them with the terms listed in 203 Video Lottery and Table Game Regulations.

The sixth proposed amendment is to subsection 13.11 and it is updating the language

The seventh proposed amendment is to subsection 13.12 and it refers to 203 Video Lottery and Table Game Regulations, Section 7.0 for self-exclusion requirements. This will allow the same form to be used for both in-person and Internet lottery players.

The eighth proposed amendment is to remove subsections 13.13 and 13.14 as they are no longer needed.

The ninth proposed amendment is to subsection 13.16.6 and 13.16.7 and it removes the requirement of a physical description and a photo of online players when self-excluding.

The tenth proposed amendment is to subsection 13.21 and updates the language to match 203 Video Lottery and Table Game Regulations, Section 7.0. This will allow Internet lottery players to request to be removed from the self-exclusion list virtually.

The eleventh proposed amendment is to subsection 13.21.1.1 and it refers to 203 Video Lottery and Table Game Regulations for self-exclusion removal requirements. This will allow the same form to be used for both in-person and Internet lottery players.

The twelfth proposed amendment is to remove subsections 13.21.1.2, 13.21.1.3, 13.21.1.4, and 13.21.2 as they are no longer needed.

Additional proposed amendments also include grammatical and style changes to comply with the *Delaware Administrative Code Drafting and Style Manual*.

***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/december2025/proposed/29 DE Reg 487RFA 12-01-25.pdf>

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

<https://regulations.delaware.gov/register/december2025/proposed/29 DE Reg 487 12-01-25>

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DIVISION OF PUBLIC HEALTH

Statutory Authority: 18 Delaware Code, Section 3365 (18 Del.C. §3365)

16 DE Admin. Code 4102

PROPOSED

PUBLIC NOTICE

4102 School-Based Health Centers

Pursuant to 18 Del.C. §3365, the Department of Health and Social Services, Division of Public Health has the legal authority to promulgate regulations. The Division of Public Health is proposing revisions to the regulation governing school-based health centers and intends to hold them open for public comment per Delaware law. The revisions include:

- Adding language regarding supervision of clinical training rotations for mental health providers at school-based health centers; and
- Technical changes to bring the regulation into compliance with the *Delaware Administrative Code Style Manual (May 2025 Edition)*.
- Copies of the proposed regulation are available for review in the December 1, 2025 issue of the *Delaware Register of Regulations*, accessible online at: <http://regulations.delaware.gov> or by calling the Division of Public Health at 302-744-4951.

Public comments will be accepted until 4:30 PM on January 2, 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
Division of Public Health
417 Federal Street
Dover, DE 19901

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

<https://regulations.delaware.gov/register/december2025/proposed/29 DE Reg 489RFA 12-01-25.pdf>

4102 School-Based Health Centers

1.0 Statement of Purpose

~~1.1 These regulations are~~ This regulation is intended to implement the provisions of 18 Del.C. §§3365 and 3571G, school-based health centers. ~~These regulations apply~~ This regulation applies to medical vendors who provide services at school-based health centers and health insurance plans who reimburse for covered medical services.

~~1.2 These regulations define~~ This regulation defines:

- ~~(1) services~~ 1.2.1 Services offered in a school-based health center;
- ~~(2) criteria~~ 1.2.2 Criteria for recognition as a school-based health center;
- ~~(3) interactions~~ 1.2.3 Interactions with primary care providers; and

(4) ~~criteria-1.2.4~~ Criteria for health promotion.

2.0 Definitions

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

“**Agency**” means the Delaware Division of Public Health, Bureau of Adolescent and Reproductive Health, school-based health center program~~School-Based Health Center Program.~~

“**Division**” or “**DPH**” means the Delaware Department of Health and Social Services, Division of Public Health.

“**School-based health center**” or “**SBHC**” means a health care clinic located in or near a school facility that is organized through school and health provider relationships that provides services designated in Section 4.0 of this regulation.

“**Student**” means a child or adolescent who is enrolled in a Delaware charter, private, or public school.

3.0 Designation as a School-Based Health Center

3.1 Pursuant to 16 Del.C. §3365(a), a school-based health center (SBHC) is a health clinic that:

3.1.1 Is located in or near a school facility;

3.1.2 Is organized through school and health provider relationships;

3.1.3 Except as provided by subsection 3.2 of this regulation, provides through licensed professionals primary health services to children, including comprehensive health assessments, diagnosis, and treatment of minor, acute, and chronic medical conditions, referrals to and follow-up for specialty care, oral, and vision health services, mental health and substance use disorder assessments, crisis intervention, counseling, treatment, and referral to a continuum of mental health and substance abuse services including emergency psychiatric care, community support programs, inpatient car, outpatient programs; and

3.1.4 Is recognized by the state pursuant to relevant regulations and law.

3.2 DPH shall have the authority to approve supervised clinical training rotations for mental health providers at SBHCs.

3.13.3 ~~School-based health centers (SBHC)~~ SBHCs are designed to reduce risk behaviors and improve health among children and adolescents through health promotion and education, early intervention, and preventive care. These services include physical examinations, treatment of minor acute medical conditions, ~~counseling~~ counseling, and community referrals. SBHCs do not supplant the primary care provider, ~~provider~~ but rather serve to coordinate care between students and their primary care provider, as well as increase access to services.

3.23.4 A health care clinic may be designated as a ~~school-based health center (SBHC)~~ SBHC by the ~~Agency~~ agency if it has demonstrated that it meets the criteria provided in Sections ~~4.0-8.0 in these regulations~~ 4.0 through 8.0 of this regulation. The ~~Agency~~ agency shall be the sole arbiter of the satisfaction of these criteria.

3.33.5 Application for designation shall be made to the ~~Agency~~ agency using a standard application form. The form is available by contacting the Division of Public Health, ~~school-based health center program~~ School-Based Health Center Program.

3.43.6 Designations are non-transferable and valid for a period of ~~five~~ 5 years from date of issue. Application for renewal is available by contacting the Division of Public Health, ~~school-based health center program~~ School-Based Health Center Program.

4.0 Service Provision

4.1 Nothing in ~~the regulations~~ this regulation limits the ability of a SBHC to require student or parental consent, as applicable, for ~~particular~~ services in accordance with applicable state and federal laws and regulations, and in accordance with the contractual guidance issued by DPH to ~~Medical Sponsors~~ medical sponsors of SBHCs.

4.2 A SBHC shall be open during hours accessible to students. Information on hours of operation must be posted in areas frequented by students.

4.3 All SBHCs shall provide through licensed professionals, primary health services to children, ~~including~~ including:

4.3.1 ~~comprehensive~~ Comprehensive health assessments, ~~assessments;~~

4.3.2 ~~diagnosis,~~ Diagnosis and treatment of minor, acute, and chronic medical ~~conditions,~~ conditions;

4.3.3 ~~nutrition consultation/education,~~ Nutrition consultation/education;

4.3.4 ~~referrals~~ Referrals to and follow-up ~~for~~ for:

- ~~4.3.4.1~~ ~~specialty care and~~ Specialty care;
- ~~4.3.4.2~~ ~~oral~~ Oral health services;
- ~~4.3.4.3~~ ~~and vision~~ Vision health services, services;
- ~~4.3.4.4~~ ~~mental~~ Mental health and substance use disorder assessments, assessments:

- ~~4.3.4.4.1~~ ~~crisis intervention,~~ Crisis intervention;
- ~~4.3.4.4.2~~ ~~counseling,~~ Counseling, treatment, and referral to a continuum of mental health and substance abuse services including including:
 - ~~4.3.4.4.2.1~~ ~~emergency~~ Emergency psychiatric care, care;
 - ~~4.3.4.4.2.2~~ ~~community~~ Community support programs, programs;
 - ~~4.3.4.4.2.3~~ ~~inpatient care,~~ Inpatient care; and and
 - ~~4.3.4.4.2.4~~ ~~outpatient~~ Outpatient programs.

~~4.3.4.3.5~~ Diagnosis and treatment of sexually transmitted diseases, reproductive health, provision of contraceptives, and HIV testing and counseling may be provided by a SBHC subject to the approval of the school board governing the SBHC.

- 4.4 Promotion of vaccination among students
 - 4.4.1 SBHCs must promote provision of all vaccinations required or recommended by the Division of Public Health to students either on site or through referral to a primary care provider.
 - 4.4.2 SBHCs shall promote vaccination among students through education and awareness activities.

5.0 Staffing

- 5.1 A SBHC shall provide services through health professionals who maintain up to date Delaware licensure, ~~training~~ training, and proper certification in their individual discipline for the population to be served.
- 5.2 The organizational structure of the SBHC must be adequate to provide for appropriate clinic supervision of staff, and to ensure that staff are assigned responsibilities that are consistent with their ~~education and experience~~ education, experience, and legally within their scope of practice. Staffing of the SBHC must include an individual designated as having overall responsibility for the management of the SBHC.
- ~~5.3~~ The Delaware Division of Public Health shall have the authority to approve supervised clinical training rotations for mental health providers at school-based health centers.

6.0 Billing and Reimbursement

- 6.1 A SBHC shall not charge co-pays or any other out-of-pocket fees for use of SBHC services.
- 6.2 The following services shall be exempt from third-party billing:
 - 6.2.1 Any services provided to a student related to an evaluation or assessment of eligibility under the Individuals with Disabilities Education Act, 20 U.S.C. §1400 et seq, or Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §701 et seq.; and
 - 6.2.2 Any services provided to a student implementing an Individualized Education Program (IEP) or Section 504 Plan developed in conformity with either of the above federal laws.
- 6.3 Insurance information ~~on~~ for each student in the SBHC must be updated annually at minimum.
- 6.4 Nothing in ~~these Regulations~~ this regulation is intended to prohibit or otherwise restrict a provider from billing for services for which ~~it~~ the provider is authorized to bill under applicable state and federal laws and regulations, and that nothing in ~~these Regulations~~ nothing in this regulation is intended to create an independent basis for the denial of payment of any claim.

7.0 Information Storage and Sharing

- 7.1 A SBHC must keep detailed records on the treatment of students receiving services, including ~~but not limited to,~~ documentation of contact with primary care providers.
- 7.2 A SBHC shall establish written protocol that describes how information will be shared with the student's primary care provider.

8.0 Quality Improvement

- 8.1 A SBHC must implement and maintain a quality assurance plan. Components of the plan shall include at a minimum:
 - 8.1.1 Ongoing clinical and medical record reviews by peers to ensure conformity with current standards of practice. The plan must include provisions for implementing corrective actions when deficiencies are noted.
 - 8.1.2 Satisfaction assessments conducted with parents, students ~~and/or~~ and school staff on a biennial basis.

PROPOSED REGULATIONS

- 8.1.3 The ~~Agency~~ agency may perform such reviews as it determines necessary to ensure continued compliance with SBHC standards. Review may include site visits, reviews of records and documents, or such other oversight as determined necessary by the ~~Agency~~ agency.
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DIVISION OF PUBLIC HEALTH

Statutory Authority: 16 Delaware Code, Section 122(3)t (16 **Del.C.** §122(3)t)
16 **DE Admin. Code** 4459

PROPOSED

PUBLIC NOTICE

4459 Lead-Based Paint Hazards

Pursuant to 16 **Del.C.** §122(3)t, the Department of Health and Social Services, Division of Public Health, Health Systems Protection Section, is proposing revisions to the regulation governing lead-based paint hazards (16 **DE Admin. Code** 4459).

The proposed amendments will introduce several important changes to better serve and protect Delawareans. Changes include updated definitions, revised guidelines for certification, fees, and reciprocity, and additional technical changes to bring the regulation into compliance with the *Delaware Administrative Code Style Manual (May 2025 Edition)*.

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

Public comments will be accepted until 4:30 PM on January 2, 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
Division of Public Health
417 Federal Street
Dover, DE 19901

***Please Note:**

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

[https://regulations.delaware.gov/register/december2025/proposed/29 DE Reg 492RFA 12-01-25.pdf](https://regulations.delaware.gov/register/december2025/proposed/29%20DE%20Reg%20492RFA%2012-01-25.pdf)

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

[https://regulations.delaware.gov/register/december2025/proposed/29 DE Reg 492 12-01-25](https://regulations.delaware.gov/register/december2025/proposed/29%20DE%20Reg%20492%2012-01-25)

DIVISION OF PUBLIC HEALTH

Statutory Authority: 16 Delaware Code, Sections 122(3)(t) and 2601-2606 (16 **Del.C.** §§122(3)(t) & 2601-2606)
16 **DE Admin. Code** 4459A

PROPOSED

PUBLIC NOTICE

4459A Regulations Governing the Childhood Lead Poisoning Prevention Act

Pursuant to 16 **Del.C.** §§122(3)t and 2601-2606, the Department of Health and Social Services, Division of Public Health, Health Systems Protection Section, is proposing revisions to the Regulations Governing the Childhood Lead Poisoning Prevention Act (16 **DE Admin. Code** 4459A).

The proposed amendments will introduce several important changes to better serve and protect Delawareans. Changes include adding a new definition of blood lead reference value and additional revisions to bring the regulation into compliance with the *Delaware Administrative Code Style Manual (May 2025 Edition)*.

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

Public comments will be accepted until 4:30 PM on January 2, 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
Division of Public Health
417 Federal Street
Dover, DE 19901

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

<https://regulations.delaware.gov/register/december2025/proposed/29 DE Reg 493RFA 12-01-25.pdf>

4459A Regulations Regulation Governing the Childhood Lead Poisoning Prevention Act

1.0 General Provisions

Preamble. ~~These regulations are~~ This regulation is adopted by the Secretary of Delaware Health and Social Services pursuant to under 16 ~~Del.C.,~~ **Del.C.** §122(3)(t) and §§2601-2606. ~~These regulations establish~~ This regulation establishes standards for blood lead level screening and testing of children between 12 and 24 months of age. ~~These regulations~~ This regulation also establish ~~establishes~~ a record retention policy, enforcement modalities, and penalties for violators.

2.0 Definitions

~~For purposes of this chapter, the following definitions shall apply~~The following words and terms, when used in this regulation, shall have the following meaning:

"Administer a blood lead level screening or test" means to draw a blood specimen, by either capillary or venous methodology, and:

- (a) Send the specimen to a medical laboratory for blood lead analysis; or
- (b) Conduct a blood lead analysis at a health care provider's office; or
- (c) Order a blood specimen to be drawn by a third-party health care provider, by either venous or capillary methodology, and sent to a medical laboratory for blood lead analysis.

"**Blood lead analysis**" means the analysis and determination by a medical laboratory of the blood lead level in a blood specimen.

"**Blood lead reference value**" or "**BLRV**" means as a population-based benchmark used to identify children with blood lead levels higher than most children (specifically above the 97.5th percentile). It is not a safety threshold, but rather a tool to guide public health actions and clinical follow-up. As of October 28, 2021, the Centers for Disease Control and Prevention (CDC) set the BLRV at 3.5 micrograms per deciliter (µg/dL) for children 1-5, based on national survey data.

"**Capillary**" means a blood sample taken from the capillaries in the finger or heel for lead analysis.

"**Child care facility**" means any facility licensed by the Office of Child Care Licensing to provide child care services in Delaware.

"**Division**" means the Delaware Department of Health and Social Services, Division of Public Health.

~~"**Department**" means the Delaware Department of Health and Social Services.~~

"**Health care provider**" means a licensed practitioner individual that generally provides medical care to a child including, but not limited to, including a physician, a physician assistant, or a nurse, including a school nurse.

"**Laboratory**" means a laboratory certified to perform either waived or non-waived blood lead analysis according to the federal Clinical Laboratory Improvement Act of 1988 (CLIA).

"**Parent or guardian**" means an individual acting in a primary custodial capacity.

~~"**Reference value**" means the most current blood lead reference value as determined by the Centers for Disease Control and Prevention.~~

"**Screening**" means a capillary blood lead level test, including where a drop of blood is taken from a finger or heel of the foot.

"**Testing**" means a venous blood lead level test where blood is drawn from a vein.

"**Venous**" means a blood sample taken from a vein in the arm for lead analysis.

3.0 Requirement for Blood Lead Level Screenings and Tests

- 3.1 Pursuant to Under 16 Del.C. §2602(a), a primary health care provider for a child shall administer a blood screening or test for lead when the child is between 9 and 15 months of age and again between 21 and 27 months of age. Screenings or tests administered from 15 through 18 months of age shall be considered a 12-month screening or test, and from 18 through 21 months of age shall be considered a 24-month screening or test.
- 3.2 Unless a child's parent or guardian requests a blood lead level screening or test, a primary health care provider for a child who is 28 months old or older and younger than 18 years old shall administer a blood screening or test for lead in the following circumstances:
 - 3.2.1 If the child has not previously received a blood lead level screening or test;
 - 3.2.2 If the child's parent or guardian fails to provide documentation that the child has previously received a blood lead level screening or test; or
 - 3.2.3 If the health care provider is unable to obtain the results of a previous blood lead analysis.
- 3.3 A health care provider shall administer a blood lead level test, by venous methodology, if the results of a capillary screening indicate a blood lead level result greater than or equal to the reference value BLRV.
- 3.4 A health care provider giving non-primary care to a child may administer a blood lead level screening or test, even if a blood lead level screening or test is not medically indicated.
- 3.5 If a child is insured under Delaware's Medicaid program, the child's primary health care provider shall administer a blood lead level screening or test to the child at the 12-month visit and again at the 24-month visit in accordance with Early and Periodic Screening, Diagnosis and Treatment (EPSDT) requirements.
- 3.6 In addition to the blood lead level screening and testing requirements in this section, a health care provider may order a lead screening or test at their discretion and these results must be reported to the Division pursuant to Section 7-06.0 of this regulation.

4.0 — [Reserved.]

5.04.0 Religious Exemption

A religious exemption may be granted to a child if the blood lead level screening or testing conflicts with a genuine and sincere religious belief and not a belief based merely on philosophical, scientific, moral, personal, or medical opposition to blood lead level screening or testing. The Division affidavit of blood lead level screening or testing exemption for religious beliefs shall be signed and dated by the child's parent or guardian, notarized, and kept in the child's medical chart.

6.05.0 Timeline for Valid Blood Lead Level Screening and Testing

To be valid, a blood lead level screening or test shall be performed, as required by ~~these regulations~~ this regulation, on a child when the child is from 9 through 15 months of age and again from 21 through 27 months of age, pursuant to subsection 3.1 of this regulation. Children with blood lead levels above the ~~reference value~~ BLRV established by the Centers for Disease Control and Prevention must have a venous confirmation blood test if the original analysis was conducted through capillary screening.

7.06.0 Blood Lead Level Screening and Testing Documentation and Reporting Requirements

- 7.16.1 All laboratories and health-care providers involved in blood lead level analysis, including screening and testing, shall participate in a universal reporting system as established by the Division of Public Health.
- 7.26.2 The laboratory, health care provider's office, or other facility that administers a blood lead level screening or test for a child younger than 18 years old shall obtain the information required by this regulation at the time of drawing the blood specimen.
- 7.36.3 A laboratory that performs blood lead analysis shall provide a referral form of paper or electronic requisition that specifies the required information for use by a laboratory, a health care provider's office, or another facility that draws a blood specimen. The facility that draws a blood specimen shall:
 - 7.3.16.3.1 Record the information required under this regulation on the laboratory's referral form or similar form; and
 - 7.3.26.3.2 Forward the required information concurrently with the blood specimen to the laboratory that performs blood lead analysis.
- 7.46.4 A laboratory required to report a blood lead level screening or test under this regulation shall report the blood lead level screening or test in the format approved by the Division and shall include the following information:
 - 7.4.16.4.1 The child's demographic information, including:
 - 7.4.1.16.4.1.1 First name, middle initial, and last name;
 - 7.4.1.26.4.1.2 Date of birth;
 - 7.4.1.36.4.1.3 Country of birth;
 - 7.4.1.46.4.1.4 Sex;
 - 7.4.1.56.4.1.5 Race and ethnicity;
 - 7.4.1.66.4.1.6 Master Client Index (MCI) number if the child is enrolled in Medicaid or a Delaware children's health program;
 - 7.4.1.76.4.1.7 Complete home address at the time the blood specimen was drawn, including house or apartment number, street, city or town, county, ~~zip code~~ ZIP Code, and state;
 - 7.4.1.86.4.1.8 Telephone number; and
 - 7.4.1.96.4.1.9 Parent's or guardian's name.
 - 7.4.26.4.2 Type of blood specimen, venous or capillary, and the blood draw date;
 - 7.4.36.4.3 The health care provider's name, office name, address, telephone number, and national provider identifier (NPI);
 - 7.4.46.4.4 If the draw site is different from the health care provider's office, the laboratory's or other facility's name, address, telephone number, and NPI;
 - 7.4.56.4.5 All of the following information about the laboratory performing the blood lead analysis:
 - 7.4.5.16.4.5.1 Laboratory name, address, telephone number, and clinical laboratory improvement amendment number (CLIA);
 - 7.4.5.26.4.5.2 Laboratory method used to analyze the blood specimen;
 - 7.4.5.36.4.5.3 The limit of detection for the method used to analyze the blood specimen; and
 - 7.4.5.46.4.5.4 If reporting a "no result" screening or test result, the limit of detection for the laboratory method.
 - 7.4.66.4.6 Blood lead level in micrograms per deciliter expressed with a numeric results comparator of:
 - 7.4.6.16.4.6.1 Equal, if the blood lead level is an exact measurement; or
 - 7.4.6.26.4.6.2 Less than or greater than, if a blood lead level reading is below or above a certain level that a device used to analyze a blood specimen can accurately record.
 - 7.4.76.4.7 Additional information as may be required by the Division.

8.07.0 Missing Information

- 8.17.1 A laboratory that receives a blood specimen from a laboratory, a health care provider's office, or another facility without all the required information listed in Section 7.06.0 of this regulation included on the referral form required under subsection 7.36.3 of this regulation shall:
- 8.1.47.1.1 Within 3 business days of receipt of the blood specimen, send to the facility that provided the blood specimen a written or electronic message citing the requirements of this regulation, requesting that all the required missing information be forwarded to the laboratory; and
- 8.1.27.1.2 Upon receipt of the required information, collate and transmit the information to the Division within the time frames set forth in this regulation.
- 8.27.2 When the laboratory reports a blood lead level screening or test result to the Division with 1 or more of the requirements listed in Section 7.06.0 of this regulation omitted, the laboratory shall concurrently provide the name and address of the facility that:
- 8.2.47.2.1 Drew the blood specimen; and
- 8.2.27.2.2 Failed upon request to forward the required information to the laboratory.
- 8.37.3 The facility that drew the blood specimen shall respond to a written or electronic message from a laboratory that did not receive all of the required information listed in Section 7.06.0 of this regulation by providing the information to the laboratory within:
- 8.3.47.3.1 One business day of receiving the message regarding a blood lead level screening or test result of greater than or equal to the ~~reference value~~ BLRV;
- 8.3.27.3.2 Five business days of receiving the message for a blood lead level screening or test result of less than the ~~reference value~~ BLRV.
- 8.47.4 A laboratory not permitted to perform a blood lead analysis that accepts a blood specimen from a health care provider for referral to another laboratory for blood lead analysis shall ensure that:
- 8.4.47.4.1 The requisition record includes all the information that is required under this regulation; and
- 8.4.27.4.2 The required information is transmitted to the laboratory performing the blood lead analysis along with the blood specimen.
- 8.57.5 Reporting a blood lead level screening or test result with missing information:
- 8.5.47.5.1 A laboratory shall collate information required under Section 7.06.0 of this regulation that is collected to complete a previously incomplete requisition record for a blood lead level screening or test before submitting the information to the Division in accordance with this regulation.
- 8.5.27.5.2 A laboratory shall report the missing information collated to the Division pursuant to this regulation:
- 8.5.2.47.5.2.1 Concurrently with the blood lead level screening or test result, if the reporting time frame for a blood lead level screening or test result established in subsection 8.37.3 of this regulation has not concluded; or
- 8.5.2.27.5.2.2 In a manner indicating that there has been a change in the blood lead level screening or test record, if reporting the missing information after the initial blood lead level screening or test result was reported to the Division.

9.08.0 Additional Reporting Requirements

- 9.18.1 In addition to the reporting requirements set forth in Section 7.06.0 of this regulation, a laboratory shall report the result of a blood lead level screening or test to:
- 9.1.48.1.1 The health care provider that ordered the blood lead level screening or test; and
- 9.1.28.1.2 Another entity as required by State, federal, or local statutes or regulations, or in accordance with accepted standards of practice.
- 9.28.2 A laboratory shall report the result of a blood lead level screening or test to the Division by electronic system, facsimile, or other manner required by the Division within 2 weeks of a final blood lead level screening or test result.
- 9.38.3 A laboratory that uses an electronic system for tracking blood lead level screening or test results shall report a result to the Division electronically in a manner consistent with the technical specifications established by the Division.

10.09.0 Proof of Documentation Requirements Prior to Child Care or School Enrollment

- 10.19.1 Upon first admission or continued enrollment, the parent or guardian of a child 12 months of age or older shall provide to the child care facility, public or private nursery school, preschool, or kindergarten proof that the child received a blood lead level screening or test.

- ~~40.29.2~~ Except in the case of enrollment in kindergarten, the blood lead level screening or test may be done within 60 calendar days of the date of enrollment.
- ~~40.39.3~~ A child's parent or guardian must provide 1 of the following to a child care facility, public or private nursery school, preschool, or kindergarten:
- ~~40.3.49.3.1~~ A statement from the child's primary health care provider that the child has received the required screenings or tests for lead; or
 - ~~40.3.29.3.2~~ The Division affidavit signed by the parent or guardian stating that the blood lead level screening or test is contrary to the parent's or guardian's religious beliefs; or
 - ~~40.3.39.3.3~~ Certified documentation of the child's blood lead analysis, as specified in this regulation, administered in connection with the 12-month visit and 24-month visit to the child's health care provider not later than:
 - ~~40.3.3.49.3.3.1~~ ~~30~~ Thirty calendar days from the 12-month visit or 24-month visit; or
 - ~~40.3.3.29.3.3.2~~ ~~30~~ Thirty calendar days from first entry into the child care facility, public or private nursery school, preschool, or kindergarten.
- ~~40.49.4~~ If the child's first blood lead level screening or test was administered after the child is 28 months old, then only certified documentation of the most recent blood lead analysis is required to be reported.
- ~~40.59.5~~ If a child has more than 2 blood lead level screenings or tests administered from the ages of 9 months through 27 months then only certified documentation of the 2 most recent blood lead analyses shall be reported.
- ~~40.69.6~~ The information sent to or received by a child care facility, public or private nursery school, preschool, kindergarten or school shall be recorded and certified by a health care provider's signature on a form that includes the following:
- ~~40.6.49.6.1~~ Name of the child;
 - ~~40.6.29.6.2~~ Date of the blood lead analysis; and
 - ~~40.6.39.6.3~~ The signature of the child's primary health care provider or designee.
- ~~40.79.7~~ This Section shall apply to all children born after June 30, 2021.

11.010.0 Division's Investigation and Reporting Obligations

- ~~11.110.1~~ Within 60 days of receiving notification that a child has a blood lead level at or above the reference level, the Division shall determine: the child's residential address from birth through testing, the site of the child's lead exposure, and the property owner of the site at which the child became exposed to lead. Any documents that the Division creates or holds that contain confidential health information shall be conspicuously marked and will not become public documents.
- ~~11.210.2~~ Within 10 days of identifying the site of lead exposure, the Division shall notify the Delaware State Lead-Based Paint Program, created by [16 Del.C. §2607](#), of the location and contact information of the property owner. These communications will be public records subject to disclosure under the Freedom of Information Act, Delaware Code, Title 29, Chapter ~~10029~~ [Del.C. Ch. 100](#).

12.011.0 Severability

If any provision or application of any provision of ~~these regulations~~ this regulation is held invalid, that invalidity shall not affect the validity of other provisions or applications of ~~these regulations~~ this regulation.

13.012.0 Penalty

Violators are subject to sanctions pursuant to ~~under~~ [16 Del.C. §107](#) for each violation of the requirements established in ~~these regulations~~ this regulation.

PROPOSED REGULATIONS

DIVISION OF PUBLIC HEALTH

Statutory Authority: 16 Delaware Code, Section 122(3)t (16 **Del.C.** §122(3)t)
16 **DE Admin. Code** 4459B

PROPOSED

PUBLIC NOTICE

4459B Residential Property Renovation, Repair, and Painting

Pursuant to 16 **Del.C.** §122(3)t, the Department of Health and Social Services, Division of Public Health, Health Systems Protection Section, is proposing revisions to the regulation governing residential property renovation, repair, and painting (16 **DE Admin. Code** 4459B).

The proposed amendments will introduce several important changes to better serve and protect Delawareans by aiming to enhance compliance, align with current federal standards, and strengthen protections against lead-based paint hazards in residential properties. Changes include incorporating clarity of content and simpler language, revising technical terms and acronyms, and additional changes to bring the regulation into compliance with the *Delaware Administrative Code Style Manual (May 2025 Edition)*.

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

Public comments will be accepted until 4:30 PM on January 2, 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
Division of Public Health
417 Federal Street
Dover, DE 19901

***Please Note:**

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

<https://regulations.delaware.gov/register/december2025/proposed/29 DE Reg 498RFA 12-01-25.pdf>

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

<https://regulations.delaware.gov/register/december2025/proposed/29 DE Reg 498 12-01-25>

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

DIVISION OF CLIMATE, COASTAL AND ENERGY

Statutory Authority: 16 Delaware Code, Section 7602 (16 Del.C. §7602)

7 DE Admin. Code 2101

PROPOSED

PUBLIC NOTICE

2101 Regulations for State Energy Conservation Code

SAN # 2025-04
DOCKET # 2025-R-CCE-0008

BRIEF SYNOPSIS OF THE SUBJECT, SUBSTANCE AND ISSUES:

The proposed regulation was published in the July edition of the *Delaware Register of Regulations*, and a hearing was held on July 22, 2025. As a result of the Secretary's Letter that was released on October 27, 2025, the State Energy Office (SEO) has revised the proposed regulation to remove the zero net energy capable amendments. All relevant documents, including the July publication, the hearing transcript, and the Secretary's Letter, can be found on the DNREC public hearing webpage for the State Energy Conservation Code (<https://dnrec.delaware.gov/events/public-hearing-regulations-for-state-energy-conservation-code-2/>). The SEO is now proposing to amend **7 DE Admin. Code 2101** Regulations for State Energy Conservation Code to adopt the 2024 International Energy Conservation Code (IECC) for residential buildings and the 2024 IECC/American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) 90.1-2022 for commercial and high-rise residential buildings. These proposed updates are prompted by the requirement in Delaware's Energy Conservation Code Act (**16 Del.C. §7602**) to conduct a triennial update of the state energy code to adopt newer versions of the IECC and ASHRAE energy code standards. The proposed regulation also adopts amended versions of Appendix RE: EV Charging Infrastructure and Appendix CB: Solar-Ready Zone to comply with corresponding statutory requirements. **16 Del.C. Ch. 80** establishes EV charging infrastructure requirements for new residential buildings. **16 Del.C. §7605** establishes solar-ready zone requirements for new commercial buildings. This regulatory update is necessary to comply with statutory mandates, to align with national standards, and to improve the quality and efficiency of buildings across the state.

POSSIBLE TERMS OF THE AGENCY ACTION:

None.

STATUTORY BASIS OR LEGAL AUTHORITY TO ACT:

16 Del.C. §7602.

OTHER REGULATIONS THAT MAY BE AFFECTED BY THE PROPOSAL:

The State Energy Office does not believe that other regulations will be impacted.

NOTICE OF PUBLIC COMMENT:

The hearing record on the proposed revisions to **7 DE Admin. Code 2101** Regulations for State Energy Conservation Code will be re-opened December 1, 2025, for a 30-day public comment period ending close of business December 31, 2025. Individuals may submit written comments regarding the revisions to the proposed regulation via e-mail to DNRECHearingComments@delaware.gov, or by using the online form at <https://de.gov/dnrecomments>, or by U.S. mail to the following address:

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

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

<https://regulations.delaware.gov/register/december2025/proposed/29 DE Reg 499RFA 12-01-25.pdf>

PROPOSED REGULATIONS

2101 Regulations for State Energy Conservation Code

1.0 Purpose and Statutory Authority

- 1.1 The purpose of ~~these regulations~~this regulation is to provide the Department of Natural Resources and Environmental Control's determination of the most recent ~~and/or~~ highest available version of the International Energy Conservation Code and the latest ASHRAE/~~IESNA~~ANSI/ASHRAE/IES standard. The goal of establishing ~~these regulations~~this regulation is to provide a statewide building energy conservation code.
- 1.2 ~~These regulations provide~~This regulation provides rules of practice and procedures for certification of compliance with these codes and standards to be utilized by the respective local governments.
- 1.3 16 Del.C. §7602 provides the authority for adopting the State Energy Conservation Code. ~~These regulations are~~This regulation is promulgated under the authority of 16 Del.C. §7602.

2.0 Definitions

For purposes of ~~these regulations~~this regulation, the following words and phrases shall have the meanings set forth below.

“**ASHRAE**” means the ANSI/ASHRAE/IES Standard 90.1-~~2016~~2022: Energy Standard for Buildings except Low-Rise Residential Buildings published by the American Society of Heating, Refrigerating and Air-Conditioning Engineers, Inc.

“**Department**” means the Department of Natural Resources and Environmental Control, the Division of Climate, Coastal, & Energy or the Delaware Energy Office, as appropriate.

“**DET verifier**” means a certified Duct and Envelope Tightness verifier. A certified DET verifier shall be a certified Home Energy Rating Systems (HERS) rater, or be a certified Home Performance with ENERGY STAR contractor, or be a Building Performance Institute (BPI) Heating Professional to perform duct tightness testing or a BPI Building Analyst or Envelope Professional to perform building tightness testing, or successfully complete a course that is approved by the Department of Natural Resources and Environmental Control.

“**IECC**” means the ~~2018~~2024 International Energy Conservation Code published by the International Code Council, Inc.

3.0 Incorporation by Reference with Provisions

- 3.1 The ~~2018 International Energy Conservation Code (IECC), published by the International Code Council, Inc., is hereby adopted and incorporated by reference as the Delaware Residential Building Energy Conservation Code and is an enforceable part of the Delaware Building Codes.~~The Residential Provisions of the 2024 International Energy Conservation Code (IECC), published by the International Code Council, Inc., are hereby adopted with the following amendments as the Delaware Residential Building Energy Conservation Code, an enforceable part of the Delaware Building Codes.

R401.2 *Revise Section R401.2 as follows:*

R401.2 Application. Residential buildings shall comply with Section R401.2.1, R401.2.2, R401.2.3 or R401.2.4, and Appendix RE.

Exception: Additions, alterations, repairs and changes of occupancy to existing buildings complying with Chapter 5.

Appendix RE Electric Vehicle Charging Infrastructure: *Revise as follows:*

SECTION RE101—ELECTRIC VEHICLE POWER TRANSFER

RE101.1 Definitions.

AUTOMOBILE PARKING SPACE. A space within a *building* or private or public parking lot, exclusive of driveways, ramps, columns, office and work areas, for the parking of an automobile.

ELECTRIC VEHICLE (EV). An automotive-type vehicle for on-road use, such as passenger automobiles, buses, trucks, vans, neighborhood electric vehicles and electric motorcycles, primarily powered by an electric motor that draws current from an onboard battery charged through a building electrical service *electric vehicle supply equipment (EVSE)*, a rechargeable storage battery, a fuel cell, a photovoltaic array or another source of electric current.

ELECTRIC VEHICLE READY SPACE (EV READY SPACE). An *automobile parking space* that is provided with a branch circuit and an outlet, junction box or receptacle that will support an installed EVSE.

ELECTRIC VEHICLE SUPPLY EQUIPMENT (EVSE). Equipment for plug-in power transfer, including ungrounded, grounded and equipment grounding conductors; electric vehicle connectors; attached plugs; any personal protection system; and all other fittings, devices, power outlets or

apparatus installed specifically for the purpose of transferring energy between the premises wiring and the *electric vehicle*.

ELECTRIC VEHICLE SUPPLY EQUIPMENT INSTALLED SPACE (EVSE SPACE). An *automobile parking space* that is provided with a dedicated *EVSE* connection which can charge an electric vehicle within 5 feet of the parking space.

RE101.2 Electric vehicle power transfer infrastructure. New residential *automobile parking spaces* for residential *buildings* shall be provided with electric vehicle power transfer infrastructure in accordance with Sections RE101.2.1 through RE101.2.4

RE101.2.1 Quantity. New one- and two-family dwellings and townhouses with a designated attached or detached garage or other on-site private parking provided adjacent to the *dwelling unit* shall be provided with one *EV ready* or *EVSE space* per *dwelling unit*. R-2 occupancies or allocated parking for R-2 occupancies in mixed-use *buildings* shall be provided with an *EV ready space* or *EVSE space* for 20 percent of the *dwelling units* or *automobile parking spaces*, whichever is less.

1. At least 1 *EVSE space* must be in an area available for use by all residents and available for use by all residents of the R-2 occupancy. The *EVSE space* must be accessible by an individual with a disability.
2. Construction documents must indicate the location of proposed *EVSE spaces* and *EV ready spaces*. The construction documents, or other clear identification of the location of *EVSE spaces* and *EV ready spaces*, must be available to the residents of the multi-family residential dwelling on request.

Exceptions:

1. Where the local electric distribution entity certifies in writing that it is not able to provide 100 percent of the necessary distribution capacity within 2 years after the estimated certificate of occupancy date, the required *EV* charging infrastructure shall be reduced based on the available existing electric distribution capacity.
2. Where substantiation is *approved* that meeting the requirements of Section RE101.2.4 will alter the local utility infrastructure design requirements on the utility side of the meter so as to increase the utility side cost to the builder or developer by more than \$450 per *dwelling unit*.

RE101.2.2 EV ready spaces. Each branch circuit serving *EV ready spaces* shall comply with all of the following:

1. Termination at an outlet or enclosure, located within 5 feet of each *EV ready space* it serves and marked "For electric vehicle supply equipment (EVSE)."
2. Service by an electrical distribution system and circuit capacity in accordance with Section RE101.2.4.
3. Designation on the panelboard or other electrical distribution equipment directory as "For electric vehicle supply equipment (EVSE)."

RE101.2.3 EVSE spaces. An installed *EVSE* with multiple output connections shall be permitted to serve multiple *EVSE spaces*. Each *EVSE* serving either a single *EVSE space* or multiple *EVSE spaces* shall comply with the following:

1. Be served by an electrical distribution system in accordance with Section RE101.2.4.
2. Have a nameplate charging capacity of not less than 6.2 kVA (or 30A at 208/240V) per *EVSE space* served. Where an *EVSE* serves three or more *EVSE spaces* and is controlled by an energy management system in accordance with Section RE101.2.4, the nameplate charging capacity shall be not less than 2.1 kVA per *EVSE space* served.
3. Be located within 5 feet of each *EVSE space* it serves.
4. Be installed in accordance with NFPA 70 and be listed and labeled in accordance with UL 2202 or UL 2594.

RE101.2.4 Electrical distribution system capacity. The branch circuits and electrical distribution system serving each *EV ready space* and *EVSE space* used to comply with Section RE101.2.1 shall comply with one of the following:

1. Sized for a calculated *EV* charging load of not less than 6.2 kVA per *EVSE* or *EV ready space*. Where a circuit is shared or managed, it shall be in accordance with NFPA 70.
2. The capacity of the electrical distribution system and each branch circuit serving multiple *EVSE spaces* or *EV ready spaces* designed to be controlled by an energy management system in accordance with NFPA 70 shall be sized for a calculated *EV* charging load of not less

PROPOSED REGULATIONS

than 2.1 kVA per space. Where an energy management system is used to control *EV* charging loads for the purpose of this section, it shall not be configured to turn off electrical power to *EVSE* or *EV ready spaces* used to comply with Section RE101.2.1.

SECTION RE102-REFERENCED STANDARDS

RE102.1 General. See Table RE102.1 for standards that are referenced in various sections of this appendix. Standards are listed by the standard identification with the effective date, standard title, and the section or sections of this appendix that reference the standard.

TABLE RE102.1-REFERENCED STANDARDS

STANDARD ACRONYM	STANDARD NAME	SECTIONS HEREIN REFERENCED
<u>UL 2202-2009</u>	<u>Electric Vehicle (EV) Charging System Equipment – with revisions through February 2018</u>	<u>RE101.2.3</u>
<u>UL 2594-2016</u>	<u>Standard for Electric Vehicle Supply Equipment</u>	<u>RE101.2.3</u>

3.2 The American Society of Heating, Refrigerating and Air-Conditioning Engineers Standards (ASHRAE) 90.1-2016: Energy Standard for Buildings except Low-Rise Residential Buildings and the commercial provisions of the 2018 International Energy Conservation Code are hereby adopted and incorporated by reference in their entirety as the Delaware Commercial Building Energy Conservation Code and is an enforceable part of the Delaware Building Codes. The Commercial Provisions of the 2024 International Energy Conservation Code (IECC), published by the International Code Council, Inc., are hereby adopted with the following amendments as the Delaware Commercial Building Energy Conservation Code, an enforceable part of the Delaware Building Codes:

C401.2 *Revise Section C401.2 as follows:*

C401.2 Application. Commercial buildings shall comply with Appendix CB and either Section C401.2.1 or C401.2.2.

C401.2.1 International Energy Conservation Code. Commercial buildings shall comply with one of the following:

1. **Prescriptive Compliance.** The Prescriptive Compliance option requires compliance with Sections C402 through C406 and Section C408. Dwelling units and sleeping units in Group R-2 buildings shall be deemed to be in compliance with this chapter, provided that they comply with Section R406.
2. **Simulated Building Performance.** The Simulated Building Performance option requires compliance with Section C407.

Exception: Additions, alterations, repairs and changes of occupancy to existing buildings complying with Chapter 5.

C401.2.2 ASHRAE 90.1. Commercial buildings shall comply with the requirements of ANSI/ASHRAE/IES 90.1.

Appendix CB Solar-Ready Zone: *Revise as follows:*

SECTION CB101-SCOPE

CB101.1 General. These provisions shall be applicable for new construction where solar-ready provisions are required.

SECTION CB102-GENERAL DEFINITION

SOLAR-READY ZONE. A section or sections of the roof or building overhang designated and reserved for the future installation of a solar photovoltaic or solar thermal system.

SECTION CB103-SOLAR-READY ZONE

CB103.1 General. A solar-ready zone shall be located on the roof of buildings that are five stories or less in height above grade plane, and are oriented between 110 degrees and 270 degrees of true north or have low slope roofs. Solar-ready zones shall comply with Sections CB103.2 through CB103.8.

Exceptions:

1. A *building* with a permanently installed, on-site renewable energy system.
2. A *building* with a solar-ready zone that is shaded for more than 70 percent of daylight hours annually.
3. A *building* where the licensed design professional certifies that the incident solar radiation available to the *building* is not suitable for a solar-ready zone.

4. A building where the licensed design professional certifies that the solar zone area required by Section CB103.3 cannot be met because of extensive rooftop equipment, skylights, vegetative roof areas or other obstructions.

CB103.2 Construction document requirements for a solar-ready zone. *Construction documents shall indicate the solar-ready zone.*

CB103.3 Solar-ready zone area. *The total solar-ready zone area shall be not less than 40 percent of the roof area calculated as the horizontally projected gross roof area less than the area covered by skylights, occupied roof decks, vegetative roof areas and mandatory access or set back areas as required by the *International Fire Code*. The solar-ready zone shall be a single area or smaller, separated sub-zone areas. Each sub-zone shall be not less than 5 feet (1524 mm) in width in the narrowest dimension.*

CB103.4 Obstructions. *Solar-ready zones shall be free from obstructions, including pipes, vents, ducts, HVAC equipment, skylights and roof-mounted equipment. Solar-ready zones may be relocated to allow future installation of roof equipment as long as the 40 percent minimum allocation is maintained.*

CB103.5 Roof loads and documentation. *A collateral dead load of not less than 5 pounds per square foot (5 psf) (24.41 kg/m²) shall be included in the gravity and lateral design calculations for the solar-ready zone. The structural design loads for roof dead load and roof live load shall be indicated on the *construction documents*.*

CB103.6 Interconnection pathway. *Construction documents shall indicate pathways for routing of conduit or piping from the solar-ready zone to the electrical service panel or service hot water system.*

CB103.7 Electrical service reserved space. *The main electrical service panel shall have a reserved space to allow installation of a dual-pole circuit breaker for future solar electric and shall be labeled "For Future Solar Electric." The reserved space shall be positioned at the end of the panel that is opposite from the panel supply conductor connection.*

CB103.8 Construction documentation certificate. *A permanent certificate, indicating the solar-ready zone and other requirements of this section, shall be posted near the electrical distribution panel, water heater or other conspicuous location by the builder or registered design professional.*

4.0 Implementation and Enforcement

- 4.1 ~~All buildings must meet all requirements of the applicable referenced code six months after date of promulgation.~~ County and municipal building and plumbing codes shall meet all requirements of the applicable referenced code set forth in 7 DE Admin. Code 2101, Section 3.0 12 months after the date of promulgation, except as otherwise noted in 16 Del.C. §7602.
- 4.2 All projects may utilize the new applicable reference codes at any time after the date of promulgation, provided such choice is stated on the construction documents.
- 4.3 Procedures for certification of compliance and standards to be utilized by respective local governments are those specified in the IECC at Chapter 1 ("Scope and Administration") and in the ASHRAE at Chapter 4 ("Administration and Enforcement") as enforceable parts of the Delaware Building Codes pursuant to subsections 3.1 and 3.2 herein.

5.0 Certified duct and envelope tightness (DET) verifier.

Testing for duct and building envelope tightness shall be conducted by a certified DET verifier.

PROPOSED REGULATIONS

DIVISION OF WASTE AND HAZARDOUS SUBSTANCES

Statutory Authority: 7 Delaware Code, Section 6001(c)(6) (7 Del.C. §6001(c)(6))
7 DE Admin. Code 1301

PROPOSED**PUBLIC NOTICE****1301 Regulations Governing Solid Waste**

SAN # 2018-16

DOCKET # 2025-R-WHS-0016

BRIEF SYNOPSIS OF THE SUBJECT, SUBSTANCE AND ISSUES:

The purpose of this action is to modify [7 DE Admin. Code 1301](#) to increase the protection to human health and the environment by modifying outdated and/or obsolete regulatory language, clarifying existing regulatory language, adding clarifying language, and correcting typographical and grammatical errors.

POSSIBLE TERMS OF THE AGENCY ACTION:

None.

STATUTORY BASIS OR LEGAL AUTHORITY TO ACT:

7 Delaware Code, Chapter 60

OTHER REGULATIONS THAT MAY BE AFFECTED BY THE PROPOSAL:

None.

NOTICE OF PUBLIC COMMENT:

A virtual public hearing (Docket # 2025-R-WHS-0016) will be held on Tuesday, January 6, 2026, beginning at 6 p.m. The web link to the virtual hearing can be accessed through the DNREC Public Hearings site at <https://de.gov/dnrehearings>. If prompted for a password, please use: 672423. To access the audio-only portion of the virtual hearing, dial 1-646-931-3860 and enter the Meeting ID 824 8739 9983. Language assistance is available by request within 10 business days of the hearing. Closed captioning is available via the Zoom virtual meeting tool.

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

The proposed amendments may be inspected online starting December 1, 2025 at https://regulations.delaware.gov/register/current_issue, or in-person, by appointment only, by contacting Alison Kiliszek by phone at 302-739-9403 or by email at Alison.Kiliszek@delaware.gov.

The Department will accept public comment through the close of business on Wednesday, January 21, 2026. Comments will be accepted in written form via email to DNRECHearingComments@delaware.gov, or by using the online form at <https://de.gov/dnrecomments>, or by U.S. mail to the following address:

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

***Please Note:**

(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/december2025/proposed/29 DE Reg 504RFA 12-01-25.pdf>

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

<https://regulations.delaware.gov/register/december2025/proposed/29 DE Reg 504 12-01-25>

DEPARTMENT OF STATE

DIVISION OF PROFESSIONAL REGULATION

Board of Dentistry and Dental Hygiene

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

24 DE Admin. Code 1100

PROPOSED

PUBLIC NOTICE

1100 Board of Dentistry and Dental Hygiene

The Delaware Board of Dentistry and Dental Hygiene, pursuant to 24 Del.C. §§ 1106(a)(1) and (17), proposes to revise its regulations. The proposed amendments at section 1.0 and 2.0, clarify the types of tasks that can be delegated to auxiliary personnel and the level of supervision required when such tasks are delegated. The proposed changes to subsection 7.4.1 add certified registered nurse anesthetists to the list of individuals who may administer anesthesia in an approved dental office. Finally, the changes add a section 14.0 in order to “[e]stablish by rule and regulation the requirement to and standards for permits that authorize dental hygienists to administer local anesthesia under the direct supervision of a licensed dentist” in accordance with recently enacted legislation.

The Board previously published the proposed changes to sections 1.0 and 2.0 intending to hold a public hearing on October 16, 2025. The Board’s meeting on that date was cancelled due to lack of quorum, so those changes were incorporated into the changes required under House Bill number 131. Because the law allowing dental hygienists to administer local anesthesia takes effect on January 1, 2026, the Board will not hold a hearing. Instead, any written comments should be sent to Jamie Johnson, Administrator of the Delaware Board of Dentistry and Dental Hygiene, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments will be accepted until January 7, 2026, and the Board will consider any written public comments during its regularly scheduled meeting on January 15, 2026.

*Please Note:

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

<https://regulations.delaware.gov/register/december2025/proposed/29 DE Reg 505RFA 12-01-25.pdf>

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

<https://regulations.delaware.gov/register/december2025/proposed/29 DE Reg 505 12-01-25>

DIVISION OF PROFESSIONAL REGULATION

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

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

24 DE Admin. Code 1800

PROPOSED

PUBLIC NOTICE

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

Pursuant to 24 Del.C. §1806(a)(2), the Delaware Board of Plumbing, Heating, Ventilation, Air Conditioning and Refrigeration Examiners proposes to revise its regulations. The proposed change to subsection 2.2.2 clarifies that plumbing applicants who fail a qualifying exam three times must wait at least a year to apply for any type of plumbing license, and the proposed change to subsection 3.1.6 clarifies that HVACR applicants who fail a qualifying exam three times must wait at least a year to apply for any type of HVACR license.

The Board will hold a public hearing on the proposed regulation changes on January 13, 2026, at 8:30 a.m. in the second-floor conference room A of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware and virtually. The virtual link will be published on the meeting agenda at least seven days prior to the hearing. Written comments

should be sent to Stacey Sadler, Administrator of the Delaware Board of Plumbing, Heating, Ventilation, Air Conditioning and Refrigeration Examiners, 861 Silver Lake Boulevard, Dover, Delaware 19904. In accordance with [29 Del.C. §10118\(a\)](#), the final date to receive written comments will be January 28, 2026. The Board will deliberate on the public comments at a regularly scheduled meeting thereafter.

***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/december2025/proposed/29 DE Reg 505aRFA 12-01-25.pdf>

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

(Break in Continuity of Sections)

2.0 Plumbing Licensing Requirements

(Break in Continuity Within Section)

2.2 Licensure by Examination

2.2.1 The exam will be offered 4 times per year, once quarterly. No applicant shall be permitted to sit for the exam until the applicant has completed the pre-examination requirements of subsection 2.1 and received the Board's approval to take the exam.

2.2.2 Reexamination. Applicants who do not earn a passing score on the plumbing exam may retake it 2 additional times, at the next regularly scheduled administrations, without further Board approval. An applicant who does not pass the exam after 3 attempts must reapply to the Board for permission to retake the exam. Such applicants may not reapply until 1 year has passed from the date the applicant last took the exam. An applicant who fails an exam 3 times must wait at least 1 year from the date of the third failure to reapply for any type of plumbing license.

2.3 Licensure by Reciprocity. An applicant under this section must demonstrate that the standards for licensure of the state through which the applicant seeks reciprocity are equivalent to those of this State. Applicants must provide that state's laws and regulations governing licensure to the Board.

3.0 HVACR Licensure Requirements

3.1 Licensure by Examination. All applicants must submit complete applications. Only complete applications will be considered by the Board. Successful applicants must:

(Break in Continuity Within Section)

3.1.6 Reexamination. Applicants who do not pass the HVACR exam may retake it at the next 2 regularly scheduled administrations without further Board approval. An applicant who does not pass the exam after these 3 attempts may reapply for licensure but not until 1 year after the date of the third exam. An applicant who fails an exam 3 times must wait at least 1 year from the date of the third failure to reapply for any type of HVACR license.

3.2 Licensure by Reciprocity. An applicant for licensure by reciprocity must demonstrate that the standards for licensure of the state through which the applicant seeks reciprocity are equivalent to those of this State. Applicants must provide that state's HVACR licensure or certification laws and regulations to the Board.

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

<https://regulations.delaware.gov/register/december2025/proposed/29 DE Reg 505a 12-01-25>

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

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

PROPOSED

PUBLIC NOTICE

3500 Board of Examiners of Psychologists

The Delaware Board of Examiners of Psychologists, pursuant to 24 **Del.C.** § 3506(a)(1), proposes to amend its regulations to allow the Board to waive the requirement that an applicant's supervisor never have been subject to discipline. Specifically, the Board proposes to amend subsection 9.2.1 to allow the Board to waive this prohibition upon a showing of just cause.

The Board will hold a public hearing on January 5, 2026, at 9:00 a.m. both virtually and in the Second Floor Conference Room B, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. The virtual link will be published on the meeting agenda at least seven days prior to the hearing. Written comments should be sent to Maya Echols, Administrator of the Delaware Board of Examiners of Psychologists, Cannon Building, 861 Silver Lake Blvd, Suite 203, Dover, DE 19904. Written comments will be accepted until January 20, 2026.

***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/december2025/proposed/29 DE Reg 507RFA 12-01-25.pdf>

3500 Board of Examiners of Psychologists

(Break in Continuity of Sections)

9.0 Psychological Assistants

- 9.1 A psychological assistant is a person who is registered with the Board to perform certain functions within the practice of psychology, only under the direct supervision of a supervising psychologist, and who is authorized by the Board to use the title "psychological assistant".
- 9.2 Psychological assistants are supervised, directed, and evaluated by a Delaware licensed psychologist who assumes professional and legal responsibility for the services provided.
- 9.2.1 A psychologist providing supervision of psychological assistants must have been in practice for 2 years post licensure in this or any other jurisdiction without having been subject to any disciplinary actions. The Board reserves the right to waive this requirement for just cause. The supervisor must provide 24-hour availability to both the supervisee and the supervisee's clients or ensure that adequate alternative coverage is provided in the supervisor's absence. The supervising psychologist shall have sufficient knowledge of all clients including face-to-face contact when necessary and must be employed or under contract in the setting where the clinical service takes place and the supervision must occur within that setting. The supervisor may not supervise more than 7 psychological assistants at any time.
- 9.2.2 It is the responsibility of the supervising psychologist in conjunction with the psychological assistant to diagnose and form treatment plans for patients seen by the psychological assistant and to file such plan in the patient or client's chart.
- 9.2.3 The patient or client must be informed that services are being delivered by a psychological assistant and that the licensed psychologist is responsible for the treatment.
- 9.2.4 The patient or client shall sign a statement of informed consent attesting that he/she understands that the services are being delivered by a psychological assistant and that the licensed psychologist is ultimately responsible for the treatment. This document shall include the supervising psychologist's name and the telephone number where the supervisor can be reached. One copy shall be filed with the patient or client's record and another given to the patient.

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

<https://regulations.delaware.gov/register/december2025/proposed/29 DE Reg 507 12-01-25>

Symbol Key

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

Final Regulations

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

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

DELAWARE STATE FIRE PREVENTION COMMISSION

DELAWARE STATE FIRE PREVENTION COMMISSION

Statutory Authority: 16 Delaware Code, Section 6604(1) (16 **Del.C.** §6604(1))

1 **DE Admin. Code** 701

FINAL

ORDER

701 Administration and Enforcement

In the May 2025 issue of the *Delaware Register of Regulations*, the Delaware State Fire Prevention Commission, pursuant to 16 *Del. C.* § 6604(1), published proposed amendments to revise Commission Regulation, 701 Administration and Enforcement (“Regulation 701”) to clean up exceptions and notes that have now been incorporated into the regulation as subsections, and to clean up the order of events through the regulation to align with the order in which the events occur.

Collectively, the proposed changes to this regulation included many non-substantive changes, some to alter style and form and to correct technical and spelling errors, and other changes. The substantive changes include the addition or revision of defined terms for better clarity and updated references to the applicable NFPA Codes and Standards, with changes, additions, or deletions, as appropriate.

The proposed amendments to the above regulation were published in the *Delaware Register of Regulations* on May 1, 2025 ([28 DE Reg. 782 \(05/01/25\)](#)). A written comment period was held open for thirty days, through June 6, 2025.

A public hearing was held on May 21, 2025.

Summary of the Evidence and Information Submitted

At the hearing, the State Fire Marshal, and Commission staff heard comments from two members of the public with requests to consider adding additional regulations. The Fire Marshal advised that certain changes require legislative

action first, and that the Commission would revisit the recommendation if there were any such changes in the Delaware Code; the Fire Marshal also declined to include revisions based on the suggestion to extend the Technical Interim Amendment (TIA) exception for HVAC equipment, advising that it was likely unnecessary because the Commission expected to adopt an updated version of the NFPA code section prior to the expiration of the TIA. After hearing the public's comments, the Commission voted unanimously to approve the proposed changes without any further revisions beyond the change in effective date.

The written comment period expired on June 6, 2025; however, the only written comment received by the Commission was submitted by the City of Newark on June 9, 2025. Despite its late submission, the Commission considered the comments received and during the Commission's Regular Monthly Meeting on July 15, 2025, the Fire Marshal advised that the specific comments offered were more appropriately directed to a different regulation and would be addressed accordingly when the Commission considers revisions to that regulation.

Findings of Fact and Conclusions

The proposed revision to Regulation 701 includes a substantial portion of the existing regulation being reorganized and incorporated into other regulations. Thus, not all public comments received during the comment period speak directly to Regulation 701. Nonetheless, the Commission considered all submitted comments and determined that no further revisions to the published proposed amendments were necessary or appropriate. Pursuant to discussions held during open public Commission meetings, the Commission voted to approve the regulation changes as proposed with only a change to the effective date.

Statement of Climate Impact

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

Decision of the Commission

Therefore, the Commission hereby adopts the proposed amendments to Regulation 701 published in the May 1, 2025, issue of the *Delaware Register of Regulations* as final, with the effective date change, deletions, and other non-substantive changes set forth in this Order.

THESE AMENDMENTS SHALL BECOME EFFECTIVE January 1, 2026.
IT IS SO ORDERED, this 16th day of July 2025, by the Delaware State Fire Prevention Commission:

/s/ Ronald Marvel, Chairman
/s/ Lynn Truitt
/s/ Joseph J. Leonetti, Sr.
/s/ Jeffrey Eisenbrey

/s/ William Kelly, Vice-Chairman
/s/ J. David Majewski, Sr.
/s/ Ron O'Neal

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

701 Administration and Enforcement

(Break in Continuity of Sections)

1.0 Adoption and Administration of Regulations

1.1 Adoption

1.1.1 Pursuant to [16 Del.C. §6604\(1\)](#), the State Fire Prevention Commission hereby promulgates this regulation which shall have the force and effect of law in the counties, cities, and political sub-divisions of this State.

1.1.2 Whenever the provisions of any county, city, or local regulation or ordinance are more stringent or impose higher standards than are required by this regulation, the provisions of such county, city, or local regulation or ordinance shall govern, provided they are not inconsistent with this regulation and are not contrary to recognized standards and good engineering practices.

1.2 Effective Date. This regulation will become effective ~~[November 3, 2025.]~~ **January 1, 2026.]**

***Please note that no additional changes were made to the regulation as originally proposed and published in the May 2025 issue of the *Register* at page 782 (28 DE Reg. 782). Therefore, the final regulation is not being republished here in its entirety. A copy of the final regulation is available at:**

<https://regulations.delaware.gov/register/december2025/final/29> DE Reg 509 12-01-25

DELAWARE STATE FIRE PREVENTION COMMISSION

Statutory Authority: 16 Delaware Code, Section 6604(1) (16 Del.C. §6604(1))

FINAL

ORDER

701A Permits and Submissions

In the May 2025 issue of the *Delaware Register of Regulations*, the Delaware State Fire Prevention Commission, pursuant to 16 Del. C. § 6604(1), published proposed regulation 701A Permits and Submissions (“Regulation 701A”). Regulation 701A contains a portion of **1 DE Admin. Code 701** that has existed for many years but is being moved to a new regulation to assist in the administration of the regulations, to clean up exceptions and notes that have now been incorporated into the regulation as subsections, and to clean up the order of events through the regulation to align with the order in which the events occur. Collectively, the proposed changes to this regulation included many non-substantive changes, some to alter style and form and to correct technical and spelling errors, and other changes.

The proposed regulation was published in the *Delaware Register of Regulations* on May 1, 2025 (**28 DE Reg. 783 (05/01/25)**). A written comment period was held open for thirty days, through June 6, 2025.

A public hearing was held on May 21, 2025.

Summary of the Evidence and Information Submitted

At the hearing, the State Fire Marshal, and Commission staff heard comments from two members of the public with requests to consider adding additional regulations. The Fire Marshal advised that certain changes require legislative action first, and that the Commission would revisit the recommendation if there were any such changes in the Delaware Code; the Fire Marshal also declined to include revisions based on the suggestion to extend the Technical Interim Amendment (TIA) exception for HVAC equipment, advising that it was likely unnecessary because the Commission expected to adopt an updated version of the NFPA code section prior to the expiration of the TIA. After hearing the public’s comments, the Commission voted unanimously to approve the proposed regulation without any further revisions.

The written comment period expired on June 6, 2025; however, the only written comment received by the Commission was submitted by the City of Newark on June 9, 2025. Despite its late submission, the Commission considered the comments received and during the Commission’s Regular Monthly Meeting on July 15, 2025, the Fire Marshal advised that the specific comments offered were more appropriately directed to a different regulation and would be addressed accordingly when the Commission considers revisions to that regulation.

Findings of Fact and Conclusions

Regulation 701A includes a portion of the existing regulation at **1 DE Admin. Code 701**, which has been reorganized and incorporated into this regulation. The public comments received during the comment period do not speak directly to this regulation. Nonetheless, the Commission considered all submitted comments and determined that no further revisions to the published proposed Regulation 701A were necessary or appropriate. Pursuant to discussions held during open public Commission meetings, the Commission voted to approve Regulation 701A as proposed.

FINAL REGULATIONS

Statement of Climate Impact

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

Decision of the Commission

Therefore, the Commission hereby adopts the proposed Regulation 701A published in the May 1, 2025, issue of the *Delaware Register of Regulations* as final, with the deletions and other non-substantive changes set forth in this Order.

THESE AMENDMENTS SHALL BECOME EFFECTIVE JANUARY 1, 2026.

IT IS SO ORDERED, this 16th day of July 2025, by the Delaware State Fire Prevention Commission:

/s/ Ronald Marvel, Chairman

/s/ William Kelly, Vice-Chairman

/s/ Lynn Truitt

/s/ J. David Majewski, Sr.

/s/ Joseph J. Leonetti, Sr.

/s/ Ron O'Neal

/s/ Jeffrey Eisenbrey

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

<https://regulations.delaware.gov/register/december2025/final/29 DE Reg 511 12-01-25>

DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 1049B (14 Del.C. §1049B)
14 DE Admin. Code 210

FINAL

ORDER

210 District and Charter School Board Member Special Education Due Process Hearing Training

I. Summary of the Evidence and Information Submitted

Pursuant to 14 Del.C. §1049B, the Delaware Department of Education ("Department") developed amendments to 14 DE Admin. Code 210 District and Charter School Board Member Special Education Due Process Hearing Training. The Department reviewed this regulation in compliance with 29 Del.C. §10407 which requires regulations to be reviewed on a recurring basis every four years. The Department made minor changes to the regulation to comply with the *Delaware Administrative Code Drafting and Style Manual*.

Notice of the proposed regulation was published in the Register of Regulations on September 1, 2025. The Department did not receive any written submittals concerning the proposed regulation.

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

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

III. Findings of Facts

The Department finds that minimal amendments to [14 DE Admin. Code 210](#) District and Charter School Board Member Special Education Due Process Hearing Training are necessary to implement and enforce [14 Del.C. §§109B](#). The Department finds that it is appropriate to amend [14 DE Admin. Code 210](#) District and Charter School Board Member Special Education Due Process Hearing Training as included in the proposed regulation.

IV. Decision to AMEND the Regulation

For the foregoing reasons, the Department concludes that it is appropriate to minimally amend [14 DE Admin. Code 210](#) District and Charter School Board Member Special Education Due Process Hearing Training as was included in the proposed regulation to conform with the *Delaware Administrative Code Drafting and Style Manual*. Therefore, pursuant to [14 Del.C. §1049B](#), [14 DE Admin. Code 210](#) District and Charter School Board Member Special Education Due Process Hearing Training has been amended.

V. Text and Citation

The text of [14 DE Admin. Code 210](#) District and Charter School Board Member Special Education Due Process Hearing Training is amended and said regulation shall be cited as [14 DE Admin. Code 210](#) District and Charter School Board Member Special Education Due Process Hearing Training 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 14th day of November 2025

Department of Education
Cynthia Marten, Secretary of Education

*Please note that no changes were made to the regulation as originally proposed and published in the September 2025 issue of the *Register* at page 171 (29 DE Reg. 171). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:

<https://regulations.delaware.gov/register/december2025/final/29 DE Reg 512 12-01-25>

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Sections 3110(d) and 3101 (14 Del.C. §§3110(d) & 3101)
[14 DE Admin. Code 211](#)

FINAL

ORDER

211 Notice to District and Charter School Boards of Due Process Hearings

I. Summary of the Evidence and Information Submitted

Pursuant to [14 Del.C. §§3110\(d\) and 3101](#)), the Delaware Department of Education (“Department”) developed amendments to [14 DE Admin. Code 211](#) Notice to District and Charter School Boards of Due Process Hearings. 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 to comply with the *Delaware Administrative Code Drafting and Style Manual*.

Notice of the proposed regulation was published in the Register of Regulations on September 1, 2025. The Department did not receive any written submittals concerning the proposed regulation.

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

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

III. Findings of Facts

The Department finds that minimal amendments to 14 DE Admin. Code 211 Notice to District and Charter School Boards of Due Process Hearings are necessary to implement and enforce 14 Del.C. §§3110(d) and 3101. The Department finds that it is appropriate to amend 14 DE Admin. Code 211 Notice to District and Charter School Boards of Due Process Hearings as included in the proposed regulation.

IV. Decision to AMEND the Regulation

For the foregoing reasons, the Department concludes that it is appropriate to minimally amend 14 DE Admin. Code 211 Notice to District and Charter School Boards of Due Process Hearings as was included in the proposed regulation to conform with the *Delaware Administrative Code Drafting and Style Manual*. Therefore, pursuant to 14 Del.C. § 3110(d) and 3101, 14 DE Admin. Code 211 Notice to District and Charter School Boards of Due Process Hearings has been amended.

V. Text and Citation

The text of 14 DE Admin. Code 211 Notice to District and Charter School Boards of Due Process Hearings is amended and said regulation shall be cited as 14 DE Admin. Code 211 Notice to District and Charter School Boards of Due Process Hearings 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 14th day of November 2025

Department of Education
Cynthia Marten, Secretary of Education

*Please note that no changes were made to the regulation as originally proposed and published in the September 2025 issue of the *Register* at page 173 (29 DE Reg. 173). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:

<https://regulations.delaware.gov/register/december2025/final/29 DE Reg 513 12-01-25>

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 4111 (14 Del.C. §4111)
14 DE Admin. Code 251

FINAL

ORDER

251 Family Educational Rights and Privacy Act (FERPA)

I. Summary of the Evidence and Information Submitted

Pursuant to 14 Del.C. §4111, the Delaware Department of Education ("Department") developed amendments to 14 DE Admin. Code 251 Family Educational Rights and Privacy Act. The Department made minor changes to the regulation as well as amended to comply with the *Delaware Administrative Code Drafting and Style Manual*.

Notice of the proposed regulation was published in the Register of Regulations on October 1, 2025. The Department did not receive any written submittals concerning the proposed regulation.

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

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

III. Findings of Facts

The Department finds that minimal amendments to [14 DE Admin. Code 251](#) Family Educational Rights and Privacy Act are necessary to implement and enforce 14 Del.C. §4111. Accordingly, the Department finds that it is appropriate that minimal amendments to [14 DE Admin. Code 251](#) Family Educational Rights and Privacy Act are needed 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 minimally amend [14 DE Admin. Code 251](#) Family Educational Rights and Privacy Act and to conform with the *Delaware Administrative Code Drafting and Style Manual*. Therefore, pursuant to [14 Del.C. §4111](#), [14 DE Admin. Code 251](#) Family Educational Rights and Privacy Act is amended.

V. Text and Citation

The text of [14 DE Admin. Code 251](#) Family Educational Rights and Privacy Act is amended and said regulation shall be cited as [14 DE Admin. Code 251](#) Family Educational Rights and Privacy Act 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 14th day of November 2025

Department of Education
Cynthia Marten, Secretary of Education

***Please note that no changes were made to the regulation as originally proposed and published in the October 2025 issue of the *Register* at page 251 (29 DE Reg. 251). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

<https://regulations.delaware.gov/register/december2025/final/29 DE Reg 514 12-01-25>

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 2005 (14 Del.C. §2005)
14 DE Admin. Code 410

FINAL

ORDER

410 Satellite School Agreements

I. Summary of the Evidence and Information Submitted

Pursuant to [14 Del.C. §2005](#), the Delaware Department of Education (“Department”) developed amendments to [14 DE Admin. Code 410](#) Satellite School Agreements. The Department made changes to several sections in this regulation as well as amended to comply with the *Delaware Administrative Code Drafting and Style Manual*.

Notice of the proposed regulation was published in the Register of Regulations on October 1, 2025. The Department did not receive any written submittals concerning the proposed regulation.

FINAL REGULATIONS

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 410 Satellite School Agreements are necessary to implement and enforce 14 Del.C. §2005. Accordingly, the Department finds that it is appropriate to amend 14 DE Admin. Code 410 Satellite Agreements 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 410 Satellite School Agreements and to conform with the *Delaware Administrative Code Drafting and Style Manual*. Therefore, pursuant to 14 Del.C. §2005, 14 DE Admin. Code 410 Satellite School Agreements is amended.

V. Text and Citation

The text of 14 DE Admin. Code 410 Satellite School Agreements is amended, and said regulation shall be cited as 14 DE Admin. Code 410 Satellite School Agreements 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 14th day of November 2025

Department of Education
Cynthia Marten, Secretary of Education

*Please note that no changes were made to the regulation as originally proposed and published in the October 2025 issue of the *Register* at page 253 (29 DE Reg. 253). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:

<https://regulations.delaware.gov/register/december2025/final/29 DE Reg 515 12-01-25>

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 122(b) (14 Del.C. §122(b))
14 DE Admin. Code 731

FINAL

ORDER

731 School Food Service Employees

I. Summary of the Evidence and Information Submitted

Pursuant to 14 Del.C. §122(b), the Delaware Department of Education ("Department") developed amendments to 14 DE Admin. Code 731 School Food Service Employees. The Department made minor changes to the regulation as well as amended to comply with the *Delaware Administrative Code Drafting and Style Manual*.

Notice of the proposed regulation was published in the Register of Regulations on October 1, 2025. The Department did not receive any written submittals concerning the proposed regulation.

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

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

III. Findings of Facts

The Department finds that minimal amendments to **14 DE Admin. Code 731** School Food Service Employees are necessary to implement and enforce **14 Del.C. §122(b)**. Accordingly, the Department finds that it is appropriate that minimal amendments to **14 DE Admin. Code 731** School Food Service Employees are needed 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 minimally amend **14 DE Admin. Code 731** School Food Service Employees and to conform with the *Delaware Administrative Code Drafting and Style Manual*. Therefore, pursuant to **14 Del.C. §122(b)**, **14 DE Admin. Code 731** School Food Service Employees is amended.

V. Text and Citation

The text of **14 DE Admin. Code 731** School Food Service Employees is amended and said regulation shall be cited as **14 DE Admin. Code 731** School Food Service Employees 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 14th day of November 2025

Department of Education
Cynthia Marten, Secretary of Education

***Please note that no changes were made to the regulation as originally proposed and published in the October 2025 issue of the Register at page 257 (29 DE Reg. 257). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

<https://regulations.delaware.gov/register/december2025/final/29 DE Reg 516 12-01-25>

**OFFICE OF THE SECRETARY
DIAA**

Statutory Authority: 14 Delaware Code, Section 303 (14 Del.C. §303)
14 DE Admin. Code 1040

FINAL

ORDER

1040 Out-of-Season and Summer Athletic Activities and Contact

I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

Pursuant to **14 Del.C. § 303**, the Delaware Interscholastic Athletic Association Board of Directors ("Board") proposes amendments to **14 DE Admin. Code 1040** Out-of-Season and Summer Athletic Activities and Contact. The proposed amendments clarify the number of returning student athletes to whom a coach may provide instruction during non-school athletic activities, programs, travel programs, clubs, or teams. Other grammar and style changes were made to comply with the *Delaware Administrative Code Drafting and Style Manual*.

Notice of the proposed regulation was published in the *Register of Regulations* on October 1, 2025. No comments were submitted in response to proposed changes.

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

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

FINAL REGULATIONS

III. FINDINGS OF FACTS

The DIAA Board found that because there were no written public comments submitted, there was no basis to make any changes to the proposed regulation and voted to amend **14 DE Admin. Code** 1040 Out-of-Season and Summer Athletic Activities and Contact as proposed.

IV. DECISION TO AMEND THE REGULATION

For the foregoing reasons, the Board concludes that it is appropriate to amend **14 DE Admin. Code** 1040 Out-of-Season and Summer Athletic Activities and Contact. Therefore, pursuant to **14 Del.C. § 303(b)(1)**, **14 DE Admin. Code** 1040 Out-of-Season and Summer Athletic Activities and Contact, attached hereto as Exhibit A, is hereby amended.

V. TEXT AND CITATION

The text of **14 DE Admin. Code** 1040 Out-of-Season and Summer Athletic Activities and Contact amended hereby shall be in the form attached hereto as Exhibit A and said regulation shall be cited as **14 DE Admin. Code** 1040 Out-of-Season and Summer Athletic Activities and Contact 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 November 2025.

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

/s/ Dorrell Green
Dorrell Green, Vice Chairperson

/s/ Amber Hickman-Taylor
Amber Hickman-Taylor

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

/s/ Trisha Stiles
Trisha Stiles

/s/ Chad Jones
Chad Jones

/s/ Freeman Williams
Freeman Williams, III

/s/ Kristin DiGregory
Kristin DiGregory

/s/ Jason Bastianelli
Jason Bastianelli

/s/ Kathleen Kenney
Kathleen Kenney

/s/ Von Homer
Von Homer

/s/ William Schultz
William Schultz

(absent)
Clarence Armstrong

/s/ Lauren DiSabitino
Lauren DiSabitino

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

*Please note that no changes were made to the regulation as originally proposed and published in the October 2025 issue of the *Register* at page 259 (29 DE Reg. 259). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:

<https://regulations.delaware.gov/register/december2025/final/29 DE Reg 517 12-01-25>

PROFESSIONAL STANDARDS BOARD

Statutory Authority: 14 Delaware Code, Sections 1203, 1205(b), and 1220 (14 Del.C. §§1203, 1205(b) & 1220)
14 DE Admin. Code 1510

FINAL

ORDER

1510 Initial License

I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

Pursuant to 14 Del.C. §§1203, 1205(b), and 1220, the Professional Standards Board (“Board”), acting in consultation and cooperation with the Delaware Department of Education (“Department”), developed amendments to 14 DE Admin. Code 1510 Initial License. The regulation concerns the requirements for issuance and retention of an educator’s Initial License. The proposed amendments include adding subsection 3.3, which concerns deficient applications after 90 days, the renumbering of subsections in Section 4.0, adding requirements in Section 12.0, and clarifying employment requirements in subsection 15.1.1. The proposed amendments include grammatical and style changes to comply with the *Delaware Administrative Code Drafting and Style Manual*.

Notice of the proposed regulation was published in the *Register of Regulations* on September 1, 2025. The Professional Standards Board received two written submissions from the public. Susannah Eaton-Ryan, chairperson of the State Council of Persons with Disabilities, and William H. Doolittle, chairperson of the Governor’s Advisory Council for Exceptional Citizens both commented that their respective councils support the proposed amendments that they provide a means for educators employed by an agency to deliver services in Delaware schools and undergo initial professional development.

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 October 9, 2025, the Professional Standards Board considered the written submittal. The Board determined not to make any changes as a result of the written submittal and voted to propose 14 DE Admin. Code 1510 Initial License 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 1510 Initial License.

IV. DECISION TO AMEND THE REGULATION

For the foregoing reasons, the Department concludes that it is appropriate to amend 14 DE Admin. Code 1510 Initial License subject to the State Board of Education’s approval. On October 16, 2025, the State Board of Education approved amending 14 DE Admin. Code 1510 Initial License. Therefore, pursuant to 14 Del.C. §§1203, 1205(b), and 1220, 14 DE Admin. Code 1510 Initial License is hereby amended.

V. TEXT AND CITATION

The text of 14 DE Admin. Code 1510 Initial License amended hereby said regulation shall be cited as 14 DE Admin. Code 1510 Initial License 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 16th day of October, 2025.

Department of Education
Cynthia Marten, Secretary of Education

FINAL REGULATIONS

Approved this 16th day of October, 2025.

State Board of Education

/s/ Shawn Brittingham

Shawn Brittingham, President

/s/ Deborah Stevens

Deborah Stevens, Vice President

/s/ Meredith L. Griffin, Jr.

Meredith L. Griffin, Jr.

/s/ Rajalakshmi Lodhavia

Rajalakshmi Lodhavia

(Absent)

Rev. Provey Powell, Jr.

/s/ James L. Simmons III

James L. Simmons III

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

***Please note that no changes were made to the regulation as originally proposed and published in the September 2025 issue of the *Register* at page 180 (29 DE Reg. 180). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

<https://regulations.delaware.gov/register/december2025/final/29 DE Reg 519 12-01-25>

PROFESSIONAL STANDARDS BOARD

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

14 DE Admin. Code 1534

FINAL

ORDER

1534 Middle Level Social Studies Teacher

I. SUMMARY OF THE EVIDENCE AND INFORMATION SUBMITTED

Pursuant to [14 Del.C. §§1203, 1205\(b\), and 1220](#), the Professional Standards Board ("Board"), acting in consultation and cooperation with the Delaware Department of Education ("Department"), developed amendments to [14 DE Admin. Code 1534](#) Middle Level Social Studies Teacher. The regulation concerns the requirements for a Middle Level Social Studies Teacher in accordance with [14 Del.C. §1220](#). The proposed amendments include adding Praxis requirements and scores in subsection 4.1.2 and clarifying Section 6.0. The proposed amendments include grammatical and style changes to comply with the *Delaware Administrative Code Drafting and Style Manual*.

Notice of the proposed regulation was published in the *Register of Regulations* on September 1, 2025. 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 October 9, 2025, the Professional Standards Board voted to propose [14 DE Admin. Code 1534](#) Middle Level Social Studies 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 1534](#) Middle Level Social Studies Teacher.

IV. DECISION TO AMEND THE REGULATION

For the foregoing reasons, the Department concludes that it is appropriate to amend [14 DE Admin. Code 1534](#) Middle Level Social Studies Teacher subject to the State Board of Education's approval. On October 16, 2025, the State Board of Education approved amending [14 DE Admin. Code 1534](#) Middle Level Social Studies Teacher. Therefore, pursuant to [14 Del.C. §§1203, 1205\(b\), and 1220](#), [14 DE Admin. Code 1534](#) Middle Level Social Studies Teacher is hereby amended.

V. TEXT AND CITATION

The text of [14 DE Admin. Code 1534](#) Middle Level Social Studies Teacher amended hereby shall be in the form attached hereto as Exhibit A and said regulation shall be cited as [14 DE Admin. Code 1534](#) Middle Level Social Studies 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 16th day of October, 2025.

Department of Education

Cynthia Marten, Secretary of Education

Approved this 16th day of October, 2025.

State Board of Education

/s/ Shawn Brittingham

Shawn Brittingham, President

/s/ Deborah Stevens

Deborah Stevens, Vice President

/s/ Meredith L. Griffin, Jr.

Meredith L. Griffin, Jr.

/s/ Rajalakshmi Lodhavia

Rajalakshmi Lodhavia

(Absent)

Rev. Provey Powell, Jr.

/s/ James L. Simmons III

James L. Simmons III

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

*Please note that no changes were made to the regulation as originally proposed and published in the September 2025 issue of the *Register* at page 182 (29 DE Reg. 182). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:

<https://regulations.delaware.gov/register/december2025/final/29 DE Reg 520 12-01-25>

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

FINAL

ORDER

Doula Services

NATURE OF THE PROCEEDINGS:

Delaware Health and Social Services (“Department”) / Division of Medicaid and Medical Assistance initiated proceedings to amend Title XIX Medicaid State Plan regarding Doula Services, specifically, to provide additional postpartum visits with a recommendation by a practitioner or clinician licensed under Title 24 acting within their scope of practice. The Department’s proceedings to amend its regulations were initiated pursuant to 29 Del.C. §10114 and its authority as prescribed by 31 Del.C. §512.

The Department published its notice of proposed regulation changes pursuant to 29 Del. C. §10115 in the April 2025 *Delaware Register of Regulations*, requiring written materials and suggestions from the public concerning the proposed regulations to be produced by May 1, 2025, at which time the Department would receive information, factual evidence and public comment to the said proposed changes to the regulations.

SUMMARY OF PROPOSAL

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

Background

Effective January 1, 2024, Delaware updated the State Plan to provide doula services for pregnant individuals during pregnancy, childbirth, and the postpartum period. Community based doulas are non-medical professionals who provide emotional, physical, and informational support and guidance in different aspects of reproductive health. Doulas do not provide medical care and do not replace medical providers. Rather, doulas provide additional non-medical support in places and at times where medical providers cannot or do not. Doulas typically come from the same community as the pregnant and postpartum individuals they serve. Service components include Perinatal support services, Labor support, Postpartum support services, and coordination with community-based services, to improve beneficiary outcomes.

Statutory Authority

- 42 CFR 440.130 (c), Diagnostic, screening, preventative, and rehabilitative services
- 42 CFR 440.170, Any other medical care or remedial care recognized under State law and specified by the Secretary
- 42 CFR 447, Payments for services

Purpose

The purpose of this regulation is to provide additional postpartum visits with a recommendation by a practitioner or clinician licensed under Title 24 acting within their scope of practice.

Summary of Proposed Changes

Effective April 1, 2025, the DHSS/DMMA proposes to amend Title XIX Medicaid State Plan to clarify doula services.

Public Notice

In accordance with the *federal* public notice requirements established at Section 1902(a)(13)(A) of the Social Security Act and 42 CFR 440.386 and the *state* public notice requirements of Title 29, Chapter 101 of the **Delaware Code**, DHSS/DMMA gave public notice and provided an open comment period for 30 days to allow all stakeholders an opportunity to provide input on the proposed regulation. Comments were to have been received by 4:30 p.m. on May 1, 2025.

Centers for Medicare and Medicaid Services Review and Approval

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

Provider Manuals and Communications Update

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

Fiscal Impact Statement

	Federal Fiscal Year 2025	Federal Fiscal Year 2026
General (State) funds	\$32,642	\$33,581
Federal funds	\$49,269	\$49,149

Summary of Comments Received with Agency Response and Explanation of Changes

Comment: Who will determine the number of follow up doula visits needed since referral by a physician/clinician isn't required?

Agency Response: The five additional visits (HB345) do require a recommendation from a licensed practitioner or clinician - a form has been drafted for use.

Comment: Who does the doula report to if a concern/ problem is noted since no referral is required?

Agency Response: The doulas work with the MCO the member is enrolled and will discuss with them any concerns or problems that may come up. Not sure of the "referral" they are speaking of here.

Comment: Who will be held accountable if a problem is missed by a doula and harm or injury results?

Agency Response: The doula is a non-medical person who provides continuous physical, emotional, and informational support to a birthing person before, during, and after childbirth. They are not medical professionals, but they offer comfort measures, reassurance, and guidance to help the birthing person achieve a positive and safe birth experience. One of the requirements of Medicaid enrolled doulas is that they are required to possess/maintain liability insurance.

Comment: Why is doula coverage for miscarriage and pregnancy loss restricted to those women who have already engaged with a doula in the pre-natal period. Also, we would like to inquire about the possibility of requiring additional training for doulas regarding support to women who have experienced pregnancy loss since it does not appear that this content is included in the current 16-hour training requirements.

Agency Response: The doula benefit was designed to ensure pregnant women were supported during that prenatal period as well as, at the birth, and postpartum. In discussions with the doula stakeholders who helped build this benefit, it was determined that one prenatal visit prior to the birth event should be required. This was designed to demonstrate support for the role of the doula during the prenatal period and aligns with research on the cost-effectiveness of doula support to lower NICU stays and increased breast feeding. Further, there were some concerns among the doulas that without this requirement the benefit may risk being provided at the birth only and not meet the initial intent. When the discussions took place to consider additional support for women who have lost a pregnancy, language was added to provide clarity for the services available but in support of the initial benefit design.

Additionally, there has been discussion to explore a separate doula benefit that may support postpartum and/or women who have lost a pregnancy. However, a postpartum only benefit may overlap with other Medicaid benefits, and therefore conflict with Federal Medicaid Rule. Due to this complication, it was determined to start initially with the full suite doula benefit. As the doula benefit currently supports the full suite of services it requires that doulas are certified to support a member through prenatal, birth, and postpartum. Doulas may add additional training to support a mother through a pregnancy loss, but it is not currently required as part of Delaware Medicaid doula certification.

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

- The Medical Society of Delaware
- Governor's Advisory Council for Exceptional Citizens (GACEC)

FINAL REGULATIONS

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

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

FINDINGS OF FACT:

The Department finds that the proposed changes as set forth in the April 2025 *Register of Regulations* should be adopted with additions. The Department finds that the proposed does not require further public notice or comment under the APA because the amendments are non-substantive pursuant to 29 Del.C. §10118(c).

THEREFORE, IT IS ORDERED, that the proposed regulation to amend Title XIX Medicaid State Plan regarding Doula Services, specifically, to provide additional postpartum visits with a recommendation by a practitioner or clinician licensed under Title 24 acting within their scope of practice is adopted and shall be final effective December 11, 2025.

10/28/2025 | 1:23 PM EDT

Date of Signature

Christen Linke Young, Secretary, DHSS

Doula Services

Attachment 3.1-A
Page 6 Addendum 11

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT STATE/TERRITORY: **DELAWARE**

LIMITATIONS ON AMOUNT, DURATION AND SCOPE OF MEDICAL AND REMEDIAL CARE AND SERVICES PROVIDED TO THE CATEGORICALLY NEEDY

13c. Preventive Services Continued

Doula Services

1. Doulas are non-medical professionals who provide emotional, physical, and informational support and guidance during key events related to the prenatal, birth, and postpartum periods. Doula services are recommended by a physician or OLP.

Delaware Medicaid doula benefit is coverage for doula support in the perinatal period, including prenatal support, labor and delivery support, and postpartum support. ~~[Visits are Each visit is]~~ ninety (90) minutes (home or virtual). The scope of the Medicaid doula benefit is to provide doula support to Medicaid members that include:

- Maximum of three (3) prenatal visits and minimum of one (1) prenatal visit
- Maximum of three (3) postpartum visits (must be completed within 90 days of delivery date) without [licensed provider recommendation form the Additional Postpartum Doula Visit Form signed by a licensed provider]
- An addition of five (5) postpartum visits (must be completed within 180 days of delivery date) [for now, and] a maximum of eight (8) total postpartum visits with the Additional Postpartum Doula Visit Form signed by a licensed provider
- Labor/birth attendance
- Maximum of three (3) postpartum visits may be provided following the loss of a pregnancy; however, one (1) prenatal doula visit must have been conducted to qualify for postpartum doula visits

New Doulas

EDUCATION/TRAINING

A minimum of 16 total hours of birth and labor doula education which includes: Lactation support, childbirth education, nonmedical comfort measures, prenatal support, labor support techniques, and postpartum support. Documentation of

current CPR certification; certificate(s) must include competencies for adults and infants.

Documentation of HIPAA training: 1 hour

EXPERIENCE

Documentation of a total of three (3) births, of which one (1) the applicant is the primary doula providing labor support to the client within last three (3) years.

Experienced Doulas - Legacy Period

EDUCATION/TRAINING

Documentation of current CPR certification; certificate(s) must include competencies for adults and infants.

Documentation of HIPAA training: 1 hour

*There is no time limit on when the education/training was received. All education/training must be documented.

EXPERIENCE

A minimum of 15 clients, nine (9) births attended within the last three (3) years.

*Acceptable documentation of experience includes copies of client contractor client evaluations. All documentation must include the date of services.

CLIENT AND PROFESSIONAL RECOMMENDATIONS

Total of two (2) evaluations from any of the following: a physician, licensed behavioral health provider, nurse practitioner, nurse midwife, licensed midwife, enrolled doula, or community-based organization.

STATEMENT OF LIVED EXPERIENCE

Submission of an essay on lived experience. Statement must be at least 250 words.

TN No. SPA #24-0004 25-0002

Approval Date: 06/18/2024

Supersedes

TN No. SPA # NEW 24-0001

Effective Date: January 1, 2024 April 1, 2025

Attachment 4.19-B
Page 8

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT STATE/TERRITORY: DELAWARE

METHODS AND STANDARDS FOR ESTABLISHING PAYMENT RATES- OTHER TYPES OF CARE

Reimbursement for Preventive Services: Doula Services

The Doula reimbursement timeframe can run from the date of confirmed conception through 180 days (six months) after delivery, contingent on the member maintaining Medicaid eligibility.

Delaware Medicaid will reimburse members for up to three (3) prenatal service visits (minimum of 1), up to three (3) postpartum service visits (must be completed within 90 days of delivery date ~~[without licensed provider recommendation form]~~ **the Additional Postpartum Doula Visit Form signed by a licensed provider**), up to eight (8) postpartum visits (must be completed within 180 days of delivery date) with **[an the] Additional Postpartum Doula Visit Form signed by a licensed provider**, and attendance at the birth event. Also maximum of three (3) postpartum visits may be provided following the loss of pregnancy; however, one (1) prenatal doula visit must have been conducted to qualify for postpartum doula visits.

Each perinatal service visit may be billed for and reimbursed separately. All visits are reimbursed in fifteen (15) minute increments. Each visit has a maximum unit capacity of six (6) units.

Reimbursement for attendance during delivery is set at a flat rate determined by the State. Doulas services can be billed following each service. Following the completion of the third postpartum visit, there will be an incentive payment made to the Doula if the Doula has performed all three (3) prenatal visits, attended the birth event, and performed all three (3) postpartum visits for the same member. Multiple births (i.e., twins, triplets) are not eligible for additional reimbursement.

The applicable fee schedules with effective date of January 1, 2024 can be found on the state website at <http://www.dmap.state.de.us/downloads.html>.

FINAL REGULATIONS

TN No. SPA #24-0004 25-0002

Approval Date: 06/18/2024

Supersedes

TN No. SPA # 17-006 24-0001

Effective Date: January 1, 2024 April 1, 2025

DIVISION OF MEDICAID AND MEDICAL ASSISTANCE

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

FINAL

ORDER

Buy-In

NATURE OF THE PROCEEDINGS:

Delaware Health and Social Services (“Department”) / Division of Medicaid and Medical Assistance initiated proceedings to amend Title XIX Medicaid State Plan regarding Buy-In, specifically, to provide clarity that DMMA accretes clients to the Buy-In for Part A, as needed, and Part B for all Medicaid programs where a client is dually eligible for Medicare and Medicaid. The Department’s proceedings to amend its regulations were initiated pursuant to [29 Del.C. §10114](#) and its authority as prescribed by [31 Del.C. §512](#).

The Department published its notice of proposed regulation changes pursuant to [29 Del. C. §10115](#) in the September 2025 *Delaware Register of Regulations*, requiring written materials and suggestions from the public concerning the proposed regulations to be produced by October 1, 2025, at which time the Department would receive information, factual evidence and public comment to the said proposed changes to the regulations.

SUMMARY OF PROPOSAL

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

Background

DMMA is updating the State Plan to provide clarity regarding the state’s Buy-In practices for Part A and Part B. The Centers for Medicare and Medicaid Services (CMS) worked with DMMA and provided a template to provide clarity that DMMA accretes clients to the Buy-In for Part A, as needed, and Part B in all Medicaid programs when a client is dually eligible for Medicare and Medicaid.

Statutory Authority

- 42 CFR §407.40
- 1843 & 1818(g) of the Social Security Act (SSA)

Purpose

The purpose of this regulation is to provide clarity that DMMA accretes clients to the Buy-In for Part A, as needed, and Part B for all Medicaid programs where a client is dually eligible for Medicare and Medicaid.

Summary of Proposed Changes

Effective September 1, 2025, the DHSS/DMMA proposes to amend Title XIX Medicaid State Plan to clarify buy-in.

Public Notice

In accordance with the *federal* public notice requirements established at Section 1902(a)(13)(A) of the Social Security Act and 42 CFR 440.386 and the *state* public notice requirements of Title 29, Chapter 101 of the **Delaware Code**, DHSS/DMMA gave public notice and provided an open comment period for 30 days to allow all stakeholders an opportunity to provide input on the proposed regulation. Comments were to have been received by 4:30 p.m. on October 1, 2025.

Centers for Medicare and Medicaid Services Review and Approval

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

Provider Manuals and Communications Update

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

Fiscal Impact Statement

There is no anticipated fiscal impact.

Summary of Comments Received with Agency Response and Explanation of Changes

Comment: We inquire as to why DMMA chose to use the group payer method for payment of premiums for those enrolled in the Qualified Disabled and Working Individuals (QDWI) and to encourage that DMMA consider direct-buy in method instead, as it would be less of a burden on people with disabilities.

Agency Response: The Delaware State Plan is being updated per CMS request to clarify Delaware's current Buy-In process. Delaware is a direct Buy-In state for most dual eligible individuals, however for the QWDI program, Delaware utilizes the group payer method.

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

- State Council for Persons with Disabilities (SCPD)
- Governor's Advisory Council for Exceptional Citizens (GACEC)

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

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

FINDINGS OF FACT:

The Department finds that the proposed changes as set forth in the September 2025 *Register of Regulations* should be adopted.

THEREFORE, IT IS ORDERED, that the proposed regulation to amend Title XIX Medicaid State Plan regarding Buy-In, specifically, to provide clarity that DMMA accretes clients to the Buy-In for Part A, as needed, and Part B for all Medicaid programs where a client is dually eligible for Medicare and Medicaid is adopted and shall be final effective December 11, 2025.

11/7/2025 | 12:21 PM EST

Date of Signature

Christen Linke Young., Secretary, DHSS

***Please note that no changes were made to the regulation as originally proposed and published in the September 2025 issue of the *Register* at page 186 (29 DE Reg. 186). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

<https://regulations.delaware.gov/register/december2025/final/29 DE Reg 526 12-01-25>

FINAL REGULATIONS

DIVISION OF MEDICAID AND MEDICAL ASSISTANCE

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

FINAL

ORDER

CHIP Juvenile Justice Initiative

NATURE OF THE PROCEEDINGS:

Delaware Health and Social Services (“Department”) / Division of Medicaid and Medical Assistance initiated proceedings to amend Title XXI CHIP State Plan regarding CHIP Juvenile Justice Initiative, specifically, to expand services provided for incarcerated individuals. The Department’s proceedings to amend its regulations were initiated pursuant to [29 Del.C. §10114](#) and its authority as prescribed by [31 Del.C. §512](#).

The Department published its notice of proposed regulation changes pursuant to [29 Del. C. §10115](#) in the September 2025 *Delaware Register of Regulations*, requiring written materials and suggestions from the public concerning the proposed regulations to be produced by October 1, 2025, at which time the Department would receive information, factual evidence and public comment to the said proposed changes to the regulations.

SUMMARY OF PROPOSAL

The purpose of this notice is to advise the public that Delaware Health and Social Services (DHSS)/Division of Medicaid and Medical Assistance (DMMA) is proposing to amend Title XXI CHIP State Plan regarding CHIP Juvenile Justice Initiative.

Background

The CAA requires states to provide services to eligible juveniles incarcerated in public institutions. States must provide screenings and diagnostic services in accordance with the Early and periodic Screening, Diagnostic, and Treatment Services (EPSDT) for eligible juveniles who are within 30 days of release post adjudication, and Targeted Case Management for eligible juveniles who are within 30 days of release post-adjudication and for at least 30 days following release.

Statutory Authority

The Consolidated Appropriations Act (CAA) of 2023

1902(a)(84)(D) of the Social Security Act

Substance Use-Disorder Prevention that Promotes Opioid Recovery and Treatment for Patients and Communities Act (The SUPPORT Act)

Purpose

The purpose of this regulation is to improve care transitions for certain individuals who are incarcerated and are eligible for Medicaid.

Summary of Proposed Changes

Effective January 1, 2025, the DHSS/DMMA proposes to amend Title XXI CHIP State Plan to expand services provided for eligible incarcerated juveniles.

Public Notice

In accordance with the *federal* public notice requirements established at Section 1902(a)(13)(A) of the Social Security Act and 42 CFR 440.386 and the *state* public notice requirements of Title 29, Chapter 101 of the **Delaware Code**, DHSS/DMMA gave public notice and provided an open comment period for 30 days to allow all stakeholders an opportunity to provide input on the proposed regulation. Comments were to have been received by 4:30 p.m. on October 1, 2025.

Centers for Medicare and Medicaid Services Review and Approval

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

Provider Manuals and Communications Update

Also, there may be additional provider manuals that may require updates as a result of these changes. The applicable Delaware Medical Assistance Program (DMAP) Provider Policy Specific Manuals and/or Delaware Medical Assistance Portal will be updated. Manual updates, revised pages or additions to the provider manual are issued, as required, for

new policy, policy clarification, and/or revisions to the DMAP program. Provider billing guidelines or instructions to incorporate any new requirement may also be issued. A newsletter system is utilized to distribute new or revised manual material and to provide any other pertinent information regarding DMAP updates. DMAP updates are available on the Delaware Medical Assistance Portal website: <https://medicaid.dhss.delaware.gov/provider>

Fiscal Impact Statement

	Federal Fiscal Year 2025	Federal Fiscal Year 2026
General (State) funds	\$0	\$2,104
Federal funds	\$0	\$1,517

Summary of Comments Received with Agency Response and Explanation of Changes

Comment: We support the proposed State Plan Amendment changes with respect to CHIP eligibility, moving from terminations to suspensions during detention, and changes around discharge transition screenings, diagnostic services or case management services, however, we request the Division of Youth Rehabilitative Services and DMMA be proactive in assisting children and their families in applying for either CHIP or Medicaid. We object to the broad and vague language regarding feasibility of pre-release services at certain locations. Additionally, we request the Delaware Division of Youth Rehabilitative Services provide the status of the Internal Operational Plan to ensure that these activities will be provided in a timely manner consistent with the law.

Agency Response: Thank you for your comment regarding the CHIP Juvenile Justice Initiative. The State is working diligently across multiple Departments to ensure the CAA provisions are provided to incarcerated juveniles transitioning back into the community. In the event of an unexpected early release from incarceration that does not allow for the provision of the services, the services will still be provided as they will be covered by the youth's managed care benefits upon their release, but it was not possible to provide the services pre-release as the youths' release was unexpected. The state will take your comments into consideration as we move forward.

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

- The American Lung Association
- State Council for Persons with Disabilities (SCPD)
- The Governor's Advisory Council for Exceptional Citizens (GACEC)

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

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

FINDINGS OF FACT:

The Department finds that the proposed changes as set forth in the September 2025 *Register of Regulations* should be adopted.

THEREFORE, IT IS ORDERED, that the proposed regulation to amend Title XXI CHIP State Plan regarding CHIP Juvenile Justice Initiative, specifically, to expand services provided for incarcerated individuals is adopted and shall be final effective December 11, 2025.

11/7/2025 | 12:20 PM EST

Date of Signature

Christen Linke Young, Secretary, DHSS

25-23 CHIP Juvenile Justice Initiative

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

<https://regulations.delaware.gov/register/December2025/F4A4A371-99EE-470F-8759-7CC09D849A67>

FINAL REGULATIONS

DIVISION OF SOCIAL SERVICES

Statutory Authority: 31 Delaware Code, Section 512 (31 **Del.C.** §512)
16 **DE Admin. Code** 4000

FINAL

ORDER

4000 Financial Responsibility

NATURE OF THE PROCEEDINGS:

Delaware Health and Social Services ("Department") / Division of Social Services (DSS) initiated proceedings to amend Division of Social Services Manual (DSSM) regarding excluding income in TANF and GA eligibility determinations, specifically, to amend the Division of Social Services Manual (DSSM) regarding excluding income in TANF and GA eligibility determinations. The Department's proceedings to amend its regulations were initiated pursuant to [29 Del.C. §10114](#) and its authority as prescribed by [31 Del.C. §512](#).

The Department published its notice of proposed regulation changes pursuant to [29 Del.C. §10115](#) in the October 2025 *Delaware Register of Regulations*, requiring written materials and suggestions from the public concerning the proposed regulations to be produced by October 31, 2025, at which time the Department would receive information, factual evidence and public comment to the said proposed changes to the regulations.

SUMMARY OF PROPOSAL

Effective for services provided on and after November 1, 2025, Delaware Health and Social Services (DHSS) /Division of Social Services (DSS) proposes to amend the Division of Social Services Manual (DSSM) to amend excluding income in TANF and GA eligibility determinations.

Statutory Authority

45 CFR 233.20(a)

Background

DSS is amending DSSM 4006 to update section (18), which allows DSS to exclude as income "assistance from other agencies and organizations provided that no duplication in assistance exists between the other agency and DSS" for the Temporary Assistance for Needy Families (TANF) and General Assistance (GA) programs. The policy is being revised to add as an example "time-limited income for living expenses received based on need from non-profit organizations or state or local government agencies".

Purpose

The purpose of this proposed regulation is to amend excluding income in TANF and GA eligibility determinations.

Public Notice

In accordance with the *state* public notice requirements of Title 29, Chapter 101 of the **Delaware Code**, DHSS/DSS gave public notice and provided an open comment period for 30 days to allow all stakeholders an opportunity to provide input on the proposed regulation. Comments were to have been received by 4:30 p.m. on October 31, 2025.

Fiscal Impact Statement

There is no anticipated fiscal impact.

Summary of Comments Received with Agency Response and Explanation of Changes

Comment: There were comments supporting the proposed changes.

Agency Response: DSS appreciates the support.

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

- New Castle County Department of Community Services

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

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

FINDINGS OF FACT:

The Department finds that the proposed changes as set forth in the October 2025 *Register of Regulations* should be adopted.

THEREFORE, IT IS ORDERED, that the proposed regulation to amend DSSM 4006 regarding excluding income in TANF and GA eligibility determinations, specifically, to clarify internal policy and procedures, is adopted and shall be final effective December 11, 2025.

11/7/2025 | 12:20 PM EST

Date of Signature

Christen Linke Young, Secretary, DHSS

***Please note that no changes were made to the regulation as originally proposed and published in the October 2025 issue of the *Register* at page 274 (29 DE Reg. 274). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

<https://regulations.delaware.gov/register/december2025/final/29 DE Reg 530 12-01-25>

DIVISION OF SOCIAL SERVICES

Statutory Authority: 31 Delaware Code, Section 512 (31 Del.C. §512)
16 DE Admin. Code 9000

FINAL

ORDER

9000 Food Stamp Program

NATURE OF THE PROCEEDINGS:

Delaware Health and Social Services ("Department") / Division of Social Services (DSS) initiated proceedings to amend Division of Social Services Manual (DSSM) regarding Income Exclusions for Food Benefits, specifically, to amend the Division of Social Services Manual (DSSM) regarding Income Exclusions for Food Benefits. The Department's proceedings to amend its regulations were initiated pursuant to [29 Del.C. §10114](#) and its authority as prescribed by [31 Del.C. §512](#).

The Department published its notice of proposed regulation changes pursuant to [29 Del.C. §10115](#) in the October 2025 *Delaware Register of Regulations*, requiring written materials and suggestions from the public concerning the proposed regulations to be produced by October 31, 2025, at which time the Department would receive information, factual evidence and public comment to the said proposed changes to the regulations.

SUMMARY OF PROPOSAL

Effective for services provided on and after November 1, 2025, Delaware Health and Social Services (DHSS) /Division of Social Services (DSS) proposes to amend the Division of Social Services Manual (DSSM) to amend income exclusions for food benefits.

Statutory Authority

7 CFR 273.9(c)

Background

DSS is amending DSSM 9059 to add section (W), which allows DSS to exclude specific types of income from food benefit eligibility that are excluded when determining eligibility for Temporary Assistance for Needy Families (TANF). This is a state option under 7 CFR 273.9(c)(19). The policy is being revised to add "time-limited income for living expenses received based on need from non-profit or state or local government agencies".

The policy is also being amended to add "food benefits" to the title and first sentence.

Purpose

The purpose of this proposed regulation is to amend income exclusions for food benefits.

Public Notice

In accordance with the *state* public notice requirements of Title 29, Chapter 101 of the **Delaware Code**, DHSS/DSS gave public notice and provided an open comment period for 30 days to allow all stakeholders an opportunity to provide input on the proposed regulation. Comments were to have been received by 4:30 p.m. on October 31, 2025.

Fiscal Impact Statement

There is no anticipated fiscal impact.

Summary of Comments Received with Agency Response and Explanation of Changes

Comment: There were comments supporting the proposed changes.

Agency Response: DSS appreciates the support.

Comment: The first line of the section needs a "for" between "excluded" and "food benefits" so it reads "excluded for benefits" instead of "excluded food benefits." Additionally, the phrasing of "Income excluded under TANF to only include" is extremely unclear – is it excluded or only included? Perhaps instead DHSS/DSS may wish to use similar language as used in the financial responsibility regulation: "DSS disregards the types of income listed in this policy when determining financial eligibility" for food benefits.

Agency Response: DSS appreciates the support for the rulemaking and their suggested edits to the policy. DSS updated the final policy to clarify the change in income exclusions for food benefits.

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

- New Castle County Department of Community Services
- State Council for Persons with Disabilities (SCPD)
- Governor's Advisory Council for Exceptional Citizens (GACEC)

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

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

FINDINGS OF FACT:

The Department finds that the proposed changes as set forth in the October 2025 *Register of Regulations* should be adopted with additions. The Department finds that the proposed does not require further public notice or comment under the APA because the amendments are non-substantive pursuant to 29 Del.C. §10118(c).

THEREFORE, IT IS ORDERED, that the proposed regulation to amend DSSM 9059 regarding income exclusions for food benefits, specifically, to clarify internal policy and procedures, is adopted and shall be final effective December 11, 2025.

11/7/2025 | 12:21 PM EST

Date of Signature

Christen Linke Young, Secretary, DHSS

9000 Food Stamp Program

(Break in Continuity of Sections)

9059 Income Exclusions for Food Benefits

This section lists the types of income excluded for the Food Supplement Program food benefits.

1. **Exclude the following income when determining eligibility for food benefits.**
(Break in Continuity Within Section)

~~W. [Income excluded under TANF to only include]~~ **The following type excluded under TANF in accordance with 7 CFR 273.9(c)(19):**

1. Time-limited income for living expenses received based on need from non-profit organizations or state or local government agencies, such as rental assistance payments from the New Castle County Family HOPE Project.

***Please note that no additional changes were made to the regulation as originally proposed and published in the October 2025 issue of the Register at page 277 (29 DE Reg. 277). Therefore, the final regulation is not being republished here in its entirety. A copy of the final regulation is available at:**

<https://regulations.delaware.gov/register/december2025/final/29 DE Reg 531 12-01-25>

DIVISION OF SOCIAL SERVICES

Statutory Authority: 31 Delaware Code, Section 512 (31 Del.C. §512)
16 DE Admin. Code 11000

FINAL**ORDER****11000 Child Care Subsidy Program****NATURE OF THE PROCEEDINGS:**

Delaware Health and Social Services ("Department") / Division of Social Services (DSS) initiated proceedings to amend Division of Social Services Manual (DSSM) regarding Determining Income and Graduated Phase Out for Child Care, specifically, to amend the Division of Social Services Manual (DSSM) regarding Determining Income and Graduated Phase Out for Child Care. The Department's proceedings to amend its regulations were initiated pursuant to 29 Del.C. §10114 and its authority as prescribed by 31 Del.C. §512.

The Department published its notice of proposed regulation changes pursuant to 29 Del.C. §10115 in the October 2025 *Delaware Register of Regulations*, requiring written materials and suggestions from the public concerning the proposed regulations to be produced by October 31, 2025, at which time the Department would receive information, factual evidence and public comment to the said proposed changes to the regulations.

SUMMARY OF PROPOSAL

Effective for services provided on and after October 1, 2025, Delaware Health and Social Services (DHSS) /Division of Social Services (DSS) proposes to amend the Division of Social Services Manual (DSSM) determining income and graduated phase out for child care.

Statutory Authority

45 CFR 98.21

Background

DSS is amending DSSM 11003.9.1 to update the gross income limit for child care assistance from 185% of the Federal Poverty Level (FPL) to 200% FPL and to add a new income exclusion for "time-limited income for living expenses received based on need from non-profit organizations or state or local government agencies".

DSS is amending DSSM 11004.13 to increase the income limits for graduated phase out of child care assistance and to change the term "parent fee" to "copayment". The Child Care and Development Block Grant (CCDBG) requires that recipient families who exceed the child care income threshold will have the opportunity to continue to receive child care assistance for an additional 12 months. Graduated phase out allows families to transition from Purchase of Care (POC) rather than abruptly ending the assistance. Legislation recommended and put in Budget Bill Section 193 increases the

Federal Poverty Level for graduated phase out to income exceeding 200% FPL but at or below 300% FPL when redetermining families for POC.

Purpose

The purpose of this proposed regulation is to amend determining income and graduated phase out for child care.

Public Notice

In accordance with the *state* public notice requirements of Title 29, Chapter 101 of the **Delaware Code**, DHSS/DSS gave public notice and provided an open comment period for 30 days to allow all stakeholders an opportunity to provide input on the proposed regulation. Comments were to have been received by 4:30 p.m. on October 31, 2025.

Fiscal Impact Statement

	Federal Fiscal Year 2026	Federal Fiscal Year 2027
General (State) funds	\$1,189,691	\$1,189,691
Federal funds	\$534,499	\$534,499

Summary of Comments Received with Agency Response and Explanation of Changes

There were no public comments received.

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

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

FINDINGS OF FACT:

The Department finds that the proposed changes as set forth in the October 2025 *Register of Regulations* should be adopted.

THEREFORE, IT IS ORDERED, that the proposed regulation to amend DSSM 11003.9.1, 11004.13 regarding determining income and graduated phase out for child care, specifically, to clarify internal policy and procedures, is adopted and shall be final effective December 11, 2025.

11/7/2025 | 12:38 PM EST

Date of Signature

Christen Linke Young, Secretary, DHSS

***Please note that no changes were made to the regulation as originally proposed and published in the October 2025 issue of the *Register* at page 279 (29 DE Reg. 279). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

<https://regulations.delaware.gov/register/december2025/final/29 DE Reg 533 12-01-25>

DEPARTMENT OF LABOR

DIVISION OF PAID LEAVE

Statutory Authority: 19 Delaware Code, Section 105 (19 Del.C. §105)
19 DE Admin. Code 1401

FINAL

ORDER

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

SUMMARY OF THE EVIDENCE

1. Title 19, Sections 105 and 3720 of the Delaware Code authorize the Department of Labor (the "Department") to establish, amend and repeal regulations necessary for the internal administration of the Department, and for the proper conduct of any necessary hearings before the Department or its authorized agents and in relation to the administration and enforcement of the Healthy Delaware Families Act (the "Act") and the Division of Paid Leave (the "Division").
2. The Department's purpose in proposing the regulations was to provide greater consistency and predictability in the administration of the Act and the Paid Family Medical Leave Insurance Program ("PFML Program"). The amendments revise the definition and description of the application year, clarify the definition of "employee" under the PFML Program, provide guidance for self-insured employers, and modify information collected by the Division. Many of the proposed revisions aim to bring the Regulation into compliance with recent amendments to the Act.
3. Notice of the proposed regulation was published in the October 1, 2025 edition of the *Delaware Register of Regulations*.
4. The Department invited a period of 30 days, until October 31, 2025, for written comment from the public, and received 3 written submissions with comments from organizations representing businesses and community members.

FINDINGS OF FACT AND CONCLUSIONS

1. The public was given notice and an opportunity to provide the Division with comments in writing and by testimony at the public hearing on the proposed amendments to the Division's regulations.
2. Some comments the Division received addressed sections of the regulation irrelevant to the proposed changes to the regulation, or were based on a misreading of the regulation or the Act. Other comments addressed the proposed changes but requested clarification for specific examples, which the Division will keep in mind for future amendments to the Regulation. Some comments requested revisions to the proposed amendments that would contradict the Act. The Division will continue to work with the public, especially organizations representing community members, to best administer the PFML Program. Below are written submissions with comments addressing the proposed amendments to the regulation that the Department is specifically addressing:
 - a. Comment 1: The Division should permit employers with private plans to utilize any of the 12-month periods described under the Family and Medical Leave Act ("FMLA") and not limit the employers with private plans to using the same method as the Division, which is the 12-month period measured forward method. To limit the employers to one method contradicts the Act.
Agency Response: The Division respectfully disagrees that its proposed amendments to Section 1.0 and 2.1 of the Regulation, requiring all employers to utilize the 12-month measured forward method to determine the application year, violates the Act. Under §3701(1) of the Act, "application year" means "the 12-month period as defined in the FMLA." The FMLA permits employers to choose one of the four methods to determine the "12-month period", however, in a state which has a family and medical leave statute, the FMLA permits the state to require "a single method of determining the period during which use of the leave entitlement is measured" despite whether the selected method conflicts with the method chosen by the employer. See 29 C.F.R. §825.20(d)(2). The FMLA further permits the employer to comply with the State's selected method for all employees employed within the State while continuing to use its preferred method for all other employees. See 29 C.F.R. §825.20(e). The Department is not revising the regulations as proposed.
 - b. Comment 2: The Division should remove Section 6.17 in its entirety as it conflicts with §3716 of the Act.

Agency Response: The Division respectfully disagrees with the assertion that Section 6.17 of the Regulation conflicts with the Act. Section 6.17 expressly prohibits an employer who voluntarily elects to provide paid leave benefits under the Act from requiring employees to make contribution payments toward those voluntarily provided benefits. When an employer elects to voluntarily provide paid leave benefits, the employer assumes the status and obligations of a covered employer under the Act and must extend to its employees the same rights, benefits, and protections afforded to covered employees under the Act. To permit an employer to impose contribution requirements on employees for voluntarily provided benefits would effectively nullify the statutory contribution thresholds, render key provisions of the Act superfluous, and frustrate the legislative intent underlying the Act. If an employer who voluntarily provide paid leave benefits seeks to have employees share in the cost of such contributions, the employer must execute a written agreement to do so with the affected employees. The Division has determined that Section 6.17 is consistent with both the letter and intent of the Act and will not be amending the regulation as suggested.

- c. Comment 3: The Division should either remove the requirement for self-insured to perform and file an actuarial study on an annual basis or reduce the frequency of the required study (e.g., every other year or every three years).

Agency Response: The Division will not remove the actuarial study requirement for self-insured employers because the Division wants self-insured employers to demonstrate that they are funding the correct amount in their claims reserves account, and not overcharging their account. The Department is not revising the regulations as proposed, but will work with self-insured employers to determine whether an annual actuarial study is beneficial in its application, and consider this comment when contemplating any future amendments to the regulation.

3. The Division has statutory authority to promulgate rules and regulations clarifying specific statutory sections of its statute pursuant to [19 Del.C. §§105 and 3720](#).
4. The amendments revise the definition and description of the application year, clarify the definition of “employee” under the PFML Insurance Program, provide guidance for self-insured employers, and modify information collected by the Division. Many of the proposed revisions aim to bring the Regulation into compliance with recent amendments to the Act.
5. Having solicited and requested public comment on the proposed regulations in accordance with the Delaware Administrative Procedures Act, 29 Del.C. Ch. 101, et. seq., and determining that no substantive changes are required to the proposed regulations, this is the Department’s Decision and Order adopting the proposed regulations as published remaining unchanged.
6. The Department reviewed the proposed regulation as required by [29 Del.C. §10118\(b\)\(3\)](#) and determined that if promulgated, the regulation would have a *de minimis* impact on the State’s resiliency to climate change because neither implementation nor compliance with the regulation would reasonably involve the increase in greenhouse gas emissions.
7. For the reasons stated above, the Department finds no reason to substantively amend the regulations.

ORDER

For the foregoing reasons, the Secretary of the Department concludes that it is appropriate to promulgate regulations regarding the PFML Insurance Program and that the proposed regulations are necessary as outlined herein, and finds that the proposed regulations shall be adopted as final in the form as proposed. The effective date of this Order shall be 10 days from the date this Order is published in the *Delaware Register of Regulations* in accordance with [29 Del.C. §10118\(g\)](#).

IT IS SO ORDERED this 12th day of November, 2025.

Department of Labor

LaKresha Moultrie, Secretary of Labor

*Please note that no changes were made to the regulation as originally proposed and published in the October 2025 issue of the *Register* at page 286 (29 DE Reg. 286). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:

<https://regulations.delaware.gov/register/december2025/final/29 DE Reg 535 12-01-25>

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

DIVISION OF CLIMATE, COASTAL AND ENERGY

Statutory Authority: 26 Delaware Code, Chapter 15 (26 Del.C. Ch. 15)

7 DE Admin. Code 2105

FINAL

ORDER

2105 Regulations Governing Evaluation, Measurement, and Verification Procedures and Standards

Secretary's Order No.: 2025-CCE-0032

RE: Approving Final Regulations to Amend 7 DE Admin. Code 2105: *Regulations Governing Evaluation, Measurement, and Verification Procedures and Standards*

Date of Issuance: October 27, 2025

Effective Date of the Amendment: December 11, 2025

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

Background, Procedural History and Findings of Fact

This Order relates to the proposed amendments ("Amendments") to 7 DE Admin. Code 2105: *Regulations Governing Evaluation, Measurement, and Verification Procedures and Standards* ("Regulation"). The Department is proposing these amendments to better align the Regulation with current best practices of the practices, improve consistency, and ensure compliance with energy efficiency goals.

Under the authority of 26 *Del. C.* Ch. 15, the *Energy Efficiency Resource Standards Act of 2009*, the Department is responsible for overseeing Delaware's statewide energy efficiency efforts. This includes setting standards, guiding implementation, ensuring compliance, and tracking progress toward reducing energy use and environmental impacts. To carry out these responsibilities, the Department established 7 DE Admin. Code 2105, which provides a framework for evaluating and verifying the performance of energy efficiency and demand response programs. These rules help ensure that Delaware's energy efficiency efforts are cost-effective, transparent, and aligned with the state's energy and climate goals.

The Department currently relies on the *Mid-Atlantic Technical Resource Manual* ("Mid-Atlantic TRM"), developed through a regional partnership led by the Northeast Energy Efficiency Partnership ("NEEP"), for evaluation, measurement, and verification procedures and standards. However, since NEEP discontinued updates to the Mid-Atlantic TRM in 2020, it no longer reflects current regional best current practices or Delaware-specific conditions.

To ensure the State continues to use accurate and up-to-date standards, the Department proposes amendments to adopt the *Delaware Technical Reference Manual, Version 4.0* ("Delaware TRM"). This manual builds on the Mid-Atlantic TRM Version 9 and includes updates that better represent Delaware's energy market, program goals, and stakeholder priorities.

The Delaware TRM provides consistent methods and assumptions for planning, implementing, and evaluating Delaware's rate-funded energy efficiency programs. It ensures fair and accurate comparisons of program performance, improves cost-effectiveness reviews, and allows the use of Delaware-specific data.

In addition, the Delaware TRM supports the inclusion of energy efficiency resources in wholesale capacity and future carbon markets. It gives stakeholders a clear and consistent framework to define and compare efficiency measures, evaluate program results, and guide future planning and research. Each measure in the manual includes

formulas or savings values that estimate annual energy and peak demand reductions based on regional data and technical analysis.

In addition, the proposed amendments include updates to the Total Resource Cost (TRC) test. The TRC test helps determine whether the benefits of energy efficiency programs outweigh their costs. The amendments add “non-energy impacts” to the list of factors that can be included in the TRC calculation, as approved by the Energy Efficiency Advisory Council. A non-energy impact represents quantifiable benefits, such as improved health, comfort, and economic benefits. This addition to the cost factors allows for a more complete and equitable assessment of program value, while also supporting Delaware’s broader policy goals to reduce greenhouse gas emissions and advancing energy equity, by recognizing the full range of benefits that energy efficiency programs can deliver.

Finally, the proposed amendments update several definitions, terms, and units of measurement to improve consistency and clarity throughout the Regulation.

The Department presented the proposed amendments to stakeholders during meetings of the Evaluation, Measurement, and Verification Committee on April 8, 2025, and the Energy Efficiency Advisory Council on April 9, 2025. Stakeholders expressed support for the proposed updates, recognizing their importance in maintaining accuracy, transparency, and usability in Delaware’s energy efficiency programs.

The Department published its initial proposed amendments in the September 1, 2025, *Delaware Register of Regulations*, and a virtual public hearing regarding this matter that was held on September 22, 2025. Pursuant to 29 *Del. C.* § 10118(a), the Hearing Record (“Record”) remained open for receipt of written comment for 15 days following the public hearing. The Record formally closed for comment in this matter on October 7, 2025, with no comments received by the Department throughout the regulatory development process. All procedural requirements under 29 *Del. C.* Ch. 101 were met.

Thereafter, Hearing Officer Theresa Smith prepared her report dated October 24, 2025 (“Report”), which expressly incorporated into the Record the proposed Amendments, attached thereto as Appendix “A”. Mrs. Smith’s Report set forth the procedural history, summarized and established the Record relied on in the Report and provided findings of fact, reasons, and conclusions that recommend the approval of the proposed amendments pending before the Department.

The Department has the statutory basis and legal authority to act with regard to the formal promulgation of these proposed amendments, pursuant to 26 *Del. C.* Ch. 15. All notification and noticing requirements concerning this matter were met by the Department and proper notice of the hearing was provided as required by law.

Reasons and Conclusions

Currently pending before the Department are the proposed regulatory amendments to 7 DE Admin. Code 2105: *Regulations Governing Evaluation, Measurement, and Verification Procedures and Standards*. Based on the record developed by the Department’s staff in the Division of Coastal, Climate, and Energy, and established by the Hearing Officer’s Report, I find that the proposed regulatory amendments are well-supported and will enable the Department to align with current best practices, improve consistency, and ensure compliance with energy efficiency goals. I also find that the proposed amendments comply with all applicable federal and state laws and regulations. Further, the proposed amendments as published in the September 1, 2025, *Delaware Register of Regulations*, are reflective of the Department’s authority under 26 *Del. C.* Ch. 15, to ensure continued protection of public health and the environment.

The following reasons and conclusions are hereby entered:

1. The Department has the statutory basis and legal authority to adopt and enforce these proposed regulatory amendments pursuant to 26 *Del. C.* Ch. 15;
2. The Department has jurisdiction under its statutory authority, pursuant to 7 *Del. C.* Ch. 60, to issue an Order adopting these proposed amendments as final;
3. The Department provided adequate public notice of the proposed amendments and all proceedings in a manner required by the law and regulations, and provided the public with an adequate opportunity to comment on the proposed amendments, including at the time of the virtual public hearing held on September 22, 2025, and during the 15 days subsequent to the hearing (through October 7, 2025), before making any final decision;
4. Promulgation of the proposed amendments to 7 DE Admin. Code 2105: *Regulations Governing Evaluation, Measurement, and Verification Procedures and Standards* will enable the Department to align with current best practices, improve consistency, and ensure compliance with energy efficiency goals;
5. The Department has reviewed the proposed amendments in light of the *Regulatory Flexibility Act*, consistent with 29 *Del. C.* § 104, and has determined that the Regulation does not apply to small businesses or individuals;

6. The Department has reviewed the proposed regulatory promulgation in the light of 7 *Del. C.* § 10003 and 29 *Del. C.* § 10118(b)(3), and has determined that conducting such an assessment regarding the impact of this regulation on the achievement of the State of Delaware's greenhouse gas emissions reduction targets is not practical;
7. The Department's Hearing Officer's Report, including its established record and the recommended proposed amendments as set forth in Appendix "A," are hereby adopted to provide additional reasons and findings for this Order;
8. The Department's proposed regulatory amendments, as published in the September 1, 2025, *Delaware Register of Regulations*, is set forth in Appendix "A" hereto, and are adequately supported, are not arbitrary or capricious, and are consistent with the applicable laws and regulations. Consequently, they are approved as final regulatory amendments, which shall go into effect ten days after their publication in the next available issue of the *Delaware Register of Regulations*;
9. The Department has an adequate Record of its decision, and no further public hearing is appropriate or necessary;
10. The Department shall submit this Order approving the proposed amendments as final regulations to the *Delaware Register of Regulations* for publication in its next available issue, and provide such other notice as the law and regulation require, and the Department determines is appropriate; and
11. The Department shall serve and publish its Order on its internet site.

Gregory Patterson
Secretary

***Please note that no changes were made to the regulation as originally proposed and published in the September 2025 issue of the *Register* at page 200 (29 DE Reg. 200). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

<https://regulations.delaware.gov/register/december2025/final/29 DE Reg 537 12-01-25>

OFFICE OF THE SECRETARY

Statutory Authority: 29 Delaware Code, Section 10113(b)(4) (29 **Del.C.** §10113(b)(4))
8 **DE Admin. Code** 900

FINAL

ORDER

900 Policies and Procedures Regarding FOIA Requests

Secretary's Order No: 2025-OTS-0034

RE: FINAL EXEMPT ORDER: 8 DE Admin. Code 900:

Policies and Procedures Regarding FOIA Requests

Date of Issuance: November 10, 2025

Effective Date: December 11, 2025

Under the authority vested in the Secretary of the Department of Natural Resources and Environmental Control ("Department" or "DNREC") pursuant to 29 **Del.C.** §10113(b)(4), the Department hereby revises Section 900 of Title 8 of the Delaware Administrative Code to update contact information and a regulatory citation, and to ensure consistency with the requirements set forth in the current edition of the *Delaware Administrative Code Drafting and Style Manual*. This action is a result of the 2025 Regulatory Review conducted in accordance with 29 **Del.C.** §10407.

Findings of Fact

Based on Delaware law, I make the following findings of fact:

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

FINAL REGULATIONS

Decision and Order Concerning the Regulation

NOW THEREFORE, under the above-described statutory authority, and for the reasons set forth above, I hereby ORDER that the revisions to 8 DE Admin. Code 900: *Policies and Procedures Regarding FOIA Requests*, be adopted and promulgated as follows, to wit:

1. Section 3.1.1 shall be modified by removing the fax machine as a means to submit a request.
2. Section 3.2.1 shall be modified by updating the email address for submitting requests and removing the fax number.
3. Section 3.3.2 shall be modified by replacing the term "agency" with "public body" to ensure inclusivity of boards and commissions that may hold records.
4. Section 3.3.3 shall be modified by removing internal statutory citation references and by adding the requirement to track "whether documents were made available," as required by statute.
5. Section 3.6.1 shall be modified by replacing "public body" with "custodian" to align with statutory terminology.

The effective date of this Order is ten (10) days from the date of its publication in the Delaware Register of Regulations, in accordance with [29 Del.C. §10118\(g\)](#).

Gregory Patterson
Secretary

900 Policies and Procedures Regarding FOIA Requests

1.0 Purpose

The purpose of this policy is to set forth the rules and procedures for responding to requests from the public for ~~Public Records~~ public records under Title 29, Chapter 100 of the **Delaware Code**, the Freedom of Information Act (FOIA).

Agency employees are reminded that all ~~Public Records~~ public records requested under FOIA shall be considered open and subject to disclosure to the ~~Requesting Party~~ requesting party, and any information therein may be withheld only if a specific exception applies. Exceptions shall be construed in a manner that shall further the accountability of the Agency and to comply with the policy that the public shall have reasonable access to ~~Public Records~~ public records.

2.0 Definitions

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

"**Agency**" means the Department of Natural Resources and Environmental Control or DNREC.

"**FOIA**" means the Freedom of Information Act as established pursuant to Title 29, Chapter 100 of the **Delaware Code**.

"**FOIA Coordinator**~~coordinator~~" shall mean the person designated by the Secretary to receive and process FOIA Requests~~requests~~.

"**FOIA Request**~~request~~" or "**Request**~~request~~" means a request to inspect or copy ~~Public Records~~ public records pursuant to Chapter 29, Section 10003 of the Delaware Code and in accordance with the policy hereunder.

"**FOIA Request Form**" means the form promulgated by the Office of the Attorney General upon which requests for ~~Public Records~~ public records may be made.

"**Non-Custodial Records**~~Non-custodial records~~" shall have the meaning set forth in ~~Section~~ subsection 3.6.

"**Public Record**~~record~~" shall have the meaning set forth in [29 Del.C. §10002](#).

"**Requesting Party**~~party~~" shall mean the party filing a FOIA Request~~request~~.

"**Secretary**" means the Secretary of the Department of Natural Resources and Environmental Control or DNREC.

3.0 Records Request, Response Procedures and Access

3.1 Form of Request

3.1.1 All FOIA Request~~requests~~ shall be made in writing to the Agency in person, by email, ~~by fax~~, or online in accordance with the provisions hereunder. FOIA Request~~requests~~ may be submitted using the FOIA

Request Form promulgated by the Office of the Attorney General; provided, however, that any FOIA Request ~~request~~ that otherwise conforms with the policy hereunder shall not be denied solely because the request is not on the proper form. Copies of the FOIA Request Form may be obtained from the Agency's website, or from the office or website of any state agency.

- 3.1.2 All requests shall adequately describe the records sought in sufficient detail to enable the Agency to locate such records with reasonable effort. The ~~Requesting Party~~ requesting party shall be as specific as possible when requesting records. To assist the Agency in locating the requested records, the Agency may request that the ~~Requesting Party~~ requesting party provide additional information known to the ~~Requesting Party~~ requesting party, such the types of records, dates, parties to correspondence, and subject matter of the requested records.
- 3.2 Method of Filing Request
- 3.2.1 FOIA ~~Request~~ requests may be made by mail or in person to the FOIA ~~Coordinator~~ coordinator at: DNREC FOIA Coordinator, OTS, 89 Kings Highway, Dover, DE 19901, by email to: DNREC_FOIA_Request@state.de.us ~~DNREC FOIA Request@delaware.gov~~, by fax at: ~~(302) 739-6242~~; or via online request form, which may be found on the Agency's home page at www.dnrec.delaware.gov.
- 3.3 FOIA Coordinator
- 3.3.1 The Secretary shall designate a FOIA ~~Coordinator~~ coordinator, who shall serve as the point of contact for FOIA ~~Request~~ requests and coordinate the Agency's responses thereto. The FOIA ~~Coordinator~~ coordinator shall be identified on the Agency's website. The FOIA ~~Coordinator~~ coordinator may designate other Agency employees to perform specific duties and functions hereunder.
- 3.3.2 The FOIA ~~Coordinator~~ coordinator and/or his or her or the FOIA ~~coordinator's~~ designee, working in cooperation with other Agency employees and representatives, shall make every reasonable effort to assist the ~~Requesting Party~~ requesting party in identifying the records being sought, and to assist the Agency in locating and providing the requested records. The FOIA ~~Coordinator~~ coordinator and/or his or her or the FOIA ~~coordinator's~~ designee will also work to foster cooperation between the Agency and the ~~Requesting Party~~ requesting party. Without limitation, if a ~~Requesting Party~~ requesting party initiates a FOIA ~~Request~~ request that would more appropriately be directed to another ~~agency~~ public body, the FOIA ~~Coordinator~~ coordinator shall promptly forward such request to the relevant ~~agency~~ public body and promptly notify the ~~Requesting Party~~ requesting party that the request has been forwarded. The Agency may close the initial request upon receipt of a written confirmation from the FOIA ~~Coordinator~~ coordinator of the relevant ~~agency~~ public body that the relevant ~~agency~~ public body has received such request. The Agency shall provide the ~~Requesting Party~~ requesting party with the name and phone number of the FOIA ~~Coordinator~~ coordinator of the relevant ~~agency~~ public body.
- 3.3.3 The FOIA ~~Coordinator~~ coordinator shall maintain a document tracking all FOIA ~~Request~~ requests for the then-current calendar year. For each FOIA ~~Request~~ request, the document shall include, at a minimum: the ~~Requesting Party~~ requesting party's contact information; the date the Agency received the ~~Request~~ request; the Agency's response deadline pursuant to §3.4; the date of the Agency's response pursuant to §3.4 (including the reasons for any extension pursuant to §3.4.1); the names, contact information and dates of correspondence with individuals contacted in connection with requests pursuant to §§3.3.2, 3.5 and 3.6; the dates of review by the Agency pursuant to §3.7 and the names of individuals who conducted such reviews; whether documents were made available; the amount of copying and/or administrative fees assessed; and the date of final disposition.
- 3.4 Agency Response to Requests
- 3.4.1 The Agency shall respond to a FOIA ~~Request~~ request as soon as possible, but in any event within ~~fifteen (15)~~ 15 business days after the receipt thereof, either by providing access to the requested records; denying access to the records or parts of them; or by advising that additional time is needed because the request is for voluminous records, requires legal advice, or a record is in storage or archived. If access cannot be provided within ~~fifteen (15)~~ 15 business days, the Agency shall cite one of the reasons hereunder why more time is needed and provide a good-faith estimate of how much additional time is required to fulfill the request.
- 3.4.2 If the Agency denies a request in whole or in part, the Agency's response shall indicate the reasons for the denial. The Agency shall not be required to provide an index, or any other compilation, as to each record or part of a record denied.
- 3.5 Requests for Email
- 3.5.1 Requests for email records shall be fulfilled by the Agency from its own records, if doing so can be accomplished by the Agency with reasonable effort. If the Agency determines that it cannot fulfill all or

any portion of such request, the Agency shall promptly request that the Department of Technology and Information ("~~DTI~~"DTI) provide the email records to the Agency. Upon receipt from DTI, the Agency may review the email records in accordance with §subsection 3.7 hereunder.

3.5.2 Before requesting DTI to provide email records, the Agency shall provide a written cost estimate from DTI to the ~~Requesting Party~~requesting party, listing all charges expected to be incurred by DTI in retrieving such records. Upon receipt of the estimate, the ~~Requesting Party~~requesting party may decide whether to proceed with, cancel or modify the request.

3.6 Requests for Other Non-Custodial Records

3.6.1 If all or any portion of a FOIA Requestrequest seeks records controlled by the Agency but that are either not within its possession or cannot otherwise be fulfilled by the Agency with reasonable effort from records it possesses (collectively, the "~~Non-Custodial Records~~non-custodial records"), then the Agency shall promptly request that the relevant ~~public body~~custodian provide the ~~Non-Custodial Records~~non-custodial records to the Agency. Prior to disclosure, records may be reviewed in accordance with §subsection 3.7 hereunder by the Agency, the ~~public body~~custodian fulfilling the request, or both. Without limitation, ~~Non-Custodial Records~~non-custodial records shall include budget data relating to the Agency.

3.6.2 . Before requesting any ~~Non-Custodial Records~~non-custodial records, the Agency shall provide a written cost estimate to the ~~Requesting Party~~requesting party, listing all charges expected to be incurred in retrieving such records. Upon receipt of the estimate, the ~~Requesting Party~~requesting party may decide whether to proceed with, cancel or modify the request.

3.7 Review by Agency

3.7.1 Prior to disclosure, records may be reviewed by the Agency to ensure that those records or portions of records deemed non-public may be removed pursuant to 29 Del.C. §10002(I) or any other applicable provision of law. In reviewing the records, all documents shall be considered ~~Public Records~~public records unless subject to one of the exceptions set forth in 29 Del.C. §10002(I) or any other applicable provision of law. Nothing herein shall prohibit the Agency from disclosing or permitting access to ~~Public Records~~public records if the Agency determines to disclose such records, except where such disclosure or access is otherwise prohibited by law or regulation.

3.8 Hours of Review

3.8.1 The Agency shall provide reasonable access for reviewing ~~Public Records~~public records during regular business hours.

4.0 Fees

4.1 Photocopying Fees

4.1.1 In instances in which paper records are provided to the ~~Requesting Party~~requesting party, photocopying fees shall be as follows:

4.1.1.1 Standard Sized, Black and White Copies: The first 20 pages of standard sized, black and white copied material shall be provided free of charge. The charge for copying standard sized, black and white ~~Public Records~~public records for copies over and above 20 shall be \$0.10 per sheet (i.e., \$0.10 for a single-sided sheet, \$0.20 for a double-sided sheet). This charge applies to copies on the following standard paper sizes: 8.5" x 11"; 8.5" x 14"; and 11" x 17".

4.1.1.2 Oversized Copies/Printouts: The charge for copying oversized ~~Public Records~~public records shall be as follows:

18" x 22":	\$2.00 per sheet
24" x 36":	\$3.00 per sheet
Documents larger than 24" x 36":	\$1.00 per square foot
18" x 22":	\$2.00 per sheet
24" x 36":	\$3.00 per sheet
Documents larger than 24" x 36":	\$1.00 per square foot

4.1.1.3 Color Copies/Printouts: An additional charge of \$1.00 per sheet will be assessed for all color copies or printouts for standard sized copies (8.5" x 11"; 8.5" x 14"; and 11" x 17"), and \$1.50 per sheet for larger copies.

4.2 Administrative Fees

- 4.2.1 Administrative fees shall be levied for requests requiring more than ~~one~~1 hour of staff time to process. Charges for administrative fees may include staff time associated with processing FOIA ~~Requests~~requests, including, without limitation, ~~(a)~~ identifying records; ~~(b)~~ monitoring file reviews; and ~~(c)~~ generating computer records (electronic or print-outs). Administrative fees shall not include any cost associated with the Agency's legal review of whether any portion of the requested records is exempt from FOIA. The Agency shall make every effort to ensure that administrative fees are minimized, and may only assess such charges as shall be reasonably required to process FOIA ~~Request~~requests. In connection therewith, the Agency shall minimize the use of non-administrative personnel in processing FOIA ~~Request~~requests, to the extent possible.
- 4.2.2 Prior to fulfilling any request that would require a ~~Requesting Party~~requesting party to incur administrative fees, the Agency shall provide a written cost estimate of such fees to the ~~Requesting Party~~requesting party, listing all charges expected to be incurred in retrieving such records. Upon receipt of the estimate, the ~~Requesting Party~~requesting party may decide whether to proceed with, cancel or modify the request.
- 4.2.3 Administrative fees will be billed to the ~~Requesting Party~~requesting party per quarter hour. These charges will be billed at the current hourly pay grade (pro-rated for quarter hour increments) of the lowest-paid employee capable of performing the service. Administrative fees will be in addition to any other charges incurred under ~~this Section 44.0~~, including copying fees.
- 4.2.4 When multiple FOIA ~~Request~~requests are submitted by or on behalf of a ~~Requesting Party~~requesting party in an effort to avoid incurring administrative charges, the Agency may in its discretion aggregate staff time for all such requests when computing fees hereunder.
- 4.3 Microfilm ~~and/or~~ and Microfiche Printouts: The first 20 pages of standard sized, black and white material copied from microfilm ~~and/or~~ and microfiche shall be provided free of charge. The charge for microfilm ~~and/or~~ and microfiche printouts over and above 20 shall be \$0.15 per sheet.
- 4.4 Electronically Generated Records: Charges for copying records maintained in an electronic format will be calculated by the material costs involved in generating the copies (including but not limited to DVD, CD, or other electronic storage costs) and administrative costs.
- 4.5 Payment
- 4.5.1 Payment of all fees shall be due no later than the time the records are released to the ~~Requesting Party~~requesting party.
- 4.5.2 The Agency may require pre-payment of all fees prior to performing any services hereunder.
- 4.5.3 Appointment Rescheduling or Cancellation: ~~Requesting Parties~~parties who do not reschedule or cancel appointments to view files at least one full business day in advance of the appointment may be subject to the charges incurred by the Agency in preparing the requested records. The Agency shall prepare an itemized invoice of these charges and provide the same to the ~~Requesting Party~~requesting party for payment.

5.0 Applicability

To the extent any provision in this policy conflicts with any other law or regulation, such law or regulation shall control, and the conflicting provision herein is expressly superseded.

6.0 Requests for Confidentiality

- 6.1 A person may request that certain records or portions of records submitted to DNREC be held confidential. Certain information may be determined confidential if its disclosure could potentially cause substantial competitive harm to the person or business from whom the information was obtained. The following section sets forth procedures and criteria by which DNREC will determine confidentiality of records or portions of records.
- 6.2 Procedure - In order for DNREC to make a determination that information submitted is of a confidential nature, and therefore to be afforded confidential status, a request must be made in writing to the Secretary at the time the record is submitted. The request shall provide substantiation for the allegation that the information should be treated as confidential. The request shall contain the following information:
- 6.2.1 The measures taken to guard against undesired disclosure of the information to others;
- 6.2.2 The extent to which the information has been disclosed to others, and the precautions taken in connection therewith;

- 6.2.3 Whether disclosure of the information would be likely to result in substantial harmful effects on their competitive position, and if so, what those harmful effects would be, why the effects should be viewed as substantial, and an explanation of how the disclosure would cause such harmful effects; and
- 6.2.4 Verification that significant effort or money has been expended in developing the information.
- 6.3 The following information shall be submitted:
- 6.3.1 Two public versions of the entire package of information that is submitted for determination, with alleged confidential information redacted (this version will be made available for public review). The public versions shall correspond page for page with the confidential versions, with the confidential portions having been redacted;
- 6.3.2 Two confidential versions of the entire package of information that is submitted for determination, that includes the alleged confidential information (this version will be used internally for technical review); and
- 6.3.3 Certification through a separate, notarized affidavit that the information is either trade secret or commercial/financial information that is of a confidential nature. The affidavit will be signed by the ~~Responsible Official~~responsible official.
- 6.4 The burden lies with the party asserting the claim of confidentiality. A unilateral assertion that a record is confidential is insufficient evidence to support the Secretary in making a determination of confidentiality pursuant to this privilege.
- 6.5 After a final determination of confidentiality has been issued by the Secretary, any further submissions containing the same confidential information shall be deemed to be confidential based on the prior determination if DNREC determines that:
- 6.5.1 The ~~Responsible Official~~responsible official notified DNREC in writing contemporaneously with the later submission that the later submission contains information previously determined to be confidential; and
- 6.5.2 The later submission identifies with particularity the prior confidentiality determination; and
- 6.5.3 The notice to DNREC met the requirements of ~~Section~~subsection 6.3 above relating to submission of multiple and redacted copies, and included the required affidavit of the ~~Responsible Official~~responsible official; and
- 6.5.4 The later representations of confidentiality are sufficient to meet the requirements for a confidentiality determination.
- 6.6 Criteria
- 6.6.1 The Secretary may determine that the information submitted is entitled to confidential treatment if all of the following criteria are met:
- 6.6.2 Reasonable measures to protect the confidentiality of the information and an intention to continue to take such measures have been satisfactorily shown;
- 6.6.3 The information is not, and has not been, reasonably obtainable by other persons (other than governmental bodies) by use of legitimate means (other than court enforced order) without prior consent;
- 6.6.4 No statute specifically requires disclosure of the information;
- 6.6.5 A satisfactory showing has been made that disclosure of the information is likely to cause substantial harm to their competitive position; and
- 6.6.6 Verification that significant effort or money has been expended in developing the information.
- 6.7 Final Determination - The Secretary will make a final determination as to whether the information shall be considered public or confidential based upon a review of the information submitted pursuant to this ~~Section~~section. The person making the confidentiality request will be notified in writing of the Secretary's determination.
- 6.7.1 If the Secretary determines that disclosure of the information would violate 29 **Del.C.** ~~§10002(f)(2)~~§10002(o)(2), the information will be deemed confidential until such time as the basis for a determination of confidentiality changes. It is the responsibility of the person who requested that the information be given confidential status to notify DNREC in writing of such changes.
- 6.7.2 If the Secretary finds that the information is not entitled to confidential treatment, the information will be considered public.
- 6.8 Defense of Secretary's Determination
- 6.8.1 Verification of Information - There will be instances in which the Secretary may be unable to verify the accuracy of the information submitted for determinations of confidentiality. The Secretary relies heavily upon the information furnished by the affected party in order to make a reasonable determination of confidentiality.

- 6.8.2 Information Determined Confidential - If the Secretary makes a confidentiality determination that certain information is entitled to confidential treatment, and DNREC is sued by a requestor for disclosure of that information, DNREC will:
- 6.8.2.1 Notify each affected party of the suit;
 - 6.8.2.2 Call upon each affected party to furnish assistance where necessary in preparation of DNREC's defense; and
 - 6.8.2.3 Defend the final confidentiality determination, but expect the affected party to cooperate to the fullest extent possible in the defense.
-

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

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

FINAL

ORDER

3900 Board of Social Work Examiners

After due notice in the *Delaware Register of Regulations* and two Delaware newspapers, a public hearing was held on September 15, 2025 at a scheduled meeting of the Delaware Board of Social Work Examiners ("Board") to receive comments regarding proposed amendments to the Board's regulation. Subsection 3.1.2.1 was revised to permit group supervision and to provide that no more than 25 hours of the required 100 hours of direct professional supervision may be obtained through group supervision. Subsection 7.2.1, concerning acceptable continuing education activities, was amended to clarify that courses taken to satisfy degree requirements do not qualify as continuing education. The proposed amendments include grammatical and style changes to comply with the *Delaware Administrative Code Drafting and Style Manual*.

The proposed changes to the regulation were published in the *Delaware Register of Regulations*, Volume 29, Issue 2, on August 1, 2025. Notice of the September 15, 2025 hearing was published in the *News Journal* (Exhibit 1) and the *Delaware State News*. Exhibit 2. Pursuant to [29 Del.C. §10118\(a\)](#), the date to receive final written comments was September 30, 2025. The Board deliberated on the proposed revisions at its regularly scheduled meeting on October 20, 2025.

Summary of the Evidence and Information Submitted

The following exhibits were made part of the record:

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

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

There was no verbal testimony given at the public hearing on September 15, 2025. No written comments were received by the Board during the initial thirty-day public comment period; nor were any written comments received after the public hearing during the fifteen-day second public comment period. [29 Del.C. §10118\(a\)](#).

Findings of Fact and Conclusions

1. The public was given notice and an opportunity to provide the Board with comments in writing and by testimony at the public hearing on the proposed amendments to the Board's regulation.
2. There were no public comments provided to the Board during the two written public comment periods, or the public hearing.
3. Pursuant to [24 Del.C. §3906\(a\)\(1\)](#), the Board has statutory authority to promulgate rules and regulations clarifying specific statutory sections of its statute.
4. The Board proposed to amend its regulation. Subsection 3.1.2.1 was revised to permit group supervision and to provide that no more than 25 hours of the required 100 hours of direct professional supervision may be obtained through

group supervision. Subsection 7.2.1, concerning acceptable continuing education activities, was amended to clarify that courses taken to satisfy degree requirements do not qualify as continuing education.

5. The public was given notice and an opportunity to provide the Board with comments in writing and by testimony at the public hearing on the proposed changes to the Board's regulation.

6. Having received no public comments, the Board finds no reason to amend the regulation as proposed.

7. The Board 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 on the State's resiliency to climate change is not practical.

Decision and Effective Date

The Board finds that the regulation shall be adopted as final in the form proposed. These changes will become effective ten days following publication of this Final Order in the Delaware *Register of Regulations*.

Text and Citation

The exact text of the regulation, as amended, is attached to this Final Order as Exhibit A.

IT IS SO ORDERED this 20th day of October 2025 by the Delaware Board of Social Work Examiners.

DELAWARE BOARD OF SOCIAL WORK EXAMINERS

/s/ Jamie Brown, LCSW

Jamie Brown, LCSW

/s/ Janet Urdahl, LCSW

Janet Urdahl, LCSW

ABSENT

Diane Glenn, LBSW

/s/ Joseph Anastasio, LCSW

Joseph Anastasio, LCSW

/s/ Victor Kyler

Victor Kyler

/s/ Roger Akin

/s/ Kim Epolito

Kim Epolito

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

*Please note that no changes were made to the regulation as originally proposed and published in the August 2025 issue of the *Register* at page 103 (29 DE Reg. 103). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:

<https://regulations.delaware.gov/register/december2025/final/29 DE Reg 545 12-01-25>

PUBLIC SERVICE COMMISSION

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

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

IN THE MATTER OF REVISION TO THE RULES OF) PSC REGULATION 1001
PRACTICE AND PROCEDURE OF THE DELAWARE) (FORMALLY PSC REGULATION
PUBLIC SERVICE COMMISSION (OPENED) DOCKET NO. 99-9)
JANUARY 6, 1999, AND AS AMENDED)

ORDER NO. 10863

AND NOW, this 5th day of November 2025, the Delaware Public Service Commission (“Commission”) determines and orders the following:

WHEREAS, on June 11, 2025 Commission Staff (“Staff”) filed a petition requesting the Commission amend 26 *Del. Admin C.* § 1001 “Rules of Practice and Procedure of the Delaware Public Service Commission” (the “Regulation”);

WHEREAS, Staff noted in its petition the Regulation did not give Staff flexibility in the manner in which hearings are transcribed when a court reporter is not present;

WHEREAS, Staff noted that revising the Regulation should give Staff flexibility to proceed with hearings without a court reporter;

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

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

WHEREAS, the Commission held a public hearing on the proposed Regulation as provided by the published Public Notice on September 3, 2025 and the public comment remained open through September 18, 2025;

WHEREAS, the Commission received no public comments on the proposed Regulation;

WHEREAS, the Regulation has no impact on the achievement of the State’s greenhouse gas emissions reduction targets, as specified in § 10003 of Title 7; and

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

1. The Commission has determined to amend its Regulation by adopting the proposed amendments.
2. Pursuant to 26 *Del. C.* § 503(a) and 29 *Del. C.* § 10111 *et seq.*, the Commission has determined to publish the proposed amendments to the Regulation as final in the attached Exhibit A.
3. Staff shall work with its Deputy Attorney General and submit the appropriate documents required by 29 *Del. C.* § 10111 *et seq.* to the Registrar for final publication in the *Delaware Register of Regulations*, and revise such documents as recommended by the Registrar.
4. The effective date of this order shall be 10 days after the date the Regulation is published as final in the *Delaware Register of Regulations*.
5. The Commission reserves the jurisdiction and authority to enter such further Orders in this matter as may be deemed necessary or proper.

Dated: November 5, 2025

BY ORDER OF THE COMMISSION:

Dallas Winslow, Chairman

/s/ Joann Conaway, Commissioner

Voted via Teleconference pursuant to
29 *Del. C.* § 10006(A)(d)

FINAL REGULATIONS

Harold Gray, Commissioner

Manubhai "Mike" Karia, Commissioner (absent)

Kim Drexler, Commissioner

ATTEST:

Crystal Beenick, Commission Secretary

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

***Please note that no changes were made to the regulation as originally proposed and published in the August 2025 issue of the Register at page 104 (29 DE Reg. 104). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

<https://regulations.delaware.gov/register/december2025/final/29 DE Reg 547 12-01-25>

PUBLIC SERVICE COMMISSION

Statutory Authority: 26 Delaware Code, Sections 803 and 821 (26 Del.C. §§803 & 821)
26 DE Admin. Code 8002

FINAL

ORDER

8002 Rules to Establish an Excavation Damage Prevention Program

IN THE MATTER OF ADOPTION OF RULES TO)	PSC REGULATION 8002
ESTABLISH AN EXCAVATION DAMAGE)	(FORMERLY PSC DOCKET
PREVENTION PROGRAM (OPENED)	NO. 19-0713)
OCTOBER 22, 2019))	

ORDER NO. 10864

AND NOW, this 5th day of November 2025, the Delaware Public Service Commission ("Commission") determines and orders the following:

WHEREAS, on June 11, 2025 Commission Staff ("Staff") filed a petition requesting the Commission amend 26 Del. Admin C. § 8002 "Rules to Establish an Excavation Damage Prevention Program" (the "Regulation");

WHEREAS, Staff noted in its petition the Commission's current procedure for collecting payment of penalties as outlined in the Regulation does not follow the policy of the State of Delaware, the Commission's current practice to require a preventative plan with a consent order was not reflected in the Regulation, and the language in the Regulation was not always clear;

WHEREAS, Staff noted that revising the Regulation should bring the procedure for consent orders into best and current practices and should simplify the language to make the Regulation more accessible;

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

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

WHEREAS, the Commission held a public hearing on the proposed Regulation as provided by the published Public Notice on September 3, 2025 and the public comment remained open through September 18, 2025;

WHEREAS, the Commission received no public comments on the proposed Regulation;

WHEREAS, the Regulation has no impact on the achievement of the State's greenhouse gas emissions reduction targets, as specified in § 10003 of Title 7; and

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

1. The Commission has determined to amend its Regulation by adopting the proposed amendments.
2. Pursuant to 26 *Del. C.* § 803 and 29 *Del. C.* § 10111 *et seq.*, the Commission determined to publish the proposed amendments to the Regulation as final in the attached Exhibit A.
3. Staff shall work with its Deputy Attorney General and submit the appropriate documents required by 29 *Del. C.* § 10111 *et seq.* to the Registrar for final publication in the *Delaware Register of Regulations*, and revise such documents as recommended by the Registrar.
4. The effective date of this order shall be 10 days after the date the Regulation is published as final in the *Delaware Register of Regulations*.
5. The Commission reserves the jurisdiction and authority to enter such further Orders in this matter as may be deemed necessary or proper.

Dated: November 5, 2025

BY ORDER OF THE COMMISSION:

Dallas Winslow, Chairman

/s/ Joann Conaway, Commissioner
*Voted via Teleconference pursuant to
29 Del. C. § 10006(A)(d)*

Harold Gray, Commissioner

Manubhai "Mike" Karia, Commissioner (absent)

Kim Drexler, Commissioner

ATTEST:

Crystal Beenick, Commission Secretary

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

***Please note that no changes were made to the regulation as originally proposed and published in the August 2025 issue of the *Register* at page 105 (29 DE Reg. 105). Therefore, the final regulation is not being republished. A copy of the final regulation is available at:**

<https://regulations.delaware.gov/register/december2025/final/29 DE Reg 548 12-01-25>

GENERAL NOTICES

DELAWARE CRIMINAL JUSTICE INFORMATION SYSTEM (DELJIS) BOARD OF MANAGERS

Statutory Authority: 85 Del. Laws, c. 142, § 14

GENERAL NOTICE

NOTICE

Notice by DELJIS Executive Director - Funds Appropriated to Implement § 9414(a)(4) of Title 11

The Delaware General Assembly passed Senate Substitute No. 1 for Senate Bill No. 17 on June 26, 2025, and it was signed by the Governor on August 20, 2025.

Section 14 of the legislation states:

“(1) Section 9414(a)(4) of Title 11 takes effect 10 days following the date of publication in the Register of Regulations of a notice by the Executive Director of the Delaware Criminal Justice Information System that funds have been appropriated to implement the provisions under § 9414(a)(4) of Title 11.

(2) Section 9414(a)(4) of Title 11 must be implemented no later than 18 months following the date of publication of the notice under paragraph (1) of this section.”

Pursuant to [85 Del. Laws, c. 142 § 14](#), the Executive Director of the Delaware Criminal Justice Information System hereby provides this notice that funds have been appropriated to implement the provisions under § 9414(a)(4) of Title 11. See [85 Del. Laws, c. 63 § 10](#).

Section 9414(a)(4) of Title 11 takes effect 10 days following the date of publication of this notice in the Register of Regulations.

Dominic Carretto,
Executive Director of DELJIS

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

DIVISION OF WATERSHED STEWARDSHIP

Statutory Authority: 7 Delaware Code, Section 4006 (h) and (i) (7 **Del.C.** §4006(h) & (i))
7 **DE Admin. Code** 5101

GENERAL NOTICE

NOTICE

5101 Sediment and Stormwater Regulations

The Department of Natural Resources and Environmental Control (DNREC) Division of Watershed Stewardship Sediment and Stormwater Program has released revised regulatory guidance documents for public review. These documents support **Regulation No. 5101 Sediment and Stormwater Regulations** (DSSR), as set forth at 7 *Del.C.* §4006(h) and (i).

The revised regulatory guidance documents and brief descriptions follow:

- The Delaware Erosion and Sediment Control (ESC) Handbook Section 3.6.1 has been revised to modify waste management practices and to align with the 2022 Federal National Pollutant Discharge Elimination System Construction General Permit.

- Sediment and stormwater management plan applications have been revised to reflect the increase in the plan review fee for state and federal projects, approved with the signing of HB 175 in June 2025, and update the included Delaware ESC Handbook details, where applicable.

The DNREC Sediment and Stormwater Program hereby provides notice of these regulatory guidance documents, pursuant to 7 *Del.C.* §4006(i), which incorporates the provisions of 7 *Del.C.* §6004. A public hearing will NOT be held unless the Secretary receives a meritorious request for a hearing within 15 days of date of this notice, ending December 16, 2025. A request for a public hearing shall be in writing and show familiarity with the regulatory guidance document and provide a reasoned statement of the regulatory guidance document's probable impact.

These documents may be reviewed at the following link:

<https://dnrec.delaware.gov/watershed-stewardship/sediment-stormwater/>

Questions regarding the revised regulatory guidance document may be directed to Bonnie Arvay, bonnie.arvay@delaware.gov.

DEPARTMENT OF STATE PUBLIC SERVICE COMMISSION

Statutory Authority: 26 Delaware Code, Sections 117(g) and 209(a) (26 **Del.C.** §§117(g) & 209(a))
26 **DE Admin. Code** 3002

GENERAL NOTICE

NOTICE

3002 Regulations Governing Termination of Residential Electric or Natural Gas Service by Public Utilities for Non-Payment During Extreme Seasonal Temperature Conditions

PSC REGULATION DOCKET NO. 53

Opened: September 4, 1979

Reopened: November 20, 2024 (PSC Order No. 10561)

PUBLIC NOTICE OF HEARING FOR PROPOSED REGULATIONS

The Delaware Public Service Commission ("Commission" or "PSC") pursuant to 26 **Del.C.** §§117(g) and 209(a) proposes to revise the *Regulations Governing Termination of Residential Electric or Natural Gas Service by Public Utilities for Non-Payment During Extreme Seasonal Temperature Conditions* codified at 26 **DE Admin. Code** 3002 (the "Regulation"). The PSC published proposed updates to the Regulation in the October 2025, *Register of Regulations* and the public notice stated a hearing would be held on November 5, 2025. After the PSC was unable to hold a hearing on November 5, 2025, the hearing must be rescheduled for January 7, 2026 beginning at 1:00 p.m. in the hearing room located at 861 Silver Lake Blvd., Suite 100, Dover, DE 19904.

You can review the proposed regulations in the October 2025 issue of the *Delaware Register of Regulations*. You can also review the Commission Order and the proposed regulations in the PSC's electronic filing system, Delafile, located at <https://delafile.delaware.gov/> (for docket #, input "Reg. 53"). If you wish to obtain written copies of the Order and proposed regulations, please contact the PSC at (302)736-7500. Copies in excess of the first twenty (20) pages are \$0.10 per page. Payment is expected prior to copying (if you wish the copies to be mailed) or at the time the copies are retrieved (if you retrieve them in person).

Written comments can be filed electronically in Delafile at <https://delafile.delaware.gov/> by filling out the "Public Comment Form" located under "Public Links". Written comments can also be mailed to: Crystal Beenick, Public Service Commission, Cannon Building, 861 Silver Lake Blvd., Suite 100, Dover, DE 19904, or via email to psc@delaware.gov, with the subject line "Regulation Docket No. 53."

The Commission will hold a public hearing on the proposed regulation on January 7, 2026 at 1:00 p.m. in the hearing room located at 861 Silver Lake Blvd., Suite 100, Dover, DE 19904. To be considered at the January 7, 2026 hearing, written comments must be submitted on or before December 31, 2025. Pursuant to [29 Del.C. §10118\(a\)](#), written comments will be accepted after the hearing until January 22, 2026.

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

DEPARTMENT OF TRANSPORTATION
DIVISION OF 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 - Town of Milton

October 28, 2025

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

Ms. Smallwood,

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

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

§4505. Traffic control devices.

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

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

- "No Trucks Over 2 Axles Except Local Services" on DE5 (Union St/Federal St) (S22) between DE16 (Broadkill Road/Milton-Ellendale Highway) (S16) and DE5A (Sand Hill Road) (S319)
- "No Trucks Over 2 Axles Except Local Services" on Atlantic St/Cave Neck Road (S88) between DE5 (Union St/Federal St) (S22) and Off Centered Way
- "No Trucks Over 2 Axles Except Local Services" on Front St (S89) between DE5 (Union St/Federal St) (S22) and Atlantic St/Cave Neck Road (S88)
- "No Trucks Over 2 Axles Except Local Services" on Mulberry St (S197) between DE16 (Broadkill Road/Milton-Ellendale Highway) (S16) and DE 5 (Union St/Federal St) (S22)

- "No Trucks Over 2 Axles Except Local Services" on Chestnut St (S249) between Atlantic St (S88) and DE5 (Harbeson Road) (S22)
- "No Trucks Over 2 Axles Except Local Services" on Lavinia St (S250) between Mulberry St (S197) and Sand Hill Road (S319)

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

Thank you,
Peter Haag
Chief of Traffic Engineering

CALENDAR OF EVENTS/HEARING NOTICES

DELAWARE RIVER BASIN COMMISSION

PUBLIC NOTICE Notice of Public Hearing

The Commission's quarterly business meeting will be held on **Wednesday, December 10, 2025**, commencing at **10:30 a.m.** The business meeting will be held remotely. An agenda, along with details about the remote platform and how to attend, will be posted on the Commission's website, www.drbc.gov, at least ten (10) days prior to the meeting date. For additional information, including links to live streams of these events, please visit the DRBC website at www.drbc.gov or contact Patricia Hausler at patricia.hausler@drbc.gov.

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

DEPARTMENT OF AGRICULTURE

AGLANDS PRESERVATION AND PLANNING Delaware Agricultural Lands Preservation Foundation PUBLIC NOTICE 701 Farmland Preservation Program

SUMMARY

In compliance with the State's Administrative Procedures Act (APA – Title 29, Chapter 101 of the Delaware Code) and under the authority of Title 3 of the Delaware Code, Chapter 9, Sections 901-949 (3 Del.C. §§901-949), the Agricultural Lands Preservation Foundation (the "Foundation") is proposing amendments to regulations governing the Farmland Preservation Program.

COMMENTS

A copy of the proposed regulations is being published in the December 1, 2025, edition of the *Delaware Register of Regulations*. A copy is also on file in the office of the Department of Agriculture, 2320 S Dupont Hwy, Dover, Delaware 19901, and is available for inspection during regular office hours. Copies are also published online at the Register of Regulations website: http://regulations.delaware.gov/services/current_issues.html.

A public hearing will be held on December 30, 2025, at 10:00 a.m. in the conference room of the Department of Agriculture, 2320 S Dupont Hwy, Dover, Delaware 19901. Persons wishing to submit written comments may forward these to the Foundation at the above address. In accordance with 29 Del.C. §10118(a), written comments will be accepted until January 15, 2026.

The Board will deliberate on all the public comments at its regularly scheduled meeting.

AGLANDS PRESERVATION AND PLANNING Delaware Agricultural Lands Preservation Foundation PUBLIC NOTICE

702 Regulations Governing the Delaware Agricultural Forestlands Preservation Program

In compliance with the State's Administrative Procedures Act (APA – Title 29, Chapter 101 of the Delaware Code) and under the authority of Title 3 of the Delaware Code, Chapter 9, Sections 901-949 (3 Del.C. §§901-949), the Agricultural Lands Preservation Foundation (the "Foundation") is proposing amendments to regulations governing the Delaware Agricultural Forestlands Preservation Program.

COMMENTS

A copy of the proposed regulations is being published in the December 1, 2025, edition of the *Delaware Register of Regulations*. A copy is also on file in the office of the Department of Agriculture, 2320 S Dupont Hwy, Dover, Delaware 19901, and is available for inspection during regular office hours. Copies are also published online at the Register of Regulations website: http://regulations.delaware.gov/services/current_issues.html.

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A public hearing will be held on December 30, 2025, at 10:00 a.m. in the conference room of the Department of Agriculture, 2320 S Dupont Hwy, Dover, Delaware 19901. Persons wishing to submit written comments may forward these to the Foundation at the above address. In accordance with 29 Del.C. §10118(a), written comments will be accepted until January 15, 2025.

The Board will deliberate on all the public comments at its regularly scheduled meeting.

THOROUGHBRED RACING COMMISSION PUBLIC NOTICE 1001 Thoroughbred Racing Commission

Summary

The Delaware Thoroughbred Racing Commission ("Commission") proposes to amend its Regulation adopted in accordance with Title 3, Section 10103(c) of the Delaware Code. The proposed changes include amendments to subsections 10.2, 11.11, 17.4, 19.2, 19.3, 19.4, and 19.5. The proposed changes also include minor technical corrections to Sections 10, 17, and 19. The proposed changes to subsection 10.2 clarifies that microchip is an acceptable form of identification and that purse money will be withheld until an approved identification process is completed to the satisfaction of the Stewards. The proposed change to subsection 11.11 deletes the subsection in its entirety and subsequent sections are renumbered accordingly. The proposed change to subsection 17.4 makes the Stewards' determinations of objections and inquiries based on interference by a horse, improper course run by a horse, foul riding by a Jockey, and all other matters occurring during and incident to the running of a race, including disqualification, final and not appealable to the Commission. The proposed changes to subsections 19.2, 19.3, 19.4, and 19.5 make corrections to conform to the proposed changes to subsection 17.4 by clarifying which matters are appealable to the Commission. The remaining changes to Sections 10, 17, and 19 include minor technical corrections to defined terms to conform with drafting guidelines. Other regulations issued by the Delaware Thoroughbred Racing Commission are not affected by this proposal. The Delaware Thoroughbred Racing Commission is issuing this proposed regulation in accordance with Title 3 of the Delaware Code. This notice is issued pursuant to the requirements of Chapter 101 of Title 29 of the Delaware Code.

Comments

A copy of the proposed regulation is being published in the December 1, 2025 edition of the *Delaware Register of Regulations*. A copy is also on file in the office of the Delaware Thoroughbred Racing Commission, 777 Delaware Park Boulevard, Wilmington, Delaware 19804 and is available for inspection during regular office hours. Copies are also published online at the *Register of Regulations* website: https://regulations.delaware.gov/register/current_issue.shtml.

Interested parties may offer written comments on the proposed regulations or submit written suggestions, data, briefs or other materials to the Delaware Thoroughbred Racing Commission at the above address as to whether this proposed regulation should be adopted, rejected or modified. Pursuant to 29 Del.C. §10118(a), public comments must be received on or before December 31, 2025. Written materials submitted will be available for inspection at the above address.

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

The State Board of Education meets monthly, generally at 5:00pm on the third Thursday of the month. These meetings are open to the public. The Board rotates locations of regular meetings among the three counties. The State Board of Education provides information about meeting dates and times, materials, minutes, and audio recordings on its website: <https://education.delaware.gov/community/governance/state-board-of-education/sbe-monthly-meetings/>

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DEPARTMENT OF FINANCE
OFFICE OF THE STATE LOTTERY
PUBLIC NOTICE
203 Video Lottery and Table Game Regulations

Pursuant to 29 Del.C. §4805, the Delaware State Lottery proposes to amend [10 DE Admin. Code 203](#) Video Lottery and Table Game Regulations. The Delaware State Lottery will seek public comments on the issue of whether certain amendments to its current regulation should be adopted.

The amendment to these subsections will update, simplify and clarify current regulations and are primarily administrative in nature.

Persons wishing to present their views regarding this matter may do so by submitting written comments by the close of business on or before December 31, 2025, at the offices of the Delaware State Lottery, Attn: Jayne Gooden, 1575 McKee Road, Suite 102, Dover, DE 19904.

A copy of these regulations is available at the Delaware State Lottery office at the same address above. Copies are also published online at the Register of Regulations website: https://regulations.delaware.gov/register/current_issue.shtml.

OFFICE OF THE STATE LOTTERY
PUBLIC NOTICE
206 Internet Lottery Rules and Regulations

Pursuant to [29 Del.C. §4826](#), the Delaware State Lottery proposes to amend [10 DE Admin. Code 206](#) Internet Lottery Rules and Regulations.

The Delaware State Lottery will seek public comments on the issue of whether certain amendments to its current regulation should be adopted.

Persons wishing to present their views regarding this matter may do so by submitting written comments by the close of business on or before December 31, 2025, at the offices of the Delaware State Lottery, Attn: Jayne Gooden, 1575 McKee Road, Suite 102, Dover, DE 19904.

A copy of these regulations is available at the Delaware State Lottery office at the same address above. Copies are also published online at the Register of Regulations website: https://regulations.delaware.gov/register/current_issue.shtml.

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DEPARTMENT OF HEALTH AND SOCIAL SERVICES

DIVISION OF PUBLIC HEALTH
PUBLIC NOTICE
4102 School-Based Health Centers

Pursuant to [18 Del.C. §3365](#), the Department of Health and Social Services, Division of Public Health has the legal authority to promulgate regulations. The Division of Public Health is proposing revisions to the regulation governing school-based health centers and intends to hold them open for public comment per Delaware law. The revisions include:

- Adding language regarding supervision of clinical training rotations for mental health providers at school-based health centers; and
- Technical changes to bring the regulation into compliance with the *Delaware Administrative Code Style Manual (May 2025 Edition)*.
- Copies of the proposed regulation are available for review in the December 1, 2025 issue of the *Delaware Register of Regulations*, accessible online at: <http://regulations.delaware.gov> or by calling the Division of Public Health at 302-744-4951.

Public comments will be accepted until 4:30 PM on January 2, 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
Division of Public Health
417 Federal Street
Dover, DE 19901

DIVISION OF PUBLIC HEALTH PUBLIC NOTICE 4459 Lead-Based Paint Hazards

Pursuant to [16 Del.C. §122\(3\)](#), the Department of Health and Social Services, Division of Public Health, Health Systems Protection Section, is proposing revisions to the regulation governing lead-based paint hazards ([16 DE Admin. Code 4459](#)).

The proposed amendments will introduce several important changes to better serve and protect Delawareans. Changes include updated definitions, revised guidelines for certification, fees, and reciprocity, and additional technical changes to bring the regulation into compliance with the *Delaware Administrative Code Style Manual (May 2025 Edition)*.

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

Public comments will be accepted until 4:30 PM on January 2, 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
Division of Public Health
417 Federal Street
Dover, DE 19901

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**DIVISION OF PUBLIC HEALTH
PUBLIC NOTICE
4459A Regulations Governing the Childhood Lead Poisoning Prevention Act**

Pursuant to [16 Del.C. §§122\(3\)t](#) and 2601-2606, the Department of Health and Social Services, Division of Public Health, Health Systems Protection Section, is proposing revisions to the Regulations Governing the Childhood Lead Poisoning Prevention Act ([16 DE Admin. Code 4459A](#)).

The proposed amendments will introduce several important changes to better serve and protect Delawareans. Changes include adding a new definition of blood lead reference value and additional revisions to bring the regulation into compliance with the *Delaware Administrative Code Style Manual (May 2025 Edition)*.

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

Public comments will be accepted until 4:30 PM on January 2, 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
Division of Public Health
417 Federal Street
Dover, DE 19901

**DIVISION OF PUBLIC HEALTH
PUBLIC NOTICE
4459B Residential Property Renovation, Repair and Painting**

Pursuant to [16 Del.C. §122\(3\)\(t\)](#), the Department of Health and Social Services, Division of Public Health, Health Systems Protection Section, is proposing revisions to the regulation governing residential property renovation, repair, and painting ([16 DE Admin. Code 4459B](#)).

The proposed amendments will introduce several important changes to better serve and protect Delawareans by aiming to enhance compliance, align with current federal standards, and strengthen protections against lead-based paint hazards in residential properties. Changes include incorporating clarity of content and simpler language, revising technical terms and acronyms, and additional changes to bring the regulation into compliance with the *Delaware Administrative Code Style Manual (May 2025 Edition)*.

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

Public comments will be accepted until 4:30 PM on January 2, 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
Division of Public Health
417 Federal Street
Dover, DE 19901

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DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL DIVISION OF CLIMATE, COASTAL AND ENERGY PUBLIC NOTICE 2101 Regulations for State Energy Conservation Code

SAN # 2025-04
DOCKET # 2025-R-CCE-0008

BRIEF SYNOPSIS OF THE SUBJECT, SUBSTANCE AND ISSUES:

The proposed regulation was published in the July edition of the *Delaware Register of Regulations*, and a hearing was held on July 22, 2025. As a result of the Secretary's Letter that was released on October 27, 2025, the State Energy Office (SEO) has revised the proposed regulation to remove the zero net energy capable amendments. All relevant documents, including the July publication, the hearing transcript, and the Secretary's Letter, can be found on the DNREC public hearing webpage for the State Energy Conservation Code (<https://dnrec.delaware.gov/events/public-hearing-regulations-for-state-energy-conservation-code-2/>). The SEO is now proposing to amend **7 DE Admin. Code 2101** Regulations for State Energy Conservation Code to adopt the 2024 International Energy Conservation Code (IECC) for residential buildings and the 2024 IECC/American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) 90.1-2022 for commercial and high-rise residential buildings. These proposed updates are prompted by the requirement in Delaware's Energy Conservation Code Act (**16 Del.C. §7602**) to conduct a triennial update of the state energy code to adopt newer versions of the IECC and ASHRAE energy code standards. The proposed regulation also adopts amended versions of Appendix RE: EV Charging Infrastructure and Appendix CB: Solar-Ready Zone to comply with corresponding statutory requirements. **16 Del.C. Ch. 80** establishes EV charging infrastructure requirements for new residential buildings. **16 Del.C. §7605** establishes solar-ready zone requirements for new commercial buildings. This regulatory update is necessary to comply with statutory mandates, to align with national standards, and to improve the quality and efficiency of buildings across the state.

NOTICE OF PUBLIC COMMENT:

The hearing record on the proposed revisions to **7 DE Admin. Code 2101** Regulations for State Energy Conservation Code will be re-opened December 1, 2025, for a 30-day public comment period ending close of business December 31, 2025. Individuals may submit written comments regarding the revisions to the proposed regulation via e-mail to DNRECHearingComments@delaware.gov, or by using the online form at <https://de.gov/dnrecomments>, or by U.S. mail to the following address:

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

DIVISION OF WASTE AND HAZARDOUS SUBSTANCES PUBLIC NOTICE 1301 Regulations Governing Solid Waste

SAN # 2018-16
DOCKET # 2025-R-WHS-0016

BRIEF SYNOPSIS OF THE SUBJECT, SUBSTANCE AND ISSUES:

The purpose of this action is to modify **7 DE Admin. Code 1301** to increase the protection to human health and the environment by modifying outdated and/or obsolete regulatory language, clarifying existing regulatory language, adding clarifying language, and correcting typographical and grammatical errors.

NOTICE OF PUBLIC COMMENT:

A virtual public hearing (Docket # 2025-R-WHS-0016) will be held on Tuesday, January 6, 2026, beginning at 6 p.m. The web link to the virtual hearing can be accessed through the DNREC Public Hearings site at <https://de.gov/dnrehearings>. If

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prompted for a password, please use: 672423. To access the audio-only portion of the virtual hearing, dial 1-646-931-3860 and enter the Meeting ID 824 8739 9983. Language assistance is available by request within 10 business days of the hearing. Closed captioning is available via the Zoom virtual meeting tool.

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

The proposed amendments may be inspected online starting December 1, 2025 at https://regulations.delaware.gov/register/current_issue, or in-person, by appointment only, by contacting Alison Kiliszek by phone at 302-739-9403 or by email at Alison.Kiliszek@delaware.gov.

The Department will accept public comment through the close of business on Wednesday, January 21, 2026. Comments will be accepted in written form via email to DNRECHearingComments@delaware.gov, or by using the online form at <https://de.gov/dnrecomments>, or by U.S. mail to the following address:

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

DEPARTMENT OF STATE
DIVISION OF PROFESSIONAL REGULATION
Board of Dentistry and Dental Hygiene
PUBLIC NOTICE
1100 Board of Dentistry and Dental Hygiene

The Delaware Board of Dentistry and Dental Hygiene, pursuant to 24 **Del.C.** §§ 1106(a)(1) and (17), proposes to revise its regulations. The proposed amendments at section 1.0 and 2.0, clarify the types of tasks that can be delegated to auxiliary personnel and the level of supervision required when such tasks are delegated. The proposed changes to subsection 7.4.1 add certified registered nurse anesthetists to the list of individuals who may administer anesthesia in an approved dental office. Finally, the changes add a section 14.0 in order to “[e]stablish by rule and regulation the requirement to and standards for permits that authorize dental hygienists to administer local anesthesia under the direct supervision of a licensed dentist” in accordance with recently enacted legislation.

The Board previously published the proposed changes to sections 1.0 and 2.0 intending to hold a public hearing on October 16, 2025. The Board’s meeting on that date was cancelled due to lack of quorum, so those changes were incorporated into the changes required under House Bill number 131. Because the law allowing dental hygienists to obtain permits to administer local anesthesia takes effect on January 1, 2026, the Board will not hold a hearing. Instead, any written comments should be sent to Jamie Johnson, Administrator of the Delaware Board of Dentistry and Dental Hygiene, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. Written comments will be accepted until January 7, 2026, and the Board will consider any written public comments during its regularly scheduled meeting on January 15, 2026.

DIVISION OF PROFESSIONAL REGULATION
Board of Plumbing, Heating, Ventilation, Air Conditioning and Refrigeration
Examiners
PUBLIC NOTICE
1800 Board of Plumbing, Heating, Ventilation, Air Conditioning and Refrigeration Examiners

Pursuant to 24 **Del.C.** §1806(a)(2), the Delaware Board of Plumbing, Heating, Ventilation, Air Conditioning and Refrigeration Examiners proposes to revise its regulations. The proposed change to subsection 2.2.2 clarifies that plumbing applicants who fail a qualifying exam three times must wait at least a year to apply for any type of plumbing

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license, and the proposed change to subsection 3.1.6 clarifies that HVACR applicants who fail a qualifying exam three times must wait at least a year to apply for any type of HVACR license.

The Board will hold a public hearing on the proposed regulation changes on January 13, 2026, at 8:30 a.m. in the second-floor conference room A of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware and virtually. The virtual link will be published on the meeting agenda at least seven days prior to the hearing. Written comments should be sent to Stacey Sadler, Administrator of the Delaware Board of Plumbing, Heating, Ventilation, Air Conditioning and Refrigeration Examiners, 861 Silver Lake Boulevard, Dover, Delaware 19904. In accordance with [29 Del.C. §10118\(a\)](#), the final date to receive written comments will be January 28, 2026. The Board will deliberate on the public comments at a regularly scheduled meeting thereafter.

**DIVISION OF PROFESSIONAL REGULATION
Board of Examiners of Psychologists
PUBLIC NOTICE
3500 Board of Examiners of Psychologists**

The Delaware Board of Examiners of Psychologists, pursuant to [24 Del.C. § 3506\(a\)\(1\)](#), proposes to amend its regulations to allow the Board to waive the requirement that an applicant's supervisor never have been subject to discipline. Specifically, the Board proposes to amend subsection 9.2.1 to allow the Board to waive this prohibition upon a showing of just cause.

The Board will hold a public hearing on January 5, 2026, at 9:00 a.m. both virtually and in the Second Floor Conference Room B, Cannon Building, 861 Silver Lake Blvd., Dover, DE 19904. The virtual link will be published on the meeting agenda at least seven days prior to the hearing. Written comments should be sent to Maya Echols, Administrator of the Delaware Board of Examiners of Psychologists, Cannon Building, 861 Silver Lake Blvd, Suite 203, Dover, DE 19904. Written comments will be accepted until January 20, 2026.
